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SENATE

TUESDAY, MARCH 5, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, who art the Lord and Father of us all, in whom we live and abide, of whose perfect and unchangeable will our imperfect, changeable souls are but as a far-off shadow: We acknowledge Thy purpose and discipline in all our life, with its mingled pain and joy, its severity and blessing; may we be weaned thereby from the ways of folly and sin and instructed in the ways of wisdom and goodness.

Help us this day to consider one another with the sympathy and understanding of those who dwell together under a divine fatherhood and are animated by a common purpose, always cherishing in our heart the answering filial temper and trust, hoping all things, believing all things, enduring all things, because we are children in our Father's house. We pray not only for ourselves but for every child of man who, in searching for the light of life, finds it in the heart of Jesus Christ, the Saviour of the world. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 4, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for damsite and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States, at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

The message also announced that the House had passed the bill (S. 2284) to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. J. Res. 206) creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2008. An act to increase the lump-sum payment made under the Workmen's Compensation Act in cases of permanent total disability suffered prior to February 12, 1927;

H. R. 4040. An act declaring Devil's Den Springs, in Decatur County, Ga., to be nonnavigable;

H. R. 4828. An act to amend the law limiting the operation of statutes of limitations in certain cases;

H. R. 5292. An act to extend the privilege of retirement to the judges of the District Court for the District of Alaska, the District Court of the United States for Puerto Rico, the District Court of the Virgin Islands, the United States District Court for the District of the Canal Zone, and the United States Court for China;

H. R. 5961. An act granting the regents of the University of New Mexico the right to alienate certain lands conveyed to them under authority of the act of Congress approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expediently situated;

H. R. 6443. An act to permit certain aliens whose childhood was spent in the United States, if eligible to citizenship, to become naturalized without filing declaration of intention;

H. R. 6751. An act to repeal certain laws with respect to manifests and vessel permits;

H. R. 7081. An act authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Wash.;

H. R. 7343. An act to amend certain laws governing Federal prisoners, and for other purposes;

H. R. 7660. An act to amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities;

H. R. 8119. An act to amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations;

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8238. An act providing for the incorporation of the United Spanish War Veterans;

H. R. 8350. An act permitting official mail of the Pan American Sanitary Bureau to be transmitted in penalty envelopes;

H. R. 8398. An act amending acts extending the franking privilege to widows of ex-Presidents of the United States;

H. R. 8399. An act to prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System;

H. R. 8446. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended;

H. J. Res. 433. Joint resolution to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940; and

H. J. Res. 448. Joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of Charles Moore.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 424) to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla., and it was signed by the Vice President.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On February 29, 1940:

S. 3069. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On March 4, 1940:

S. 643. An act authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington; and

S. 1935. An act to extend until March 4, 1944, the time during which petitions may be filed by farmers under section 75 of the Bankruptcy Act.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 2, 1940:

S. 2867. An act to authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the Pennsylvania Railroad Co., for right-of-way purposes, a small strip of land at Veterans' Administration facility, Coatesville, Pa;

S. 2876. An act to amend the Annual and Sick Leave Acts of March 14, 1936; and

S. 3069. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On March 4, 1940:

S. 1850. An act to aid the States and Territories in making provision for the retirement of employees of the land-grant colleges; and

S. 1935. An act to extend until March 4, 1944, the time during which petitions may be filed by farmers under section 75 of the Bankruptcy Act.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Sheppard
Bailey	George	Lucas	Shipstead
Bankhead	Gerry	Lundeen	Slattery
Barbour	Gibson	McCarran	Smathers
Barkley	Gillette	McKellar	Smith
Bilbo	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Byrd	Hale	Miller	Thomas, Okla.
Byrnes	Harrison	Minton	Thomas, Utah
Capper	Hatch	Murray	Tobey
Caraway	Hayden	Neely	Townsend
Chandler	Herring	Norris	Truman
Chavez	Hill	Nye	Tydings
Clark, Idaho	Holman	O'Mahoney	Vandenberg
Clark, Mo.	Holt	Overton	Van Nuys
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Radcliffe	White
Davis	Johnson, Colo.	Reed	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. GLASS], and the Senator from North Carolina [Mr. REYNOLDS] are detained on important public business.

The Senator from Nevada [Mr. PITTMAN] is absent on official business.

The Senator from New York [Mr. WAGNER] and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a letter from the Comptroller of the Currency, transmitting, pursuant to law, the seventy-seventh annual report of the Comptroller covering the year ended October 31, 1939, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate telegrams in the nature of memorials from Abram Flaxer, president, State, County, and Municipal Workers of America, and Mary Luciel McGorkey, president, New York District, State, County, and Municipal Workers of America, both of New York City, N. Y., remonstrating against the enactment of the so-called Hatch bill, being the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table.

Mr. SHIPSTEAD presented a resolution adopted by the Council of the City of Duluth, Minn., favoring necessary appropriations for the Public Works Administration, and extension of the operations of that Administration to and including June 30, 1941, which was referred to the Committee on Appropriations.

Mr. HOLT presented the petition of members of Local Union, No. 22, American Flint Glass Workers' Union of North America, of Williamstown, W. Va., and Marietta, Ohio, praying for the imposition of higher tariff duties on glassware products, also that the reciprocal trade agreement policy with foreign nations be abandoned and that all tariff legis-

lation be enacted by the Congress, which was referred to the Committee on Finance.

RELIEF OF THE PEOPLE OF POLAND—RESOLUTIONS

Mr. WILEY presented a letter from the Polish American Central Council, Kenosha, Wis., embodying resolutions adopted by a mass meeting, which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

POLISH AMERICAN CENTRAL COUNCIL,
Kenosha, Wis., March 2, 1940.

Hon. A. WILEY,
Washington, D. C.

HONORABLE SIR: For your consideration and official action, we hereby respectfully submit to you, as directed by the mass meeting which unanimously adopted them, the following resolutions, with our respectful plea to personally help in carrying them out in letter and spirit and to have them spread upon the official CONGRESSIONAL RECORD for personal consideration and action of Congress:

"Resolved, That we, assembled here Sunday afternoon, February 25 A. D. 1940, 1,200 strong in Kenosha High School (Mary Bradford) auditorium in Kenosha, Wis., as American citizens in accordance with American ideals and traditions, hereby petition our President of the United States, Hon. Franklin Delano Roosevelt; the Congress of the United States; Hon. John Nance Garner, Vice President, as President of the Senate; and Hon. William B. Bankhead, as Speaker of House of Representatives, to support and have Congress make the necessary appropriations for Polish relief, and to take steps officially to answer the cry of distress and pleas for help of millions of suffering people of Poland, now temporarily in the toils and grip of German Nazi and Soviet invaders; and

"Resolved, That our United States Government hasten in bringing aid and relief to the suffering people in Poland, and to the refugees and exiles therefrom in other countries, in order to save the lives of men, women, and children, in accordance with the traditions of America and the soul of the American Nation, and in accordance with the dictates of humanity, civilization, and the law of God; and

"Resolved, That the aid and relief from our American Government, as well as all other aid and relief of the different and various humanitarian agencies of America, be distributed by Americans, and that it be carried on under American supervision in accordance with precedents and justice; and

"Resolved, That we hereby further petition our Government to see to it that all aid from America for the suffering, needy, and starving people of Poland is carried on, distributed, and supervised by Americans for the benefit of the people of Poland and not for the benefit of their enemies and invaders; and

"Resolved, That we here solemnly pledge our continued aid and support to the cause of giving aid to the relief of the needy, suffering, and distressed of Poland until they are again free and independent, and are, with other free and civilized people of the world, permitted to carry on their mission for the benefit of freedom, humanity, civilization, and peace.

"The demonstration to which the foregoing resolutions were presented and adopted was under the auspices of the Polish organization of Kenosha, which represents and combines 14 organizations of Kenosha of Americans of Polish ancestry, their church, and their committee in the work of raising funds, helping the cause of Polish relief.

"It also be known that the said committee is operating under the auspices of the Polish-American Council of the United States, which represents and combines the large organizations of Americans of Polish ancestry, their churches, and their institutions raising funds for helping the cause of Polish relief."

Francis J. Dzioba, of Kenosha, chairman of the mass meeting of that date, presented and read the foregoing resolutions, which, upon the motion made and seconded, were adopted unanimously with 1,200 people.

Respectfully submitted for your consideration and action by direction of the mass meeting and by order of the Polish-American Council of Kenosha, Wis., for them and their name.

Polish American Central Council: Ted Szclonski, President; Peter Waroisoka, Vice President; Waclaw Szeliga, Secretary; John Dziojonski.

Committee for War Sufferers in Poland, Permit No. 79: Peter Waroisoka, President; Mrs. Anna Hulko, Vice President; Joseph Kontawt; Rev. Leo Kreistein; Frances J. D' Broba; Casimir Nowacki, Secretary.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 8083) to authorize the Secretary of War to furnish certain markers for certain graves, reported it without amendment and submitted a report (No. 1264) thereon.

Mr. THOMAS of Utah, from the Committee on Education and Labor, to which was referred the joint resolution (S. J. Res. 114) authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry, reported it without amendment and submitted a report (No. 1265) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 3515. A bill to amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication; to the Committee on Interstate Commerce.

By Mr. MINTON:

S. 3516. A bill for the relief of Ellison McCurry; to the Committee on Claims.

By Mr. LUCAS:

S. 3517. A bill for the relief of Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, trustees of the estate of the Choctaw, Oklahoma & Gulf Railroad Co.; to the Committee on Claims.

By Mr. BARBOUR:

S. 3518. A bill to provide for the establishment of one infantry battalion of Negro troops as a part of the National Guard of the State of New Jersey; to the Committee on Military Affairs.

By Mr. BYRD:

S. 3519. A bill for the relief of May E. Barnes; to the Committee on Claims.

By Mr. BARKLEY:

S. 3520. A bill authorizing the appointment of Robert B. Lorch as a major in the Regular Army; to the Committee on Military Affairs.

By Mr. TRUMAN:

S. 3521. A bill for the relief of Harry Gordon; to the Committee on Military Affairs.

By Mr. TYDINGS (for himself and Mr. RADCLIFFE):

S. J. Res. 222. Joint resolution to provide that the compact creating a Potomac Valley Conservancy District may become effective if agreed to by a majority of the parties authorized to enter into it and by Congress; to the Committee on Commerce.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 2008. An act to increase the lump-sum payment made under the Workmen's Compensation Act in cases of permanent total disability suffered prior to February 12, 1927; to the Committee on Education and Labor.

H. R. 4040. An act declaring Devil's Den Springs, in Decatur County, Ga., to be nonnavigable; and

H. R. 6751. An act to repeal certain laws with respect to manifests and vessel permits; to the Committee on Commerce.

H. R. 4828. An act to amend the law limiting the operation of statutes of limitations in certain cases;

H. R. 5292. An act to extend the privilege of retirement to the judges of the District Court for the District of Alaska, the District Court of the United States for Puerto Rico, the District Court for the Virgin Islands, the United States District Court for the District of the Canal Zone, and the United States Court for China;

H. R. 7343. An act to amend certain laws governing Federal prisoners, and for other purposes;

H. R. 7660. An act to amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities;

H. R. 8119. An act to amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations;

H. R. 8238. An act providing for the incorporation of the United Spanish War Veterans; and

H. R. 8399. An act to prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System; to the Committee on the Judiciary.

H. R. 5961. An act granting the regents of the University of New Mexico the right to alienate certain lands conveyed to

them under authority of the act of Congress approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expediently situated; to the Committee on Indian Affairs.

H. R. 6443. An act to permit certain aliens whose childhood was spent in the United States, if eligible to citizenship, to become naturalized without filing declaration of intention; to the Committee on Immigration.

H. R. 7081. An act authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Wash.; to the Committee on Naval Affairs.

H. R. 8150. An act providing for the barring of claims against the United States; to the Committee on Expenditures in the Executive Departments.

H. R. 8350. An act permitting official mail of the Pan American Sanitary Bureau to be transmitted in penalty envelopes; and

H. R. 8398. An act amending acts extending the franking privilege to widows of ex-Presidents of the United States; to the Committee on Post Offices and Post Roads.

H. R. 8446. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended; to the Committee on Foreign Relations.

H. J. Res. 433. Joint resolution to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940; to the Committee on Patents.

H. J. Res. 448. Joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of Charles Moore; to the Committee on the Library.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. THOMAS of Oklahoma and Mr. THOMAS of Utah each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

INVESTIGATION OF INTERSTATE RAILROADS AND AFFILIATES

Mr. WHEELER submitted the following resolution (S. Res. 240), which was referred to the Committee on Interstate Commerce:

Resolved, That Senate Resolution 71, Seventy-fourth Congress, first session, agreed to May 20, 1935, authorizing an investigation of railroad financing and certain other matters, as continued by Senate Resolution 227, Seventy-fourth Congress, second session, and Senate Resolution 273, Seventy-fifth Congress, third session, and as amended by Senate Resolution 86, Seventy-fifth Congress, first session, is hereby continued in full force and effect during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh Congress, and the Committee on Interstate Commerce is hereby authorized to expend from the contingent fund of the Senate, during such sessions, recesses, and adjourned periods, the amounts heretofore authorized for said purposes.

ADDRESS BY SENATOR SCHWELLENBACH ON CIVIL LIBERTIES

[Mr. NORRIS asked and obtained leave to have printed in the RECORD a radio address on the subject The Relation Between Alien Legislation and Our Civil Liberties delivered by Senator SCHWELLENBACH on February 29, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR SCHWELLENBACH ON THE FIRST 7 YEARS OF THE NEW DEAL

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a radio address delivered by Senator SCHWELLENBACH on March 4, 1940, on the subject The First 7 Years of the New Deal, which appears in the Appendix.]

O'MAHONEY AMENDMENT TO RECIPROCAL TRADE AGREEMENTS ACT

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD an amendment offered by him to House Joint Resolution 407, to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended; an editorial from the Baltimore Sun of March 1, 1940, relative to the argument made by Mr. O'MAHONEY before the Finance Committee in support of the amendment; a letter from Mr. O'MAHONEY published in the Baltimore Sun of March 5, 1940, replying to the editorial; and a further editorial from the Baltimore Sun of March 5, 1940, which appear in the Appendix.]

ARTICLE BY THOMAS W. LAMONT ON RECIPROCAL-TRADE AGREEMENTS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article entitled "Trade Is a Two-Way Street" written by Thomas W. Lamont and published in Collier's for March 9, 1940, which appears in the Appendix.]

THE FARM PROGRAM AND FARM PROGRESS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a memorandum on the farm program and farm progress, together with certain tables, which appears in the Appendix.]

LETTER FROM RAYMOND CLAPPER TO ERNEST T. WEIR

[Mr. HILL asked and obtained leave to have printed in the RECORD a letter from Raymond Clapper to Ernest T. Weir, published in the Montgomery Advertiser of March 3, 1940, which appears in the Appendix.]

ARTICLE BY GARNETT D. HORNER RELATIVE TO PROPOSED LOAN TO FINLAND

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article by Garnett D. Horner relative to the proposed loan to Finland, which appears in the Appendix.]

THE LATE FATHER ALPHONSE H. VAN OPPEN

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Catholic Transcript with reference to the late Father Alphonse H. Van Oppen, which appears in the Appendix.]

RECIPROCAL-TARIFF AGREEMENTS—EDITORIALS FROM SIOUX CITY TRIBUNE

[Mr. GURNEY asked and obtained leave to have printed in the RECORD two editorials by O. L. Brownlee, published in the Sioux City Tribune of February 27, 1940, relative to the reciprocal-trade agreements, which appear in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. HATCH. Mr. President——

The VICE PRESIDENT. The question is on the first committee amendment. The Chair recognizes the Senator from New Mexico.

Mr. HATCH. Mr. President, at this time, without attempting to discuss the merits of the legislation now pending before the Senate, I desire to take a few minutes to explain the bill, its purposes, and the means adopted to achieve its objectives.

Senators will recall that at the last session Congress passed a law which, among other things, prohibited political activity on the part of employees of the Federal Government, with certain exceptions. The purpose of the pending measure is to extend exactly the same provision to employees in the States whose employment is made possible by the use of Federal funds or appropriations from the Federal Treasury.

We have tried to approach the task mindful of the difference between the Federal Government and the several States, and mindful of our obligation to protect the funds which the Government itself appropriates, as well as the rights of the States and of the employees who are technically State employees from a legalistic standpoint but nevertheless are perhaps in a greater sense Federal employees, for their employment could not be were it not for the aid given from the Federal Treasury.

In approaching that task we have tried to follow as nearly as possible the exact language of the act we passed last year, which, in turn, was the exact language of the rule of the Civil Service Commission which has been in effect more than 50 years; and that language was originally chosen

because it had been in effect in this country so long and was so thoroughly understood.

Obviously, a great many difficulties were presented by attempting to draft legislation affecting what we call State employees. The original bill, which was prepared by others—in the Department of Justice, in fact—did not altogether suit me because it did not take into consideration some of the differences which exist. Early—in fact, at the first meeting of the Committee on Privileges and Elections—we discussed some of those obstacles and some of the things which gave rise to a rather complicated situation. A subcommittee was appointed, composed of the Senator from Georgia [Mr. GEORGE], the Senator from Vermont [Mr. AUSTIN], the Senator from North Dakota [Mr. NYE], the Senator from Rhode Island [Mr. GREEN], and myself. We worked on this bill, not once but more than once. I should say that the Senator from Georgia and the Senator from Vermont were not able to attend our subcommittee meetings, but the others of us not only consulted among ourselves and worked in an effort to surmount some of the difficulties but we also called in for advice and counsel lawyers and the Legislative Drafting Service, and tried to work out a reasonable and a practical measure. We could have drafted a much more drastic bill than we have done and still, in my opinion, have been within constitutional limitations.

I may say to Senators that a study of the constitutional powers of the Congress of the United States over elections has convinced me that we have vastly more power than we have ever sought to exercise. In that connection I may say now that this bill and the bill enacted at the last session do not at all meet my ideas of what the Congress eventually should do, and some day must do. I want to see far more stringent and far more far-reaching legislation than is contained in these rather simple measures—the one we have before us today and the bill enacted last year—and some day some Congress is going to exercise the full authority conferred on the Congress by the Constitution of the United States. But, as I said in the beginning, I merely desire at this time to explain what the bill proposes to do.

The first section of the measure is a redraft——

Mr. MINTON. Mr. President, will the Senator yield before he enters upon a discussion of that part of the measure?

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I do.

Mr. MINTON. Does the Senator care to discuss at this time how far he thinks the power of the Federal Government goes to control State elections when no Federal officer is being elected?

Mr. HATCH. I really do not care to discuss that question at this time. I can answer the Senator's question very quickly in the way he has presented it. That is, when no Federal official is to be elected I think our powers are nil; that we have not any. My constitutional reference was to elections at which Federal officials are to be elected.

Mr. MINTON and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. HATCH. I yield first to the Senator from Indiana.

Mr. MINTON. Mr. President, does not the measure which the Senator is now proposing, in section 12, extend to any election that may be held?

Mr. HATCH. Not under the constitutional grant of power to which I have referred. It approaches the matter from another angle only, namely, the control of employees who I say are essentially Federal employees.

Mr. MINTON. Then, if I correctly understand the Senator's position, it is that the Federal Government has not any power to control a wholly State election, but it may exercise the power to grant or withhold funds so as to try to control such an election. Is that the Senator's position?

Mr. HATCH. The Senator is altogether misstating my position. There are several grounds upon which we may enact this type of legislation. The Senator asked me the specific question what power the Federal Government had to control directly State elections when no Federal officer was involved. I answered that question, "None"; but we do have control over the funds we appropriate from the Treasury; we do have control over our own employees; and I also think we have control over other employees whose employment we make possible by appropriations from the Federal Treasury.

Mr. MINTON. The Senator has admitted that we have no control over the conduct of a State election. Does the Senator contend that the Federal Government may use some power that it does have in order to coerce a State and State employees and State electors in a field in which the Federal Government has no power at all to act?

Mr. HATCH. At this time I am not going to be diverted by the questions the Senator from Indiana is propounding. I understand his view of the word "coerce" as meaning to intimidate. He probably expects to argue eloquently that this bill is a coercion of the States. That is not my position.

Mr. MINTON. I have not gotten to that position. I should not expect the Senator to admit that.

The PRESIDING OFFICER. Will Senators please speak so that they may be heard by other Senators in the Chamber?

Mr. MINTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Indiana?

Mr. HATCH. I will say to the Senator from Indiana that when I have concluded explaining the bill I will be glad to answer any question asked.

Mr. McNARY. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. The Senator should address the Senate, and speak loudly enough so that we can hear. This is a most interesting colloquy, I am sure.

The PRESIDING OFFICER. The Chair has just admonished the Senator to that effect. The Chair thanks the Senator from Oregon for reinforcing his suggestion.

Mr. HATCH. I thank the Senator from Oregon, and I thank the Chair.

The PRESIDING OFFICER. Senators will take note that this is a session of the Senate, and private colloquies should be carried on in the cloakroom.

Mr. HATCH. Mr. President, the Senator from New Mexico appreciates the rulings of the Chair and the assistance of the Senator from Oregon. In the colloquy which was taking place between the Senator from Indiana and myself I had just told the Senator from Indiana that I preferred to proceed with the explanation of the bill. After I have finished doing that, if he or any other Senator desires to ask any questions, I will endeavor to answer the questions they may ask to the best of my ability, but for the present I prefer to tell what the bill provides.

The first section of the bill copies section 2 of the original act, which forbids the use of official authority to interfere with or control an election, and that language came from the civil-service rules.

The language, "use his official authority," has been criticized as being indefinite and vague, and on the ground that it is hard to determine where official authority ends and private action begins. I do not think that is so difficult of determination. The words are not new; they have been used not only in rules, but in law, many times. That particular language will give no trouble whatsoever to anyone who seeks honestly to abide by the law.

Mr. President, the use of official authority is made an offense punishable by fine and imprisonment, or both. I think it should be made an offense. I think that any official who uses the powers of office entrusted to him to control or dominate elections should be punished.

The second section of the bill is unimportant. It merely relates to a clerical error in the original act.

The third section is the section which brings forth the discussion, and to which objection is raised.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. VANDENBERG. Before the Senator leaves the other sections I should like to ask for a further definition of the persons affected, and perhaps I might personify my inquiry by making it specific. Would the pending bill prevent the State highway commissioner of a State from running for Governor of his State while he was State highway commissioner?

Mr. HATCH. In my State it would, because highway commissioners in New Mexico are appointive officers and exercise no policy-making function. The answer to the Senator's question would depend upon the character of the duties of the official he mentions under the law of his own State.

Mr. VANDENBERG. In Michigan the commissioner is an elective official. Therefore, what would the Senator's answer be?

Mr. HATCH. I would say that an elective official, probably being charged also with policy-making functions in his department, would not be included in the bill and would be permitted to run for any office he might see fit to seek.

Mr. VANDENBERG. But would the proposed act circumscribe him with respect to the use of any official authority?

Mr. HATCH. It would. He could not use his official authority. He could not say to the employees in his department, "Go out and work for me. I am a candidate for Governor." That would be prohibited.

Mr. VANDENBERG. And all his subordinate staff would be completely prohibited from participating in his campaign?

Mr. HATCH. They would be.

Mr. VANDENBERG. I thank the Senator.

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. HATCH. I yield.

Mr. LUCAS. Taking the example cited by the distinguished Senator from Michigan, how can the highway commissioner, when he becomes a candidate for some public office, dissociate himself of the official authority which he has as the result of his election? Is it not true that the fact that he holds that position and exercises a dual capacity automatically brings him under the term "official authority," as used in section 3?

Mr. HATCH. I do not think so.

Mr. LUCAS. How could he dissociate himself from using that official authority as long as he was an elected official?

Mr. HATCH. By not using his official authority, that is all.

Mr. LUCAS. If he is the duly elected highway official of the State, and is going to continue to exercise the duties of his office, and at the same time become a candidate for public office, in my humble opinion he cannot dissociate the two, and the mere fact that he becomes a candidate for public office under such circumstances will automatically compel him to use his official authority. He cannot get away from it.

Mr. HATCH. Frankly, if there was any doubt in his mind about it, and he wanted to run for Governor, he could very easily resign as highway commissioner, or whatever position be held. I think it would be a very laudable thing for him to do.

Mr. LUCAS. Is not that exactly what he would have to do if he wanted to remove himself from the ban of section 3, under a strict construction of what "official authority" is?

Mr. HATCH. I do not agree with the Senator.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I yield.

Mr. MINTON. The construction which the Senator puts upon the bill in answer to the question of the Senator from Michigan is to the effect that the office indicated would be an administrative office in the opinion of the Senator from New Mexico. Is that correct? The Senator from New Mexico would construe the Commissioner of Highways of Michigan to be in the administrative department of that State, and therefore that he would be within the purview of the bill?

Mr. HATCH. It is very difficult to construe or apply a provision to any specific case when we do not know the duties or the functions of the office, or what is involved. It is largely guesswork.

Mr. MINTON. Mr. President, if the Senator will yield, let me ask him a further question. Certainly under section 1 of the bill now before the Senate one who is not in an administrative branch of the Government may use his influence to affect an election. Is not that correct?

Mr. HATCH. No.

Mr. MINTON. Is it not possible for the Governor of a State, or the President of the United States, or Members of his Cabinet, or Members of Congress, either the Senate or the House, to use their official authority to influence or interfere with or affect an election?

Mr. HATCH. Possibly a Member of the House, if one could conceive of that, but no other of the officials named.

Mr. MINTON. Is not section 1 of the bill now before us limited to those in the administrative department?

Mr. HATCH. Yes.

Mr. MINTON. Then, if it is limited to those in the administrative department, it does not affect those in the executive and the legislative.

Mr. HATCH. The Senator is combining several questions in one.

The PRESIDING OFFICER. The Chair calls the attention of the Senators to the former suggestion of the Chair.

Mr. HATCH. I beg the pardon of the Chair. It is almost impossible to get away from holding a private colloquy, Senators are so close together. I was about to remark that in his question the Senator from Indiana has combined several things not included in the section, referring to the President of the United States and Senators to whom the section does not refer at all.

I think that in the interest of orderly procedure, if I may, I shall not yield further now, but continue the explanation of the bill, and get that out of the way.

The PRESIDING OFFICER. The Senator from New Mexico refuses to yield further, and other Senators will respect his request.

Mr. HATCH. Section 3 of the bill, which I had started to discuss, is the one which affects directly the employees of the States in vast numbers, and provides, in substance, that they shall not engage in political activities. That provision, Mr. President, was the one which gave us difficulty in drafting. The provision we are now discussing is an amendment which was worked out by the subcommittee, with the aid of others. It was easy enough to write a provision against political activity. All we had to do, of course, was to copy the language of the existing law, the civil-service rule, or adopt new language making such prohibition. But the difficulty arose in trying to work out some method of enforcement. We could say to our own employees, as we did say to those over whom we exercise complete control, "If you violate this law you shall lose or forfeit your position," and we had the means of enforcing that in all the departments under the Federal Government. We do not have such means with reference to the States. The Congress of the United States could not say that if a particular man did the prohibited act he must be discharged, and then proceed to discharge him or have him discharged. There is no such power as that. There was the question of how far the Congress should go with such legislation.

Finally—and Senators may be surprised at this statement—we decided on the theory which is already embodied in existing law, which the Congress has already used, and which is being used today in different agencies, and with funds which the Congress appropriates; we adopted the theory of first forbidding political activities of State employees as we have forbidden them on the part of our own employees, and then we provided that if that provision should be violated we would withhold from the particular State whatever part of the funds being granted or loaned to the State in the particular activity as may be necessary, not to punish the State but to procure

compliance with the nonpolitical provision of the law which, I take it, the Senator from Indiana is going to say is a method and means of coercing the States and forcing them to comply with standards which we set up. It needs no justification at all; it is a method which has already been adopted by the Congress, and I have heard no word from any of the distinguished and honorable gentlemen who so vigorously oppose this measure in opposition to those in other cases. It is a practice which has been invoked by departments to some extent without any congressional authority.

Last session we wrote into the Social Security Act an amendment, of which I approved heartily, which I favored, and which is now the law. But in that provision did we prohibit only the political activities of employees who are paid in part by Federal funds? No. We required the States to set up a merit system, and they have done it. Practically every State in the Union has already done it for those employees, State employees, if you please, who are so jealously safeguarded and protected today, and the States are required to comply with the standards set up here in Washington by the Social Security Board.

I wish to say that it was a fine piece of legislation; it was a splendid thing we did. And the regulations set up by the Board, and with which the States are complying are admirable. The Board has not gone to any extremes whatever. With respect to political activity, for instance, it adopted practically the same rule we adopted in the law—the rule which has governed the Civil Service Commission for all these years. And it is working very satisfactorily. I hear no great complaint about it.

In my own State the national committee woman for a long time, my personal friend of many years, one of the leaders in the Democratic Party, with whom I have been associated in many campaigns, was the head of the State social-security board. Did she hesitate? Not at all. She resigned her party office, and is performing her duties efficiently and well, and the law in question is working no hardship and no injustice on anyone.

I wish to make clear the point about the Social Security Board, because I myself have said that I want to bring social-security employees under the terms of this measure. I want to write specifically into the law what the Board have already done by the merit system, which they have been required to set up; but I also want to make it clear that those in the Social Security Administration are already under this provision, some 60,000 or 80,000 employees in the States are already complying with it.

So far as the Agricultural Department is concerned, I was told last Sunday that the county committeemen were under the ban of the act we passed last year, and that the Solicitor had so ruled. I wondered about that, because those committeemen are really employees of the farmers. They are paid out of the farmers' funds and are not paid by the Federal Government. I made a little investigation and was told that the newspaper which originally made the statement was incorrect. The Department of Agriculture has established its own regulations prohibiting the officials referred to from participating in political activities.

I mention these things, Senators, to show that I believe some persons are unduly alarmed by this bill; that the precedents already have been established and that the practice is growing. There is no use denying the fact that removing employees and officials from political activity is a growing practice which some day will have universal application. The question is, Shall we do it now or some other time?

In connection with this measure I have said that control is exercised by withholding funds. In that way we are merely exercising control over Federal funds. We are merely saying that Government funds shall not be used for this purpose. A State can permit its employees to engage in politics and to be as active as they please, but Federal funds from the Federal Treasury will not be used for this purpose. They will be withheld if those who receive them engage in political activity.

Is that coercion or intimidation? I do not think so. I think it is reasonable and just legislation.

After having decided upon that method of enforcement, there was still another problem before us, a problem which had developed under the last law on this subject. Under that law each department, except as to the criminal provisions, enforces the regulations. We are now dealing with a matter which might embrace many different departments. Each department would be charged with enforcing the provisions. It would also be charged with adopting its own regulations. We see a great chance there for confusion and disorder. One department might say one thing, another department something else. Employees in one department might commit acts for which employees in another department would either be discharged, or by reason of which the State would lose funds. That did not sound well to us. So finally we hit upon the plan of placing the enforcement of this measure under the United States Civil Service Commission. This measure and the act we passed at the last session consolidate the duty and the responsibility of enforcement in the one department of the Government which has been dealing with this subject for many years.

I am particularly pleased with that provision. One of the objections I had to the original act was that there was no place to go to make complaints, there was no one to enforce the regulations, no one legally to promulgate or define regulations. It seemed to me necessary, especially in view of the proposed extension of the legislation to apply to employees of the States, that there be some particular head charged with full duty and responsibility for its enforcement.

The Civil Service Commission has been enforcing similar provisions through for years and knows the meaning of the language and how the law should be enforced. I do not think anyone can say that the Civil Service Commission has gone very far afield in its enforcement of the act. If it has erred, probably it has been on the side of leniency so far as my knowledge is concerned. With that agency in charge there will be a reasonable, fair, and, I am sure, a just enforcement of the measure. That is all any of us should ask or require.

Of course, I have not carefully explained all the details as to how the Commission is to enforce the act. I am merely trying to give the high lights of what the bill provides. The bill specifically says that no funds shall be withheld from a State, for instance, without notice and opportunity for hearing being given to that State—something which is not provided for in some of the other resolutions and laws I have mentioned. I think that is a very valuable addition to the bill. It was made upon the suggestion of the chairman of the committee, the Senator from Georgia [Mr. GEORGE], and I was very glad to accept it. I think its inclusion has improved the bill immensely.

The next section of the bill relates only to the District of Columbia. It corrects an omission in the original act. The District of Columbia was not named in it. It applied only to employees of the Federal Government. There is quite a difference of opinion about the employees in the District. Some contend that they are employees of the Federal Government and as such are covered by the act we passed last year. Others say they are not employees of the Federal Government, but are employees of the District of Columbia and do not come under that act. To make the matter clear we added a section bringing them within the terms of the act which was passed last year. They are our own employees, and there is no question about our right to legislate as to them.

Section 15, the last section of the bill, gives to the Civil Service Commission the power I have heretofore mentioned to define the term "active part in political management or in political campaigns" used in the bill. It also gives the power to issue rules and regulations for the enforcement of the act and to amend them from time to time as may be necessary. I know there is criticism of that provision. I know that my distinguished friend from Illinois [Mr. LUCAS] thinks the bill ought to define the term "political activity." I am not anticipating the Senator's argument, but I do wish to mention that question.

I do not think the bill ought to define the term "political activity." If anyone has ever attempted to sit down and write

a definition of that term, he will readily see the difficulties which would be encountered. In the first place, such a provision would make a hard and fast definition which could not be altered or changed except by congressional enactment. These terms have been in the civil-service law for years. So far as I know, the Civil Service Commission itself has never written out any hard and fast definition, largely on account of the thing I have mentioned. However, by opinions and decisions in specific cases, from time to time it has built up practically a body of common law for the civil service, to which reference is made in construing the term "political activity."

With that experience, and with the power in the Commission to amend as experience grows and time passes, the Commission will be enabled to write a very fair definition of this term. I think one should be written, not only for the States but also in connection with the enforcement of the law of last year, so that all employees—Federal, State, and District of Columbia—will have an exact definition and have the knowledge and information before them. I think such a definition can be written without much trouble.

Already more than half a million Federal employees are under the prohibitions of the law passed last year. A great many more were already under such prohibitions than were brought under them. Such prohibitions already existed in many of the States. By virtue of the law passed last year, and under departmental regulations, a great many so-called State employees are under the same prohibitions.

Mr. President, I think the law should be extended to every employee whose employment is made possible by appropriations from the Federal Treasury. It should be extended not only to the States but also—as the bill provides—to every employee in every agency of the State government, which would include municipalities and cities. Every such employee, with the exception of certain heads of departments, should be brought under the provisions of the act. We have attempted to grant exemptions to policy-making officials, in accordance with the provisions of the original act.

Mr. President, I have now finished my explanation of the bill.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. McCARRAN. Does the last section of the pending measure contemplate the application of Federal civil-service control to the departments of each sovereign State?

Mr. HATCH. Not at all. It relates only to political activity. That is the difference between the bill and the law passed last year, under which the Social Security Board reaches down into the various State departments with a complete merit system.

The Senator from West Virginia [Mr. NEELY] is seated in front of me, doing me the honor of listening to me. I understand that the bill which he proposes to offer as a substitute for the pending bill reaches down into the States to a greater degree than the pending measure. That is the reason why I prefer the bill we have worked out to his bill. His bill goes so far that I doubt the practicability of it, and I doubt whether the Congress should undertake such legislation at this time.

Mr. McCARRAN. Let me say to the Senator from New Mexico that my understanding of the bill now pending is that it does not give the Federal Civil Service Commission authority over State employees, even though the State employees may be paid in part from funds of the Federal Government.

Mr. HATCH. The Senator is entirely correct.

Mr. McCARRAN. Is the Senator quite content, and is he assured that the power and authority of the Federal Civil Service Commission cannot, through the avenue he has laid open, completely enter into control of State activities? If I correctly understand, the Senator has laid open an avenue by which the Federal Civil Service Commission partially enters into the States, by means of a definition of the term "political activity." Is that the limitation of the authority granted to the Federal Civil Service Commission?

Mr. HATCH. No; it is not. It not only defines "political activity," but it is the enforcing agency. For example, the Bureau of Public Roads might determine that the highway department in a certain State is being politically active, contrary to the law. It would make a complaint to the Civil Service Commission that such political activity was going on. Then the Civil Service Commission would have to notify the State and let the State be heard on the question before any funds could be withheld. Then if the Civil Service Commission found the facts to be as alleged, and that the law was being violated, it would certify to the appropriate agency the amount of funds to be withheld, either permanently or conditionally.

Mr. McCARRAN. The highway commission in my own State consists of elective officers. The Governor, the comptroller, and the secretary of State constitute the highway commission. I take it the Senator's understanding of his own bill is that it would not give to the civil-service authority of the Federal Government any control over the State highway commission.

Mr. HATCH. It would not.

Mr. McCARRAN. Highway engineers are appointed by the State highway commission. Is there anything in the Senator's bill which would be susceptible of being construed to prevent the highway commission, consisting of the Governor, the comptroller, and the secretary of state, from dismissing at will a highway engineer, or any other employee of the highway department?

Mr. HATCH. Not a thing. Those are the facts which caused me to say that when we approached the subject there were many such complications, and we tried to avoid extremes and to work out just as reasonable and practicable a measure as we could, considering the vast number of complicated questions which may arise. We have avoided the thing which the Senator mentions.

Mr. McCARRAN. I am supporting the Senator's bill because I think I know what the Senator's bill means. If I thought for a moment that the bill, or any part of it, could be so construed as to take out of the hands of the duly elected State authorities the power to regulate and control to the last degree all activities of State employees, then I could not in conscience support the bill.

Mr. NEELY. It takes out of the hands of State officials control over political activity.

Mr. HATCH. The present law prohibits political activity. I will say to the Senator from Nevada that the bill does not do what he mentions.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. LUCAS. The suggestion made by the Senator from Nevada with respect to the highway commission composed of public officials duly elected for 4 years brings to my mind this question: As I understand, the bill as now written provides a penalty if a State highway commissioner is found guilty of violating the law. He is an elected official. As I understand, the Civil Service Commission is to have the power, and the sole power, to say to the Governor, or to some one in the State, that an individual who violates the law must be removed from public office; and if he is not removed from public office for violation of the law, then it is the duty of the Bureau of Public Roads, on certification from the Civil Service Commission, to withhold the funds.

I am wondering how the bill would meet the situation if an elected official, or an official who is confirmed by the senate of the State, is charged with a violation of the law. As I understand, he may be discharged only for malfeasance in office.

Mr. HATCH. Of course the Senator's question is answered by the bill itself.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. LUCAS. Would the Civil Service Commission have power to withhold the funds regardless of the provision which says that the guilty person must be discharged from employment?

Mr. HATCH. Elective offices are expressly exempted.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BYRNES. I wish to ask a question as to subsection (b), on page 6 of the bill, which reads in part as follows:

If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

Assuming that an employee of a vocational education organization to which a grant is made who comes within the provisions of the bill should be reported, and should be determined by the Commission to have violated the provisions of the proposed statute as to participation in a political campaign, and upon the notification by the Commission to the State organization that man must be dismissed, but within a period of 18 months the city of Baltimore, say, in the State of Maryland, should employ that man upon the streets by the action of a local agency, and the Commission should certify to the vocational education agency an amount to be withheld from a loan or grant, the question that occurs to me is that the determination as to the employment of an individual by a municipality would be beyond the power of the State organization. It could not affect it; it would be in no way responsible for the employment of a man, but, because a county organization or a city organization did employ him, am I correct in believing that the Civil Service Commission would then take funds from the vocational education agency?

Mr. HATCH. It could do it. May I explain that to the Senator?

Mr. BYRNES. Yes; that is what I desire.

Mr. HATCH. The Senator has put his finger on another one of those places which gave us a great deal of difficulty in the committee. Practically this is what we were striking at in connection with withholding funds: I will not call any State to mind; we all are more or less familiar with conditions which have happened in all our States at some time or other; but, for instance, there is a political campaign going on and the Governor, we will say, is running for reelection. He has charge of the highway department, and he puts on 500 employees 30 days before the election.

Recently, in the case of a congressional election there was a report of something like that going on in the past 10 days, and one of the local papers carried a story about it. Those 500 employees are not put on to do highway work; they are put on for political purposes. They draw their pay; they know what it is for, and they render the service for which they are employed. There were not that many involved, because we do not have much money, but such a thing happened in my State. So I am not saying anything about any other State that I do not say about my own.

In such a case there is a misuse of Federal funds and a violation of the law. Very well. The Bureau of Public Roads learns about it, and probably the election is over before they ever learn about it; but, if it is not, they file a complaint with the Civil Service Commission and the Civil Service Commission gives notice. The election being over before any hearing is held, the Governor comes right in and says, "Yes, sir, you are exactly right; those men were engaged in political activity, and I will discharge every last one of them." He never intended to keep them, anyway, after the election. That is not an extreme case; it has happened many times in this country.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. I yield.

Mr. BARKLEY. I am interested in the Senator's answer to the Senator from South Carolina.

Mr. HATCH. I will pursue the matter a little further. There may be some men in the crowd who are dismissed from a particular job; but they are shifted over into some other department and thus the law is absolutely evaded. I am not sure that the interpretation is correct, but it would be very easy for the Governor to call up the mayor of some city, and say, "I cannot hire this man; but you put him to work for me." The mayor says, "All right; I have no place for him but I will take John Jones from your employees and put him to work and let you have Bill Smith and you can put him to work." That may sound fantastic and unreasonable, but things like that do happen. Whether we have met such situations wisely or in the best way possible, I do not know.

Mr. BYRNES. The Senator does not say, on the other hand, that an official of the city of Baltimore who was opposed to a particular Federal agency could give employment to the discharged employee, and when he gave employment to him he would force the Civil Service Commission to take funds from that agency. If that is true, while it is a fantastic suggestion, at least it should be covered.

Mr. HATCH. Of course, an impartial board will administer the law. We had drawn originally an arbitrary rule under which funds had to be withheld, but we thought about the things the Senator has mentioned——

Mr. BYRNES. The committee did not think of limiting it so as to affect the case of some other organization reemploying the offending employee?

Mr. HATCH. We discussed that, yes; and we discussed it thinking of other exchanges which could be made.

The evil I have portrayed is not far-fetched. If the Senator has a better way of getting at it, I will be very glad to know of it, and I say that about the whole bill. There is no pride of authorship in this matter. The committee took suggestions——

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. I will yield in a moment.

The subcommittee considered all suggestions which were offered, as did the full committee.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. The Senator from New Mexico announced—and he is sorry the Chair did not hear him—that he would yield in a moment. I now yield to the Senator from Kentucky.

Mr. BARKLEY. Pursuing a little further the inquiry of the Senator from South Carolina, it is, of course, possible to understand that a Governor and a mayor might enter into collusion to bring about the reemployment of somebody in the city of Baltimore or any other city.

Mr. HATCH. I would not term it "collusion." It has been done. In fact, it is a rather common practice for officials to change back and forth; that has been done.

Mr. BARKLEY. It might be possible for a Governor and a mayor to enter into an agreement by which the mayor would reemploy somebody whom the Governor could not reemploy, but if the mayor desired to employ a man and the Governor did not want him reemployed because it might result in the loss of funds to the State, the Governor could not prevent that. For instance, if some employee, no matter how far down the line, has been found guilty of violating this law, it is provided that even before he is discharged the State shall have funds withheld from it. Then, if he is not discharged, more funds are withheld. I am wondering whether it would not be better to have the Civil Service Commission, when a violation is discovered and established, say to the authority of the State, "Unless you discharge the offending employee we will withhold funds," instead of saying, "We will withhold them anyway, whether you discharge him or not, and then later when you are required to discharge him if you do not do so we will hold back some more." Has the Senator gone into that feature?

Mr. HATCH. Yes; that is the reason I suggested in my answer to the Senator from South Carolina that if 500 men are employed on highways within 30 days of the election, and after the election is over the Commission may say, "If you do not discharge them we are going to take money from

you," the Governor may have discharged them already, for he only employed them for a 30-day period.

Mr. BARKLEY. Of course, in a case like that it would probably take the Civil Service Commission 30 days to find out whether there had been a violation, and the employees would be off the pay roll before any finding could be made, but the point I am making, and that is the matter which troubles me——

Mr. HATCH. It troubled us even more.

Mr. BARKLEY. In connection with the question raised by the Senator from South Carolina is that if a mayor and Governor were not in agreement and the mayor desired to reappoint somebody in the city, the result of which would be to withhold funds from the State, the Governor could not prevent that, and no other State officer could prevent it. While they might agree on the appointment in certain cases, if they were not in agreement the Governor could not prevent the mayor from appointing anybody whose appointment would result in the withdrawal of funds from the State, and the State could not help itself.

Another point raised is whether, in advance of any effort to correct the situation which results in the withholding of funds, the funds are to be withheld as a penalty for the original violation instead of discharging a guilty employee as a penalty to him. It may be that many times employees down the line would be guilty of political activity without their supporters knowing anything about it, without the Governor knowing anything about it, without the secretary of state or the highway commissioner knowing anything about it. The question is whether, when political activities have been discovered on the part of some little fellow down the line who is politically appointed, the whole State should be required to suffer by the withholding of funds in advance of any penalty assessed against the guilty employee. It seems to me that is a matter worthy of very serious consideration.

Mr. HATCH. There is no question about that, and we discussed that fully in the committee.

Mr. DANAHER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. HATCH. I yield.

Mr. DANAHER. I should like, with the Senator's forbearance, to ask a few questions, if I may. Inviting the Senator's attention to page 4, line 16, we find this expression:

> No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States—

And in inviting the Senator's attention further to the particular language, "who exercises any function," would the Senator say that that would include an attorney who looks up titles for a highway commissioner in a land-condemnation case?

Mr. HATCH. I would not say so at all. Such a one would not be an "officer or employee."

Mr. DANAHER. The Senator would not consider that to be such a degree of employment as would bring such a person within that language?

Mr. HATCH. No.

Mr. DANAHER. Would the Senator state for the RECORD the type of employee or officer to whom he does allude as a matter of intention?

Mr. HATCH. The regular employees performing the usual customary duties of the particular office or employment.

Mr. DANAHER. Would a professor in a land-grant university or college, for instance, be included?

Mr. HATCH. Yes; he would be; and I think he should be. Most of the land-grant colleges have their own rules which prevent their professors from engaging in political activities.

Mr. DANAHER. And, of course, it would include the unemployment-compensation employees of a State.

Mr. CLARK of Missouri. More than anybody else, it ought to.

Mr. HATCH. It should apply to them.

Mr. DANAHER. And it would include, therefore, all the classes of officers who hitherto, by this very Congress, have been included within the income-tax legislation. As the Senator will remember, we have created specific exemptions of a class of employees who receive their pay in whole or in part from Federal funds, and I assume that the legal definition of our own exception would apply to all within that class and make this language thus applicable to that class.

Mr. HATCH. I think so, although, frankly, I am not quite clear in my mind what employees the Senator refers to.

Mr. DANAHER. It is a matter of record, and we can easily bring them in. Will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Connecticut?

Mr. HATCH. I yield.

Mr. DANAHER. Directing the Senator's attention to lines 21 and 22 on page 4, the bill says:

> No such officer or employee shall take any active part in political management or in political campaigns.

On page 5, in subsection (b), we find that the Civil Service Commission—

> shall determine whether any violation of such subsection has occurred.

Does the violation referred to in subsection (b) on page 5 include lines 21 and 22 on page 4?

Mr. HATCH. They are the ones that it is intended to include above everything else. If they are not included, they certainly ought to be included. I think they are.

Mr. DANAHER. Then, Mr. President, I ask the Senator if it is not true that there is no provision in subsection (b) for a hearing to be accorded to an individual accused of such violation?

Mr. HATCH. No authority is exercised over the individual. The State is given a hearing. It may make a defense of the agencies of the State.

Mr. DANAHER. Will the Senator show where in subsection (b) it is provided that a State may be given a hearing as to any charge of political participation by one of its officers?

Mr. HATCH. It provides that before any funds shall be withheld there shall be notice of opportunity to be heard.

Mr. DANAHER. Mr. President, let me call to the Senator's attention the fact that by his own very language, in lines 19 and 20, page 5, the bill says:

> If the Commission determines that any such violation has occurred—

Then there is a hearing as to how much the penalty shall be; but there is not any hearing first as to whether or not a violation has occurred.

Mr. HATCH. Let me explain that. I see the point the Senator makes. I will say to him that that is just a safeguard clause. Of course, under this bill, anyone may make a complaint to the United States Civil Service Commission. The complaints may come from any source in the world. As the original bill was drawn, the Commission might have been justified in withholding funds right there, upon that complaint. We said, "No; the first thing the Commission must do is to investigate and see whether or not there has been any violation of the law."

The Senator was formerly a prosecuting attorney. He always conducted investigations before he filed a complaint. He determined that the law had been violated before any hearing, even a preliminary hearing, was held. So the Commission must investigate, and must determine that there has been a violation of law. Having determined that fact, then notice and hearing are given.

We are just trying to take most orderly, commonplace steps. There is no intention on the part of the committee to shut out anybody. It was our desire to give everybody a full opportunity to be heard. We want to be just as fair and reasonable with this measure as we can.

Mr. DANAHER. Mr. President, will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Connecticut?

Mr. HATCH. I yield.

Mr. DANAHER. Let me first call to the Senator's attention the fact that the inquiry of a prosecutor is to determine whether or not there is reasonable cause to believe that some statute or some law has been violated. If he so determines, and lodges his information, then a court determines whether or not in fact there has been a violation; but the individual who is charged has an opportunity to be heard.

Under the Senator's statute—if it should become such—one accused of political participation, upon the determination of a Civil Service Commission, without any provision whatever for a hearing, is not only barred from employment by the State, but he is barred from employment by any other political subdivision of the State; and, in addition, the State itself is subject to a possible penalty to be determined by the Commission after it decides the matter ex parte, if you choose, so far as the bill proceeds; and after the Commission determines that a violation has occurred it may withhold by way of penalty as much or as little of the funds as it decides. Is not that so?

Mr. HATCH. No.

Mr. DANAHER. In what particular is my conclusion open to criticism?

Mr. HATCH. One particular is the Senator's statement with reference to an ex parte proceeding. That is entirely wrong.

Mr. DANAHER. It is not an ex parte proceeding?

Mr. HATCH. No. There must be opportunity for notice and hearing; and what does hearing include?

Mr. DANAHER. Where does the Senator find that provision? That is the very thing in which I am most interested.

Let me say to the Senator that I have prepared an amendment, and for purposes of discussion I should like permission to offer it now and let it lie on the table.

Mr. HATCH. What is the Senator's amendment? Will he read it?

Mr. DANAHER. Yes; I will.

If the Senator will please look at page 5, line 18 of the bill, he will find that it now says this. The sentence commences in line 15:

> Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall—

And now I insert—

> forthwith by registered mail give notice to any such officer or employee and to the State or local agency employing such officer or employee of the pendency of the charge, in which notice shall be set forth, a summary of the alleged violation and of the time and place for a hearing upon said charge, at which hearing (which shall be not earlier than 10 days thereafter) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard, whereupon said Commission—

And now we revert to the bill—

> shall determine whether any violation of such subsection has occurred.

In that way we not only insure notice to the individual of the nature of his alleged offense but the State itself has a chance to appear, and a full hearing then may be had by the Civil Service Commission.

Does not the Senator feel that, appropriately to remove any doubt, such an amendment should be accepted?

Mr. HATCH. I do not quite agree with all the amendment as the Senator has read it. I am not in disagreement as to the principle of having a hearing before the funds are withheld; and the bill does provide for that. If it is not adequately provided for, I shall be perfectly willing to have it done. I think probably the amendment offered by the Senator contains matter which perhaps should not be in it; but, as I say, I shall immediately look at the amendment.

Mr. DANAHER. Mr. President, let me point out, then, in conclusion, that it is perfectly clear that the Senator from New Mexico wants to have a hearing after it has been determined that a violation has occurred. The hearing, however, is only on the penalty. It does not for one moment, in that language, provide for any hearing whatever for the person accused of violating the statute. Consequently, it would mean that an individual may lose his job and lose for 18 months his opportunity for a livelihood in any division of the State. Therefore I believe we ought to amend the bill in that respect, and I ask the Senator from New Mexico to consider acceptance of the amendment which I send to the desk and ask to have lie on the table until an opportunity appropriately to offer it shall occur.

The PRESIDING OFFICER. Without objection, the amendment will be received and lie on the table.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Michigan?

Mr. HATCH. One minute. I cannot yield just now, because the Senator from Connecticut has seen fit to interpret and construe my motives and intentions, and has said that the Senator from New Mexico does not intend to have a hearing on whether or not there has been a violation of the law. In that respect the Senator from Connecticut is just as wrong as it is possible for human beings to be wrong.

I now yield to the Senator from Michigan.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HATCH. I had yielded to the Senator from Michigan. I shall be glad later to yield to the Senator from Connecticut.

Mr. BROWN. I am perfectly willing to defer my inquiry until the Senators have settled their dispute.

Mr. DANAHER. There is not any dispute, I am sure. I simply wanted to say to the Senator from New Mexico that I have been at least as wrong as he says a human being can be, but I do not think I am in this case; but, in any event, whether I am or not, if the Senator will now indicate where in the bill there is provision for notice to an accused, and for a summary of the charge against him, and for a hearing on that charge, I should like to have him do it.

Mr. HATCH. The point about which I disagreed with the Senator was what he was interpreting my intentions to be.

Mr. BROWN. Mr. President——

Mr. HATCH. I yield to the Senator from Michigan.

Mr. BROWN. I desire to call attention to two fundamental matters in the bill and ask the author of the bill with regard to them.

The first section of the bill, which I think is called section 2, relates to the prohibition of the use of official authority by the higher-up officers of a State government and employees of the State who are paid in part from Federal funds, or who direct activities in connection with which the Federal Government makes contributions. Is that statement substantially correct?

Mr. HATCH. It is correct.

Mr. BROWN. What penalty is provided in the bill for any violation of section 2 of the act?

Mr. HATCH. That is in the original act.

Mr. BROWN. That is in the original act, and that provides for a fine of a thousand dollars or imprisonment for 1 year, or both.

Mr. HATCH. That is correct.

Mr. BROWN. In what is known as section 12, on page 4 of the bill, we find a prohibition which applies to minor officials, those who are not policy making, those who are not elected, and that is where we have a prohibition against any participation in a political campaign. What penalty, if any, is provided against one who violates the provisions of section 12?

Mr. HATCH. That is the difficulty with which we were confronted, about the power of the Federal Government. We do not have any power to remove one from office, as we did under our original act, so we adopted the approach of withholding funds, and then, if the State insisted on retaining employees who violated the act, and insisted on their going ahead with political activities, we could add a still further withdrawal or withholding of funds from the States.

Mr. BROWN. Of course, there is, and in the Senator's judgment there could be no criminal penalty against a person who violates section 12.

Mr. HATCH. That is quite correct, and there should not be. The type of thing prohibited by section 12 I certainly think should not be held to be a criminal offense.

Mr. BROWN. It leaves us in such a situation that it would be pretty difficult for a citizen to complain about political activity on the part of the proscribed official when the ultimate result would be the withholding of Federal funds from the State, which would be a punishment of the whole State, and no person would be very likely to make that kind of a complaint, would he?

Mr. HATCH. Yes; I think so. It has happened, and is happening. I know in more than one State of complaints being lodged with departments here which, if sustained, would result and have resulted in the withholding of funds from the States.

Mr. BROWN. But that is the only method of enforcement of section 12?

Mr. HATCH. That is true.

Mr. BROWN. I think we have to keep in mind, in the questions I want to ask the Senator, the difference between the two sections, and I wish to refer particularly to some of the answers elicited from the Senator by my colleague a few moments ago.

In the first section of the bill, which is section 2 of the Hatch Act, which would prevent the use of official authority—and I think such authority should not be used in politics—is there anything which would prevent the Governor of a State from using his official authority to aid in bringing about the election of the Lieutenant Governor in an election in which there were upon the ticket candidates for the office of Governor?

Mr. HATCH. The Governor is not exempt from the provisions of section 2.

Mr. BROWN. If the Senator will refer to lines 15 to 22, on page 2 of the bill, he will find that the Governor, to use that example, is prohibited from using his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President or Vice President; but he is not prohibited from using his influence with respect to any State officer who happens to be running upon the same ticket, is he?

Mr. HATCH. If a Federal official is to be chosen at that election; yes.

Mr. BROWN. The bill does not say so, and I ask him to read it and see if it does.

Mr. HATCH. The Supreme Court has definitely passed on the separability of provisions.

Mr. DANAHER. Mr. President, may we have order in the Senate? I should like to hear the debate.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Senate will be in order.

Mr. HATCH. The prohibition is this—"to use his official authority for the purpose of interfering with, or affecting, the election." If a Member of Congress is being voted upon, that is the election.

Mr. BROWN. There is no comma there; there is no semicolon; there is no indication that there is a stop when the word "election" is reached in line 17. It says "the election or nomination of a candidate for the office of President or Vice President." Every officer who is named there is a Federal officer and not a State officer.

Mr. HATCH. If he is interfering with that election——

Mr. BROWN. No; the election of a candidate for these offices.

Mr. HATCH. If he is interfering with a particular election, whether his action is only in behalf of a Lieutenant Governor or not, he is interfering with the election of the President or Vice President.

Mr. BROWN. If the Senator wants to say that, he can say it much more clearly than he says it in the bill as it now reads. He can say "affecting an election at which these officers are to be elected"; but he does not say that, as I think every lawyer in the Senate will agree.

Mr. HATCH. I think the Senator has made a good suggestion. Does he object to my accepting it?

Mr. BROWN. No; I do not object to that at all, but I say that the language certainly does not bear out the Senator's intent.

Mr. HATCH. It seemed to me to be perfectly clear that it did. I do not say this as in any degree flattering the Senator from Michigan; but when any Senator as skilled in the law as is the Senator from Michigan raises a question of that kind, if there is a question in his mind, I would much rather meet it right by an amendment. He might be right and I might be wrong. I accept the amendment offered by the Senator from Michigan, and ask permission to modify the section to which he refers, if he will state the language.

Mr. BROWN. I would rather have a little time to frame the language.

Mr. HATCH. We will send up the language later.

Mr. BROWN. I should like to pursue the inquiry my colleague made. He referred to section 12 (a), which provides that "No such officer or employee shall take any active part in political management or in political campaigns"; that is, an officer or employee who is employed in connection with any function which the Federal Government finances. The Senator has that in mind. My colleague referred specifically to the State highway commissioner of Michigan, and he asked the Senator from New Mexico this question:

> But would the proposed act circumscribe him—
>
> Meaning the State highway commissioner of Michigan—
>
> with respect to the use of any official authority?
>
> Mr. HATCH. It would. He could not use his official authority. He could not say to the employees in his department, "Go out and work for me; I am a candidate for Governor." That would be prohibited.

I think that is proper, using the theory the Senator has adopted in section 12. I think it is proper to do so. But I do not think the Senator's answer is accurate with respect to the highway department of the State of Michigan, because there are many employees in the highway department of that State, as there are many employees in the office of the Republican secretary of state, and in the office of the Republican State treasurer, who have no connection with Federal activities, whose political actions could not in any way be proscribed by the proposed act.

I refer specifically to this question by my colleague:

> Mr. VANDENBERG. And all his subordinate staff would be completely prohibited from participating in his campaign?
>
> Mr. HATCH. They would be.

The Senator did not mean that there is a general prohibition against all the employees of the State highway department. He meant those employees who are connected with an activity of the State highway department which is financed in part by the Federal Government.

Mr. HATCH. Of course, the whole theory of the bill is limited to agencies which receive financial contributions, loans, or grants from the Federal Government. I stated at the time that I disliked to answer questions as to individual officers of the States about the function of whose offices I did not know.

Mr. BROWN. I not only disliked it, but I disliked the false impression created by the colloquy between my colleague and the Senator.

Mr. HATCH. There is another thing to which I would refer in connection with that. I think, if I am not mistaken, that the particular man to whom the Senator refers is an elective official as well.

Mr. BROWN. Yes; he is.

Mr. HATCH. There is another provision relating to such an official.

Mr. BROWN. The prohibition to which my colleague must refer necessarily is not one directed against the State highway commissioner; it is directed against any of his employees who take an active part in political management or in political campaigns. The State highway commissioner is expressly exempted from the provisions of section 12. But I wish to point out that, just as the Republican secretary of state of Michigan, and as the Republican State treasurer, and as the Republican attorney general, and as the Republican Governor, and as the Republican Lieutenant Governor may all use their employees without violation of the proposed act, likewise the employees of the State highway department, which happens in Michigan to be Democratic, are not pro-

hibited from participation in politics similar to that engaged in by these State officers, when they are not engaged in an activity which is financed by the Federal Government. I may say that the maintenance organization of the State Highway Department of Michigan is not in any way supported by the Federal Government. The Federal Government does aid in the construction of roads but not in the maintenance of those roads.

In this matter I am much in sympathy with the Senator from New Mexico, but while he is doing this job I wish he could in some way apply the provisions of the proposed act to these Republican officials in the State of Michigan who are absolutely untouched by the provisions of the Hatch Act.

Mr. HATCH. Mr. President, let me say to the Senator from Michigan that nothing would give me more pleasure. I should like very much to do that. I stated when I was explaining the bill that the very complications and things which the Senator from Michigan and other Senators have mentioned have long since convinced me that we need to go much further, and actually use other powers, stronger powers, vested in the Congress by the Constitution. I have already drawn a bill which will do a very reasonable job with respect to the whole matter, and some day—not in an election year—I hope we may pass a complete measure which will accomplish many of the things which are necessary.

Mr. BROWN. I have one other question of a minor nature to ask. I refer again to lines 21 and 22 on page 4, which is the prohibition against officers or employees taking "any active part in political management or in political campaigns." It occurs to me that the Senator should except from that particular prohibition, which is the heart of the bill, in my judgment, participation in political campaigns of a nature totally disconnected from partisan politics.

For instance, I myself happen to have been long interested in the school affairs of my own community. For 25 years I have been a member of the board of education. It is an office which I prize very highly. In my judgment, under this prohibition any employee of the State of Michigan whose salary was in any way contributed to by the Federal Government, or any employee of the Federal Government itself, would be prohibited from participating in an election at which the sole question was whether or not the city of Detroit should bond itself for an additional $500,000 for the purpose of erecting a public school. Does not the Senator think that such an election should be excepted from the stringent provisions of both section 2 and section 12?

Mr. HATCH. I would have no objection to that.

Mr. BROWN. I think the Senator should go a little further. I think he should say that it would be desirable to have such an exception.

Mr. HATCH. I do not find quickly what the rulings of the Civil Service Commission have been on that question. It seems to me they have held that a nonpartisan election, such as for a school trustee or on a bond issue, is not within the language; but I am in hearty agreement and sympathy with what the Senator has said, and I shall be very glad to confer with him further; and if he has a suitable amendment to accomplish the result, if it has not already been accomplished, it is perfectly agreeable to me to have such an amendment adopted.

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER (Mr. REED in the chair). Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. HATCH. I yield.

Mr. LUCAS. I wish to ask the Senator a few questions in connection with the bill, and I do so solely for information, or in an attempt to clear up some things which seem to me to be a little doubtful; and the answers to the questions in the event the bill becomes law will eliminate some confusion which exists in the mind of the public at the present time, and will exist in the mind of the public in the future, if the bill is amended in line with the suggestions which have been made.

First, on page 2, I invite the attention of the Senator to subdivision 2, which contains the language "any person employed in any administrative position by any State." Is there any question in the Senator's mind that that language does not include the Governor, the Lieutenant Governor, and the mayors of cities?

Mr. HATCH. I think it should include them.

Mr. LUCAS. The Senator thinks it should?

Mr. HATCH. Yes. That is, as to this provision of this section.

Mr. LUCAS. Yes; I understand. I am talking now about section 2. There is no question, then, in the Senator's mind that the officials I have just named are included as among those occupying administrative positions?

Mr. HATCH. Yes; that is correct. That was the intention.

Mr. LUCAS. Very well. Is there any interpretation by the subcommittee or by courts as to what is "official authority"?

Mr. HATCH. I am quite sure the term has been defined by the courts. I do not have the decision before me. But it is authority which the person is possessed of by virtue of his office. That does not mean a great deal. That is just about the same as saying "official authority." But it is power which he would not have were it not for his office.

Mr. LUCAS. I have in mind the general notion of what is "official authority." But what my opinion is and what the Senator's opinion is might not coincide with what the courts have said with respect to that one question, and, in view of the penalty that is provided in case of an administrative officer exercising or using his official authority to control or to interfere with an election, it seems to me that if the Senator furnished a brief upon that one point it might help in administering the act in a better way.

Mr. HATCH. I shall be very glad to submit it for the RECORD.

Mr. LUCAS. I have in mind one other point which has to do with a typical situation which can be cited with respect to practically every city throughout the country. I am thinking now of a mayor in Illinois who has been instrumental in the development of a housing program for his city. He seeks a grant of $2,000,000 from the Government. Assume that in the midst of the construction of the project an election is held for United States Senator, and that during the preliminary negotiations the sitting Senator seeking reelection has cooperated with the mayor to the fullest extent in obtaining the grant. During the campaign the mayor feels that he should like to aid the Senator for reelection. He therefore calls in 10 of his employees, some of whom have been working on the housing project. He presents to them the Senator's petitions and says, "Boys, Senator Jones has been our friend on this housing project; he is a high-class public official, and has rendered excellent service for his people throughout the State. As mayor and as a citizen, believing in good government, I want you to circulate these petitions of the Senator. Get the required number of signatures and return the petitions to me." Query: Has the mayor used his official authority as the phrase is used in section 2 of this bill in affecting the nomination of Senator Jones?

Mr. HATCH. I think the Senator's question—my mind was distracted for a moment toward the end of it—is whether the city should suffer the penalty by reason of the action of the mayor?

Mr. LUCAS. No. In the question I asked the Senator, I used as illustration the case of a mayor who called in certain employees of the city who were under his control, and requested them to circulate a petition for the Senator who was seeking reelection, and who had cooperated with them on a housing project.

The mayor said, "Boys, Senator Jones is a good fellow. He is a public-spirited citizen. He is a good man for the United States Senate. As mayor of the city, and as a citizen, believing in good government, I am for his reelection. I ask you boys to take the petitions out and circulate them, bring in the required number of signatures, and then we will send them on." Is the mayor using his official authority to aid in the election of the candidate for Senator?

Mr. HATCH. Oh, yes.

Mr. LUCAS. Very well. In other words, if the mayor of the town merely requests the employees to circulate a petition, that act subjects the mayor to the penalty of a fine of $1,000 and imprisonment of 1 year for exercising such official authority. There is no question about that?

Mr. HATCH. There is not in my mind, and we have insisted it should be so.

Mr. LUCAS. If the same mayor called a meeting of all his employees in the city hall and said, in substance: "Senator Jones has been my friend as mayor. He has been a real friend of the city. He has been your friend. He is a credit to the party. Believing as I do that the best interests of good government would be served by the reelection of Senator Jones, I hope you will all support him."

He would be using his official authority in that kind of a case, and would be subject to the pains and penalties of the law as he would be in the other case.

Mr. HATCH. Yes.

Mr. LUCAS. Very well. I am thinking of another mayor of a city in the United States who has P. W. A. grants for sidewalks, sewers, and subways, and who has constructed them out of an allotment of Federal money, or at least partially so, and a number of the projects are uncompleted. There is a great deal of money yet to come to the city. The mayor says, in substance, to a number of his employees: "I believe that the individual who is the present President of the United States has done a remarkable job in the way of taking care of individuals like yourselves. I want you to take these petitions and go out and circulate them." Fifty men circulate the petitions and get, for the mayor of the city, 200,000 names for the nomination of a President of the United States.

That mayor, under the provisions of this bill, if it should be passed, would also be using his official authority, and would be subject to the pains and penalties of this proposed law.

Mr. HATCH. Did the Senator say that the mayor had no control or supervision over the employees?

Mr. LUCAS. No; the men that he asked to circulate the petitions were employees of the city.

Mr. HATCH. Then he would be subject to the law's penalty.

Mr. LUCAS. Then he would be subject to the penalty?

Mr. HATCH. Yes.

Mr. LUCAS. One other question. In the three cases I have cited, the employees themselves would also be subject to the penalties of section 12, would they not?

Mr. HATCH. Yes.

Mr. LUCAS. In other words, if the mayor and his employees, acting together, should violate the law, assuming it becomes such, one individual would be subject to criminal penalties while the other individual who violates it would merely be subject to the penalty of being relieved of his job. That is the way the law would operate.

Mr. HATCH. Yes; and I think it should act in that way.

Mr. LUCAS. They are both equally guilty of an offense.

Mr. HATCH. No, sir.

Mr. LUCAS. Well, practically so.

Mr. HATCH. No; there is the greatest difference in the world between them. I do not want it to appear in the RECORD that I am agreeing to that statement.

Mr. LUCAS. They are both guilty of——

Mr. HATCH. Of an offense.

Mr. LUCAS. They are both guilty of an offense; and the Senator thinks one is guilty in a greater degree than the other?

Mr. HATCH. Yes; vastly greater.

Mr. LUCAS. Suppose the Governor of a State is a candidate for reelection. He has obtained grants from the United States for highway purposes. He writes to the highway officials and to a number of employees of the State, advising them of the fact that he will be a candidate for reelection and that he hopes they will give him their support and influence in the election. Is he using his official authority in writing that letter? If so, is he subject to a fine of $1,000, and to the other penalties?

Mr. HATCH. He has written a letter to the highway employees?

Mr. LUCAS. He has written a letter to the employees of the highway department, or he has called them into his office and spoken to them. Suppose he says, "I should like to have your support in my campaign for reelection." If any of the money in the highway department comes from the Federal Government, would the Governor be subject to indictment and prosecution, and, if convicted, to a fine of $1,000 or imprisonment in the penitentiary for 1 year?

Mr. CLARK of Missouri. The question would be whether or not he used his official authority.

Mr. HATCH. The question is one of the use of official authority, always bearing in mind the fact that the election must be one in which a Federal official is elected.

Mr. LUCAS. Under those conditions, if the Governor should write letters to individuals in the highway department, or call in a hundred employees of the highway department and say to them, "I am a candidate for reelection, and I want you boys to go out, if you feel you can do it, and use your influence and support to have me reelected," would the Governor be subject to the penalties of this bill?

Mr. HATCH. He would be if a Federal official were being elected at that election. It must be an election at which a Federal official is elected. This section is confined to elections at which a President, Vice President, Members of Congress, or Senators are elected.

Mr. LUCAS. Of course, that would always be the situation in Illinois.

Mr. HATCH. I merely wanted the Senator to bear in mind the fact that that is the kind of election referred to. Under those circumstances a Governor calling in his employees would be violating the law if the other conditions were met.

Mr. LUCAS. I wish to be certain about that, because I think it is a very important question.

Further, do I correctly understand the Senator to say that under the provisions of the bill, if a congressional election or a Presidential election is being held, a Governor calling in such employees and asking them to support him and use their influence toward his reelection would be violating the law?

Mr. HATCH. That is correct.

Mr. LUCAS. Of course in Illinois he would always be violating the law if he did so, because in our State we always elect a Governor at the same time some congressional or national election is held.

Mr. HATCH. In one or two States that situation does not obtain, but in the vast majority of States Federal officials are elected at the same time a Governor is elected; but I do not believe, if the bill is passed, that State officials will always be violating the law.

Mr. LUCAS. One further question. I should like to ask the Senator if he agrees with the construction of section 9 of the Hatch Act set out in an opinion rendered by Attorney General Frank Murphy on October 26, when he said, among other things, the following——

Mr. HATCH. To what language does the Senator refer?

Mr. LUCAS. Section 9 of the original Hatch Act. The Attorney General said:

> Section 9 of the Hatch Act has been construed as not applying to the following:
>
> 1. Officers and employees of the legislative branch of the Federal Government, including secretaries and clerks of Members of Congress and congressional committees.

Is there any question about that?

Mr. HATCH. Not in my mind.

Mr. LUCAS. In other words, as Members of the United States Senate we may use our official authority and our personnel to have ourselves reelected, under the interpretation of the act which I have read.

Mr. HATCH. I think the Senator will use his authority, and properly so. I do not think he will use official authority to obtain the services of his office force. That was the ob-

jection which I made. Nothing in the act relates to members of the legislative branch.

Mr. LUCAS. In other words, we are exempt under the act.

Mr. HATCH. Yes.

Mr. LUCAS. And we may use our official authority, not only to help elect ourselves, but to help elect a candidate for Governor of a State, if we see fit and believe he should be elected, whereas the Governor is denied that privilege.

Mr. HATCH. That is correct.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. Does the Senator mean to suggest that there is anything in the act to prohibit the Governor of a State from using his own personal secretary or personal employees who are not paid from Federal funds?

Mr. HATCH. Oh, no.

Mr. CLARK of Missouri. Or to keep him from using the guards in the penitentiary, the members of the public-service commission of his State, or the members of the tax commission, as political counsel if he chooses to do so? As I understand, the prohibition is simply against the Governor of a State or anybody else using the coercive power of appointment and removal over employees paid out of Federal funds.

Mr. HATCH. That theory was developed by the Senator from Michigan, and I thought it was thoroughly understood.

Mr. LUCAS. I thoroughly understand it, and am glad to have the further explanation of the Senator from Missouri, because he always makes a contribution to any argument in which he participates. Nevertheless, the fact remains that we ourselves, as Members of the United States Senate, are doing some of the things about which we are complaining.

Mr. CLARK of Missouri. Not at all.

Mr. LUCAS. Perhaps not. However, I should like to know whether or not there is one United States Senator who in his campaign for reelection does not use the personnel of his office in order to obtain reelection. If we are to have the purity in politics which we are all seeking, I submit that we all ought to come under the same ban, and that when campaigns come along we ought to set aside our personnel, hire our own groups, and use our own funds rather than the taxpayers' money. It seems to me that is exactly what we do. If I am mistaken about it, and if any Senator says I am mistaken, I certainly will apologize; but I know what I am doing, and I believe every other Senator is doing the same thing.

One other question: The Attorney General further says that section 9 of the Hatch Act does not apply to—

> 2. Officers and employees of the judicial branch of the Federal Government, including United States commissioners, clerks of United States courts, referees in bankruptcy, and their secretaries, deputies, and clerks.

Does the Senator agree that those classes are also exempt?

Mr. HATCH. Yes.

Mr. LUCAS. In other words, under the provisions of the act, a referee in bankruptcy in the State of Illinois who has control of a number of foreclosures in which the Federal Government is involved may continue to participate in politics, and may even manage the campaign of any individual in my State who is seeking public office?

Mr. HATCH. I wish to say on this point that the Senator has developed something which I think should be corrected. I want the persons to whom he has just referred included. They were included in the first draft of the bill which I introduced. Members of Senators' staffs also were included. That was my intention and my desire; but certain practical considerations were met, as they are often met when legislation is undertaken, and in order to secure the passage of the bill it was confined to the executive branch of the Government. That is why the persons to whom the Senator has just referred were left out. Frankly, I should like to see them included.

Mr. LUCAS. I thank the Senator. I agree with him. Referees in bankruptcy in my State have a tremendous amount of power in connection with foreclosures in which the Government is involved. I am thinking about R. F. C. loans, H. O. L. C. loans, and other financial matters, which, as the Senator knows, are constantly going through the Federal courts. It seems to me that matter is something we might work on in the future.

Mr. HATCH. I shall be very glad to discuss the matter with the Senator.

Mr. LUCAS. I should like to ask the Senator one further question. Will the Senator yield the floor to me for a few minutes in order that I may discuss section 15?

Mr. HATCH. Yes. Mr. President, a very unfortunate incident arose yesterday which I did not then understand and do not yet understand. The Senator from Illinois, evidently wishing to relieve me of the burden of standing on my feet while he discusses something in his own time, has asked me to yield the floor for a few minutes. I presume he expects me to resume the floor. I have finished my remarks and am perfectly willing to yield the floor or to answer any Senator's questions. Perhaps the Senator from Arkansas [Mr. MILLER] is objecting to that form of procedure. He may desire to obtain the floor in his own right. I have no wish in the matter one way or the other.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. HATCH. If the Senator from Illinois desires to ask a question, I shall be delighted to yield; and I expect to continue to yield so long as Senators desire to ask questions.

Mr. MILLER. Mr. President——

Mr. LUCAS. Mr. President, the only thing I am trying to do is to put forward some examples which have been discussed pro and con with the rank and file of the citizens of this country with regard to the Hatch Act. My only point is that we should perhaps do something in a practical way to clear up a certain amount of confusion which has existed from time to time.

Mr. HATCH. Mr. President, I have not challenged the good faith of the Senator at all. His questions have been very fair. I am glad to help in any way possible in clearing up any confusion. The only question is as to just who has the floor. If the Senator desires to ask another question, I shall be glad to answer it.

Mr. LUCAS. I desire to discuss in my own time section 15 of the bill.

Mr. BARKLEY. Mr. President, will the Senator yield to me for another question?

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. HATCH. Mr. President, I shall not yield the floor so long as Senators desire to ask questions.

I yield to the Senator from Kentucky.

Mr. BARKLEY. I wish to ask the Senator one further question with respect to the new section 12. The first sentence of that section reads as follows:

> SEC. 12. (a) No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

The next sentence is the second sentence referred to later:

> No such officer or employee shall take any active part in political management or in political campaigns.

Then the bill proceeds to exempt certain officers, including the Governor, Lieutenant Governor, mayors of cities, heads of executive departments, and elective officers.

I assume that the definition of the word "officer" or "employee" in the second sentence of the section is the same as officer or employee in line 15 at the beginning of the section. That also raises the question of what is "official influence."

Governors, Lieutenant Governors, and the other officers named at the end of the subsection are exempted from the

provisions of the second sentence of the section which provides that:

No such officer or employee shall take any active part in political management or in political campaigns—

By which is meant that under the exemption the Governor, the Lieutenant Governor, and the other officers exempted can go out and make campaign speeches; but under the first sentence of subsection (a) of section 12 where it is provided that no officer or employee "shall use his official authority or influence," how does the Senator draw the distinction between the influence of a man who is out making speeches in behalf of his party or his ticket or himself even and a man who is undertaking privately to influence the result of an election? How does the Senator draw the distinction there, and to what extent would the second sentence and the exemptions in the third sentence conflict with the first sentence in subsection (a) of section 12?

Mr. HATCH. The exemption would not relate to the first sentence. There is a distinction between official authority and official influence.

Mr. BARKLEY. I understand there is a difference between official authority and official influence.

Mr. HATCH. I myself am not so fond of the word "influence."

Mr. BARKLEY. I think every Governor and every other public officer who is elected by the people not only should be allowed to go out and advocate his record or proclaim it, as the case may be, but that he rests under an obligation to do so, because the people are entitled to know how any man has performed his duties when chosen to an office by them. But I am wondering whether a speech made by a Governor or a mayor or any of the other officers who are attempted to be exempted would come under the prohibition of the use of official influence carried in the first sentence of the section——

Mr. HATCH. I do not think it would.

Mr. BARKLEY. Because, undoubtedly, when any elective officers or heads of agencies are out advocating certain things in a political contest or advocating their own record against assaults made on it by others, they are undoubtedly attempting to exercise influence over the people.

Mr. HATCH. But not "official influence."

Mr. BARKLEY. Perhaps not; it might not be official; but when he is speaking as Governor it is impossible to separate his governorship from his personality and say how much is personal and how much is official. I am wondering how that is going to be interpreted, and I am trying to get the Senator's view of it.

Mr. CLARK of Missouri. Mr. President, if the Senator from New Mexico will yield for a moment, I will ask if this would not be a distinction between official authority and official influence? If the Governor of a State were to discharge an employee of the highway commission because the employee would not support the candidate for an office whom the Governor wanted him to support, that would be an exercise of his official authority. If he simply used such action as an example to scare other highway employees into supporting the candidate, I would think that would be an exercise of his official influence.

Mr. BARKLEY. That is true; I agree that that distinction may be made; but which is which? Is it personal or official when he is out making speeches publicly to audiences advocating his own reelection or the election of others?

Mr. CLARK of Missouri. I would say that is a personal appeal to the people of the State which any citizen has a right to make.

Mr. BARKLEY. Yes; but he would not be making it if he were not Governor.

Mr. CLARK of Missouri. He might be.

Mr. HATCH. He might be making political speeches, of course.

Mr. SMITH. Mr. President, the distinction which the Senator from Missouri made is that of a Governor while acting in his official capacity violating the law when he discharges an employee and his action frightens the other employees, and they fall in line.

Mr. CLARK of Missouri. That is influence.

Mr. SMITH. Exactly. He is not allowed to discharge an employee, and yet when he does do it without any reference to what effect it may have, his action is "influence" which he cannot exercise.

I think this bill has in it some element of virtue, though very little; but its proponents have destroyed what they are seeking to do by trying to make a man who accepts a position and receives pay from the Government, no matter how exalted and how distinguished he may be, surrender some of his American and inalienable rights in order to do so. He is unfortunate in that he was not elected. In order to carry out the functions of the office to which you and I are elected we have got to appoint persons to do certain work, and if they accept the appointments to help us perform the functions of Senators they are denied the ordinary privileges of a private citizen. That is "going some."

I am familiar with the adage, "Whose bread I eat, his song I sing," and that is characteristic of our politics. So far as the Federal Government is concerned, I suppose it may have jurisdiction over the political activities of those who are appointive officers, but when the Federal Government comes down into my State and spreads the poison of Federal patronage and Federal funds and says, "When you accept Federal funds you submit yourself to the Civil Service Commission," I cannot approve of such a proposal. If those who advocate the bill had stayed within the purview of the original measure, I think it had in it an element of real benefit to the American people, but when they widen it and seek to have it apply to officers of States there is where I stop.

Mr. HATCH. Mr. President, later on during the discussion, if opportunity presents itself, I intend to discuss the question of inalienable rights.

Mr. SMITH. This bill infringes on them, and the proponents of the measure know it. That is what they are doing.

Mr. HATCH. I am not discussing that question now.

Mr. SMITH. Of course the Constitution is obsolete; it has come to be merely an old rag to be kicked about; but some of us yet have some respect for it.

Mr. HATCH. That particular question is one which I desire to discuss.

Mr. SMITH. I hope the Senator will do so.

Mr. HATCH. I will be glad to do it, and I will rely not upon my own authority but upon far abler and better lawyers than I am.

Mr. JOHNSON of Colorado. Mr. President——

Mr. HATCH. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I should like to ask the Senator a question. I have a city in mind which is receiving Federal benefits in the way of W. P. A. projects, old-age assistance, and welfare funds of one kind and another. The city has employees whose duties are in no way connected with the Federal funds except that they are employees of the city which is receiving Federal funds. Are such Federal employees eligible to hold political office, such as committeemen, and so forth?

Mr. HATCH. Did the Senator say Federal employees?

Mr. JOHNSON of Colorado. No; city employees.

Mr. HATCH. If they have nothing whatever to do with a Federal project itself, the answer is no; they are exercising no functions in connection with a Federal project. Is that the question?

Mr. JOHNSON of Colorado. That is the question.

Mr. HATCH. No; they would not be. The bill refers to employees of State or local agencies who exercise functions in connection with any activity financed in whole or in part by loans or grants made by the United States.

Mr. JOHNSON of Colorado. Yes; but the funds come to the city and the city is financed in part by Federal funds.

Mr. HATCH. I think it is confined to employees who exercise functions in connection with such activities.

Mr. ADAMS. Mr. President, will the Senator yield for a question following that?

Mr. HATCH. I yield.

Mr. ADAMS. This situation would also apply: Federal funds have been granted to a State or to a city, with which a building has been constructed. For instance, it might be a dormitory at a State university, a sewage-disposal plant in a city, a waterworks, or some other plant. The structure is completed. The Federal money went into it. Would the employees who subsequently were engaged in the operation or management of that structure be included?

Mr. HATCH. I think not.

Mr. ADAMS. Is the Senator sure?

Mr. HATCH. That is the way I interpret the language, and I do not believe it can be otherwise interpreted. Such is not the purpose.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. McKELLAR. Take, for instance, a case in which the Federal Government has contributed to the building of streets in a city. Say the city puts up so much and the Federal Government puts up so much, and all the employees of the street-construction activity are under what is called the city engineer in the city in which I live. They are all under him; and all these employees participate this year in building the streets, some in clerical capacities, some in actual work on the streets, and some as engineers. They are all engaged in spending, in part, this Federal money. Do they come within the terms of the bill?

Mr. HATCH. All working in connection with this activity. That is the test—if they are connected with the activity.

Mr. McKELLAR. And all of them therefore come under the measure?

Mr. HATCH. Yes.

Mr. McKELLAR. For instance, take the engineering department in our city, where there is a contribution for a sewer-interceptor project. There are now several hundred persons in that department. They are all connected with the expenditure of that money.

Mr. HATCH. Actually engaged in the particular activity?

Mr. McKELLAR. Actually engaged in that project. All of them would come under the ban of this bill?

Mr. HATCH. If they are engaged in the work itself.

Mr. McKELLAR. Is it not a fact that there have been so many Federal contributions to various things, such as levee building and dam building and street building and road building and the building of schoolhouses and of courthouses, that the provisions of the bill would come very near including the greater portion of the persons in almost any community? Has the Senator ever figured out how many persons would be under the ban of the bill and how many would be free to do as they pleased?

Mr. HATCH. Those coming under the ban of the bill would be a very, very small percentage of the people in any city or any community.

Mr. McKELLAR. I think the Senator will find that during the past few years the Federal Government has contributed to almost every municipal project that has been built.

Mr. HATCH. Of course, the Senator from Tennessee is giving a retroactive effect to the bill.

Mr. McKELLAR. Oh, no; I am referring to its operation this year. We have appropriated Federal money for such projects this year. W. P. A. money goes into secondary roads. W. P. A. money goes into streets in every city. W. P. A. money goes into the construction of certain kinds of buildings in every city. If that is contemplated within the terms of this bill, as the Senator says it is——

Mr. HATCH. It is.

Mr. McKELLAR. I am afraid some of us are going to get a good many persons into a good deal of trouble, because we are virtually disfranchising these persons insofar as their influence is concerned. They may take no part in politics. They will violate the provisions of the bill if they do.

That is the way the matter strikes me. I cannot see how it is possible for us to put under the ban of the bill so many persons in our own communities.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from New York.

Mr. MEAD. I recall the observation the Senator made a short time ago with regard to the Social Security Board, and the regulations required to be followed by the State in conformity with the requirements of the national board.

I rise at this time to bring to the attention of the Senator the fact that at least in my State there is developing opposition to the regulations required by the National Social Security Board; and I do not inject the matter into the debate for the primary purpose of referring to that fact. I inject it into the debate so that other Senators may become informed of the possibility of similar action being taken in their States if we go too far in granting authority under the pending bill.

I am in favor of protecting the rank and file of our civil-service employees from the exploitation of partisan politics; but I should be very careful not to limit and restrict the free activities of our citizens in the discharge of their political rights. I offer, as a contribution to the exercise of great care in the adoption of helpful amendments while the bill is under consideration, this statement, which is from a recent issue of the Buffalo Courier-Express. It has this heading:

WADSWORTH RAPS SOCIAL SECURITY BOARD FOR DICTATING TO STATE—CIVIL SERVICE DEMANDS HELD UNWARRANTED, ARROGANT

A blistering attack by Assemblyman James J. Wadsworth * * * on the unwarranted and dictatorial action of the Federal Social Security Board in demanding, under threat of withdrawal of Federal aid, that the entire public welfare personnel in New York State be placed under civil service, rang through the assembly tonight.

Then the article goes on to say that Mr. WADSWORTH said:

A more arrogant and arbitrary ruling on the part of an American governmental unit I cannot recall, and I feel that every citizen of the State of New York should be apprised of what is going on.

The article continues:

The difficulties and dangers surrounding the classification of these 827 workers to make their status conform to the merit-system ultimatum of the Federal Social Security Board was stressed by the western New York lawmaker.

He concludes by saying—this is a very long statement, and I am only giving the Senator a sketchy, brief analysis of it—

In 1937 I warned the legislature and the Governor against jeopardizing our own interests by succumbing to the enticement of Federal aid, ending up with these words: "When Washington puts its foot down, that settles it here. You can't help your own people even if you want to."

So I bring to the attention of the distinguished Senator, whose efforts in behalf of civil-service workers are well known, the fact that there is a rising tide of resentment as it applies to Federal dictation of State policy. We must, therefore, exercise great care lest in going beyond the protection of the rank and file of the civil service we infringe upon the prerogatives of the citizen in the discharge of his duties.

Mr. HATCH. Let me say to the Senator, in reply to what he has said, that I mentioned that very possibility as I was discussing the Social Security Board; and I pointed out that in the amendments to the act which we adopted last year we went much farther than we are trying to do today in establishing a complete merit system, barring political activities and everything else. We invested all that broad, sweeping, general power in a Board here in Washington. Congress did that, and the Board is exercising the power which the Senate and the House gave to the Board.

But what we did in the other act and what we are doing today is just writing a simple provision of law in which we ourselves say what shall or shall not be done. We are putting a ban on partisan political activities, using exactly the same language which now applies to the thousands and thousands of employees under the civil service. We are saying nothing and doing nothing but that. The matter to which the Senator refers is altogether different. As I said to the Senator from West Virginia [Mr. NEELY], that has been my objection to the particular bill which he seeks to offer as an amendment. We do not do that in this bill.

Mr. MEAD. I have no desire to defend a position which is contrary to the extension of the merit system, especially in

social security, and welfare, and work of that particular kind, but I do rise to suggest the advisability of exercising great care when it comes to administrative and elective officers of the highest category.

Mr. HATCH. I am very much in accord with the Senator.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. Yes.

Mr. CLARK of Missouri. As I understand the Senator's bill, it has nothing on the face of the earth to do with the selection of personnel, or with the merit system, or with anything else. It simply is a provision that Federal funds shall not be used for political purposes.

In other words, in my own State we have an administrator of the social-security set-up there who devotes his every waking hour to playing cheap politics. This bill is designed to prevent that sort of a practice; to prevent the man who is handling Federal funds in so vital a matter as the social-security set-up either from devoting his own time and activities to politics, or certainly from trying to coerce the beneficiaries of that system.

Mr. MEAD. With that I am in full accord.

Mr. CLARK of Missouri. It has nothing to do with the merit system. I agree with the Senator from New York that some of the actions of the Social Security Board in many instances which have fallen under my observation have been extremely arbitrary. I have deplored that tendency in the Board, and my general observation has been that the bureaucracies of Washington have a great tendency to go in that direction. I certainly hold no brief for the Civil Service Commission, because there is hardly a bureau or commission in this city of which I have a poorer opinion than I have of the Civil Service Commission as at present constituted with the exception of one lady member. What we are trying to do in the bill before us is merely to provide against the use of Federal funds for political purposes in a State, as we have already provided, so far as we could, against the use of Federal funds for political purposes in the Nation.

Mr. MEAD. I wish to say to the Senator that I do not even find fault with the social-security set-up in insisting upon the coverage of all State employees within the civil service. I am for that. I merely rose to bring to the attention of the sponsor of the bill the possibility of doing some harm to the effective application of the law he sponsors, by going a little too far. As was suggested by the Senator from Michigan, I think that making progress a little more slowly, the adoption of carefully worded amendments, will help in the enforcement of the law later on.

Mr. HATCH. Mr. President, let me say to the Senator from New York that I have tried to go most slowly, and sometimes I think I have progressed entirely too slowly. My ideas go far beyond the pending measure and far beyond the law Congress passed last year. But I realize the dangers and possibilities the Senator from New York has mentioned. I have tried, as those who have worked with me on the committee have tried, to be as reasonable and as careful and as fair in the drafting of the measure as it was possible to be. I think the pains we took and the results we brought on the floor demonstrate that, because we did avoid very many of the questions which have been raised on the floor of the Senate, of which we had already taken care.

The Senator from Tennessee, who is standing just behind the Senator from New York, I remember stated on the floor of the Senate a few days ago that the Senator from New Mexico has an obsession on this subject.

Mr. McKELLAR. Mr. President——

Mr. HATCH. I will yield in a moment. I desire to say that the Senator from Missouri has stated exactly, in very few words, what we are trying to do. We are not trying, as the Senator from Illinois suggested, to purify politics. There are some tasks which even I, with all my obsessions, would not undertake. We do think there is a duty and a responsibility on the Congress of the United States, when it sets up certain standards for its own employees, and furnishes money, to see that the moneys we supply are not used to corrupt and control elections and disfranchise, not a few thousand employees, but millions of American citizens.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. HATCH. I must first yield to the Senator from Tennessee.

Mr. McKELLAR. On the last page of the bill I find a new section 15 of the law, which provides as follows:

SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, the term "active part in political management or in political campaigns," as used in this act, shall have the meaning ascribed to it by such rules or regulations. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

Suppose the Civil Service Commission, in promulgating its rules, should assume to put into its regulations a statement to the effect that the act of going down to the polls and voting in an election was taking an active part in politics. While it might not adopt such a rule, suppose it should, and suppose for a moment that the Civil Service Commission, instead of being a commission composed, as it probably is, of fair-minded men, should be composed of politically minded men, and we all realize that most of the people of this country are politically minded. Whatever we may say about it, that is the truth. Suppose they should make such a regulation; then think of the kind of a law we would have, if the proposed law should be constitutional, which I seriously doubt. I do not think we have the right to turn over to the Civil Service Commission or to any other commission the right to legislate.

I think it is absolutely indefensible to put a section such as this into a law. I do not think we have a right to pass a law giving to a commission the right to say what the meaning of the term "active part in political management or in political campaigns" is, and make that the law, and, in advance, make anything they say about it law. I have known the Senator from New Mexico for a long time, and I know he is a man of great ability and of a fine sense of right, and I would rather trust his judgment any time as to the meaning of the term "active part in political management and in political campaigns" than to trust any commission.

Why is that provision inserted in the bill? Why is it necessary to include a provision turning over to a body created by the Congress the power to define a phrase, as is provided here? If that section should be retained, I could not honestly and conscientiously vote for the bill. I do not think we have a right to transfer to a commission the duty of this body to legislate on such a matter. I should like to hear what the Senator has to say about that.

Mr. HATCH. First, I desire to thank the Senator from Tennessee for his very complimentary remarks. I am sure that he means every word he has said, and believes in the position which he has taken.

I am quite sure the Senator from Tennessee has not recalled the many times he has voted for legislation of this type; indeed, for a far more stringent type and character, giving departments power to make rules and regulations, and making a violation of such rules and regulations criminal offenses. I am quite sure the Senator from Tennessee will recall, when he thinks of it, that many times that has been done. Now, I do not defend that.

Mr. McKELLAR. They were not measures like this. We are asked to give to a commission, by this section, the power to legislate.

Mr. HATCH. I do not defend giving departments such power. When we give them power to make rules and regulations, and to make a violation of such rules and regulations criminal offenses, if that is not giving them power to legislate, I do not know what is. But I say, I do not defend that, and I think we have done entirely too much of it.

I have tried to explain why the committee adopted section 15, and I wish to say to the Senator that right now the United States Civil Service Commission has this power as to

more than half a million people. It has had this power for more than 50 years.

Mr. McKELLAR. Why give it again, if it already has the power?

Mr. HATCH. It has it only as to civil service employees. I have never heard that they have made a ruling that it was political activity for a man to vote, and of course they will make no such ruling. If they did make such a ruling, it would be totally invalid, and of no effect whatever. But it was because the Civil Service Commission has built up over a period of 50 years decision after decision interpreting this exact language—and the language comes from their rule—that we thought they should have the power to define that term, and we believe that the term should now be defined definitely. The Civil Service Commission does not have a definition of the term. They have, as I have stated, a body of common law, built up by decisions over the years. I wanted the rule to be something flexible, as experience grows. This has been included with no desire to delegate legislative power to any board or commission, but it seemed to be a sensible solution of a difficult problem.

Mr. BYRNES. Mr. President, the Senator may have discussed during my absence from the Chamber the question I am about to ask, and if so, I regret propounding the inquiry, but I should like to know whether the Senator has discussed the power that is given to the Civil Service Commission to take away a part of the funds contributed, say, to a land-grant college, because of the action of an individual employed by the P. W. A., we will say. The Senator has devoted a good deal of time to this question. Congress legislates and appropriates money, pursuant to statutory authority to a land-grant college. By the proposed law we would give the power to the Civil Service Commission to take money from the land grant college appropriation, repealing the law to that extent, if the P. W. A. had an employee who violated this statute. Again I direct my remarks to the penalty clause, because that bothers me considerably. My question is, What is the explanation of the Senator in support of conferring the power given to the Civil Service Commission to take a part of the funds appropriated by the Congress for a land-grant college, for instance, because some 6 months previously an individual connected, we will say, with the State vocational educational board, had been guilty of political activity under the definition adopted by the Civil Service Commission?

The report of the committee on page 4 states:

> However, there will be some cases (such as the case where an employee who has been removed on account of a violation in one agency is immediately reemployed in another agency) in which the particular circumstances make it appropriate to withhold funds from an agency which is not the one in which the violation occurred.

Of course, the bill does not limit it to immediate employment, but says if he is employed by any other agency of the State within 18 months.

The report continues:

> It is necessary to vest the Civil Service Commission with sufficient discretion, in determining from what agency the funds are to be withheld, to enable it to withhold funds from the agency upon which the responsibility for wrongdoing actually rests if such agency is one whose activities are financed in whole or in part by Federal funds, and to enable it to withhold amounts from some agency in instances where State officials permit State or local agencies whose activities are not financed from Federal funds to defeat the purposes of this section by employing persons who have been dismissed from other agencies because of violations of this section.

I wish to advise the Senator how that impresses me. The Senator called attention to the fact that when the Civil Service Commission had passed upon the question of the right to discharge an employee because of his political activity the punishment, which is dismissal, is inflicted upon the employee. But the land-grant college may be in no way connected with the violation of the act. None of its employees has violated this provision of the statute. But because the employee of another branch of the Government who has violated it is thereafter employed by the mayor of a city in the State, the right would be given to the Civil Service Commission to say, "We will not take money from this P. W. A. or this other agency. We will take it from the land-grant college"—perhaps because they have more money, or for some other reason. Has the Senator given thought, at least, to limiting the application of the provision to the agency whose employee offended?

Mr. HATCH. Yes; that matter was discussed in the committee and we tried to make such provision.

Mr. BYRNES. Why would not the Senator limit its application to the agency whose employee offended?

Mr. HATCH. The only reason is the illustration I gave with respect to interchange between agencies. The adoption of the Senator's suggestion might do away with the other evil.

Mr. BYRNES. Let us say a hospital is being built, and an employee of the P. W. A. has been discharged, and he has been reemployed by city officials. P. W. A. comes to the Civil Service Commission and says, "Do not stop the funds for that hospital. We need the money to complete it. Take it out of the land-grant college." The land-grant college may say, "No; take it out of other funds." The Civil Service Commission will have a difficult decision to make.

Mr. HATCH. They will have to take it from the institution in which the offending person was employed.

Mr. BYRNES. No; the report says that they will not.

Mr. HATCH. That was the intent.

Mr. BYRNES. The report at the bottom of page 3 says:

> Normally amounts withheld because of any violation of this section by an employee of any State or local agency will be withheld from a loan or grant to the agency by which such employee was employed at the time of such violation; however, there will be some cases (such as the case where an employee who has been removed on account of a violation in one agency is immediately reemployed in another agency) in which the particular circumstances make it appropriate to withhold funds from an agency which is not the one in which the violation occurred.

Under the language of the report and the bill, an agency whose employees had never offended could be penalized for the offense.

Mr. HATCH. I do not agree with that interpretation; but if there is any question about it, I shall gladly make that provision of the bill clear if the Senator will furnish the appropriate language.

Mr. BYRNES. If the Senator will read the report, he will see that it makes that specific provision.

Mr. ADAMS. Mr. President, it seems to me the Senator from South Carolina is absolutely correct. Not only does the bill authorize taking money from some innocent agency, but there is no limit on the amount.

Mr. HATCH. Oh, no.

Mr. ADAMS. It says:

> The Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

There is no limitation as to the agency from which it is to be taken, or the amount to be taken, but that is left absolutely to the discretion of the Civil Service Commission. In other words, it is made a capital offense, so to speak, for which one agency may be executed because some other agency committed a trivial violation of the law.

While I have the floor, may I go back to section 15?

Mr. HATCH. The Senator is not entirely correct.

Mr. ADAMS. Just a word along the line to which the Senator from Tennessee referred. I listened very intently to the Senator's explanation of the reason for section 15. I am fully aware of the fact that the Civil Service Commission have in many instances laid down the definition of objectionable political activity. The rules have grown up in cases somewhat like rate-making, that is they have issued a regulation with reference to this phase, and another as to that, and the Senator has in mind a sort of codification of these rules, but I think he has made his proposed law unconstitutional by the way in which he is seeking to work it out.

In other words, the Senator has made it an offense, with a very unusual penalty, for anyone under this classification to take an active part in the political management of a campaign. The Congress, by passing the measure, would set forth what constitutes an offense. It would be perfectly proper for the Civil Service Commission to interpret that in

the exercise of its authority as it would for a court. We lay down doctrines. But the Senator I think has made the mistake of saying that it shall not be a determination of the words as used by Congress which shall constitute the offense, but that the Civil Service Commission may lay down a definition of its own and that its definition shall then become the law.

I really think the Senator from Tennessee is correct, and that section 15 could be eliminated without in anywise harming the purpose of the bill. I think the Senator is jeopardizing the validity of the bill by allowing to remain the provision delegating the authority to define the offense or the crime.

Mr. HATCH. I am very glad, of course, to have the suggestion of the Senator from Colorado, in whose judgment we all have the greatest respect. That type of legislation, however, is not altogether new, and, in my opinion, it is constitutional. It is not a child to which I am so devoted as might appear. The idea was that there had been much talk throughout the country about political management and political campaigning. To me the words are perfectly simple. As the Senator from Colorado has said, they do not need any definition whatever. If an attempt is made to define them it might be in worse shape. A good many Senators have clamored that definitions should be established for this, that, and the other. It occurred to us that the Civil Service Commission has this power, and it has in effect been making similar decisions over the years, and that is the reason this section was included. It seems to me the words do not need any definition, and if we were to attempt to define "political management" or "political activity," somebody might want another definition defining the definition we gave, and so on and so forth. I think the words are perfectly simple.

Mr. ADAMS. The Senator has served on the bench. He knows that definitions will be made by the courts of words used in a simple criminal statute. But no legislature has ever said that the court itself may specify what shall constitute the crime and define it. In other words, the courts interpret the intention of the Congress rather than have delegated to them the power to make any definition they see fit.

Mr. HATCH. Has the Senator ever had occasion to read the various definitions of "reasonable doubt"?

Mr. ADAMS. Not all of them, but I have read a great many hundred of them. They run into thousands.

Mr. STEWART and Mr. PEPPER rose.

The PRESIDING OFFICER. Does the Senator from New Mexico yield, and if so to whom?

Mr. HATCH. I am trying to yield the floor. I yield first to the Senator from Tennessee.

Mr. STEWART. Am I to understand the Senator's construction of the language to mean that the duties imposed upon the Civil Service Commission are conclusive; that is, if the Civil Service Commission shall find that the law has been violated? Is there any provision for review?

Mr. HATCH. There would be in certain respects. I have been a little amazed at the objections to this bill, when some other things have been done which I might mention.

Mr. STEWART. Does the Senator understand that, so far as the provisions of the bill are concerned, the findings of the Civil Service Commission as to whether or not there has been a violation of the act in any way circumscribe criminal prosecution?

Mr. HATCH. They have nothing to do with criminal prosecution.

Mr. STEWART. Would the Senator object to an amendment to the bill which would provide for a review of the findings of the Civil Service Commission?

Mr. HATCH. How and where? I shall be glad to discuss the subject with the Senator.

Mr. STEWART. Suppose arbitrary or unfair action should be taken by the Civil Service Commission?

Mr. HATCH. No Member of the Senate is more zealous about protecting against arbitrary action than am I.

Mr. STEWART. I am sure that is true.

Mr. HATCH. If the Senator has in mind something which will prevent arbitrary action—something which is practicable and can be worked out—I shall be happy to join him.

Mr. STEWART. No one in this body has a higher regard for the Senator's integrity than I have.

Mr. HATCH. I thank the Senator.

Mr. STEWART. I mean that sincerely.

Suppose that in the application of the law, in the event the bill shall become a law, an arbitrary, unfair rule should be promulgated by the Civil Service Commission; then we would be wholly without a right of appeal.

Mr. HATCH. Of course, we are in that situation now in connection with many agencies. I do not like that condition at all. I like the theory of review. I am committed to that idea on general principles.

Mr. STEWART. To illustrate the thought I have in mind, suppose a more or less remote employee of some municipality should violate the provisions of the bill, and in providing for punishment under the bill, as the Civil Service Commission is given the right to do, the Commission should, as was suggested a moment ago by the Senator from South Carolina, impose punishment upon some innocent community within the State. Then there would be no review, no appeal, and no constituted body to which an appeal could be made. I wonder if the Senator would object to an amendment providing for review.

Mr. HATCH. Has the Senator any such amendment prepared?

Mr. STEWART. I have no such amendment prepared.

Mr. HATCH. I shall be very glad to have the Senator prepare such an amendment and submit it to me. I really like the idea he suggests.

Mr. STEWART. The Senator has given much thought to the matter.

Mr. HATCH. No matter how much thought we give to it, suggestions for improvement may still be made. As I previously stated when this measure came out of the committee, none of us imagined that it was perfect. I now have in mind an imperfection which I shall offer an amendment to correct. I wonder that it has not been mentioned. I shall offer an amendment covering certain institutions whose funds may be pledged in advance.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. ADAMS. As I understand, the bill which is now before us is an amendment to the original Hatch Act; and section 15, giving the Civil Service Commission power to make definitions, applies also to the original act.

Mr. HATCH. That is correct.

Mr. ADAMS. There is at least one provision in the original act providing for criminal prosecution. That is section 8.

Mr. HATCH. There is provision in the act for criminal prosecution.

Mr. PEPPER. Mr. President, will the Senator yield before he takes his seat?

Mr. HATCH. Does the Senator wish to ask a question?

Mr. PEPPER. I wish to ask two or three questions.

Mr. MILLER rose.

Mr. HATCH. I do not want to get into the situation which arose yesterday by trying to yield the floor to one Senator in preference to another. The Senator from Arkansas wishes to obtain the floor. If the Senator from Florida wishes to ask a question, I shall be glad to yield.

Mr. PEPPER. I wish to ask two or three questions, if the Senator will yield.

Mr. MILLER. I have not the floor.

Mr. HATCH. The Senator from Arkansas is trying his best to obtain the floor.

Mr. PEPPER. I certainly have no desire to interrupt the Senator.

Mr. MILLER. I wish to obtain the floor after the Senator from New Mexico shall have concluded.

Mr. PEPPER. Before the Senator from New Mexico takes his seat, I wish to propound two or three questions.

In the first place, I notice that on page 2 of the bill, employees of a State who are engaged in an employment which is partially subsidized by the Federal Government, are forbidden from taking any part in a political campaign for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate, or Resident Commissioner from any Territory or insular possession.

On page 4 of the bill, in lines 21 and 22, I read:

No such officer or employee shall take any active part in political management or in political campaigns.

I observe that the first provision to which I refer restrains such employees and officials from participating in what might be called a Federal campaign. The latter language to which I have referred seems to preclude them from taking part in any kind of a campaign—local, district, municipal, county, or State, as well as Federal. Is that true?

Mr. HATCH. That is correct.

Mr. PEPPER. The Senator really means that they are not only precluded from participating in a Federal campaign, but they are also precluded from participating in one of their own local campaigns?

Mr. HATCH. The section from which the Senator is reading is confined to Federal elections; but the other part of the bill, relating to political activity and providing for the withholding of funds, would apply to a strictly State election.

Mr. PEPPER. But the legal effect is as I have stated?

Mr. HATCH. Yes.

Mr. PEPPER. That is the first question I wanted to ask the Senator.

The next question is referring to the latter part of page 6——

Mr. BANKHEAD. Mr. President, would the Senator object to my asking a question on that point?

Mr. PEPPER. No.

Mr. BANKHEAD. I should like to find out if voting is taking an active part in a campaign.

Mr. HATCH. It is not.

Mr. BANKHEAD. Why is it not? Why does the Senator think voting is not? If a person leaves his home and goes to the polls and votes, why is he not taking an active part in the campaign? It is certainly not a negative part.

Mr. HATCH. The Senator was not present in the House of Representatives the night the original bill was discussed. In the original act there is a provision that nothing therein shall be construed to affect the right of a person to vote. Distinguished lawyers in the House criticized that language very much, because it attempted to confer a right which they said could not be taken away.

Mr. BANKHEAD. That is possibly true, but that does not show that voting is not taking a part in a political campaign. The Senator makes an exception of voting.

Mr. HATCH. The position of distinguished lawyers in the House was that putting the exemption in the bill added nothing whatever to the bill, because we could not take away that right from a person. I do not think we can. We may call it political activity if we wish, but it is still an inviolable right.

Mr. PEPPER. I note at the bottom of page 6 of the bill that the Commission—referring, I believe, to the Civil Service Commission—is authorized to—

Take into account the nature of such violations and the circumstances under which they occurred and shall fix such amounts, and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto, as in its judgment are sufficient to prevent violations of this section or evasion of its purposes and to carry into effect the purposes of this section, but without interfering with the activity for which such loans or grants are made to a greater extent than is reasonably necessary for the purposes of this section.

I was about to ask the Senator if it is not an accepted rule of law that the right of review in a judicial tribunal prevails with respect to the decisions of administrative agencies, and that, when such review occurs, in order for the administrative judgment and decision to be sustained there must have been at least substantial evidence to sustain the conclusion reached by the administrative agency. It must have dealt with the matter in controversy in such a way as to meet the requirements of due process of law. It must not have dealt with it arbitrarily or capriciously. I should like to ask the Senator, as an eminent lawyer and judge, if in the absence of any possible standards being laid down in the law to govern the action of the administrative agency it is possible for any judicial tribunal to set aside or reverse the action of an administrative agency.

Mr. HATCH. Does the Senator mean there is no method to get the question into court?

Mr. PEPPER. No. I mean that in the ordinary case the statute prescribes at least certain general standards which must be observed by the administrative agency in the decision at which it arrives. In this case I am asking the Senator whether or not any standards whatever are laid down to govern the amount of money that may be withheld by the administrative agency? In other words, would it ever be possible for a judicial tribunal to review the action of the administrative agency and reverse the decision of the administrative agency?

Mr. HATCH. I think so.

Mr. PEPPER. What standards are prescribed so that the administrative agency shall have some legal admonition or some legal basis upon which to determine the amount of money to be withheld? What is there in the measure to suggest to the administrative agency the standard it shall follow in determining the amount of money that may be withheld?

Mr. HATCH. The Senator himself just read part of it.

Mr. PEPPER. Let me put this case to the Senator——

Mr. HATCH. Let me read:

(c) In determining the amount of loans or grants to be withheld under subsection (b) on account of violations of subsection (a), the Commission shall take into account the nature of such violations and the circumstances under which they occurred and shall fix such amounts, and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto, as in its judgment are sufficient to prevent violations of this section or evasion of its purposes and to carry into effect the purposes of this section, but without interfering with the activity for which such loans or grants are made to a greater extent than is reasonably necessary for the purposes of this section.

Suppose the Civil Service Commission arbitrarily withholds all funds from a particular agency.

Mr. PEPPER. Very well, let us assume that one case and let us assume——

Mr. HATCH. Then the statute is clearly violated.

Mr. PEPPER. It might possibly be clearly violated in that case. Let us assume from the Senator's discussion that it is; but let us take another case—take the State road department of my State. It has a foreman in one of the counties in south Florida; we will say that foreman actually violates this proposed law and that fact is brought to the attention of the Civil Service Commission in the way the statute contemplates. The Civil Service Commission directs that a hundred thousand dollars be withheld from the State authority in the allocation of the State road department funds at the next period of allocation, and that matter comes before a judicial tribunal for review on the complaint of the State of Florida that the Commission has dealt unjustly or has imposed an excessive penalty in this case, what decision would the judicial agency render?

Mr. HATCH. Very frequently in cases in court—and I myself have been in such cases—where the action taken was clearly outside the authority vested, the court could and would act.

Mr. PEPPER. The point I meant to suggest to the Senator was that in the ordinary case in passing a law to afford a basis upon which administrative action may be taken Congress has persistently—and the courts have uniformly required that Congress do so—laid down the broad scope of the administrative authority. Here we are merely saying that in the case of the violation of this proposed law the Civil Service Commission may withhold such funds as they think should properly be withheld because of the violation in question. If a case comes before a judicial tribunal it is the determination of the administrative agency that is the criterion and not any legal standard; so there is no way for

the judicial tribunal to judge of administrative wrongdoing, if any.

Mr. HATCH. Confining it exactly to the language the Senator quoted, he would be correct, but he does not quote it all.

Mr. PEPPER. What is it that I have omitted?

Mr. HATCH. I read it to the Senator.

Mr. PEPPER. The language of limitation to which the Senator refers, I assume is the part beginning with the words—

But without interfering with the activity for which such loans or grants are made to a greater extent than is reasonably necessary for the purposes of this section.

Mr. HATCH. Yes.

Mr. PEPPER. What does that mean? I will ask the Senator to define what that means.

Mr. HATCH. The Senator cannot understand it.

Mr. PEPPER. If the Senator from New Mexico were sitting as a judge, what would he say that means?

Mr. HATCH. If the Senator cannot understand the language, I am sure that nothing that I can say would make it any plainer. It means exactly what it says. It is not difficult to tell if the withdrawal of funds would interfere with or cripple or destroy an activity.

Mr. PEPPER. Suppose the State of Florida receives, we will say, $1,000,000 a year from the Bureau of Public Roads, and suppose $50,000 is withheld because of an employee or a group of employees violating this proposed law, is that to be held erroneous or justified if it comes into a court, and, if so, what is the standard that the court should follow?

Mr. HATCH. It would depend altogether on the nature of the violation.

Mr. PEPPER. I will ask the Senator this question: Is there any analogy of which the Senator knows in any existing statute or law to that provision?

Mr. HATCH. Yes.

Mr. PEPPER. I will be glad to have the Senator suggest one.

Mr. HATCH. I referred to one a while ago. We gave the Social Security Board power to require the setting up of a merit system and to withhold funds if such a system were not followed. That course of action has been pursued right along. And among other conditions required to exist is identically the same rule against political activity.

Mr. PEPPER. I want to suggest to the Senator that in the ordinary case the Federal Government prescribes the conditions upon which the Federal funds may be allocated. If those conditions to do not exist, then the Federal funds are not allocated, and, therefore, generally not received. In certain cases, for example, the Federal funds must be matched.

Mr. HATCH. Does the Senator say that?

Mr. PEPPER. Yes; I say that that is usually the case. For example, social-security funds must be matched by the States. If they are not matched, Federal funds are not allocated. Generally speaking, I say the Congress defines the conditions upon which the Federal appropriation becomes effective; for example, a matching requirement. If the State agency does certain things, then it is entitled to a Federal appropriation; it is up to the administrative agency to determine whether or not the conditions have been met; but those are standards usually capable of definition, whereas in this case there is unlimited discretion and uncontrolled caprice which may be exercised by the Civil Service Commission in passing upon the matter.

Mr. CLARK of Missouri. Mr. President——

Mr. HATCH. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I should be glad to have the Senator from Florida state the instances where the specific provisions as to matching are written. Of course, that is true in the case of highway funds and in a few other instances. I know of one Government activity in connection with which my State gets four times as much from the Federal Government as the State appropriates for itself; but in the great body of appropriations we have made during the last 7 years we have simply signed blank checks and allowed the money to be allocated to the States.

Mr. PEPPER. What I intended to say was that a general standard was provided in the law with respect to the appropriation of Federal funds, and I stated that that is true with respect to the Bureau of Public Roads funds and social-security funds and practically all other funds that are appropriated by the Federal Government. The existence of the conditions and whether they exist or not usually depends upon the finding of the administrative agency.

Mr. CLARK of Missouri. The Senator does not contend that that applies to relief or public health or numerous other Federal contributions?

Mr. PEPPER. I am glad the Senator mentioned relief, for I can use that for analogy. Under the existing relief law each State is required to put up a minimum of 25 percent of the cost of W. P. A. projects.

Mr. CLARK of Missouri. Yes; but Congress appropriated vast sums for direct relief without any requirement whatever of that sort, and for a long time it did not require any direct contribution locally on W. P. A. projects, with the result that we found in the unemployment committee a year or so ago that the city of Greater New York, for instance, had made a contribution of less than two-tenths of 1 percent, while the State of North Dakota has made a contribution of 34 percent.

Mr. PEPPER. And it was because we were dissatisfied with an uncontrolled discretion in the distribution of relief funds that Congress laid down the standard of 25 percent.

Mr. CLARK of Missouri. In some cases.

Mr. PEPPER. But that is not a penal statute, as in this case.

Mr. HATCH. Of course, the Senator was himself the one who raised that question, and I was amazed at his statement that we did make money grants and provide appropriations without any limitations whatsoever.

The PRESIDING OFFICER. Does the Senator from New Mexico desire to offer an amendment to the committee amendment?

Mr. HATCH. Yes; I desire to offer it.

The PRESIDING OFFICER. Is there objection?

Mr. DANAHER. What is the amendment?

The PRESIDING OFFICER. The clerk will state the amendment to the committee amendment offered by the Senator from New Mexico.

The LEGISLATIVE CLERK. In the committee amendment, on page 7, after line 3, after the word "section", it is proposed to strike out the period and insert the following:

Provided, That in no event shall loans or grants pledged by a State or local agency as security for its bonds or notes be withheld where such action would jeopardize the payment of principal or interest on such bonds or notes.

The PRESIDING OFFICER. The Chair understands that is an amendment offered by the Senator from New Mexico to the committee amendment.

Mr. HATCH. That is correct.

The PRESIDING OFFICER. Without objection, the committee amendment will be so modified.

Mr. MILLER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me to make a parliamentary inquiry?

Mr. MILLER. I yield.

Mr. BARKLEY. I inquire, Are we considering the language in italics in section 12, on page 4? Is all section 12 a single amendment?

Mr. MILLER. That is one amendment.

The PRESIDING OFFICER. The Chair understands that is one amendment.

Mrs. CARAWAY. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The junior Senator from Arkansas has the floor.

Mr. HILL. Mr. President, will the Senator from Arkansas yield to me to make a point of no quorum?

Mr. MILLER. I yield.

Mr. HILL. I suggest the absence of a quorum.

Mrs. CARAWAY. I made the point of no quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Sheppard
Bailey	George	Lucas	Shipstead
Bankhead	Gerry	Lundeen	Slattery
Barbour	Gibson	McCarran	Smathers
Barkley	Gillette	McKellar	Smith
Bilbo	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Byrd	Hale	Miller	Thomas, Okla.
Byrnes	Harrison	Minton	Thomas, Utah
Capper	Hatch	Murray	Tobey
Caraway	Hayden	Neely	Townsend
Chandler	Herring	Norris	Truman
Chavez	Hill	Nye	Tydings
Clark, Idaho	Holman	O'Mahoney	Vandenberg
Clark, Mo.	Holt	Overton	Van Nuys
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Radcliffe	White
Davis	Johnson, Colo.	Reed	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. MILLER. Mr. President, yesterday afternoon I proposed an amendment in the nature of a substitute for the committee amendment, beginning with line 15 on page 4 and going down to and including line 18 on page 7. If the amendment I propose should be adopted by the Senate, it would necessitate also striking out sections 13 and 15 of the bill. The amendment I propose, which is in the nature of a substitute, is for the purpose of getting at what I think to be the real heart of this entire controversy. I am proposing to strike out of the bill section 3, the section in italics, which has been the cause of most of the discussion, and to substitute therefor a provision repealing section 9 of the original Hatch Act.

The original Hatch Act was passed by this body on the 13th day of April 1939. It is true that the act had been discussed to some extent prior to that time; but on the day on which it passed, and on the day on which the amendments were adopted, it received scarcely any, if any, discussion. As the remedy I suggest calls for a repeal of a portion of the original act—which, if it is repealed, will make it utterly unnecessary to consider sections 3, 13, and 15 of the pending bill—I desire, if I may, briefly and I hope fairly to review the provisions of the so-called Hatch Act. I should like to call the attention of the Senate to that act to see just where we are and what we are undertaking by this bill to amend.

I take it no one would have any objection to section 1 of the Hatch Act. It simply makes it unlawful to intimidate or coerce any person in any election.

Mr. MINTON. Mr. President, will the Senator yield at that point?

Mr. MILLER. I yield.

Mr. MINTON. That section applies to everyone?

Mr. MILLER. It applies to everyone.

Mr. MINTON. The person affected might be the president of a corporation intimidating the employees of the corporation.

Mr. MILLER. That provision is universal.

Mr. HATCH. Does the Senator approve of that section?

Mr. MINTON. Oh, of course I approve of it.

Mr. MILLER. Mr. President, I desire to be courteous to my colleagues; and, if they want me to yield, I shall be glad to yield to them.

The PRESIDING OFFICER. The Chair understands that the Senator from Arkansas would like to have Senators ask permission to interrupt him.

Mr. MILLER. I think that is perfectly proper.

Mr. President, section 2 of the Hatch Act is dealt with in this bill. If Senators will observe the bill now under consideration they will see that section 2 is exactly the same as section 2 of the Hatch Act, with the exception of the words beginning on page 2, in line 4, at the figure (2), going down to and including the words "United States" on the same page, in line 16. In other words, that part of the bill is section 2 of the Hatch Act made applicable to certain State officials, and is a reenactment of certain provisions of section 2 of the original act.

Section 3 of the Hatch Act was at that time, and is now, substantially the same provision that is carried in the Corrupt Practices Act, which has been the law for many years.

The reason I am calling the attention of the Senate to these provisions is that, in my opinion, the provisions of the Hatch Act which I do not seek to repeal or to change are ample to protect everybody, and at the same time preserve to the average citizen his rights as a citizen.

Section 4 of the Hatch Act, which is not sought to be interfered with, makes it unlawful to deprive anyone of employment or threaten to deprive anyone of employment. That is the provision which was enacted because of certain talk about W. P. A. manipulation. Everybody approves of that provision, and it is general in its application.

Mr. McKELLAR. Mr. President, the same provision is in the appropriation act regarding W. P. A. workers.

Mr. MILLER. Yes; the same provision is in the appropriation act. That is true. Nobody can object to that provision, and it is all-inclusive. It is general in its application.

Section 5 of the Hatch Act makes it unlawful to solicit funds from persons who are receiving their pay from appropriations made by Congress. Nobody objects to that section.

Section 6 makes it unlawful to furnish or to aid in furnishing lists of employees receiving their pay from appropriations made by Congress.

Section 7 makes it unlawful to use any appropriation now or hereafter made, or any part of it, to coerce, to intimidate, to influence, or otherwise to interfere with an election. That section is left intact.

Section 8 is the criminal provision affecting the sections referred to, and it provides a penalty of $1,000 fine for violating those sections.

Now, we come to section 9 of the act, which, in my opinion, should be repealed. If it should be repealed, it would make unnecessary further consideration of section 3 of the pending bill or that part which is in italics.

Let me call the attention of the Senate to the fact that the portion of the bill under consideration, beginning on line 15, page 4, the portion in italics, is an attempt to extend section 9 of the original Hatch Act to State employees, with the addition of the enforcement provision, through and by the Civil Service Commission. That, in effect, is what this section in italics, the one I am seeking to strike out, does. If it should be stricken out, then it is certain that section 9 should be repealed.

Now let us see about section 9 and consider what kind of a measure we have here. What is the present law? I have called the attention of the Senate to the provisions of the Hatch Act which would be left intact, and which, in my opinion, and I believe in the opinion of every disinterested person, protect everyone from any influence, coercion, or intimidation, official or otherwise. Now we come to section 9 of the Hatch Act, and I call attention to this specific language:

> It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

That is the first sentence of section 9. Let me call attention to the first sentence of section 2 of the same act, because if there ever was a "nigger in the woodpile," he is found lurking in section 9 of the act. The first sentence of section 2 is almost word for word like the first sentence of section 9, with the exception that in section 9 the words "or influence" have been added. Under section 2 of the original Hatch Act the use of official authority is prevented. No one objects to that. Officials should not be permitted to use official authority. But let us see what the act provides, reading a little further. In section 9, by the first sentence, it is sought to prevent the use of official authority or influence.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. MILLER. I yield.

Mr. O'MAHONEY. Does the Senator contend that the first sentence of section 9 is fully covered by section 2 of the Hatch Act?

Mr. MILLER. I think so.

Mr. O'MAHONEY. In other words, the statement in the first sentence of section 9 that "it shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof," is, in purpose and effect, the same as the language in section 2, which reads:

> It shall be unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, or any corporation all of the capital stock of which is owned by the United States or any agency thereof), to use his official authority for the purpose of interfering with, or affecting the election or the nomination—

And so forth. So that the first sentence of section 9 is, the Senator contends, a mere repetition of the provision of section 2?

Mr. MILLER. A repetition, except in this respect—and this is why it was inserted—that after inserting the first sentence in section 9, then in the next sentence we provided an escape clause, and practically nullified section 2. Let me read further:

> No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

Then:

> For the purposes of this section the term "officer" or "employee"—

And the words "officer" or "employee" are in quotation marks, seeking to convey the thought that the application is to the particular words "officer or employee," but the provision of the first sentence is that whoever shall be employed in the executive branch shall be under certain obligations, and a man is your employee, although you may not call him such, if he is working for you, and likewise a man working in the executive branch is an employee of the executive branch. Therefore those are exempt, because—

> For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments—

And it would be interesting to see a roster of the assistant heads of the various departments—

> (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

Such officers in the executive branch of the Government may use their official authority under section 9. The only thing that section means, when it is reduced to practicalities, is that we are exempting and saying to a certain group of men in Washington, men who direct the policies, "You can do whatever you please about it. You can take such action as in your judgment the conditions warrant and dictate," but if any man who is not a director, or who is not a policy former, or who is not an assistant head takes the action, what happens to him? He is discharged. And who discharges him? The same man who is exempted from the penalty.

The next section provides:

> Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

What does that mean from a practical standpoint? Let us be practical about this matter. There is nothing mysterious about it. I know there is not a Member of the Senate, indeed, not a Member of the Congress, who does not want fair elections. This act is called an act to prevent pernicious political activities. In section 9 is the most pernicious provision found in any statute I have ever seen, for this reason: We have exempted the policy formers, the bureaucrats, the men in Washington; yet the men who are out in the bushes, the men who are out in the field, the men who are doing the work, cannot do anything except vote, and probably whisper to their neighbors, if they do not get caught at it.

Suppose a man does not comply with the law; suppose a man attempts to preserve his rights as an average citizen; what happens to him? His superior takes his head off, that is all. It merely means, from a practical standpoint, that the head of the executive department may dictate to every employee in the department, because the head is exempt, while the employees are not. Is that fair? Is it American?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McKELLAR. If it is a good law, why exempt Senators, for instance? Why not include Senators? Senators are as much interested in politics as anyone else in the world.

Mr. MILLER. I have heard so.

Mr. McKELLAR. Why should we take the inoffensive, small employees in the various States, who happen to be paid out of a Federal appropriation, and undertake to penalize them for taking any part in elections, and in the same act excuse Senators? I think Senators, members of the Cabinet, and all other officials should be included in the act if we are to pass a law such as this. I think there ought to be the same law for all. There ought not to be exceptions in the law, in my judgment.

Mr. MILLER. I heartily agree with the Senator; but what I am trying to point out is what we have already done. What I am proposing to do is to repeal section 9, and with its repeal goes the necessity of the enactment of that part of the pending bill which is in italics, and also there passes out with it section 13 and section 15.

"Pernicious" means harmful, baneful, destructive. I cannot for the life of me see why it should be considered a pernicious act for an upright citizen, even though he may be drawing his money from the Federal Government, to exercise the same privileges as every other citizen exercises. Yet in this case we say that he can vote and can express an opinion, but he had better not go to any political function; he had better not go into a political headquarters; he had better not be seen lurking around any place of public speaking; he had better not exercise the right of free speech and make a speech, because, if he happens to say something contrary to the political views of the head of his department, off goes the employee's head, and he ceases to be an employee.

I may call the attention of the Senate further to the next provision of the Hatch bill.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. MILLER. I yield.

Mr. O'MAHONEY. Before the Senator proceeds to the next provision I should like to have him illuminate a little more the argument which he has just made. It strikes me that the Senator has made a very important assertion—namely, that the second part of section 9 of the present law nullifies the provision of the first sentence. The first sentence, which is identical, as the Senator argues, with section 2——

Mr. MILLER. Practically identical.

Mr. O'MAHONEY. Prohibits any person employed by the Federal Government from using his official authority or influence to affect an election. I take it that by that the Senator means that any person in the Federal service who uses the power and responsibility vested in him by reason of the

law which creates his position to affect an election is offending against this law.

Mr. MILLER. Offending against section 2 and section 9.

Mr. O'MAHONEY. The Senator agrees that that sort of an offense should be punished?

Mr. MILLER. It should be, and is, under section 2.

Mr. O'MAHONEY. But then the Senator says that the sentence further down in the paragraph, which describes and defines the meaning of the word "employee" exempts from the prohibitions of the act certain types of employees, among them heads of Government bureaus. Is it the Senator's argument that by reason of that sentence the head of a Government bureau is authorized to use his official influence in carrying out a law to interfere with an election?

Mr. MILLER. No; I mean to say, Mr. President, that the first sentence of section 9 is surplusage. Section 2 of the act prohibits the use of official authority. It is made a crime to violate section 2. But to violate section 9 is not a criminal offense; the only penalty being discharge from employment.

Mr. O'MAHONEY. I understand that; but I was trying to develop the exact meaning of the Senator's statement that this was an escape clause. Is it the Senator's contention therefore that an employee who is defined in the sentence of section 9 beginning with the words "for the purpose of this section the term 'officer' or 'employee'," may disregard the first sentence of section 9?

Mr. MILLER. I think so.

Mr. O'MAHONEY. In other words, let us take a particular office, and I use the office of First Assistant Postmaster General because at one time I occupied that position. That official under the first sentence would be prohibited from bringing together, let us say, the employees of the Post Office Department into his office and talking to them about political matters, and saying, "I should like to have you vote this way or that way." That would be prohibited?

Mr. MILLER. Yes; by section 2.

Mr. O'MAHONEY. It is also prohibited by the first sentence of section 9.

Mr. MILLER. Yes.

Mr. O'MAHONEY. Is it the Senator's contention that by reason of the escape clause such an officer would be permitted, without offending the law, to attempt to use his official influence in that way?

Mr. MILLER. That is my contention, certainly.

Mr. HATCH. Mr. President, will the Senator yield to me at that point?

Mr. MILLER. I shall yield to the Senator after I have made one more statement. In other words, he can do the very things stated by the Senator from Wyoming without incurring the penalty of section 9, which is dismissal.

I now yield to the Senator from New Mexico.

Mr. HATCH. The Senator does not mean to say, I take it from his last remark, that the employee would not incur the penalty provided in section 2?

Mr. MILLER. No. I am holding sections 9 and 2 separate and apart.

Mr. HATCH. But section 2 is still in effect?

Mr. MILLER. Section 2 is still in effect; yes.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BYRNES. I was obliged to step out of the Chamber for a few minutes. I wish to know how the Senator justifies the contention that the First Assistant Postmaster General, in the illustration offered by the Senator from Wyoming, could exercise his power to influence the vote or the views of his employees without violating the first sentence of section 9, and likewise the first sentence of section 2. What is the escape clause?

Mr. MILLER. The point is that he might violate section 2 of the original Hatch Act; but the only penalty there provided is a trial by court and jury, with possible fine and imprisonment. But if he violates section 9——

Mr. BYRNES. That means dismissal.

Mr. MILLER. Yes; that means simply dismissal. Therefore, he is exempted by section 9 from incurring the risk of being discharged.

Mr. BYRNES. He would have a trial in court.

Mr. MILLER. Yes; that is all. I would much rather be tried any day by a jury of 12 men and a fair-minded court than by a bureaucrat.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. I should like to ask the Senator from Arkansas if he does not recognize a distinction between the holder of an administrative position, within the meaning of section 2, and the holder of an executive office, within the meaning of section 9?

Mr. MILLER. Mr. President, I do not; and neither do the lawbooks. I thought there was a difference between an administrative officer and an employee of the executive department. But the books tell me there is no difference; that an administrative officer is an employee of the Government, except in the legislative and judicial branches, and that he is employed to execute the laws in the executive department. There is a distinction in words but no difference in meaning.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MINTON. Does the Senator contend, then, that the words "administrative position" as used in section 2, would include, let us say, the President of the United States?

Mr. MILLER. I think they would.

Mr. MINTON. And the members of his Cabinet, of course?

Mr. MILLER. I do not think there can be any doubt in the world about it.

Mr. President, I want to submit to the Senate whether we have not gone as far as any legislative body should go in the enactment of the original Hatch Act, and whether section 9 should not be taken from it now, upon the first opportunity we have, in order to protect the rights of the average citizen.

Mr. President, to me it is a terrible thought that I or any other average citizen of this country should be denied the right of free speech, should be denied the right to go on the public forum and discuss publicly any issue which may be before the American people. Yet there are thousands and thousands, yes, hundreds of thousands of men and women in this country today who under section 9 are denied that privilege.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. SHIPSTEAD. I realize what the Senator is protesting against, and still is that not the essence of civil service?

Mr. MILLER. Please do not ask me to define civil service.

Mr. SHIPSTEAD. I am not asking the Senator to define it. I am asking if what the Senator objects to is not the essence of civil service.

Mr. MILLER. I do not think so.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MINTON. It is not the essence of civil service as the Hatch Act applies it. Those under civil service are required to take no part in political activity, but they are given something in exchange. They are given security of position, whereas those whom the Hatch Act affects are not given anything in exchange for the thing taken away from them. They have no security of position. They have no right to defend their position or to hold their position. That right is denied them under the Hatch Act.

Mr. MILLER. Mr. President, I do not wish to detain the Senate on this matter. I know that I have as much interest as has any other Senator in the welfare of the people of our country, in the form of our Government, and in the way of doing things according to American tradition. However, we have come to a peculiar point in our history when we give to bureaucrats and heads of departments in Washington the right to discharge any man for exercising a right for which our forefathers fought. That is how far we have gone with the Hatch Act. Section 9 should be eliminated. As I have previously stated, if my amendment is adopted, it will obviate

the necessity of giving consideration to section 3 of the pending bill.

I say very frankly, Mr. President, that I think section 2 as proposed to be amended by the pending bill should be adopted. Section 2, as proposed to be amended, applies, and seeks only to apply, to State officers, and applies to State officers in States where Federal money is being expended, the same rule that is applied to Federal officers under section 2. But that is as far as we ought to go. That is as far as we can go in good conscience.

I submit to the Senate, in all fairness and candor, that the way out of this dilemma, the way out of the intolerable situation in which we find ourselves, is to adopt the amendment I have proposed, and thus give consideration to section 3, and determine whether or not we want to apply the official authority applied in section 2 of the original act. Then we shall have a livable, workable American law.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. I wish to invite the attention of the Senator to a comparison between section 2 and section 9, and ask his opinion. Before I do so, I wish to point out that the comparison does not bear at all on the Senator's argument solely with reference to section 9, but only insofar as he would have us think that section 9 is surplusage.

Mr. MILLER. No; if the Senator has the idea that section 9 is surplusage, he has the wrong impression.

Mr. DANAHER. I do not have that idea, but I think the Senator may have left that impression.

Mr. MILLER. No; I was referring to the first sentence of section 9.

Mr. DANAHER. Very well.

Then, Mr. President, with that definition of an understanding between us, let me put this question:

Under the language of section 2, an administrative officer is forbidden, under criminal penalty, to use his official authority for the purpose of interfering with the election of a Federal officer, but the first sentence of section 9 very definitely applies to and limits the use by the executive officer of his official position in any election.

Mr. MILLER. The language is "with an election."

Mr. DANAHER. Therefore, it may mean any election; may it not?

Mr. MILLER. Taking the context of the act, it would certainly mean any election. That makes it even more obnoxious.

Mr. DANAHER. It may well be that that particular point is in line with the objective which I seek to make clear. I believe the junior Senator from Louisiana [Mr. ELLENDER] recently told us about actions in Louisiana in which a member of the executive branch of the Federal Government, as I understand the term "executive branch of the Federal Government," went into Louisiana and, according to the Senator from Louisiana, very markedly affected an election which took place in that State. That was the burden of the address which we heard. As I see it, that type of violation, if it be a violation, is the type inveighed against by section 9. There is nothing in it which is criminal per se, and therefore such an officer, if he can be said to have violated the law, comes within section 9 (b), but is not answerable in any sense to the criminal penalties involved in the definition of section 8. Is that statement substantially coincident with the Senator's view?

Mr. MILLER. Should he come within the provisions of the first sentence of section 9, he would be excused by the sentence following, because he is an employee of an executive department. The man to whom the Senator has reference evidently occupied a policy-making position. He was an assistant to the head of a department of the Government. Therefore, he would have been excused.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. MILLER. I yield.

Mr. DANAHER. The Senator will understand that I did not charge that the official in question had affected the election.

Mr. MILLER. I understand.

Mr. DANAHER. I was seeking to find out whether or not the Senator's argument would apply to that type of conduct.

Mr. MILLER. He would be excused from discharge because he was the assistant to the head of a Department.

As I started to say, Mr. President, it is not my desire to detain the Senate. As much as any man I appreciate and honor the Senator from New Mexico for his sincerity of purpose, his faithfulness, and his tenacity. I am in sympathy with the objective which he seeks to reach. However, I submit to the Senate that the motives of the Senator from New Mexico are no higher or purer than are the motives of any other Member of the Senate. He has not so implied. He would not so imply, because he is a sincere and honest man. However, because of our unquestioned faith in his integrity and judgment we have been led into a situation which is intolerable, and it is now sought to lead us further. I know the Senator did not mean to lead us into an intolerable situation. Nevertheless, that is what has happened.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HATCH. I do not wish to take the floor again. I thought the Senator was about to conclude. I wish to thank the Senator for his very gracious and kind remarks. Later, I shall take the opportunity to reply to the argument which the Senator has made, especially with regard to certain legal phases of the act with respect to which I think the Senator is clearly mistaken.

As to being misled into an intolerable situation, I must say to the Senator from Arkansas that I think the passage of the act was not due to leadership and certainly not to purity on the part of the Senator from New Mexico. However, the situation is not intolerable. It is not intolerable to try to protect the freedom and sanctity of the ballot, and to insure free elections of free men. That is what the Senator from New Mexico is trying to lead to, through the act which was passed and through the pending measure, and not to an intolerable situation.

Mr. MILLER. That is exactly what I am seeking to do. I should like to have free elections. I should like to have elections free from intimidation and domination by heads of departments and assistant heads of departments. Such elections cannot be had under this law. Heads of departments and their assistants may act with impunity.

I welcome the time when the Senator from New Mexico will discuss the Hatch Act to prevent pernicious political activity, because I know that a discussion from him in his fair, able, and comprehensive manner will lead the alert minds of the Senate, many of whom are doing me the honor to listen, to the inescapable conclusion that section 9 ought to be repealed if we are to maintain liberty and political freedom in this country.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CONNALLY. I particularly enjoyed the Senator's discussion of section 9. I wish to ask him a question or two with reference to section 12.

Mr. MILLER. Does the Senator mean section 12 of the act?

Mr. CONNALLY. I refer to the proposed new section 12 of the act, found on page 4 of the bill.

Mr. MILLER. That is the section which I am seeking to strike out by an amendment which would also insert a clause repealing section 9 of the original act.

Mr. CONNALLY. Then the Senator ought to redraft his amendment, because the new section 12 is a committee amendment.

Mr. MILLER. That is true; but we are operating under an agreement.

Mr. CONNALLY. I wish to ask the Senator about not only the legality but the public policy involved in the following language on page 5, line 23, as to the powers of the Civil Service Commission:

If the Commission determines that any such violation has occurred, it shall * * * certify to the appropriate Federal agency the amounts of any loan or grant which should be withheld on account of such violation and whether any such amount should be withheld permanently or temporarily or conditionally.

I am amazed that any Senator should be willing to give the Civil Service Commission that kind of authority. It is not for us to decide, but we are to let the Civil Service Commission determine the amount of the loan or grant which shall be withheld, and whether any amount ought to be permanently withheld, or tantalizingly held up before the agency with the statement, "We will make you do as we say or we will take it back," like a person holding up a bale of hay before a hungry horse—

And whether any such amount should be withheld permanently or temporarily or conditionally.

I do not think we ought to give such power to the Civil Service Commission or any other agency:

If the Commission determines that such violations warrant the removal of the officer or employee by whom it was committed from his office or employment—

Most States have laws to the effect that an officer may not be removed unless he is impeached by the house of representatives and tried by the senate, but we proposed to give the States a much more efficient method of removing their officers. We propose to take the matter out of their hands and put it in the hands of the Civil Service Commission, so that an officer or employee may be put out over night; and if the agency does not comply with the decision of the Civil Service Commission, we will take the money away from it.

I invite attention to the following language on the same page:

The Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

Then the language on page 6, line 23:

and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto as in its judgment are sufficient to prevent violations of this section—

And so forth. Whose judgment? The judgment of State authorities? No. The judgment of the Congress? No. But the judgment of the Civil Service Commission.

As in its judgment are sufficient to prevent violations of this section or evasion of its purposes.

Then on page 7 the bill continues:

The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section.

I am amazed to find language of that kind in a bill in any legislative body, to say nothing of the Senate of the United States.

Mr. MILLER. Mr. President, I should like to observe, in reply to the suggestion made by the Senator from Texas, that I am not rushing to the defense of section 12, for I am proposing to strike it from the bill. Let me, however, call the attention of the able Senator from Texas to the fact that, horrified, as he rightfully is, at the attempt to grant power to the Civil Service Commission, I should like to have the Senator turn his mind to section 9 of the Hatch Act and he will find there——

Mr. CONNALLY. I will say to the Senator I have not that before me, but I think I sympathize with him in his attitude toward section 9.

Mr. MILLER. I do not need sympathy; I need votes, that is what I need.

Mr. CONNALLY. The Senator from Texas sometimes votes as he sympathizes.

Mr. MILLER. I agree most heartily in that statement.

Mr. CONNALLY. Let me ask the Senator about another clause on page 7, following what I quoted a moment ago. I refer to the clause reading:

Any determination made by the Commission under this section shall be final and conclusive upon all accounting and other officers of the United States and all other persons.

I presume on the men who are kicked out of office it is final and conclusive also. In my State if a man sues another for more than $20 he has a right to appeal to some court, but under this measure when the Civil Service Commission acts it is all over; there can be no appeal; no responsibility in anybody; but the action is "final and conclusive upon all accounting and other officers of the United States and all other persons." I agree with the Senator that section 9 is too strong, but I am not prepared to go as far as the Senator from Arkansas when he wants to include State officers in section 2.

Mr. MILLER. I am merely making a suggestion, I may say to the Senator, and I do not think the Senator from Texas would object to a prohibition against a State officer using his executive authority in a political way.

Mr. CONNALLY. The people of a State through their legislature should determine that question.

Mr. MILLER. That is true; but they are spending Federal money. However, I do not care to become involved in that phase of the argument, but, to say the least, it would be tenable.

In connection with what the able Senator from Texas said in reference to the Civil Service Commission and to the finality of their decrees and findings, let me again call attention to section 9. It prohibits a man who speaks to you and knows you from taking an "active part in political management or in political campaigns." What is an "active part in political management or political campaigns"? That is another one of those mysterious terms that may be defined by the man who is exempted. If John Smith, an employee, should go to the campaign headquarters of a United States Senator who was seeking reelection and who was obnoxious to the assistant head of the assistant to the assistant head or some other policy-making official here, what would happen? Off would go John Smith's official head, and there would be no appeal.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. May I point out to the Senator that if he will refer to page 5 of the bill he will find that John Smith, so to speak, would not even know what he was charged with.

Mr. MILLER. The Senator refers to the portion of the bill in italics?

Mr. DANAHER. I refer to the portion on page 5, lines 15 to 19, inclusive.

Mr. MILLER. That is what I want to get rid of; I want to get rid of that section entirely; and if it were eliminated we would stop much argument.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CHANDLER. I have enjoyed the very persuasive argument of my distinguished friend from Arkansas, and express pride and satisfaction that Kentucky contributed so much to his learning and early training. I think the Senator from Texas has criticized one of the best provisions of the whole bill. Some of us who have recently been Governors of States have had to deal with various boards and commissions, and always just before election, if we were not in accord with existing conditions, we were threatened with the withdrawal of public funds which, under certain statutes, come to the States to be matched by the States.

If I were in an executive position in my State now, I will say to the Senator that I would much prefer to deal with the Civil Service Commission or some unbiased, nonpartisan, honest agency that undertook to decide on the merits than to have some bureau or agency here telephone me once a week and say, "If you do not do thus and so, or if you do not

line up thus and so, you will lose the funds." That kind of thing gets very tiresome and monotonous.

We will mistake the temper of the American people if we do not reach the conclusion the Senator from New Mexico has reached, because, obviously, he has seen a vision and realizes that the people all over America are weary—it makes no difference whether it is Federal money or State money—of having the money of the taxpayers of America spent to have men elected to public office. If we do not clear up that situation some of these days the people will have a real revolt, and they will clear it up for us.

I am going to support the bill of the Senator from New Mexico for the reason that at one time I had some opportunity and some reason I thought to complain about the use of Federal employees against a candidate in an election, but I have no right to impose conditions on a Federal employee that I would not like to impose upon one who works for the State. The money we are spending, it must be remembered, is the money collected from the taxpayers of America who now pay every year more than they can afford; they need the money to be used for the purposes for which they pay taxes, and that is not to perpetuate anybody in office in the States or in the Federal Government. If we mistake the temper of the people and do not realize that they are determined, the time will come when they will ferret you out and you can be sure "your sins will find you out."

Mr. MILLER. Mr. President, the statement of the able Senator from Kentucky reveals exactly the error into which the Senate has fallen and is the best argument, as the Senator will realize if he will study the Hatch Act, why section 9 should be repealed. I will go just as far as will anyone else to prevent the use of official influence or official authority to control elections.

Mr. CHANDLER. Mr. President, will the Senator yield further?

Mr. MILLER. I yield.

Mr. CHANDLER. I go further and say that every man who holds an office, whatever it may be, and who for any reason expends the money of the people of America in the several States, should come under the law. I do not see any reason to include the little fellow and leave a policy-making official or an executive or administrative official free to use the money of the people of America to perpetuate himself or others in public office. I suspect that the Senator from New Mexico made the exemptions because he realized, perhaps, that he could not get his bill passed without them, and I imagine he will be just as willing as would any other Senator to take them all in and have it generally understood in the future that men who run for public office in the United States of America shall finance themselves and run on their record and quit spending the public money.

Mr. MILLER. I agree with the Senator.

Mr. HATCH. Mr. President, as the Senator from Kentucky referred to me, will the Senator from Arkansas yield?

Mr. MILLER. I yield.

Mr. HATCH. The Senator from Kentucky must have read the original bill, for there were no exemptions in it, and the only exemptions included were placed there because they had to be provided for certain policy-making officers, who, as a rule, hold political offices and have to go out and be active.

Mr. SMITH. Mr. President, will the Senator from Arkansas allow me to make an observation?

Mr. MILLER. I yield.

Mr. SMITH. We are trying to eliminate the use of Federal appropriations for political purposes. Does not the Senate know that we make them for political purposes? For heaven's sake, why not start at the root of the evil, the universal impoverishment of the United States to the tune of $40,000,000,000 to do what? If we are going to stop to clean house, let us stop where the dirty work begins. We have no constitutional right to pour out billions of dollars for relief, for social security, and old-age pensions. You know, you are doing it to buy votes, and then come here and try to shut off those who are administering it—the little fellows. Let us start where the devilment begins, and stop it.

Mr. MILLER. Mr. President, I do not want the issues in this case obscured by any extraneous matter. Let me again, if I may do so without appearing petulant, suggest that we should not make the same mistake in the consideration of this bill that we made in the enactment of the original Hatch Act.

I do not think a majority of the Senate would have voted for the original act upon a thorough analysis of it. Let us confine this proposed legislation to what we want it to be. Let us confine it to a prohibition against the use of official authority, of official intimidation and coercion, for the protection of the man on relief, and for the protection of the man who is dependent upon the Government and upon the appropriations of Congress for a livelihood.

Let us protect him, but at the same time let us protect the citizens of the country who are working for the Government, and give them the same rights that you and I exercise. We can do that in this case by repealing section 9, by adopting this amendment, and then giving consideration to section 2 of the bill.

The PRESIDING OFFICER. Does the Senator from Arkansas offer his amendment?

Mr. MILLER. Yes; I offer the amendment.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be stated.

The LEGISLATIVE CLERK. In lieu of the language beginning with line 15, on page 4, and extending down to and including line 18, on page 7, it is proposed to insert the following:

Section 9 of the act entitled, "An act to prevent pernicious political activities," approved August 2, 1939, is repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the committee amendment.

Mr. MINTON rose.

Mr. McNARY. Mr. President, I hope there will not be a vote on that amendment this afternoon. Some of the Members of the Senate are absent, and when the proper time comes I shall ask that the amendment go over until tomorrow; but I see that the able Senator from Indiana [Mr. MINTON] is now on his feet, and I think he desires to address the Senate.

Mr. MILLER. Mr. President, it was not my intention to ask for a vote on the amendment this afternoon. I understand that several Senators would like to be heard first, and the Senator from New Mexico [Mr. HATCH] a while ago served notice that he would like to discuss the Hatch Act, which discussion will be of benefit to us. I had no intention of asking for a vote on the amendment at this time. I merely wanted to have the amendment before the Senate.

Mr. McNARY. I appreciate the position of the able Senator; but the Chair was about to put the amendment to a vote.

Mr. MILLER. The Chair was just pressing for the transaction of business, as he had a right to so do.

Mr. President, in this connection, while I have the floor, I may say that if the amendment I have proposed shall be adopted I expect then to offer an amendment to strike out sections 13 and 15 of the bill, because they will obviously become unnecessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. MILLER] to the committee amendment.

Mr. HATCH. Mr. President, a parliamentary inquiry: I was out of the Chamber. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. MILLER], which has just been stated, to the committee amendment.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Legislative Clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Bulow	Chandler
Andrews	Barbour	Byrd	Chavez
Ashurst	Barkley	Byrnes	Clark, Idaho
Austin	Bilbo	Capper	Clark, Mo.
Bailey	Brown	Caraway	Connally

Danaher	Herring	Mead	Slattery
Davis	Hill	Miller	Smathers
Donahey	Holman	Minton	Smith
Downey	Holt	Murray	Stewart
Ellender	Hughes	Neely	Taft
Frazier	Johnson, Calif.	Norris	Thomas, Idaho
George	Johnson, Colo.	Nye	Thomas, Okla.
Gerry	King	O'Mahoney	Thomas, Utah
Gibson	La Follette	Overton	Tobey
Gillette	Lee	Pepper	Townsend
Green	Lodge	Radcliffe	Truman
Guffey	Lucas	Reed	Tydings
Gurney	Lundeen	Russell	Vandenberg
Hale	McCarran	Schwartz	Van Nuys
Harrison	McKellar	Schwellenbach	Wheeler
Hatch	McNary	Sheppard	White
Hayden	Maloney	Shipstead	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. DANAHER and Mr. MINTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DANAHER. I shall be glad to yield to the Senator from Indiana if he has some question to ask. Otherwise, I should like to hold the floor for a few minutes, if I may.

Mr. President, some time earlier I offered an amendment with reference to a provision for a hearing, not only as to any person accused of violating any provision or clause of this bill, but also to require notice to be given to any affected State agency.

Mr. President, the principle involved of giving notice to an accused, one who would be under such penalty as is contemplated by this bill, is so perfectly clear and so ingrained in our law that even the thought of its being omitted would be repugnant to all of us. It has previously been discussed today, and the Senator from New Mexico [Mr. HATCH], in charge of the bill, has had a copy of it, as I submitted it to him. I believe there can be no objection, either in principle or in fact, to the pending amendment; and under the parliamentary situation as stated by the clerk today I understand that since the pending question, other than the amendment offered by the Senator from Arkansas [Mr. MILLER], is an amendment offered by the committee itself to the pending bill, and since my amendment seeks to amend the committee amendment, I ought at this time to ask unanimous consent to be permitted to call up and offer my amendment which now is on the table, if that be in order.

The PRESIDING OFFICER. The Chair will advise the Senator from Connecticut that he does not need unanimous consent to call up his amendment. His amendment is a perfecting amendment to certain language which the Miller amendment would strike out. Therefore, it is in order for the Senator from Connecticut to offer his amendment without obtaining unanimous consent.

Mr. DANAHER. I thank the Chair. I feared a conflict between the Miller amendment and mine. I ask that my amendment, which is on the table, be read by the clerk, and I offer it.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Connecticut.

The CHIEF CLERK. On page 5, line 18, after the word "shall," it is proposed to insert the following:

> Forthwith by registered mail give notice to any such officer or employee and to the State or local agency employing such officer or employee of the pendency of the charge, in which notice shall be set forth a summary of the alleged violation and of the time and place for a hearing upon said charge, at which hearing (which shall be not earlier than 10 days thereafter) either the officer or employee or the State or local agency, or both may appear with counsel and be heard, whereupon said Commission shall—

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment of the committee.

Mr. LUCAS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Is that an amendment to section 9, or section 12?

The PRESIDING OFFICER. It is an amendment to section 3 of the bill, or the proposed amendment to section 12 of the Hatch Act.

Mr. LUCAS. I understood the Chair to say that this was an amendment to the amendment offered by the Senator from Arkansas.

The PRESIDING OFFICER. No; it is an amendment to the committee amendment.

Mr. DANAHER. Mr. President, under article VI of the amendments to the Constitution of the United States we find this statement of our fundamental rights:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

I recognize that this particular alleged violation is not criminal in nature, but it is penal, and because the question of fundamental rights is involved, it seems to me that the law should specifically provide for a hearing. The thought involved in my presentation of the matter has been thoroughly submitted, the Senator from New Mexico I am quite sure is in accord with me that the perfecting amendment should be agreed to, and I will not further take the time of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Arkansas [Mr. MILLER] to the committee amendment.

Mr. MINTON. Mr. President, I wish to take a few minutes to address myself chiefly to the amendment offered by the Senator from Arkansas [Mr. MILLER]. In my judgment, the amendment of the Senator from Arkansas draws the line of cleavage just where it ought to be drawn if we desire to keep within the title of the original Hatch Act, namely, to condemn certain pernicious political activities.

I will go as far as any man in the Senate to condemn coercion, intimidation, undue influence, or the oppression of voters in an election. I will go further in that regard than I think the Senator from New Mexico has gone in the original Hatch Act, or in the proposed amendment to the Hatch Act, which is now before the Senate.

I join the Senator from Arkansas in his eloquent appeal of this afternoon to the effect that we all want clean elections. There is not a Senator who is not opposed to coercion, to undue influence, and to the intimidation of voters.

When the original Hatch Act went quietly through this Chamber, and got by us all without any consideration, we thought that what the Hatch Act was dealing with was coercion, intimidation, the oppression, especially of the poor, unfortunate people on the W. P. A. rolls. At that time we had heard a great deal about the predicament of the workers on W. P. A., how they had been subjected to oppression here and to pressure there, and to coercion and intimidation in the matter of their votes. The country and the Congress of the United States were all outraged at the stories which came to us about the attempt to use Federal pressure and influence, particularly on the W. P. A. employees.

When the Hatch bill, therefore, came before the Senate, we all thought it carried provisions which looked to the extermination of coercion, intimidation, and undue influence. We thought that was the kind of a bill we were passing. But we woke up to find that the law had in it provisions which had never received any consideration at the hands of the Senate, provisions which had nothing at all to do with intimidation or coercion or undue influence of voters, provisions which had to do only with the exercise of the God-given right of every American citizen to support whomever he wanted to support in a political campaign.

Mr. President, the curse of democracy is that it is not possible to get people interested in democracy to the extent of going to the polls and voting, and here it is proposed by legislation to outlaw active and vigorous parties which are interested in the politics and the government of this country.

The Hatch bill was so framed that it covered not only pernicious political activities, but it included all political activities, and we sought by the measure to make a catch-all, covering not merely those who were oppressing and intimidating and using undue influence upon the voters of this country, but we took the voters who voluntarily wanted to go forth and do something in a political campaign and put their jobs in jeopardy, merely because they took part in a political campaign. They had not committed any other offense and they had not threatened to commit any other offense, yet we sought to say to them that they should not take any part in a political campaign, forsooth, because they held political jobs.

Mr. President, the Hatch Act, as the Senator from Arkansas so plainly pointed out this afternoon, contains many good provisions. There is not a Senator on the floor of the United States Senate who wants to destroy or weaken it, but many of us would make it go further.

The Miller amendment, in my judgment, draws a line between those provisions which condemn intimidation and coercion and the oppression of voters, and the voluntary action of voters. In other words, the Miller amendment would preserve every part of the Hatch Act which is directed at condemning the things we all want to condemn, that is, coercion and oppression and undue influence upon voters, but it says to the person who wants to go out voluntarily, not with intimidation, not with coercion, not with oppression, to take part in a political campaign, that he shall have the right to do so, and that no one shall say him nay. That, in my judgment, is what the Miller amendment would do.

It would draw the line between force and voluntary action. It would condemn force, but would permit a man to go out in a political campaign and exercise voluntarily his American right to be for whomever he wants to support in a political campaign.

Mr. President, is that pernicious? Where is the Senator who will rise in his place and say to me that an American citizen who participates in the democratic process by taking part in an election is engaged in a pernicious activity? It is not pernicious; it is an act we ought to encourage. We ought to encourage the people of this country to take part in the democratic process, instead of discouraging them and punishing them. All the Miller amendment would do would be merely to separate the things we all agree upon from the things we are all agreed should not happen.

Mr. President, I say that we are all against coercion. If we are against coercion we should be against the pending bill in all its aspects, because the bill is a bill of coercion. The bill, according to the words of the Senator from New Mexico, is not a bill which looks to the handing out or the withholding of Federal funds upon certain conditions, but rather to bringing about, as he said in one of his statements this afternoon, the withholding of funds because we want to bring about a certain result in the States among State employees.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. HATCH. I do not want my position to be misunderstood. I am afraid the statement the Senator has just made is not quite clear. The certain result to which I referred, using that term, I think I later explained, but to make it clear what I do desire to accomplish by this measure, and by the means of withholding funds, because that happens to be the only means I know of, I want applied to employees in the States to whom the Federal Government makes contributions exactly the same restrictions against political activities which we have applied to our own employees. That is exactly what I am trying to do, and if that is coercion, so be it.

Mr. MINTON. Very well. If I understand the Senator correctly, by this bill he does not want to withhold Federal funds. Hs is not concerned about withholding Federal funds from the States. What he is concerned with is to obtain a certain result in the States which everyone admits is purely a State matter.

Mr. President, let us see if the bill which the Senator from New Mexico has offered to us is coercive. It provides that if someone who is employed in a State office, or an employee in an administrative department of the State, shall, forsooth, play some politics, and someone finds it out and reports it, we will say, to the Department in Washington which may be contributing some Federal funds to the department in which he is employed back in the State, then it becomes the duty of the Civil Service Commission here in Washington to investigate the matter. To determine what? Whether the funds shall be cut off? Oh, no.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from Texas.

Mr. CONNALLY. Let us assume that a State gets some road money. That money is allocated on a formula, supposedly, of need and other things. I do not remember the formula now, but we give the State that money on the theory that it needs some roads, but if someone connected with the system plays a little politics, why then——

Mr. MINTON. Then the State does not need any roads.

Mr. CONNALLY. It does not need any roads, and the money is withheld. I object to that kind of coercion. The use of the power of giving or withholding money is the worst sort of coercion. If a State does not need money for roads, do not give it any, but if it needs it, why should one who is not violating the law and needs to ride over the roads be penalized because some other man was politically active? Mr. President, I cannot see the justice of such a policy.

Mr. MINTON. I agree entirely with the Senator from Texas. I want to show in a minute or two that this measure is coercive.

Let us say that the man in question is employed in the highway department in my State, which receives money from the Federal Government; that he has been playing a little politics there, and someone reports him. Oh, there will be plenty of snoopers around who will make such reports to Washington. Do not worry about that; there will be plenty of that done. They may want to get his job or they may want to embarrass him in some other way. So they will report that an employee of the highway commission in Indiana played a little politics. Then does the Civil Service Commission investigate to determine whether something has been done there which would justify cutting off the fund? Oh, no. It investigates to find out if a little politics has been played there, and then the Civil Service Commission will say, "We will cut off so-and-so much of your funds because somebody played a little politics on the highway."

Is that all? No; that is not all. It might be all right if the bill did not go any further. It might be a standard by which we could all agree to operate. But that is not all. It is provided that the Civil Service Commission shall certify to the appropriate Federal agency the amount of any loan or grant involved, and whether any such amount shall be withheld on account of such violation, and whether any such amount shall be withheld permanently or temporarily. It is a question of whether the loan shall be cut off permanently, or temporarily, or conditionally, and, as a Senator said a little while ago, dangle it before their eyes like a bundle of oats before a mule.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CHANDLER. Does the Senator know that that is being done now?

Mr. MINTON. Does the Senator know that it is being done now?

Mr. CHANDLER. Yes; that funds are being cut off from various States by boards and bureaus and commissions? That will not be done if and when the bill is passed. It is being done now. I suggest the case of Ohio, which did not get its relief funds a short while ago.

Mr. MINTON. That situation is on an entirely different basis, as I will attempt to show in a little while. What I was attempting to show, before I was interrupted, was that the bill is coercive. Those enforcing its provisions will coerce action. They will not be concerned about cutting off the Federal funds. They will not be concerned about conserving the Federal funds. They will not be concerned about whether people in Indiana need more roads or not. They will

not be concerned with that at all. They will cut off the funds—to do what? To obtain certain political results in a State, in a field that the Federal Government has no right to enter.

Mr. President, after it has been determined how much shall be withheld, and after it has been determined whether it shall be done permanently or whether it shall be done conditionally, then another consideration may be taken up. If the Commission determines that the violation warrants the removal of the officer or employee in question, then the Commission shall withhold more appropriations until he is discharged.

Mr. President, is that coercion? Is that handling of Federal funds looking to their wise expenditure in the States we want to help? No; that is coercion. It is desired to obtain a political result. It is desired to affect an election. It is desired to affect the activities of the employees of States.

Mr. President, more is desired. It is desired to go into the States and claim the right of the Federal Government to discharge employees of the States. Is that coercion? It is the worst kind of coercion. Is that all? Oh, no; that is not all.

If the Civil Service Commission determines that an employee has offended, he must lose his job. The Senator from New Mexico has not provided any protection to him, as to whether or not he should be heard, or should have the right of appeal. But the Senator from Connecticut has offered an amendment which may give the man a little protection. But when the fellow has been discharged, are we done with Federal coercion of the employees of the State? The Senator is not satisfied. He screws down the screws a little tighter, and the Civil Service Commission may do what? It may provide that the man who has been discharged shall be blacklisted for 18 months in his own State, and he cannot get a job anywhere in his own State for 18 months. For what purpose? In order to coerce and bring about a certain result in the State. It cannot be for any other reason. That is all it is for.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CONNALLY. Mr. President, I have just returned to the city. Although I am a member of the committee which had the bill under consideration, I was not able to sit with the committee in its hearings on the measure.

Let us say, a State officer of some kind comes within the provisions of the bill, and let us say the Civil Service Commission decides that he should be discharged. Of course, he would have to be discharged under the State law, I assume, according to the provisions of the measure. How impartial would the board trying him be, or the legislature, or whoever had to oust him?

How impartial would the trial be, and how fair, if on one hand the trial board was faced with the threat from Washington that all the money or a part of the money would be cut off by reason of that political activity, and on the other hand the public was howling and clamoring and saying, "For God's sake do not let the money be cut off; discharge that man and do so quickly"? What kind of a chance would he have of holding his place under such circumstances?

Mr. MINTON. He would have about the same chance that a snowball would have in the proverbial place.

Mr. President, let me read a little further from this measure designed to bring about purity in politics, this bill which is so virtuous that those who oppose it have aspersions cast upon them. I now read from page 6, paragraph (c).

(c) In determining the amount of loans or grants to be withheld under subsection (b) on account of violations of subsection (a), the Commission shall take into account the nature of such violations and the circumstances under which they occurred—

Mark this, Senators—

and shall fix such amounts and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto, as—

To do what?—

as in its judgment are sufficient to prevent violations of this section—

And what is this section? It is the section dealing with persons who hold political jobs and take a little interest in politics.

And so, we see that this measure is a coercive one, designed and intended to coerce the State and the State employees, in order to accomplish a result which we on the floor of the United States Senate think we would like to accomplish.

The question now arises, Have we the right to go into a State and dismiss the employees of the State? Obviously no. Have we the right to go into a State when an election is about to take place involving no Federal office, and say to the State employees, "You cannot take part in the democratic process in politics?" Have we a right to do that? Obviously we have no right to do it. But now it is proposed to do it. How? By means of a measure whose provisions coerce a result that could not be obtained by acting under any authority which the Federal Government has under the Constitution.

In other words, we are trying to do in an indirect and coercive manner something we have not the power to do directly in the first instance. We have no constitutional power—and the Senator from New Mexico will not contend for a minute that we have—to tell the States on what conditions they shall discharge their employees. We have no right to go into the States and control State elections. But what do we propose to do? We propose to use the Federal power to give or withhold money in order to bring about the things we have no power under the Constitution to bring about directly.

Mr. President, that very thing has been condemned by the Supreme Court of the United States all along the line. It is a well-recognized doctrine in the decisions handed down by the Supreme Court that the Federal Government may not go into a State and exercise in that State a power that is not warranted by the Constitution in order to coerce the State into doing something which the Federal Government itself could not do. Let me cite some decisions on that question.

The Federal Government has the taxing power, and it exercises that taxing power with reference to narcotics, but in the case of *Linder* v. *United States* (268 U. S. 5), the law was so broadly drawn that a doctor was indicted for prescribing narcotics to his patients, and he was convicted. The case was brought to the Supreme Court of the United States. The Supreme Court of the United States said, "Yes; you have the taxing power, you have the right to establish this penalty, but you have no right to control the practice of medicine in the State of Washington." The Supreme Court said that the Federal Government has no right to control the practice of medicine in the States, and that it may not use the taxing power to coerce the kind of practice of medicine in the States that the Federal Government wishes to bring about. The Supreme Court turned Dr. Linder loose. This is the law laid down by the Supreme Court of the United States:

Congress cannot, under the pretext of executing delegated power, pass laws for the accomplishment of objects not entrusted to the Federal Government. And we accept as established doctrine that any provision of an act of Congress ostensibly enacted under power granted by the Constitution not naturally and reasonably adapted to the effective exercise of such power but solely to the achievement of something plainly within the power reserved to the States, is invalid and cannot be enforced.

So the Supreme Court of the United States held that because the Federal Government had no power to control the practice of medicine in the State of Washington, it might not do so indirectly by the taxing power. I say that we have no power to control purely State elections in the States, and we have no power to say under what conditions a State shall discharge an employee. Yet, through the power which we have to grant or withhold Federal contributions to a State,

it is proposed that we shall coerce the State into doing what we have no power to compel the State do in the first instance. The Supreme Court has always said that the Congress of the United States has no power to do so.

A more recent case, which Senators will recall, was the case decided by the Supreme Court a few years ago declaring the A. A. A. Act unconstitutional. In that case the Supreme Court said that the power to confer or withhold unlimited benefits is the power to coerce or destroy.

The Court further said in that case, in speaking of the act:

> At best it is a scheme for purchasing with Federal funds submission to Federal regulation of a subject reserved to the States.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from New Mexico.

Mr. HATCH. I merely wish to be sure that I correctly understand the Senator. Did he quote the decision of the Supreme Court in the A. A. A. case?

Mr. MINTON. Yes.

Mr. HATCH. Was that not the subject which he so ably and eloquently discussed on the floor of the Senate one day?

Mr. MINTON. Yes. Unfortunately, however, I am not the Supreme Court. The Supreme Court still writes the law of this land, and not I. The Senator knows that.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. DANAHER. I should like to direct a question to the Senator from Indiana on a proposed amendment which I drew, with reference to page 4, line 20. I should like to read it to the Senator. It is brief:

> After the word "election" in line 20, insert: "or the nomination of any candidate for any office mentioned in section 2."

The effect of the amendment would be to limit the entire operation of section 12 to the Federal officers listed in lines 18 to 22 on page 2 of the bill. Would such an amendment meet the objections which have been argued by the Senator from Indiana?

Mr. MINTON. Yes; if it were confined to elections in which Federal officers are elected. However, the Senator from New Mexico would never agree to such an amendment, because section 2 already takes care of that question.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BANKHEAD. No Federal officers are elected except the President and Vice President—through the electors—and Members of Congress. Therefore the provision would be meaningless.

Mr. MINTON. I will leave the Senator from New Mexico to handle the amendments to his bill. I am not interested in them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BARKLEY. I am sure the Senator does not mean to intimate that he is not interested in the proposal suggested, that Federal funds ought not to be used for the purpose of electing State officers, any more than for electing Federal officers. The legislation goes a little further than I thought it was going at the time. We had the same question under consideration last year in connection with the relief measure, and I secured the adoption of an amendment in the Senate making the prohibition applicable also to State employees who are paid in whole or in part out of Federal funds. However, it seems to me that it is just as virtuous and just as fair to provide that State officers or Federal officers paid out of the Treasury of the United States shall not be allowed to take a pernicious part in the election of State officers as it is to make such provision in connection with the election of Federal officers. The Senator does not mean to say that he is indifferent toward that distinction, does he?

Mr. MINTON. I am perfectly willing to let the bill include anybody engaged in really pernicious political activity. By that I mean coercion or intimidation of voters or taking unfair advantage of any voter. I am in favor of that kind of legislation, whether it be with relation to a State election, a Federal election, or any other kind of an election. I will go as far as the Senator from Kentucky, the Senator from New Mexico, or anyone else in order to punish intimidation, coercion, and overreaching of the voter. I will go as far as anybody on that score.

Mr. President, what I was trying to say is that the bill is a coercive measure. As the Supreme Court said in the cases to which I have referred, it is an attempt by the Federal Government to go into the State and compel the State to do something which the Federal Government could not compel by any act which the Federal Government might pass.

The Supreme Court says that may not be done; and yet a measure which should protect the people against coercion, intimidation, and oppression is founded on coercion and oppression.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from New Mexico.

Mr. HATCH. I take it that under the constitutional authority we have no right to go into the States and require the States to set up a standard of merit.

Mr. MINTON. I do not think so. I do not think this bill touches that question.

Mr. HATCH. Then the Social Security Act would be unconstitutional.

Mr. MINTON. Not at all, because the Supreme Court has held that under the Federal power there is justification for the existence of social security and the payment of social-security funds to States. Therefore, there is valid reason for the Federal Government going into that field. There being valid reason for the Federal Government going into that field, under the Constitution of the United States it may establish any kind of regulations it wishes. That is entirely different from the Federal Government going in where it has no right to go in the first instance and trying to coerce in the States a result which it could not bring about by its own constitutional power in the first instance. There is a real distinction between such cases and the bill which the Senator from New Mexico is trying to foist upon the country today.

Mr. HATCH. Mr. President, will the Senator yield further?

Mr. MINTON. I yield.

Mr. HATCH. The Senator says there is a clear distinction between the cases, but I am unable to see it. The Federal power is the contribution of funds by the Federal authority in the one case just as in the other. The Federal Government enters into the picture in both cases through the contribution of funds.

Mr. MINTON. But the Senator is trying to coerce the States.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. MINTON. I yield.

Mr. HATCH. In the act to which the Senator refers as my act, there is nothing like the coercion there is in the other act to which I refer. The Hatch Act includes only one thing, which the other act also includes among many other things; but, according to the Senator's view, the other act is constitutional, while the Hatch Act is unconstitutional.

Mr. MINTON. Yes; because in the case of social security the spending of the money is directed to the public, for which the Social Security Act was written. The money is distributed among those entitled to social security. On the other hand, the Senator's act is not directed at the distribution of Federal money for the building of roads, for example. We must look to the purpose for which the money was given in the first instance. The Senator from New Mexico is spending the money to control elections, and to disfranchise people, and make criminals of them, and put their jobs in jeopardy. That is the kind of coercion that the bill sponsored by the Senator from New Mexico would foist upon the people of the country.

So, Mr. President, I again direct your attention to the amendment of the Senator from Arkansas [Mr. MILLER].

That amendment would simply take out section 9 of the original Hatch Act by a repealer which the Senator from Arkansas would insert in place of section 12 of this bill, which would take out section 12 and all that follows it in italics in the pending bill. In other words, as I said in the beginning, it clearly draws the line between acts of force and oppression and coercion on the one hand, and on the other hand, voluntary action of which we all approve. So, Mr. President, by adopting the amendment offered by the Senator from Arkansas we can accomplish everything that all of us want to accomplish; namely, we can preserve the good things that were in the original Hatch Act and take out the things which violate the fundamental principles of the democratic process.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HILL in the chair) laid before the Senate messages from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. BAILEY, from the Committee on Commerce, reported favorably the nominations of sundry officers for promotion in the Coast Guard.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry citizens for appointment as second lieutenants in the Medical Administrative Corps and sundry officers for appointment to temporary rank in the Air Corps, and also for appointment, by transfer, all in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The Chief Clerk read the nomination of Thomas Glynn Walker to be United States district judge for the district of New Jersey.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk read the nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa., which had been adversely reported.

Mr. McKELLAR. I ask that this nomination be rejected.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa.? [Putting the question.] The "noes" have it, and the nomination is rejected.

The Chief Clerk proceeded to read sundry further nominations of postmasters.

Mr. McKELLAR. I ask that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

That completes the Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 6, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 5 (legislative day of March 4), 1940

JUDGE, UNITED STATES CIRCUIT COURT OF APPEALS

Herbert F. Goodrich, of Pennsylvania, to be a judge of the United States Circuit Court of Appeals for the Third Circuit, vice Hon. Francis Biddle, resigned.

UNITED STATES ATTORNEY

Joseph F. Deeb, of Michigan, to be United States attorney for the western district of Michigan, vice Francis T. McDonald, deceased.

UNITED STATES MARSHALS

Roulhac Gewin, of Alabama, to be United States marshal for the southern district of Alabama. Mr. Gewin is now serving in this office under an appointment which expired January 28, 1940.

John E. Hushing to be United States marshal for the district of the Canal Zone. Mr. Hushing is now serving in this office under an appointment which expired January 28, 1940.

Henry C. Walthour, of Georgia, to be United States marshal for the southern district of Georgia. (Mr. Walthour is now serving in this office under an appointment which expired January 28, 1940.)

John E. Sloan, of Pennsylvania, to be United States marshal for the western district of Pennsylvania. (Mr. Sloan is now serving in this office under an appointment which expired June 22, 1939.)

COAST GUARD OF THE UNITED STATES

Junior Lighthouse Engineer Clarence Norman Daniel to be a lieutenant (junior grade) in the Coast Guard of the United States, to rank as such from December 1, 1939.

The following-named persons to be officers in the Coast Guard of the United States, to take effect from date of oath:

TO BE CHIEF BOATSWAINS

Gillis G. Cook
Lubin P. Paxton
Wilhelm K. Bode
Samuel Krauss
James N. Rasmussen
Louis I. Reilly
Charles B. Berniard
Arthur J. Schletker
John A. Anderson
Clifford W. Evenson
Jens H. Jensen

TO BE CHIEF MACHINISTS

Marcus B. Jacobsen
Frederick de Castro
John R. McCauley
Hans Odin
James C. Creeden

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5 (legislative day of March 4), 1940

UNITED STATES DISTRICT JUDGE

Thomas Glynn Walker to be United States district judge for the district of New Jersey.

POSTMASTERS

ARKANSAS

Mabel L. High, England.
Edward L. Waggoner, Hazen.

CONNECTICUT

William J. Rankin, Hartford.
George S. Clark, Milford.

DELAWARE

Oram W. Layton, Claymont.

KANSAS

Dannie M. Bear, Harper.

MISSISSIPPI

Francis C. Hayden, Vaughan.

NORTH DAKOTA

Norbert T. Connery, Gackle.

OHIO

David E. Bushey, Shiloh.

TENNESSEE

Finley P. Curtis, Butler.
Joseph E. McCracken, Cumberland City.
Audrey E. Staples, Huntland.
Henry C. Johnson, Lafayette.
Joseph McDonald Ernest, Oliver Springs.

TEXAS

John Howard Payne, Dallas.
David A. Greer, Henrietta.
Moran Dunlap, Meridian.
Olen C. Arthur, Spur.
John B. Hardin, Vernon.
Leopold Morris, Victoria.

WISCONSIN

Clinton B. Immell, Blair.
Leo E. Doll, Soldiers Grove.

WYOMING

George Thornton Beck, Jr., Cody.

REJECTION

Executive nomination rejected by the Senate, March 5 (legislative day of March 4), 1940

POSTMASTER

PENNSYLVANIA

Lynn McGraw Moses to be postmaster at Altoona in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 5, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Master conceived without sin, our minds are darkened and confused. More and more enable us to seek the philosophy of Jesus of Nazareth and the loving wisdom of His heart. He whose nature is spirit, whose character is love, can only be discovered by spiritual vision and known by the loving heart. We pray that the voice of the Divine One, whose seat is in the bosom of the Almighty, may be heard by this stricken world. We thank Thee, heavenly Father, for His unsearchable riches which are measured by His holy nature. We beseech Thee to give us the vision of the consummation of His plan into which all lives and institutions are to be built and unto Him be glory forever. Forever shall His praise go up; forever shall His blessing come down. We are humble blessed Lord, as human speech, time-colored, breaks down as the anthem of praise falls into the eternities. O grant that earth may put off her garments of weariness and clothe herself to rejoice in the courts of the ever-living God. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazer, its legislative clerk, announced that the Senate had agreed without amendment to concurrent resolutions of the House of the following titles:

H. Con. Res. 45. Concurrent resolution authorizing the printing as a document the various proceedings in commemoration of the one hundred and fiftieth anniversary of the commencement of the first session of the Supreme Court of the United States; and

H. Con. Res. 46. Concurrent resolution authorizing the printing of additional copies of the hearings held before the Committee on Ways and Means of the House of Representatives, current session, on the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

MARCH 5, 1940.

The SPEAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Certificates of election in due form of law of the following Representatives-elect to the Seventy-sixth Congress to fill vacancies have been filed in this office, viz:

District and State	Representative-elect	Predecessor
Seventeenth: Ohio	J. Harry McGregor	William A. Ashbrook.
Twenty-second: Ohio	Frances P. Bolton	Chester C. Bolton.

Very respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

SWEARING IN OF MEMBERS

Mrs. BOLTON and Mr. MCGREGOR appeared at the bar of the House and took the oath of office.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, the gentlewoman who has just taken her oath of office is the first woman from the State of Ohio to sit in the Congress of the United States. This is a historic event for the great State of Ohio and for the Nation. She is not unknown to the Capitol. Her distinguished predecessor, her husband, the late Chester Bolton, was beloved by all of us in the Congress, where he served with distinction. Her record will be a great one because of her knowledge of public affairs. While from a partisan standpoint we of the majority party may have wished another result, the electorate of the Twenty-second District of Ohio have spoken. We abide the result. I rise at this time to extend a welcome to Mrs. FRANCES BOLTON personally and, I am sure, on behalf of my Democratic colleagues from the State of Ohio, many of whom personally are acquainted with the gentlewoman, who has just taken her seat. [Applause.]

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I am sure the two new Members from Ohio appreciate very much what our distinguished colleague from Cleveland, Judge SWEENEY, has had to say. I am happy to say to them also that at no time since I have been a Member of this House do I remember of an induction of new Members attended by any more genuine felicitation than that which is evidenced here today. These two new Members come to us as victors in a contest, but the membership on both sides of the House welcome them with as much sincerity as if they had been elected by the unanimous acclaim of their constituents. On their behalf I want to thank the membership on both sides of the House for their courteous reception, and on behalf of the Republican membership I am happy to welcome them into our ranks, and on behalf of the Republican Party I am proud to say that we feel and believe that the election of these two new Members is a sure harbinger of the result of the general election next November. The people realize the condition in which the country finds itself and they are going to restore the Government to a course of safety and sanity. [Applause.]

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER. Mr. Speaker, while I do not know both the new Members from my State who have just been sworn, I am

very well acquainted with the new Member from the Twenty-second District. I predict for her a useful and notable career in the office for which she has just qualified. Mrs. BOLTON has a sincere desire to serve the ends of justice and has ability, which I know will be recognized in due time. Although we do not always agree and do not always see eye to eye, I know the gentlewoman from the Twenty-second District well enough to say in advance that she will give a good account of herself. I am sure that we shall all take pleasure in cooperating with her. While, as I have already said, I am not acquainted with the new Member from the Seventeenth District of Ohio, I have no doubt of his desire to do what he believes will be for the best interests of the American people, and therefore greet him as a colleague and assure him of my best wishes. [Applause.]

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two respects, first, on the subject of ancient and modern Greece; and second, on the subject of administrative law, and to include therein an address by John Foster Dulles. I am informed by the United States Government Printing Office that the cost of inserting this address will be $248.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement by the Director of the Bureau of Foreign and Domestic Commerce showing the extent to which the Government assists business and industry in promoting trade.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the president of the Cooperative League of America.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a table showing the expenditures of all the administrations from the beginning of the Republic down to date.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make in the Committee of the Whole today and to include therein a short excerpt regarding the Bonneville project. I also ask unanimous consent to extend my remarks and include therein a resolution from the Pomona Grange.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

INEQUALITY OF FREIGHT RATES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an excerpt from the Los Angeles Examiner of February 24 on the subject of inequality of freight rates.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I am inserting in the RECORD today an excerpt from the Los Angeles Examiner of February 24, on the subject of inequalities in shipping rates affecting the Pacific coast.

Cement and other items may be hauled for $2.50 a ton from eastern seaboard cities, New York to Colon, while at the same time the freight rates from Los Angeles are $7 a ton.

If you people would like to see some of the operations of the Panama rail line down there and how that operation is worked out I think it would be a good idea to read this insertion from the Examiner.

[From the Los Angeles Examiner of February 24, 1940]

BOAKE CARTER SCORES LOS ANGELES HARBOR SHIPPING RATE

(Boake Carter, widely read Examiner columnist, writes of inequalities in shipping rates affecting Los Angeles Harbor, studied during a recent visit here)

LOS ANGELES.

To the Honorable HARRY WOODRING,
Secretary of War, Washington, D. C.; and
To Admiral EMORY S. LAND,
Chairman, Maritime Commission, Washington, D. C.

DEAR HARRY AND JERRY: I would like to nominate for occupancy of the dog house once again the Panama Railroad Steamship Co.

You remember, Harry, back 4 or 5 years ago—that was before the Commission was born, Jerry—that evidence in the forms of consignment sheets and bills of lading was produced to show that the Panama Railroad Steamship Co. was carrying American-made goods from New York to the Canal Zone. Then they encouraged transshipment on foreign-flag ships, especially German boats, on down south, ignoring completely the fact that privately operated American-flag ships were available for those transshipments.

Do you remember at that time the Panama Railroad Steamship Co. was running junkets for Congressmen; was operating parallel to the old Colombia Steamship Line and other United States lines in direct competition; cut its freight rates and passenger charges way below what the private operators could charge? And remember the people who knew this condition remarked that that was a hell of a way for the United States Government to encourage private enterprise and the American merchant marine. The Colombia, by the way, had to quit and go out of business.

I remember, Harry, you investigated, and the Panama Railroad Steamship Co. nabobs came back with specious and circuitous arguments, all evading the issue.

Since the Panama Railroad Steamship Co. is owned by the Panama Railroad Co., and the latter is owned by the United States Government—under the direction of the War Department—it seems not unreasonable to me to nominate the steamship company for the dog house again for some new and additional monkeyshines—not to mention loss of private business it is causing to people of many Western and Northwestern States of this country.

The Government intends to widen the locks of the Canal, I take it. This means that there'll be a considerable amount of business for American manufacturers and the American workmen employed by them. Steel, cement, lumber, machine tool makers of the West would like to get a crack at this business just as much as the easterners. They would ship out of Los Angeles to the Canal Zone. But they can't, Harry—the freight rate differential is prohibitive.

Now, Jerry, you explained last November to Senator DOWNEY, of California, that the rates couldn't be equalized, and you quoted a communication from Harry's War Department justifying difference in rates from New York and Los Angeles to the Canal Zone. You, Jerry, disclaimed the Government-owned Panama Railroad Steamship Co. was discriminating against private operation since the real reason, you said, was that Pacific coast ports are farther away from the Canal Zone than New York or Gulf ports.

Now, Jerry, you wouldn't be trying to kid anyone, would you? To try to justify the big difference in rates on the grounds of "distance" is hooey. And, Harry, that goes for the War Department, too, since Jerry was quoting one of your official memos. Maybe you personally didn't have a thing to do with it, but it sounds as though it was written by somebody who didn't know a thing about ocean freight rates, or hoped to fool someone. At any rate, Jerry, being a seaman, you should have known better than to try and palm it off on the public.

From Los Angeles to Balboa the distance is 2,913 miles. From New York to Colon it is 1,974 miles. Your Government-owned Panama Railroad Steamship Line is carrying cement for the new construction on the Canal from New York to Colon at $2.50 a ton. From Los Angeles to Balboa it is $7 a ton. That makes a difference of $4.50 a ton for a difference of 939 miles in distance. Now you, Jerry, say that's justified because some chump in Harry's Department said so.

Then will you explain to the people, Jerry, how come the rates from New York to Seattle, 6,038 miles, and New York to Los Angeles, 4,930 miles, are uniformly the same, with a difference of 1,108 miles? If there's a difference of $4.50 a ton to the Panama Canal Zone because of a difference of 939 miles, why no difference in rates for a discrepancy of 1,108 miles?

Or, Jerry, how about this? Singapore to New York via Suez is 10,172 miles; Singapore to Los Angeles is 7,866 miles. A difference there of 2,306 miles. The rate on crude rubber over the 10,000-mile route is $14 a ton, and over the 7,800-mile route is $13.50 a ton. A difference of 50 cents for 2,300 miles, Jerry—and yet you are trying to kid these westerners out here that it's O. K. for a Government-owned steamship company to resort to below-cost, sweatshop rates because of a 900-mile differential.

But, Harry, here's where you come in. The annual report of the Governor of the Canal to the Secretary of War—that's you—for the fiscal year ending June 30, 1939, shows your steamship line lost $87,005.35. But the neatest trick is how your Department wipes out that deficit. It does it through operation of the docks in the Canal Zone, all of which are also owned by your Department's Panama Railroad, the same outfit that owns your steamships. These docks kicked in with $1,936,016 in revenue for 1939. This came from a toll of $1 per ton assessed by the Panama Railroad on all cargo entering the Canal Zone. For instance, on every ton of freight out of Los Angeles to the Canal Zone, the private shipper in Los Angeles has to pay a dollar per ton to the Panama Railroad. The Panama Railroad takes that money it levies on private business to pay for the losses it incurs with its own ships, competing against private business at below-cost prices. And the below-cost operation is caused by inefficient operation and low rates allowed the eastern shippers.

Now, if that is what is called encouragement of private enterprise, then I begin to suspect you've both gone New Deal on us.

By the way, the public pays taxes to support the War Department's operations. Some of that dough goes to keep the Panama Railroad out of hock. It seems then that the public is socked twice—through taxes, and by being forced to kick in with another dollar per ton on all private freight.

That, to me, is a good example of the most pernicious form of Government competition with private industry; Government destruction of the very system the Government yells all the time should be maintained. It prevents private industry from pulling its share of the load, which Mr. Roosevelt, your boss, says it should, and bars employment of people who must otherwise remain on relief.

Yours,

BOAKE CARTER.

P. S.—I hope you two fellows don't mind my drawing your attention to this example of Americanism on the part of the Government's War Department and Maritime Commission.—B. C.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include an address I delivered to the League of Republican Women of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I want to just read into the RECORD here, by request, the program for world peace and foreign relations adopted by the foreign relations committee of the American Legion on January 28, 1940, at Indianapolis, Ind.:

The duty confronting your committee is the announcement of a foreign-relations policy which will avert involvement in international disturbances and leave our Nation in its continued enjoyment of peace, with its sovereignty and independence secure. We base this policy upon mandates of national conventions, rather than embark on uncharted courses or express personal opinions upon particular phases of this great problem.

To exert every possible effort to keep our country out of war is the definite mandate of the last national convention of the American Legion. It reads:

"The American Legion views with gravest concern the apparently widespread belief that this Nation must inevitably become involved in the present European conflict. We not only believe that this Nation need not become involved but insist and demand that the President of the United States and the Congress pursue a policy that, while preserving the sovereignty and dignity of this Nation, will prevent involvement in this conflict. The American Legion is not a law body. It has often recommended to the Congress the enactment of legislation establishing a permanent or fixed policy on important national problems. The American Legion has always strenuously advocated that this Nation pursue a policy of neutrality and peace. In the present world crisis world conditions may change so rapidly that a pronouncement by the American Legion at this time on specific legislation might be wholly inadequate in the near future. Therefore, with full confidence in the President and the Congress, we demand that the Congress continue in session during the present grave crisis, and that appropriate action be taken to preserve the peace, sovereignty, and dignity of this Nation, and that our armed forces be expanded immediately to maintain our neutrality."

In furtherance of this and earlier convention mandates, we urge specifically the support of the following:

1. To maintain an adequate national defense, including the principle of universal service.

2. To uphold the principles of nonintervention and noninterference, as embodied in the Monroe Doctrine.

3. To urge continually upon the President and Congress of the United States that they make every effort to prevent our involvement in the present wars, and to cooperate with them to that end.

4. To demonstrate that our involvement in war is not inevitable and must not occur.

5. To combat vigorously propaganda, of whatever kind and from whatever source, designed to break down our neutrality.

6. To strive for the restoration of good faith and nonaggression among men and nations, without which there can be no lasting peace.

We have necessarily stated this program in basic terms because details change with changing conditions. It is also to be noted that by action of the last national convention resolutions relating to Fidac have become inapplicable.

As our contribution toward this goal of permanent peace and safeguard against war, we of the American Legion have pledged ourselves to seek and keep an honest neutrality; to do our own thinking and to analyze propaganda, whether it emanates from abroad or at home; and above all, to safeguard our own security, our own liberties, and our own Constitution against attack, secret or open, whether from within or without.

THE FOREIGN RELATIONS COMMITTEE,
WILBUR M. ALTER,
Chairman, Denver, Colo.
O. K. ARMSTRONG,
Member, Springfield, Mo.
ANSON T. MCCOOK,
Member, Hartford, Conn.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by including therein the balance of the report above referred to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a resolution passed by the State Grange of Kansas.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Dr. Charles E. Shulman, entitled "The Moral Implications of Democracy," before the Executives Club of Chicago, on Friday, February 2.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein three short speeches on Thomas A. Edison.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HAWKS. Mr. Speaker, I have two requests to make, one to extend my remarks and to include therein an editorial appearing in the New York Journal entitled "Government, the Predatory Partner of Industry," and also I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by Senator BRIDGES, made at Salt Lake City, Utah.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE PRIVATE CALENDAR

The SPEAKER. The clerk will call the first bill on the Private Calendar.

ERNESTINE HUBER NEUHELLER

The Clerk called the first bill, S. 1998, for the relief of Ernestine Huber Neuheller.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent

residence in the United States, that provision of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec. 136 (c)), which excludes from admission into the United States "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude," shall not hereafter be held to apply to Ernestine Huber Neuheller, who is the wife of Fritz Neuheller, an American citizen, on account of a conviction abroad for perjury, the alleged offense having been committed in a civil action where the alien, as a witness, denied for personal reasons, having met the defendant, a friend, at a certain time. The appellate court judge reviewing the case considered the alien's action incomprehensible and declared her to be an otherwise truthful, faithful, and decent person in no way immoral or tainted with moral turpitude. If she is found otherwise admissible under the immigration laws an immigration visa may be issued and admission granted to Ernestine Huber Neuheller (nee Ernestine Huber) under this act upon application hereafter filed.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: On page 2, line 1, after the word "citizen", strike out the rest of the line and all of lines 2, 3, 4, 5, 6, 7, and 8, and all of line 9, up to the period.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRIZELDA HULL HOBSON

The Clerk called the bill (S. 161) granting an increase of pension to Grizelda Hull Hobson.

Mr. HALLECK and Mr. HANCOCK objected, and the bill was recommitted to the Committee on Invalid Pensions.

JOSEPH J. MANN

The Clerk called the bill (H. R. 1344) granting a pension to Joseph J. Mann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Mann, late of Troop I, Eighth Regiment, United States Cavalry, and pay him a pension at the rate of $30 per month.

With the following committee amendments:

Line 6, after the word "of", insert "Troops A and B, Fourteenth Regiment, and."

Line 7, strike out the word "Regiment" and insert the word "Regiment,".

Line 9, strike out "$30" and insert "$18.75."

The committee amendment were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNEST FRANCIS WHITE

The Clerk called the bill (H. R. 1312) granting a pension to Ernest Francis White.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernest Francis White, minor child of Ernest Francis White, late of the United States Coast Guard, and pay him a pension at the rate of $15 per month.

With the following committee amendments:

Page 1, line 7, after the word "the", insert "United States Navy and."

Page 2, line 2, after the word "month", insert "until he attains the age of 18 years, which fact shall be determined by the submission of satisfactory evidence by the duly authorized guardian of the proposed beneficiary to the Veterans' Administration."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN H. BOTNER

The Clerk called the bill (H. R. 685) granting a pension to John H. Botner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Botner, late of Company C, Second Regiment United States Cavalry, and pay him a pension at the rate of $50 per month.

With the following committee amendments:

Line 6, strike out the word "Company" and insert "Troop L, Seventh Regiment; Troop."

Line 7, strike out the period, insert a semicolon and the words "and Troop F, Fifth Regiment."

Line 9, strike out "$50" and insert "$15."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORA ARLENA BALLARD

The Clerk called the bill (H. R. 689) granting a pension to Cora Arlena Ballard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora Arlena Ballard, widow of Taylor N. Ballard, late of the One Hundred and Eighteenth Company, United States Coast Artillery Corps, and pay her a pension at the rate of $30 per month.

With the following committee amendment:

Page 2, line 2, strike out "$30 per month" and insert "$26 per month and increase the rate to $30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiaries to the Veterans' Administration."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIMOTHY A. LINEHAN

The Clerk called the bill (H. R. 1379) granting a pension to Timothy A. Linehan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy A. Linehan, late of Company —, United States Coast Guard, and pay him a pension at the rate of $20 per month.

With the following committee amendments:

Line 6, page 1, strike out the word "Company" and insert "United States Marine Corps; Fleet Marine Corps Reserve, and seaman, first class."

Line 9, strike out "$20" and insert "$15."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT E. WELLS

The Clerk called the bill (H. R. 1509) granting a pension to Albert E. Wells.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert E. Wells, late of Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $50 per month.

With the following committee amendments:

Line 6, page 1, strike out the word "Company" and insert "Troop E."

Line 8, strike out "$50" and insert "$60."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHRISTOPHER C. POPEJOY

The Clerk called the bill (H. R. 1550) granting an increase of pension to Christopher C. Popejoy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Popejoy, late of Company F, Twenty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

With the following committee amendment:

Line 8, page 1, strike out "$40" and insert "$48.75."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERTHA C. KEITH

The Clerk called the next bill, H. R. 1695, granting a pension to Bertha C. Keith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha C. Keith, widow of George W. Keith, late of Troop C, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERTHA R. ETTNER

The Clerk called the next bill, H. R. 1743, granting a pension to Bertha R. Ettner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha R. Ettner, helpless and dependent daughter of Henry Ettner, late of Company G, Second Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN M. CROWLEY

The Clerk called the next bill, H. R. 2143, granting a pension to Helen M. Crowley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Crowley, widow of Ralph L. Crowley, late of the United States Coast Guard, who died as the result of injuries sustained in line of duty; that said pension be placed at $20 per month, to which said Helen M. Crowley would ordinarily be entitled under the act of July 2, 1930, had said Ralph L. Crowley been fatally injured on or after July 2, 1930, rather than March 28, 1930.

With the following committee amendments:

Page 1, line 7, after the word "the", insert "United States Marine Corps; Signal Corps, United States Army, under the name of Lawrence Stone, and the."

Page 1, line 9, after the word "Guard", insert "under the name of Ralph L. Crowley and."

Page 2, line 2, after the word "duty", strike out the balance of line 2, all of lines 3, 4, 5, line 6 down to and including "1930", and insert "March 28, 1930, and pay her a pension at the rate of $22 per month and increase the rate to $26 per month from and after the date she shall have attained the age of 50 years and further increase the rate to $30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIZZIE MAY WILBUR CLAYTON

The Clerk called the next bill, H. R. 2273, granting a pension to Lizzie May Wilbur Clayton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie May Wilbur Clayton, widow of Vincent A. Clayton, late of the United States Coast Guard, and pay her a pension at the rate of $22 per month: *Provided*, That the payment of this pension shall discharge the United States Government from any further liability for the death of the said Vincent A. Clayton, resulting from injuries received while detailed by the United States Coast Guard at Seaside Park, N. J., to forest-fire duty at Barnegat, N. J., on April 19, 1928.

With the following committee amendment:

Page 1, line 8 after the word "of", strike out the balance of the line and line 9 and all of lines 1 to 5, inclusive, on page 2, down to and including "1928", and insert "$26 per month and increase the rate to $30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAUD PATTERSON

The Clerk called the next bill, H. R. 2285, granting a pension to Maud Patterson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maud Patterson, widow of John Thomas Patterson, late of the United States Coast Guard, and pay her a pension at the rate of $75 per month.

With the following committee amendment:

Page 2, line 1, after the word "of", strike out "$75 per month" and insert "$26 per month and increase the rate to $30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES J. SCANLON

The Clerk called the next bill, H. R. 3928, granting an increase of pension to James J. Scanlon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Scanlon (claim No. C-2349677), late of Company A, Engineer Corps, California National Guard, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES G. BAILEY

The Clerk called the next bill, H. R. 4394, granting a pension to James G. Bailey.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Bailey, late of Company F, Thirteenth Regiment United States Army, and pay him a pension at the rate of $50 per month.

With the following committee amendment:

Page 1, line 8, strike out "$50" and insert "of $15."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTRICEY K. BURDEN

The Clerk called the next bill, H. R. 4962, granting a pension to Artricey K. Burden.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Artricey K. Burden, widow of James Burden, late of Company F, Tenth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

With the following committee amendments:

Page 1, line 8, strike out "$30" and insert "$20."

Page 2, insert "and increase the rate to $30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. SWOVELAND

The Clerk called the next bill, H. R. 5007, granting a pension to John W. Swoveland.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Swoveland, late of the United States Coast Guard, and pay him a pension at the rate of $30 per month.

With the following committee amendments:

Page 1, line 6, after the second word "the", insert "United States Marine Corps and the."

Page 1, line 8, after the word "of", strike out "$30" and insert "$50."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GAIL E. PLUNKETT

The Clerk called the next bill, H. R. 5153, granting an increase of pension to Gail E. Plunkett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gail E. Plunkett, late of Company D, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

With the following committee amendment:

Page 1, line 8, after the word "of", strike out "$50" and insert "$37.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONNER BROWN

The Clerk called the next bill, H. R. 5831, granting a pension to Conner Brown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Conner Brown, remarried widow of William H. Conner, a Mexican War soldier, and pay her a pension at the rate of $50 per month.

With the following committee amendments:

Page 1, line 6, after the first word "of", insert the proper name and initial "Fannie E."

Page 1, line 8, after the word "of", strike out the figures "$50" and insert in lieu thereof the figures "$30."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill granting a pension to Fannie E. Conner Brown."

WILLIAM H. SHANKLIN

The Clerk called the next bill, H. R. 6496, granting an increase of pension to William H. Shanklin.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. HALLECK objected and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

HELEN MOORE BRISTOL

The Clerk called the next bill, H. R. 6674, granting a pension to Helen Moore Bristol.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. COSTELLO objected and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

CAPT. VICTOR GONDOS, JR.

The Clerk called the next bill, H. R. 6681, granting a pension to Capt. Victor Gondos, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Victor Gondos, Jr., late of the Five Hundred and Tenth Coast Artillery, plans and training officer, regimental staff, and pay him a pension at the rate of $50 per month.

With the following committee amendments:

Line 7, strike out "Five Hundred and Tenth" and insert in lieu thereof "United States."

Line 7, after the word "Artillery" strike out the remainder of the line and insert in lieu thereof "Corps Reserve."

Line 8, strike out the following: "officer, regimental staff."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORENCE SHARP GRANT

The Clerk called the next bill, H. R. 7045, granting an increase of pension to Florence Sharp Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in view of the distinguished service rendered his country by Vice Admiral Albert Weston Grant, late of the United States Navy, the Administrator of Veterans' Affairs is authorized and directed to place on the pension roll the name of Florence Sharp Grant, widow of Vice Admiral Albert Weston Grant, and pay her a pension at the rate of $100 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OMNIBUS PENSIONS, CIVIL WAR

The SPEAKER pro tempore. The Clerk will call Calendar No. 545.

The Clerk called the bill (H. R. 8015) granting pensions and increase of pensions to certain widows, former widows, and dependent children of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Lizzie E. Brown, widow of Martin J. Brown, late of Company D, Seventy-fourth Regiment Indiana Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Arthur, widow of Azariah Arthur, late of Company D, Fifty-sixth Regiment Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mimi Turner, widow of Jesse Turner, late of Capt. William Strong's Company E, Three Forks Battalion, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

The name of Mary E. Sutherland, widow of Robert A. Sutherland, late of Company K, Twenty-sixth Regiment Kentucky Infantry, and pay her a pension at the rate of $30 per month.

The name of Lina S. Terrell, helpless and dependent daughter of Lynch M. Terrell, late first lieutenant, Company B, Fourteenth Regiment Indiana Infantry, and pay her a pension at the rate of $20 per month.

The name of Harriett M. Chamberlin, widow of Francis A. Chamberlin, late of Company F, Coast Guard, Maine Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy V. Mosher, former widow of Jonathan Rains, late of Capt. Henry G. Bollinger's company, Camden County Volunteer Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Lois Alton Hover, widow of Everett Hover, late of Company D, Sixth Regiment Michigan Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Pearson, widow of Hiram B. Pearson, late of Company D, Tenth Regiment Michigan Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Williantina H. Young, widow of Franklin L. Young, late of Company H, Nineteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Geneva P. Lindsey, former widow of Eli H. Young, late of Company I, Second Regiment Maine Infantry, and pay her a pension at the rate of $30 per month.

The name of William Ridgway, helpless and dependent son of Newton Ridgway, late of Company K, Fifty-third Regiment Kentucky Infantry, and pay him a pension at the rate of $20 per month.

The name of Ellen Sovereign, widow of Frederick F. Sovereign, late of Company C, One Hundred and Thirty-eighth Regiment, and Company B, One Hundred and Fifty-first Regiment, Indiana Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Archer, former widow of Charles A. Smith, late of Company F, Second Regiment New Jersey Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lou King, former widow of Jonathan King, alias John S. King, late of Company D, Twelfth Regiment Kentucky Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Almeda A. McCandless, widow of Newton W. McCandless, late of Company A, Sixth Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of James D. Shelters, helpless and dependent son of Edward Shelters, late of Company F, First Regiment Illinois Light Artillery, and pay him a pension at the rate of $20 per month.

The name of Mary I. Harwig, widow of Lewis W. Harwig, late of Company I, Eleventh Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura McBride, former widow of Patrick Sheen, late of Company I, Thirty-first Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Mina L. McLean, widow of Alexander McLean, late of Company A, One Hundred and Seventeenth Regiment New York Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alice Jackson, widow of William H. Jackson, late of Company K, Twenty-fourth Regiment New York Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charles W. Smith, helpless and dependent son of Henry Smith, late of Company F, One Hundred and Sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $20 per month.

The name of Minerva Sterling, widow of John M. Sterling, late of Company F, One Hundred and Ninety-third Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Leah Jones, widow of James Jones, late of Company L, Fourth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie M. Keyes, former widow of Jesse A. Morris, late of Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Jamaica Taylor, widow of Charles D. Taylor, late of Company D, Fourteenth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Birdie Ann Mock, widow of William A. Mock, late of Company A, Eighth Regiment Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Tennessee R. Ashworth, widow of John S. Ashworth, late of Capt. B. F. Cook's company, St. Clair County Volunteer Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Mildred Mabel Metts, former widow of Thomas Moore, late of Company G, Seventh Regiment, and Company L, First Regiment Missouri Cavalry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Edith H. Haag, widow of George C. Haag, late of Company B, Sixty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Etta M. Perkins, widow of Elbridge B. Perkins, late of Company A, Fourth Regiment Wisconsin Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lu M. Linscott, widow of John F. Linscott, late of Company A, First Regiment Massachusetts Cavalry, and pay her a pension at the rate of $30 per month.

The name of Elise M. Lum, widow of Cyrill A. Lum, late of Company H, One Hundred and Eighty-fifth Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

The name of Kathryn E. Fraley, widow of William C. Fraley, late of Company A, Two Hundred and Fifteenth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Haskin, former widow of Andrew J. Fisher, late of Company F, Third Regiment Wisconsin Cavalry, and pay her a pension at the rate of $30 per month.

The name of Irene C. Flack, widow of William A. Flack, late of the United States Marine Corps, and pay her a pension at the rate of $30 per month.

The name of Olivia Stebbins, widow of Austin E. Stebbins, late of Company C, Eighty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of May Barnes, widow of Alanson J. Barnes, late of Company C, One Hundred and Fourth Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida M. Miller, widow of Alfred F. Miller, late of Company E, One Hundred and Forty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara L. Owens, widow of Thomas M. Owens, late of Company G, Twenty-fourth Regiment Missouri Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella E. Huffman, widow of William H. Huffman, late of Company D, One Hundredth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie E. Jackson, widow of William H. Jackson, late of Company A, Fifth Regiment Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hattie Harvey, widow of James J. Harvey, late of Company D, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Jenkins, widow of Duggan Jenkins, late of Company I, Second Regiment Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Johnson, widow of Francis M. Johnson, late of Companies D and B, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nora Pierce, widow of David E. Pierce, late of Company A, Forty-first Regiment Ohio Infantry, and Battery E, Kentucky Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Martha Story, widow of Thomas Story, late of Company M, Eighth Regiment Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Myrtle Payne, widow of John M. Payne, late of Company E, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of $30 per month.

The name of Herthe L. R. Whitney, widow of William W. Whitney, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month.

The name of Cinda Forbes, widow of William Forbes, late of Company E, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucy E. Huff, widow of Jonas Huff, late of Company F, Fourth Regiment Tennessee Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah L. Ellison, widow of Berry Ellison, late of Company C, First Regiment Tennessee Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie B. King, widow of Riley G. King, late of Company B, Thirteenth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Florence Montgomery, widow of Henry C. Montgomery, late of Company H, Twenty-first Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Ward, widow of Thomas Ward, late of Company E, One hundred and Sixtieth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Delia Parmentier, widow of Melvin A. Parmentier, alias Melvin A. Robertson, late of the Thirteenth Independent Battery, Michigan Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Guy Boster, helpless and dependent son of John M. Boster, late of Company I, First Regiment Iowa Cavalry, and pay him a pension at the rate of $20 per month.

The name of Anna C. Haley, widow of Eugene Haley, late of Company B, One Hundredth Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

The name of John E. Shepherd, helpless and dependent son of David Shepherd, late of Company C, Fifteenth Regiment West

Virginia Infantry, and pay him a pension at the rate of $20 per month.

The name of Maude Fielding, widow of Henry Fielding, late of Company H, First Regiment Minnesota Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Nila M. Knapp, widow of George W. Knapp, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna M. Lewis, widow of Ferdinand C. Lewis, late of Company G, Seventh Regiment New York Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Deo, widow of Henry Deo, alias Henry Kimball, late of Company F, First Battalion, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Effie J. Clark, widow of Charles W. Clark, late of Company H, Second Regiment Michigan Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine Rutter, widow of Martin Rutter, late of Company K, Seventy-eighth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $30 per month.

The name of Eugenie Gilsoul, widow of Joseph Gilsoul, late of Company C, First Regiment Minnesota Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mollie Messer, former widow of John Taylor, late of Company C, Forty-ninth Regiment Kentucky Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Clarinda E. Kenyon, widow of Charles E. Kenyon, late of Company E, Seventy-sixth Regiment, and Company F, Sixty-third Regiment, New York Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Woods, widow of Andrew J. Woods, late of Company H, Fifty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INEZ GILLESPIE

The Clerk called the next bill, S. 2973, for the relief of Inez Gillespie.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Inez Gillespie, widow of Julian E. Gillespie, late American commercial attaché at Istanbul, Turkey, the sum of $7,200, such sum representing one year's salary of her deceased husband who died June 23, 1939, while in the Foreign Service of the United States of America.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROLAND HANSON AND DR. E. A. JULIEN

The Clerk called the next bill, S. 1160, for the relief of Roland Hanson, a minor, and Dr. E. A. Julien.

There being no objection the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Roland Hanson, a minor, of Turlock, Calif., the sum of $500, in full satisfaction of his claim against the United States for damages for injuries sustained by him as a result of being struck by a United States Army truck on Highway No. 99 in Turlock, Calif., on May 23, 1937, and to Dr. E. A. Julien, of Turlock, Calif., the sum of $200, in full satisfaction of his claim for professional services rendered said Roland Hanson: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, strike out the sign and figures "$500" and insert in lieu thereof "$2,000."

Line 7, strike out the word "his" and insert in lieu thereof "said Roland Hanson's."

Page 2, line 1, strike out the sign and figures "$200" and insert in lieu thereof "$500."

Page 2, line 2, beginning with the word "*Provided*", strike out the remaining language of the bill and insert in lieu thereof "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT STOCKMAN

The Clerk called the next bill, S. 1449, for the relief of Robert Stockman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Stockman, of Providence, R. I., the sum of $6,957.92 in full satisfaction of all claims against the United States for damages for personal injuries, medical expenses, and property damage sustained by him when he was struck by a truck owned by the United States Government and operated by A. A. McGrath, an employee of Works Progress Administration, in the village of Chepachet, in the town of Gloucester, R. I., on March 22, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out the sign and figures "$6,957.92" and insert in lieu thereof "$5,000."

Page 2, line 1, beginning with the word "*Provided*", strike out the remaining language of ths bill and insert in lieu thereof: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CLYDE THATCHER

The Clerk called the next bill, H. R. 1288, for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Clyde Thatcher, and the legal guardian of her two minor children, Marjorie Thatcher and Bobby Thatcher, the sum of $10,000 in full satisfaction of all claims against the United States for injuries sustained by them when struck by a Government truck operated in connection with the Civilian Conservation Corps at the intersection of Beech Street and Grand Avenue, Beaumont, Tex., on August 1, 1936.

With the following committee amendments:

Page 1, beginning in line 3, strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Mrs. Clyde Thatcher, Beaumont, Tex.; the sum of $500 to the legal guardian of Marjorie Thatcher, Beaumont, Tex.; and the sum of $5,000 to the legal guardian of Bobby Thatcher, Beaumont, Tex. Said sums shall be in full settlement of all claims against the United States for injuries and expenses sustained by the said Mrs. Clyde Thatcher

and her two minor children, Marjorie and Bobby Thatcher, when the automobile in which they were riding was struck by a Government truck operated in connection with the Civilian Conservation Corps, at the intersection of Beech Street and Grand Avenue, Beaumont, Tex., on August 1, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KRIKOR HAROUTUNIAN

The Clerk called the next bill, H. R. 2487, for the relief of Krikor Haroutunian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Krikor Haroutunian the sum of $1,000 in full settlement of all claims against the United States for bond guaranteeing the departure from the United States of Varter Zakarian and Vehanush Bagdasarian, aliens, who, although the bond was forfeited because aliens did not depart on or before January 1, 1928, subsequently received permission to remain in the United States.

With the following committee amendment:

Page 1, at the end of the bill insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE L. SHELDON

The Clerk called the next bill, H. R. 3171, for the relief of George L. Sheldon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George L. Sheldon, East Pepperell, Mass., the sum of $3,500. The payment of such sum shall be in full settlement of all claims against the United States of the said George L. Sheldon for personal injuries and property damage resulting from a collision, on August 10, 1937, at the junction of Hollis and Groton Streets, Pepperell, Mass., when a truck owned by the said George L. Sheldon and in which he was riding was struck by a motor vehicle owned by the Coast and Geodetic Survey, Department of Commerce, and operated by an employee of the Federal Emergency Administration of Public Works.

With the following committee amendments:

Page 2, line 2, after the word "vehicle", strike out the remainder of the line and all of lines 3, 4, and 5, and insert: "operated by an employee of the Works Progress Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The Committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHARLES SIDENSTUCKER

The Clerk called the next bill, H. R. 3970, for the relief of Charles Sidenstucker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Sidenstucker, Jewell, Iowa, the sum of $458.06. The payment of such sum shall be in full settlement of all claims against the United States for expenses incurred by the said Charles Sidenstucker in connection with the alteration of certain premises owned by him in Jewell, Iowa, for the purpose of rendering such premises suitable for use as a post office. Such alterations were made because the postmaster at Jewell, Iowa, received instructions from the Post Office Department to move the post office to the premises owned by the said Charles Sidenstucker, and thereupon the claimant was instructed to make and complete the alterations on his building in order to make it suitable as a post office; and the claimant proceeded to incur expense therefor and to complete the alterations. But the order to move the post office was thereafter rescinded.

With the following committee amendment:

Page 1, line 3, strike out "is" and insert "be, and he is hereby."

Page 1, line 6, strike out "$458.06" and insert "$300."

Page 2, line 1, after the word "post", strike out the remainder of line 1 and all of lines 2 to 9, inclusive, and insert the following: "office, the order for using such premises being thereafter rescinded: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES HENRY RIGDON

The Clerk called the next bill, H. R. 4388, for the relief of James Henry Rigdon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to James Henry Rigdon, of Pickens, S. C., the sum of $10,000, the same being in full satisfaction and settlement of any claim he may have against the United States Government on account of the loss of his left arm and other bodily injuries sustained, without any fault of his, by the negligent and reckless operation of a United States Government truck on a public highway near Pickens, S. C., on or about September 24, 1937.

With the following committee amendment:

Page 1, line 7, after the word "of", strike out the remainder of line 7 and all of lines 8 to 11, inclusive, and lines 1 and 2 on page 2, and insert the following: "$3,500, in full settlement of all claims against the United States on account of the loss of his left arm and other bodily injuries and damages sustained by him by reason of the negligent and reckless operation of a United States Government truck operated in connection with Civilian Conservation Corps activities of the War Department, on a public highway near Pickens, S. C., on September 24, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The Committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLADYS FAUGHNAN HOLDEN

The Clerk called the next bill, H. R. 4436, for the relief of Gladys Faughnan Holden, guardian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gladys Faughnan

Holden, guardian, the sum of $5,000 in full settlement of claim against the United States Government on account of permanent injuries received by her son, Robert Faughnan, when struck by a United States mail truck on March 5, 1932, about 5 o'clock postmeridian, at Springfield Boulevard near Sheffield Avenue, Springfield, Queens County, New York: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following Committee amendments:

Page 1, line 5, after the word "to" strike out "Gladys Faughnan Holden, guardian", and insert "the legal guardian of Robert Faughnan, a minor, of Jamaica, New York,".

Page 1, line 7, strike out "$5,000" and insert "$2,500."

Page 1, line 8, strike out "claim" and insert "all claims."

Page 1, line 10, strike out "her son" and insert "the said."

Page 2, at the end of line 2, strike out lines 3 to 15, inclusive, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Robert Faughnan, a minor."

R. D. TORIAN

The Clerk called the next bill, H. R. 5257, for the relief of R. D. Torian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Works Progress Administration and/or out of any other money in the Treasury not otherwise appropriated, to R. D. Torian, of Weldon, Ark., the sum of $10,000, in full settlement of his claim against the United States for the fatal injuries sustained by his son, William Edward Torian, in a collision between the Newport, Ark., public school automobile bus, in which the said William Edward Torian was an authorized student passenger, and an automobile truck owned and negligently operated by the Works Progress Administration on Arkansas State Highway No. 17, near Weldon, Ark., on April 26, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof, on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury" strike out the balance of line 5 and lines 6 and 7 down to the word "Treasury."

Page 1, line 9, strike out "$10,000" and insert "$3,500" and strike out "his claim" and insert "all claims."

Page 2, line 6, after the word "*Provided*", strike out the balance of the line and all of lines 7 to 18, inclusive, and insert the following: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF THE LEGAL GUARDIAN OF BETTY LOU FRADY

The Clerk called the next bill, H. R. 5258, for the relief of the legal guardian of Betty Lou Frady.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Works Progress Administration and/or out of any other money in the Treasury not otherwise appropriated, to W. L. Frady, of Weldon, Ark., the sum of $10,000, in full settlement of his claim against the United States for the permanent injuries sustained by his daughter, Betty Lou Frady, in a collision between the Newport, Ark., public-school automobile bus, in which the said Betty Lou Frady was an authorized student passenger, and an automobile truck owned and negligently operated by the Works Progress Administration on Arkansas State Highway No. 17, near Weldon, Ark., on April 26, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent shall be paid to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof, on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", strike out the remainder of line 5 and all of lines 6 and 7 down to the word "Treasury."

Page 1, line 8, strike out "W. L. Frady" and insert "the legal guardian of Betty Lou Frady, a minor."

Page 1, line 9, strike out "$10,000" and insert "$5,000."

Page 1, line 10, strike out "his claim" and insert "all claims."

Page 1, line 11, strike out "his daughter" and insert "the said."

Page 2, line 7, after the word "*Provided*", strike out the balance of the line and all of lines 8 to 19, inclusive, and insert the following:

"That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Betty Lou Frady."

RICHARD L. CALDER

The Clerk called the next bill, H. R. 5397, for the relief of Richard L. Calder.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard L. Calder, of New Hartford, Conn., the sum of $1,206, in full payment of all claims against the United States for rental of two 3-ton trucks and one stone crusher furnished to the Works Progress Administration of Connecticut during the period from December 5, 1935, to February 4, 1936, in connection with official project No. 65-15-296: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, strike out the word "payment" and insert in lieu thereof "settlement."

Page 1, beginning with the syllable "*Pro-*", at the end of line 11, strike out the remaining language of the bill and insert in lieu thereof: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered

to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KNUTE E. NELSON

The Clerk called the next bill, H. R. 5805, for the relief of Knute E. Nelson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Knute E. Nelson, Mobile, Ala., the sum of $61.76. Such sum represents the amount which the said Knute E. Nelson (an employee of the Treasury Department prior to his retirement on account of age) was obliged to refund to the Treasurer of the United States following a decision of the General Accounting Office that he was not entitled to an increase in salary for the period January 16, 1936, to July 27, 1936, both dates inclusive, since such increase was granted retroactively by the Treasury Department on July 28, 1936, and administrative changes in salary rates may not be made retroactively effective except under specific authority of law.

With the following committee amendments:

Page 1, line 6, strike out the word "represents" and insert in lieu thereof "shall be in full settlement of all claims against the United States for reimbursement of."

Page 2, at the end of the bill, add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGUERITE P. CARMACK

The Clerk called the next bill, H. R. 5812, for the relief of Marguerite P. Carmack.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Marguerite P. Carmack, of Forest Hill, Calif., the sum of $364.23, the same being for repayment of purchase money paid in connection with mineral entry patent to Pacific Blue Lead, Outbreak, and Snow Shoe Mining District, Placer County, Calif.

With the following committee amendments:

In line 4, after the word "pay", insert "out of any money in the Treasury not otherwise appropriated."

In line 5, strike out the language "the same being" and insert in lieu thereof "in full settlement of all claims against the United States."

At the end of the bill add "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM H. DUGDALE AND WIFE

The Clerk called the next bill, H. R. 6209, for the relief of William H. Dugdale and wife.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to William H. Dugdale and wife, of Springfield, Ohio, in full satisfaction of their claims against the United States for injuries and damages received by them on October 30, 1930, caused by being struck by a car driven by Lyndo Myers, an employee of the United States at the airport at Patterson Field, Fairfield, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and that the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out the sign and figures "$10,000" and insert in lieu thereof "$2,500 each."

Page 1, line 6, after the word "and", insert the word "his", and after the word "wife" insert "Ellen Dugdale."

Page 1, line 7, add an "s" to the word "claim."

Page 1, at the end of line 9 and the beginning of line 10, strike out the name "Lyndo Myers" and insert in lieu thereof "Lindo Meyer."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of William H. Dugdale and his wife, Ellen Dugdale."

STANDARD OIL CO. OF NEW JERSEY

The Clerk called the next bill, H. R. 6437, for the relief of Standard Oil Co. for losses sustained by payment of discriminatory excess tonnage taxes and light moneys.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Standard Oil Co., a corporation of the State of New Jersey, sole beneficial owner of the tank vessels *Zoppot, Gedania*, and *Baltic*, the sum of $60,283, such sum representing losses sustained by Standard Oil Co. by payment of discriminatory excess tonnage taxes and light moneys into the Treasury under protest, upon the several entries of said tank vessels in ports of the United States prior to the President's proclamation of May 6, 1921, suspending and discontinuing foreign discriminatory duties of tonnage and imposts within the United States so far as respects the vessels of the Free City of Danzig. The acceptance of said sum by Standard Oil Co., sole beneficial owner of the tank vessels *Zoppot, Gedania*, and *Baltic*, shall be in full satisfaction of all claims in respect to such losses: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, beginning with the word "*Provided*", in line 9, strike out all the remaining language of the bill, and insert in lieu thereof: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the Standard Oil Co. of New Jersey."

NATHAN A. BUCK

The Clerk called the next bill, H. R. 7959, for the relief of Nathan A. Buck.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Nathan A. Buck, of Chatham, Mass., the sum of $300 in full compensation for damage caused to his oyster beds in Oyster Pond River, in said Chatham, in the fall of 1931 by a boat belonging to the United States Coast and Geodetic Survey, Department of Commerce.

With the following committee amendments:

Line 4, after the word "authorized", insert "and directed."

Line 6, strike out the word "compensation" and insert in lieu thereof "settlement of all claims against the United States."

At the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. B. L. PURSIFULL, GRACE PURSIFULL, EUGENE PURSIFULL, RALPH PURSIFULL, BOBBY PURSIFULL, AND DORA LITTLE

The Clerk called the next bill, H. R. 658, for the relief of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Dr. B. L. Pursifull; $5,000 to his wife, Grace Pursifull; $2,000 to their son, Ralph Pursifull; $1,000 to their son, Eugene Pursifull; and $5,000 to another son, Bobby Pursifull, each of whom are infants under the age of 21 years; and $5,000 to Dora Little, all residing at McKee, Jackson County, Ky., in full settlement of all claims for damages against the Government of the United States on account of bodily injuries and damages received by them and each of them on or about June 6, 1937, through and by the negligence and carelessness of one Irvin Lakes, who at the time was an enrollee of the United States Civilian Conservation Corps and operating a Civilian Conservation Corps truck for and on behalf of the United States Forest Service and carrying on his duties thereunder on a public highway in Jackson County, Ky.; in that the said Irvin Lakes was at the time drunk and intoxicated and operated said truck in a reckless, negligent, and careless manner by driving said truck in the nighttime across and on the wrong side of said public highway leading from McKee, Jackson County, Ky., to Richmond, Ky., about 1 mile west of the town of McKee, Ky., and struck and demolished the automobile in which the said Dr. B. L. Pursifull; his wife, Grace Pursifull; and their three sons, Eugene, Ralph, and Bobby, and Dora Little were riding on said highway and at a time when the automobile of said Dr. Pursifull was on his right and proper side of said highway and he was operating same in a careful manner and exercising ordinary care for his and the safety and protection of those in said automobile with him. All of said injuries and destruction of said automobile and damages to said persons and said automobile were caused solely and only on account of the negligence and carelessness aforesaid of the said Irvin Lakes, and these claimants would not have been injured, damaged, or suffered loss but for the negligence and carelessness aforesaid of the said enrollee, agent, and servant of the United States Government.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to the estate of Dr. B. L. Pursifull; $2,245 to Grace Pursifull; $250 to the legal representative of Ralph Pursifull; $250 to the legal representative of Eugene Pursifull; and $1,850 to the legal representative of Bobby Pursifull, each of whom are infants under the age of 21 years; and $1,200 to Dora Little, all residing at McKee, Jackson County, Ky., in full settlement of all claims for damages against the Government of the United States on account of bodily injuries and damages received by them and each of them on or about June 6, 1937, when the car in which they were riding was struck by a Civilian Conservation Corps truck assigned to the Forest Service, near McKee, Ky.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little."

A. S. TAIT

The Clerk called the next bill, H. R. 1435, for the relief of A. S. Tait.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to A. S. Tait, of Friendship, N. Y., in full settlement of all claims against the United States for injuries sustained in line of duty as mail messenger in September 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Line 5, strike out the sign and figures "$2,500" and insert in lieu thereof "$1,500."

Line 8, strike out the word "in" and insert in lieu thereof "on."

Line 8, after the word "September", insert "3."

Beginning with the word "*Provided*" in line 8, strike out the remaining language of the bill and insert in lieu thereof the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLA.

The Clerk called the next bill, H. R. 1798, for the relief of the Board of County Commissioners of Brevard County, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Board of County Commissioners of Brevard County, Fla., Titusville, Fla., the sum of $309.24 in full satisfaction of its claim against the United States for moneys expended by the County Commissioners of Brevard County, Fla., with the consent and approval of the Bureau of Air Commerce, Department of Commerce, for the purpose of purchasing radio-range-station site at Titusville, Fla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Line 3, after the word "Treasury", insert "be, and he."

Line 3, after the word "hereby", insert a comma.

Line 8, after the word "expended", insert "during the period October 1, 1937, to December 3, 1937."

Line 9, after the word "approval", insert "of a duly authorized agent."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN H. DURNIL

The Clerk called the next bill, H. R. 3963, for the relief of John H. Durnil.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MRS. GEORGE C. HAMILTON AND NANETTE ANDERSON

The Clerk called the next bill, H. R. 4561, for the relief of Mrs. George C. Hamilton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. George C. Hamilton, of McComb, Miss., the sum of $5,000, in full settlement and satisfaction for all damages sustained by herself and daughter, Nanette Anderson, on account of personal injuries received by them on May 28, 1938, when the car in which they were riding collided with a Government truck owned by the National Park Service and driven by one Emmett Deer, an employee of the Percy Quin State Park, said collision being entirely the fault of the driver of the Government truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 6, 7, and 8, strike out the language "$5,000, in full settlement and satisfaction for all damages sustained by herself and daughter, Nanette Anderson," and insert in lieu thereof "$250, and to the legal guardian of Nanette Anderson, a minor, of McComb, Miss., the sum of $1,000, in full settlement of all claims against the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mrs. George C. Hamilton and Nanette Anderson."

EDD NEVINS

The Clerk called the next bill, H. R. 4756, for the relief of Edd Nevins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edd Nevins, Portland, Oreg., the sum of $248.75. Such sum represents the value of personal property owned by Edd Nevins and destroyed by fire at Camp Windy, Oreg., in January 1936, and at White River, Oreg., on February 14, 1936, while said Edd Nevins was an employee of the Works Progress Administration.

With the following committee amendments:

Line 8, strike out the wording "in January 1936" and insert in lieu thereof "on October 19, 1935."

Lines 10 and 11, strike out the wording "Works Progress Administration" and insert in lieu thereof "Forest Service, Department of Agriculture."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOWARD DAURY

The Clerk called the next bill, H. R. 5866, for the relief of Howard Daury.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission, in the consideration of the claim of Howard Daury, of Pittsfield, Mass., for compensation for injuries sustained by him in line of duty on April 27, 1934, at Pittsfield, Mass., while employed by the Civil Works Administration, is hereby authorized and directed to waive the bar of the statute of limitations and to take jurisdiction of such claim notwithstanding the fact that it was not filed within one year of the date of injury as required by law.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That sections 17 to 20, inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of Howard Daury, of Pittsfield, Mass., who allegedly sustained injuries in line of duty on April 27, 1934, at Pittsfield, Mass., while employed by the Civil Works Administration, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than 6 months after the date of enactment of this act: *Provided*, That no benefits hereunder shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELLA RAGOTSKI

The Clerk called the next bill, H. R. 5928, for the relief of Ella Ragotski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Ella Ragotski, or her legal representatives, in full settlement of all claims against the United States for damages for injuries sustained by her, and for medical treatment and hospitalization incident thereto, when she was struck, on the 27th day of March 1936, in the city of St. Louis, Mo., by an automobile operated by Milton W. Rischert who was then officially engaged in the discharge of his duties as a special-delivery messenger of the Post Office Department..

With the following committee amendments:

Line 3, after the word "Treasury", insert "be, and he is hereby,".

Line 5, strike out the sign and figures "$5,000" and insert in lieu thereof "$3,500."

Lines 5 and 6, strike out the language "or her legal representative" and insert "St. Louis, Mo."

At the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. E. RULE

The Clerk called the next bill, H. R. 6919, for the relief of R. E. Rule.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MORRISON-KNUDSEN CO., INC., AND W. C. COLE

The Clerk called the next bill, H. R. 7855, for the relief of Morrison-Knudsen Co., Inc., and W. C. Cole.

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Morrison-Knudsen Co., Inc., and W. C. Cole, for reimbursement of the increased costs incurred in the procurement of sand conforming to specifications in the performance by said company of contract W-777-eng-221, dated September 6, 1938, covering construction of the major portion of the embankment and rough excavation for the spillway of the Fort Supply Dam located on Wolf Creek near Supply in Woodward County, Okla., and to allow in full and final settlement of the claim the sum of not to exceed $37,470.49. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated the sum of $37,470.49, or so much thereof as may be necessary, for the payment of said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE R. MORRIS

The Clerk called the next bill, S. 263, for the relief of George R. Morris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended by sundry acts, including the act of February 15, 1934, any disability of George R. Morris, of Portland, Oreg., resulting from his having been crushed between two automobiles on November 9, 1936, shall be held and considered to be directly attributable to traumatic injury received by him in the performance of his duty as an employee of the Works Progress Administration; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed by him under the provisions of such act, as amended and supplemented, within 1 year from the date of enactment of this act: *Provided*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. G. SCHRECK LUMBER CO.

The Clerk called the bill (S. 2276) for the relief of the R. G. Schreck Lumber Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the R. G. Schreck Lumber Co., of East Tawas, Mich., the sum of $337.85, in full satisfaction of its claims for the remission of liquidated damages deducted from amounts otherwise due it for lumber and building materials furnished the United States Forest Service, Department of Agriculture, pursuant to purchase order No. 427, dated May 29, 1936; purchase order No. 477, dated June 9, 1936; and purchase order No. 483, dated June 10, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY PIERCE AND JOHN K. QUACKENBUSH

The Clerk called the bill (S. 2500) authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claims of Mary Pierce, New Hampton, N. Y., for $125; and John K. Quackenbush, Denton, N. Y., for $200, for the cost of replacing fences on their lands taken for firewood by enrollees of the Civilian Conservation Corps while engaged in removing field stones from such lands for use on the Wallkill River flood-control project in the fiscal year 1937, and to allow in full and final settlement of the claims the sum of not to exceed $325. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $325, or so much thereof as may be necessary, for payment of the claims: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDITH EASTON AND ALMA E. GATES

The Clerk called the bill (S. 2607) authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Edith Easton and Alma E. Gates, of Sacramento, Calif., for $250, as the reasonable value of 25,000 board feet of lumber removed without authority from their land in Calaveras County, Calif., during July and August 1933, by members of the Civilian Conservation Corps, camp F–88, Dorrington, Calif., and to allow in full and final settlement of the claim the sum of not to exceed $250. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES NEOHORITIS

The Clerk called the bill (H. R. 7491) for the relief of the alien James Neohoritis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any provision of the immigration law to the contrary, the Secretary of State is hereby authorized and directed to cause to be issued to James Neohoritis, a former resident of the United States whose wife is a resident of the United States and whose three minor children are citizens and residents of the United States, a nonquota immigration visa. The said James Neohoritis shall, notwithstanding any provision of the immigration law to the contrary, be admitted to the United States for permanent residence upon his arrival.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HUBERT RICHARDSON

The Clerk called the bill (S. 2299) for the relief of Hubert Richardson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent on Western Navajo Indian Reservation exchange selection 078942 filed on October 18, 1938, by Hubert Richardson in the district land office at Phoenix, Ariz., under the act of May 23, 1930 (46 Stat. 378), as amended by the act of February 21, 1931 (46 Stat. 1204), for lots 2, 3, and 4 of section 22, township 29 north, range 9 east, Gila and Salt River base and meridian, upon the submission of satisfactory proofs covering both the offered and the selected lands, as required by section 2 of the act of May 23, 1930, cited above, notwithstanding that the selected lands are within the boundaries of the Western Navajo Indian Reservation, and notwithstanding the provisions of the act of June 14, 1934 (48 Stat. 960). The patent hereby authorized to be issued shall be subject to the provisions and conditions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR MORTIMER FIELDS, JR.

The Clerk called the bill (S. 2879) to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to issue posthumously to the late Arthur Mortimer Fields, Jr., a commission as an ensign of the United States Navy with date of rank as of June 1, 1939: *Provided*, That no back pay, allowances, gratuities, or pension shall accrue due to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE H. EISWALD

The Clerk called the bill (S. 2157) for the relief of George H. Eiswald.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy George H. Eiswald (C–2317652) shall be held and considered to have served for 90 days, between the dates of April 21, 1898, and July 4, 1902, in the United States Navy during the War with Spain and to have been honorably discharged from such service: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act, prior to its enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE A. CARDEN AND ANDERSON T. HERD

The Clerk called the bill (H. R. 7230) to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd.

Mr. COSTELLO and Mr. COCHRAN objected, and the bill was recommitted to the Committee on the Judiciary.

PURCHASERS OF LOTS, HARDING, FLA.

The Clerk called the bill (S. 538) for the relief of certain purchasers of lots in Harding town site, Florida.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to any person who, as a result of an auction sale of lots in Harding town site, Florida, conducted during February 1924 by a representative of the Department of the Interior, agreed to purchase a lot in such town site and who (1) prior to the date of approval of this act has paid to the United States 75 percent or more of the agreed purchase price of such lot, or (2) within 12 months after the date of approval of this act makes payment to the United States which, together with payment previously made, amounts to 75 percent of the agreed purchase price of such lot.

SEC. 2. As used in this act, the term "person" includes an individual, partnership, corporation, or association.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

PACIFIC AIRMOTIVE CORPORATION

The Clerk called the bill (H. R. 2161) for the relief of the Pacific Airmotive Corporation, Burbank, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Pacific Airmotive Corporation, Burbank, Calif., out of any money in the Treasury not otherwise appropriated, the sum of $940 in full and final settlement of any and all claims against the Government on account of the damage done to an airplane belonging to said corporation by a United States Navy plane September 1, 1938, at Union Air Terminal, Burbank, Calif.

With the following committee amendment:

At the end of the bill, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEUFFEL & ESSER CO. OF NEW YORK

The Clerk called the next bill, H. R. 3769, for the relief of the Keuffel & Esser Co. of New York.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Keuffel & Esser Co. of New York, San Francisco, Calif., branch, the sum of $90. The payment of such sum shall be in full settlement of all claims against the United States arising out of repairs made by such company in June 1935 to an engineer's transit upon the order of the project superintendent of camp SP-8-A, Kingman, Ariz., Civilian Conservation Corps. Such transit was the private property of an engineer employed by the Government on such project and was damaged while in use by such camp.

With the following committee amendment:

Page 2, line 3, after the word "camp", insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call of the Private Calendar.

The SPEAKER pro tempore. Without objection, further proceedings under the call of the Private Calendar will be dispensed with.

There was no objection.

ELECTION TO STANDING COMMITTEES

Mr. CULLEN. Mr. Speaker, I offer the following privileged resolution (H. Res. 411), which I send to the desk.

The Clerk read as follows:

House Resolution 411

Resolved, That WALTER A. LYNCH, of New York, be, and he is hereby, elected a member of the following standing committees of the House of Representatives, to wit: Enrolled Bills, Elections No. 1, Expenditures in the Executive Departments, and World War Veterans' Legislation.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a resolution from the Boston Marine Society in opposition to the Wheeler-Lea transportation bill.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL, 1941

Mr. FITZPATRICK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes, and pending that I ask unanimous consent that general debate continue through the balance of the day, the time to be equally divided between the gentleman from Pennsylvania [Mr. RICH] and the gentleman from Oklahoma [Mr. JOHNSON].

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8746), the Department of the Interior appropriation bill, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 20 minutes.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. Chairman, the subcommittee in charge of the Interior Department appropriation bill, after extended hearings, presented the bill to the full committee and it was reported to the House yesterday. This delay of 24 hours after the bill was reported was decided upon because of requests on the part of several prominent Members on both sides of this Chamber. Personally I think it is a splendid idea. It has given the Members an opportunity to read the hearings and familiarize themselves with the provisions of the bill. Frankly, I hope that this course may be pursued in connection with reporting other appropriation bills.

Before going into a discussion of the bill I want to express my regret that the chairman, the gentleman from Colorado [Mr. TAYLOR], is unable to be present. Because of temporary illness, he was not able to be with us during the consideration of the bill. He has been a member of the Interior Department subcommittee since the committee was organized, and has served as its chairman since 1932. I am glad to be able to report to you that he is improving, and we are assured

that he will be back actively on the job within a very short time.

I want to thank the majority members of the subcommittee for their patience and hard work in sitting through the several weeks of continuous hearings which we held on this bill. They have been most helpful and cooperative and deserve the thanks of the House for the able and efficient service they have rendered.

I want to say further that we have had the finest kind of cooperation from the minority members of the committee. Without meaning to be critical of the past, I can honestly say that we have worked together with greater harmony than ever before. In effect, there has been no majority and no minority in connection with the consideration of this bill.

During recent years there have been 21 new activities transferred to the Interior Department and provided for in this bill. In addition to this number, the recent reorganization plans resulted in the transfer of 4 additional agencies, making a total of 25.

Those four agencies are: The Bureau of Fisheries, the Biological Survey, the United States High Commissioner to the Philippine Islands, and the Bureau of Insular Affairs.

The subcomittee has given very careful consideration to every item in the bill and has made numerous small cuts in a great many items, rather than a few drastic cuts in several items, as has been on occasions in the past. An examination of the table at the back of the report will show that there have been reductions in 93 items.

As you know, we have had a lot of trouble with legislative provisions in the past. This year we have striven to keep them to a minimum. I think in the last bill we had 14 legislative provisions. If you will examine the bill, I think you will find only 7, and in each instance the committee felt it was not only advisable but in the interest of economy to include them.

You might also be interested to know that this bill, in number of pages, is the largest appropriation bill we have reported in a great many years, and probably the largest since the organization of the committee in 1921. It covers 144 pages. The hearings are very voluminous, there being 3,617 transcript pages which made 1,910 printed pages. The report on the bill covers 55 pages.

Now we come to the items of the bill, and this is the matter in which most Members are especially interested.

COMPARISON OF APPROPRIATIONS AND ESTIMATE

The first question you will ask is: What is the Budget estimate, and is the bill as the committee reported it under the Budget estimate? Then you will want to know how the bill compares this year with the one of last year. The total Budget estimate considered by the subcommittee amounted to $122,057,464. The committee recommends appropriations totaling $119,071,187. This is a reduction under the Budget estimate amounting to $2,986,277, and the bill is under the 1940 appropriations by $29,789,443. The Budget estimates proposed a cut of more than $29,000,000, which represents a cut of more than 20 percent under the 1940 appropriation. The severe cut in the Budget estimates as submitted added to our task of bringing the bill substantially under the estimates. In line with the policy established by the full committee in consideration of the Independent Offices bill we have deducted all new money for administrative promotions amounting to approximately $170,000. This, of course, does not mean that the lapses which may occur cannot be used for promotions.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I am glad to yield to my colleague, a member of the committee.

Mr. FITZPATRICK. As for the $170,000 item mentioned by the gentleman I voted against that both in the subcommittee and in the full committee. I have been consistently against its elimination from the Budget estimate.

Mr. JOHNSON of Oklahoma. The gentleman has been absolutely consistent in that attitude. He told us of it several times while the subcommittee was holding its hearings and stated his position again in the full committee, asserting that he would not support that cut. The gentleman has been very consistent in living up to that declaration. It is well known, however, that it is the policy of the full Committee on Appropriations to deduct all appropriations of new money for promotions this year.

PUBLIC WORKS

The estimate provided funds for public works, including the Bonneville project, Bureau of Indian Affairs, the Bureau of Reclamation, and the National Park Service, totaling $62,394,750. Of these public-works items the committee has recommended a total of $61,556,050, which is a reduction of $838,700 in the Budget estimates.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. JONES of Texas. I notice in a hurried glance at the report that the item for water conservation on certain projects, $5,000,000, was eliminated. Is that correct?

Mr. JOHNSON of Oklahoma. That is correct.

Mr. JONES of Texas. No provision whatever is made for it in this bill?

Mr. JOHNSON of Oklahoma. No direct appropriation has been made, because I believe it was stated that this was to be taken care of at a later date.

Mr. JONES of Texas. It is not intended to abandon it, then?

Mr. JOHNSON of Oklahoma. Not at all. The committee feels that it is a very important activity and is very sympathetic to it. Personally, I feel more money should be appropriated for this particular activity for the coming year.

Mr. JONES of Texas. I feel that this kind of work is the best type that can be done, because it is more widely distributed in its benefits.

Mr. JOHNSON of Oklahoma. I agree with the gentleman.

Mr. JONES of Texas. Water is very important in a great many of these areas, and its proper utilization is always one of the most important things we can consider.

Mr. JOHNSON of Oklahoma. I agree with the gentleman thoroughly, and I assure him that there is no thought on the part of any member of the committee to oppose such an appropriation.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. COFFEE of Nebraska. Is it not a fact that the unexpended balance has been appropriated for this item?

Mr. JOHNSON of Oklahoma. That is correct; yes; that is true.

Mr. COFFEE of Nebraska. I am very much interested in it, and I am glad to know there will be some money left to carry on the work during the coming year. Can the gentleman tell me how much the unexpended balance is?

Mr. JOHNSON of Oklahoma. It is in excess of $2,000,000. That is the unexpended balance of the appropriation of $5,000,000 in the 1940 act.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. O'CONNOR. I am informed that the amount unused—or, to put it another way—the amount that is reappropriated is about $2,500,000. Assuming this to be the fact, does not the gentleman believe that Congress ought at least to appropriate $2,500,000 additional to bring it up to the $5,000,000 revolving fund that has been suggested by the Secretary of the Interior?

Mr. JOHNSON of Oklahoma. Personally, I feel very much that way about it.

Mr. O'CONNOR. The following States, I understand, are directly concerned: Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, and Wyoming, under the plan evolved and now known as the Wheeler-Case plan.

Mr. JOHNSON of Oklahoma. That is my understanding. I am glad the gentleman mentioned that, for it is a matter

with which I personally am very sympathetic and I would be glad to see Congress appropriate the full amount suggested by the gentleman to carry on that work.

Mr. O'CONNOR. May I ask how the gentleman feels about an amendment along this line?

Mr. JOHNSON of Oklahoma. So far as I personally am concerned I would not be in a position to object to it, but I cannot speak for the rest of the committee.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. CURTIS. Did I understand the gentleman to say that the plan was to provide an amount in another appropriation bill for a continuation of the Wheeler-Case plan?

Mr. JOHNSON of Oklahoma. That may be done. I am not informed as to just what the program is.

Mr. CURTIS. Can the gentleman tell us how much that is?

Mr. JOHNSON of Oklahoma. I cannot give the gentleman the figures, but the committee was advised that the proponents of this proposition hoped to secure a Budget estimate for it in the near future. I shall be glad if that can be done.

OFFICE OF THE SECRETARY OF THE INTERIOR

For the office of the Secretary of the Interior and the several activities under his immediate office, the Budget estimate amounted to $6,051,260, which is less than the current appropriation by $1,173,000. This represents a reduction under the Budget estimate of $278,000 and is due mainly to cuts of $200,000 in the estimate for the Bituminous Coal Commission, and $25,000 in the estimate for Personnel Management Administration.

WAR MINERALS RELIEF COMMISSION

The committee has eliminated the estimate of $11,200 for the War Minerals Relief Commission. The committee was advised 3 years ago that this work would be completed at the close of the next fiscal year. Last year we recommended a small appropriation to clear up some new cases that had come to light. The committee feels very strongly that this work should have been completed before now and that it can be completed by July 1, 1940. Therefore the request of the Budget estimate of $11,200 was disallowed.

BONNEVILLE POWER ADMINISTRATION

The Budget submitted an estimate of $6,000,000 for the continuation of construction of the Bonneville project. We have looked into the matter carefully and find that on July 1, next, there will be nearly $3,000,000 unobligated and unexpended for Bonneville from funds heretofore appropriated. So we felt justified in cutting $1,000,000 for the Bonneville estimate. We believe that the amount appropriated will carry the work through the next fiscal year.

GENERAL LAND OFFICE

The committee has increased the estimate for the General Land Office. The committee has recommended $2,187,440. This sum is less than the 1940 appropriation by $154,000. It is in excess of the estimate by $135,940. The increase over the estimate will provide funds approaching the amount made available in recent years for the survey of public lands. Funds of this type provide a great deal of employment and survey work is of great value in connection with the development of public lands. The amount allowed is considerably less than the sum appropriated for this purpose during the 3 previous years. There are several hundred million acres of land in the United States and Alaska that have never been surveyed.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from New York.

Mr. FITZPATRICK. This is one department of the Federal Government that turns money back to the Treasury of the United States every year?

Mr. JOHNSON of Oklahoma. That is true, and I may add it is one of the few departments of the Government that turns in money to the Treasury above its expenditures.

BUREAU OF INDIAN AFFAIRS

Next we come to the Bureau of Indian Affairs, where the subcommittee recommended $30,497,736. The Budget estimate totaled $30,953,861. The amount recommended in the bill is less than the 1940 appropriation by $4,217,933 and reflects a reduction in the estimates of $456,125. Frankly, I felt that the cut for the Bureau of Indian Affairs was extremely severe. It had already been cut nearly 20 percent.

For industrial assistance to Indians, which includes the administration of Indian forests, the sale of timber, the employment of Indians in gainful occupations, the development of agriculture and stock raising, arts and crafts, and other activities, we have recommended a total of $1,789,080. This is below the 1940 appropriation by $124,170 and is less than the Budget estimates by $152,140.

The major reductions recommended in this item are as follows:

First. Administration of Indian forests, $41,360.

Second. Development of agriculture and stock raising, $59,480. This is one of the items where I felt the cut was rather excessive.

Third. Revolving loan fund of $50,400.

For construction work in connection with Indian irrigation and drainage works we have made two reductions in the estimate—a cut of $100,000 in the Colorado River project in Arizona and reduction of $25,000 in the estimate of $275,000 for the Flathead project in Montana. We were advised that neither cut will seriously retard the work or prevent the Government from meeting its contractual obligations.

For the construction of roads on Indian reservations we have recommended $2,000,000, which is the sum recommended by the Budget and is $250,000 under the 1940 appropriation. The amount authorized for this purpose by the Hayden-Cartwright Act is as you know, $3,000,000. This money is probably of greater benefit to the Indians than any other single item; at least it affords more employment to the Indians.

I have some figures here which I will insert in the RECORD. In short, it shows that this $2,000,000 will keep nearly 8,000 Indians at work. These figures are as follows:

Road work is performed at approximately 70 jurisdictions, comprising about 200 Indian reservations, with an area in excess of 50,000,000 acres of land located in 22 States. Progress of the work continues to be made, as evidenced by accomplishments during the fiscal year ended June 30, 1939:

Roads graded	miles	571.5
Roads surfaced	do	468.3
Roads maintained	do	5,274.6
Bridges constructed		102
Bridges repaired		506
Culverts installed		2,056
People employed		8,374
Man-hours work furnished		3,403,570

In connection with employment of Indians, you may be interested to know that of the 14,000 employees in the Indian Service, in the District of Columbia and in the field, there are 108 Indian employees in the city of Washington and 4,390 Indian employees in the field—a total of 4,498.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, for the construction and repair of buildings the subcommittee recommends $916,000, which is under the Budget estimate by $51,000 and is less than the current appropriation by $1,349,000.

BUREAU OF RECLAMATION

For the Bureau of Reclamation we have recommended a total appropriation from all funds, which means the reclamation fund and the general fund of the Treasury, amounting to $48,214,000, which is less than the 1940 appropriation by $13,903,000 and is in excess of the Budget estimate by $195,000.

It is of interest to observe at this point that of the total reduction of $29,000,000 below the appropriation of last year approximately $14,000,000 or nearly one-half the total cut is due to a reduction in the reclamation appropriation alone.

GEOLOGICAL SURVEY

In considering the item for the Geological Survey we have recommended a total of $3,586,910. This represents an in-

crease over the current appropriation of $118,910, but it is less than the estimates by $1,247,150. The major reduction in this item is for topographic mapping, which is cut $1,211,690. This reduction is due to the denial of $985,350 for the topographic mapping of areas of strategic value in connection with military activities. The areas were to have been selected by the Secretary of War. The committee is not unsympathetic to this work, in fact, the sentiment after hearing the evidence is that it is of much value as far as defense purposes are concerned, but the committee feels very strongly that any defense measures should be provided for in the proper bill, which, of course, is the military appropriation bill.

The remaining cut in this item of topographic surveys amounts to $225,000 intended for cooperative mapping on a 50-50 basis with the States. We are allowing $275,000 of the Budget estimate of $500,000 for this purpose. The Geological Survey advises us that only $246,000 has been requested for mapping up to the present time. It is extremely unlikely that additional requests for matching between now and July 1 will bring the total demand for this purpose to a sum in excess of $275,000.

BUREAU OF MINES

For the Bureau of Mines, we are recommending a total appropriation of $2,808,460. This is $59,300 less than the appropriation last year and $23,500 under the Budget estimates.

Members of the committee and undoubtedly most Members of the House have received numerous letters protesting against the issuance of monthly forecasts of demand for motor fuel and crude oil, complaint being made that the reports penalize many thousands of independent oil marketers; in other words, that these reports are for the benefit of the large distributors. The facts are just the opposite. The committee has taken occasion to inquire into the question and several statements relative to it were made to the committee by responsible persons. Their testimony appears in the hearings on the bill. The committee was advised by those witnesses that a continuation of the issuance of forecasts is highly desirable, that it acts as a stabilizer for the oil market. It is significant that a vast majority of those objecting to the forecasts are in favor of a demoralized oil market which would enable them to purchase oil from the small refineries at a low price and store it for sale when prices have advanced. A demoralized market is obviously more harmful to the smaller dealer, who does not have the resources to weather a depressed market. The committee recommends continuation of the funds for the issuance of these monthly forecasts.

NATIONAL PARK SERVICE

For the National Park Service the committee recommended a total of $8,948,770, which was less than the 1940 appropriation by $3,661,252, and $117,770 less than the Budget estimate. The major reductions made by the committee in connection with the Park Service items are as follows:

Under the estimate for national historic parks and monuments, the committee has disallowed $17,000 to begin the administration, protection, and maintenance of the proposed historic site embracing Frederick W. Vanderbilt's estate near Hyde Park, N. Y.

We have also disallowed $40,000 for the construction of a comfort station adjacent to the Arlington Memorial Bridge. The committee actually found that, although there are parks without any sanitary facilities, and although there are many urgent demands for money in the field in several States of the Union, the Bureau of the Budget actually had the unmitigated gall to ask this committee and the Congress to appropriate $40,000 for a marble or granite comfort station for the convenience of persons in Washington who attend outdoor plays and concerts at the Arlington Bridge.

But that is not all. The committee disallowed an appropriation of $28,000 for steam lines from the central heating plant to heat the Lincoln Memorial which is entirely open on the east side. The testimony was that it was thought that if the Lincoln Memorial were heated it might last a few hundred or possibly a few hundred thousand years longer, but we were warned very solemnly that if the Lincoln Memorial is permitted to remain unheated it is likely to deteriorate within the next 50,000 or 100,000 years. [Applause.]

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from New York.

Mr. FISH. I am sorry I am so far back here that it is hard for me to hear, but did the gentleman say the committee had cut out the funds for the maintenance of the Hyde Park Library?

Mr. JOHNSON of Oklahoma. No; not the Hyde Park Library.

Mr. FISH. The purchase of the Vanderbilt estate?

Mr. JOHNSON of Oklahoma. I am sorry about the confusion in the back of the Chamber of a few who desire to carry on a private conversation. Possibly they do not care whether the heat is put on Abraham Lincoln or whether the Vanderbilt estate and name is perpetuated by this Government. But as I stated, the committee disallowed the item of $17,000 for the purpose of establishing a new historic site known as the Vanderbilt estate.

Mr. FISH. Is that in Hyde Park?

Mr. JOHNSON of Oklahoma. That is near Hyde Park. The committee has never visited the estate and is not familiar with it. It may be a very desirable thing to do. The fact is that there were many, many such suggestions made to the committee; but with all the other activities we have to take care of, and with the many calls upon the committee for money, we thought that we might be able to get along at least 1 more year without the cost of maintaining this beautiful and gorgeous estate. We did not feel justified in adding to the burdens of the taxpayers this additional item at this time.

Mr. FISH. I am glad to see that the gentleman and his party are standing for economy, particularly at this serious juncture of our affairs.

Mr. JOHNSON of Oklahoma. I thank the gentleman.

I was just stating that we have also been so cruel as to refuse to add $28,000 for heating the Lincoln Memorial, which is open on the east side, as we felt it would be rather difficult to heat the whole outside world, and could not make ourselves believe it was a great emergency. [Laughter.]

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the gentleman from Michigan.

Mr. CRAWFORD. Did the Budget carry recommendations for $40,000 for a comfort station under the bridge and also an appropriation for the heating arrangement which the gentleman has mentioned?

Mr. JOHNSON of Oklahoma. I am ashamed and chagrined to tell the gentleman that it did, this great Federal Budget that we sometimes think is infallible when we go down to try to get a few dollars for some human needs, such as building a hospital where people are being cared for in shacks or in death traps. We are told that in the interest of economy this cannot be done, but it is no trouble to get a $40,000 estimate for a toilet or rest room under the Arlington Bridge, in order to satisfy the socially elite of the Nation's Capital.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CRAWFORD. I think the committee is to be congratulated upon eliminating both of those items.

Mr. JOHNSON of Oklahoma. I thank the gentleman. But that is not all the items we eliminated. Now, let us see: We not only refused to put the heat on Abraham Lincoln, but we took the risk of getting in bad with the followers of another great and beloved American, Thomas Jefferson. One hundred and eleven thousand, two hundred and sixty dollars has been deducted from the estimate of $263,760 for the development of grounds adjacent to the

Thomas Jefferson Memorial. The work includes cutting away and filling in the seawall—not only one, but both seawalls—and destroying a lot more cherry trees. We allowed half the amount requested, but the committee felt that at least one radical change that is desired to be made down there could at least be postponed another year because it will not impair the memory of Thomas Jefferson and will be in the interest of economy. [Applause.]

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to my colleague from New York.

Mr. FITZPATRICK. It was also stated, was it not, that after the memorial is completed we will have more cherry trees than we have at the present time.

Mr. JOHNSON of Oklahoma. The evidence was that it is proposed to have more cherry trees, eventually, than we now have, but that will be in some far, distant time when those trees are set out and grown. May I call the attention of my colleague to the fact that it was also testified that it is proposed to cut away several hundred in the area where cherry trees are now growing, the excuse being given that some are getting old anyway and could not be expected to live much longer. The refusal of this committee will give those trees one more year's lease on life. We took this position in spite of the fact that another great American, George Washington, is said to have cut down a cherry tree. [Laughter.]

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. CULKIN. I happen to be a member of the Jefferson Memorial Commission, and I assume the gentleman recognizes that this work must eventually be done, and this is simply to defer the excavation work or the filling in.

Mr. JOHNSON of Oklahoma. Oh, I will say to the gentleman that the committee is not trying to usurp the prerogatives of the gentleman's distinguished Commission, which has done a splendid job, but the committee did feel that this work could be postponed for at least another year without any serious damage.

Mr. CULKIN. It will be done at that time?

Mr. JOHNSON of Oklahoma. Of course, I cannot say what the next Congress will do or what the next committee will do. I have my own personal feelings in the matter.

Mr. CULKIN. But unless it is done this year or next year it will leave a permanent scar in the landscape there.

Mr. JOHNSON of Oklahoma. Of course, that is a matter of personal opinion. I am not as familiar with it as is the gentleman, but nevertheless without more evidence than we had that it is an emergency, the committee feels that we can postpone this work another year.

Mr. CULKIN. I thank the gentleman.

BIOLOGICAL SURVEY

Mr. JOHNSON of Oklahoma. As mentioned earlier in my statement, the Biological Survey was transferred to the Interior Department by Reorganization Plan II. The principal change in this item is an increase proposed by the Budget and allowed by the committee, making $1,000,000 additional available for Federal aid in wildlife restoration. This increase makes a total of $2,500,000 available for this purpose. As you know, this money is derived from the provisions of the revenue bill of 1932, placing a tax on firearms and ammunition. The money is distributed to the States for expenditure under conditions set out in the basic act, the act of September 2, 1937.

The committee added 3 enforcement officers. The Biological Survey asked for 55. The committee also added 2 airplanes for enforcement work in Alaska. One member of our committee who had recently been to Alaska said that, in his judgment, this was the most urgent need insofar as enforcement work there is concerned, as they have practically no highways, and where, we were advised, fur bandits and other undesirables are playing havoc with the wildlife in Alaska.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 5 additional minutes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the gentleman from Missouri.

Mr. COCHRAN. Of course, this $1,000,000 increase for the Biological Survey will not be reflected in the Treasury statement so far as the deficit is concerned, as the basic law provides that the money collected as a result of this tax can be used only for the purposes mentioned by the gentleman.

Mr. JOHNSON of Oklahoma. The gentleman has stated the situation correctly.

Mr. COCHRAN. It is not going to increase the deficit in any way. It would simply take $1,000,000 more of what has been collected for this specific purpose.

Mr. JOHNSON of Oklahoma. That is true, and the sportsmen wanted it. They wanted their money spent in that way.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. ALEXANDER. I notice an item of $60,000 has been cut out for the upper Mississippi Wild Life Refuge. Is that included in the $2,500,000 item mentioned in the committee report, which I assume comes as a result of our paying in a dollar a year for a stamp tax when we buy hunting licenses?

Mr. JOHNSON of Oklahoma. I will say to the gentleman in reply that the need for that has ceased to exist as the current appropriation is sufficient to take care of that work.

Mr. ALEXANDER. There is another item that I desire to inquire about. That is the item regarding the $141,000 appropriation for the support of the United States High Commissioner to the Philippines. As I understand it, on exports by the Philippines to us of vegetable oils, such as coconut oil and oils of that type, which compete with our own butterfat and farm produce, we charge a 3-percent excise tax, and then we refund that back to the Philippines. Is that true?

Mr. JOHNSON of Oklahoma. Of course, so far as this committee is concerned, we had no testimony concerning the matter. Actually, of course, that is true, but, so far as our bill is concerned, that does not enter into the question. That is a subject for the Ways and Means Committee.

Mr. ALEXANDER. The point I make is this: Due to the economic situation the Nation is in today, the need to economize at every point, here is an item of $141,000, and it seems to me in good common sense we should take that out of that excise tax rather than turn it all back to the Philippines. As I understand it, they have not a dollar of debt over there. They have millions of dollars on deposit here which has been collected by us in excise taxes and which we are holding for their account and which the Government of the Philippines is squandering in various ways which are more or less questionable. We tax ourselves to the extent of $141,000 to support the United States High Commissioner to the Philippines and then turn back to them every penny of this excise tax we collect, and we collect it to protect our farmers and then turn it back. What sense is there to that? Let us take this $141,000 out and at least save ourselves that much.

Mr. JOHNSON of Oklahoma. The gentleman has certainly given us cause for thought, but it does not belong here. That is a legislative matter that Congress has to take up in a separate way. I will say that the amount appropriated here is approximately the same amount that they had last year. The committee did reduce the estimate $18,000 below the sum requested.

Mr. ALEXANDER. I think the committee has done a fine job, but I still think it is a matter we could well consider at this time, because it is a Philippine matter, and it is all one problem, is it not?

Mr. JOHNSON of Oklahoma. I cannot agree that it is a problem for this committee at this time.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. VAN ZANDT. Will the gentleman tell me what the committee did with the recreation demonstration project? Last year they were financed through the relief money.

Mr. JOHNSON of Oklahoma. There were no estimates, as I recall, for any of them. It was hoped that they could be taken care of in some emergency funds.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. JOHNSON of Oklahoma. I shall have to yield myself 5 minutes more. The Committee is very sympathetic with the matter the gentleman has just mentioned, and I am hopeful that it can be taken care of later.

Mr. CARLSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. CARLSON. The gentleman may have discussed this earlier in his remarks. I refer to water conservation and utility projects. Five million dollars were appropriated in 1940, and I notice it now reads reappropriation, and later the bill provides a $5,000,000 reduction. How does the gentleman explain that?

Mr. JOHNSON of Oklahoma. I did discuss that earlier in my remarks. The fact is that there is nearly two million and a half dollars unexpended, and it is reappropriated in this bill. The committee had information that those sponsoring this very worthy matter hoped to get a Budget estimate within a short time for considerably more than the gentleman is asking for, and, as one member of the committee, I am very sympathetic toward it and realize the importance of that work, and I will say again that personally I hope we may be able to secure an additional appropriation.

Mr. CARLSON. I am very glad to get that statement.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. MASSINGALE. I was interested in the gentleman's language in respect to the $40,000 toilet that the Bureau of the Budget recommended and that the subcommittee cut out. I am wondering if my colleague from Oklahoma knows whether any of the personnel on that Budget committee ever lived on a farmstead where they have open barns?

Mr. JOHNSON of Oklahoma. The committee did not go into that very important question that my colleague has just raised, but I am of the opinion that had the gentlemen who are handling the Budget had more of the experience that my colleague and I have had in Oklahoma, they would have been a little more sympathetic toward some items of real importance for needy people rather than the frivolous things for which they did not hesitate to grant Budget estimates.

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. NELSON. I was wondering if my colleague, who has made a most helpful explanation, could give us a little further information on the recreational areas. I did not quite get his reply to the query made a while ago.

Mr. JOHNSON of Oklahoma. I am glad the gentleman has raised the question, because I probably did not speak as fully about it as I should, as I did not want to take up all the time. We have a great many requests for time.

The committee was disappointed to find that there was not a Budget estimate for these recreational areas and, as my colleague from Missouri knows, we had orders to bring this bill in below the Budget estimates. By that I mean by the Appropriations Committee. All of us are doing our best to economize in every way possible, but as I was about to say, we have discussed the matter and it is our hope and expectation that there will be Budget estimates for a number of these recreational areas. I will be glad to join my colleague from Missouri in requesting such Budget estimates and will go the limit to get the money for this very worthy project.

Mr. NELSON. In case there are no Budget estimates, is it possible that funds may be found elsewhere?

Mr. JOHNSON of Oklahoma. Yes; it is. Emergency funds, I understand, were used for this purpose last year. As a last resort, if we have no Budget estimate, I favor using some emergency funds, and if we cannot do that I am perfectly willing to take the proverbial bull by the horns and make the appropriation that this House feels ought to be made. [Applause.] Does that satisfy the gentleman?

Mr. NELSON. It does. Thank you.

BUREAU OF FISHERIES

Mr. JOHNSON of Oklahoma. Next is the Bureau of Fisheries.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 10 additional minutes, and I am going to try to finish within this time.

The Bureau of Fisheries is another activity that has been placed under the Interior Department subcommittee. It was formerly under the Department of Commerce. The Budget includes for this purpose $2,171,360. We are recommending a little over $2,255,575, which is $3,825 less than the 1940 appropriation and $84,215 in excess of the Budget estimates.

One reason for that is the fact that we have made provision for the establishment of three additional fish hatcheries which the Bureau of Fisheries felt was most urgently needed, and the completion of another one. The fact is the Bureau of Fisheries had asked for $182,500 for this purpose, but the subcommittee decided it could get along this year, at least, with $75,000.

The remaining increase of $19,175 is for the scientific personnel of the new vessel *Harvard*, which is to be put into operation about September 1. The Budget made provision for a crew to operate the vessel, but for some reason the scientific personnel and equipment was overlooked in the estimate. Of course, the vessel could be of no value for research purposes without trained personnel to carry on the work.

The bill provides a total of $1,428,760 for the operation of the activities of the Territories of Alaska, Hawaii, and the Virgin Islands and certain islands in the South Seas. This sum is $250,200 less than the Budget estimate and $143,020 more than the 1940 appropriation. The increase in the current appropriation is due to the meeting of the Territorial Legislatures in Alaska and Hawaii, which will cost $97,000. The expenses of those meetings, which occur biennially, are paid for by the Federal Government in accordance with the basic laws authorizing this expense.

BYRD ANTARCTIC EXPEDITION

We have disallowed the estimate of $250,000 for the so-called Byrd Antarctic expedition to the South Pole. Since this bill was reported yesterday the newspapers have carried the story that $250,000 was disallowed, as requested by the Budget, for the so-called Byrd expedition, and judging from the telephone calls I received this morning, evidently a number of people, including some Members of Congress, are under the impression that it is the purpose of this committee to leave the Byrd party stranded high and dry in the Antarctic and refuse to make any provision for their return. [Laughter.]

It is needless for me to say that such an assumption is not only erroneous and fantastic, but is absolutely untrue. No such thought was in the mind of any member of the subcommittee, nor is there any possible animosity in the committee toward Admiral Byrd, whom we all agree is a great explorer. The committee was greatly surprised to learn from those requesting this additional appropriation that it is expected to make this a continuous appropriation. The committee very carefully went into the question of supplies requisitioned and furnished by the Government for the Byrd expedition, and it was found that the Admiral and his party have sufficient, if not abundant, supplies for at least 18 months, which was to be the period of time for this expedition. If additional money or supplies are needed, the Congress can take care of that later on.

I might add here that those appearing before the committee in support of this item almost shocked the committee when they very frankly told us that they would be back next year for another appropriation and possibly the next year

for a fourth appropriation, and that they considered it a permanent matter and that it would be a continuous appropriation. We reminded those who appeared officially for this appropriation that when Admiral Byrd was before our committee personally last year he told the committee that $340,000 added to the amount he expected to raise personally and, that, with the help he expected to get from various departments of the Government, it would be all that he would ask for. The committee at that time considered the request very carefully and decided that the amount asked for was excessive. It refused to make the appropriation. Then, during the closing days of the last Congress, the amount was placed in a deficiency bill.

Admiral Byrd did raise some money of his own and undoubtedly put some of his own money into this expedition, but the Federal Government was pretty kind to him for it furnished him with the ship *North Star* that had been used in Alaska, and also with the ship the U. S. S. *Bear*, both boats being well adapted and equipped for this special purpose. It has been necessary in this bill to add $10,000 to repair one of these ships and to add another $25,000 in order to take care of transportation costs in Alaska where we are now shipping a lot of supplies for the Indian Service by airplane. So the Federal Government has cooperated in a very effective way. As I said a moment ago, Admiral Byrd took with him sufficient supplies to keep his expedition at the South Pole for at least 18 months.

It seems that the committee did not want to take the responsibility of adding another $250,000 without the Congress itself saying what its policy is going to be. If Congress wants to keep the Byrd expedition at the South Pole from now until the memory of man runs not to the contrary, the committee may not have any serious objection, but we did not feel that it was up to the committee to establish a policy and make an appropriation until Congress itself spoke.

I will place in the RECORD a list of some of the items that Admiral Byrd took along with him. You will find, for instance, that he had a very good supply of 8-day clocks. He had a very good supply of a well-known make of mattresses, enough for 2 years. He had a fine supply of candy, $1,700 worth. He had a fine supply of soap, as we hear nightly over radio programs. He has 156 dogs and an excellent supply of dog food. Personally, I was glad to see the dogs fed, but I cannot bring myself to believe the feeding of dogs choice meats is as important as feeding millions of hungry people who are clamoring for an opportunity for a livelihood. I will place in the RECORD a list of some of these supplies. In doing so I do not wish or intend to cast any aspersions on Admiral Byrd. As I said, his record as an explorer is well known. But until this Congress speaks and states what it cares to do with reference to keeping the Byrd expedition at the South Pole permanently, for 18 months, or for 2 years, the committee felt it could not take the responsibility of trying to lay down a policy. This we did not feel was within our prerogative.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MARCANTONIO. In light of the fact that 800,000 W. P. A. workers will be discharged between April 1 and June 30 unless this Congress passes a deficiency bill, I want to congratulate the gentleman for economizing on this appropriation which can aptly be called an appropriation for the relief of penguins in the Antarctic.

Mr. JOHNSON of Oklahoma. I thank the gentleman for his kindly contribution. As I see it, it is not a bad brand of relief for those 156 high-priced and high-powered dogs.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. VAN ZANDT. Would not the gentleman think it well for Admiral Byrd to come back to the United States and explore this country for jobs for the unemployed?

Mr. JOHNSON of Oklahoma. That might be food for thought, but the gentleman probably remembers that Admiral Byrd was a very distinguished charter member of the Economy League, and I do not distinctly recall of his ever having made such explorations.

Mr. VAN ZANDT. That is right, and he was a horizontal admiral.

Mr. JOHNSON of Oklahoma. The following is a list of some of the articles I have just referred to which the Byrd Antarctic Expedition have with them:

Some of the principal items purchased for the Antarctic Expedition for 60 men

1. Mattresses: 60 mattresses, at $14 each		$840.00
2. Clocks:		
6 alarm clocks, at $3.50 each	$21.00	
2 30-day clocks, at $22.50	45.00	
2 clocks, 8-day, at $11.25	22.50	
		88.50
3. Matches:		
150 gross	128.00	
4,000 boxes	116.00	
28 gross	98.00	
		342.00
4. Toilet papers, 5,000 rolls. Supplementary order, 2 cases.		
5. Mittens: 1,848 pairs various kinds (buckskin, horsehide, waterproof, all wool)		944.29
6. Dogs:		
Purchased, 156	$5,955.00	
Transportation to point of departure	436.81	
Shelter and care	1,539.59	
160 dog crates, at $10.37 each	1,866.60	
		9,798.00
This total does not include food, harness, and miscellaneous items.		
There was a requisition for 35 tons of dog food, amounting to $2,646. However, this amount was canceled and a donation of 35 tons of dog food was made, reducing the food item to $448.00.		
7. Butter: 12,000 pounds were ordered but this amount was protested and we succeeded in reducing it to 10,000 pounds, totaling		3,220.00
8. Cigarettes: 5,000 cartons were requisitioned but this was not approved.		
9. Candy was requisitioned amounting to approximately		1,722.08
At first this requisition was not approved but after considerable argument and pressure from the expedition's organizers that candy served as food, objection was withdrawn.		
10. Cookies: Requisitions totaling approximately		1,535.73
11. Ten electric razors were requisitioned. The requisition was not approved.		
12. Meats were ordered averaging around		16,000.00

Provisions were ordered on the basis of having a year's supply in reserve should it be imposisble to bring the ice parties out at the end of 18 months. If that fact is not kept in mind, the figures seem enormous and out of all proportion to the needs of 60 men for a year and a half.

Mr. RICH. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. PLUMLEY].

AMOUNT OF $112,000,000 PLUS $10,000,000 PROPOSED TO BE ADDED TO THE TAXPAYERS' BURDEN?

Mr. PLUMLEY. Mr. Chairman, Thomas A. Edison, the father of the distinguished Secretary of the Navy, was deservedly known as the Wizard of Menlo Park; but not even he, much less his able son, could make figs grow on thistles, or find money in a depleted Treasury or in the already empty pockets of the overburdened taxpayers. Only the Wizard of Oz could do that. It is, however, reported that my friend the genial Secretary of the Navy served notice last week, according to the papers, that he intends to ask the Senate at this very present session to restore the $112,000,000 which the House cut from the Navy appropriation bill. It is further indicated that he says if Congress turns down his request he proposes to return with another request at the earliest opportunity. Knowing his tenacity, I would expect this.

What I have to say is solely for the purpose of advising the Members of the House of Representatives that they should take notice and govern themselves accordingly.

What a coincidence! The Navy comes along, under claim of emergency, and asks for an appropriation of many millions with which to build battleships, the plans for which battleships have not even been completed, and the type of which has not been determined, and the keels not laid.

Then the Army comes along, under claim of emergency, and asks for more millions of dollars with which to erect a third lock in the Panama Canal, before the preliminary engineering job is completed, or started, so far as I know, or the location therefor determined, and the while we are spending millions to make bombproof the two existent locks, and the possible date of completion of the proposed lock is 6 years off, or more, and the possibility of the necessity for the acquisition of more territory is undetermined.

DEFENSE PROGRAM INCOMPLETE

The defense program for the Canal is only half finished, if even that may be said to be true. President Roosevelt recently told newspapermen, according to press reports, that—

More guns and planes are needed at the Panama Canal to permit better opportunity to discover any attacking force—from the air or by sea—at a much longer distance from the Canal than ever had been provided heretofore.

He said:

The first thing to do is to finish the present program for anti-aircraft guns and planes. About half the total of each recommended by the Army-Navy Joint Board, or actually authorized, has been delivered so far.

So much for that.

DO WE NEED A THIRD CANAL?

If we need a third canal, and we may; if we must police, protect, and defend Central and South America; what, then, about the possibilities of the Nicaraguan route? We should not permit ourselves to be sworn out of court by a subterfuge. Let us think it over. What is the great hurry, anyway? Why not protect the Panama Canal to the *n*th power first, as we have started to do? To do that first would be sensible and certainly justifiable, it seems to me.

WHERE IS THE $112,000,000 COMING FROM?

So they are coming back for $112,000,000. Do not forget that; but that is not all.

Have you noticed that they are not satisfied with the amount which the House appropriated for experimental research covering lighter-than-air ships? Well, they are not, if the newspaper reports are to be believed, but are going to ask for $3,500,000 now, which they emphasize, and at once, as they say. According to press reports the Navy Department policy involves a 5-year plan which includes and recommends not only that one $3,500,000 dirigible be constructed at once, but asks for two big dirigibles.

ONE HUNDRED AND TWELVE MILLION, PLUS TEN MILLION IS A LOT OF MONEY

If reports are to be believed, the 5-year program contemplates an expenditure of the taxpayers' money to the extent of a minimum of $10,000,000.

If the set-up which I have seen is correct, and I take my information from the newspaper accounts which I have read, a break-down of the proposed 5-year budget shows that next year $350,000 would be spent on blimp construction and $250,000 for rigid ships. An additional $350,000 would be spent for maintenance and operations, bringing the total cost to $950,000 for the first year's operation of the plan. Think that over.

In 1942 the costs would be nearly tripled and include expenditures of $300,000 for experimental prototype construction and $100,000 for additional shore facilities. Rigid airship construction costs would be raised to $1,500,000 and the blimp costs would be nearly doubled. What about that?

The third year of the program would reach the peak in expenditures, $3,200,000, with more money going into rigid ships. The last 2 years of the program would be leveled off approximately at $1,500,000. "Leveled off" is good; that is what they do to a grave.

NAVIGABLE BALLOONS

Now, all I have to say is that those who have patent rights, rubber, and other materials to sell may have been able to convince some people that we should spend these millions for navigable balloons, but I am still of the opinion, as between the devil and the deep sea, that we can waste the money of the taxpayer less disadvantageously to him along other lines also superinduced by the use of gas and "hot air."

Dirigibles or not, I have yet to be shown that the valuable use to which they might be put is sufficiently valuable to justify the expense involved in their construction, taking into consideration their vulnerability and probable short life, while and if in use, and the fact that, admittedly, substantially all that can be done with them as an instrument of warfare can be accomplished by modern airplanes designed for such use, if in the hands of men trained for a specific purpose.

Lord God of Hosts, be with us yet lest we forget—
The *Macon*, the *Akron*, and the *Shenandoah*.

BATTLESHIPS AGAIN

One word more about the battleships. Do you know, speaking to you in strict congressional confidence, I would feel a great deal better about appropriating money for building them if the Navy line and staff would forget their feud, submerge their rankling jealousies, get together, and agree on a type and on plans and specifications on which to build a ship free from serious errors in design and construction; one that they would guarantee not to be topheavy; one that would not tip over or turn over in a choppy sea; one that I would dare to ride in, shall we say, on a shake-down cruise on the Tidal Basin if the tide were coming in.

There is no "impenetrable opacity" of the aura—as they say in Japan—surrounding the Navy Department, nor in fact around any man, group of men, or department of government in the United States as to make loyal and patriotic Americans stand in indubitable awe of anybody or to permit themselves to be dominated by or dictated to in their thinking by an ukase issuing from the throne.

The only earthly throne an American citizen recognizes is his own doorstep, on and from which he feels perfectly competent to defy everybody and anybody who undertakes to order him around or tries to do his thinking for him.

He proposes to maintain that privilege and to insist upon such prerogatives, and in so doing he will endeavor to see to it that no part or department or bureau of his Government ever gets the mistaken notion into its head that it is bigger than the whole.

A LAYMAN'S NOTION

Of course, this is just a layman's notion, but it is your money and my money that they wish and intend to spend, if I may be so bold as to suggest the fact. I still have to be shown. [Applause.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I received a very encouraging annual report this morning, which I want to offer for the consideration of the House and which I ask that the Clerk read out of my time.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

ANNUAL REPORT

To our stockholders: Your officers are glad to report business over the past year has been vastly improved; in fact, we almost broke even.

We feel that much of the company's success during 1939 was due to a more vigorous policy of trying to make the best of it all. It has been the custom of the company officers to worry too much. Under the new policy 70 percent of our officers have cut their fretting down 86½ percent for the fiscal year.

Your company was able to get a little more work done around the plant in 1939 by naming six vice presidents in charge of visits from tax agents, thus saving the higher executives a major amount of time. We built a new wing on the factory in which all data, facts, figures, reports, explanations, and apologies demanded by the Government may be prepared and turned out. This plant is capable of answering 50,000 inquiries from Washington per week. Plans are being drawn for an annex in which all summonses to congressional probes can be received, filed, and cataloged without confusion.

The company has also appointed a vice president in charge of nervousness, a vice president in charge of apprehension, and two vice presidents in charge of grave misgivings.

Our cash position is strong, due to a new system of loose-leaf, loose-thinking, and loose-figuring bookkeeping, now quite the rage. We think this means a lot of good clean fun until we change auditors.

Getting down to figures, our losses for 1939 were $1,358,456, as against $2,567,823 for 1938. This makes it a banner year.

Summary: The general outlook is good. Car loadings are doing nicely. Boat loadings are firm; auto loadings are improving. Bicycle loadings are not to be sneezed at. Our stockholders will be glad to hear that after suspending the custom over the lean years, we have decided to renew distribution of art calendars to all stockholders.

Please notify the company of any change of address, so that you may be kept in touch with all bad news.

Mr. RICH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. EDWIN A. HALL].

Mr. EDWIN A. HALL. Mr. Chairman, yesterday I introduced two resolutions, one of which would prohibit any person seeking a third term as President of the United States, and the other precluding such individual from drawing any salary in that third term. At that time it was pointed out that I should not have injected partisanship into the discussion, but may I say to the Committee that I had nothing to do with the injection of partisanship into the matter. As a matter of fact that issue came from the other side of the House.

When I presented these resolutions I did not have in mind partisan politics any more than a discussion of foreign problems and for this reason I will point out to the gentleman from New York [Mr. FITZPATRICK], for whom I have a great deal of respect and regard, that at least one of the members who voted in the New York State Legislature for the resolution about which I spoke yesterday was a Democrat. I believe I am correct when I say that Senator McNaboe is a Democrat.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman from New York.

Mr. FITZPATRICK. He introduced the bill, but is the gentleman sure he voted for it?

Mr. EDWIN A. HALL. It does not seem to me there is any point in his introducing such a resolution if he did not vote for it. I would be loath to introduce any legislation in any body that I did not vote for afterward. Further, I will tell the gentleman that I did not introduce the legislation at anybody's wishes except my own.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. EDWIN A. HALL. I will be glad to yield for a question.

Mr. FITZPATRICK. I do not know whether I can cover the entire situation.

Mr. EDWIN A. HALL. I yielded for a question only.

Mr. FITZPATRICK. I asked the gentleman if he was requested by anybody to introduce the resolution, because other Members of the delegation have been asked to do so.

Mr. EDWIN A. HALL. I was not requested to introduce it by anyone. I hope that answers the gentleman's question, and I would appreciate the opportunity of being able to continue with my statement.

Mr. RICH. Will the gentleman yield for a question?

Mr. EDWIN A. HALL. I yield to the gentleman from Pennsylvania.

Mr. RICH. If anybody had asked me to introduce such a resolution in the House, I would be tickled to death to do it.

Mr. EDWIN A. HALL. I would be, too, if I had been asked to do so, but I was not.

I was somewhat nonplused when the gentleman stated he could not understand why partisan politics were injected into this matter. My resolution provides that two-thirds of this body will first have to approve of an amendment to be submitted to the people of the United States. I can well understand now, after I heard a certain radio talk last night in which it was stated that the third-term issue was creating a disturbance in the Democratic Party's ranks, why the gentleman brought up the subject. There was a certain poll taken among 1,300 Democratic county chairmen throughout the country and 52 percent only were in favor of a third term. That is all I am going to say about the third-term issue as far as partisan politics are concerned. I can readily understand why the gentleman would have so much apprehension over a vote being taken on the floor of this House in reference to that matter if only 52 percent of the party faithful are in favor of a third term.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman from New York.

Mr. FITZPATRICK. I noticed in the morning paper that the members of the State Senate and Assembly of the State of New Jersey, the Republicans, also advocated this. There were no politics in that, I suppose?

Mr. EDWIN A. HALL. That, of course, was not of my doing.

I submitted the resolution to this body in a purely nonpartisan attitude and I shall continue to take that position.

Mr. GIFFORD. Will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Many of us have thought this over very seriously. It is a matter of very great grief and apprehension on the part of the Democratic Party. I want to be content with expressing my sincere sympathy. The Democrats are suffering torture over this question. You see them struggling over it every day. As a Republican, I simply say, "You have my sincere sympathy, it is an awful mess you are in."

Mr. EDWIN A. HALL. Mr. Chairman, I was prompted to present these resolutions yesterday by the firm, just stand taken by the Father of Our Country, George Washington, when he made his farewell address, wherein he stated he felt he should not place himself in the way of anyone who wanted to succeed him in that great office. I believe I am correct in stating that George Washington at that time stood out as one of the most powerful men that the world had ever known. He had served his country in both war and peace. He had generaled the armies of revolution through to unbelievable success and victory. At the end of the war he assumed the highest office that our people can give to an individual, that of President of the United States. During his 8 years as President he had firmly established himself and since he had risen to such heights so far as prestige was concerned, he could have almost become a dictator, but he chose the more sensible, the more sane course. He chose to retire at the height of his glory rather than let any shadow be cast upon the wonderful record he had made in public life.

So in conclusion, after urging this body stringently and urgently to adopt my resolutions, not only in the face of possible present circumstances, but also to preclude any future happenings of the same kind, may I say that I should like to see these resolutions reported favorably, passed by this House, and sent to the Senate for approval. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, it seems to me it depends on whose ox is being gored. It was not so long ago that in the Senate of the United States, during the administration of Calvin Coolidge, a resolution was introduced against a third term by Senator ROBERT LA FOLLETTE, and it passed by an overwhelming vote, including the votes of most of the Democrats in the Senate and most of the southern Democrats.

Now, they say this is a partisan Republican issue, because a Republican, a new Member, makes an able and fair and what I thought was a very nonpartisan speech opposing the third term. Of course, the Democrats would like to wipe out the record now. They would like to wipe out that vote they cast only 12 years ago against the third term. I am not a mind reader, and we do not actually know whether President Roosevelt is going to be a candidate or not, but if he is a candidate the third term immediately becomes the biggest single issue. The people back home are vitally interested, not alone Republicans, but those Jeffersonian and constitutional Democrats, who number at least one-third of the Democratic Party today. I do not know whether they will go along on this issue or not, but I know it is going to worry them from one end of the country to the other. These Jeffersonian Democrats know that if there should be a third term, why not a fourth and even a fifth?

I am not so concerned about what George Washington said or did, but I should think the Democrats should be vitally concerned in what Thomas Jefferson, Madison, and Monroe, and Jackson had to say about a third term. They all refused a third term because they thought, and thought rightly, that a third term would be the beginning of a dictatorship in the United States. They refused a third term because they were Democrats, because they believed in our free institutions, and were opposed to any one man's holding office for 12 years or more. They contended that there would be always at least one man in America who could serve the people in the White House, and therefore refused a third term. Naturally such Democrats and those who believe in Jeffersonian democracy are opposed to a third term that violates the spirit of our traditions and free institutions. [Applause.]

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Chairman, I do not believe we ought to get excited about this question or the resolution offered by the gentleman from New York. Of course, it is concerning nothing more than a tradition. It is a matter upon which the people in the United States vote. There is no law upon it. It seems to me that it is a little bit on the innocuous side for the lawmakers to be resolving on this question at all. Regardless of what we resolve, as Æsop asked in his fable, "Who is to bell the cat?"

There is also a sort of tradition regarding the President of this country, that whenever a man in his administration as chief does well by the folks and does right by little Nell, all down the line, we give him two terms. This is a sort of tradition in the United States. It just did not happen the last time before the present administration. We had to smack down the gentleman and his administration and knock him out of a second term. So why could not we on this occasion balance the books by having three terms this time, and that will just set it even, and then the United States, this great democracy, can go on forward as far as it likes in the centuries to come and we will have everything on the present schedule settled? We will have three terms credited to this administration and only one to that preceding it, but it will balance the thing up and we then will be on an even keel.

Further, it seems to me a rather interesting proposition that since this is a democracy, and since the third-term question is not covered by a law, since it is not in the Constitution or anything else, we may just let the folks decide. They like to decide things like this for themselves. They are funny that way. There are two things by which they may decide. First, if the man who is presently at the head of the administration chooses to run. We have had men who did not choose to run after the first term when they saw they were mucked up and had accumulated too many problems to carry through. So tradition also says that if a man does not wish to run for a second term he does not have to. He may say, "I do not choose to run." But if a man who is standing at the head of the Government of the United States as its Chief Executive desires to run for a third term, why, there is no law against it, and it may be a pretty good idea to let him do it. And if the general run of the folks, the most of them, want to vote him in, it is a pretty good idea to let them vote for him if they wish to do so, and if they think it is for the best they will be pretty likely to do it. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, the gentleman from Alabama [Mr. PATRICK] has about the same idea about the occupancy of the White House that the administration has about balancing the Budget. I noticed in those figures that went into the RECORD yesterday that this administration had spent as much money, or rather, had created as great a deficit in the 8 years, or will have according to the estimates, as our other Presidents created in 144 years and 6 months. The total deficits of all previous administrations was given as a little more than twenty and one-half billion while President Roosevelt's administration will give us a deficit of more than twenty-five and one-half billion. You would not want three terms after a twenty-five and one-half billion dollar deficit in two would you? Are you going to keep on in the same way for the third one? If two terms give us a twenty-five and one-half billion dollar deficit will three terms of Roosevelt give us a thirty-seven and three-quarter billion deficit? We have had aplenty of the quack remedies.

Then it was hardly the fair thing to ask the gentleman from New York [Mr. EDWIN A. HALL] as to who asked him to introduce the anti-third-term resolution. On the other hand, we on the minority might ask you of the majority who has been doing your business? Who has been asking you to introduce bills? Has Tommy the "Cork," or Cohen the "Sailor," been furnishing you ideas and preparing legislation for the last 7 years? You tell me of one major bill that the Representatives on the majority side have originated and drafted and put through in the last 8 years.

Mr. McCORMACK. If the gentleman will yield, I will name one—the social-security law was drafted entirely by the members of the Ways and Means Committee on both sides.

Mr. HOFFMAN. Had never been thought of before?

Mr. McCORMACK. Then the gentleman is getting some information.

Mr. HOFFMAN. Fine. I always learn something from the gentleman from Massachusetts. I suppose I should thank him for the major part of my education, if I have any, and I recall that in that bill you created a fund, a great, big surplus, which was to be held as a reserve fund, and then you went ahead and spent it for current expenses. Now, was not that fine? If it had been an individual who had used administration or trust funds for a purpose for which it was not proper to use them he would have been sent to the penitentiary, but the majority, or the officials representing the majority, can spend money that was collected from employers and employees and laid aside in a reserve, trust fund—for current expenses. Now, think of that. What a crooked thing it is to take away from future beneficiaries and use funds collected for a specific purpose. If it was an individual it would be different, he would be sent to jail for embezzlement, but for these officials, naturally, it is all right, is it?

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Not until I finish this statement.

I say what a reprehensible thing it is to take the funds of employee and employer collected for the aged and unfortunate and use them for such a purpose.

Mr. McCORMACK. You ask the question, do you yield?

Mr. HOFFMAN. I am telling you what a reprehensible thing it is to do that kind of a trick and to so misuse trust money.

Mr. McCORMACK. Does the gentleman decline to yield?

Mr. HOFFMAN. What do you want?

Mr. McCORMACK. Does the gentleman yield?

Mr. HOFFMAN. For what purpose?

Mr. McCORMACK. Will the gentleman yield to me for a question?

Mr. HOFFMAN. To continue my education, I presume. Well, go ahead.

Mr. McCORMACK. The gentleman at the outset said——

Mr. HOFFMAN. Do not make a speech, will you?

Mr. McCORMACK. Now, the gentleman has yielded——

Mr. HOFFMAN. Yes; but just temporarily, not permanently. [Laughter.] This emergency is only a temporary emergency, this does not run on and on like the synthetic emergencies created by the President to cover his successive blunders.

Mr. McCORMACK. The gentleman from Massachusetts is usually not guilty of the habits of the gentleman from Michigan.

Mr. HOFFMAN. You do not mean that, do you? What habits do you mean? Drinking, gambling, or what? I do neither.

Mr. McCORMACK. I do not know what the gentleman's habits are.

Mr. HOFFMAN. Then how do you know what you are not guilty of? [Laughter.]

Mr. McCORMACK. I know the gentleman's legislative habits.

Mr. HOFFMAN. You might well follow them. Are you going to sign that petition when it comes up on your side, to bring out the Wagner law for amendment?

Mr. McCORMACK. Are you asking me questions or am I asking you?

Mr. HOFFMAN. I was.

Mr. McCORMACK. The gentleman stated that he did not know of one bill——

Mr. HOFFMAN. You answered me on that.

Mr. McCORMACK. Yes; and then the gentleman, with his usual ingenuity, which is very clear to those who can follow the gentleman's reasoning, proceeded to argue on the bill itself. Some other time I would be glad to discuss the social security bill with the gentleman from Michigan, but when he states that the fund was used in the manner stated, the gentleman makes a misstatement.

Mr. HOFFMAN. Oh, no; nearly every one on the floor who contradicts any statement you make is in error according to your theory. Now, I cannot agree with you. Practically everyone in the country knows that that fund was used and has been used—it is not down there, is it?—the Government used it and put its I O U's in place of the money, did it not, to pay current expenses of the Government?

Mr. McCORMACK. The gentleman knows I have not been educating him——

Mr. HOFFMAN. I do not yield any more. Of course, I could not teach you anything.

The gentleman from New York [Mr. EDWIN A. HALL] was asked about who requested him to introduce that resolution. I might return the courtesy by asking who suggested the Government's silver policy under which, for several years, we have been buying silver from Mexico at a price in excess of the market price or the world price while letting them steal the oil property of our citizens down there.

Who suggested the policy of buying gold from Russia at a price higher than the world market price, and letting the Russians buy munitions here to destroy the Finns? That did not come from any Republican politician. Did someone on the majority side suggest those two policies? Who claims to be the proud father of those twins? Who was it suggested at the beginning of this administration that the Government should lessen the purchasing power of the bonds that it had sold to the people in America by devaluing the gold content of the dollar? Who suggested that—robbing the widows and the bondholders?

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Not now.

Mr. FITZPATRICK. The gentleman mentioned my name—that is, he referred to the gentleman from New York.

Mr. HOFFMAN. Very well. I yield for a question, not for a speech.

Mr. FITZPATRICK. What is the purchasing power of the dollar today compared with what it was in 1928 and 1929 in the United States?

Mr. HOFFMAN. You cannot buy as much with it now, of practically anything, as then. If you can it is because the farmer's market—driven down the prices of the things he sells—but raised the prices of the things he buys.

Mr. FITZPATRICK. Oh, it is 20 percent more, and the gentleman knows it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. SCHAFER of Wisconsin. Under the New Deal gold and silver sell-out policies, the purchasing power of the foreigners' dollar is more than 125 percent of what it was in 1928 and 1929.

Mr. HOFFMAN. I commend that statement to the consideration of the gentleman from New York. Who was it suggested to the majority side the misuse of the money appropriated for relief? It will be remembered that when the Hatch bill was under consideration in the Senate, Senator BARKLEY opposed the enactment of those provisions under consideration at that time, which would have prohibited the use of Federal money for political purposes. Who was it who suggested, and who was it brought about the spending of relief funds—a wonderfully fine thing it was for the majority party, to ask for appropriations of money to buy food and clothing, and what kind of a trick was it to turn around and use that money to buy votes? Look at the statement Senator GLASS of Virginia made on the floor of the Senate, and you will find it in the proceedings of the 24th day of June 1937, when he said that the last election was bought. I quote the Senator from Virginia, CONGRESSIONAL RECORD, page 6284:

> The last election was carried by people who were getting favors from the Government, people who were subsidized by the Government, people who were on relief rolls.

Now I ask you, do you intend to buy this one? Is that the reason for the opposition to the Hatch bill? Are you going to buy a third term for a President who will give us a $25,000,000,000 deficit in two terms? Is that what you are getting at? Oh, many things have been suggested by someone other than the Members on the majority side. I do not know of anyone, in my short experience in the House, who could have thought of those things—that is, among the majority Members, who would be so lacking in consideration of our national welfare as to think of doing the things to which I have referred. But someone must have suggested them. Someone who wanted to "make over" America.

We might go on down the list. Who suggested the appointment of the members of the Labor Board? Was that some Member of the majority side? Subsequent events indicate it was John L. Lewis who suggested that, and that the appointment of some Board members was a partial payment on his $470,000 contribution to the New Deal campaign fund. Now, John is kicking because he says that your leader did not deliver in full. John's dollar has been devalued; he thinks and charges that you have taken away a part of the purchasing power of his contribution, and he says now that he is not getting out of the Labor Board all that he ought to have.

What are you going to suggest next? May I be permitted to make one suggestion? It is that we get rid of that Labor Board, which, even John says now, is not so hot, and that the A. F. of L. said is really rotten, and that most people say steps clear outside of its sphere, and, as one court has said, assumes not only to be prosecutor, jury, and judge, but investigator, prosecutor, jury, judge, and executioner. I leave that as one suggestion that a Republican whose education has not yet been completed by the instruction of the gentleman from Massachusetts [Mr. McCORMACK] has to offer. [Applause.]

Mr. RICH. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. ANGELL].

BONNEVILLE PROJECT SELF-SUPPORTING, PROFITABLE VENTURE

Mr. ANGELL. Mr. Chairman, I have requested this time to talk briefly about the Bonneville project, which is one of the items included in the bill pending before us. This particular item has to do with the appropriation for maintenance and extension of the transmission line. The Bonneville project initially is a river development for navigation, and in that development there has come about a further development of hydroelectric power, and this particular feature of the bill before us has to do with that part of the undertaking. There are 10 units included in the hydroelectric development. Two have been already completed and are in operation. These 2 will produce some 86,400 kilowatt-hours. Two additional units are in the process of construction and will be completed in 1941, and an additional 2 units for which funds have been provided will be ready for operation in 1942, which will make 6 units out of the total of 10. This appropriation carries

$650,000 for maintenance and operation, that is, carrying on the project as a commercial venture, which is done under the Department of the Interior through the Administrator, Dr. Raver.

The War Department, through the Corps of Engineers, has the job of building the dams and building these works, but its operation and the erection of the transmission lines, and the disposal of the excess hydroelectric power that is developed, is carried on through the Department of the Interior, and for that reason the bill before us, for the Interior Department, carries these items.

In addition to the $650,000 for maintenance and operation, there is an allowance of $5,000,000 for continuing construction of the transmission lines. That is a reduction of $1,000,000 from the amount carried in the Budget, as I understand it, but that sum of $3,000,000 of unexpended prior appropriations which are allocated will permit the continuation of the transmission development for the coming year, and will provide $8,000,000 for that purpose, with the $5,000,000 included in this bill. Some projected transmission lines will have to be delayed by reason of the cut.

Some have criticized the project, saying that it is being built ahead of the necessity for its development, the demand for power; they claim that we are producing electrical energy at Bonneville in excess of the requirements of the territory served. I want to take issue with that contention. This project is in my district on the Oregon side of the Columbia River, and I am quite familiar with it. In fact, I was familiar with it before I came here, although I have had no official connection with it in any way and am not interested in it other than as a Representative from that district. But the figures do disclose to me definitely that the demand for electrical energy at this plant will more than take up the energy that is produced if we continue the process of development as provided for by these plans and as recommended by the Corps of Army Engineers.

There are 119 applications for power at the present time, totaling 643,489 kilowatts. Those have already been received by the administrator of the project. Of those 119 applications, 42 are from public-utility districts, 16 from municipalities, 29 from Rural Electrification Administration cooperatives, 21 from drainage districts. Public applications total 108, representing 446,529 kilowatts.

Applications have also been received from 6 private utilities, totaling 66,900 kilowatts; 5 from industries, totaling 130,060 kilowatts. When you consider that the 2 units now in operation produce only 86,400 kilowatts and the additional 2 units which will be in production next year will produce, with the 2 in operation, only 194,000 kilowatts, and that all 6 which are now provided for will produce only 300,000 kilowatts, I think it is clearly evident that the demands for electrical energy in the district far exceed the capacity to produce.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I am glad to yield to my colleague the former Governor of Oregon.

Mr. PIERCE. Is it not true that the demand for electricity depends entirely on the price?

Mr. ANGELL. That is true.

Mr. PIERCE. If the price is low enough, it is used extensively, not only for industries but for lighting and heating and in all other industrial pursuits. If the price is high, then the quantity used is low. In the city from which the gentleman comes—Portland—the use per meter is, I think, now about 1,200 kilowatt-hours. In Tacoma it is 1,600; Winnipeg, right at 5,000 per installed meter. It is the price.

Mr. ANGELL. The observations of my distinguished friend from Oregon are correct.

Now, we have a double purpose to serve in this development. One is to serve the outlying communities as well as those adjoining; that is, the farming communities, small cooperatives, little industries, small towns throughout the area served, and the other purpose is to develop industrial enterprises. We are making a very fine advance in the development of industrial enterprises. The Aluminum Co. of America is now installing a plant at Vancouver, just across the river from Portland, which has already entered into a contract with the Administrator, which will consume, during the life of the contract, sufficient energy to pay to the Federal Government some $10,000,000 for electrical energy. Just recently another concern has contracted with the Administrator for a large block of power running over a long period, in the development of an iron-producing project in the same vicinity. A great many other similar organizations are considering coming into that district. Those are not plants which are now operating in some other district which will be discontinued, some district belonging to you gentlemen, but they are new developments in addition to what is already in operation, attempting by these developments in the Northwest to supply some of the demands for manufactured products in that particular district. We have large deposits of natural resources for development with cheap electrical power, which are available to be used in many of these new enterprises that are seeking a home in the vicinity of this project. It is unquestionably true that as fast as these additional power units which are provided for under this program are completed, the electrical energy produced will not only be needed but there will be no place to secure it elsewhere unless these projects are completed.

Some have said that many of these transmission lines are duplications of existing lines. I have given that a great deal of study. I have gone over the district myself. I have asked for reports from the Administrator and his staff as to whether or not there are any duplications of existing lines provided by the funds which you have authorized for transmission lines. I am advised and I state on my own judgment that there are not. These transmission lines supply transmission service for this energy developed at Bonneville that are not now available. There are no facilities available for passing this energy from the place of production at the plant out into the field unless we have transmission lines. These funds will supply that need and put the generators to work as fast as they shall be completed. This will make possible financial returns on the large investment the Government has made in this project.

Unfortunately, when we met last year the Bonneville project was completed insofar as the two units were concerned, but Congress had made no provision for transmission lines to market the energy produced, and we were caught in a position where we had a large investment, where we had the turbines ready to turn to produce electricity, where we had a demand in the field from the consumer for the electricity, but we had no tranmission line over which to carry it from the point of production to the point of use. This has been remedied to some extent, for on the 1st of December of last year the main transmission line running from the plant to Vancouver and Portland was energized, and immediately the electric energy was turned in to industry and private use. [Applause.]

Mr. Chairman, the river development project at Bonneville, between Oregon and Washington, is no longer in the experimental stage. It is now in operation and has proven itself to be feasible, and I am certain is demonstrating that it will be a self-supporting venture and a profitable undertaking.

Work was begun on September 30, 1933, under the provisions of the National Industrial Recovery Act, the project being formally authorized in the Rivers and Harbors Act, approved August 30, 1935. The project is located 40 miles east of Portland and includes a dam, powerhouse, ship lock, and fishways. The purpose of the project is for the improvement of the Columbia River, for water transportation and utilization of hydroelectrical power made available by reason of this improvement.

The plans call for 10 units in the power project. Two of these are now completed and in operation under the direction of the Secretary of War and under the supervision of the Chief of Engineers of the United States Army.

At the last session of Congress, when appropriations were under consideration for carrying on the work of this project, no transmission lines had been completed, so that it was impossible to market the electrical energy that was then available from the first two units. The transmission line between Bonneville and Portland was energized on December 1,

1939, and delivery of power began on that date to the Portland General Electric Co.

The line to Eugene is now completed, or practically so, and other lines will be completed during the calendar year 1940.

Administrator Ross, who had charge of the marketing of power, died on March 14, 1939, and until September 16 his place had not been filled with a permanent administrator, which resulted in considerable delay in long-time planning.

Contracts already entered into and now under negotiation will absorb the entire capacity of the first two units of the project. A contract has been made with the Aluminum Co. of America, calling for the delivery of 32,500 kilowatts of prime power at $17.50, and a contract with an iron manufacturing company which will take a large additional allotment of prime power. These, together with the contracts made with public utilities districts, private utilities, and municipalities, as shown by the report of the Administrator, Dr. Raver, will afford a market for all of the power available under present plant capacity.

In discussing this subject last year in the Congress, I called attention to the fact that steam-plant capacity in the Northwest area contiguous to Bonneville amounted to 370,000 kilowatts, or 71 percent of the ultimate capacity of Bonneville, and that by 1945 about 400,000 kilowatts of the then-existing plant capacity would, because of age, be removed. During December of last year private utilities serving Portland used as high as 79,000 kilowatts, or 91 percent of the present capacity, which demonstrates that there is a market for this displacing power.

The Annual Report of the Bonneville Project shows that prime load immediately in sight through applications, contracts under negotiation, or contracts executed will total about 177,000 kilowatts in the fiscal year 1941, and 232,000 kilowatts in the fiscal year 1942. Present schedules for machine installation show that only 86,400 kilowatts will be available until the latter part of the fiscal year 1941. This available capacity will not be sufficient to meet actual demands under existing contracts and those in process of execution—in fact, will only be about one-half of the estimated requirement.

The transmission lines now having been in part completed and many trunk lines nearing completion necessitates additional funds for operation, which accounts for the increased budget submitted this year. Operation under Dr. Raver, Administrator, is proceeding satisfactorily, and he is showing remarkable progress in securing contracts, not only with public-utility districts and municipalities, but with private utilities and manufacturing enterprises, which will, I am sure, furnish a market for all of the available power which Bonneville will produce.

LOW RATES TO CONSUMERS

Mr. Chairman, as a result of the energizing of the transmission line to Portland, the city of Portland on October 15, 1939, put into effect a rate reduction which Administrator Raver states is approximately 20 percent.

The organic act provides that 50 percent of Bonneville power shall be reserved until 1942 for public business and agencies. It is the underlying policy of the law that the lowest possible rates to consumers shall be established. This is for the purpose of protecting domestic users, farmers, and the small user throughout the entire territory. It also contemplates furnishing the lowest commercial rates for industrial enterprises consistent with the profitable operation of the project.

NORTHWEST AREA ABOUNDS WITH A WEALTH OF UNDEVELOPED RESOURCES

Mr. Chairman, the whole Northwest territory contiguous to the Bonneville and Grand Coulee projects is a region of very great natural resources awaiting development. We have large areas of highly developed agricultural land, much of it under irrigation, and our great need is for markets. Much of the raw material, through manufacturing and processing, may be utilized and markets found for it through utilization of the electrical energy afforded by these two great Federal projects. Over 50 percent of the pay rolls of Oregon come from the forest industry. The major portion of forest products are sold in the raw state. Much of it, through manufacturing, could be utilized at the place of origin, thus not only affording a market for the production but also pay rolls, and thereby a market for much of our agricultural crops. In the Northwest States of Oregon, Washington, Idaho, and Montana there are immense deposits of strategic materials which our Government is in need of, not only in war times but in peace as well. Included, among others, are manganese, mercury, chromite, aluminum ores, in addition to many others. The reduction of these ores and the utilization in manufactured products or in processing requires large volumes of cheap electrical energy which can be furnished in the vicinity of these projects at the very lowest possible cost. The scientific developments which have been and are now taking place through the study of chemistry and the application of chemurgy to farm products will afford an outlet, not only for the agricultural and other products of this region but also give a market for the power produced. Studies made by the Federal Power Commission indicate that the requirements of electrochemical and electrometallurgical industries have been increasing at a rate somewhat greater than that of general industrial activities, and the Commission estimates that these extraordinary requirements will be increased in 1940 by approximately 33 percent over 1936. These developments will call for large blocks of electrical energy.

INCREASED DEMAND FOR ELECTRIC ENERGY AND SAVINGS IN COSTS MADE

The Nineteenth Annual Report of the Federal Power Commission, 1939, shows that rate reductions for electric energy averaged forty-six and one-half million dollars annually in the 3½-year period from July 1, 1934, to December 31, 1937, and that the production of electric energy reached an all-time high in 1939. I desire to quote briefly from this report:

> The total savings resulting from electric-rate reductions for the 3½-year period from July 1, 1934, to December 31, 1937, it was estimated, amounted to $162,761,490, an average of $46,500,000 per year. These figures represent merely a total of the separate annual savings based on average consumption per customer for periods prior to rate changes as reported by utilities, and as such do not reflect a cumulative total of all savings given—do not include savings on increases in the average consumption per customer which usually follow a rate reduction.
>
> The savings to the customers of privately owned utilities for all services during the period, it is noteworthy, equaled 6.4 percent of the estimated total revenues of such utilities in 1934, as against 5.1 percent in the case of the publicly owned system. Though privately owned utilities in nearly all instances reduced their average typical bills more than publicly owned systems, the average typical bills of publicly owned utilities, as has already been noted, remain generally below those of privately owned utilities.
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> Production of electric energy for public use for the 12 months ending October 31, 1939, reached 125,437,000,000 kilowatt-hours—far exceeding the highest previous annual total of 119,224,000,000 kilowatt-hours recorded in 1937.
>
> In reporting that production in 1938 was 4 percent less than the output recorded in 1937, the Commission, in its comprehensive report entitled "Electric Power Statistics, 1938," published in May of 1939, pointed out that the last 8 months of 1938 had witnessed a steady upward trend in electric production, the output for December 1938 being at that time the largest for any month of record, totaling 10,882,094,000 kilowatt-hours.

BONNEVILLE'S RECORD—INSTALLED CAPACITY AND PLANT-COMPLETION SCHEDULE

Mr. Chairman, two generating units are installed and operating. This represents a total capacity of 86,400 kilowatts. These two units have been designated No. 1 and No. 2. Funds to install and complete units 3, 4, 5, and 6 have been provided, save the $800,000 item which passed the House recently. The second step of the program planned by the Army engineers contemplates that units 3 and 4 will be ready for service by June 1941. At that time the installed capacity will be 194,400 kilowatts. The Administrator anticipates that he will be crowded for capacity by that time and has requested the Army engineers to accelerate completion of units 3 and 4 so as to have them ready for service by January 1, 1941.

Units 5 and 6 are scheduled for completion about June 1, 1942. When units 5 and 6 are completed, the plant's installed capacity will be 300,000 kilowatts.

Units 5 and 6 will be subject to shut-down when the foundations for units 7 to 10 inclusive are installed. Shutting down units 5 and 6 during such a construction period will give the

plant a firm available capacity equal to the sum of the first four units or 194,400 kilowatts.

With the installation of units 7 and 8, the plant's capacity will be 410,000 kilowatts. If funds were provided this year the earliest completion date for units 7 and 8 would be June 1, 1943.

When units 9 and 10 are completed, the plant's capacity will be 518,400 kilowatts. If funds were provided this year for initial work the earliest completion date for units 9 and 10 would be June 1944. The lack of provision for units 7 to 10 inclusive will delay this program possibly 1 or 2 years beyond the dates given.

POWER SALES PROGRESS

One hundred and nineteen applications for power, totaling 643,489 kilowatts, have been received by the Administrator of the Bonneville Project. Of these 119 applications, 42 are from public-utility districts, 16 from municipalities, 29 from R. E. A. cooperatives, and 21 from drainage districts. Public applications total 108 and represent 446,529 kilowatts. Applications have also been received from 6 private utilities totaling 66,900 kilowatts. Five from industries totaling 130,060 kilowatts have filed power applications.

Thirty-nine applications, totaling 92,671 kilowatts, are ready for service connections. Feasibility reports have been completed on 24 applications, totaling 128,521 kilowatts, and 21 contracts, totaling 77,710 kilowatts, have been submitted. Thirteen contracts have been executed, totaling 59,110 kilowatts. All of this information on applications and contracts cover prime power only. In addition, the project has authority to sell dump power, which is power subject to recall to satisfy firm contracts. This power under filed tariffs sells for 2½ mills per kilowatt-hour, which is below the bare fuel costs of existing steam plants in the Bonneville area. Contracts have been executed with the private utilities to furnish dump power, and the Portland companies have taken nearly 70,000 kilowatts of such energy. Therefore, it is fair to say that the sum of the firm power business in sight plus the market for dump power exceeds the present installed capacity. The load-development possibilities of the project have been estimated by the Marketing Division in excess of 250,000 kilowatts by 1941 and 450,000 kilowatts in 1942. Comparing these load possibilities with the construction schedule given above, it will be seen that a power shortage will exist in the Northwest during 1941 and possibly 1942.

EARNING POWER OF THE PROJECT

The earning power of the project is set out on page 74, table 8, of the annual report. The Administrator estimates that each kilowatt of capacity will earn on an average $18.36 per kilowatt year, which will give a gross revenue on the completion of the plant of $9,350,000. The investment in transmission, transformer, and operating facilities for Bonneville alone will represent an outlay of $36,288,000. This investment represents only projected lines in the Bonneville-Coulee area, which will be allocated solely to the delivery of Bonneville current.

Based on the Federal Power Commission's allocation, the Army engineers have estimated that the completed investment in dam, power plant, and switch yard will represent $50,293,885. It will be noted that this is some eight or ten million dollars in excess of the original estimate by the Power Commission. The Power Commission's estimate was based on lower capacity. Since that time, as a result of experience with units 1 and 2, the Army engineers have concluded that the capacity can be expanded over the original estimated figure of some 430,000 kilowatts. The first two units installed have a rated capacity of 43,200 kilowatts each, but units 3, 4, 5, and 6 are larger; being in the neighborhood of 52,000 kilowatts each.

The amortization and interest charges, based on 40-year repayment at 3½-percent interest will run $4,060,000 per year and the combined operating expenses, together with maintenance and depreciation, will amount to $1,890,451. This will leave a net of $7,459,549 for fixed charges which is an 8.6-percent return on the Government's investment in power facilities or $3,399,549 in excess of the operating, maintenance, and fixed charges. Therefore, when the plant is completed, the revenues under existing rates will retire the investment in a shorter period than 40 years besides taking care of all costs and deficiencies during the load-building period.

AMOUNT TO COMPLETE

The Administrator in his testimony before the Interior Appropriation Subcommittee estimated that it would take $10,000,000 together with the six million approved by the Budget to complete the transmission system to market this full power capacity. With funds already provided, this would represent $43,250,000 for transmission system of which about seven million will become part of Coulee's system on the completion of that plant, leaving $36,288,000 as Bonneville's part of the total transmission investment.

Fifty-eight percent of the ultimate generating capacity has been provided for in appropriations to date. Funds for about the same effective percentage of transmission facilities have been provided. Due to the necessity of firming up Bonneville capacity by interties, all of these appropriations will not be available for market outlets.

The Bonneville plant is what is called "a run of the river plant." This means that supplemental storage does not exist. During the flood periods in June, the available plant capacity is reduced from backwater on the turbines. During such a condition the elevation of the water in the river below the plant is materially increased, which reduces the drop from the pond to the tail water elevation. This reduction in capacity during the month of June amounts to some 30 percent of the plant's capacity.

Other storage and high-head plants, like Coulee, Tacoma, Seattle, and the storage plants of the private power companies will have surplus production during this flood period. Therefore, by interconnections, surplus power can be borrowed from the storage plants, thus firming up Bonneville's entire capacity. The firming up of 158,000 ultimate kilowatts at Bonneville will result in additional revenue to the Government of around $1,000,000 per year. This is the reason for early interconnections, such as the line to Coulee and to Tacoma.

FARM LOAD

The latest available studies by the Farm Journal indicate that there are 61,137 occupied farms in Oregon and 81,105 such farms in the State of Washington. In Oregon 30,303 of such farms are electrified and 30,834 farms do not have electric service. In the State of Washington 43,375 farms are electrified and 32,730 farms are not.

Eastern Oregon and eastern Washington represent a substantial farm market. In this area 12 Rural Electrification Administration projects are under construction or completed. There is a large and highly successful cooperative with about 1,500 miles of rural lines in southeastern Washington. Eastern and central Oregon and the unserved areas in the Willamette Valley are now active in organizing Rural Electrification Administration cooperatives.

Rural Electrification Administration has recently had a field representative in the State of Oregon and this representative has estimated that there are 11 unserved rural areas that can be profitably developed. These unserved areas represent a rural line mileage of 978 miles.

Under the Bonneville filed tariffs such power can be purchased at one-half cent per kilowatt-hour. This possible saving in wholesale prices represents $12.50 per farm-year for the medium user and about $25 per farm-year for the larger consumer who utilizes an electric stove and labor-saving devices. These areas have farms of large dimensions. Therefore one of the essential requisites for a successful rural enterprise is low-cost current.

In the testimony before the Interior Subcommittee it was pointed out that eastern Oregon and eastern Washington are sections devoid of fuel and installed hydro capacity. The available present capacity in this eastern country per thousand population is only 28 percent of the similarly installed per capita capacity in the remaining portions of these two States. This eastern section of Oregon and Washington has

a population of 248,000, of which 91,000 is rural. The possible revenue accruing from the eastern Oregon and Washington lines would be in excess of $850,000 per year, which will justify the lines proposed by the Administrator. There is an early market for 68,000 kilowatts in this region, according to the testimony.

DUPLICATION

The policy of the Bonneville administration is to avoid duplicating existing lines. Last year the question of duplication was raised on the floor, and the parallelism of the project's transmission line from Vancouver to Eugene was cited. When this question was then up, attention was called to the lack of capacity of the private parallel lines in the Willamette Valley. Since that time the position taken on the floor has been sustained by the actual contracts with the Portland General Electric Co. for delivery at Salem and a pending contract application from the Mountain States Power Co. for delivery at Eugene. These companies would not toll current over the Government lines if their lines had the available capacity or requisite reserve.

Parallel lines and duplicate facilities are two entirely different concepts. For example, here in the city of Washington there are 4-inch water mains paralleling 24-, 36-, 48-inch water mains. The fact that these water mains parallel each other does not mean that the 4-inch main is a duplicate of the 48-inch main from the standpoint of service and load requirements. This analogy applies to parallelisms between Bonneville's high-capacity transmission lines and the low-capacity transmission lines of the private power companies. The following lines of the project will parallel existing private lines, but will not duplicate these facilities:

First. Conduit, Washington to Yakima, Washington area.
Second. Midway to Grand Coulee.
Third. Midway to Pasco, Colfax, and Pendleton.
Fourth. Vancouver, Wash., to Eugene, Oreg.
Fifth. Vancouver, Wash., to Tacoma, Wash.

The first two cited transmission lines connect Bonneville with Grand Coulee. The existing private lines in this stretch have such small capacity that the Bonneville and Coulee plants could not be operated together. The same situation applies to the Vancouver-Tacoma transmission lines and the eastern Oregon and Washington lines.

The wires of these private lines are small and the voltage low. The power that has to be transmitted from Bonneville to Coulee is similar in proportion to the current delivered from Boulder. When the city of Los Angeles and the private power companies in southern California contracted for Boulder current, they built lines similar to those now being constructed by the Bonneville project and ignored the existence of the lower-voltage lines in the Los Angeles area.

When subtransmission at lower voltage is involved, parallelism might encroach on duplication. In such cases the Bonneville project has purchased the facilities of the private power companies. The western Washington lines recently purchased by the Bonneville project from the West Coast Power Co. and the Willapa Electric are examples of the nonduplicating policy of the project.

POLICY PROVISIONS

Mr. Chairman, the policy covering the transmission and marketing of Bonneville power has been set by Congress in the organic act, approved August 20, 1937. The four outstanding policy provisions of this legislation are as follows:

First. The Administrator is directed to sell the power at such a rate, subject to approval by the Federal Power Commission, so that the Federal Government will be reimbursed over a reasonable period, with interest, for its investment in power facilities. The interest rate has been set by administrative action at 3½ percent and the amortization period 40 years.

Second. The Administrator is directed to construct, or purchase and to operate, transmission facilities to existing and potential markets, so as to encourage the widest possible diversified use of electricity.

Third. The Administrator is directed that the project is to be operated for the benefit of the general public, particularly rural and domestic consumers.

Fourth. Fifty percent of Bonneville power is reserved to 1942 for public bodies and agencies. However, in this interim the Administrator has authority to sell such reserved power so long as it does not interfere with the preferential rights of public agencies.

NEW INDUSTRIES

The Chicago Tribune has raised the issue that Bonneville is taking away industries from other sections of the country. This editorial has been answered in the Portland Journal. Bonneville has not solicted industries from other sections of the country. These industries which have contracted for Bonneville energy are branch factories or new industries which located in the Bonneville area because of natural resources, abundant cheap power, and market possibilities. The Aluminum Co., so the testimony before the subcommittee shows, was contemplating either the Northwest or Canada. The Northwest was selected over further Canadian expansion. The very nature of the aluminum company's business requires a plant location in close proximity to low-priced power. To meet competitive conditions current has to be be secured for aluminum manufacture at about half the price of the lowest cost steam power. The iron industry, which recently executed a contract with Bonneville, located in this area because of the close proximity to iron-ore deposits in Columbia County, Oreg., and an existing market for such products on the west coast.

BUDGET REQUEST

The Administrator submitted a construction budget estimate to the Bureau of the Budget totaling $9,290,000. This was reduced by the Bureau to $6,000,000. This Budget cut resulted in the elimination of the following transmission lines in Oregon:

First. Albany to Waldport.
Second. Pendleton to La Grande.
Third. The Dalles to Bend.

The transmission lines included in the $6,000,000 estimate are set out on page 204 of the printed Budget, and include the following Oregon lines:

First. St. Johns-Tillamook.
Second. St. Johns-Astoria.
Third. Pasco to Pendleton.
Fourth. Surveys, Waldport and Bend Lines.
Fifth. Surveys, Pendleton to La Grande.

OPERATION AND MAINTENANCE

Mr. Chairman, the estimate and request of the Administrator of the Bonneville Project for $650,000 for operation and maintenance, it is believed represents the minimum that will be required for operation of these facilities for the fiscal year beginning July 1, 1940. It is reasonable to conclude that inasmuch as the transmission lines are just being made available and contracts are being negotiated and entered into for the disposition of the power generated at the Bonneville project, that a considerably larger appropriation will be required for this service during these initial years of operation. The Administrator estimates that approximately $2,200,000 worth of power will be marketed during the fiscal year 1941. His reports show that there will be in operation on January 1, 1941, 1,610 miles of transmission lines, and 14 stations on the main line. There will be available with the completion of units 3 and 4, 194,000 kilowatts for sale. This fiscal year will be the first one in which the plant will be in operation for the full period. It is good business judgment to provide sufficient operating funds to operate the plant at full capacity, in order that the facilities now provided will be put to full use, not only furnishing a much-needed service to the residents of the district served, but also returning to the Government revenues which will not only return interest on the Federal investment and power facilities, but eventually retire the capital investment.

TRANSMISSION LINES CONSTRUCTION

Mr. Chairman, as I have stated, unfortunately the Federal Government did not provide for transmission lines for marketing the power generated at Bonneville so that they would be completed and available at the time the power was generated. By reason of this shortsightedness, considerable revenues have been lost. It would be unfortunate to con-

tinue this policy by not providing sufficient funds to complete the network of transmission lines so that they would be available as fast as the generators are completed. If this is done, all power generated, as shown by the reports of the Administrator, can be marketed, and thus bring to the Government revenues with which to carry the investment.

You have in the record, from the reports and justification of the appropriations requested from the Administrator of the Bonneville Project, the construction program for the fiscal year 1941. These show that the 19 projects listed are estimated to cost $22,500,000. Three million, five hundred and six thousand, two hundred and eighty-eight dollars of this sum was obligated during the fiscal year 1939, and the Administrator estimates that $9,975,294 will be used during the current year. If this estimate is correct, there will be a balance needed for construction during the fiscal year 1941 of $9,018,418. Under appropriations already made there will be available $3,018,418 to apply against this, which will leave $6,000,000 required as a new appropriation to carry on this work for the fiscal year 1941, which the Administrator states will be the minimum required to comply with the act of August 20, 1937.

I most earnestly submit that this appropriation does not fall in the category of those which we are considering at this session of Congress for new projects or initiating new undertakings. Rather, it is one made necessary to complete an existing project and provide the necessary marketing facilities to enable the Government to utilize a large investment already made. It will not only provide much-needed service to the people of my community and elsewhere, but it will enable the Government to secure adequate returns on its investment.

Should the Congress fail to make the appropriations requested in the Budget, this project will be slowed up and much of the developments which are proceeding so satisfactorily will be stopped. Furthermore, much of the large investment which the Federal Government has in the project will be forced into idleness. Good common sense and good business judgment require, now that the project is well toward the stage of completion, that the necessary funds should be made available for its completion and successful operation.

If the $6,000,000 Budget item is reduced, it will result in further curtailment of Oregon lines and in incomplete facilities. An examination of the projects and functions on page 204 of the printed Budget will show that part of these lines will be built from current funds and completed with funds requested in the $6,000,000 figure. Any cut necessarily will leave work uncompleted and deny service to existing markets.

Mr. FITZPATRICK. Mr. Chairman, I yield 14 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I want to call the attention of the Members of the House particularly to a paragraph appearing in the bill at page 86 having to do with a small water-conservation project for construction in part by relief forces; the Government's part is reimbursable and the remainder by W. P. A.

In this connection also I call your attention to a letter written by Secretary Ickes, of the Interior Department, in connection with this item by Senator HAYDEN. Among other things the Secretary said:

> There are two distinct phases of the human problem caused by the extended drought: First, that of anchoring insofar as possible the remaining population in the drought areas, and this can be accomplished in part through irrigation developments; and, second, that of providing opportunities for the rooting in new soil of the people who have drifted to the far western States from other areas, and this can be achieved in part by the completion of irrigation projects to utilize the water resources as yet unconserved in those States.
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> Last year a start along this line was authorized with the appropriation of the Interior Department Appropriation Act of 1940 of $5,000,000 to develop a few irrigation projects in the Great Plains and other arid and semiarid regions on which this appropriation and some relief funds might be used. Several of these projects are now under way in Montana, North Dakota, and South Dakota. They must, of necessity born of the meager water supplies available near usable lands, be small, and they must, because relatively high per acre, be separated from the usual Federal reclamation projects since they cannot be expected to return directly in dollars to the Treasury the full amount of their construction costs. In savings in future relief expenditures and in the prevention of human misery, however, they will make up the deficit uncounted times.
>
> A program involving approximately $5,000,000 a year on a reimbursable basis for projects of this type and relief and nonreimbursable expenditures of $5,000,000 to $7,000,000 a year seems indicated. I am furnishing, as you suggested, an outline of a 5-year program proposed by the Bureau of Reclamation of this size, which could be carried forward efficiently.

Under what is known as the Wheeler-Case law, authorizations for the appropriation of $5,000,000 was enacted into law. In other words, it is unnecessary hereafter under the provisions of that act to make any further authorizations, for Congress now has the power to make the appropriations.

The present bill does not carry any funds for this particular sort of improvement and relief work. It simply reappropriates the amount unexpended of the $5,000,000 that Congress appropriated a year ago. This amount should be increased to the original $5,000,000 that Congress appropriated a year ago and for which authorization was carried in the act referred to. I understand there is about $2,000,000 in the fund unused.

The construction of these projects is one of the best methods in which to employ relief labor. The States that are affected and involved in this plan of small irrigation projects are Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, and Wyoming. In my own State the program has already begun in the construction of what is known as Buffalo Rapids No. 2. The major part of the work is now being done by W. P. A. labor. If this project were not in course of construction those men would be employed perhaps on some other work which would not inure to the permanent benefit of the country. As it is, however, the work they are doing will enable in the neighborhood of 300 families to make a living in the future in that territory once the work is completed. It will take these people off relief. If this plan is carried out, what is going on with reference to this Buffalo Rapids project will go on also in the States I have mentioned.

It is true that all the funds the Government will appropriate will not be reimbursed, because of necessity these projects are more expensive in construction than the regular irrigation or reclamation projects; consequently, we must look at the picture as Secretary Ickes looks at it, from the human standpoint as well as the economic standpoint and from the standpoint of employment of W. P. A. labor on useful and productive projects of permanent future benefit to the country.

I want to call the attention now of the Members of the House to a few things in a general way concerning reclamation.

When the Federal Government makes appropriations for battleships, rivers and harbors, flood control, and a thousand-and-one other undertakings, it immediately writes off the cost.

When it builds a reclamation project it makes an enduring investment that returns the outlay and contributes continually to the development and prosperity of the country as a whole, not alone the West, where its operations are centered.

In the 38 years of its operations, Federal reclamation has made its place as a permanent function of the Government's activities and it is here to stay. Its record justifies its continuance, and its future will further emphasize the importance of a program of far-reaching consequences.

Here are a few of the outstanding achievements of Federal reclamation:

It has created more than 50,000 farms, which have been carved out of the desert areas of the arid and semiarid West.

It has provided homes on these farms for nearly a quarter of a million people.

In the cities, towns, and villages that are dependent for their existence on the purchasing power of these farms are nearly three times that number of persons.

Property values in farming lands of nearly half a billion dollars have resulted.

It has stabilized conditions in many areas that were threatened with desolation by shortage of water supplies, and has preserved property values even greater than those it has created.

It has provided a market for the manufactured and agricultural products of the Midwest, East, and South that has averaged more than $200,000,000 annually.

The benefits that have accrued to the 15 Western States in which reclamation projects are operating could be multiplied without exaggeration. Results that have been so favorable in other sections of the country could be given even further emphasis.

The individual States that have been sagebrush land transformed into veritable oases are proud of the reclamation projects and their records.

Montana is one of the States that can offer outstanding examples of what reclamation has done and can accomplish. On the Lower Yellowstone we have the Lower Yellowstone and Huntley projects. To the northward and westward we have the Milk River and Sun River projects, and just outside of my district there is the rehabilitated Bitter Root enterprise and the Frenchtown project. In the eastern part of the State the first unit of the Buffalo Rapids project has been completed, and the second is under construction.

In all this, Federal policy has brought water to more than 3,000 farms in Montana and has rescued more than 300 in addition. It provides the major support for some 40,000 persons in the rural and urban areas of the projects.

Why should the Federal Government be concerned with the development of the West?

More than a century and a quarter after the frontier of the Nation had moved west of the Mississippi, the Federal Government retained ownership of nearly 60 percent of the land area of the 11 States of the Mountain and Pacific groups. Properly in the name of conservation, it has sought to prevent the exploitation of great national resources, but by so doing it has deprived the States of taxable values with which they might have financed their own internal improvements.

The Federal outlay for Federal reclamation developments is an investment that is not only repayable but pays. It might be emphasized that until recent years practically all construction work was paid for out of the proceeds from the sale of public lands and other western resources, and the funds returned to the reclamation revolving fund created by the reclamation law of 1902.

I want to dilate upon this statement. The approximate revenue from the various sources of income from the federally owned land, which includes proceeds from the sale of land, oil royalties, mineral-right royalties, and licenses for water-power rights, amounts to in excess of $3,000,000 annually. This, together with the amount paid on repayment contracts, amounts to about $10,000,000 per year.

How well have these payments been kept up?

The most recent figures available show that out of $200,000,000 invested in projects that have been completed and are in a repayment status, more than $62,314,000 have been repaid. This record shows that better than 30 percent of the Federal investment thus classified has been returned and the future will show an even better record.

The $62,000,000 or thereabouts returned to the Treasury, represents about 97 percent of all payments which have become due and payable, on contracts now in force, which virtually shows no losses have occurred on these contracts.

As for funds advanced from the General Treasury for construction of western projects, attention may be called to the record of Boulder Dam. Although operating only a little more than 2 full years, the revenue from the sale of power and water at Boulder Dam on June 30, 1939, totaled more than $9,250,000. After providing operating funds, more than $3,200,000 has been returned to the Federal Treasury.

Now, in my own State, we have approximately 33,000,000 acres of land which is federally owned, which is about one-third of the entire State. If this property was owned by the State of Montana, the income from it would go some little way in meeting the cost of internal improvements. Now, what have we done?

Last year we appropriated about $61,000,000, which was expended for reclamation projects. This year this sum has been cut to $43,000,000. Over a period of 10 years the approximate expenditure was about $40,000,000 per year. Now, what will happen as a result of this curtailment of developing and completing these projects?

Take, for instance, in my own State. There has been expended on the Vaughn division of the Sun River project $2,400; on the Gibson Dam the sum of $2,515,000—on the same river—uncompleted. The dam is built, but nothing else has been done; $47,300 has been expended on the Fort Peck pumping project. To say the least, if we are going to curtail the expenditures on these projects it will slow their completion up, if not stop the work and the development of of the country.

In 1939, a total of $1,403,800 was spent on reclamation in Montana all told. Five hundred and forty thousand dollars of this was emergency money for Buffalo Rapids. That is a pumping project on the lower Yellowstone. In 1940, $1,100,000 has been spent on reclamation in Montana up to date.

Now, Mr. Chairman, I know your hearings have been lengthy. I am here to urge you to make the maximum possible allotments to carry on the reclamation program in the West. I shall speak for the most part about this program in the State I represent in the Congress—Montana—but I feel I should touch a few brief generalities. I do this because this great reclamation program going on in a group of States that comprise nearly half the total area of our country is a program still not clearly understood by our neighbors in other parts of our Nation.

So I want to say:

First. That water for irrigation purposes is literally, not figuratively, the lifeblood of our agricultural and livestock industries. Nature does not treat the West as kindly as she does other States. So our farmers and ranchers are compelled to seek additions to their natural water supply.

Second. We do not produce on our western lands crops that compete with those of the Midwest or any other area. Our main crops are forage crops. Any informed person should know that the West sells its crops inside the bellies of its cattle and sheep.

Third. The main object of the West is to conserve its water and thus to assure an adequate supply of water to nourish lands already in use—not to bring new lands into cultivation.

And, finally, I want to repeat with all the emphasis I can command that the Federal Government does not give or even spend money for reclamation. It merely loans the West the money. And so far the West's record for repayment of every cent of these reclamation loans is better, according to the Treasury's own records, than the record of any other borrower to whom the Federal Government has advanced funds.

Gentlemen, the West is proud to declare and to prove that reclamation projects "pay out," and, what is more important, they "pay back."

Gentlemen, I maintain no good banker, no wise businessman cuts down on that part of his operations which have the best repayment records. He does not trim the borrower or the branch which it benefits him most to keep in operation.

This year the 1941 Budget estimate for reclamation construction purposes is, roughly, $44,000,000, or about a 30-percent decrease from the approximate sixty-one millions appropriated for the current fiscal year.

Aside from the very extreme hardship this drastic curtailment will work on the States of the West, is this a wise move so far as the Federal Government is concerned, gentlemen? I am enthusiastic for improving the condition of our National Treasury. I heartily approve a start toward Budget balancing. I agree it is time to bring Federal income and Federal outgo closer together. But is this the right way to do it; is it the hardheaded, practical business way to do it?

I say no; it is not. And I invite you to a reconsideration of the entire reclamation program, so that you can convince yourselves that money advanced for reclamation development—not "given" or "spent"—is money that will come back into the Treasury.

I shall not review the whole case for reclamation. I think you know it. I merely ask you to reconsider the West's claims.

Specifically, I endorse and submit for your immediate consideration the proposal which has the Secretary of the Interior's approval and under which small-type irrigation and reclamation projects can be carried on in the States of Montana, Wyoming, Utah, North and South Dakota, Colorado, Arizona, Idaho, Nebraska, New Mexico, Kansas, Oregon, Texas, and Oklahoma.

Project	Description	Area	Estimated cost, non-relief funds
	MONTANA		
		Acres	
Big Horn-Turlock	Pumping, Yellowstone River	1,100	$25,000
Sadie Flat	do	4,691	200,000
Haley	do	1,500	120,000
Musselshell	Deadman's Basin Reservoir	15,000	1,000,000
Various	Upper tributaries of Missouri River and Yellowstone River tributaries.	10,000	655,000
Total		32,291	2,000,000

Gentlemen, this is not asking for huge sums for giant reclamation projects. This is asking you merely to appropriate the comparatively small amount needed to continue a program of vast benefits which was started when you appropriated $5,000,000 last session.

These projects, under the plan already begun, can be carried along in conjunction with the relief program in these States. That is the way the entire program was projected. You know the program as the one encompassed in the Wheeler-Case Act. This legislation envisioned and has utilized the cooperation of the W. P. A. It got off to a fine start last year. But there is no new money in the bill to continue this fine work. Not a great deal is needed.

Over a 5-year period, the Secretary of the Interior has indicated that the necessary appropriation could be limited annually to about $5,000,000 of reimbursable funds—funds the Government gets back—plus another $5,000,000 of nonreimbursable funds to cover the conjunctive use of the W. P. A. set-up.

In other words, here is a chance for the Federal Government to continue a profitable line of operations—one with an excellent "pay back" record, and at the same time contribute to a solution of the ever-pressing relief problem.

Before long, gentlemen, the Appropriations Committee of the House and Senate, as you well know, will have to take up again this relief problem. Here is a chance to help solve it.

In Montana, gentlemen, this reclamation program is vital. The greatest need of our ranchers and farmers is an adequate water supply. Montanans do not ask Uncle Sam for a hand-out. They merely ask him to keep up a good program he has already started and give them a chance to make a living. They will pay him back—every cent. They will not ask for relief.

The Reclamation Bureau has been investigating perhaps a dozen Montana projects which later on can be developed to assist our farmers and stockmen. There is the Yellowstone River Basin, with possibilities for storing water outside Yellowstone Park. There is the Vaughn division of the Sun River project—with the dam already built; the Gibson Dam on the Sun River; the Daley Spur for storage on Beaverhead River; the Canyon Ferry Reservoir on the Missouri River; Lake Como Reservoir on the Bitterroot River, and the general development growing out of the Fort Peck pumping project. This will benefit not only Montana but North Dakota as well. The Saco Divide project on the Milk River, Deadman's Basin Reservoir—gentlemen, I could still name more, but I will not burden you with more detail.

This program, gentlemen, is proving out. It would be penny-wise and pound-foolish, indeed, to suspend such a program. So I urge you, gentlemen, to re-examine this program and make the revisions that will permit continuance of a plan that not only is vital to Montana and other Western States, but which affords real cash returns to the Treasury.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. LEAVY. The gentleman is making an extremely interesting and important statement concerning reclamation. As a member of the Interior Department subcommittee, and one who has been assigned by the chairman of that committee to handle these hearings, I know the gentleman's deep interest in reclamation and I want to pay this tribute to him because he deserves it.

If every Member of Congress from the 17 Western States where water conservation is essential took the same interest in reclamation as the gentleman has during the time he has been in Congress it would be but a short time until reclamation would receive recognition throughout the entire United States. The gentleman's district has profited by reason of his industry and rightly so. These appropriations are not a gift to his district because they are being returned to the Treasury as rapidly as they become due.

Mr. O'CONNOR. I thank the gentleman for his kindness and generosity. [Applause.]

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I want to read a letter from a businessman in my district, because I feel it represents the feelings of most of the businessmen in the country. The letter was sent me by Heilig Bros. Co., of York, Pa., and reads as follows:

YORK, PA., *February 28, 1940.*

Hon. CHESTER M. GROSS,
United States Congress, Washington, D. C.

MY DEAR MR. GROSS: Please use your influence in trying to bring about changes to the Wagner Labor Relations Act at this session of Congress. This law in its present state has done more to create unemployment and keep idle cash from flowing into legitimate manufacturing enterprises than any one thing on the New Deal calendar.

Heilig Bros. Co. have been contemplating the building of a new mill for the past 4 years, and every time we steam up enough of ccurage to move forward, the Wagner Act comes along and cracks down on some employer that takes the wind out of our sails, and we settle down to the point that under this lopsided act or law we have all the business we want.

For your information, we employ 150 hands, all voters, and had it not been for the Wagner Act in its present form we would have 300 on our pay roll. We made an offer some time ago to the county commissioners of York County for the old poorhouse tract, but doubt very much if we would consider it at this time if they decide to take us up, unless this very unfair labor law is changed. Heilig Bros. Co. have been operating 100 percent all through the depression. In fact, our plant has operated on a full-time schedule—that of 24 hours, 6 and 7 days a week—over a period of 16 years. Our minimum wage starts at 44 cents, time and half time for all time over 42 hours; and with such a record the Wagner Labor Relations Board is using every means possible in trying to coerce us to recognize the C. I. O. as bargaining agent for our employees through the steel-workers' organizing committee. In working up their case against us the Labor Relations Board's representative, Mr. House, of Philadelphia, Pa., has been before us and our attorney, and one would have to arrive at the conclusion that this fellow is a representative of the C. I. O., getting his pay through the National Labor Relations Board, and using every means at his disposal to coerce employers into becoming the "stooge" of the C. I. O. In other words, the Wagner Labor Relations Board is using every means at their disposal to try to blackjack legitimate business or manufacturing enterprise into joining the C. I. O.

Very truly yours,

HEILIG BROS. CO.,
C. H. HEILIG, *President.*

Mr. CARTER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, within less than 50 years the production and the utilization of milk has so increased in this country that today we are the greatest of dairy nations.

About 25,000,000 cows are milked daily on three-fourths of the Nation's 6,000,000 farms. More than 45,000,000 quarts of milk are delivered to homes and stores. Milk, cheese, butter, ice cream, and other dairy products create an estimated annual output of $3,500,000,000. The cash farm income from dairy products in 1937 was $1,530,000,000. The next greatest single item was cattle and calves, $987,000,000, and the third, hogs, $902,000,000.

However, in spite of our splendid facilities in the dairy industry, in the consumption of these products we do not make a good showing. For example, in 1935 in the per capita consumption of cheese the United States stood sixth among the nations. In the consumption of whole milk we were third; in the consumption of butter, about ninth.

The following tables prepared by the United States Department of Agriculture illustrate the situation:

Chese: Consumption per capita in various countries, 1929–35

[Pounds]

Country	1929	1930	1931	1932	1933	1934	1935
United States	4.6	4.6	4.5	4.4	4.5	4.8	5.2
Denmark	11.0	11.7	13.2	10.8	10.8	11.7	13.5
France	(1)	(1)	11.2	11.1	11.0	10.8	12.7
Netherlands	11.2	12.2	12.9	11.5	15.4	14.7	14.7
Germany	11.5	12.3	12.8	13.2	13.4	12.8	10.1
Argentina	(1)	3.2	2.9	3.4	4.1	3.8	3.8
Switzerland	17.2	15.5	16.4	17.3	19.4	17.7	(1)
United Kingdom	(1)	9.8	(1)	(1)	(1)	9.4	9.1
Australia [2]	4.3	3.8	3.7	3.8	4.4	3.5	(1)
Canada	3.5	3.6	3.5	3.3	3.4	3.6	3.6
New Zealand [3]	5.6	7.4	7.0	6.0	5.0	(1)	(1)
Union of South Africa [4]	4.3	4.3	4.1	3.8	3.7	4.0	4.8

[1] Not available.
[2] 12 months ending June 30 of following year.
[3] 3-year average to Mar. 31 of following year.
[4] Europeans only.

Bureau of Agricultural Economics. Compiled from Imperial Economic Committee Report 1936.

Whole milk: Estimated consumption, per capita, in various countries, specified years

[Gallons] [1]

Country	Year	Per capita consumption
Switzerland	1937	62
Canada	1931	55
Sweden	1936	48
United States	1936	38
Netherlands	1935	36
Czechoslovakia	1930	32
Austria	1931	28
France	1935	28
Germany	1930	24
Great Britain	1935	21
Spain	1935	10
Italy	1929	8

[1] United States gallons, figured as equal to 8.6 pounds.
Based on estimates for cities and villages only.
Bureau of Agricultural Economics.

Butter: Consumption, per capita, in various countries, 1929–35

[Pounds]

Country	1929	1930	1931	1932	1933	1934	1935
United States	17.4	17.3	18.1	18.3	17.9	18.3	17.3
Denmark	13.0	13.5	14.9	18.7	21.2	19.8	20.9
Germany	(1)	(1)	16.3	15.9	16.3	16.3	16.6
Belgium	(1)	19.1	(1)	22.3	19.7	19.0	18.6
France	(1)	(1)	12.0	11.8	12.0	12.7	12.7
Netherlands	12.8	14.2	16.0	19.0	16.7	15.9	13.8
Switzerland	12.8	13.3	14.4	14.3	14.0	15.0	15.6
Argentina	(1)	2.0	2.5	2.1	3.4	3.8	3.8
United Kingdom	17.7	18.7	20.9	21.7	23.5	25.2	25.2
Australia [2]	29.8	28.9	29.0	29.3	31.1	30.8	(1)
Canada	29.3	30.6	30.8	30.5	30.2	31.1	30.9
Irish Free State [3]	39.3	(1)	(1)	(1)	(1)	41.4	(1)
New Zealand [4]	43.6	39.7	43.0	42.7	44.0	44.3	49.6
Union of South Africa [5]	15.4	16.7	16.6	15.9	16.2	17.5	17.6

[1] Not available.
[2] 12 months ending June 30 of following year.
[3] 12 months ending May 31 of following year.
[4] 12 months ending Mar. 31 of following year.
[5] Europeans only.

Bureau of Agricultural Economics. Compiled from Imperial Economic Committee report, 1936.

If the people of America were consuming the amount of dairy products necessary for a proper diet and for good health, there would probably be no surplus to worry about.

In 1939 the Legislature of Iowa created the Iowa State Dairy Commission. Its purpose, among other things, was to promote "the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising, and sales promotion campaign." The work of this organization should be beneficial to the entire dairy industry regardless of State lines.

We believe we have a good product to sell, and we are spending our money and energy in advertising it. This program is being carried on in conjunction with the Iowa Agricultural Experiment Station. This experiment station is supported by both the State of Iowa and the Federal Government, in accordance with the provisions of the Bankhead-Jones law. It has always seemed to me that the weakness of the present farm program has been the failure to develop new uses for agricultural surpluses. It is gratifying to note that both the Federal and State Governments are now becoming active along this line.

As a part of this program and in conjunction with the Iowa Agricultural Experiment Station, the Iowa State Dairy Commission has recently developed three types of cheese.

I wish to read here the following letter from E. S. Estel, of Waterloo, Iowa, which sets out the character of the work being done.

WATERLOO, IOWA, *February 27, 1940.*

Hon. JOHN W. GWYNNE,
Congressional Office Building, Washington, D. C.

DEAR JOHN: You will receive by express, simultaneously we hope with this letter, a box containing three very interesting types of cheese developed by the Iowa Agricultural Experiment Station. These cheeses are a most valuable contribution towards finding new uses for milk produced not only by all the dairy farmers of Iowa, and they are members of our association, but the dairy farmers of America as well, for you will recognize that these cheeses are superior in most cases to the cheeses which are now being imported from abroad.

The Iowa State Dairy Association voted unanimously, at its annual meeting held February 23, to purchase these cheeses and send them to you with our compliments. We feel that the cheeses will show you better than we can tell you how valuable the work of the experiment station is to us in finding new and improved uses for milk, a tremendously vital thing to dairy farmers.

As you know, the funds to support the Iowa Agricultural Experiment Station come from the State of Iowa and from the Federal Government. Some years ago the Bankhead-Jones law authorized certain funds to be allocated to experiment-station work, but these funds have not been included in this year's House appropriation bill. Were these funds, which have been authorized by law, made available, the Iowa Agricultural Experiment Station would receive $16,000 to continue the work in cheese and other important agricultural research; or, put in another way, our experiment station is this year short $16,000 of funds on which it had planned to carry on work of this kind.

We hope that you will enjoy the cheeses yourself and that you will see fit to show your colleagues from other States how good Iowa cheese really can be. We further hope that you will use your influence to have the Bankhead-Jones funds restored to the House appropriation bill so that the research work carried on at our agricultural experiment station, which is so valuable to the members of our association, and to the farmers of the Middle West, may be continued.

Sincerely,

IOWA STATE DAIRY ASSOCIATION,
E. S. ESTEL, *Secretary-Treasurer.*

IOWA SWISS-TYPE CHEESE

A cheese possessing the excellent eating qualities of Swiss cheese with a convenient form which will permit its wider sale. Swiss cheese is ordinarily made in "wheels," weighing 180 to 200 pounds, and the manufacture of a "miniature" style was thought to be impossible. Through the use of the proper culture of bacteria and the development of proper methods of manufacture, a 5-pound Swiss-type cheese has resulted which has some very unusual possibilities from the standpoint of sales and, therefore, milk utilization.

IOWA EDAM-TYPE CHEESE

This cheese has been developed by proper manufacturing methods. It should be possible to find a market for large amounts of milk produced in this country through this very attractive medium. Further studies need to be made to improve all of the cheeses and particularly this one.

IOWA BLUE CHEESE

A Roquefort-type cheese made from cows' milk. True Roquefort cheese is made from all or part sheeps' milk. Curing requires a

long time and with cheese made from cows' milk a considerable variation in the quality of cheese results. The experiment station has found that by homogenizing the milk which is used and the selection of appropriate ripening organisms a uniformly high-quality cheese can be produced in about half the length of time ordinarily required. Many people prefer this Iowa blue cheese to the imported Roquefort, due to the smoother, softer body and a flavor which they think is superior.

Mr. CARTER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I was gratified this morning to have the gentleman from Oklahoma, in answer to my inquiry regarding the appropriation which has just been mentioned by the gentleman from Michigan for the benefit of the High Commissioner to the Philippines from the United States, say that he thought it was "food for thought" that we take that $141,000 expense item out of the excise taxes we are collecting on Philippine exports to this country and then returning to them.

It seems to me we in this country should do one of two things if we are to be consistent and practical in this direction. We should either go all the way in this matter and pursue a business-like course or cut out this talk about giving the Philippines their independence and deal with the subject as we would if they were not going to be given their independence in 1946. If we are going to give them their independence, it seems to me we are justified in treating them now as we would treat any other nation. On that basis I believe we would be justified in not spending $141,000 to maintain our High Commissioner over there and in not giving them back the excise taxes we collect and then so graciously and freely turn back to them under the present arrangement.

The reason I am interested in this particular matter is that I consider it the most important problem confronting the United States today with relation to our foreign affairs. In my estimation—and I will be so bold as to make a prediction at this time—within 15 to 18 months we will find that the situation in the Oriental arena is going to become much more severe and acute as it relates to our own peace than it is at the present time. I believe we will find the Japanese situation will have developed to a point if not of open warfare between Japan and the United States, and I pray that it may not, then of becoming a very serious problem and one fraught with much danger to ourselves.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The gentleman was interrogating the gentleman from Oklahoma [Mr. JOHNSON] a while ago on the proposition of reducing the $141,000 by using as a set-off against it some of the excise taxes which we send to the Philippine Islands. It is my understanding that the excise tax on coconut oil brought in from the Philippines, which excise tax flows back to the Filipino treasury, and the excise tax on sugar coming in from the Philippines, amounts in round figures to between $25,000,000 and $27,000,000. It is also my understanding that the total budget of the Philippine Commonwealth ranges from 65,000,000 to 70,000,000 pesos, or, valuing the peso at 50 cents, half of that figure in dollars.

If that is the situation we are sending, say, from $25,000,000 to $27,000,000 to the Philippines each year out of these two excise taxes as against, roughly, a $35,000,000 budget, collected from the Filipinos by the Commonwealth. As I understood the gentleman, that was the approach he was making to this $141,000.

Mr. ALEXANDER. That is correct. I wanted to point out it is just about the silliest, if not the most asinine, thing that we in this Congress could possibly do to continue to fool ourselves, to hide the real intent in this thing and not to face the facts in a realistic way.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. ALEXANDER. I started to mention the seriousness of the Japanese situation over there, and if I am not mistaken our relationship in the Philippines is quite relevant in connection with any consideration of the Japanese situation. I said a moment ago I think that our relations there and the problem in the Orient is the greatest problem with which we are confronted in this country today. I think it is equally important, and should be considered on an equal basis, with our unemployment problem, great as that is, because if we get into a war, from the experiences we had in 1917 and 1918 and the years since then, we know that all of our economic system is disrupted from a war; so I say if we get into a war in the Orient our economic system is going to be still more disrupted, creating economic chaos and more turmoil and more unemployment after the thing is over with and settled; so it has a very immediate and direct bearing not only on our peace, but indirectly on the general future welfare of our workingmen and women, so we should all be interested in it.

I do not believe many people have ever taken the pains to study the so-called Tanaka report, which was put out in 1927 by the then Prime Minister of Japan, who, in that report, made out a program with reference to Japan's expansion and development based on a world viewpoint. In that program the Prime Minister recommended that Japan go into China, which they have done by degrees starting 4 years later or in 1931. I want to point out a few of the things which the Tanaka report suggested and to show that it is being carried out by Japan, in order to show what we can expect in the future with reference to our own situation in the Orient and with reference to the Philippines.

Japan, as we know, has gone into Manchuria completing her easy conquest there in 1932. The Tanaka report then recommended that Japan go into Inner Mongolia. They have done that. Then the report recommended that Japan go into Outer Mongolia. Well, they attempted that, but they have been stopped there temporarily by Russia. Then the report recommended that they go into China and mop up there, and it even recommends that they set up puppet governments whenever Japan goes into and conquers these provinces, and this has been done, as you know.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. WHITE of Idaho. Is the gentleman familiar with the reported memoirs of Baron Tanaka, the former Japanese Premier, who outlined in those memoirs a comprehensive program for taking over control of Asia?

Mr. ALEXANDER. That is what I am talking about now, except I am talking about the direct report which was made in the nature of a recommended program for expansion by the Prime Minister at the request of the Japanese Government, which I assume he inserted in his memoirs to which the gentleman from Idaho refers.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CRAWFORD. Mr. Chairman, if the gentleman will permit, I want to make one more observation.

Mr. ALEXANDER. I yield.

Mr. CRAWFORD. My concern, as a Member of the House, is not so much that we are sending this $25,000,000 or $27,000,000 to the Philippines, but my concern is what will the Filipinos do with the $25,000,000 or $27,000,000 or whatever the amount may be. What will they do with what has already been remitted. What will they do with that which is now subject to withdrawal from the United States to go to the Philippines? Will it be used on a purely constructive basis, preparing the Filipino economy to be independent of the United States as, when, and if Filipino independence is granted, or will those funds be wasted, spent recklessly, bring about no good and then, subsequent to the coming of independence, will we again have to contribute in the way of cash and other assistance to the preservation of the economy of the Philippines? That is the thing I am interested in.

Mr. ALEXANDER. I think the gentleman has quite well stated the situation. There is this additional aspect which I pointed out all during the first session of this Congress, and that is that the government officials in the Philippines are, of course, afraid of Japan, and for that reason are playing fast and loose with the Japanese, both in the Philippines and in Japan, which is not at all to our interest or fair to us in view of our largess and generosity which seems to have no end.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. WHITE of Idaho. I would like to ask the gentleman from Michigan if it is his contention or assumption that these benefit payments or processing taxes go to the Filipino nation, as a nation, or to the individual sugar producers.

Mr. CRAWFORD. They do not go to the individual sugar producers. Read the Sugar Act of 1937. This money is sent to the Treasury of the Philippines, presumably, for the purpose of enabling the Filipinos to adjust their economy so that they can operate without free trade with the United States following independence.

Mr. WHITE of Idaho. Does not the money go to the Filipino Treasury as trustee for the producers who produce the sugar?

Mr. CRAWFORD. And then to the individual growers?

Mr. WHITE of Idaho. Yes.

Mr. CRAWFORD. No; not at all.

Mr. ALEXANDER. Before I conclude my remarks I want to point out one additional feature of this Japanese situation as it reflects on our own future.

At the present time Japan is pursuing a more or less watchful, waiting game. For this reason she is uncertain as to whether she wants England or Germany to win the European War, because under the terms of the anticomintern pact of 1936, which was entered into between Japan, Germany, and Italy, Germany at that time stated her intention of having a slice of the British-Dutch East Indies. In other words, I am informed, Germany has insisted in her conversations with Japan, then and since, that she wants to take over the Malay States, Sumatra, and some of the other immensely rich island possessions over there of European nations, including Holland as well as England and France, if she wins this war, Japan to get the islands east of Malaysia and Sumatra.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CARTER. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. ALEXANDER. As I say, if Germany wins this war, and takes over the British Navy, Germany will be in a position to promote her claim for island colonies and possessions in the Far East, and which contemplates a split with Japan, which, of course, is obnoxious to Japan because she wants a corner on all the tin, oil, rubber, metals, and other raw materials in which these colonies abound. On the other hand, if England wins too fast, then Japan cannot promote this Tanaka program and go on and take over these immensely rich islands in the Indian Ocean, including the Philippines, and her last objective, India, which is a part of her ambition, as pointed out in this recommendation of Prime Minister Tanaka.

For that reason I think it is a vital thing that the people of this Nation be given the facts in this situation with reference to the Philippines and the Far East in general, so that we can decide on a realistic, farsighted program and policy and protect ourselves against what is growing over there, rather than to go on in a blind and unwise manner, as we have been doing during the past several years, continuing to get into deeper water and not protecting ourselves from what one can see on the horizon approaching us in reference to our foreign relations. The lives of our sons, and, indeed, the future safety and welfare of our Nation depends on this. I hope Americans will wake up on this.

Mr. LEAVY. Mr. Chairman, I yield 10 minutes to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, first, may I pay deserved tribute to the subcommittee which has charge of the bill now under consideration, the Interior Department appropriation bill. From the first time I appeared before the committee, in 1933, until the present day, I personally have had only the utmost courtesy and consideration shown me by the subcommittee, and as appears on page 377 of the record of the hearings, I have been permitted to sit with the subcommittee in consideration of the items of the bill pertaining to Alaska. I am deeply sensible of that privilege, and grateful to the distinguished chairman, the gentleman from Oklahoma [Mr. JOHNSON], and to the other members of the subcommittee.

Alaska, of course, has much to do with the Department of the Interior and the Department of the Interior has much to do with the Territory of Alaska. Since the Bureau of Fisheries and the Bureau of Biological Survey have been brought within the Department of the Interior, that Department is even more important in the administration of the affairs of Alaska. The bill is a disappointment to those of us who live in Alaska in a great many particulars, but I can understand thoroughly and appreciate that the committee could do nothing else, under the circumstances, in view of the rule which was announced by the gentleman from Oklahoma [Mr. JOHNSON], whereby it is the duty of the subcommittee to keep the bill within the Budget estimates.

However, I congratulate the subcommittee and the full committee upon doing one thing that should have been done several years ago, and that is making a more adequate provision for the use of airplanes in the game-law enforcement in the Territory.

I have said so often that I suppose I should not repeat it again, people generally really do not understand the condition in Alaska with its vast area and the scarcity of roads. If we had our roads equally divided among all of the 590,000 square miles embraced within the territory of Alaska, there would be only 21½ feet of road to each square mile. So in these latter days there is only one practical way to travel in many parts of Alaska, and that is by the use of airplanes; and it is reassuring to find set out on page 21 of the report of the bill that the committee has added $20,000 to the game-law enforcement estimates, which will permit the purchase of two airplanes for use by officers in the territory. That, in my judgment, is true economy. The money will be saved over and over again. The appropriation should have been made before, but at least, if made now, it will be effective in the future, and I hope there will be no objection to the item when we consider the bill for amendment.

To show the use of airplanes in Alaska, and to show particularly the character and capacity of some of our citizens, including some of the wildlife agents, as they are called, the game-law enforcement officers, who will use these planes, I refer briefly to a newspaper article which appears in the issue of the Cordova Daily Times, of Cordova, Alaska, of February 19, telling of the rescue of Benton W. Davis, a Civil Aeronautics Authority pilot whose airplane had crashed in the mountains of Alaska.

Planes went out from the nearby cities to search for him, and at last a pilot in one of the searching airplanes of the Star Air Lines discovered the wrecked machine on the side of a mountain. They knew that Mr. Davis was alive because some smoke issued from the wreck. Two wildlife agents, one named Grenold Collins and the other Clarence Rhode, in one airplane, and another man named Dick Miller, not connected with the Alaska Game Commission, who also flew a small plane, landed their ships on the steep mountain side near the wrecked plane. It was necessary for them to keep their propellors running, so steep was the mountain, in order to prevent the planes from sliding back downhill. But they took the wounded man aboard and brought him to the hospital. The planes of course were on skis. They rescued Pilot Davis and brought him to the

hospital and now the report is that he will recover. Those men, both wildlife agents, Collins and Rhode, and Dick Miller, who is not connected with the enforcement of the Alaska game law, are entitled to the greatest credit. They risked their own ships and their own lives in making the rescue. Their faithful and valiant work will not be forgotten.

The following is an account of the rescue as it appeared in the February 19 issue of the Cordova Times:

C. A. A. FLYER RESCUED FROM CRASH UNDER DIFFICULT CONDITIONS

Following 24 hours' imprisonment in his wrecked plane and one of the most thrilling and dramatic rescues ever written into the annals of aviation history, Benton W. "Steve" Davis, Civil Aeronautics Authority pilot, was reported this afternoon to be resting easier in an Anchorage hospital.

Davis is suffering from a fractured vertebra, broken leg, frozen feet, bruises, and exposure and shock.

After being missing since 10:35 a. m. Friday, Davis' plane, the C. A. A. Fleetwings amphibian, was located late Saturday afternoon by Pilot Kenneth Neese, one of eight searchers, near Rabbit Creek, just west of Portage Pass. Neese, with his large Star Airlines ship, was unable to land in the limited space on the mountain where the C. A. A. plane lay, so he summoned the light planes of Wildlife Agent Grenold Collins and Dick Miller.

Collins and Miller both landed in a space of 75 feet on the mountain. Wildlife Agent Clarence Rhode of Cordova was with Collins. They had to block their ships and keep the propellers turning to prevent them from sliding back down the mountainside.

The rescuers made a half-mile climb to Davis, who had freed himself from his plane by shooting out a panel with a heavy service revolver, releasing his frozen foot that had been held nearly 24 hours.

Collins succeeded in taxying his plane to a point near Davis, and the badly injured man was put aboard. Collins headed his ship down the mountain and gunned the motor. He raced through knee-deep drifts and took off much as a ski jumper might.

Miller, carrying Rhode as passenger, duplicated the feat after the Collins plane was clear and followed it to Anchorage.

ALMOST UNBELIEVABLE LANDINGS AND TAKE-OFFS MADE IN RESCUE

ANCHORAGE, February 19.—Rescued by brother fliers who performed almost unbelievable landings and take-offs on the side of a snow-covered mountain, Pilot Benton W. Davis is recovering from his crash injuries in the Anchorage hospital, where it was said he had a fractured vertebra, kidney injuries, and frozen feet, one of which still is in danger of amputation.

Physicians are confident he will recover.

Davis' rescue added a startling chapter to Alaska's history of remarkable air achievements. Gen. Collins, flying a Piper Cub, landed in a space 75 feet long. Heading the plane up the precipitous slope as the skis touched, Collins and Clarence Rhode were forced to jump out and prop the plane to prevent it from sliding down the mountain.

Dick Miller did the same feat with his Aeronca.

C. A. A. Inspector I. K. McWilliams circled above the scene and radioed news of the rescue.

Davis had left here at 10:20 a. m. Friday for Valdez. He checked in by radio 15 minutes after taking off and that was the last report from him until the wreckage of the Fleetwings was sighted by Pilot Kenneth Neese nearly 30 hours later.

Perfect weather conditions and excellent radio communication Saturday facilitated the search for the missing plane. Eight planes combed the uncharted peaks of the Chugach Mountains.

Quiet-spoken "Steve" Davis, who holds a captain's commission in the United States Army Reserve Corps, is well known in Cordova, where he has stopped frequently in his work as pilot in Alaska for the Civil Aeronautics Authority.

He is permanently attached to the Anchorage headquarters of the C. A. A., but has been making survey and personal flights all over Alaska for a year in connection with the Authority's radio range-station building program. His family—wife and four children—live in Anchorage.

I deeply regret, Mr. Chairman, the omission from the bill of a fund which I had anticipated might be set up in the Budget estimate, but was not, for the construction of a hospital for the Indians in Alaska, particularly for the relief of those who are afflicted with the dread scourge of tuberculosis. Dr. Townsend, who is chief of the Medical Bureau of the Office of Indian Affairs, appeared before the committee and he was asked the condition of the natives in Alaska with respect to tuberculosis. His testimony appears on page 441 of the printed record of the hearings. He said that there are about 650 deaths per 100,000 among the natives, as against 50 per 100,000 with the whites. In other words, the prevalence of tuberculosis among the native peoples of Alaska, according to this statement, and based upon the percentage of deaths, is about 13 times as great among the natives as among the white residents. There is no cure, and there never will be any cure, for tuberculosis among the natives of Alaska, Mr. Chairman, until those natives who have tuberculosis are hospitalized and thus taken out of the homes where they now live.

Most of the natives of Alaska live in small houses. Some of them in the cities would be called slums. Some of them are slums of the worst type. As many as a dozen people will live in two or three rooms. So if one of those natives gets tuberculosis, as is often the case, it is almost certain that unless the sick one is taken out of that small dwelling, practically every other member of the family, every other person who lives in the house, will ultimately be afflicted with the same dread disease.

As Dr. Townsend so well pointed out when I asked him the question, there is only one remedy for the situation, and that is the construction and operation of hospitals in order to take care of those who have tuberculosis. There is no other way to do it, and until we build the necessary hospitals to take care of those natives who have tuberculosis the death rate will simply remain at its present distressing height, 650 per 100,000, or 13 times as great as among the white people.

I had hoped that the Bureau of the Budget would send up an estimate for at least one hospital to be built this year. During the past 4 years we have received appropriations for one hospital a year. Four hospitals have either been built or are now under construction: One at Point Barrow in the extreme northern part of Alaska, one at Bethel in the southwest, one at Kanakanak on the shores of Bristol Bay, and one for which the money has been appropriated and which will be built next year at Tanana, on the Yukon River, near the mouth of the Tanana. We need at least four more hospitals to put an end to this tragedy that is befalling the native people.

Several years ago, Mr. Chairman, when the program for construction of hospitals for the natives of Alaska was entered upon, it was my understanding that unless prevented by unusual or extraordinary exigencies, money would be appropriated with which to construct one new hospital a year for the Alaska natives until their requirements had been met with a reasonable degree of adequacy. It was then estimated that the total construction expense of the hospitals required would be about $1,250,000. We are not yet half way through that program and, therefore, it is a pity to omit making an appropriation for one hospital for even 1 year. The lack of the necessary appropriation will inevitably mean the long-drawn-out illness and misery, and the eventual death, of many of our native citizens, because, as I have endeavored to point out, one person who contracts tuberculosis almost inescapably is the occasion of spreading the contagion to several others. In my judgment, we need additional hospital accommodations for the natives of Alaska to the extent of about 1,000 beds. If these facilities are furnished we may look forward confidently to a reduction in the rate of tuberculosis among the natives until that rate is little, if any, higher than the rate among the white citizens in the Territory, which is now one-thirteenth of that of the natives.

While I, too, not only understand but sympathize with the desire of other Members for strict economy in governmental operations, I submit that the omission to provide funds for an Indian hospital in Alaska at this session of Congress is not an exercise of economy at all, but is really wasteful—wasteful of human happiness and human life.

Knowing the futility of any such attempt, I do not intend to offer an amendment to the bill tomorrow to make the appropriation for which there is such instant and pressing need. But I urge, Mr. Chairman, that the need is great and that although we may endure the delay of 1 year in our hospital-building program, that delay should not be continued for more than a single year, and at the next session of Congress, when a similar bill is considered, the committee should make

provision for the continuance of the program of hospital construction in Alaska no matter what the Bureau of the Budget says about it. After all, it is Congress and not the Bureau of the Budget that is charged by the Constitution and our laws with the duty of making appropriations.

Passing now to another subject, and one concerned with economic rather than humanitarian considerations, I should like to present to the House the need for additional transportation facilities between the United States and Alaska, and within the Territory itself. As I have often before observed, the Territory has sufficient natural resources to support, under proper conditions, several millions of people. And yet we have a present population of only about 70,000, or, at the most, 75,000.

It is my considered judgment that the population of Alaska would be steadily and sufficiently increased from year to year over a period of many years if we could only secure fairly adequate facilities of transportation at reasonable cost to bring people from the States to Alaska and then to provide them with similar facilities within the Territory itself.

The facilities needed are of three kinds or types—on the sea, on the land, and in the air.

With respect to air travel, what is needed at the present time is an improvement and enlargement of existing airplane landing fields and the construction of some others to take care of traffic within the Territory and also to provide for air transport, including air mail, between the United States and Alaska. This entire program could be put into construction at comparatively slight expense, and it ought to be undertaken without delay.

The land transport problem presents the difficulty of requiring substantial sums of money for the construction of the necessary highways. At the present time we do not need any more railroads in Alaska, but we do need a great deal in the way of highways or motor roads. In all of its vast area Alaska has now less than 2,500 miles of highway, and most of that is of a comparatively simple type. No paved roads exist anywhere outside of incorporated cities. We do not need paved roads in Alaska, but we do need immediately several thousand additional miles of comparatively low-grade motor roads. People who are familiar with road building tell me that roads of the type desired will cost in the interior of Alaska, in initial construction, about $6,000 per mile.

Several years ago with the aid of Government funds a farm settlement was established in Matanuska Valley, Alaska. The expense was considerable. In my opinion, at the present time it is not necessary to subsidize farm settlers or other settlers to locate and set up their homes in Alaska. If roads and highways are furnished, the settlers will come just as fast as we can take care of them. But it is impossible for settlers to lead a comfortable life unless roads are provided. It is no longer practicable for people, particularly women and children, to take up residence in some remote section where they have not even the simple means of communication with others which is afforded by a road.

I have in mind particularly, Mr. Chairman, the Kenai Peninsula region of Alaska. In this area the soil is deep and fertile, the climate is comparatively mild, the length of the summer growing season is ample, and the land generally is well suited to agriculture. And yet only a handful of people live there because of lack of means of transportation, because of lack of roads. I have long urged that a road be built the length of Kenai Peninsula and then connected with the Seward-Moose Pass Highway. The construction of such a road and of a few lateral roads would, in my estimation, lead to the speedy settlement of the entire Kenai Peninsula district, which can easily support several thousand people. Again I insist that the settlers do not need any grant or subsidy from the Government but they do need a road, and truly civilized living is all but impossible without road facilities.

The same thing is the case with respect to many other regions of Alaska. Roads are needed for the development of mining and for the use and occupation of the agricultural and grazing lands of the Territory. With regard to mining, I invite the attention of the Members to the testimony of Mr. Carl F. Whitham and Mr. Asa C. Baldwin, which appears in the printed record of the hearings at page 1155, wherein it was shown that the expense of construction of a road in the Nabesna country did not exceed in amount the taxes paid through the operation of one mine which was thereby developed and the working of which was thereby rendered possible. Mr. Baldwin and Mr. Whitham are capable, respected, and substantial citizens of Alaska. What they have said on the subject of road building in the Territory is deserving of the most careful consideration.

This bill contains no appropriation for the Alaska Railroad, other than an appropriation of the earnings of the road. The failure to make a sufficient grant to really complete the construction of the Alaska Railroad and put it in a reasonably good operating condition is an economic mistake. If the railroad were thus completed in the true sense of the word there would never be need of making any appropriation for operation.

Unfortunately, a suggestion has now been made with respect to the Alaska Railroad that is, to my mind, clearly fantastic, and that is the proposal to change the terminus of the road from Seward, its present seaboard terminus, to Portage Bay, Alaska. The general manager of the road has estimated the expense of the suggested change to be about $5,000,000, but I have good reason to believe that the cost of making the shift to Portage Bay would be in excess of $10,000,000. There is not, in my opinion, the slightest excuse or justification for entertaining such a proposal. It would wreck the city of Seward. It cannot be defended by the volume of traffic which is now carried on the railroad nor the volume thereof which any man can foresee for the next quarter of a century. The interest alone on even the lowest estimate of the cost of making the change would more than pay the increased expense of operation over that part of the line which it is proposed to abandon. It is unthinkable to me that with other appropriations cut to the very bone on grounds of economy, money should be appropriated for a project which even in more prosperous times would be completely devoid of merit.

Mr. CARTER. Mr. Chairman, I yield 9 minutes to the gentleman from Ohio [Mr. BENDER].

GLENN FRANK REPORT POINTS TO CONSTRUCTIVE REPUBLICAN PROGRAM

Mr. BENDER. Mr. Chairman, with the publication of the Glenn Frank committee report, honest Democratic leaders will no longer be able to accuse the Republican Party of lacking a constructive program. The 8-year-old attempt of the New Deal to throw mud at the partisans of the Grand Old Party with a charge of "obstructionism" can no longer bear repetition. For the Glenn Frank report is a complete answer to those critics who have maligned and slandered the Republican Party.

American citizens who have watched the tactics of the New Deal do not expect the Democratic National Committee to concede the wisdom of the Frank report. Yet, despite the wisecracking and cleverness which the "brain trust" has undertaken to belittle the work of the committee, its results are clearly recorded in the unchanging black and white of print. Newspaper editors, columnists, commentators have examined the conclusions offered by the report and have found them worthy of careful attention.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. WHITE of Idaho. Does the gentleman think that in the deliberation of a matter as important as a bill making appropriations for the Department of the Interior he should inject partisan politics?

Mr. BENDER. I think the gentleman is out of order, for, on the basis of the gentleman's question, then everything that has been done here this afternoon is out of order.

Mr. WHITE of Idaho. Does the gentleman think it is in order to discuss partisan politics on a bill of this kind?

Mr. BENDER. I believe this is just as good a time as any other; and I am not alone in this belief, because it is my observation that there is quite a diversity of opinion on this important question.

Dr. Frank and his committee make no pretense of infallible wisdom in presenting their views. On many of the controversial issues of our day, they concede the possibility that they may be in error. It is highly significant that the authors of the report devote much of their discussion to considering the creative and constructive aspects of our national life. Rejecting the basic New Deal theory that we have reached a point in our national development where all frontiers have disappeared, the national program committee declares its belief that there are no "assignable limits to the possibilities of American enterprise." With telling force, the history of the epoch from 1905 to the present day is cited. In 1905 the automobile industry was not in sight. Yet it furnished the incentive for the greatest industrial expansion in a dozen areas of our national life that we have ever witnessed.

No less important than this refusal to accept the artificial barriers established by the New Deal is the finding of the committee that Republicans throughout the land believe that our unemployment crisis can be solved only through the expansion of normal private enterprise. Taken together with the similar conclusions reached by other polls of public opinion, this reassurance of American confidence in the future is a sharp challenge to the attitude of defeatism which has marked the New Deal.

Dividing its work into several important topics, the committee has treated our labor problems, our farm economy, our business difficulties, our social program, and our foreign relations from a viewpoint which is at once objective and optimistic. In analyzing the persistent unemployment, which is our most pressing obstacle to recovery, the legal right of workers to organize and to act collectively to improve their position is recognized as a basic fact. Without seeking in any way to minimize the importance of recent legislation, it is pointed out that the recognition of the rights of labor was not an achievement of the New Deal. It was established long before the Wagner Act. Republicans long ago recognized the principle of collective bargaining, and it is not an issue in the present campaign. Nevertheless, the committee notes a justified dissatisfaction with the operations of the National Labor Relations Board. In the words of the report:

> The National Labor Relations Act was conceived and has been administered in the spirit of industrial warfare instead of the spirit of orderly peaceful procedure between labor and management, which the act purports to foster—

Specifically, the report calls for "responsible amendment" of the act—

> in the interest of American workers and in the interest of a productive functioning of American enterprise. The objective of such amendment must be to maintain without wavering a firm guarantee of the right of free organization and collective bargaining, while so revising the provisions and procedures and so altering the spirit of the administration of the act as to surround the whole employee-employer relationship with a sense of complete fairness to all parties and all interests concerned.

To carry out its recommendations a new judicial and administrative plan is proposed. Under this proposal the judicial functions now performed by the Board would be lodged in a tribunal entirely apart from the Labor Relations Board.

There is frank recognition by the committee that this is only one step in a necessary process looking toward the restoration of private employment. In the business area the long-standing feud between the New Deal and industry is all too apparent. Its termination is essential if anything approaching recovery is to obtain. Governmental regulation is sanctioned as necessary, but under our system—

> It is clear that the best interests of the American people require that we preserve and modernize our traditional system of free enterprise with the minimum governmental regulation necessary to prevent abuse and promote justice in its operations.

Free enterprise demands protection of consumers, markets, and investments. But no regulation is justified when it goes beyond the protective purpose and destroys the freedom of enterprise. The task of producing more and better goods at lower prices is the only way in which the living standards of the Nation can be lifted. Under present conditions the standard must inevitably fall. This view of free enterprise is no idle talk. In our normal routine of living as a free people free enterprise is the be-all and the end-all. Yet free enterprise under protective regulation has been seriously threatened. In the T. V. A. experiment free enterprise received a smashing blow at the hands of our Government. The willingness to risk savings for investment purposes is a condition without which our economic liberty becomes a meaningless term. Under New Deal leadership there is no willingness to undertake risks. Americans cannot predict what limitations may be placed by their Government upon private enterprise. Reasonable profits may meet unsurmountable obstacles in the form of new and punitive taxes or new and increasingly stringent methods of business regulation.

To correct this situation, the program committee urges the readoption of our old attitude toward the development of our private enterprise. Our Government must see to the existence of an adequate supply of short-term credit for agriculture, industry, and commerce. It must see that there is sufficient long-term credit and investment capital to finance a constantly expanding enterprise in each of these fields, but the program of the Government must be that of overseer rather than that of provider. All those agencies of the Government providing long-term capital to private enterprise should be discontinued, in the opinion of the Frank reporters. Their place can well be taken by private sources, once the Nation is convinced that Government does not mean to wage war upon its industry.

No program can be successful in the long run unless it satisfies the maximum number of our people. The great one-third of our people who derive their livelihoods from agriculture cannot go on permanently scaling down the output of our American farms with results any more satisfactory than would be achieved if our manufacturers did the same thing. A policy of scarcity in farming as an industry is unthinkable as a constructive solution to the Nation's problem so long as there are those who need food, clothing, and shelter in our midst.

To replace the present treatment of the farm problem, the Frank committee suggests the use of "that form of subsidy which is simplest to apply generally and which will necessitate the least possible red tape of regulation and the least possible number of bureaucratic regulators." Nothing will ever solve our agricultural problems but a definite expansion of the farmer's market, domestic and foreign. Nothing will ever expand these markets but a constructive solution of our domestic problems and the reestablishment of international peace.

Meanwhile, we recognize the need for relief. Such relief must be adequate in volume, free from partisan bias in its administration, and designed to stimulate self-respect rather than to destroy it. In the New Deal's long record on relief the Federal Government has centralized administration within itself. It has discriminated between economic and racial groups. It has inflated costs at periods shockingly close to national elections. Impartially conducted investigations have demonstrated that total construction costs with relief labor have run from 25 to 150 percent more than construction under private contracts.

These are for the most part abuses of methods, not of purposes. They can be corrected through a program which will maintain and develop local responsibility to replace Federal control. To bring them into the best possible practice, the administration of relief needs should be conducted through a national bipartisan commission completely removed from all direct relationship to party affairs.

On a half dozen fronts the acceleration of building, the creation of a health program, the function of our Government should be to stimulate rather than to dominate. Once we have begun the task of setting our house in order, we may be better able to lend our aid to the gigantic problems of international affairs.

There is much to be done. The report of Dr. Frank and his colleagues, by pointing out the very existence of this multitude of American problems, has charted a course for our Nation. Our people can meet and overcome every difficulty in the list. We who have conquered the wilderness, solving nature's problems, will never be dismayed by the problems created by men. [Applause.]

Mr. LEAVY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, much has been said on the floor this afternoon in colloquy between the gentleman from New York [Mr. EDWIN A. HALL] and the gentleman from New York [Mr. FITZPATRICK] regarding a resolution passed by the New York State Legislature on the third term of the President. It is pathetic to realize that petty politics is brought from the capital of a State to the National Capital of this country. All of this controversy was prearranged and concocted with the idea of creating an issue in the National Capital on the basis of the passage by the Legislature of the State of New York of a resolution condemning a third term for a President who is qualified and whom the people demand. Is this the case? Let us turn to the record and see what actually happened in the capital city of New York.

McNaboe—I do not know whether I would call him a Democrat or a Republican, except that I do know that his actions in a number of years were not those of a Democrat—more or less constituted himself as an independent party playing ball with Democrats or Republicans, or anyone who suited his purpose. The present State Senate of New York is made up of 27 Republicans and 24 Democrats. Not a Democrat voted for McNaboe's resolution.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I cannot yield unless I can get more time.

Mr. RICH. I will yield the gentleman time in which to answer this question.

Mr. DICKSTEIN. I yield.

Mr. RICH. Several years ago in the House of Representatives and in the Senate a resolution was offered by Democrats limiting the tenure of office of a President to two terms. How can the gentleman answer that? Has there been a change of heart?

Mr. DICKSTEIN. All I am interested in now is the present state of public opinion. The President has not declared whether he wants a third term; it is none of our business under present law, and we should not force him to commit himself one way or the other. This resolution is just a way of creating a lot of smoke for the purpose of arousing public sentiment and making an issue with a lot of people. A great deal of this propaganda is prearranged more or less to force the President to say, "I do not want a third term." I do not know whether he does or not. I do not speak for him; but I do say that all this petty propaganda should not be brought to the National Capital, especially in the form of so-called nonpartisan resolutions introduced by a State senator of the type of Senator McNaboe, who sometimes is a Democrat, but mostly plays ball with the Republicans; who is known just as a plain sorehead. I feel sorry to have to say that about a senator from my own State, but he should not have allowed himself to be used as a tool of a political group for propaganda purposes without taking into consideration the sentiment of the people he represents.

McNaboe introduced this resolution with the idea that he would get Republican support, and it worked out just that way: Every Republican voted for it, and so did McNaboe, but not a single Democrat voted for it. The same thing happened in the State assembly.

Mr. RICH. Mr. Chairman, does the gentleman believe that President Washington was a good President?

Mr. DICKSTEIN. He was a great President, and the gentleman knows it.

Mr. RICH. Did the gentleman hear his Farewell Address read last month?

Mr. DICKSTEIN. I have heard it read and I have read it. But now I ask the gentleman whether he believes that Washington, if he would have had a third term, would have been a bad President?

Mr. RICH. I do not believe that Washington would, but I am not saying that about the present occupant of the White House. [Applause.]

Mr. DICKSTEIN. The gentleman has not answered my question.

Now, let us see what the Assembly of the State of New York did; let us look at the political set-up of the State assembly. Mark you, I have high regard for certain Republicans in my State. A lot of Republicans are fine men. Nor do I blame people for playing politics, but I do object to the use of such propaganda for the sole purpose of saying that the State of New York, with 12,000,000 people, has gone on record against a third term.

Mr. Chairman, if a vote were taken today and Mr. Roosevelt were the candidate he would win in the State of New York by over a million votes. [Applause.] The fact of the matter is that resolution does not represent the sentiment in the city and State of New York, and I know the city and State of New York well. If a vote were taken tomorrow, the big city of New York would be about 95 percent for Roosevelt. So what is all this bunk about resolutions? They bring them into the National Capital and make a lot of bones and fuss about them.

The New York State Assembly consists of 85 Republicans, 64 Democrats, and 1 of the American Labor Party. There was not a Democrat who concurred in the McNaboe resolution. A lot of resolutions are sent to us from New York. Some of us take them seriously. But here is a resolution that must have been prepared by Senator McNaboe with the assistance of the Republican Party of the State of New York. I will ask the Clerk to read this resolution in my time, and you will hear something about dictatorships and everything pertaining to a dictator, which is typical of the language used by the Republican Party and a few disgruntled Democrats.

The Clerk read as follows:

Whereas on September 17, 1796, George Washington, first President of the United States, delivered his Farewell Address to the American people; and

Whereas on that day the Father of his Country set down certain suggestions for the guidance of the American people; and

Whereas by his refusal to seek election for the third time he established a tradition that to this day has remained unbroken; and

Whereas in his Farewell Address President Washington said "Friends and citizens; the period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprize you of the resolution that I have formed, to decline being considered among the number of those out of whom a choice is to be made"; and

Whereas this tradition of a President of the United States of not seeking election for a third term forms the one remaining bulwark protecting the people of this Nation against the threat of the establishment of a dictatorship; and

Whereas with the establishment of a dictatorship the minorities now accorded their rights under our Constitution will be swept aside and accorded the same treatment now given them in certain countries of Europe: Now, therefore, be it

Resolved (if the assembly concur), That the Congress of the United States be, and hereby is, memorialized to enact suitable legislation to prevent any President from seeking a third term and that a copy of this resolution be transmitted to the Vice President, the Speaker of the House of Representatives, and each Member of Congress from New York State.

Mr. DICKSTEIN. Mr. Chairman, the clerk of the senate took the trouble to typewrite a personal letter to every Member of Congress from the State of New York in reference to this resolution. This is the first letter I have ever received with a resolution, and they pass them by the dozens in the State legislature. He particularly called my attention to this particular resolution, which was read to you a moment ago. I have communicated with Albany and I talked to some Democrats and Republicans up there. This resolution was worked out by a certain group in the State, with the connivance of McNaboe who was going to introduce

it. McNaboe was the sponsor of this resolution with no intention of it representing the Democratic opinion of the State of New York or the country.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DICKSTEIN. Mr. Chairman, during the time I have been a Member of this House I have received a number of resolutions, but I never received a personal letter from the clerk of the State senate of the great State of New York. He particularly called my attention to this McNaboe resolution and, by the way, he is a Republican also. Who voted for it? The Republicans. McNaboe voted with them, but I do not consider him a Democrat. Yet we have had publicity in the press of Washington, New York, and all over the country that the Legislature of the State of New York has passed this resolution. The New Jersey Legislature is about to follow a similar proceeding. Why? Because the Republicans are in control.

I am not quarreling with the Republican Party. I am not discussing whether they have the right to do that or not, but I do not want it to appear, as indicated by my colleague from New York [Mr. EDWIN A. HALL] that this is a nonpartisan resolution. It was perpetrated after due deliberation. McNaboe is the only one in the senate the Republicans could trust, and he, without even discussing it with the Democratic leaders, introduced this resolution and naturally with 28 votes against 24 was able to pass it. They had 85 votes in the New York Assembly and with the Democrats being in the minority they were able to pass it there. So they would make it appear that the 12,000,000 people of the State of New York are against a third term, but I want to tell the country that this is not so. As a matter of fact, if a vote were to be taken tomorrow the result would be just the opposite.

I am disturbed to see some of my colleagues on both sides of the aisle clamoring for the President to tell us whether he is going to run. Is it any of our business? He can answer for himself. You cannot force him to say yes or no. Let him do what he likes. If the people of the country demand an answer, that is another matter.

Mr. McCORMACK. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Only a few weeks ago when the Republican National Committee met in Washington, Chairman Hamilton, as I remember it, challenged the President to run for a third term.

Mr. DICKSTEIN. The gentleman is correct. I have also heard statesmen in the other body and statesmen in this body say that they were more or less disturbed about the Democratic Party unless he comes right out and answers whether he is going to run or not. The fact of the matter is, Mr. Chairman, we are living in a different age, we are living in a different world, we are living under different conditions today that we were 10 or 15 years ago.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 1 additional minute. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman saw the Treasury statement showing that since the first of last July we have gone in the red to the extent of $2,655,000,000. Does the gentleman think this country could last 4 more years with Mr. Roosevelt as President after he has put this country in the hole worse than any President who has ever been at the head of this Nation, in fact five nations?

[Here the gavel fell.]

Mr. DICKSTEIN. Will the gentleman give me a minute to answer his question?

Mr. RICH. I will give the gentleman 10 minutes to answer that question.

Mr. DICKSTEIN. I shall be glad to answer it if the gentleman will give me the time.

Mr. RICH. If the gentleman believes he can give the country an answer to that question in 10 minutes, I believe it would be the most worth-while 10 minutes we could spend.

Mr. DICKSTEIN. I will try, anyhow.

In the first place, all I have been hearing the last few years is, "Where are we going to get the money?" I hear the gentleman's voice every morning. The gentleman asks what this country is going to do, saying we are in the red $40,000,000,000.

Mr. RICH. We have a limit of $45,000,000,000, and we have reached that limit now.

Mr. DICKSTEIN. How much did Hoover leave us in the red when we took over?

Mr. RICH. Three billion dollars in 4 years, and now you have gone in the red $21,000,000,000 in 7 years.

Mr. DICKSTEIN. This country can stand a debt of more than $40,000,000,000. This country can stand $80,000,000,000. The gentleman should not kid himself. We are all making conversation here, but the fact of the matter is that the gentleman is an alarmist. Look at the wealth it has accumulated for our country in terms of social and emotional readjustment of millions of our people.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I wish to call to the attention of the gentleman that the gentleman from Pennsylvania considers the Budget in terms of dollars and cents, but there is another budget, the human budget.

Mr. DICKSTEIN. That is what I am getting at. I am just trying to tell the gentleman the intrinsic value of the things this administration has done for this country. The trouble with us is that we are about 50 years ahead of time. Mr. Roosevelt is about 50 years ahead of his time in progress, in the care of human life, in the building of character, and in doing away with conditions which frustrate the development of America. It may be true—we are trying to do too much at one time and it may be hard for Republicans to follow. It has never been done during a Republican administration in my time. I know it used to take on an average of about 10 years before we could get some constructive social legislation through this Congress. It was just the same situation as I have noticed with some aliens. Some aliens will become citizens immediately, but with others it will be 20 years before they renounce their allegiance to the king or potentate of some other country. President Roosevelt has just been 50 years ahead of our times, and he has given you progressive legislation from which this country will benefit for time immemorial.

As to this argument that "Our children are going to pay for it," bah! Our children are not going to pay for it, because we are leaving them a great heritage in building up this country. I do not care whether the debt is $40,000,000,000 or $50,000,000,000; we can stand more. This is the greatest and richest country in the world.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. DICKSTEIN. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I thought the gentleman was being facetious when he said this country could stand an $80,000,000,000 national debt.

Mr. DICKSTEIN. No; I did not intend to be.

Mr. WOLCOTT. I do not believe the statement should go unchallenged. At the present time the public debt of the United States is a little over $64,000,000,000. Economists are quite generally agreed that the Federal Government and the State Governments collectively, or collectively the people of the United States, cannot carry an $80,000,000,000 debt.

In 1933 Senator Costigan, appearing before our committee, was asked a question as to how far he thought we could go in appropriating money before the credit of the United States would be affected. He said he could not answer for

himself, but that the experts had advised him that the Federal Government could create a debt of approximately $35,000,000,000, but as it approached the $35,000,000,000 we must be cautious, otherwise we might find ourselves in a condition of semibankruptcy. I believe the record will show that we have gone $10,000,000,000 beyond what the experts found in 1933 was a safe figure.

Mr. DICKSTEIN. I do not have the figures the gentleman has quoted, and that is not the information I have learned from reading and following the debates and the committee hearings. I believe you are all a group of alarmists. You have just grown accustomed to be alarmed about any and everything. You constantly ask: "How are we going to do this?" and "How are we going to do that?" Can you analyze what has been accomplished in the last 4 or 5 years in the way of human rehabilitation? Can you picture the poverty-stricken people, the bad housing, and the economic troubles of the poor? We have lifted them up, and we have given them a ray of hope and a ray of sunshine. This new lease on life we gave these millions of people is certainly worth the money we spent.

What is the price you place on human life? Do you fix a price or not, or is the money your price? Do you not believe we have brought some help and wealth and good cheer to millions and millions of people who have been suffering and downtrodden? Do you not believe they ought to have homes as good as anyone else has? Do you not believe that we ought to remove all their poor houses and give them an opportunity to be independent and receive something from the Government under which they have worked and brought up their children? If you do not figure on that kind of value, then you may as well turn around and say, "We cannot stand $40,000,000,000."

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Ohio.

Mr. BENDER. Will the gentleman say whether he was for Roosevelt in 1932?

Mr. DICKSTEIN. I have been for Roosevelt in 1932 and 1936 and will be for Roosevelt in 1940, if it is up to me.

Mr. BENDER. Were you one of the alarmists in that year——

Mr. DICKSTEIN. I was not worried—I was not an alarmist—I just took the facts as I gathered them in talking to most of the people.

Mr. BENDER. Did not the gentleman run on the Democratic platform of 1932?

Mr. DICKSTEIN. Personally, I could run on any platform and win, outside of a Communist platform.

Mr. BENDER. Did not the gentleman run on a platform pledging the cutting of the cost of government 25 percent?

Mr. DICKSTEIN. No; I was not running just because Roosevelt was running. I have been here a long time, and I can come here as long as I want to without anything at all of that sort; but I am a Democrat and I supported Roosevelt because Roosevelt is the greatest humanitarian we have ever had or will have in the history of our country. You cannot get away from it. He is just 50 years ahead of us all. He has done things in 4 or 5 or 7 years it would have taken other administrations and other Presidents 50 years or more to accomplish. That seems to be at the root of all your complaints. The Republicans never actually balanced the Budget. You had not balanced the Budget during the Coolidge or Hoover administration. You have balanced it on paper only.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes; certainly.

Mr. RICH. Does the gentleman mean to say that the Republican Party has never balanced the Budget?

Mr. DICKSTEIN. No; it has not.

Mr. RICH. That is the most ridiculous statement any man could possibly get in the Well of the House of Representatives and make—that is ridiculous.

Mr. DICKSTEIN. I am telling you that your Budget was balanced on paper, and if we want to take up Budget balancing, I think we can do a little Budget balancing right now—just deduct and charge and then recharge, and that is all you have got to do. [Laughter.] You have not yet, in your arguments, since you have been talking about where we are going to get the money, told us about the wealth of this country, the assets of this country or whether the spending of the $40,000,000,000 was justified or not. You always talk about the spending, but you do not tell us what the value of human life is which was saved by this spending.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MURDOCK of Arizona. Speaking of balancing the Budget and paying off the national debt, I wonder if there was not about $1,000,000,000 of debt hanging over this country for 50 years on account of the War between the States. It was an interest-bearing, bonded debt, but the Republican Party and certain businessmen seemed to think that debt a good thing. Why did so many years elapse without any effort being made, during periods of prosperity, when it might easily have been paid, to pay off that debt? Was it unwise to balance the Budget and pay off that debt between 1863 and 1913 when a few profited because of that debt?

Mr. DICKSTEIN. That is exactly what I pointed out a minute ago. They balance it the way they want to balance it, and sometimes you balance the Budget but it is a paper budget and you can squeeze the figures one way or the other. I came here in 1922 and I do not think we have balanced the Budget yet. It is just a matter of a state of mind.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman has in mind, of course, the loans made during those years to foreign countries?

Mr. DICKSTEIN. Yes; amounting to eleven or twelve billion dollars.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I gladly yield to the gentleman from Massachusetts.

Mr. LUCE. First, let me remind the gentleman from Arizona [Mr. MURDOCK] that the debt was reduced by a billion dollars a year immediately after the World War through a series of years, but that is not the reason I took the floor.

I am interested in a business in New York City, the gentleman's city, where the taxes have increased fivefold in 5 years. This, with other circumstances brought about by the policy of the government, has put that business in the "red" for the first time in 50 years. It is hanging between the devil and the deep sea——

Mr. DICKSTEIN. I am ready to answer the gentleman.

Mr. LUCE. Let me say, first, that the ending of that business, which is now threatened, will throw on the streets 100 people. Does not the gentleman think that should be thrown in the balance against the benefits to the working people of the New Deal legislation?

Mr. DICKSTEIN. Wait a minute! What is the cause for it? We have to know more about the situation and the facts before we can judge. We have to find out the reasons that brought about the conditions as the gentleman has stated them. The gentleman is talking about the city of New York, and we have on the average from 100,000 to 200,000 transients that come from all parts of the world and all parts of the United States.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield the gentleman from New York 1 minute more.

Mr. DICKSTEIN. Mr. Chairman, we have from 100,000 to 200,000 strangers who come to our big city every day—among them the poor who have left their homes and who have left their farms. We have not chased anybody out of the city of New York. We have fed them and clothed them and taken care of them and all of these things bring up taxes for the fellow who actually is a citizen and who lives in the city. We have had an unusual situation in the city of New York where thousands of our people have been out of work. How was this condition brought about? It was brought about by the

big fellows owning factories who thought they were paying too many taxes and refused to go on with their business and pay their taxes. My friend talks about paying taxes. He ought to live in Europe where they pay taxes for keeping more than one window, where they all pay taxes for living. We should consider ourselves fortunate to live in a country the Government of which only asks for taxes to be used for the benefit of all its people.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RICH. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I rise only for the purpose of observing that in this day of instability and bewilderment, in these days of legislative welter and confusion, it is really a remarkable thing when some of those who work hard in the interest of the Congress and the country have observed 20 years of service in the same spot. I refer to Arthur Orr, one of the clerks of the Committee on Appropriations, with whom it is my pleasure to have worked on that committee. Today marks the twentieth anniversary of his advent into the legislative service as a clerk to the Committee on Appropriations. That in itself is remarkable. There are those who work behind the scenes, who bring diligence and devotion to their task, and to whom I believe the people of this country are deeply indebted for their fealty and for their fine service. I could not let this opportunity go by without remarking the fact, because too often in our haste we fail in uttering proper encomiums upon those who are not always adequately appreciated. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield one-half minute to myself to say that I agree thoroughly with what the gentleman from Illinois has just said. Mr. Orr is an efficient and capable clerk to the committee, and I am sure every member of the committee, irrespective of what his party affiliations may be will agree with all that the gentleman from Illinois has stated.

Now, if I might indulge the committee for a moment, I desire to say that the Interior Subcommittee of the Committee on Appropriations also has a very capable and efficient assistant clerk in the person of Mr. Bill Duvall, who has been there some 13 years. He is not only capable and efficient and painstaking, but he is always on the job and I am sure that all members of the Interior Department subcommittee deeply appreciate the excellent way that he has performed the detailed work involved in the preparation of the bill and report. [Applause.]

I yield now to the distinguished gentleman from Texas [Mr. PATMAN].

HEARINGS OF H. R. 1, WHICH PROVIDES FOR A FEDERAL EXCISE TAX ON INTERSTATE CHAIN STORES

Mr. PATMAN. Mr. Chairman, the Ways and Means Committee of the House decided on yesterday to have hearings on H. R. 1, a bill providing for a Federal tax on interstate chain stores, according to the announcement of its chairman the Honorable ROBERT DOUGHTON. The committee of the House is composed of the following Members:

Democrats: Robert L. Doughton, North Carolina, chairman; Thomas H. Cullen, New York; Christopher D. Sullivan, New York; John W. McCormack, Massachusetts; Jere Cooper, Tennessee; John W. Boehne, Jr., Indiana; Wesley E. Disney, Oklahoma; Frank H. Buck, California; Richard M. Duncan, Missouri; John D. Dingell, Michigan; A. Willis Robertson, Virginia; Paul H. Malone, Louisiana; Patrick J. Boland, Pennsylvania; Milton H. West, Texas; Raymond S. McKeough, Illinois.

Republicans: Allen T. Treadway, Massachusetts; Frank Crowther, New York; Harold Knutson, Minnesota; Daniel A. Reed, New York; Roy O. Woodruff, Michigan; Thomas A. Jenkins, Ohio; Donald H. McLean, New Jersey; Bertrand W. Gearhart, California; Frank Carlson, Kansas; Benjamin Jarrett, Pennsylvania.

The subcommittee, appointed by the chairman of the Ways and Means Committee, to conduct the hearings is composed of the following members: MCCORMACK, Massachusetts, chairman; BOEHNE, Indiana; DUNCAN, Missouri; DINGELL, Michigan; CROWTHER, New York; KNUTSON, Minnesota; WOODRUFF of Michigan.

TIME OF HEARINGS

Chairman MCCORMACK, of this subcommittee, has called a meeting of his committee for March 27, 1940, for the purpose of commencing hearings on H. R. 1. This meeting, I am informed, will be held in the Ways and Means Committee room in the New House Office Building, at 10 o'clock in the morning. No definite time has been agreed upon for the hearings to continue, but I am told by the gentleman from Massachusetts, Mr. MCCORMACK, the chairman, that all witnesses for and against the proposal will be allowed an opportunity to present their views.

AFTER HEARINGS

I do not know what the procedure of the committee will be during the hearings nor after the hearings, but I presume after the hearings are concluded by the subcommittee that the hearings will be printed and that the subcommittee will take action either favorable or unfavorable. After the subcommittee has passed upon the question, I presume that the whole committee, having access to the printed hearings, and after considering the testimony before the subcommittee, will take action either favorable or unfavorable. It is my hope that the subcommittee will act favorably and that the whole committee will act favorably and that the bill will be passed at this session of Congress.

DEATH SENTENCE TO MONOPOLY

This bill, H. R. 1, has been very much misrepresented. It is pictured as a bill which will inflict the death penalty upon the chain-store system in this country. The truth is, there are more than 7,000 chain-store concerns in the United States engaged in the retail business, and this bill, if enacted into law like it is now, will not seriously affect more than 20 of these more than 7,000 chain-store concerns. The object of the bill is to prevent further concentration of wealth into the hands of a few people and to distribute privileges and opportunities. It will be a death sentence to monopoly.

OBJECTIONS TO INTERSTATE CHAINS

We never had Federal relief until the interstate chain-store system drained the local communities of this Nation dry and thereby destroyed their local reservoirs of credit.

We did not have a serious unemployment problem until the interstate chain-store system obtained so much control over retail distribution in the local communities.

Farmers have never fared so badly as they have since the interstate chain-store system obtained control of so much of their market.

Any benefits or advantages claimed for the interstate chain stores will still be available to the people through the local chains, if this bill should become a law.

The question of concentration of wealth and economic power is a serious one. We live in a democracy. We are proud of our form of Government, yet we are sometimes powerless to cope with large corporations and especially those that enjoy or have the privilege of exercising a monopoly.

WITH $1, $7 CREATED

A few men who own a few banks in one city have control over more than 60 percent of the excess reserves in the banks of this country. That means for every $1 that they have in excess reserve they can extend loans equal to $7. In other words, they will receive interest on $7 for every $1 that they have. If the people, who have these deposits created by these loans, should call upon these banks for the money, the Bureau of Engraving and Printing at Washington would issue to them currency, greenbacks, or whatever you want to call our paper money, to pay the depositors of these banks. The money issued is an obligation of the Government of the United States and represents a mortgage on the property of all the people of this Nation. This power has been abused until most of the property is now in control of a very few men who own and control a few corporations, and now these few men are trying to get control of all the privileges and opportunities in this Nation, including retail distribution. They should not be allowed to do it.

WHY INTERSTATE CHAINS BAD

I doubt that even a monarchy, or a dictatorship, would permit monopoly to run roughshod over the people as we are permitting it here in America. Do you know of any other of the 52 countries of the world that allows a few to control retail distribution? I know we have had other serious problems to consider, and have solved them in a satisfactory way, and now we must deal with the problem of monopoly.

An interstate chain-store system causes the following:

First. Unemployment, relief, and destruction of opportunities for young and old.

Second. Destruction of local communities.

Third. Creates monopoly.

Fourth. Destroys the price of farm products and keeps the national income low.

Fifth. Destroys the local banks.

Sixth. Destroys the local printing shops.

Seventh. Destroys the local insurance agencies and local insurance companies.

Eighth. Causes regimentation of business by a few New York executives.

Ninth. Takes net profits away from local communities, thereby destroying the local reservoir of credit, and creates credit and money concentration into the hands of a few.

If the interstate chain-store system is saving the consumers of America money, these consumers will be able to obtain the same savings in the future, if this bill becomes a law, through the local and sectional chains. The local and sectional chains that do not cross State lines and the ones that keep their money at home, and certainly within one State or one section, have any and all benefits or advantages that are claimed for the interstate chains.

Is it real economy to save $1 as a purchaser or as a consumer by making your purchase from an interstate chain store if such a saving is possible when such a system will cost you, as a taxpayer, $3 or more to take care of the unemployed people and to afford the relief that has been caused by the $1 saving?

There are social, as well as economic, reasons why the interstate chain-store system is bad and should be stopped in this country now.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I thank the subcommittee of the Committee on Appropriations having in charge the Interior Department appropriation bill, for giving me this time this afternoon. I know that that committee has worked hard and that the hour is getting late. I am glad to see there are about 400 Members of Congress present this afternoon. I rise to discuss a matter for a few minutes that is very rarely dragged out into the open, but it is a problem that should be brought out and on which light should be shed. We have just concluded our hearings on the Labor-Social Security-Public Health appropriation bill. The bill has not yet been marked up. There are several items in that bill that I think the Congress will be tremendously interested in. I am not going into the detail of all of them. I think the C. C. C. proposed reduction is one of them; the N. Y. A. is another. But I am also interested and disappointed in the lowering of the authorization from $7,000,000 to an appropriation of $3,000,000 for the control of venereal diseases for the fiscal year of 1941. I know syphilis is not a very popular subject. Nevertheless, I am willing to address myself to that subject for the next few minutes.

Mr. Chairman, almost 3 years ago I stood on the floor of this House and made a speech for economy—the most rigid economy America could practice. Today, I want to speak again for that rigid economy.

Three years ago, I also stood on this floor and made a speech for an appropriation. I want to make such a speech again.

And, as I did in 1937, I want to point out that economy and appropriations are not inconsistent, because I am speaking of the budget for health; for the control of the venereal diseases, and there are credit items in that ledger.

In social-welfare terms, those credit items are such things as the better physical and mental health of our people, more of a chance of happiness in family and personal life for many of our people, and more of a chance for a full and healthy life for many of our children by saving them from congenital syphilis.

In more hard-boiled dollars-and-cents terms, those credit items are investments in diagnostic and treatment facilities for syphilis and gonorrhea, investments in training of personnel, and in plans—long-range plans—for the future, looking to the ultimate eradication of syphilis and gonorrhea as public-health problems.

What made possible these credit items and these investments? What gives us hope that syphilis and gonorrhea need not be perpetual plagues?

The answer is twofold. An aroused public opinion, looking the facts squarely in the face, has said—and continues to say—that every resource at the command of our public-health fighters must be used to wipe syphilis and gonorrhea from the land. As a result of this demand, Members of the House will recall that the Congress of the United States passed the La Follette-Bulwinkle Venereal Disease Control Act, which was signed by the President on May 24, 1938. This congressional enactment has been the stimulus and the basic ammunition by means of which we have begun to make progress against the inroads of the venereal diseases.

We now have before us an appropriation under the terms of this bill, the purpose of which is to control the venereal diseases. In my opinion, and for the reasons I will outline in a moment, I am firmly convinced that the $7,000,000 originally authorized by Congress for the third year of this Nation-wide campaign should be appropriated—the totally inadequate sum of $3,000,000 suggested in the Budget would not only arrest progress but would completely wreck the control programs now operating in many States. I am in favor of at least the amount authorized for 1940–41 by the La Follette-Bulwinkle Act in 1938. If we are to feel that we have seriously discharged our duties in protecting the public health, we would vote for the $25,000,000 originally recommended by health and medical experts from every part of the country on the assumption that another twenty-five million would be provided by the States and Territories.

Before I point out some of the ways in which real progress against syphilis and gonorrhea has been made, let me refresh in your minds the needs we recognized in 1938 by passing the Venereal Disease Control Act.

Careful 1-day spot surveys, examination of clinic records, review of cases reported to public-health agencies indicate that each year at least half a million new infections of syphilis and another 500,000 old cases are discovered. Figures for gonorrhea are more difficult to assemble, but every estimate indicates many more than a million new cases annually should receive medical care.

More than 100,000 persons die each year from syphilis. One in 10 cases of insanity is due to syphilis. One in every seven cases of blindness is a result of syphilis. Each year 25,000 babies die or are stillborn as a result of syphilitic infection of the mother. More than 60,000 children are born with syphilis.

At the present time there are in America probably 10,000,000 persons who have or have had syphilis, yet less than one-half of all of these cases sought treatment or were recognized during the first year of their infection. And more than one-half of these infections were acquired before the persons were 25 years old.

We've been talking about economy a lot lately. What price these million cases of syphilis we have on our hands each year?

I am well aware that in urging continuance of this fight on syphilis I am recommending a program which will cost money. And I am recommending it in the face of a political trend toward economy. There is no paradox in that—for it is good economics to fight syphilis. It is cheaper for us

to provide adequate facilities for controlling syphilis and gonorrhea and eradicating these diseases as community-health problems than it is for us to let syphilis go. Syphilis costs us money today.

In our State institutions for mental disease there are 18,700 cases of general paralysis of the insane—known medically as paresis and just one of the late complications of syphilis. American taxpayers spend $14,000,000 every year to care for these cases.

Nor is $14,000,000 for care of syphilitic insane in 171 State hospitals the whole story. Private institutions care for about 8,000 new cases every year. A total of 43,000 beds are maintained in American hospitals for syphilitic mental and nervous cases. The cost, assuming that the average is the low $2 a day for public institutions, is over $31,400,000 every year.

Add to these figures, at a very conservative estimate, the $10,000,000 which is spent annually for the institutional care of the syphilitic blind.

Though difficult to estimate, one might well consider costs of the end results of syphilis, the cost to the families of victims, the maintenance of indigent wives and children, the loss in purchasing power that would have made these sufferers useful members of society. These things are really part of the cost.

We ought to include also an estimate for the cost of the care of cardiovascular syphilis—the deadliest form of heart disease which results in 40,000 deaths each year. The cost of the care of 60,000 children born every year with congenital syphilis; the millions of dollars wasted on useless quack nostrums; the cost of routine care and treatment of syphilis are all part of the total bill the people are now needlessly paying because of our lack of control of this single disease.

But leaving all these costs out of the picture, merely consider, if you will, the items for the care of syphilitic insanity and blindness as reflected in institutional care—a minimum figure. It totals more than $40,000,000, almost twice what authorities have estimated for Federal participation in the control of syphilis; more than five times larger than the authorization by the Congress for the fiscal year 1940–41.

Money devoted to the fight against syphilis and gonorrhea is not spent; it is invested.

For the fiscal year 1938–39 the Federal Government appropriated $3,000,000 under the Venereal Disease Control Act. Of this total, $2,400,000 was allotted to State health departments. The remainder was used for fundamental research and field demonstrations. The sum made available to States was supplemented by $4,300,000 in State and local funds. State and local governments more than matched the $5,000,000 Federal appropriation in 1940 by raising more than $7,000,000.

Gentlemen, let me point out two important facts with regard to these figures. First, many of the State and local funds made available for venereal-disease control are new appropriations, funds stimulated because of the availability of Federal assistance. Second, the fact that State and local funds are almost double the Federal share is indication of the need for the development of essential facilities and services in the communities, and is based on the declared intention of the Congress to continue Federal assistance over a period of years.

I want to remark in passing, the health officer of one of the States said in the hearing this morning that they had 430,000 known cases of syphilis in that one State.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. I will be glad to yield.

Mr. JOHNSON of Oklahoma. The gentleman is making a very informative speech, and I am sure we all appreciate what he has said. The gentleman, however, is too modest to state what else was said at the hearing this morning. If the gentleman will permit, it was stated this morning that the speech made by the gentleman after much investigation and research 3 years ago was sent over the entire United States and was distributed more than any other speech ever made in Congress on the same subject. I desire to congratulate the gentleman on the fine work he has done on that subject. [Applause.]

Mr. HOUSTON. I thank the gentleman from Oklahoma very kindly.

Now, what has been done with these funds? We can measure to a significant degree progress they have made possible.

During the fiscal year 1938 State health departments reported 3,600,000 blood tests. This figure had risen by 55 percent during the fiscal year 1939, the first year in which Federal venereal-disease-control funds were available, to a total of 5,600,000.

State health departments reported 1,746 venereal-disease clinics as functioning in 1938. By June 30, 1939, there were 2,405 clinics in operation, an increase of 38 percent.

For the fiscal year 1939 State health departments reported that 315,000 patients were brought under treatment for the first time in clinics. This number was 59 percent higher than the total of 197,000 reported the previous year.

The clinics cooperating and reporting through State health departments to the United States Public Health Service in the fiscal year 1937–38 administered 5,200,000 treatments for the venereal diseases. In 1938–39 clinics gave 53 percent more treatments, or 8,000,000. However, doses of arsenical drugs actually used in clinics for syphilis treatment increased by 71 percent during the same period.

While these are only a few statistical items which can be directly measured, they do indicate clearly that the aid which the Federal Government has given to the States has started us toward the control of the venereal diseases.

But let us state this progress in specific human terms. For example, let us consider the effect, in the conservation of human resources, of Federal assistance to the States for clinic treatments—only one of the several ways these funds have been used, which include development of better health-department units specially trained in venereal-disease control, postgraduate training courses for private practitioners and clinic physicians, the highly important public education campaign, and the making available of laboratory facilities and anti-venereal-disease drugs to all physicians.

Venereal-disease clinics in 1938 discharged 78,000 persons with their infection arrested or cured. This means that those people have been under treatment for a sufficient period of time to obtain maximum benefits. I understand from what authorities tell me that for syphilis a patient should be under continual treatment or observation for almost 2 years before he can be considered as having received adequate treatment. This number was almost 32 percent higher in 1939, and 103,000 persons were discharged as cured or with their infection arrested.

These facts indicate that the venereal-disease-control program is a program of conservation of our human resources.

There is one aspect of this consideration of progress to which I want to call the attention of the House. I feel it is unnecessary and unwise to continue to think in terms of ever-increasing numbers of patients admitted to clinics or released from clinics. The program now under way in the United States will soon reach the saturation point in this regard. Its efficiency in getting people to treatment sources has been demonstrated, but the important thing, to my mind, is the quality of treatment rendered and the success with which patients are kept under treatment for the full period necessary.

When the statistics show that all patients are under treatment the program for the control of the venereal diseases will not be over and the necessity of Federal support will not end. It makes little difference to me, as a layman, whether there are 250,000 or 50,000 new cases a year. I know that even a small number of untreated or badly treated cases is a threat to the health of my community, and that without adequate treatment the number will rapidly mount to staggering proportions.

The course of the public-health program seems clear. It must be continued today with vigor and funds to reduce as

rapidly as possible the large number of present cases, and it must develop permanent facilities and skill which will make it possible to hold, by good treatment, the number of cases at a reasonable level with a reasonable expenditure.

Substantial progress has been made, and I think the hard-working, unselfish men and women of the medical and public health and other professions have a lot of credit coming to them. But this is only the beginning, and they cannot continue their work and even begin to stem the tide of the great plagues unless Federal support is continued.

The Members of this House should stand behind their pledge to the States and to the American people that the Venereal Disease Control Act of May 24, 1938, meant a continuing program of Federal-State cooperation, and should appropriate for venereal-disease control for the next fiscal year the authorized sum of $7,000,000. If we cut the sum even to the figure authorized and appropriated for the current year we will be giving the germs of syphilis and gonorrhea an advantage for which we will pay dearly in the future. If we cut the sum to the $3,000,000 proposed in the Budget, we will be practically throwing into the ash heap all of the progress so painstakingly and effectively gained during the past 2 years.

We have concrete evidence that in your community and in my community syphilis is on the way out and gonorrhea is at last on the defensive. We owe it to the future of our citizens, to the well-being of the children yet to be born, to make possible the continued vigorous attack on this menace to a healthy America. The least we can do is to vote for the appropriation of the $7,000,000 we are all agreed in 1938 was the minimum for the Federal fiscal year 1941 if we are to end our needless sacrifices to the germs of syphilis and of gonorrhea. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Chairman, this bill appropriating $119,057,464.05, the Interior Department appropriation bill, covers a multitude of interests throughout the United States.

Time today will not permit me to touch on many of these interests, but I do want to say a word about the reclamation appropriations carried in the bill.

First, permit me to say that the hearings extended over a number of weeks. Dozens of witnesses appeared before this subcommittee. Among those witnesses were 51 Members of the House of Representatives. It may be interesting to you to know that of the 51 Members, 50 were there asking for increases in appropriations. One lone soul had the hardihood and temerity to ask for a reduction. [Laughter and applause.]

I want to say that, while this bill appropriates more money than it would have appropriated had I had my way entirely, I think the subcommittee as a whole has done a very good job.

I want to pay my respects to the gentleman from Oklahoma, the acting chairman of the subcommittee [Mr. JOHNSON], and other Members of the majority party for their very considerate treatment of us who constitute the minority. They were generous. Partisanship was not displayed at any time. We all sat down and exercised our own best judgments.

I also want to compliment Mr. William Duvall, clerk of the committee, for the very splendid and efficient service that he rendered this committee in the preparation of this bill.

There has recently taken place in the State of California a very devastating and damaging flood. I have before me the Washington Post of Thursday, February 29, showing a picture taken in northern California, the floodwaters covering a large area, reaching nearly to the eaves of the houses. That flood took place in an area downstream from where there is now being constructed what we call the Shasta Dam, a part of the great Central Valley water project. Had that dam been in existence, instead of only partially completed, this destruction would not have descended upon the valley below. That is one value of the reclamation work that is being carried on.

In connection with consideration of the Department of the Interior appropriation bill for 1941, I desire to stress the importance to the West and to the country as a whole of the items proposed for the Bureau of Reclamation. In order that I might be in a position to inform this body of salient facts, I have raised the hood of this effective governmental machine we call Federal reclamation to see what makes its wheels go round.

In pursuance of this quest for authentic information two questions vital to 15,000,000 people west of the one hundredth meridian—in fact, to 130,000,000 Americans—have been raised:

First. Are we advancing the Federal reclamation program as rapidly as the pressing needs for water conservation and irrigated land demand?

Second. How does electric power fit into Federal reclamation and are the power developments justified by present and prospective markets?

Before entering into a brief discussion of the facts involved in frank answers to these questions, I will digress to remind you that reclamation has always been nonpartisan. It originated under the leadership of that great exponent of conservation of the land and water resources of the West—President Theodore Roosevelt. In the 38 years of its operations it has had the support of every administration—Republican and Democratic.

The national conventions of both parties time and again have approved the policy and urged its continuance. Successors of Theodore Roosevelt in the White House have praised its achievements and vigorously defended its objectives. Great impetus has been given reclamation by the present occupant of the White House, Franklin D. Roosevelt.

The record is cited by way of emphasizing that this constructive governmental policy has always had a national significance. I do not mean to suggest that the program has not been without opposition. But, as my fellow Californian, former President Herbert Hoover, wrote to western Governors in 1930:

> If the fundamental facts are properly appraised, it seems certain that the arguments of opponents of Federal reclamation will find satisfactory answer and that they will no longer countenance the misleading information that is now being broadcast through various agencies.

President Coolidge had previously—in 1924—exploded attacks on the program by which it was sought to halt further construction because of agricultural distress in other sections of the country. He and Mr. Hoover pointed out that crops produced on reclamation projects are consumed principally in the West. Mr. Hoover asserted the projects—

> Furnish extensive markets for manufactured products as well as farm products not raised under irrigation and thus seem to afford material benefits, rather than detriment, to other sections.

I will not burden the RECORD with quotations from other Presidents of the United States, who from time to time have taken occasion to give their support to Federal reclamation. If there is a desire on the part of my colleagues to be more thoroughly informed, I respectfully refer you to Senate Document No. 36, Seventy-sixth Congress, first session, which presents a summary of quotations from Presidents—from Theodore to Franklin D. Roosevelt—as well as other valuable information. The platforms of the Democratic and Republican Parties from 1900 on endorsing the program will likewise be informative.

There has not been a day since 1902 when Federal reclamation has not justified itself and the claims of its proponents. Take a look at the map of the 15 Western States in which projects are located and you will see that these enterprises are what has been described as veritable oases in the desert. They have created more than 50,000 farms on which nearly a quarter of a million persons reside and which are the main support of some 250 cities and towns with a population three times that of the rural areas. In all, something like a million persons are dependent on reclamation farms.

The purchasing power of more than $200,000,000 annually sent eastward that is directly traceable to reclamation crop production aids in turning the factory wheels of the Middle West, the East, and the South. The farms of the humid sections of the country supply the irrigated areas with crops not produced under ditches.

I suggest that our friends from the manufacturing and agricultural areas east of the one hundredth meridian compare the $200,000,000 annual market in reclamation-project areas of the West with the foreign trade of the United States with most of the countries with which we do business. What expansion of reclamation will do in the way of enlarging the home market for American products needs no emphasis.

The impression that reclamation is devoted solely to bringing new land into cultivation is erroneous and a word as to this phase of the program is in the interest of clarification. In the building of a western civilization on irrigation, private capital in many instances failed to provide adequate water supplies. Droughts and changes in agricultural methods have had their effect on water available, with the result that the collapse of established communities, rural and urban, has been threatened in many of the Western States.

In situations of this kind the Federal reclamation program has been expanded to save investments of hundreds of millions of dollars and the homes of scores of thousands of farmers. The beneficial effects on cities and towns that rely upon the agriculture of these areas is apparent.

At the present time the Bureau of Reclamation is providing supplemental water for something like 1,500,000 acres—an area almost as large as that which is wholly dependent for its supply on Federal works.

Under the existing program of the Bureau, I am informed, the area that will ultimately receive supplemental water approximates the entire new acreage that will have been brought under cultivation—about 4,500,000 acres. Therefore, it is important to remember that Federal reclamation is not only building new communities but tends to stabilize existing agricultural and urban areas that have been the backbone of the Nation's last frontier.

Of personal knowledge, I can speak for the pressing need of expediting completion of the Central Valley project, to which I have already referred, in California. The future of a million persons and of vast property values is dependent upon a stabilized water supply for the San Joaquin Valley, where I was born—if you will pardon a personal allusion. That the cost of this project will be repaid by the water users and power consumers of central California is only half of the story. The rehabilitation of taxable values and the assurance of a continuance of communities of taxpayers are worth far more.

In practically every Western State there are similar situations that demand attention and illustrate the pressing need for advancement of Federal reclamation.

Another phase of reclamation operations is the demand for newly irrigated land. This comes from the normal expansion of the agricultural population of the West plus the influx of farm families from the Great Plains and other drought areas. Recurrence of critical droughts east of the Rocky Mountains have spurred migrations anew and, instead of receding, the waves give evidence of continuing unabated.

With experts of the Department of Agriculture estimating that in the last decade 150,000 migrant families have come into the three Pacific Coast States and Idaho, some idea of the magnitude of the problem may be obtained. As most of these families have a farm background, the place for them is on the soil. There has been some suggestion that since these estimates are based on reports from school children, the number of homeless farm families that have come west may greatly exceed the figures given.

But whatever the number, the acreage of irrigated land available for settlement has been sufficient for the placement of only a handful of the newcomers. As a matter of fact, if all the area the Federal reclamation program will bring into cultivation in the next 20 years were now available, it would be inadequate to provide a 40-acre tract for part of the 110,000 migrant families that are in California alone.

You may ask why the Federal Government should be concerned with getting these people settled where they may become self-supporting. To get one answer you have only to refer to tabulations of the former National Emergency Council and the Office of Government Reports. These show that the relief expenditures in the Mountain and Pacific States from the Federal Treasury during the 7 years ending June 30, 1939, totaled $1,341,000,000, or 25 percent more than the normal population would require. The excess has been due to the necessity of caring for homeless newcomers.

Compare this drain on the Federal Treasury with results that are obtainable from the construction of reclamation projects. First, there are few if any reclamation farmers on relief. Secondly, the relief expenditures in California alone of $597,000,000 in the 7-year period would have given employment for tens of thousands of persons in the construction of three projects the size of Central Valley and opportunities for settlement would have been provided for many thousands of homeless farm families.

In passing I will call attention to the absence from this appropriation bill of provision for continuing the Great Plains water-conservation program inaugurated last year. As a means of anchoring farm families in those areas most seriously affected by continuing droughts and thus alleviating pressure on the West from newly migrating families, no more constructive move has been made. Every friend of reclamation will welcome the opportunity of supporting this water-conservation program.

From the more or less sketchy review of conditions that are confronting the arid and semiarid States, I believe I have demonstrated that we are not yet providing for reclamation developments as rapidly as the pressing needs require. The solution is to provide adequate reimbursable construction funds that will offer opportunities for the settlement of homeless farm families, for the establishment and maintenance of taxable values, and for reducing, if not eliminating, the drain on the Federal Treasury for relief.

ELECTRIC POWER IN THE RECLAMATION PROGRAM

I will now turn to a brief discussion of the place hydroelectric power has in the Federal reclamation program.

Development of water power, where feasible, in connection with irrigation has been recognized from the outset as a means of furthering the national reclamation policy. The maximum conservation and utilization of the limited water resources of the West demand that, where feasible, advantage be taken of the power head created by storage dams.

The use of stored water obtained by passing it through the turbines en route to the land to be irrigated does not diminish its value for irrigation, but it greatly increases the over-all efficiency of a project. Power for pumping is also an important consideration in many projects.

No Federal reclamation project has been constructed solely for the production of power, although the anticipated receipts from this source are a vital factor in the financial set-up of the program. It is indicated that approximately half of the entire cost of the reclamation program as now laid out will be repaid from power revenues.

I have heard questions raised about the market for electric power in the West. I am pleased to advise you that the demand for power bids fair to exceed the existing capacity and planned installations by Federal agencies and private utilities.

Take the case of Boulder Dam, where the generation of power is combined with flood control and storage of water for irrigation and domestic water supply in southern California. The installation of generating equipment is far ahead of the schedule due to the requirements of private utilities, the city of Los Angeles, and other municipalities. The Bureau of Reclamation is being pressed to speed up additional installations to take care of the demand.

Although Boulder began operating only in 1936, the electric energy it produced during the calendar year 1939 exceeded the total energy generated in the three States of the Pacific coast in 1912.

In the quarter of a century from 1912 to 1937 the production of electric energy on the Pacific coast increased more than sixfold. Total electric capacity increased about fivefold.

As 90 percent of the power which will be produced on Federal reclamation projects will be utilized on the Pacific coast, a word as to the present and future markets may be informative. Based on the demands for Boulder Dam power in 3 years, there can be no doubt of a market for all of the energy that project can produce.

The growth in consumption of power in central California has kept pace with that in the southern part of the State and there is now some doubt if power from Shasta Dam on the Central Valley project will be available in time to meet an anticipated deficit in that section. It is my understanding that a private utility is prepared to take the entire output of Shasta Dam power plant not required for pumping purposes. Regardless of the method of distribution—whether by private or public agencies—there will be need for the new supply.

In the Pacific Northwest in the last 25 years the production of electric energy increased 700 percent and the installed capacity nearly 400 percent. The complete installations at Bonneville, on the Columbia River, constructed by the Army engineers, and at Grand Coulee, 250 miles farther up the stream, and a reclamation project, will increase the capacity in the area only 150 percent.

Based on the record of a quarter of a century, it would appear reasonable to forecast that the Pacific Northwest will absorb all of the additional power Bonneville and Grand Coulee will produce by the time the last installations of generating equipment are made at the latter project, as proposed in present installation programs, some 20 years hence. The rate of growth of the market need be only half of what it has been in the preceding two and a half decades to bring this result.

That reclamation projects themselves provide a market for power has long been recognized. A private-utility official in California in the twenties remarked that for every successful irrigated farm he could count two customers in the cities and towns nearby. Consequently a substantial contributor to the market in the Pacific Northwest will be some 30,000 farms to be brought into cultivation as the construction of Grand Coulee is advanced.

Another phase of the market in the Pacific Northwest lies in the prospective industrial development along the Columbia River. The Aluminum Co. of America recently contracted for 30,000 kilowatts of power from Bonneville, and the Sierra Iron Co. plans the installation of an iron and steel plant using electric furnaces that in 2 years is expected to absorb an additional 30,000 kilowatts. While these operations are relatively small, they presage a greatly enlarged industrial market for the entire Pacific coast.

Further, it has been estimated by metallurgical experts that there are, in the Pacific Northwest, minerals for the processing of which 40 percent of the firm power of Grand Coulee would be required for 30 years.

The prospective demand for electric power from reclamation projects is not confined to the Pacific coast, however. As soon as it was known that power would be available from Elephant Butte Dam on the Rio Grande River, there were immediate application from Texas and New Mexico for more than twice the prospective output.

Demands for power in the Colorado-Wyoming area will make possible prompt disposal of the production from the newly completed Kendrick project in Wyoming.

As the Bureau of Reclamation is the pioneer Federal agency in the development of multiple-purpose projects involving electric power, its record as a construction and operating agency is interesting. Before the Congress in 1928 entrusted it with the construction of Boulder Dam, it had served an apprenticeship in connection with the construction and operation of a score of small plants on a dozen projects in the West. While the total capacity of these projects, some of which are now operated by water-user organizations, was only 115,000 kilowatts, the success of the undertakings served as a foundation for the present broad developments of power in connection with reclamation projects.

When projects under construction are completed, the Bureau will have under its supervision some 4,200,000 kilowatts—a volume approximating the present installed capacity of all publicly and privately owned hydro and steam-generating plants on the Pacific coast. This figure compares with the total capacity on the Pacific coast of less than 900,000 kilowatts in 1912.

In the field of operation of hydroelectric plants in connection with projects now under construction, the Bureau of Reclamation is governed by the Reclamation Project Act of 1939. In the sale of electric power, preference must be given to municipalities and other public agencies as well as cooperatives. The preference is in the right to buy and not in price schedules. The principle of this provision was written into the law as far back as 1910, soon after power was first produced on projects.

Since the Bureau must return to the United States the cost of projects, it has a responsibility of obtaining a fair return in the sale of power and in securing the widest possible public benefits from the development. It acts as a wholesale agency. Of nearly 100 contracts for the sale of power from reclamation projects, approximately one-half are with nonpublic agencies and half with public agencies.

In the interest of brevity, I have not gone into all of the details of the place power has in the Federal reclamation program. Yet I feel the picture presented shows conclusively that the double use of water, where feasible, is in the interest of economy and efficiency.

As for the market for electric power, based on the record of the last quarter of a century and the continually increasing demands, a conservative observer may be pardoned for wondering if the Pacific coast will not be confronted with a power shortage before all the new generating equipment in reclamation projects will be producing electric energy. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield to the gentleman from Arizona [Mr. MURDOCK] such time as he may desire.

Mr. MURDOCK of Arizona. Mr. Chairman, I have sought time today for the same purpose as the gentleman from California [Mr. CARTER], who just preceded me, to speak on the bill, and with special reference to the matter of reclamation. Reclamation is a great cause with us and deserves our unstinted support.

I want to be somewhat complimentary, too, in regard to the work of the subcommittee and certain others in connection with the reclamation part of the bill. Although I deplore the committee's reduction on the Parker project, I do very heartily approve the amount inserted for further construction at Boulder Dam. Last year I urged an appropriation to build a line from Parker Dam to Phoenix, as some members of the subcommittee will recall. That power needed in central Arizona must come either from Boulder Dam or from a power plant to be constructed at the Parker Dam. Both developments must be carried on.

We have complimented the chairmen of committees and clerks of committees. I want to say a word with respect to the Chief of the Bureau of Reclamation. I refer now to Commissioner John Page, a scientific man, a western man thoroughly acquainted with the significance of his important agency, a man of broad vision who takes in the entire scope of reclamation in a dozen States and makes his recommendations before the Bureau of the Budget and before the committee accordingly. It is regrettable that his recommendations could not be followed completely.

If I had my own way more money would be appropriated, but I am sure the committee has done a good job within the framework of the spirit of economy manifested in the Bureau of the Budget itself, noted in this House, and apparently demanded by the times. The great cause of

reclamation has made possible the new West. The hydraulic engineer has made over the wild West of a former generation in somewhat the same way, modernizing it exactly as the construction engineer has modernized our great cities, and I would like to pay a compliment to them. What has already been done, of course, is but a beginning and we shall do much greater things.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield briefly?

Mr. MURDOCK of Arizona. I shall be glad to yield to my friend from southern California.

Mr. VOORHIS of California. Does the gentleman believe that this work of reclamation is of special importance right at this time as a means of making possible the settlement on good lands of at least some of the thousands of people who have come to his State and mine in recent years largely as a result of the exhaustion of soil fertility and changes in agricultural methods in other parts of the country?

Mr. MURDOCK of Arizona. The gentleman from California is exactly correct. For a number of years now thousands of families have been heading westward, especially into Arizona and California, seeking new homes, as he and I told the President in the spring of 1937. The gentleman will remember that in the conversation which he told the President of the many destitute farm families fleeing from the Dust Bowl and trying to get into southern California, I also pointed out that in their effort to do so they crossed southern Arizona and that many of them stopped in the warm agricultural valleys of my State.

That process is going on today about as it was when we spoke to the President in 1937 and the need of doing something for these migrants is as imperative now as it was then. Certainly, that is one phase of reclamation need which must not be overlooked. It is a phase of short-time program in contrast to our long-range program of reclamation. For the benefit of the people we have in mind, water must be put on the land as soon as possible.

Although I wish to compliment the committee on drafting this Interior appropriation bill, I am worried about the reductions and also omissions. Of course, I am assuming that the committee took into consideration an unexpended balance for the Gila project which the committee regarded as sufficient to carry on the work for the coming year. Such unexpended balance may be sufficient to continue the work on that project for 1 year at the same rate of construction which has prevailed thus far, or nearly at that rate, but I want to go on record as saying that the rate of progress on this highly important and internationally strategic project has not been fast enough.

Let it not be forgotten that in this project down in Yuma County we are doing more than working toward completion of just another irrigation project. We are in fact working against time and we are competing with an active neighbor on the south for the legal use of a portion of the waters of the Colorado River. If we do not establish our legal claim by appropriation and beneficial use of that water, the legal right will be lost forever to Mexico.

We ought also to consider those irrigation projects which are under the Indian Bureau, as they are about as important as the projects under the Reclamation Bureau. The Nation has cause to be proud of the Coolidge Dam and the great San Carlos Indian project watered by it. On March 4, 1930, when ex-President Calvin Coolidge dedicated the Coolidge Dam in a very appropriate manner, he had associated with him on the speaking program a full-blood Pima Indian, who made one of the best speeches I have ever heard. This spokesman for the Pimas had a complete grasp of the entire situation. He knew what his people had meant to the Government for nearly 100 years. He knew how much the Government was indebted to the friendly Pimas, and he expressed deep appreciation for the construction of the Coolidge Dam, which saved his people from starving out.

He did not ask that the Government take away from the farmers along the upper Gila in Graham County the water which they had diverted from the stream onto their farms, although by so doing the farmers had dried up the river and virtually left the Indian farmers to starve. However, the Pima spokesman did rejoice at the fullfillment of a long-deferred hope which he thought would be realized in the Coolidge Dam. It would catch the floodwaters and store them until needed on the farms of the Pimas below the dam. Nor did the Pima object to the fact that half of the stored water was to be put on land belonging to white settlers. Only a part of that hope was realized in the Coolidge Dam.

And now this uncompleted project is sorely in need of more storage capacity because of the prolonged drought in that region and for other reasons. If I had been writing this appropriation bill, I should have written in a suitable sum for the beginning of work on a storage dam on the Gila River below the Coolidge Dam and below the entrance of the San Pedro River. I cannot find either time or words to express myself adequately in regard to this imperative need. I appreciate the short time allotted me today to call it to your attention.

Mr. RICH. Mr. Chairman, I yield myself such time as I desire, but I do not expect to use more than half an hour. It was stated a few moments ago that there were 400 Members in the House, but there were only 29, by actual count, and now there are less than 29. I think it would be most ridiculous to talk to the four walls, but I do want to say to those who remain—and it will be seen by the others in the RECORD—that so far as our work in the Appropriations subcommittee this year was concerned, there was more harmony and more of an effort on the part of the members of the subcommittee to work together and economize in spending Government funds. I really commend them to the House for the work they have done. We on that committee are all friends, yet we have our little spats and fights and differ quite a bit in the things we try to do. The majority of the members of that subcommittee are interested in things that pertain to the West, and most of this money is spent in the West, yet I come from the old eastern State of Pennsylvania, where we pay the bills for those who take the money out there, so you could not expect me to do other than object to a great deal of this expenditure when it goes mostly to the country west of the Mississippi River.

The bill carries something more than $119,000,000, but there is no reason under the sun why we could not cut another $10,000,000 or $12,000,000 from it without doing injustice to any of our people, yet it certainly would aid and assist the Treasury. As you all know it needs assistance, it is an empty barrel. Being in the minority, however, and being outvoted, I had to submit. I could not do any more.

We have taken from the Interior Department the Office of Education, the United States Housing Authority, and the National Park Service. We have added to the Interior Department the Bureau of Fisheries, the Bureau of Insular Affairs, the Bureau of Biological Survey, and the United States High Commissioner of the Philippine Islands. With these changes we find quite a good deal of difference in the bill itself as compared with last year, but I call particular attention to another fact which really is astounding so far as the Interior Department is concerned: In 1933 the Interior Department had 19,600 employees. Today it has 47,000, an increase of 135 percent in 7 years.

This was due to the fact that Congress a few years ago placed in the hands of the President of the United States $4,880,000,000. That was the start. Since then they have given him over $17,000,000,000 to spend, and with it he has increased the number of national parks, he has increased the Reclamation Service, he has built dams and other great structures, buildings, and incidental things which in the future will require large added expense. The employee population of the Interior Department will continue to grow unless we do something to stop the increase. As a matter of fact, increase will continue in every branch of the Government service.

It is not the function of government to do everything we think ought to be done by the people of this country. If the Government is to do everything, what is left for private

initiative? Why should the States do anything? Why should the counties or municipal subdivisions do anything? Why should individual citizens do anything? We must reverse this trend; we must encourage the citizens to apply their initiative, their ingenuity, their brains, and their brawn to doing things for themselves. We must restore to people and to communities the pride of having done something for themselves so they will appreciate more what they receive. Anything worth having is worth working for.

Why do not the Western States do some things for themselves? Why do they come here to Washington, D. C., for all their wants and needs?

It is getting to be a racket, as I see it—both West and South. To prove it look at the table placed in the RECORD some time ago by the gentleman from New York [Mr. COLE] showing the amount of taxes for each individual in each State per capita, and the amount each State received per capita, and it tells the story better than I can convince you.

I come now to the legal work of the Department of the Interior, and I find that there is quite a bit of duplication of services in the legal branch of the Department of the Interior. It was suggested by the head of the Department that this duplication should cease, but, in order to bring this about, it is going to be necessary to change some of the laws. I am hoping that, in view of the debate we had on that subject, new laws will be recommended in order to eliminate some of the duplication between the Attorney General's department and the Legal Division of the Department of the Interior, so that the latter Department may work for the best interests of the country and in the most economical fashion instead of such expensive duplication of legal talent.

We have in the Interior Department a Division of Information for which we appropriated $72,000. This is nothing but a propaganda organization. The Departments of Interior, Agriculture, and the other departments have these bureaus of information—have them for the purpose of putting out propaganda. This should cease and we ought to eliminate these appropriations if we cannot stop it in any other way.

Then there is the Division of Grazing which we are building and building. I can see some advantage, but we are getting to the point where all the Western States are becoming dependent on the Government, and I believe we should be careful not to extend that service so that it becomes too big and too unwieldy that it becomes overburdened with Government employees.

Mr. HAWKS. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Wisconsin.

Mr. HAWKS. Where are we going to get the money?

Mr. RICH. I have been unable to find that out myself and I do not think anyone in the Government service is able to tell where we are going to get the money to carry on the operations of our Government, in such expansion as has been going on, and I say that in all sincerity. Previous to the present administration no one ever starved and no administration has been derelict in its duty of taking care of the needy public, but we have gone on and on in the past 6 or 7 years to such an extent that if we do not curb ourselves in the expenditure of funds we will break down our financial structure, which means bankruptcy, and that in turn means dictatorship, as we are headed at present.

PUERTO RICO

Puerto Rico relief appropriation we cut to $15,000. Our object in doing this was owing to the fact for the last several years we have appropriated $25,000 a year to collect this relief money and have been only getting in seven, eight, and nine thousand dollars. Now to appropriate $30,000 seems to me is foolish, because I believe they can make the same effort with less clerks and receive as much money as they could from collections of the relief funds as they could by appropriating the larger amount.

BITUMINOUS COAL COMMISSION

The National Bituminous Coal Commission has been set up for the past 4 or 5 years and we have spent two to four million dollars a year on one of the greatest political set-ups I have seen since I have been in Washington. When they had the five commissiones they always were at loggerheads and working to a disadvantage. Ever since the Bituminous Coal Commission has been set up they have not accomplished one thing. Not even to this time have they established the price of coal. This they expect to do on April 1. Five years to determine the price of coal and in 1 week they may arbitrarily change it. There is no reason under the sun why this appropriation should not be cut down at least one million and a half dollars more than we have in the bill at the present time. It will do just as good work and accomplish just as much, so why spend that money for political propaganda? I claim it to be nothing but a racket ever since it was started.

Emergency relief items under the W. P. A. and P. W. A. that have been set up for the past 5 years have created so many new parks and additions thereto, new buildings, and new undertakings under this bill that the upkeep is going to be a burden on the taxpayers for years and years to come and we will only discover as the years go by how much this relief money that was placed in the hands of the President to expand is going to be a task for the taxpayers of this country to meet in order to keep things going. For the project itself, as that money still is to be raised, but also to the upkeep. Now projects have been started that will be more of a burden than they will be an asset. We have the National Power Policy Committee, which is set up in this bill. It was an executive order proposal and now because of the fact that the Interior Department had that power previous to conferring such great power on the President, the committee saw fit, over my protest, to set it up under the Secretary because I notified them it would be taken out on a point of order and the committee outwitted me and I am unable to knock it out on a point of order which I intended to do. Another new bureau of the President when he promised to eliminate them before he was elected President.

WAR MINERAL RELIEF

I want to congratulate the committee for eliminating the war mineral relief. That has been going on for over 20 years. We continued it last year with the distinct understanding to the Department and to those who had claims that it would only be for 1 year, and the year will be up on June 30, and, so far as this committee is concerned, I think they are justified in eliminating this item from the bill forever.

BONNEVILLE DAM PROPOSAL

Bonneville Dam proposal for the construction of new power lines has more than enough money, in my judgment, to construct lines enough to take care of all the power they will generate for the year 1941, and I would cut this appropriation a million more at least.

BUREAU OF INSULAR AFFAIRS

The Bureau of Insular Affairs was transferred to this Department of the Interior and as we are going to eliminate our responsibility in taking care of the Filipinos in 1946, it seems to me we ought to cut down rather than increase the expense we incurred for operation and looking after the Philippine Islands. Why not begin to make them more responsible and why not cut down our appropriations? We built a summer home and a city home for the Commissioner at a cost of $750,000—a terrible price to pay for an Embassy in the Philippines, and this bill instead of being a reduction of the amount over last year is an increase. It is not justifiable in my judgment and should be cut many thousands of dollars.

GENERAL LAND OFFICE

In the General Land Office we have increased the amount for surveying of public land from $750,000 to $900,000—an increase of $150,000. There is no reason under the sun why we should not cut down this appropriation by at least $400,000. Then we will survey lands as rapidly as will be necessary to survey the lands under public demand.

BUREAU OF INDIAN AFFAIRS

Coming to the Bureau of Indian Affairs, let me call your attention to the fact that in 1931 the cost of this Bureau of the Interior Department was $20,523,379. Last year we appropriated $33,410,753. When we are trying to make the Indian Bureau self-sustaining, under the name of heaven why do we increase so rapidly the functions of the Indian Bureau? In my judgment, too much of this appropriation is a racket, and the appropriations should never be made as we are making them now. For instance, take the hospitalization, and I am as much interested in that as probably anyone could be. But when I think of the amount appropriated to operate the hospitals under the Indian Bureau, and then I make the comparison of the hospital on which I am on the board of trustees at Lock Haven, Pa., I find that the amount of money we appropriate for Indian hospitals cost per patient per day twice as much as it does for the people whom I represent back home.

Not only the Indian hospitals but over here across the river at St. Elizabeths Hospital and other Government hospitals can be put in this same category. Not only hospitalization but other branches of the Indian Service as well should be reduced in their regular routine appropriations. Now, for instance, the Tacoma Hospital Sanatorium at Tacoma, Wash. We have in this bill $400,000. Two hundred and twenty-two thousand dollars will be for the purchase of land which now belongs to the Indians, and then we permit the Department to make contractual obligations to the extent of $815,000 additional. When we get through taking over this land now serving the Indians the total hospital will cost $1,215,000. In the name of the heavens, under the present conditions of the Treasury, this is not justified. Keep the Government from taking over everything. Let us stop doing it for awhile at least.

RECLAMATION

Moving on to the Reclamation, in some ways a mighty fine thing for the inhabitants of certain territories of the West; and were not it being used in such extravagant manner I would be for it much more enthusiastically than I am now. Our annual appropriations are increasing so rapidly that the burden of maintenance on the General Treasury will tell in years to come. Grand Coulee, in Washington, will require many millions of dollars more to complete. Central Valley, Calif.—we have got $16,000,000 in this bill and for 7 years to come you will be asked to appropriate $20,000,000 a year before it can be completed. The Colorado River project in Texas was not passed on by the Bureau of the Budget until February 7, when the President sent down a supplemental estimate of $3,000,000 to complete this project, and the committee added it to the bill. The great expenditures that we have put into the Interior bills in the past 4 or 5 years, and with the amount that the President has granted under W. P. A., some of whose projects were later assumed by the Congress, shows with what care the Congress should view the spending of public funds and should not place in the hands of the President such great power. I hope that no other President, whether he be Republican or what he be, in the future will have the power which Franklin D. Roosevelt has had over the Congress of the last 7 years, and I hope no Congress will ever grant any President such power as they did Mr. Roosevelt. It is not right and it is not constitutional.

GEOLOGICAL SURVEY

In the Geological Survey we cut out work that was for the Army of $985,350. We were perfectly willing that the Geological Survey should do the work that the Army might need done, but we believed it should come out of the Army appropriation and not out of the Interior Department appropriation.

NATIONAL PARK SERVICE

I cannot help but repeat here what I have said in committee of the amount of money that has been expended by the President under Executive order for new parks, extension of parks, repairs to parks and monuments. Also the new ones that have been set up by the Congress themselves. That will be a heavy burden annually for increased cost on operation of the Government. I am glad to say that the Secretary and those connected with his office gave us the assurance that there was no money in this bill to be spent on the Jefferson Memorial at St. Louis, Mo. It is right and proper that the construction of that monument should cease and be a dead issue from now on. They have in St. Louis a Jefferson Memorial on a 1,200-acre plot of ground that cost over a million dollars, in memory of Thomas Jefferson. Why they need another no one can tell.

Then, we have the improvements that were suggested here in the Lincoln Memorial, of heating it and installing a $40,000 toilet. The committee was wise enough to eliminate this expenditure at this time, as well as the Jefferson Memorial now being constructed. The committee has seen fit to eliminate one-half of the sea wall, for which they have to spend $222,520 for changing the contour. We have agreed to permit them to fill in one-half of this change, but we refused to permit them to do away with one-half of the wall and dig out a great amount of earth in order to make it symmetrical. In our judgment, the sea wall will be just as beautiful if the part next to Fourteenth Street is left intact.

I could go on and speak of other items in this bill, but time will not permit, although I do want to say that we are treating very finely, it seems to me, the Territory of Alaska, with 60,000 people, and the amount of appropriations are more in proportion than they are to a great many of our States.

Then we have Puerto Rico, where we are looking after those people in pretty good shape. And in the Virgin Islands we still have the $2,600,000 sugar plantation and rum plant owned by all the people of America, and which was set up under W. P. A. by Executive order; and I am very sorry to say that it is not a very profitable organization for the American people to be in. They do not pay taxes; they do not pay interest on the money invested; and the report as given by the Virgin Islands Co., the rum plant owned by the taxpayers of America, showed a deficit of $23,002.67. Of course, they pay the tax on the rum, which every manufacturer of rum has to pay, but they do not pay taxes on their property nor do they pay any income tax, because they had no income, and would be exempt from that if they did since they are a Government corporation. That is the injustice of the Government in business, and I want to say that the quicker we get the Government out of all kinds of business—and especially the rum business—the better off our Nation will be. We have increased the amounts given to St. Thomas and St. Croix because they have deficits in their operation.

Again, in conclusion, I can truthfully say, so far as I am concerned, I could have cut down this bill ten to fifteen million dollars, and I am positive the Department would be better off; and I am sure the taxpayers of this country would be much better off if they were not compelled to do a lot of things this bill calls for. Here is hoping we can soon put the Government on a more sound financial basis by decreasing our appropriations by millions and millions of dollars.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. LEAVY], a distinguished member of the committee, who rendered a great service in the preparation of this bill.

Mr. LEAVY. Mr. Chairman, I feel that I should, on behalf of the majority side of the committee, reciprocate the beautiful sentiment expressed by the gentleman who preceded me, the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. RICH]. For 6 weeks our subcommittee worked almost daily from 9:30 until 5 in the afternoon on this bill. We have turned out a transcript of 2,000 pages of hearings, and I am sure every member of the committee invites both the membership of the House and anyone interested to examine that record. The report contains some 55 pages and the bill itself covers 114 pages. The total amount allowed by the committee is slightly over $119,000,000.

It might be said that we just did all this work for the sake of building up a record to sustain the allowances in the bill.

Let me say concerning the Department of the Interior bill that there is no supply bill which comes before the American Congress that so completely touches every congressional district within the Nation as this supply bill. We were extremely careful to refrain from doing an injury to any item in the bill by arbitrarily cutting it, and we were likewise extremely anxious to save money, yet permit these essential governmental activities to proceed.

It is true that the West makes the greater demand for money in this bill and gets the greatest sum of money, but I am sure that any impartial observer, be he Democrat or Republican, irrespective of his political label, when he looks at this picture as it must be looked upon, will recognize that the West is entitled to a greater proportion by reason of the fact that there Uncle Sam still has his great domain and holds unquestioned title to many millions of acres, and the question is whether we want to look after it in the public interest or neglect it, or just give it away to a group of greedy, selfish exploiters.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from California.

Mr. VOORHIS of California. There is an additional reason why the West is entitled to these reclamation projects particularly and to help in preserving our water resources. That is because we have in recent years had coming to our States thousands and thousands of people from other parts of the country which we are under the obligation of attempting to absorb constructively into the life of our section.

Mr. LEAVY. The gentleman is correct. I placed in the RECORD under an extension of remarks an extended statement appearing in the Appendix of the RECORD page 1166, showing the new problem that has been forced upon the West by reason of the migrations from the Dust Bowl regions and the arid sections that have suffered so severely for some years from drought.

Mr. HOUSTON. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Kansas.

Mr. HOUSTON. I want to congratulate the gentleman and every member of that subcommittee on the splendid job they have done. The committee has done a good job. As the gentleman stated, the committee has not cut any one drastically so that they could not function in the coming year, but, after all, it has cut approximately $3,000,000 under the Budget, so that the bill itself comes in under the Budget estimate. I want to congratulate the gentleman on the way his committee handled the bill.

Mr. LEAVY. I thank the distinguished gentleman from Kansas [Mr. HOUSTON]. I hope every Member will show the same intelligent appreciation of the work we have done.

Mr. Chairman, may I say, as a member of the subcommittee which prepared this bill, that I appreciate extremely the opportunity which for 6 weeks has been mine of associating with my colleagues on the subcommittee. The acting chairman, the gentleman from Oklahoma [Mr. JOHNSON], conducted the hearings in a splendid, impartial, and expeditious manner. At times the membership of the committee differed violently with one another, but never to that degree that we were not willing to listen to the reason of the other fellow. The able, distinguished, and beloved chairman of this subcommittee, who is likewise the chairman of the whole committee, the gentleman from Colorado [Mr. TAYLOR], due to temporary illness, he was unable to be with us at our hearings, but he was with us by being in constant contact, both through his own office and through the clerk of our committee, as well as through personal contact with members of the committee.

For 31 years this rare and brilliant chairman of our committee has been a Member of this House. He has seen Members come and go by the hundreds; he has seen Presidents of both political faiths take and hold the reins of leadership and advance their policies; but through it all he has consistently, faithfully, and perseveringly carried the banner of the great West, until today nearly every section of this great Nation understands and appreciates the West. I do not believe that in the glorious annals of this great body any Member has had a more distinguished career of public service, and we are happy to announce that our beloved chairman will shortly be back with us.

May I say that the suggestion, guidance, and aid of that splendid disciple of the West, a great man and a great Congressman, the gentleman from Colorado [Mr. TAYLOR], is demonstrated throughout this bill.

In conclusion, let me say that I should like to discuss reclamation at length because that is the big item in the bill. This bill calls for an aggregate appropriation of $119,000,000. Reclamation calls for $48,000,000 of that sum. I probably shall have opportunity later to discuss reclamation and the various projects within the reclamation appropriations.

Mr. Chairman, may I say also that this Interior supply bill has had transferred over to it the Biological Survey and the Bureau of Fisheries, which agencies go into every congressional district in this country and are extremely important. This bill covers hundreds and hundreds of other activities. Why, there are 200 separate Indian reservations. There are 155 parks and monuments. There are approximately 55 reclamation projects, and there are about 100 separate fish-hatchery institutions. Then consider all the other agencies and divide them in the many activities. Each of these items was considered separately, and I could go on if time permitted to tell you more of them. You would then see why the long record, and the great care taken. But with all of these activities the aggregate total of this bill is only $119,000,000, just a little above the sum it costs to build one first-class 45,000-ton battleship. That is what we ask to take care of all of Uncle Sam's interests inside this great Nation of ours, which are not classed as a part of the Military Establishment.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield to my genial colleague, the gentleman from Pennsylvania.

Mr. RICH. I want to congratulate the gentleman on that statement, because he is the first member of the Committee on Appropriations who has admitted that a 45,000-ton battleship costs over $100,000,000. The gentleman is right, because that was the figure that was given us. If the people of the country would make that comparison, there is no reason under the heavens why we could not have cut out at least two or three of these battleships.

Mr. LEAVY. I do not mean to imply that we should not necessarily build battleships, but what use are battleships to us if we neglect our domestic economy and our natural estate here? For that reason, I say that when you compare this bill with the Army and Navy bills, as it should be compared, it is a modest bill and a modest sum requested. In my judgment, actually if we doubled the amount for reclamation we could cut off many times as much for relief, as I tried to show in the remarks I placed in the RECORD yesterday. [Applause.]

The Clerk read the bill down to and including page 1, line 6.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. RAYBURN] having assumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the Interior Department appropriation bill, 1941 (H. R. 8745), had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered on February 22 by the Secretary of War, Mr. Woodring.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief letter from the Berkeley Chamber of Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief resolution from the United States Livestock Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Daily Oklahoman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address I delivered on Saturday evening on what the income tax could yield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole today and to include therein some excerpts from the hearings and the report on the bill, also some brief excerpts from a newspaper article to which I referred in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. GORE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the third and fourth in a series of articles on freight rates written by Mr. J. Lacey Reynolds and printed in the Tulsa World.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the American Legion Magazine by Emanuel Hertz entitled "Father Abraham's Men."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GWYNNE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and include therein some tables from the Department of Agriculture, and a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. ALEXANDER] may be permitted to extend his remarks in the RECORD on the Healey bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some correspondence from former United States Senator Robert L. Owen on the unemployment situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FADDIS, for 7 days, on account of important business.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 424. Joint resolution to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla.

ADJOURNMENT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 6, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:30 a. m. Wednesday, March 6, 1940, for the consideration of H. R. 8540.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, March 6, 1940, at 10:30 a. m., for the consideration of H. R. 2176, H. R. 7878, and H. R. 8236.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 6, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States," and for other purposes.

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 7, 1940:

H. R. 6321, to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

This bill was previously referred to the Committee on Ways and Means, but under date of February 26 it was rereferred to this committee.

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the

States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

EXECUTIVE COMMUNICATIONS, ETC.

1429. Under clause 2 of rule XXIV, a letter from the Comptroller of the Currency, transmitting the text of the Annual Report of the Comptroller of the Currency covering the year ended October 31, 1939, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 7626. A bill for the relief of Ernest Unger; with amendment (Rept. No. 1711). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER:

H. R. 8763. A bill authorizing bestowal upon the unknown unidentified American buried in the Memorial Amphitheater of the National Cemetery at Arlington, Va., the decoration of the Purple Heart; to the Committee on Military Affairs.

By Mr. JOHN L. McMILLAN:

H. R. 8764. A bill providing for the examination and survey of the Little Pee Dee River in South Carolina; to the Committee on Rivers and Harbors.

By Mr. PEARSON:

H. R. 8765. A bill to provide for free hospitalization and medical attention for all veterans of the World War and the Spanish American War in Government facilities; to the Committee on World War Veterans' Legislation.

H. R. 8766. A bill to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes," approved August 29, 1935, as amended on June 24, 1937, by Public Law No. 162, Seventy-fifth Congress, so as to provide for medical examinations in furnishing satisfactory proof of disability; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERSON of Florida:

H. R. 8767. A bill providing for a preliminary examination and survey of a channel from old Tampa Bay to Oldsmar, Fla.; to the Committee on Rivers and Harbors.

H. R. 8768. A bill to provide that a veteran's compensation, pension, or retirement pay shall not be reduced during his hospitalization or domiciliary care; to the Committee on Pensions.

By Mr. DOXEY:

H. R. 8769. A bill to reestablish parity prices for agricultural commodities, to raise revenue, and for other purposes; to the Committee on Agriculture.

By Mr. DUNN:

H. R. 8770. A bill to provide for employment, for cooperation by the Federal Government with the several States in relieving the hardships and suffering caused by unemployment, and for other purposes; to the Committee on Labor.

By Mr. HENDRICKS:

H. R. 8771. A bill to authorize the issuance of a patent in fee simple to the city of St. Augustine, Fla., for a certain tract of land known as powder-house lot; to the Committee on the Public Lands.

By Mr. BLOOM:

H. R. 8772. A bill to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679); to the Committee on Foreign Affairs.

By Mr. RANDOLPH:

H. R. 8773. A bill to authorize the construction of a parade field, swimming pools, stadium, and other recreational facilities in section F, Anacostia Park, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CELLER:

H. J. Res. 483. Joint resolution establishing a Federal Tax Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. FULMER:

H. Cong. Res. 51. Concurrent resolution to extend the time for the filing of the report of the Joint Committee on Forestry; to the Committee on Rules.

By Mr. PEARSON:

H. Res. 412. Resolution authorizing appointment of a select committee to investigate trade practices in connection with sale and marketing of strawberries and fresh vegetables; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURTIS:

H. R. 8774. A bill for the relief of the widow of Donald D. Elliott; to the Committee on Military Affairs.

By Mr. DEMPSEY:

H. R. 8775. A bill granting a pension to Casimira Gallegos de Garcia; to the Committee on Invalid Pensions.

By Mr. EDELSTEIN:

H. R. 8776. A bill for the relief of Olga Slavikowska; to the Committee on Immigration and Naturalization.

By Mr. KEE:

H. R. 8777. A bill to permit suit to be brought upon the yearly renewable term insurance of Oscar W. Wiley, deceased; to the Committee on World War Veterans' Legislation.

By Mr. KELLER:

H. R. 8778. A bill to make Younghill Kang eligible for naturalization; to the Committee on Immigration and Naturalization.

By Mr. KLEBERG:

H. R. 8779. A bill for the relief of Heldenfels Bros.; to the Committee on War Claims.

By Mr. McCORMACK:

H. R. 8780. A bill for the relief of the estate of Thomas J. Blake, deceased; to the Committee on Claims.

H. R. 8781. A bill for the relief of Lewis Augustine Caulfield; to the Committee on Naval Affairs.

By Mr. PETERSON of Florida:

H. R. 8782. A bill for the relief of Harvey C. Artis; to the Committee on Claims.

By Mr. SATTERFIELD:

H. R. 8783. A bill for the relief of Frank Kelley; to the Committee on Claims.

H. R. 8784. A bill for the relief of Jake Hale; to the Committee on Claims.

By Mr. SMITH of Virginia:

H. R. 8785. A bill for the relief of Blanche W. Stout; to the Committee on Foreign Affairs.

By Mr. SUMNERS of Texas:

H. R. 8786. A bill for the relief of William A. Martin; to the Committee on Invalid Pensions.

By Mr. VAN ZANDT:

H. R. 8787. A bill granting an increase of pension to Elizabeth Fleck; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6799. By Mr. CLASON: Petition of Grace H. O'Donnell and other citizens of Northampton, Mass., members of the Mothers of American Sons, petitioning for the early passage of House Joint Resolution 408; to the Committee on Military Affairs.

6800. By Mr. FULMER: Resolution by the South Carolina farmers, in session, Columbia, S. C., endorsing Senate bill 591, providing for an extension of the powers granted to the United States Housing Authority specifically providing for not less than two hundred million to be used for rural housing; to the Committee on Banking and Currency.

6801. By Mr. MARTIN J. KENNEDY: Petition of the United Irish-American Societies of New York, New York City, opposing the proposed St. Lawrence Waterway treaty; to the Committee on Interstate and Foreign Commerce.

6802. By Mr. KEOGH: Petition of the United Irish-American Societies of New York, concerning the St. Lawrence Waterway treaty; to the Committee on Interstate and Foreign Commerce.

6803. By Mr. RABAUT: Petition of the National Woman's Party, Michigan branch, by Olive E. Hurlburt, chairman of the State council, asking that the equal-rights amendment be favorably reported immediately to both Houses of Congress, and by them submitted to the people of the country for ratification; to the Committee on the Judiciary.

6804. By Mr. SCHIFFLER: Petition of Mr. and Mrs. Charles Hickman, Jr., and other citizens of Brooke County, W. Va., urging that all questions violating the rights and privacy of American citizens be stricken out of the 1940 census questionnaire; to the Committee on Ways and Means.

6805. By the SPEAKER: Petition of the Texas Citizens, Fort Worth, Tex., petitioning consideration of their resolution with reference to an investigation and impeachment of James C. Wilson, United States district judge for the northern district of Texas; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MARCH 6, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, unto whom we come at this new dawn of opportunity for larger life and richer service, we thank Thee for the calm of yesternight, when sacred memories and thoughts of holiness inspired our evensong to Thee, and for the fair beauty of another day in which our morning prayer becomes our hymn of praise. Grant unto us now the abiding sense of unfading light, of spotless purity, of long-suffering love that issues from Thy presence till selfishness is done away; till our minds are pure from error and our wills lose all their weakness in union with Thine own; that when evening comes again it may find us fit for rest and unashamed, as we commit ourselves unto Thee and the keeping of Thy watchful care. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, March 5, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarran	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Texas [Mr. SHEPPARD], and the Senator from Minnesota [Mr. LUNDEEN] are detained on important public business.

The Senator from Georgia [Mr. GEORGE] and the Senator from New York [Mr. WAGNER] are unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

WATER-POLLUTION CONTROL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 685) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, which was to strike out all after the enacting clause and insert:

That there is hereby established in the United States Public Health Service a Division of Water Pollution Control (hereinafter referred to as the Division). The Division shall be in charge of a Director, who shall be a commissioned engineer officer of the United States Public Health Service detailed for such duty by the Surgean General of the Public Health Service (hereinafter referred to as the Surgeon General). Such engineer officer, while serving as Director, shall have the rank of an Assistant Surgeon General of the Public Health Service, subject to the provisions of law applicable to Assistant Surgeons General in charge of administrative divisions in the District of Columbia of the Public Health Service.

SEC. 2. (a) The Division shall, after careful investigation, and in cooperation with the Chief of Engineers of the War Department, other Federal agencies, and the agencies of the several States authorized by law or duly designated to deal with water pollution, and in cooperation with the municipalities and industries involved, prepare comprehensive plans for eliminating or reducing the pollution and improving the sanitary condition of the navigable waters of the United States and streams tributary thereto. In the development of such comprehensive plans due regard shall be given to the improvements which are necessary to conserve such waters and promote their use for public water supplies, propagation of fish and aquatic life, recreational purposes, agricultural, industrial, and other legitimate uses, and for this purpose the Division is authorized to make joint investigations with the aforesaid agencies of the Federal Government and any State or States of the condition of any waters of the United States, either navigable or otherwise, and of the discharges of any sewage, industrial wastes, or substance which may deleteriously affect such waters.

(b) The Division shall encourage cooperative activities by the several States for the prevention and abatement of water pollution; encourage the enactment of uniform State laws relating to water pollution; encourage compacts between the several States for the prevention and abatement of water pollution; collect and disseminate information; make available to State agencies, municipalities, industries, and individuals the results of such surveys, studies, investigations, and experiments conducted by the Division and by other agences, public and private; and furnish such assistance to State agencies as may be authorized by law.

(c) The consent of the Congress is hereby given to two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

(d) (1) After date of enactment of this act, no new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division; and,

(2) The discharge of new sources of water pollution without review and approval of the Division as required under the foregoing provisions is hereby declared to be against the public policy of the United States and to be a public and common nuisance. An action to prevent or abate any such nuisance may be brought in the name of the United States by any United States attorney, and it shall be the duty of such attorney to bring such an action when requested to do so by the Division, the Surgeon General, and any duly constituted inter-State agency dealing with control of water pollution, any State agency dealing with control of water pollution, any "State health authority", or any incorporated municipality. Such action shall be brought as an action in equity and may be brought in any court of the United States having jurisdiction to hear and determine equity cases.

(e) *Provided, however,* That any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States, and by the Congress of the United States, subsequent to the approval of the various State legislatures.

SEC. 3. (a) The Division, upon request of any State health authority and subject to the approval of the Surgeon General, shall conduct investigations and make surveys of any specific problem of water pollution confronting any State, drainage-basin authority, community, or municipality with a view to effecting a solution of such problem, and shall make definite recommendations for the correction and elimination of the deleterious conditions found to exist.

(b) The Division, upon the request of any municipality, shall make a periodic test of the water at any bathing beach within the limits of such municipality, and shall make a report to such municipality as promptly as possible with respect to the existence of water pollution at such bathing beach and shall make definite recommendations for the correction and elimination of any deleterious conditions which are found to exist: *Provided,* That only such sums as may be specifically appropriated for such purposes shall be expended in making such tests and recommendations.

SEC. 4. The Public Health Service shall prepare and publish, from time to time, reports of such surveys, studies, investigations, and experiments as shall be made under the authority of this act, together with appropriate recommendations with regard to the control of pollution of the waters of the United States.

SEC. 5. Every loan or purchase of securities by Reconstruction Finance Corporation to finance the construction of treatment works shall hereafter be made only upon the recommendation of the State health authority having jurisdiction and upon the recommendation of the Surgeon General and his certification that such construction is necessary to prevent the discharge of untreated or inadequately treated sewage or other waste which would substantially impair the quality of any waters of the United States.

SEC. 6. (a) There is hereby established in the Division, by detail from time to time, a board of five, four of whom shall be commissioned engineer officers of the Public Health Service, a majority of whom shall be experienced in sanitary engineering, and the fifth, the Chief of Engineers, United States Army, or a member of the Corps of Engineers designated by him, all said members to serve without additional compensation. The duties of said board shall be fixed by the Surgeon General, and to it shall be referred for consideration and recommendations, in addition to any other duties assigned, so far as in the opinion of the Surgeon General may be necessary, all reports of examinations, investigations, plans, studies, and surveys made pursuant to the provisions of this act or hereafter provided for by the Congress, and all applications for loans for the construction of necessary treatment works proposed to be made pursuant to section 5 of this act, and all other matters in connection therewith upon which report is desired by the Surgeon General. The board shall submit to the Surgeon General recommendations as to the desirability of commencing, continuing, or extending any and all projects for treatment works upon which reports are desired and for which loan applications have been made. In the consideration of such proposed treatment works and projects the board shall have in view the benefits to be derived by the construction thereof in accomplishing the purpose of this act, and the relation of the ultimate cost of such works, both as to the cost of construction and maintenance, to the public interests involved, the public necessity for such works and the adequacy of the provisions made or agreed upon by the applicant for the loan for assuring proper and efficient operation and maintenance of the works after completion of the construction thereof. The board shall, when it considers the same necessary, and with the approval and under orders from the Surgeon General, make as a board or through its members, personal examinations of localities where the proposed treatment works are to be located. All plans, costs estimates, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Surgeon General shall be reduced to and submitted in writing, and shall be made a part of the records of the office of the Surgeon General.

(b) As soon as practicable the board shall classify the navigable waters of the continental United States into districts to be known as sanitary water districts. The board shall fix and define the boundaries of each such district and may from time to time alter such boundaries. The areas of such districts shall, insofar as practicable, conform to the areas of watersheds not wholly contained within the boundaries of one State.

(c) All special reports ordered by the Congress pursuant to the provisions of this act shall, at the discretion of the Surgeon General, be reviewed in like manner by the said board; and the said board shall also, on request by resolution of the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives submitted to the Surgeon General, examine and review the report of any examination, investigation, survey, or project for the elimination or reduction of water pollution or for the construction of treatment works made pursuant to any act or resolution of the Congress, and shall report through the Surgeon General, who shall submit its conclusions thereon through the Federal Security Administrator and the President as in other cases.

SEC. 7. There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1941, the sum of $250,000 for all necessary expenses of the Division in administering the provisions of this act, including: (a) Expenses of investigations made under this act, including (1) printing and binding of the findings of such investigations, (2) the pay and allowances, travel expenses of personnel of the Public Health Service (including commissioned officers) while engaged in field investigation, (3) upon the approval of the Surgeon General) the expenses of packing, crating, drayage, and transportation of the personal effects of such personnel and personnel of other Government departments on duty with the Public Health Service upon permanent change of station under competent orders in connection therewith while engaged in such investigations, and (4) purchases required for such investigations, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5); when the aggregate amount involved does not exceed $100; (b) upon approval of the Surgeon General the necessary expenses of the board of engineer officers provided for in section 6 (a) of this act; (c) the pay and allowances, and travel expenses of reserve engineer officers while on active duty under section 8 (a) of this act; and (d) for the reimbursement of appropriations insofar as expended for pay and allowances of personnel detailed to the Division under section 8 (c) or 8 (d) of this act.

SEC. 8. (a) For the administration of this act the Federal Security Administrator may, upon recommendation of the Surgeon General, appoint such engineers, attorneys, experts, research assistants, examiners, and consultants as may be necessary, and fix their compensation, in the manner provided by law for the appointment and fixing of compensation of personnel of the Public Health Service; and the Surgeon General is authorized to transfer, assign, or detail to the Division, from any other division of the Public Health Service, such professional and scientific personnel as may be available. Not exceeding 10 engineer officers in the reserve of the Public Health Service may be ordered to active duty for such periods of time as may be desirable, extending not more than 5 years beyond the date of enactment of this act, to assist in carrying out the purpose thereof.

(b) Such clerks, stenographers, and other employees as may be necessary to discharge the duties of the Division and for the investigations in the field shall be appointed by the Federal Security Administrator in accordance with the civil-service laws, and their compensation shall be fixed in accordance with the Classification Act of 1923, as amended, and he shall prescribe such rules and regulations with respect to their duties as he may find necessary.

(c) The personnel of the Public Health Service paid from any appropriation not made pursuant to section 7 may be detailed to assist in carrying out the purpose of this act.

(d) The Federal Security Administrator, with the consent of the head of any other executive department of the Federal Government, may utilize such officers and employees of said department as may be found necessary to assist in carrying out the purposes of this act.

SEC. 9. When used in this act, the term "State health authority" means the official State health department, State board of health, or such other official State or interstate agency as is empowered with the duties of enforcing State laws pertaining to public health or to the abatement of pollution of waters; the term "treatment works" means the various devices used in the treatment of sewage or industrial waste of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, and power equipment and their appurtenances; the term "person" means an individual in the capacity of proprietor of an industrial enterprise, a partnership, a private corporation, an association, a joint-stock company, a trust, or an estate.

SEC. 10. No provision of this act shall be construed as superseding or limiting the functions, under any other act, of the Public Health Service relating to the prevention, control, and investigation of sewage and pollution either directly or indirectly of the navigable waters of the United States and streams tributary thereto.

SEC. 11. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 12. All provisions of this act applicable to the States shall also be applicable to the District of Columbia and the Territories, including Puerto Rico and the Virgin Islands.

SEC. 13. This act may be cited as the Water Pollution Control Act.

Mr. BAILEY. I move that the Senate disagree to the amendment of the House of Representatives, ask for a con-

ference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BARKLEY, Mr. SHEPPARD, and Mr. MCNARY conferees on the part of the Senate.

Mr. BAILEY. I now ask unanimous consent that the bill as amended be printed for the benefit of the Senate and especially for the benefit of the conferees.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ANNIVERSARY OF SIGNING OF THE FIRST UNITED STATES PATENT LAW

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 206) creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law, which were, on page 2, line 3, to strike out the words "joint committee" and insert "commission"; on the same page, line 15, to strike out the words "committee shall present to the"; on the same page, line 16, to strike out the words "suggestions for" and insert "shall conduct", and to amend the title so as to read: "Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law."

Mr. CLARK of Idaho. In the absence of the Senator from Washington [Mr. BONE], I move that the Senate concur in the House amendments.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 263. An act for the relief of George R. Morris;

S. 538. An act for the relief of certain purchasers of lots in Harding town site, Fla.;

S. 2157. An act for the relief of George H. Eiswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy; and

S. 2973. An act for the relief of Inez Gillespie.

The message also announced that the House had passed the bill (S. 1998) for the relief of Ernestine Huber Neuheller, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien; and

S. 1449. An act for the relief of Robert Stockman.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little;

H. R. 685. An act granting a pension to John H. Botner;

H. R. 689. An act granting a pension to Cora Arlena Ballard;

H. R. 1288. An act for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher;

H. R. 1312. An act granting a pension to Ernest Francis White;

H. R. 1344. An act granting a pension to Joseph J. Mann;

H. R. 1379. An act granting a pension to Timothy A. Linehan;

H. R. 1435. An act for the relief of A. S. Tait;

H. R. 1509. An act granting a pension to Albert E. Wells;

H. R. 1550. An act granting an increase of pension to Christopher C. Popejoy;

H. R. 1695. An act granting a pension to Bertha C. Keith;

H. R. 1743. An act granting a pension to Bertha R. Ettner;

H. R. 1798. An act for the relief of the Board of County Commissioners of Brevard County, Fla.;

H. R. 2143. An act granting a pension to Helen M. Crowley;

H. R. 2161. An act for the relief of the Pacific Airmotive Corporation, Burbank, Calif.;

H. R. 2273. An act granting a pension to Lizzie May Wilbur Clayton;

H. R. 2285. An act granting a pension to Maud Patterson;

H. R. 2487. An act for the relief of Krikor Haroutunian;

H. R. 3171. An act for the relief of George L. Sheldon;

H. R. 3769. An act for the relief of the Keuffel & Esser Co. of New York;

H. R. 3928. An act granting an increase of pension to James J. Scanlon;

H. R. 3970. An act for the relief of Charles Sidenstucker;

H. R. 4388. An act for the relief of James Henry Rigdon;

H. R. 4394. An act granting a pension to James G. Bailey;

H. R. 4436. An act for the relief of Robert Faughnan, a minor;

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;

H. R. 4756. An act for the relief of Edd Nevins;

H. R. 4962. An act granting a pension to Artricey K. Burden;

H. R. 5007. An act granting a pension to John W. Swoveland;

H. R. 5153. An act granting an increase of pension to Gail E. Plunkett;

H. R. 5257. An act for the relief of R. D. Torian;

H. R. 5258. An act for the relief of Betty Lou Frady;

H. R. 5397. An act for the relief of Richard L. Calder;

H. R. 5805. An act for the relief of Knute E. Nelson;

H. R. 5812. An act for the relief of Marguerite P. Carmack;

H. R. 5831. An act granting a pension to Fannie E. Conner Brown;

H. R. 5866. An act for the relief of Howard Daury;

H. R. 5928. An act for the relief of Ella Ragotski;

H. R. 6209. An act for the relief of William H. Dugdale and his wife, Ellen Dugdale;

H. R. 6437. An act for the relief of Standard Oil Co. of New Jersey;

H. R. 6681. An act granting a pension to Capt. Victor Gondos, Jr.;

H. R. 7045. An act granting an increase of pension to Florence Sharp Grant;

H. R. 7491. An act for the relief of the alien, James Neohoritis;

H. R. 7855. An act for the relief of Morrison-Knudsen Co., Inc., and W. C. Cole;

H. R. 7959. An act for the relief of Nathan A. Buck; and

H. R. 8015. An act granting pensions and increase of pensions to certain widows, former widows, and dependent children of veterans of the Civil War.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam site and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

REIMBURSEMENT OF OFFICERS AND MEN OF THE COAST AND GEODETIC SURVEY

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939, which, with the accompanying papers, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by a mass meeting at Albany, N. Y., protesting against ratification of the St. Lawrence seaway treaty, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter from the Polish-American Central Council, Kenosha, Wis., embodying resolutions adopted by a mass meeting held at Kenosha, Wis., favoring the granting of relief to the people of Poland suffering as a result of the invasion of that country, which was referred to the Committee on Foreign Relations.

Mr. HOLMAN (by request) presented the petition of the Multnomah Civic Club, of Portland, Oreg., praying for the appointment of a special committee of the Congress to study the problem of money and credit, which was referred to the Committee on Banking and Currency.

Mr. HOLT presented the petition of Branch No. 508, American Flint Glass Workers' Union of North America, of Williamstown, W. Va., praying for the imposition of higher tariff duties on glassware products, also that the reciprocal trade agreement policy with foreign nations be abandoned and that all tariff legislation be enacted by the Congress, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. JOHNSON of California, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 200) to provide for participation of the United States in the Golden Gate International Exposition at San Francisco in 1940, to continue the powers and duties of the United States Golden Gate International Exposition Commission, and for other purposes, reported it with amendments and submitted a report (No. 1266) thereon.

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 3095) for the relief of Harry Huston, reported it without amendment and submitted a report (No. 1267) thereon.

Mr. OVERTON, from the Committee on the District of Columbia, to which was referred the bill (S. 3203) to amend section 1262 of the Code of Laws for the District of Columbia, reported it without amendment and submitted a report (No. 1268) thereon.

Mr. KING, from the Committee on the District of Columbia, to which were referred the following bills and joint resolutions, reported them severally without amendment and submitted reports thereon:

S. 3221. A bill to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes (Rept. No. 1269);

S. 3250. A bill to change the name of a portion of Twenty-fourth Street NW. to Williamsburg Lane (Rept. No. 1270);

S. J. Res. 218. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies (Rept. No. 1271);

S. J. Res. 219. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941 (Rept. No. 1272); and

S. J. Res. 220. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes (Rept. No. 1273).

Mr. McCARRAN, from the Committee on the District of Columbia, to which was referred the bill (S. 3251) to amend sections 16 and 17 of chapter II of the act of June 19, 1934, entitled "An act to regulate the business of life insurance in the District of Columbia," reported it without amendment and submitted a report (No. 1274) thereon.

Mr. SLATTERY, from the Committee on the District of Columbia, to which was referred the bill (S. 3499) to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department, reported it without amendment and submitted a report (No. 1275) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7265) to amend the District of Columbia Unemployment Compensation Act, reported it without amendment and submitted a report (No. 1276) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of James J. Murphy, Jr., of Pennsylvania, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

S. 3522. A bill for the relief of P. L. Crooks and Co., Inc.; to the Committee on Claims.

By Mr. ANDREWS:

S. 3523. A bill for the relief of the Board of County Commissioners of Brevard County, Fla.; to the Committee on Claims.

By Mr. BILBO:

S. 3524. A bill conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; to the Committee on Indian Affairs.

By Mr. NEELY:

S. 3525. A bill to provide for extension of the benefits of the Civil Service Retirement Act of 1930, as amended, to certain postmasters who, by reason of age, are ineligible for appointment in the classified service; to the Committee on Post Offices and Post Roads.

By Mr. GILLETTE:

S. 3526. A bill to provide pension benefits for certain Spanish-American War veterans; to the Committee on Pensions.

By Mr. PITTMAN:

S. 3527. A bill to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679); and

S. 3528. A bill authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State; to the Committee on Foreign Relations;

By Mr. NYE (for himself and Mr. GILLETTE):

S. J. Res. 223. A joint resolution to provide for a committee to investigate possibilities of liquid oxygen-carbon explosives for military purposes; to the Committee on Military Affairs.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little;

H. R. 1288. An act for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher;

H. R. 1435. An act for the relief of A. S. Tait;

H. R. 1798. An act for the relief of the Board of County Commissioners of Brevard County, Fla.;

H. R. 2161. An act for the relief of the Pacific Airmotive Corporation, Burbank, Calif.;

H. R. 2487. An act for the relief of Krikor Haroutunian;

H. R. 3171. An act for the relief of George L. Sheldon;

H. R. 3769. An act for the relief of the Keuffel & Esser Co., of New York;

H. R. 3970. An act for the relief of Charles Sidenstucker;

H. R. 4388. An act for the relief of James Henry Rigdon;

H. R. 4436. An act for the relief of Robert Faughnan, a minor;

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;

H. R. 4756. An act for the relief of Edd Nevins;

H. R. 5257. An act for the relief of R. D. Torian;

H. R. 5258. An act for the relief of Betty Lou Frady;

H. R. 5805. An act for the relief of Knute E. Nelson;

H. R. 5812. An act for the relief of Marguerite P. Carmack;

H. R. 5866. An act for the relief of Howard Daury;

H. R. 5928. An act for the relief of Ella Ragotski;

H. R. 6209. An act for the relief of William H. Dugdale and his wife, Ellen Dugdale;

H. R. 6437. An act for the relief of the Standard Oil Co. of New Jersey;

H. R. 7855. An act for the relief of Morrison-Knudsen Co., Inc., and W. C. Cole; and

H. R. 7959. An act for the relief of Nathan A. Buck; to the Committee on Claims.

H. R. 5397. An act for the relief of Richard L. Calder; to the calendar.

H. R. 7491. An act for the relief of the alien, James Neohoritis; to the Committee on Immigration.

H. R. 685. An act granting a pension to John H. Botner;

H. R. 689. An act granting a pension to Cora Arlena Ballard;

H. R. 1312. An act granting a pension to Ernest Francis White;

H. R. 1344. An act granting a pension to Joseph J. Mann;

H. R. 1379. An act granting a pension to Timothy A. Linehan;

H. R. 1509. An act granting a pension to Albert E. Wells;

H. R. 1550. An act granting an increase of pension to Christopher C. Popejoy;

H. R. 1695. An act granting a pension to Bertha C. Keith;

H. R. 1743. An act granting a pension to Bertha R. Ettner;

H. R. 2143. An act granting a pension to Helen M. Crowley;

H. R. 2273. An act granting a pension to Lizzie May Wilbur Clayton;

H. R. 2285. An act granting a pension to Maud Patterson;

H. R. 3928. An act granting an increase of pension to James J. Scanlon;

H. R. 4394. An act granting a pension to James G. Bailey;

H. R. 4962. An act granting a pension to Artricey K. Burden;

H. R. 5007. An act granting a pension to John W. Swoveland;

H. R. 5153. An act granting an increase of pension to Gail E. Plunkett;

H. R. 5831. An act granting a pension to Fannie E. Conner Brown;

H. R. 6681. An act granting a pension to Capt. Victor Gondos, Jr.;

H. R. 7045. An act granting an increase of pension to Florence Sharp Grant; and

H. R. 8015. An act granting pensions and increase of pensions to certain widows, former widows, and dependent children of veterans of the Civil War; to the Committee on Pensions.

AMENDMENT TO RECIPROCAL TRADE AGREEMENTS RESOLUTION—EXPORT-IMPORT CONTROL BOARD

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was referred to the Committee on Finance and ordered to be printed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. BYRD and Mr. REED each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

FOREIGN POLICIES AND THE 1940 ELECTION—ADDRESS BY SENATOR TAFT

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an address delivered by Senator TAFT before the Saturday Discussions Committee of the National Republican Club, New York, N. Y., on March 2, 1940, on the subject Foreign Policies and the 1940 Election, which appears in the Appendix.]

INTERVIEW WITH CAPT. ALDEN HOWELL ON HIS NINETY-NINTH BIRTHDAY

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an interview with Capt. Alden Howell, of Los Angeles, Calif., on his ninety-ninth birthday anniversary, published in the Los Angeles Evening Herald, which appears in the Appendix.]

ARTICLE BY BULKLEY GRIFFIN ON THE 1940 CENSUS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article on the 1940 census, written by Bulkley Griffin and published in the Hartford (Conn.) Times, which appears in the Appendix.]

PROPOSED ACQUISITION OF BRITISH WEST INDIES POSSESSIONS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "From the Shoulder," written by James G. Stahlman and published in the Nashville (Tenn.) Banner, which appears in the Appendix.]

STAMP PLAN AS AID TO USE OF EGGS

[Mr. SLATTERY asked and obtained leave to have printed in the RECORD an article entitled "Stamp Plan Boosts Egg Use,"

published in the March number of the Poultry Tribune of Mount Morris, Ill., which appears in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. The question before the Senate is the amendment in the form of a substitute offered by the Senator from Arkansas [Mr. MILLER] to the committee amendment.

Mr. HATCH. Mr. President, I was under the impression that the Senator from Illinois desired to speak on the pending amendment. I also desire to speak on it, but I am perfectly willing that the Senator from Illinois should go ahead.

Mr. LUCAS. Mr. President, I am not going to speak upon the amendment so much as I am on another phase of the subject. I think, perhaps, what I have to say should be said at this particular time.

Mr. HATCH. I am perfectly willing that the Senator from Illinois should proceed.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. LUCAS. Mr. President, at the time this bill was reported by the committee I confess that I had some misgivings about the failure of the committee to assume the responsibility of defining the term, "active part in political management or in political campaigns." I so expressed myself at that time to the distinguished Senator from New Mexico. Since then I have had an opportunity to give further study and consideration to that question, and I am now convinced that section 15 of the bill, as it now reads, constitutes an unconstitutional delegation of legislative power.

Mr. President, it may be presumptuous for any Senator in these days of social trend and economic change to venture an opinion upon the constitutionality of any measure which is before the Congress of the United States. However, the question of the delegation of power from the legislative branch of the Government to the Executive has been fairly well explored by the legal fraternity of this country, and the limitations upon that right have been pretty well fixed and determined by the United States Supreme Court during the last few years. It is pretty well agreed under those decisions that Congress has the right to delegate so-called legislative power if the standards for exercising that power are adequately set forth in the statute. If they are not, then the exercise of such power is unconstitutional and invalid.

Mr. President, I desire to cite just a few authorities which seem to me to substantiate beyond the shadow of doubt the position I am taking upon this question.

In the case of *Hampton & Co.* v. *United States* (276 U. S. 394), a case which, no doubt, has been cited many times before in the Senate in dealing with this very question, the Court, in dealing with the so-called flexible-tariff provision of the act of September 21, 1922, as well as the authority which it conferred upon the President, applied the same principle that permitted the Congress to exercise its rate-making power in interstate commerce, the result being that the Court found that similar provision was justified for fixing custom duties. They further said that if Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power.

Following that decision, the Senate will remember the case of *Panama Refining Co.* v. *Ryan* ((1935) 293 U. S. 388), the "hot oil" case, which was argued by some of the best lawyers in the country before the Supreme Court. In that case the Court held invalid the Hot Oil Act, in which no standard was set up by the Congress of the United States. They said, among other things:

> Thus, in every case in which the question has been raised, the Court has recognized that there are limits of delegation which there is no constitutional authority to transcend. We think that section 9 (c) goes beyond those limits. As to the transportation of oil production in excess of State permission, the Congress has declared no policy, has established no standard, has laid down no rule. There is no requirement, no definition of circumstances and conditions in which the transportation is to be allowed or prohibited.

Again, in *Schechter Poultry Corporation* v. *United States* ((1935) 295 U. S. 495), which held the N. R. A. Act unconstitutional, the Court said:

> To summarize and conclude upon this point: Section 3 of the Recovery Act is without precedent. It supplies no standards for any trade, industry, or activity.

I submit that section 15 of this bill is without any precedent. It lays down no rules, no standards which the Civil Service Commission shall follow in defining what is or what is not political activity throughout the United States.

The Court further said, in the Schechter case:

> It does not undertake to prescribe rules of conduct to be applied to particular states of fact determined by appropriate administrative procedure. Instead of prescribing rules of conduct, it authorizes the making of codes to prescribe them. For that legislative undertaking, No. 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1.

And I submit that section 15 of this bill does not even go as far as section 3 of the N. R. A. went.

> In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered.

And so it is in this case, Mr. President, with respect to the Civil Service Commission. Their discretion in laying down what is political activity throughout the United States is absolutely unfettered.

The Court further said:

> We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

That the doctrine stated in these two cases is still good law is seen in the case of *Currin* v. *Wallace* (1939) 306 U. S. 1), in which the Court, in upholding the Tobacco Inspection Act, reaffirmed its position and stated that in that case the constitutional requirements were met. In that case the Court was dealing with standards that were laid down by the legislative branch of the Government.

In view of this line of important decisions on the question of delegation of power, I take it there are few who will disagree with the statement that section 15 is extremely vulnerable from the standpoint of constitutionality when considered in the light of the decisions just read.

When one reads and closely considers section 15 of the bill, it seems hard to imagine a clearer delegation of legislative power than that of the power by regulation to fix in advance the situations to which an act of Congress shall apply. That is exactly the effect of the exercise by the Civil Service Commission of the power to define active part in political management or in political campaigns.

The delegation of power from the legislative branch of the Government to the Executive has been one of the most controversial issues during the past 7 years of government. There are those who constantly decry and condemn the encroachment of Federal power upon the rights of the people in the various States of the Union. There are those who are extremely fearful as to what the centralization of power in the Federal Government may ultimately do to the States and the rights of the people living therein.

On Monday last the able Senator from Vermont [Mr. AUSTIN], in answering the distinguished majority leader [Mr. BARKLEY] said, among other things:

> If there is any one thing I have discovered in returning home, it is that the people of my State and those of other States which I have visited look with great fear upon the aggression which Washington has already made upon the government of the individual States.

And yesterday the eminent Senator from Nebraska [Mr. NORRIS] placed in the CONGRESSIONAL RECORD a speech made

by the able Senator from Washington [Mr. SCHWELLENBACH], and in so doing he emphasized one particular section which seems to me to be more than apropos to the question now under consideration. I risk burdening the Senate by repeating what the Senator from Washington said. In that speech he said, among other things:

> No objective in mankind's progress has been more difficult of achievement or retention than political freedom. The common man has always desired political freedom for himself. He has, however, been slow to remember that his own freedom ultimately depends upon the equal freedom of all, even those whose views of government he may upon occasion dislike and even profoundly detest. It was only after centuries of struggle that the common man realized that political democracy was possible only if the right of all men, without regard to race or religion, to express their political opinions freely and publicly was scrupulously safeguarded.

So said the distinguished Senator from Washington.

Certainly no one can gainsay that this bill seeks to curb certain individuals, under certain conditions, from expressing their political opinions freely and publicly. Yes; the able addresses of the Senator from Vermont and the Senator from Washington go to the very heart of the problem.

Mr. President, the question might be raised as to whether there is a distinction between a delegation of power which carries a penal regulation and one which does not. But I submit that the cases that have dealt with that subject make no such distinction. It is to be noted that in the comparable field where a satute is attacked on the ground of its being void for indefiniteness, the Supreme Court has reached the same result in a civil case, *A. B. Small Co.* v. *American Sugar Refining Co.* (1925, 267 U. S. 233), as in a criminal case, *United States* v. *Cohen Grocery Co.* (1921, 255 U. S. 81). These cases involved a civil suit on a contract and a criminal penalty under a statute which forbade charging more than a reasonable price for necessaries.

We find that the measure before us, which delegates power to the Civil Service Commission to control political activities throughout the Nation under certain conditions and circumstances, as well as to have a firm grip on the purse strings of the Government, wholly fails to attempt to define what is "active part in political management or in political campaigns," and neither do we lay down any standards in the bill which would be binding upon the Commission and make the law constitutional.

Mr. President, it is a strange coincidence that Members of the greatest legislative body in the world, who have been in the midst of political activities practically all of their lives, do not have the resourcefulness to assume the responsibility of defining the term "active part in political management or in political campaigns." If we who have been schooled in the science and art of government, if we who have made politics a lifelong career, if we who come from every section of this land and have the peculiar knowledge and understanding of political situations which exist in every community, I say that if we, with all of these qualifications, are unable to define "political management" or "political campaigns," and lay down the rules and regulations which the Civil Service Commission shall follow, then we are derelict in our duty, and it is an admission of weakness upon our part. We admit that we cannot define the term, but we are willing to leave it to some bureaucratic board which has absolutely no knowledge of political conditions and circumstances in any section of the country. As for my part, I cannot agree with that premise. I am willing to assume every responsibility in laying down a definition which will meet the constitutional requirements.

Mr. President, under this bill we are delegating to the Civil Service Commission a responsibility which deals with fundamental principles of government involving the Bill of Rights. Under this bill we are delegating to the Civil Service Commission the right to lay down rules and regulations in connection with political campaigns and political management that will curb political activities of citizens who fall within the designated classification of the bill. To tamper with that inherent and sacred right, I submit, is a most serious responsibility, and one which the United States Congress should assume. We should not under any circumstances advise the American people that we are unable to define or lay down any standards dealing with political management or political campaigns in the various States of the Union.

I think that no one will disagree that under the pending bill we are invading the right of an American citizen to participate freely and openly in the election of men to public office in the various States of the Union. This is a heritage which has been handed down through years of struggle by those who believed that this Republic in its present form is the best that has been devised by man. We have gone a long way in a century and a half under the present political system, and if that is to be disturbed, if any revolutionary changes are to be made, such as are contemplated in this bill, I submit that it should be done in a constitutional manner.

Mr. President, let me say that no other citizen is more interested in clean elections and the sanctity of the ballot than am I. No man is more interested in seeing every voter exercise his right of franchise according to the dictates of his own conscience. Yet no man is more interested in seeing that government does not encroach upon the rights of the people guaranteed by the Constitution of this country.

Mr. President, at this moment we look about us in the world and see military despots, dictators, and totalitarian governments who look with contempt upon the democratic forms of government. And especially are they envious of the most powerful democracy in the world. We know from congressional investigations the various movements which exist in this country which are in sympathy with the totalitarian doctrine. It is the duty of the Congress to see to it that no legislation is passed which will in any way disturb the political equilibrium of the average citizen of this country. He has been trained for 150 years in a certain school of free thought and a certain school of procedure affecting his life or his rights, which cannot be overturned by legislative action without bringing about serious national repercussions.

I point out that under paragraph (d) of section 12 the Commission is authorized to adopt—

> Such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. Any determination made by the Commission under this section shall be final and conclusive upon all accounting and other officers of the United States and all other persons.

In other words, Mr. President, the citizen working on a highway who is charged with pernicious political activities would not only lose his job, under the proposed act, but would be denied the right of appeal from the ruling of the Civil Service Commission.

I submit this simple question: Does this type of Federal procedure, dealing with the right of an individual to participate and exercise his influence in a State election, create in the mind of the citizen and his friends affected by the legislation a better feeling and more faith in our form of government, or does it have a tendency to lessen his faith in our form of Government?

Mr. MINTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. LUCAS. I yield.

Mr. MINTON. Not only under this measure would the man lose his job on the judgment of the Civil Service Commission, from which the Senator says there is no appeal, but under the same bill, by the same action of the same Civil Service Commission, he could be blacklisted in his own State, and could not get a job for 18 months in his own State.

Mr. LUCAS. That is correct; he could not get a job in his own State, or in any of its political subdivisions, for a period of 18 months.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. STEWART. With respect to the prohibition against an employee who has been discharged being reemployed for a period of 18 months, I will ask the Senator whether or not a proper construction of the provision would preclude a discharged employee from being employed in any city, county,

or State office, in any capacity, whether or not he would be precluded from being employed only in a department that is supported in part by Federal funds, or whether it would apply to all departments of the city, county, or State government?

Mr. LUCAS. I think it would apply directly to the municipality which is dealing with Federal funds.

Mr. STEWART. But could he be employed in any department in the city, county, or State, which would not be affected by the proposed act?

Mr. LUCAS. I seriously doubt that he could be, because, as I understand, when a public grant comes to Illinois, for instance, for highway purposes, say of a million dollars, that million dollars is placed with the entire highway fund of our State. In other words, if we are going to spend in Illinois $10,000,000 for roads next year, and the Bureau of Roads grants us a million dollars, it means that we have $11,000,000 to spend on highways in the State of Illinois. So every foot of highway construction in the State would be indirectly affected by the million dollars which comes from the Federal Government, and every individual who is participating or working in any way in connection with the highway department would be subject to the act, because of the million dollars that comes into the general fund from the Federal Government.

Mr. STEWART. Let me ask a further question, though it may repeat the former question in a way. The point I am trying to make is this: Suppose an employee in the highway department violates the Hatch Act; he is discharged and cannot be reemployed by the highway department for 18 months. Could the State employ him in its revenue department, for instance, or in some department which is not affected in anywise by a Federal grant?

Mr. HATCH. Mr. President, if the Senator will yield a moment, I apologize for invoking the very rule which perhaps I violated yesterday in colloquy with Senators about me during the debate, but I should like very much to hear what the Senators are saying and to know if possible what the colloquy is.

Mr. LUCAS. Mr. President, in response to the question propounded by the Senator from Tennessee, it is my understanding that if an individual working for a State should be discharged for a violation of the act, it would be impossible for him to be employed in any department of the State during the following 18-month period, whether or not he was thereafter affected by the provisions of the act.

Mr. STEWART. That would be true also with respect to any political subdivision within the State; he could not even be employed by a municipality as a truck driver or in any other capacity?

Mr. LUCAS. Mr. President, I should say that what would be true with respect to State agencies would likewise hold true with respect to other agencies, including municipalities.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MINTON. If the Senator will look at page 6, beginning with line 7, he will find that the language is so perfectly clear that there can be no mistake about it. It reads as follows:

> If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

If it is found that such an employee is on the pay roll again anywhere in that State an additional amount may be withheld.

Mr. LUCAS. I doubt if there is much difference between us as to proper consideration of the provision.

Mr. LA FOLLETTE. Mr. President, I wish to have the question made perfectly clear, and I should like to have the attention of the Senator from New Mexico [Mr. HATCH]. It has just been indicated by the colloquy between the Senator from Illinois, the Senator from Indiana, and the Senator from Tennessee, that if an employee were found guilty of violating the provisions of this measure, and the Commission certified that he was guilty of such violation, he could not then be employed by any State agency or county or municipal government, whether or not such agency or organization was receiving funds from the Federal Government. Is that the interpretation which the Senator from New Mexico places on the language?

Mr. HATCH. Mr. President, as I stated yesterday, the present language of the committee amendment would have that effect.

Mr. LA FOLLETTE. Is the Senator from New Mexico in favor of barring a man from all forms of governmental employment at all levels if he violates the provisions of this measure?

Mr. HATCH. I will say in answer to the Senator from Wisconsin that I already have worked out a modification of that particular provision, and shall present it later.

Mr. LA FOLLETTE. As I understood, the entire theory of the bill was that it was to apply the principles of the Hatch Act to various State activities which were receiving financial support from the Federal Government.

Mr. HATCH. That is correct.

Mr. LA FOLLETTE. It seems to me it is going a long way to say that if a man is guilty of some of the activities prohibited by the measure, he is thereafter debarred from any kind of public employment for the period of 18 months.

Mr. HATCH. The way that came into the bill, as I explained yesterday, was in an effort on the part of the draftsmen to plug up what appeared to be a loophole which would permit the shifting of employees from one department to another for the purpose of evading the terms of the measure. It may be that we went too far in trying to stop up that particular loophole. At any rate we are perfectly willing to modify the language.

Mr. STEWART. I should like to hear the language of the proposed amendment. It seems to me it would be of help to Senators in discussing the matter if the Senator from New Mexico were to send the proposed amendment to the desk and have it stated.

Mr. HATCH. It is in the course of preparation now.

Mr. LUCAS. Mr. President, I may add that, in my opinion, the provisions of this bill apply all the way down to towns.

Mr. President, I have concluded. I have only one more word to say. Believing, as I do, in the basic and fundamental principles which seem to me to go to the very roots of a well-established and orderly form of democratic government, I am constrained to say that I find it impossible to support this proposed legislation.

Mr. DANAHER. Mr. President, I send to the desk an amendment in the nature of a perfecting amendment, and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 4, line 20, after the word "election", it is proposed to insert the words "or the nomination of any candidate for any office mentioned in section 2."

Mr. DANAHER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Gerry	Holman
Andrews	Caraway	Gibson	Holt
Ashurst	Chandler	Gillette	Hughes
Austin	Chavez	Glass	Johnson, Calif.
Bailey	Clark, Idaho	Green	Johnson, Colo.
Bankhead	Clark, Mo.	Guffey	King
Barbour	Connally	Gurney	La Follette
Barkley	Danaher	Hale	Lee
Bilbo	Davis	Harrison	Lodge
Brown	Donahey	Hatch	Lucas
Bulow	Downey	Hayden	McCarran
Byrd	Ellender	Herring	McKellar
Byrnes	Frazier	Hill	McNary

Maloney	Overton	Slattery	Townsend
Mead	Pepper	Smathers	Truman
Miller	Pittman	Smith	Tydings
Minton	Reed	Stewart	Vandenberg
Murray	Reynolds	Taft	Van Nuys
Neely	Russell	Thomas, Idaho	Walsh
Norris	Schwartz	Thomas, Okla.	Wheeler
Nye	Schwellenbach	Thomas, Utah	White
O'Mahoney	Shipstead	Tobey	Wiley

The PRESIDENT pro tempore. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. DANAHER. Mr. President, I shall withdraw the amendment which I previously sent to the desk, and offer another amendment in the nature of a perfecting amendment. For the present, before it is stated by the clerk, I wish to read it. I invite the attention of Senators to page 6, line 7, where we find the word "determination." In order that the context may appear in continuity, I shall read the provision as it now stands:

> If the Commission determines that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination.

My amendment is to strike out the period and insert a comma and the following language:

> Whereupon such officer or employee, or the appropriate State or local agency, or both, shall have the right to appeal from any such finding to the next term of the United States District Court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39 c, Public, No. 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C. Supp., title 11, sec. 67 c). No such officer or employee shall be dismissed as a result of such determination by said Commission and no loan or grant shall be withheld until said appeal shall be finally determined.

Mr. President, much has been said on the floor about the evils of the lack of appeal, and they have been so thoroughly pointed out that the remedy suggests itself. My amendment is offered at this particular point, following, as it does, the language under which a determination of alleged guilt shall have been arrived at by the fact-finding Commission.

The proposed remedy by way of appeal will safeguard the rights of the employee whose guilt is allegedly determined. It will safeguard the rights of the State or local agency whose rights are allegedly interfered with by virtue of withholding the Federal grant, or any part thereof. Consequently, Mr. President, in order that there may be a method of appeal, it is obviously necessary that the Federal courts be given jurisdiction. The perfecting amendment will give the Federal courts jurisdiction.

It is necessary that the method of procedure of the courts taking consideration of the appeal be set forth. Happily, the Congress, in the Chandler Act, which is cited at length in the amendment now on the desk, has already defined and prescribed an ideal method of taking appeals to the United States district courts from a fact-finding officer. The amendment provides a ready means of taking appeal to the Federal court for the district in which the alleged violation is said to have occurred; that is to say, where the accused employee has residence. There is provision for protection of the individual, as well as the State or local subdivision thereof, and until there shall be a final determination of the appeal the provisions of the act shall not apply.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. DANAHER. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator's amendment were agreed to, would it not follow that anyone aggrieved by a decision of the district court could go up to the circuit court of appeals, and from there to the Supreme Court of the United States?

Mr. DANAHER. I should hope so.

Mr. NORRIS. Let us look at the matter in a practical way. Suppose such a thing should happen on any project for which the Federal Government had furnished some of the funds—a project to which the law applies. The project would be finished before the Supreme Court finally passed upon the question. In the meantime, the offender, however guilty he might be, would hold his job. The job would be over because the project would be completed. Would not that follow as a practical matter?

Mr. DANAHER. Let me say to the Senator from Nebraska that I appreciate his interest and consideration. I answer him categorically, "No."

In the first place, while it is true that the individual employee would be retained pending an ultimate decision, it is ever so much preferable that he be retained, that his rights be determined, and that there be no penal restriction upon him limiting him, as the Senator from Wisconsin pointed out a while ago, to a state of blacklist—absolutely removed from Federal or State pay rolls of whatever kind for a period of 18 months.

Let me say to the Senator from Nebraska that I can conceive of such a case as that of a professor in a land-grant university, let us say, who earns $4,000 a year. For 18 months he would be deprived of his position and salary and could not even work in a local subdivision of the very State in which he is engaged.

Mr. NORRIS. The Senator is pointing out an acknowledged defect which I do not think his amendment would cure—a defect which must be cured, and, I presume, will be cured by the proper amendment. I concede that such a person should not be penalized in the manner described.

As I see it, the effect of the Senator's amendment would be practically to nullify this section of the law. A political machine in a State might load up a project with political appointees. Perhaps they would be ordinary workmen or clerical workers. They could violate the law with impunity and boast of their violations. They might be tried by the Civil Service Commission, which would make a finding. The finding would be held up while the case went through all the courts, which might take 3 or 4 years. There would be no trouble about that, because the leaders of the political machine would furnish the lawyers and the money to take every case to the Supreme Court.

Does not the Senator see that such employees are akin to the employees in any of the Federal departments? Suppose some one in the War Department should violate a rule, or for any other reason should be discharged by his superior officer; should we not give to him the blessed right of appeal and let him go to the Supreme Court, and provide that in the meantime the War Department must permit him to continue to draw his salary? It seems to me that if we should apply the same theory to everything that is akin to this situation we should have more cases in the Supreme Court than a dozen Supreme Courts could take care of.

Mr. DANAHER. Has the Senator concluded?

Mr. NORRIS. Yes.

Mr. DANAHER. Let me answer the Senator in this way: It seems to me that the fact that at present there is no machinery for appeal under the civil service is a very serious defect, and those of us who are interested in civil service have long regretted it. Under Federal law there is no right of appeal today for a civil servant who is wrongfully dismissed. I am perfectly willing that such employees be given the machinery within the civil-service structure to take appeals. I am perfectly willing that amendatory legislation to that effect be achieved. However, I have not undertaken to make my amendment applicable to all civil-service legislation.

Mr. NORRIS. Why not?

Mr. DANAHER. We are working on a particular bill.

Mr. NORRIS. Why not make the amendment applicable to all civil-service legislation?

Mr. DANAHER. I am willing that that be done.

Mr. NORRIS. Let us do that, and kill the bill.

Mr. DANAHER. We are working on a particular bill. We are not working on the Civil Service Act of 1883. Consequently, when we take this step, if it be a good precedent, if it affords a sound basis for appeal, and if it looks to the protection of the injured employee or officer who is removed

from the rolls, it will do exactly what some of us, I am sure, want to see done in the interest of justice to the accused.

I believe it eminently more to be preferred that an individual be continued on the rolls than that he be deprived for 18 months by some administrative tribunal in Washington of the opportunity of employment. That, it seems to me, is a fair statement of the principle involved.

Mr. President, let me say to the Senator from Nebraska that there is force to one point he makes, and that is that such an accused individual, though he be, as the Senator puts it, ever so guilty, would be continued on the rolls. All we have to do to perfect this particular amendment is to say that he shall be suspended pending the determination of his appeal and shall draw no salary. That would meet the Senator's objection; would it not?

Mr. NORRIS. No.

Mr. DANAHER. Why not?

Mr. NORRIS. I should think, from the Senator's argument, that he would not want to modify his amendment in that way; would he?

Mr. DANAHER. I am perfectly willing to see that the right and proper thing be done, and I know that the Senator from Nebraska wants that done.

Mr. NORRIS. Of course I do, but if we are going to pass this bill at all, I do not want to hamstring it and nullify it, which I think the Senator's amendment would do. As I see it, it would make it unworkable. We will disagree as to whether we ought to have such a law at all, but if we put such protection around every political appointee, every man that any political machine puts into office by any means, we give them the power to keep such appointee in office until the entire project is finished, unless it takes more than 3 or 4 years to finish it.

If the Senator would modify his amendment and say that they shall have an appeal, but that the action of the Civil Service Commission shall take effect, it seems to me he would lessen a great deal the evil the amendment would otherwise contain.

Mr. DANAHER. Let me ask the Senator, first, Does he agree with me that an accused who has been found guilty should have the right of appeal?

Mr. NORRIS. Yes; I should say so, but from the practical standpoint if we apply that principle to every employee, as we ought to do if we do it in this case, so that every employee of the Government would have the right of appeal and to go to the Supreme Court, we would make it impossible for half our Government organizations to proceed any further.

Mr. DANAHER. Let me suggest, then, to the Senator from Nebraska another line of thought. I wish to say that there is no Member of this body of whom I am more fond and in whose judgment I am more willing to share, for the benefit of his viewpoint is of the greatest interest to me; but let me say to the Senator from Nebraska that if we add to this amendment these particular words we can, I think, meet the whole core of his present objection, namely, the words—

> Pending such final appeal any such employee who shall have been determined to be guilty of a violation of this act shall be suspended.

Did the Senator follow me as I stated that? Does that particular language meet the objection of the Senator from Nebraska?

Mr. NORRIS. I think those words would help the Senator's amendment but would not cure its evils, in my judgment.

Mr. DANAHER. May I ask the Senator from Nebraska what remaining evil there is?

Mr. NORRIS. If the Senator wants me to express my opinion about that——

Mr. DANAHER. I do.

Mr. NORRIS. I think the whole amendment is evil; I would strike it all out.

Mr. DANAHER. The Senator, of course, generalizes and states a conclusion.

Mr. NORRIS. I do not want to impugn and do not impugn, as the Senator knows, in any way the Senator's motives, or ascribe any but the most honorable intentions on his part, but, as I look at it, this amendment is wholly wrong, wholly unnecessary, and wholly unworkable, and will be found impracticable in actual operation.

Mr. DANAHER. Mr. President, taking up the objections in the order named, when the Senator says the amendment is wholly unnecessary he has already stated to me that he feels that the right of appeal should be granted; when he says to me that he feels that an individual once found guilty should not draw salary pending appeal, he would have us understand that it is unworkable because it would continue the man on the rolls. I was meeting that objection by suggesting that the amendment be modified so to say that, pending the ultimate determination the individual shall be suspended, not blacklisted, and to that extent we meet the definition of unworkable, as the Senator from Nebraska uses the term.

Mr. President, so far as he understands that when grants can be withheld and that a project cannot be completed, the Senator from New Mexico only yesterday pointed out that grants may be withheld from projects determined on the basis of the particular in which the least injury would flow to any given State in the event guilt is adjudged. Consequently, if a project be threatened, grants to some other project could be withheld. In other words, the degree of penalty following the use of the money does not by any means depend upon the ultimate determination of the case. But if this amendment be adopted, as stated, we will have achieved, it seems to me, the right of appeal to the accused, the right of protection to the State or the subdivisions thereof. That is no more nor less than fair, and is a part of our ingrained law. Far from this amendment being "evil," if I may use the word that was employed by my distinguished colleague from Nebraska, I think that it meets the objections we have heard voiced from so many angles—by the Senator from Wisconsin, by the Senator from Illinois, by the Senator from Kentucky, and yet others who have spoken on this subject on this floor. It seems to me that if this bill does not provide for the right of appeal, the whole bill is evil on that basis. I ask for the consideration of the amendment and its adoption.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment reported by the committee.

Mr. HATCH obtained the floor.

Mr. VAN NUYS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I yield.

Mr. VAN NUYS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarran	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho.
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to the roll call. A quorum is present.

Mr. CAPPER. Mr. President, I shall support the amendments offered by the Senator from New Mexico [Mr. HATCH] to the so-called Hatch Act.

I supported the original measure as it applies to Federal employees and to those receiving Federal funds. I consider it only fair and just, and also greatly in the public interest, that the same restrictions against pernicious political activities should apply to State employees who are paid in part from Federal funds.

The original Hatch Act was a long step in the right direction. The pending amendments, in my judgment, constitute another necessary step.

Years ago the Federal Government decided, and wisely so, that the people would be better off if Federal civil-service employees were prohibited from certain types of political activity; also from exercising political coercion and from soliciting campaign funds. This principle has been well established for many years, and I believe it is generally admitted that it has worked in the public interest and in the interest of the civil-service employees as well.

Within the past few years the payment of subsidies and relief grants from the Public Treasury to individuals has created many new problems in government. Safeguarding the ballot is one of them.

When millions of persons are receiving funds from the Public Treasury and are dependent upon such funds for their livelihood, in whole or in part, the men and agencies handling the funds naturally are placed in position to influence, to intimidate, to coerce, and, in many instances, to control, the actions of the recipients of the funds.

It is public knowledge, thanks to the good work of the Sheppard committee, how this power of the purse was used to influence primaries and elections in the 1938 campaigns. It was that report which focused public attention on these evils and resulted at the last session in the enactment of the Hatch bill, which extended the restrictions upon pernicious political activity to Federal officials and employees outside the classified civil service as well as in the classified civil service.

But, while the Sheppard committee was investigating the misuse of relief funds to influence elections, the fact also was brought to public attention that State administrations, through the use of patronage incident to State agencies operating with Federal funds, also were being used to influence elections, which is another form of pernicious political activity.

It is common knowledge that State highway departments in some States have as many employees as all other State departments put together. In each State the highway department reaches into every community and has thousands of men on the pay rolls. These are technically State employees, although paid in part with Federal funds. They are capable of being welded into effective political machines. If appointments on them are controlled by county committees of political parties, as they sometimes are, there is the strong possibility—I might say probability—that the administration in power can and will work up a machine based on political patronage so powerful that it menaces the public welfare.

Mr. President, I say it is as wrong to countenance a patronage control of primaries and elections as it is to countenance such control through the use of relief funds. The pending amendments will extend the provisions of the Hatch Act prohibiting pernicious political activities to State and local public officers and employees paid in part from Federal funds. I agree with the Senator from New Mexico that Congress has the power to do this. I feel that it ought to be done, and I shall support the pending amendments.

I believe it is fundamental that popular government cannot succeed unless the electors are in position to exercise their free and independent judgment upon matters and candidates that come before them for action. Manifestly, that freedom of choice does not exist if a considerable body of the electorate are intimidated, coerced, or improperly influenced.

No man whose livelihood depends in whole or in considerable part upon grants from the Treasury is free to vote his own convictions, free to vote for the candidates of his choice, if those who control the payments can tell him, or even suggest to him, how he should vote. Nor can the man whose job is dependent upon the will of an administration exercise freedom of choice if that job is at the disposal of a political machine or a political boss. He, like the man on relief, can be compelled to vote as the machine dictates; he can be compelled to contribute to campaign funds; he can be compelled to influence the votes of his family, his friends, and his neighbors.

In practice, the use of patronage to control conventions, primaries, and elections was not so important in the days when only a small percentage of the voting population was on the public pay roll or relief rolls. But today, when perhaps one-fifth of the voters—in some communities a majority of the voters—are either on the public pay roll, the relief rolls, or are receiving Government payments in some form, the abuse of patronage and Government money is a serious threat to our form of government.

By the way, Mr. President, in this connection I wish to commend the attitude of Secretary of Agriculture Wallace in warning county and local committeemen under the Soil Conservation program to abstain from political activities. While these local committeemen are not under the Hatch Act, as I understand, I think they should not be used for political purposes; and I am glad Secretary Wallace feels the same way about the matter and is using his influence to prevent it.

I sincerely hope the amendments presented by the Senator from New Mexico will be adopted. I hope crippling amendments like that offered by the Senator from Arkansas [Mr. MILLER] will be voted down. I trust prompt action will be taken and that the measure will become law in time to be effective during the present campaign.

Mr. HATCH. Mr. President, I rise today not to speak directly on the pending amendment, offered by the Senator from Connecticut [Mr. DANAHER], but to speak for a little while on the amendment offered by the Senator from Arkansas [Mr. MILLER] and to mention a few features of the general philosophy of the legislation which both the Senator from Arkansas and the Senator from Indiana [Mr. MINTON] attacked so vigorously yesterday.

I appreciated greatly the very fine analysis made by the Senator from Arkansas of the law passed at the last session of the Congress, and I appreciated greatly the very kind and highly approving words with which both he and the Senator from Indiana praised all the sections of that bill except one. I was glad indeed to welcome them, even at this late hour, on the side of that type of legislation. I was more than glad to hear them say that they approved heartily of sections 1, 2, 3, 4, 5, 6, and 7, and that they would not intimidate or coerce any voter under the sun; that they would go as far as I or anyone else to prevent coercion and intimidation. I was very glad to hear those remarks yesterday. I would have been far more glad to hear those remarks when similar provisions in other measures were pending before the Senate of the United States, and voices were then raised, not in praise but in condemnation of the very principles of which there was approval yesterday.

Mr. President, perhaps my memory is too good, but I quite well remember when, as early as 1937, some of us were seeking to write into the law of the land some of those principles which the Senators praised so highly, and I heard not the voices of these able Senators in support of those high principles which they favored so strongly yesterday.

I quite well remember one hot summer night in the Senate of the United States when some of us sought to write into a relief appropriation bill an insignificant, weak, puny provision attempting to protect against the use for political purposes of funds appropriated by Congress for relief purposes, trying to keep them from being used for intimidation or coercion, and I heard not the voice of my distinguished friend from Indiana.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH I yield.

Mr. MINTON. Without any heat——

Mr. HATCH. The Senator spoke with a great deal of heat, and may I say with very little light, on yesterday. [Laughter.]

Mr. MINTON. I have not been blinded by the brilliance of the Senator's remarks up to now. The Senator said something about the Senator from Indiana on a certain memorable night. Who was in the chair when the Senator was recognized?

Mr. HATCH. On that night the Senator from Indiana was not, but I will digress here long enough to pay my respects to the Senator from Indiana, who refers to another occasion. When I say I pay my respects to him, I mean respects. I was trying on another occasion to get before the Senate a bill which provided merely that Federal employees should not go to conventions. That was all the bill provided. I had tried to tie it on to a post-office bill, as the Senator from Wyoming [Mr. O'MAHONEY], now seated before me, will remember, as an amendment, because my measure had been pending on the calendar for over a year, and I could not get any action on it. The late Senator Steiwer, of Oregon, and I had introduced the bill jointly.

I saw that the attempt to attach the bill as a rider to the other bill was bad strategy. I heard objections being raised to that form of legislation, and I realized that I probably would not succeed in having the bill passed if I attempted to tie it to the other bill as a rider, and I wanted results, I wanted the measure passed. So I announced that I would withdraw the amendment. But I gave notice that as soon as the bill then pending was disposed of I would seek recognition from the Chair in order to make my bill the pending order of business.

The Senator from Indiana [Mr. MINTON] was in the chair.

The consideration of the post-office bill was completed, and the moment the presiding officer announced that the bill had been passed, I rose to my feet quickly and said, "Mr. President." I said "Mr. President" before anyone else spoke, and there were others, perhaps, who would have liked to have the attention of the Chair to keep me from making my motion. My eternal gratitude and thanks go to the Senator from Indiana, because he presided on that occasion exactly as a presiding officer of the Senate should preside. He followed the rules of the United States Senate and said, "The Senator from New Mexico is recognized," and played just as fairly and squarely as a man ever played; and I thank the Senator from Indiana.

Mr. MINTON. I thank the Senator from New Mexico.

Mr. HATCH. Nevertheless, Mr. President, the voice of the Senator from Indiana was not raised that hot night in June, when we sought to protect relief appropriations. And where was the Senator from Arkansas on that occasion? Was he standing before the Senate and proclaiming with all his eloquence and might his desire to protect against intimidation and coercion, as he did yesterday? I heard not his voice on that occasion.

All this reminds me of my favorite editorial. I think I have heretofore read the editorial to the Senate, but I wish to read it again, because it so fully states exactly what I am thinking just now, and what I thought yesterday when these gentlemen were so lavish with their praise of various sections of the bill. I quote the editorial, from the Washington Daily News, which I think was written by Walker Stone:

> Harry Hopkins now says that he thinks the Senate made a bad mistake when it voted down the Hatch amendment forbidding politics in relief.

The editorial continues:

> Well do we remember that hot summer night of sweat and oratory when the Senate got down to the final vote on the Hatch amendment, when the "purge committee" was cracking the whip, and a majority of the Senators said "Me, too," to the proposition that W. P. A. should be left free to play politics.
>
> In the cool reflection of January Mr. Hopkins announces he was in favor of the Hatch amendment. But—
>
> Where, where was Roderick then!
> One blast upon his bugle horn
> Were worth a thousand men!

Where, oh where, Mr. President, when these issues were being fought for on the floor of the Senate, were the distinguished and honorable gentlemen who praised so highly on yesterday?

Mr. President, looking back at those scenes, and other scenes which have occurred in the Halls of Congress, I am a little dubious of the praise that is bestowed at this late day; and I cannot help doubt, when an amendment is offered to one section of the bill to kill it, if possible, that at the next opportunity other amendments will be offered to kill other sections of the bill.

The amendment offered by the Senator from Arkansas goes, as he says, to the very heart of this matter, and it goes to the heart of other things, about which I wish to speak. I wish to say something of the background and philosophy and democracy of this type of legislation, for the distinguished gentlemen who ask that section 9 of the measure we passed last summer be repealed are Democrats, members of my own party.

Mr. President, I presume every Senator knows that that section was offered for the purpose of keeping Federal employees from engaging in political activity, political management, and political campaigns. All it did was to apply to some 300,000 workers the same rule against political activity which is already applied to some 500,000 and more workers of the Government in the classified civil service.

Mr. President, when two clerks sit side by side at the same table, one in the classified civil service, the other not, I see no reason why one should be permitted to be active politically and the other forbidden to be politically active. I realize that certain types of officials, who are essentially policy-making officials, such as the President of the United States and members of his Cabinet, should be exempted from the general rule. A distinguished Senator yesterday said this rule should be applied to them, and that they should be removed from office if they played politics. The Senator said he could see no distinction between such officials and other Government employees.

Mr. President, there is a distinction between ordinary Government employees and officers who are charged with the high duty and responsibility of formulating programs and policies, because the latter must not only sell those policies—if I may use that expression—to the country, but they must be able to defend their policies against attack. Everyone knows that to be so. Such officers are distinctly political officers, and it is not difficult to distinguish between them and other governmental employees, the great mass of whom perform merely clerical duties, which are not political in any sense. But they are made political, and are used, as we all know, for the purpose of playing the old game of American politics. They are used to control and dominate conventions, and have been so used many times in our history.

The issue raised by the amendment of the Senator from Arkansas [Mr. MILLER] is the old issue which has been presented almost since the formation of our Government. It is the issue between what we call the spoils system, the patronage and job system, and the one which relies upon merit and efficiency.

I know that Senators say this measure does not provide any merit and efficiency test, and that it only prohibits political activity on the part of employees. That is quite true. But I have on more than one occasion pointed out that it is my ultimate aim or purpose to include all types of employees I have mentioned under a real, genuine system of merit and efficiency, and the reason they have not been so included, and were not included long ago, is simply that the political masters wanted to use their services for political purposes. There is no use to disguise the fact.

We may talk about good politics, and bad politics, and pernicious politics, and the inherent right of citizens, and all those things which have been mentioned, but the question which confronts us by reason of the amendment offered by the Senator from Arkansas is, Shall the Senate of the United States say that it took one short step last summer looking

toward the removal from politics of those occupying these clerical positions, hoping eventually to establish a real merit system, to do away with some of the baneful and evil influences of the spoils system? We did that last summer. And shall the Senate further say that this year, in an election year, in fact, just before the nominating conventions, we will repeal that law and return to the old system? Is there any significance in the fact that it is now sought to repeal the law?

The Senator from Arkansas said yesterday, "We did not have a chance to debate this bill." Why did not the Senate have a chance to debate it?

Mr. MILLER. No; Mr. President, I said it was not debated.

Mr. HATCH. I misunderstood the Senator. If it was not debated, it was not my fault. It is true that it passed the Senate on the unanimous-consent calendar.

Mr. President, yesterday my attention was diverted for the moment, and I perhaps inadvertently addressed a remark to the Senator from Indiana when the Senator from Arkansas had the floor, without saying "Mr. President, will the Senator yield to me?" But just now the Senator from Arkansas failed to give me the courtesy which yesterday he demanded that I give to him.

Mr. MILLER. Mr. President, I beg the Senator's pardon.

The PRESIDING OFFICER. Does the Senator from Arkansas wish the Senator from New Mexico to yield to him?

Mr. HATCH. I shall yield to the Senator if he wishes me to do so. What I said was simply a little side remark.

Mr. President, as I previously said, I wish to discuss today to some extent the general philosophy of the two types of systems, the merit system and the spoils system, to which we will return if the Miller amendment is adopted.

The Senator from Indiana [Mr. MINTON] said he does not see anything in politics which is bad. Those are not his exact words, of course.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. What I think I said was that I did not see anything pernicious in an American citizen voluntarily taking part in a political campaign and being for whomever he wants to be for.

Mr. HATCH. Of course not, Mr. President. An American citizen may take part in a political campaign and be for anyone he wants to be for. That would not be pernicious political activity, and there is nothing in the pending measure or the present law which would prohibit it.

Mr. MINTON. It would be under the original Hatch Act if he happened to hold a Federal office, and under the pending bill if he held a State office.

Mr. HATCH. I do not agree with the Senator at all. The bill does not have the effect of prohibiting an officeholder from being for whomever he wants to be for.

Mr. MINTON. And going out and campaigning for him?

Mr. HATCH. He is prohibited from going out and campaigning for him actively.

Mr. MINTON. That is what I objected to, and I said I thought the title did not properly set forth all the things the bill encompassed. If the bill encompasses that sort of action on the part of an American citizen, I think it is bad. I do not think such action is pernicious.

Mr. HATCH. I wish to give the Senate a picture of the system to which the Senator from Arkansas would return, the system to which the Senator from Indiana has referred. It is not a picture which I draw myself. It is not a picture drawn by any politician. I shall use the words of one of the foremost historians of the United States, who said:

Whenever a new political party came into power, all, or nearly all, the employees were turned out of office to make room for members of the victorious party.

Is not that exactly the system some Senators want to keep in effect?

Persons were appointed, not because they were competent, but because they were Republicans or Democrats, or partisans of some other kind. Competent officials and laborers were discharged after long and faithful service, and inexperienced politicians were put in their places.

Mr. President, that has happened time and time again throughout the history of our country.

Unnecessary positions were created to provide employment for party workers.

Is it being done today, Mr. President? Certainly it has been done. I am not accusing my own administration of something of which other administrations have not been guilty; but I do accuse both parties under this system, over a long period of years, of having created positions to reward party workers. That is the system to which the Senator from Arkansas [Mr. MILLER] would return.

Salaries were not closely related to the nature of the work but rather to the requirements of the political incumbent.

I ask Senators if that is not true, if their own experiences have not made them aware of many instances of salaries not being related to the work but rather to the need?

I am coming directly to the thing to which the Senator from Arkansas [Mr. MILLER] and the Senator from Indiana [Mr. MINTON] object, and their reason for wanting to strike out section 9.

Those who held offices were expected to devote a part of their time toward helping the party in elections, and often they gave more hours to partisan services than to public duties.

Is it a true charge? I make the charge today. It is true:

They made large contributions from their salaries to party campaign funds—

Is that a true charge? I make the charge today—

and if they failed to contribute they were assessed by the party treasurers.

Here I add my own statement that if they paid not the little contributions assessed against them, no matter what their need or the need of their families might be, it was only a question of time until there was a vacancy in that office, and someone else who would pay—even pay through the nose—was given the job. That is the system to which the Senator from Arkansas wants to return, and that is the thing at which we are striking, even though feebly, by section 9.

In course of time, the public officers in each party and those who aspired to hold office, became closely organized as party workers. They made up the bulk of party committees and conventions.

Is not that true today, Mr. President?

They were directing captains in election campaigns. In short, the political party became, to a considerable extent, an office-getting machine.

From the deep, grave concern manifested yesterday on the floor of the Senate by my distinguished friends, I am inclined to think that in some places political parties today consist of job-getting machines.

The historian adds:

The ordinary citizen was elbowed aside by officeholders who had an abundance of time at public expense to do the active work of parties.

Am I going too far in suggesting the thought that perhaps those who are so outraged at the passage of that simple bill last summer might want to use officeholders in this very election to elbow aside ordinary citizens?

The historian concludes:

Thus administration was perverted from its true purposes of serving the public and made subordinate to the job-hunting interests.

Mr. President, I do not want to see administration perverted from its true purposes of serving the public and made subordinate to job-hunting interests. When I lay down that proposition, I stand in most respectable company. When I say that it is wrong for Federal employees actively to engage in politics and to be used to dominate and control elections, as a Democrat I stand with the greatest and best of Democrats; and I am not ashamed of my company. It was the first great Democrat—that great President of the United States, that great leader and great liberal, Thomas Jefferson—who issued the first executive order on this subject.

In 1801 Thomas Jefferson said:

The President of the United States has seen with dissatisfaction officers of the general government taking on various occasions

active part in the elections of the public functionaries, whether of the general or of the State governments. Freedom of election being essential to the mutual independence of governments * * * so vitally cherished by our constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right.

That view was expressed by Thomas Jefferson in an Executive order. However, he did not stop there. He went on to say:

The right of any officer to give his vote at any elections as a qualified citizen is not meant to be restrained; nor, however given, shall it have any effect to his prejudice; but it is expected that he will not * * * take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Later, Thomas Jefferson wrote a letter, in which he said:

The event of the election is still in dubio. A strong portion in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom coming over to the Republican vote will make a ninth State. Till this is known it is too soon for me to say what should be done in such atrocious cases as those you mention of Federal officers obstructing the operation of the State governments.

Complaint had evidently been made that Federal officials were working in the States.

One thing I will say, that as to the future, interferences with elections, whether of the State or General Government, by officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government.

That is what Thomas Jefferson wrote; and that is true today, Mr. President. Think of the few officers and employees in Thomas Jefferson's time. And yet he was concerned about the smothering of freedom of the elective processes by the enormous patronage of the Federal Government. Today the patronage of the Federal Government in Washington runs into the thousands, and it extends to every State capital, every county seat, and every township in the Union.

No wonder, Mr. President, that some Senators want to use that terrific force to perpetuate themselves and their party in office. But, with Thomas Jefferson, I say, Mr. President, that when that is done we destroy the very processes of free government and smother them with the enormous patronage of the Federal Government. Last summer we tried to introduce one little check, one little weight in the balance, to protect against that danger by writing section 9 into the bill. That is all we tried to do. But the Senator from Arkansas [Mr. MILLER] says, "You are interfering with the inherent, God-given rights of citizens, and we must repeal that section of the statute."

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. In connection with the assertion of the Senator from Arkansas that the Hatch bill was passed without any debate, while it is true that originally the bill was passed without objection upon the call of the calendar following a very brief explanation by the Senator from New Mexico, it is also true that on July 21, 1939, at page 9671, volume 84, part 9, of the CONGRESSIONAL RECORD, when the bill came back from the House the Senator from New Mexico moved to concur in the House amendments, and that a somewhat extensive colloquy took place, participated in by the Senator from New Mexico [Mr. HATCH], the Senator from Indiana [Mr. MINTON], at whose instance the matter had been held up when the Chair was putting the question, the Senator from New Mexico [Mr. CHAVEZ], and myself.

I desire to ask the Senator from New Mexico if it is not a fact that what occurred with reference to this bill was that the bill passed the Senate on the call of the calendar; that there was subsequently developed a general impression that the bill was to be emasculated in the committee of the House of Representatives; that the bill was in fact emasculated in the Judiciary Committee of the House of Representatives; that subsequently, in a very hot fight in the House of Representatives itself, teeth were put back in the bill; that the motion of the Senator from New Mexico on that day to concur in the House amendments simply amounted to the passage of the bill, and it was on that occasion that a short and rather heated debate occurred in the Senate of the United States as appears on the pages of the RECORD to which I have referred?

Mr. HATCH. The Senator from Missouri is entirely correct in his recollection of the incident.

Mr. CHAVEZ. Mr. President——

Mr. HATCH. I yield to my colleague.

Mr. CHAVEZ. I think the Senator from Missouri has stated what happened at that particular time correctly, but in order further to keep the record straight, so far as I am particularly concerned, I believe I stated to my colleague at that particular time that if I had been in the Chamber at the time the original bill was passed I would have voted against it. I did not raise any point whatsoever as to concurrence in the House amendments.

Mr. CLARK of Missouri. There is no question about that. I simply mentioned the Senator from New Mexico because his name appears in the colloquy.

Mr. MINTON. Mr. President, will the Senator from New Mexico yield to me?

Mr. HATCH. I yield.

Mr. MINTON. With further reference to the matter brought up by the Senator from Missouri, I will state that the question before the Senate was the narrow one of concurring in the House amendment. I went to the desk while the Senator from New Mexico was speaking on his motion to concur in the House amendments and found that the House amendments had not materially changed the Senate bill. I came back and so told the Senator from New Mexico. I never made any further objection on that occasion. I will ask the Senator from New Mexico if that is not correct?

Mr. HATCH. I am always glad to bear witness to a statement of the Senator from Indiana.

The Senator from Missouri [Mr. CLARK] did correctly detail the situation, and what occurred on that occasion. As I recall, there was a little heat in the exchange of words between the Senator from Indiana and me, but I quite well recall on that occasion exactly how the Senator from Indiana concluded his remarks, and I will say to him that I am just as appreciative of his fine attitude in his concluding remarks on that occasion as I am for his action on the day he recognized me while he was in the chair. I wish I could say as much for his attitude in connection with the pending bill.

Mr. President, I was talking about the spoils system and what a danger it was to this Government. Only yesterday I think one of the most respected and honored Members of this body, talking with me, said, "There is no question, Senator, that when you strike at the patronage evil you strike at the greatest single evil in governmental affairs today." Those are not my words, but I know that the patronage evil has cursed this country for many years. I recall, from my reading and study of history, that after the passage of the 4-year law in 1820 the patronage evil grew and grew, and while during a long period of time there were some zealous souls trying to enact a merit system, no progress whatever against the evils of patronage was made until, Mr. President, what happened?

Mr. CHAVEZ. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to his colleague?

Mr. HATCH. I will yield in a moment. What happened to awaken this country to the need of a merit system? It took the assassination of a President of the United States. I now yield to my colleague.

Mr. CHAVEZ. Mr. President, no one can disagree with my colleague when he discusses the evil of patronage. I do not think there can be a Senator or anyone else who would disagree with my colleague in that respect and dare to call himself an American. But there are some Senators who are looking at this matter from a different point of view. Concurring fully in the statement as to the difficulties caused

by and the evil of patronage, still I think that Americanism should be considered when we undertake to pass a bill to safeguard against the patronage evil.

Mr. HATCH. I thank my colleague. I think he said that he thought Americanism should be taken into consideration in passing the bill. Of course, I thoroughly agree with that sentiment and statement. I do not think there is anything un-American about protecting the electorate against the political activities of the ever-increasing number of Government employees.

The Senator from Arkansas [Mr. MILLER] said he wanted to protect the average citizen of this country; that he wanted to repeal the law which forbids political activity on the part of employees of the Federal Government in order to protect the average man of America. What a conception of the average man of America the Senator must have. I do not know what he thinks about him, but I will tell him in what I think the average man of America is interested. He is not interested in the holding of a public job. The average man of America is not on the pay roll of any State or of the Federal Government. The average men and women of America are down on the farms and in the stores and in the shops and other places of work in this country, trying to make an honest living and pay to their Government the taxes with which to maintain and operate the affairs of government. That is what the average man is doing, and he is asking that the man in public office render the same sort of public service for his pay and compensation that the average man has to render in his private capacity.

The junior Senator from Kentucky [Mr. CHANDLER] yesterday made a very happy and excellent statement of what the people of this country desire. I think it is no accident, Mr. President, that only last week in one of the Gallup polls on a question involving issues connected with this type of legislation 77 percent of those interviewed voted in favor of such legislation. The people of America—the average men and women—do not believe in a public employee taking time off from his duties to attempt to run the political affairs of the country. They are tired of it, as the Senator from Kentucky said.

Mr. President, I must hasten along; the subject is broad and there is so much which may be said about it that one could speak for hours and hours and yet not cover it. But I did say that I was not ashamed of the company I keep in sponsoring this type of legislation.

I am a Democrat, Mr. President; I have always been a Democrat. When I first began my experiences in politics as a young man and became more or less active in the Democratic party, it was the minority party, both in the State and in the Nation. We had no patronage to give out; we had no jobs. We went before the people basing our claims for recognition upon the principles enunciated by our party during the years; and what has our party said? I have before me the Democratic pronouncements since 1872 on this subject. I have the words of Grover Cleveland, of Woodrow Wilson, and of the other great Democrats on this subject. In 1872 our party said, among other things, and I shall quote only part of it:

> Honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage; and that public station become again a post of honor.

In 1892—I am skipping several others, but in every year the same general declaration will be found—this declaration was made:

> Public office is a public trust.

How many Democrats have stood on the platform and proclaimed that doctrine—"public office is a public trust"?—

> We reaffirm the declaration of the Democratic National Convention of 1876 for the reform of the civil service, and we call for the honest enforcement of all laws regulating the same. The nomination of a President—

And this is what I want Democrats to listen to—

> as in the recent Republican convention, by delegations composed largely of his appointees, holding office at his pleasure, is a scandalous satire upon free, popular institutions, and a startling illustration of the methods by which a President may gratify his ambition. We denounce a policy under which Federal officeholders usurp control of party conventions in the State, and we pledge the Democratic Party to the reform of these and all other abuses which threaten individual liberty and local self-government.

In 1924—

> We pledge the Democratic Party faithfully to comply with the spirit as well as the regulation of civil service; to extend its provisions to internal-revenue offices and to other employees of the Government not in executive positions.

That is what we pledged in 1924.

Again, as late as 1936 our party made the same declaration, in which we pledged ourselves to place under the civil service all the employees of the Government except policy-making officials.

Our party has proclaimed over the years, in far more vigorous and more strenuous language than mine, the principles incorporated in the act which the Senator from Arkansas [Mr. MILLER] would repeal.

Mr. President, I could say many, many other things on this subject. I have said what I have, not discussing the bill itself at this time, but only discussing the amendment of the Senator from Arkansas, giving something of my own philosophy of government, because I cannot believe that the Senate of the United States, having only last summer taken this short step, will now repeal that step and go backward to the spoils system.

Mr. President, I want to be perfectly plain and sincere. The Senator from Arkansas said something about being misled into voting for this bill. I want him to know exactly what the bill provides, as he does know what section 9 provides. I want every Senator to know what it provides. I want all Senators to know what is being done when they vote for or against the amendments offered by the Senator from Arkansas. It is not a personal matter with me. I want the Senate to speak out boldly and frankly this day, if you please, and, if it so determines, say to the people of America, "We are going back boldly to the spoils system and everything it portends. We are going to undo all that we tried to do last summer." If that be the will and judgment of Senators of the United States, it shall be my will and judgment until I can present another bill on the subject.

Mr. McCARRAN. Mr. President, while the able Senator from New Mexico is on his feet, I am wondering if he fully realizes the import of the amendment offered by the Senator from Arkansas.

If the amendment of the Senator from Arkansas should prevail, of course, it would practically set aside the effective part of the law which has deservedly brought to the able Senator from New Mexico so much renown and so much fame. I am wondering if the able Senator from New Mexico, in fostering the pending bill, has not lost sight of his own great measure which he put through last summer, in that he is now about to extend it to a point where its very enemies are willing to accept it. That seems to be the program as I read it at this time. I am wondering if the Senator has given thought to that subject.

Mr. HATCH. I do not so understand the situation; and if the enemies of that for which I am working are willing to accept it, I certainly want to look at it most carefully.

Mr. McCARRAN. I think it would be well for the Senator to look over some interviews and statements made in the not-far-distant past by those who were not at all favorable to the Senator's bill last summer.

Mr. HATCH. I thank the Senator for the suggestion.

Mr. MILLER. Mr. President, I do not want to delay a vote on the amendment proposed by myself yesterday, and I shall not delay a vote; but, in view of the fact that I have sponsored the amendment, I desire to take 4 or 5 minutes to acknowledge again my appreciation of the honesty, fearlessness, and sincerity of purpose of the Senator from New Mexico; and I extend to him my sincere sympathy in his misunderstanding and misconception of what he has wrought.

The question was asked by the distinguished Senator, "Where was the Senator from Arkansas on the memorable

night of June 2, 1938, when it was sought to protect the W. P. A. worker from the coercion of those above him?" I do not care to rehash all of the things that occurred on that night; but a mere perfunctory glance at the RECORD will show that the Senator from Arkansas was here and voted with the Senator from New Mexico to attain that very laudable objective.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HATCH. Does the Senator recall where he was when the real test came in the Senate on the motion to reconsider?

Mr. MILLER. To reconsider the amendment of June 2? I presume I was here.

Mr. HATCH. Will the Senator look at the RECORD and refresh his memory?

Mr. MILLER. I shall be very glad to look at it; but, be that as it may, I have no apology to make to anybody at any time, I hope, because of the attitude I may take here in the support of measures in accordance with the information I may possess at the time.

The Senator from New Mexico is in error if he has persuaded himself to think that any Senator or any Member of the House of Representatives or any other American citizen wants to coerce any man who is on W. P. A., or any other laborer. That is entirely beside the question. I do not want the Senate to be carried away by an argument that is not germane to the issue. The only issue at this time on the amendment proposed by myself is whether or not we will prevent certain employees—and I say little employees, I say certain men—from exercising the rights of citizenship, and then at the same time give to the very men who were inveighed against by Thomas Jefferson the right to go to the party conventions and dictate to them, dictate the policies of the Democratic Party, and write the platform of the Democratic Party.

Who ever heard of an insignificant Government employee writing a platform of the Democratic Party? Who was the man to whom Thomas Jefferson referred in the document read by the Senator? It was not the man for whom I am speaking; it was the man the Senator has excluded from the bill. It was the man who is dictating the policies of the Government; and dictating, if you please, the policies of the political parties.

What is sauce for the goose is sauce for the gander. If we are to make this law applicable, let us make it applicable to the heads and to the assistant heads of the departments. They are the ones who have been causing the trouble.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. MILLER. I yield.

Mr. HATCH. In line with the Senator's present thought, if that was his purpose, why did he not present an amendment to strike out that portion of the act making the exemption?

Mr. MILLER. There is a very good reason why I did not present it. It was because I was dealing with one particular subject; and section 2 of the law, which is not interfered with by my amendment, takes care of that as well as it might be done.

We hear talk about Thomas Jefferson and about the significance of the time when this amendment is offered. If there is any significance in the time when the amendment is offered I am responsible for it. I gave no thought to the time when the bill should come up. I do not guide the policies of the Senate. I am not consulted by the leadership of this body as to when a bill shall come up or when it shall not come up. I have not served here long enough, and I am not a man of sufficient ability and experience to justify consultation along those lines. So I had no other chance to bring the amendment before the Senate until this opportunity presented itself.

Mr. President, I stated awhile ago that I did not intend to discuss the bill further. I appreciate the hearing the Senate gave me yesterday afternoon when I undertook, in my way, to analyze the Hatch Act. I analyzed it then, and there has been no change in my view about the Hatch Act. The Senator from New Mexico was evidently satisfied with the analysis I gave of the Hatch Act.

The only thing this amendment will do—and I hope the Senate may vote on it now, unless other Senators desire to discuss it—will be to repeal section 9 of the original Hatch Act and substitute the repealing clause for the part of section 3 of the pending bill printed in italics. That is the question squarely put, and I accept the challenge of the Senator from New Mexico when he says that he would like to have the issue met squarely. I would, too, because I believe the Senate knows the issue. I believe the Senate is advised as to what the provisions of the original Hatch Act are. I know that the motives of Senators are pure, and those who may disagree with the Senator from New Mexico nevertheless are motivated by the same sincerity of purpose and the same patriotism and the same love for this Government and its democratic processes which animate the able Senator from New Mexico. There can be no dispute about that. There should not be any argument. There should not be any heat, as the saying is. We should look at the matter dispassionately.

Mr. President, I again wish to propound a question to the Senate, and again refer to the document of Thomas Jefferson and the historical statement which was read by the Senator, which inveighed against the control of Democratic conventions. I am trying to prevent that very thing. But if section 9 remains in the act it will not be prevented, and the Democratic convention and all other conventions will be controlled by heads of departments and assistant heads of departments, by Cabinet officers, and by others who are under no restriction at all. Yet the man who pushes a wheelbarrow, the engineer, the janitor, the clerk, the stenographer, and others, can only vote; they must not open their mouths; they must not exercise their right of citizenship. All I am asking by this amendment is that their rights be secured. That is why I want the issue presented squarely to the Senate, and I hope that the Senate will vote to adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the committee amendment.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarran	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. McCARRAN. Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I understand that we are to vote on what is known as the Miller amendment at this time.

The PRESIDING OFFICER. No; the pending amendment is an amendment offered by the Senator from Connecticut [Mr. DANAHER], which is an amendment to perfect section 3.

Mr. BARKLEY. Mr. President, I have been debating in my mind whether I ought to express my views with regard to the

Miller amendment and the measure to which it is offered. I wish to announce at the outset that I have no expectation that anything I say here will influence a single vote, and I do not care whether it influences a single vote or not; but I entertain certain views upon the subject of this legislation, and I do not think my position here proscribes my expression of those views when I entertain them.

The history of this legislation is familiar to nearly every Member of the Senate. It grew very largely out of accusations made and denied 2 or 3 years ago with respect to relief appropriations. The first time it was projected into the Senate was when the Senator from New Mexico [Mr. HATCH] offered an amendment to a relief appropriation denying the right of persons who worked under W. P. A. and other relief projects to participate in the exercise of political rights. I opposed that amendment at the time, as the Senator from New Mexico will recall, and as the Senate knows, not because I desired that coercion should be exercised, not because I desired that those working on projects promulgated by the Government should be coerced or intimidated, not because I believed that those employed on such projects ought to be compelled or even requested to take part in or to donate toward the election of anyone, or the defeat of anyone who was a candidate for office; but I opposed that amendment then because it set up a special class among those who work for the Federal Government, and denied to them the rights exercised by every employee of every other form of government. Because I did not believe that a special class should be made of Federal employees, I voted against the amendment.

The Hatch bill became law. If it became law without proper discussion on the floor of the Senate, it was the fault of no one but the Senate itself. It is no excuse now for Senators to say that it was passed without debate, because they could have debated it had they wanted to. The bill was passed, as I recall, on the call of the calendar, and without debate. Any Senator could have objected to the consideration of the bill.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Kentucky yield to the Senator from New Mexico?

Mr. BARKLEY. I yield.

Mr. HATCH. Many Senators were present. They knew full well what the bill was, because the Senator from Nebraska rose and mentioned the bill and asked me to explain it briefly, which I did. The Senator from Texas [Mr. CONNALLY] also made a similar request.

Mr. BARKLEY. Am I not correct in stating it was passed on the call of the calendar?

Mr. HATCH. Yes; and no one objected.

Mr. BARKLEY. It was not taken up as a special order, and no Senator objected to its consideration.

Mr. HATCH. And it was passed with full knowledge of what was being done.

Mr. BARKLEY. There was no yea-and-nay vote on it, but that still was the fault of the Senate, because such a vote could have been had if a Senator had demanded it, and had received sufficient seconds to obtain it.

So the bill passed the Senate in the ordinary procedure in which Senate bills are frequently passed.

When the relief appropriation bill was under consideration a year or so ago, the Senator from New Mexico, I believe, offered an amendment to the bill practically embodying the principles involved in the Hatch bill, but his amendment then, as I recall, applied only to Federal employees, and on the floor of the Senate I offered an amendment to that amendment, placing the same restrictions on the employees of States when their compensation was in whole or in part paid out of the Treasury in Washington, and the Senator from New Mexico agreed to that amendment. It was adopted, but was stricken out later in conference.

Mr. HATCH. Mr. President, the amendment which I offered to the relief bill was presented to the committee. The committee first adopted it as a committee amendment and then, as I recall, when it reached the floor the Senator from Kentucky offered it. I know that the Senator from Kentucky at all times was consistent in his contention that the law should apply to employees in the States.

Mr. BARKLEY. The only objection I had to the legislation in any form was that it was too narrow in its application and that it should extend to all Government employees, by whomsoever appointed, when their compensation was drawn from the Treasury of the United States.

The purpose of the pending bill is to accomplish that result. As I said yesterday, one or two provisions of the amendment of the Senate committee have disturbed me and still disturb me, but they have no relationship to the points I am now undertaking to make.

Mr. President, from the very beginning of the effort in this country to take appointments of Federal employees out of the spoils system and base such appointments on merit, there has been opposition. I know how natural it is that such opposition should exist. I do not proclaim myself better or worse than other men, and I am subject to the same inclinations, the same desires, and the same reactions.

I came into Congress as a new Member of the House under the Wilson administration. My term as a Member of the House of Representatives began on the 4th of March 1913. The Republicans had been in power ever since Cleveland's second term. All the offices were held by Republicans. Every postmaster in my congressional district was a Republican. Immediately clamor arose to discharge those Republicans and to put Democrats in their places, and with that I was in sympathy. Every time a vacancy occurred in a post office in my district, while I could recommend the appointment of only 1 person, there were anywhere from 15 to 20 applicants for the position.

Mr. President, I do not agree with the statements made some years ago by a distinguished Senator, whose name I do not now recall—it has been attributed to a number of Senators—that every time you appoint 1 man to office you make 14 enemies and 1 ingrate. I do not subscribe to that theory.

I wish to say that the men and women whom I have recommended and for whom I have secured appointments in my State, and in my congressional district, were loyal friends of mine, and have remained so, and I appreciate their loyalty and their friendship.

I do not believe that patronage is altogether a burden. It is a burden, but I do not think one makes an ingrate every time he has a man or woman appointed to office. The statement to which I referred was undoubtedly a wisecrack made by someone who was probably sore because the question of Federal patronage had to be submitted to him in any case.

Mr. President, during the first years of the Wilson administration, when I had only postmasterships to settle in my district, I was so bombarded and bedeviled when working on the problem of deciding among my friends, that I was almost completely disqualified for the duties for which my district sent me here, which was to legislate wisely for the benefit of its people. After all, when we sit down and think these things over in our own minds we are bound to admit that the people of our States do not send us here primarily to appoint men to jobs.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MINTON. Does not the Senator think we had better attack this problem then from the proper standpoint, and take Senators out of the patronage business, instead of punishing people for taking part in politics?

Mr. BARKLEY. Mr. President, I have not seen any serious effort made on the part of anyone to take Senators out of the patronage business, and whenever such an attempt is made it may have my serious cooperation.

What I wish to emphasize is that, however much we may long for the power of appointment, however much we may seek to grasp it, however much we may oppose having it taken away from us, it is in effect a method by which our time and our attention is so consumed that we are almost disqualified for the performance of the real duties for which the people sent us to the Senate.

So far as I am concerned, I would welcome any legitimate, fundamental, and sound program which would make it possible for Senators to devote their time unreservedly to the legislation which comes before them and to the study and research that is necessary in order that they may understand the problems of government, rather than give so much of their attention necessarily, and without any power of escape, to the consideration of men for office within their own States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. The Senator can easily accomplish what he desires in this bill. The bill especially exempts from its terms Representatives and Senators. All the Senator has to do is to move to strike out the language with respect to Senators and Representatives. Then he would be amenable to the law, and if Senators were amenable to the law we would not appoint anyone to office. I think this is the best place in the world to make that provision.

Mr. BARKLEY. That would not relieve Senators. We could pass a law, I suppose, which would take away from Senators the right to recommend to any department the appointment of anyone, but we could not pass a law which would relieve us of our obligation to confirm or reject any nomination sent to the Senate by the President.

As I stated yesterday, I do not believe that a Senator, a Governor, a Representative, or any other elective officer ought to be denied the right, or ought to escape the obligation, of going before the people and giving an account of his stewardship, in order that they may pass upon his qualifications for reelection. I would not vote for any measure which denied to me, or to the Senator from Maryland, or to the Senator from Nevada, or to any other Senator, either the right or the obligation to lay his record before the people who have chosen him, in order that they may determine whether or not they desire to reelect him.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. The Senator recognizes that the thing about which he is now talking is the very reason for the exemption of Senators, Representatives, and policy-making officials, because there is a necessity for doing that which the Senator mentions.

Mr. BARKLEY. I think we underestimate the feeling of the rank and file of the people, who are not interested in office, but who are interested in good government. We sometimes overestimate the power and influence, the merits, and the rights of those whom we have been fortunate enough to put into office. They have no more rights than anyone else; and in order to hold a Government position it may be necessary now and then to surrender some rights which nonofficeholders enjoy.

Mr. President, I am for this bill. I am for it because it undertakes to place on the same footing all employees who draw their salaries from the Government of the United States. I do not think it is fair to tie every Federal employee to a tree and allow every State employee who draws his pay from Washington to roam at large over the wood lot, play politics, exercise his influence, and bring about intimidation or coercion in State highway departments, among old-age pensioners, or among those who are unemployed and who are looking to Washington and their State capitals for relief from unemployment.

We have a program of highway construction in which we require the States to match, dollar for dollar, all that we put up out of the Federal Treasury. Many of the employees appointed by State highway commissions draw half their pay out of the Treasury in Washington, and under the law as it now exists they are free, without restriction. They may not do a lick of work in any month or in any 6 months prior to a primary election or general election. They may devote all their time to political propaganda for someone who happens to have appointed them, and under the law as it now exists nothing can be done about it. They are free to do as they please, and yet every employee of the Federal Government is hog-tied—if I may use such an expression—so far as his political activities are concerned.

I am not one of those who is advocating the restoration of such activities and powers to Federal employees; but I believe the same restrictions, the same rules and regulations, and the same standards should be applied to State employees who draw any part of their pay from Washington.

We have passed an old-age pension law. One dollar is put up by the Federal Government for every dollar put up by the States, not only for pensions but for the expenses of administering the old-age pension law. Every old-age pension agent in every county in every State in the United States receives half of his or her compensation from the Treasury of the United States. If, under the Hatch Act, a deputy internal-revenue collector, a deputy United States marshal, a foreman on a W. P. A. program, or a foreman in a civilian conservation camp may not indulge in politics, may not engage in campaigns, may not accept any political or partisan appointment or responsibility, why should an old-age pension agent drawing 50 percent of his or her compensation out of the Treasury at Washington be permitted to roam at large under the direction of some power within a State which has brought about his or her appointment, and do the very things which our employees are not permitted to do? In my judgment, there is no reason for a separate standard for Federal employees and State employees.

That brings me to the amendment offered by my good friend from Arkansas [Mr. MILLER]. I exceedingly regret to find myself in disagreement with my friend from Arkansas, and I exceedingly regret to find myself in disagreement with my colleagues on the Democratic side, some of whom have asked me not to say a word in behalf of my position and the things in which I believe.

Mr. President, I try to be as diplomatic in the performance of my duties as any other Member of the Senate, but whenever the time comes when I must stifle my voice and not express my honest convictions because I happen to be majority leader of the Senate, I will call a conference of the Democratic Members of the Senate and tender my resignation as majority leader. I still entertain a few individual views which I have the right to express. I shall express them whenever I think it my duty to do so. I think it my duty to do so now.

This brings me to the amendment offered by the Senator from Arkansas.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. JOHNSON of Colorado. The Senator refers to persons receiving old-age assistance from the Federal Government, which provokes this question in my mind: Under the provisions of the pending measure, would a person receiving a pension be barred from participating in or holding office in any pension movement such as the Townsend movement?

Mr. BARKLEY. I should like to have the Senator from New Mexico [Mr. HATCH] answer that question.

Mr. HATCH. He certainly would not be. Such a person would not be barred from such activity. The bill applies only to officials and employees. Under no circumstances could it apply to the persons mentioned by the Senator from Colorado.

Mr. JOHNSON of Colorado. It would not apply to one receiving a pension?

Mr. HATCH. No. I am quite certain about that.

Mr. BARKLEY. I will say to the Senator from Colorado that that is also my opinion. The bill would not apply to the beneficiaries of any pension law. They are entitled to those things as a matter of right and not because they have been appointed to office by someone in a higher office.

I was about to say that there is no Member of the Senate for whom I have more affectionate regard than for the Senator from Arkansas [Mr. MILLER]. As he knows, I have grown very fond of him personally since he has been in the Senate. He has grown on me as a legislator and as a statesman. I

hope the people of Arkansas will have the good judgment to keep the Senator from Arkansas in the Senate as long as he wishes to remain and carry out what I believe to be his intentions with respect to making the people of Arkansas an acceptable legislator.

I address this remark to my colleagues on this side of the Chamber: The Hatch Act was enacted very largely by the votes and the attitude of Members on this side of the Chamber, although I do not mean by that remark to say that Members on the other side were not in sympathy with it and did not vote for it. They certainly did not object to it. However, the measure was sponsored on this side of the Chamber. I think it may be truthfully said that it was enacted very largely because of its sponsorship on this side of the Chamber and because of the votes which it received on this side of the Chamber.

The Hatch Act is now the law. It has been accepted by the people of the United States. I grant that there has been some grumbling among officeholders. Some of those who have been appointed in Kentucky on my own recommendation have grumbled at the restrictions placed on them by the Hatch Act. However, it is the law. It was enacted by Congress and signed by the President. It is one of the acts of this administration. If, on the eve of a Presidential election—and I ask my colleagues to ponder this—we are willing to weaken this law, the entire country will regard such action as an effort on our part to make it possible to do in our behalf in the coming election the very things which the Hatch law denounces and prohibits. No matter what our individual views may have been as to the wisdom of the act in the beginning, such action would be so interpreted by the country at large.

So far as I am concerned, I am not willing that the country shall interpret our action here in any such fashion. I am not willing that any vote of mine, or even my silence on the question, shall give excuse for the great body of independent voters in the United States—who are not interested in any appointments, and who care nothing about anything except honest, fair, and good government, in which their welfare is paramount to anybody's job—to be told, or to have any excuse for saying, that the Democratic Party, which put this law on the statute books, is now willing to retrace its steps, and march back down the hill in order that it may receive some advantage in the coming election.

I want my party to win in November, no matter who may be nominated to head the ticket. I want it to go before the country on its merits. I want it to go before the country on its record and its history, and on its proposals to relieve the conditions of the American people and solve their economic and social problems. I am not willing for my party to go before the country under the suspicion that it is trying to use the power of intimidation and coercion so as to compel some of its appointees to be a little more active than they otherwise might be, in order that we may gain a victory in the coming election. I doubt whether we could obtain one by such methods, but, if we could, it would be an unworthy victory on the part of a great political party that has had an unbroken history since the days of Thomas Jefferson.

For these reasons, and not intending to influence a single vote here, not being egotistical enough to believe that I can influence a single vote here, I felt it my duty to express these views as my reasons why I intend to vote against the Miller amendment and support the bill reported by the committee.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the junior Senator from Connecticut [Mr. DANAHER] to the committee amendment.

Mr. HATCH. Mr. President, the amendment of the Senator from Connecticut has not been discussed. We have been discussing the amendment offered by the Senator from Arkansas. I should like very much to have a vote first on the amendment offered by the Senator from Arkansas. I ask unanimous consent to proceed with the vote now on the amendment offered by the Senator from Arkansas. Would the Senator from Connecticut object to that?

Mr. DANAHER. I have no objection to following that procedure. I understand, however, and ask if I am not correct as a matter of parliamentary inquiry, that the next order of business would be on the pending amendment which was offered by me?

The PRESIDING OFFICER. The Chair understands that to be the situation.

Mr. DANAHER. I am perfectly willing to agree that the vote be taken on the so-called Miller amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. McNARY, Mr. DAVIS, and other Senators asked for the yea and nays.

Mr. BROWN. Mr. President, I desire to submit a question to the Senator from Arkansas.

Mr. McNARY. Mr. President a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. What was the decision of the Chair in regard to the request for the yeas and nays?

The PRESIDING OFFICER. The Chair holds that the yeas and nays are ordered.

Mr. BROWN. Mr. President, I should like to propound a question to the author of the amendment. Would the Senator give consideration to a division of the question involved in his amendment? I ask that question for the reason that I am desirous of voting to eliminate section 12 from the pending Hatch bill, but I am not desirous of voting to repeal section 9 of the present Hatch law. Under those circumstances, I do not see how I can do anything but vote "nay" on the amendment of the Senator from Arkansas. I believe the Senator would obtain greater support for the proposition which is about to be submitted to the Senate if such a division of the question were made. I therefore ask the Senator if he is not willing that a division be made so that we may vote separately on the proposition of repealing section 9 of the Hatch law and of eliminating section 12 of the pending bill?

Mr. MILLER. Mr. President, I appreciate fully the desire of the Senator from Michigan, and, personally, I should like to accommodate him, but I cannot see that it would be advisable to divide the question in the amendment proposed by me, because if section 9 of the original law should be repealed, obviously there would be no necessity for section 12 of the pending bill. Therefore I do not see how I could agree to a division of the question.

SEVERAL SENATORS Vote! Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. MILLER] in the nature of a substitute for the committee amendment, page 4, beginning in line 15, and extending to line 18 on page 7. On that question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I am not advised how he would vote, if present. I transfer that pair to the senior Senator from Georgia [Mr. GEORGE] and will vote. I vote "nay."

The roll call was concluded.

Mr. McNARY. The junior Senator from Wisconsin [Mr. WILEY] is absent because of illness. If he were present, he would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is unavoidably absent.

Mr. RUSSELL. I announce that my colleague [Mr. GEORGE] is unavoidably absent. I understand that if he were present and voting he would vote "nay."

Mr. TYDINGS. My colleague [Mr. RADCLIFFE] is unavoidably absent today. I am not advised how he would vote on this amendment.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Texas [Mr. SHEPPARD], and the Senator from Minnesota [Mr. LUNDEEN] are detained on important public business.

I am advised that if present and voting, the Senator from Texas would vote "nay."

The Senator from Montana [Mr. MURRAY] is detained in one of the Government departments.

The Senator from New York [Mr. WAGNER] is unavoidably detained.

The result was announced—yeas 41, nays 44, as follows:

YEAS—41

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Donahey	King	Schwartz
Bailey	Ellender	Lee	Slattery
Bankhead	Glass	Lucas	Smathers
Bilbo	Guffey	McKellar	Smith
Bulow	Gurney	Maloney	Stewart
Byrd	Harrison	Miller	Thomas, Okla.
Byrnes	Hayden	Minton	Truman
Caraway	Herring	Neely	
Chavez	Hill	O'Mahoney	
Clark, Idaho	Hughes	Pepper	

NAYS—44

Ashurst	Frazier	Lodge	Shipstead
Austin	Gerry	McCarran	Taft
Barbour	Gibson	McNary	Thomas, Idaho
Barkley	Gillette	Mead	Thomas, Utah
Brown	Green	Norris	Tobey
Capper	Hale	Nye	Townsend
Chandler	Hatch	Overton	Tydings
Clark, Mo.	Holman	Reed	Vandenberg
Danaher	Holt	Reynolds	Van Nuys
Davis	Johnson, Calif.	Russell	Walsh
Downey	La Follette	Schwellenbach	Wheeler

NOT VOTING—11

Bone	George	Radcliffe	White
Bridges	Lundeen	Sheppard	Wiley
Burke	Murray	Wagner	

So Mr. MILLER's amendment was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment of the Senator from Arkansas was rejected.

Mr. CLARK of Missouri. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], as modified, to the committee amendment.

Mr. DANAHER. Mr. President, a parliamentary inquiry. Does the parliamentary status now revert so that the pending question is on agreeing to the amendment offered by the Senator from Connecticut?

The PRESIDING OFFICER. It does.

Mr. DANAHER. I ask that the amendment, as modified, may be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The CHIEF CLERK. In the committee amendment, on page 6, line 7, it is proposed to strike out the period after the word "determination", and to insert the following, as modified:

Whereupon such officer or employee, or the appropriate State or local agency, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39 C, Public, No. 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C. Supp., title 11, sec. 67 C). No such officer or employee shall be dismissed as a result of such determination by said Commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut, as modified, to the committee amendment.

Mr. HATCH. Mr. President, I am not at all averse to the idea of providing some method of appeal; but we have not had any opportunity to study the amendment the Senator from Connecticut has offered. To my mind, it complicates the situation to a great extent, and perhaps might seriously and injuriously affect the administration of the law, if the bill should become a law.

At this time I hope the amendment will be defeated. Possibly I can confer with the Senator and work out something over the evening recess.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut, as modified, to the committee amendment. [Putting the question.] The noes have it, and the amendment is rejected.

Mr. MINTON. I ask for a division.

Mr. LODGE obtained the floor.

Mr. MINTON. Mr. President——

Mr. LODGE. I yield to the Senator from Indiana.

Mr. MINTON. I was on my feet asking for a division.

The PRESIDING OFFICER. All in favor of the amendment will rise and be counted. [A pause.] All opposed will rise. [A pause.] The amendment is rejected.

Mr. DANAHER. Mr. President, what was the ruling of the Chair?

The PRESIDING OFFICER. The amendment was rejected.

Mr. DANAHER. I ask for the yeas and nays.

Mr. McNARY. Mr. President, may I ask what was the count?

Mr. BARKLEY. Mr. President——

Mr. McNARY. May I ask what was the count?

The PRESIDING OFFICER. The Chair understands that it is not the practice to announce the count on a division.

Mr. BARKLEY. Mr. President——

Mr. McNARY. Mr. President, I am satisfied that the count was erroneous. The decision certainly was not in accordance with the will of the Senate. If we are to adjourn or recess now, I shall insist that we have a yea-and-nay vote tomorrow.

Mr. BARKLEY. I have no objection to the yeas and nays on the amendment. I think many Senators do not really understand what the amendment is. It has been my purpose to move a recess because of other matters in which many Senators are interested, and they cannot be on the floor for the remainder of the afternoon.

Mr. ASHURST. Mr. President, before I waive any rights I may have I think we ought to have a yea-and-nay vote on the amendment of the Senator from Connecticut, if there be any doubt about the result.

I did not, from one reading, entirely catch the purport of the amendment. But, Mr. President, while having every confidence in the ability, integrity, and fairness of the particular Commission—the Civil Service Commission—anything constitutional or reasonable that will curb the arbitrary action of some Federal commissions, I desire to support. I want to see the day when lex shall be rex, and rex shall not be lex; in other words, when the law shall be the king, and not the king the law.

Mr. BARKLEY. Mr. President, in order that Senators may study this amendment overnight—we shall have to take a recess in a few minutes, anyway—I suggest that the yeas and nays now be ordered on the amendment, if it is desired, and then I hope the Senate may take a recess until tomorrow.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry. If an agreement should be made in accordance with the suggestion of the Senator from Kentucky, would that preclude debate upon the amendment?

The PRESIDING OFFICER. It would not.

Mr. O'MAHONEY. Mr. President, I may say that the reason why I voted against the amendment of the Senator from Connecticut on the division was that I had not had an opportunity to read the amendment or to hear any explanation of it, and I did not want to be put in the position of voting for such an amendment without knowing what it was. I think any matter of such importance should be debatable.

Mr. BARKLEY. I think it is entirely possible that a conference would result in perfecting an amendment that would be entirely satisfactory all around.

Mr. McNARY. Mr. President, I suggest to the able leader that he obtain unanimous consent to vacate the decision

of the Chair. Then the matter will stand open, and debate may continue on the amendment tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. Mr. President, some of us in the rear of the Chamber are unable to hear what is going on; but I should like to know if we back here correctly caught one expression—that there has been some sort of an agreement? Is an agreement pending?

Mr. BARKLEY. No; the situation is this: The Chair declared the amendment offered by the Senator from Connecticut rejected. Upon that announcement the yeas and nays were asked for. I have suggested that in order that Senators may study the amendment between now and tomorrow the yeas and nays be ordered on it, which will not interfere with debate, and then that the Senate take a recess until tomorrow, and let Senators study the amendment. It is an important amendment, and I think many Senators really did not understand its scope. I have no objection to vacating the announcement of the Chair that the amendment was rejected, so that the matter may be open.

The PRESIDING OFFICER. The Senator from Oregon has asked unanimous consent that the decision of the Chair be vacated. Is there objection?

Mr. NORRIS. I object.

Mr. CLARK of Missouri. I object to vacating the decision of the Chair.

Mr. NORRIS. I do not see why the decision of the Chair has anything to do with the matter. We are now asking for the yeas and nays. The request for the yeas and nays properly came after the Chair decided, on a viva voce vote, that the amendment had been rejected. The next thing was the demand for the yeas and nays, which was made. Let us vote on that demand, and order the yeas and nays. That will not interfere with debate. We may debate the amendment all the rest of the week, if we want to. Then, I understand from the expression of the majority leader, a motion is to be made to adjourn or to recess until tomorrow; and that will leave the matter parliamentarily exactly where it belongs. We do not need to vacate any order of the Chair.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is informed that it is too late to ask for the yeas and nays.

Mr. BARKLEY. Under the rules, a demand for the yeas and nays must be made before the Chair announces the result of a vote; so, as a matter of fact, in this case the demand for the yeas and nays did come too late. In order that that may not operate to prejudice anybody, I ask unanimous consent that the decision of the Chair be vacated, so that Senators may study the amendment and we may have the yeas and nays on it tomorrow. I will say to the Senator from Nebraska that there was no other purpose.

Mr. CLARK of Missouri. Mr. President, I must object to that request. I shall have no objection if the Senator from Kentucky asks unanimous consent to have the yeas and nays, but I do object to vacating the decision of the Chair as to the division.

The PRESIDING OFFICER. The Senator from Oregon asked unanimous consent that the decision of the Chair be vacated, and the Chair started to put that question. That is the question now before the Senate; and some Senator wished to be heard on it.

Mr. BARKLEY. That request has been objected to by the Senator from Nebraska [Mr. NORRIS] and the Senator from Missouri [Mr. CLARK]. I repeated the request, and it was objected to by the Senator from Missouri [Mr. CLARK]. I think we may be able to work the matter out by tomorrow. I therefore move——

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BANKHEAD. Before the Senator from Kentucky makes a motion to adjourn or recess, I ask unanimous consent to send to the desk an amendment and have it read and printed in the RECORD for consideration tomorrow.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

There being no objection, the amendment was ordered to be printed and to lie on the table, and to be printed in the RECORD, as follows:

Amend section 9 of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, by striking out the words "take any active part" and insert in lieu thereof the following words: "shall engage in any offensive or pernicious activity."

Mr. McCARRAN. Mr. President, what is the parliamentary situation? If I understand correctly, the pending question is whether or not the decision of the Chair is to stand.

Mr. BARKLEY. The decision does stand, because the request that it be vacated was objected to.

Mr. ASHURST. Mr. President——

Mr. McCARRAN. I do not like to do the discourteous thing, and I do not mean it discourteously, but may I be advised parliamentarily as to whether or not an appeal from the decision of the Chair is proper at this time?

Mr. ASHURST. Mr. President——

Mr. McCARRAN. May I have a reply from the Chair?

The PRESIDING OFFICER. No; an appeal does not lie, because other business has intervened.

Mr. McCARRAN. The Chair rules that I cannot appeal from the decision of the Chair on the standing vote?

The PRESIDING OFFICER. Yes; it is too late.

Mr. BARKLEY and other Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BARKLEY. I am about to move that the Senate take a recess.

Mr. ASHURST. Will the Senator yield for a moment?

Mr. BARKLEY. I yield.

Mr. ASHURST. In the hope that I might aid in this situation, I wish to make a motion to reconsider the vote. That motion is in order. I voted for the amendment offered by the Senator from Connecticut, and I have a right, under the rules, to make a motion to reconsider.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. ASHURST. I yield.

Mr. NORRIS. Under his own statement the Senator is disqualified from making a motion to reconsider. I voted the other way, and I am trying to get recognition to make the same motion.

Mr. ASHURST. This is another demonstration that I do not know it all. [Laughter.]

Mr. PITTMAN. Mr. President, I move that the vote be reconsidered.

Mr. BARKLEY. Mr. President, has anyone yet made a motion to reconsider the vote by which the Chair declared the amendment lost?

Mr. NORRIS. I have tried to.

The PRESIDING OFFICER. The Chair will state that there was so much commotion that the Chair has not been able to decide whether such a motion has been made.

Mr. BARKLEY. Nothing will be lost by the Senate's recessing until tomorrow, and therefore I move——

Mr. BANKHEAD. One moment; I desire recognition so that I may have leave to have my amendment presented.

Mr. BARKLEY. It was presented.

Mr. BANKHEAD. I did not hear the request put by the Chair.

Mr. BARKLEY. The Senator wants the amendment read.

The PRESIDING OFFICER. Is there objection? Notwithstanding all the confusion, is there objection to having the amendment offered by the Senator from Alabama read?

Mr. McCARRAN. I object.

The PRESIDING OFFICER. The amendment has been ordered to be printed and to lie on the table.

Mr. REED. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I ask for order. First, I want to know whether the Senator from Alabama got into the RECORD what he was trying to get in.

Mr. BANKHEAD. The Chair stated that my request was granted.

Mr. BARKLEY. I yield to the Senator from Kansas.

Mr. REED. I send an amendment to the desk which I ask to have printed, to be available tomorrow morning when this matter is reconsidered. I might say that the amendment has been submitted to the Senator from New Mexico and is acceptable to him.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Thursday, March 7, 1940, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 6, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We have heard with our ears, O God, and our fathers have told us, what work Thou didst in their days in times of old. Turn us again, O God of Hosts, and cause Thy face to shine, and we shall be saved. Comfort the oppressed, feed the poor, and send the laboring conscience peace. For the glory of Thy name purge away our sins and deliver us; cause us to hear Thy loving kindness in the morning, and show us the way wherein we should walk. We pray that we may see in Calvary the wondrous light that makes men free, without which a fairer world cannot be built. We entreat Thee to help us so to live and labor that we shall leave the earth forever brighter. While the years come and go, may our memory stimulate faith, devotion, and goodness in the channels of public and private life. May we bequeath to the world the grand legacy of pure, useful living which age cannot wither, nor this priceless heirloom be destroyed. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address of my colleague the gentleman from New Hampshire [Mr. JENKS] on the occasion of New Hampshire State Sunday at Valley Forge, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement made on March 4, 1940, by Louis J. Taber, national master of the National Grange.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution sent to me by Labor's Nonpartisan League, and my answer thereto.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Fraternal Order of Eagles.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Arkansas Gazette, and also a letter from the president of the State university.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BUCKLER of Minnesota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by ex-Governor Petersen, of Minnesota, over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial by William Allen White, of the Emporia Gazette.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein a speech delivered by the gentleman from Mississippi [Mr. COLMER] on Armistice Day last.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two or three short resolutions of farm groups.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously, there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 38]

Anderson, Calif.	Darrow	Kelly	Simpson
Andresen, A. H.	DeRouen	Maciejewski	Smith, Ill.
Andrews	Dies	Mansfield	Smith, Maine
Barnes	Ditter	Martin, Ill.	Steagall
Bates, Ky.	Douglas	Merritt	Stearns, N. H.
Boland	Elliott	Mitchell	Sullivan
Buckley, N. Y.	Elston	Osmers	Sweeney
Bulwinkle	Faddis	Patman	Taylor
Chapman	Folger	Routzohn	Wallgren
Clark	Garrett	Sabath	Wheat
Connery	Gehrmann	Sasscer	White, Idaho
Creal	Griffith	Satterfield	White, Ohio
Crowther	Hess	Schulte	Youngdahl
Cummings	Jarrett	Shannon	

The SPEAKER. Three hundred and seventy-four Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. O'NEAL. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Kentucky [Mr. BATES] may be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short letter from one of my constituents.

The SPEAKER. Is there objection?

There was no objection.

THE THIRD TERM

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I rise to make a very important political and nonpartisan announcement by reading a plank from the Democratic national platform of 1912 entitled "Term of President":

We favor a single Presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Mr. Speaker, I am sure that the American people do not believe that any one man in America has been anointed by God to rule over them indefinitely. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a radio address delivered by the Honorable ROBERT TAFT, a Senator from the State of Ohio.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial by Mr. Raymond Clapper.

The SPEAKER. Is there objection?

There was no objection.

FEDERAL BUREAU OF INVESTIGATION

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, in recent days our attention has been called to criticisms made against the Federal Bureau of Investigation and in particular its Chief, Mr. J. Edgar Hoover. I trust we will have confidence in the Federal Bureau of Investigation until we see facts proved which would lead us to another conclusion. I feel that when the F. B. I. returns almost $8 for every dollar it spends, through collection of fines and the restoration of property, we, as Members of Congress, should think carefully before we hastily criticize such a great law-enforcement agency of the Federal Government.

The SPEAKER. The time of the gentleman from West Virginia has expired.

LEAVE OF ABSENCE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that my colleague [Mr. GARRETT] be excused for today and the remainder of the week on account of important business.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

MOUNT M'KINLEY NATIONAL PARK, ALASKA

The Committee on the Territories was called.

Mr. GREEN. Mr. Speaker, by direction of the Committee on the Territories I call up the bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida calls up the bill H. R. 4868, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. JONES of Ohio. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Virginia [Mr. ROBERTSON] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4868, with Mr. ROBERTSON in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GREEN] for 1 hour, and the gentleman from Ohio [Mr. JONES] for 1 hour.

Mr. GREEN. Mr. Chairman, I yield myself 2 minutes. The purpose of this bill is to permit the Department of the Interior to take over, develop, and operate or lease the tourist concessions in the Mount McKinley National Park. It is a good bill, and I trust that there will be no serious opposition to it.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Yes.

Mr. RANKIN. Mr. Chairman, I was in Alaska in 1923, and I was told that the number of tourists who had gone into Mount McKinley National Park increased 50 percent in 1922 over the number who went there in 1921. We asked how many went in 1922 and were told that the number was six. Four went in in 1921.

Mr. GREEN. Yes; and the purpose of this bill is to give them facilities so that more can come in and enjoy this great place, which is a part of the United States. This park had some 2,000 visitors last season.

I yield 10 minutes to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, the Mount McKinley National Park is unquestionably one of the greatest and one of the most majestic parks of the United States. Large in area, it is situated in the interior of Alaska. It can be reached—and this is an important point—in only one of two ways: First, by the Alaska Railroad; and, second, by air. Although Alaskan people travel extensively by air, the tourists who come to Alaska and who are principally the ones to visit the park, travel almost exclusively by the Alaska Railroad. So the park may be said, in a sense, to be an adjunct of the Alaska Railroad.

Many years ago, in accordance with the present custom of handling the national parks of the United States, a private concessionaire, called the Mount McKinley Tourist & Transportation Co., secured from the Department of the Interior a concession to operate the transportation and hotel facilities in Mount McKinley National Park, and that company has operated the facilities from the beginning of the term of the concession until the present time. The concession, however, expired about a year ago and was renewed for a period of only 1 year. At the same time the principal stockholder of the Mount McKinley Tourist & Transportation Co., Mr. James L. Galen, died, and there is no one in the company who has the same energy and the same desire to carry on the business.

This is not my bill. It is proposed by the Secretary of the Interior. At the expiration of the concession of the Mount McKinley Tourist & Transportation Co., and after the death of Mr. Galen, and in view of the fact that the concessionaire, or whoever operates the park, ought now to erect a hotel or lodge in the interior of the park near the base of Mount McKinley, which, as you know, is the highest mountain on the North American Continent, the Secretary of the Interior and the park officials, considering the fact that, as a practical matter, the park can only be reached by travel on the Alaska Railroad, decided that it would be to the advantage of everybody, particularly for the benefit of the tourists who visit the park, to have the Department of the Interior, through the Alaska Railroad, take over the transportation facilities in Mount McKinley National Park, and buy out the property and equities of the present company which has operated up until the present time.

Now, that is all there is to the bill. I do not know, and nobody can tell until an appraisal has been made, just what the property and equities of the present concessionaire will amount to. I think it was estimated in the hearings that it would be about $30,000. I do not know what the amount is. I do know, however, because I have a general familiarity with many of the things that go on there, that the concessionaire company lost money year after year for a great many years until the last 3 or 4 years. Beginning 4 years ago, as I recall, the concessionaire showed a balance on the right side of the

ledger, and since then the concessionaire has made money every year out of operating the transportation facilities in the park.

At the present time that operation is a profitable venture and I have no doubt—and I state this seriously, because I know the Members of the House are concerned to know whether the Government is going to take over a business that will lose money—I have not the slightest doubt in the world that from this time on the operation of the facilities in the Mount McKinley National Park will show a profit every year. Therefore, it seems to me it is a good buy for the Government. It is a good deal for the Government to take over and operate these facilities. It is not a question of somebody unloading on the Government, to use the ordinary term. The concessionaire has not asked and does not ask for the passage of this bill. I believe they would prefer to go on if they could have their concession extended, and do the best they can to furnish facilities in the future, and I believe they would find the operation profitable.

This bill is submitted by the Department of the Interior with the idea of taking over the business because, in the first place, it will be a profitable business, and in the second place, because it really fits in with the operation of the Alaska Railroad. A considerable part of the revenues of the Alaska Railroad are obtained from passenger traffic, from the transportation of tourists. Tourists can get into the park and out of the park, as a practical matter, only by the railroad. Therefore, it would seem to be good business for the Government to take over the operation of the facilities in the park and thus operate those facilities in conjunction with the operation of the Alaska Railroad.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. BLAND. Is there any limitation in the bill on the factors that would enter into the amount to be fixed by the Government in payment? Is the fact that it is making a profit to be taken into consideration? Are past losses to be taken into consideration?

Mr. DIMOND. I shall read the language of the bill:

> The President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate hotels, lodges, and other structures and appurtenances incident thereto—

Now we come to the language concerning which the gentleman from Virginia inquired—

> to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith.

The word "equities," in my judgment, ought to entitle the operators to something more than the bare value of the property that they have now. I am told by one of the stockholders of the company at the present time that the company has invested in this business, over and above all of the profits that have been made in the last 3 or 4 years, a sum in excess of $100,000.

I know that the bare physical value of the Alaska property will not nearly approach $100,000. I am sure in my own mind that the concessionaires are the ones who are going to take a loss out of this measure and that the Government is the one who is going to gain if the bill is passed. It was for that reason that I did not introduce the bill and would not introduce it; but I do say that it is good legislation for the Government.

There is not the slightest danger that the Alaska Railroad or the Government of the United States can suffer any loss by the passage of this measure. There is, in my judgment, real danger that the stockholders of the company which has the present concession for furnishing transportation facilities in the park will not receive what they are justly entitled to have. They are the ones who are running all of the risk involved in the passage of this bill. Through their enterprise and spirit of business adventure they have built up what is now a profitable business. But the term of their concession has expired, and the agency of the Government with which they deal has decided that the Government ought to take over the business. There is nothing for the concessionaires to do but acquiesce in whatever terms are offered by the Government even if those terms should be unjust.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. ALEXANDER. Will the gentleman inform the House as to whether the Government has any similar projects in any other national park?

Mr. DIMOND. So far as I am aware, the Government has no similar project in any of the other national parks; and, insofar as I know, the Government does not intend to take over the operation of the facilities in any other national park. I have not, of course, full knowledge upon the latter question. Like many other people, I do not believe in the Government's going into business indiscriminately. The only reason I feel that this is a proper activity for the Government to engage in is because the Government owns the Alaska Railroad, which furnishes the only ready access to the park, and it would certainly be to the advantage of everybody, particularly the public, if the Government operated the facilities in the park in connection with the operation of the Alaska Railroad.

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield the gentleman such additional time as he may need.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. RICH. I wish to ask the Delegate from Alaska about the hotel already constructed in Mount McKinley National Park. It is contemplated that the hotel will be rebuilt farther up the mountain. How much money is going to be asked to build another hotel?

Mr. DIMOND. Answering the inquiry of the gentleman from Pennsylvania, Mr. Chairman, it is my understanding, from the letter of the Secretary of the Interior commenting on the bill, that no money will be asked out of the Treasury of the United States for the purpose of constructing a hotel or any other facility in Mount McKinley National Park. In this connection I invite the gentleman's attention to the last paragraph of the Secretary's letter, which appears on page 20 of the report on the bill:

> I have been advised by the Bureau of the Budget that there would be no objection by that Bureau to the presentation of this report to the Congress "with the understanding that the enactment of the proposed legislation would not contemplate an appropriation in any amount from the general fund of the Treasury."

That answers the gentleman's question, I believe, that the enactment of the proposed legislation does not contemplate the appropriation of any amount of money from the Treasury.

Mr. RICH. Where are they going to get the money with which to build the hotel?

Mr. DIMOND. The only source from which any money can be obtained for any construction in the park is from the Alaska Railroad.

Mr. RICH. We make annual appropriations for the Alaska Railroad. Are they going to take funds they should use for the operation of the railroad for the purpose of building a hotel? We pour money into the railroad and then the railroad will use its earnings to build the hotel; is that it?

Mr. DIMOND. I invite the gentleman's attention to the fact that for the last 2 years Congress has made no appropriation out of the Treasury for the Alaska Railroad for any purpose.

Mr. RICH. But we are asked in the current Interior Department bill to make an appropriation to build new bridges, buy new equipment, new rolling stock, to build new terminals. We have not appropriated that money. Does the gentleman think it proper that the railroad should use its income for the purpose of building a hotel rather than to pay for these things

the Government is asked to furnish? If we are going to put the Government into a business venture, it certainly is going to take money out of the Treasury.

Mr. DIMOND. From my reading of this report, Mr. Chairman, I think that no money can come out of the Treasury for that purpose.

Mr. RICH. It is my observation that when we get reports that the sponsors of certain projects do not want any money out of the Treasury they always find some way to go around Robin Hood's barn and finally get money out of the Treasury. It is coming eventually. The gentleman knows and I know that that is going to be the case with this hotel.

Mr. DIMOND. So far as I know, Mr. Chairman, that is not the case here.

Mr. CROWE. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. CROWE. Can the gentleman advise us the extent of the tourist trade to this hotel? Does the Delegate from Alaska have in mind the number of tourists who visited the park last year?

Mr. DIMOND. I have not the exact figures at this time, but I know that the number of tourists in the park last year, and also year before last, was well above a thousand.

Mr. CROWE. Can the gentleman be a little more definite?

Mr. DIMOND. It was above 1,000. I will try to supply the exact figures for the RECORD. To the best of my recollection it was around 1,400 for 1938. For 1939 I understand that more than 2,200 people visited the park.

Mr. CROWE. Mr. Chairman, will the gentleman yield further?

Mr. DIMOND. Certainly.

Mr. CROWE. Concerning money that has been asked for the improvement of the Alaska Railroad, is it not a fact that the roadbed was not completed when originally built, that some of the bridges were put in of timber which has decayed to a great extent and caused continuous costly repairs year after year? The amount of money that has now been asked is to make these bridges permanent, as they should have been made in the first place. Am I right or wrong?

Mr. DIMOND. The gentleman is entirely right. When Congress ceased appropriating money for the construction of the Alaska Railroad, I am informed by competent engineers that the construction was really only about 75 percent completed. For many years it was necessary for Congress to appropriate additional sums upon the theory they were used for the operation of the railroad, but these funds really went into capital investment. This construction has not been completed up to the present time. Therefore, I have been obliged to go before the Appropriations Committee every year since I became a Member of this body and ask the committee to appropriate enough money to complete the construction of the Alaska Railroad, because I am satisfied when that is done we will never be obliged to appeal to anybody for money to operate that railroad. I feel confident it can be operated at a profit from that time on.

Mr. CROWE. Is not the matter of the hotel and facilities of the company operating in Mount McKinley National Park entirely different from what we find in any park in the United States or on the mainland, in that the Government owns this railroad, it owns the transportation facilities to and from the park, and is it not reasonable for the Federal Government to rightly own the hotels and the transportation facilities to and from the park and secure what profit, if any, there is to be derived from those operations?

Mr. DIMOND. The gentleman is entirely right; besides, I invite the attention of the gentleman to the fact that the period of pioneering has passed, so far as the operation of these facilities are concerned. The losses of such operation have been pocketed during the pioneer days by a private company and the Government can now look forward to a profitable operation. This is a unique situation, as the gentleman has indicated, because the Government owns the Alaska Railroad. The park, of course, is Government owned, and it seems absurd that the Government should not operate the park facilities, particularly when it can do so at a profit.

Mr. CROWE. I think the gentleman from Alaska has made a fine statement. He is in touch with the situation better than any other Member of the House; therefore, his word should have great weight in this body. [Applause.]

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, I do not care to add a great deal to what the distinguished Delegate from Alaska said in reference to this bill. I introduced it. I want to answer the gentleman from Minnesota when he asked whether or not this authority has been requested for any other national park in the United States. It has not, and under no conceivable circumstances will such authorization be made. As has been pointed out, there is a unique situation existing in Alaska. Tourists that come to Alaska go up there, get on the Government railroad, and end up at Mount McKinley Park. When they reach there they are taken care of at a hotel. We already have invested about $350,000 in facilities in this park, and when I say "we" I mean the Government. After they get there, if they want to go around the park and see some of the beauties of that region, this private concessionaire takes them around, but the cost has been excessive. I think Members of Congress who were up there last summer complained to me when they got back to Seattle about the cost. It runs to around $30 or $35. The tourists are taken up to a camp at the foot of the mountain, and there they live in tents.

All we are trying to do is allow the Alaska Railroad, which brings people there and houses them at the entrance to the park, the right to take these tourists in busses around the park, erect some cabins or a shelter over there so that the tourists may be comfortable when they get up to the upper reaches of the park, where at this time there are only some tents. The situation is unique. It does not put the Government in business any more than the Government is in business now in Mount McKinley National Park.

It adds only to the existing facilities. This year we expect double or triple the number of tourists that have been going there for the past few years. On account of the situation abroad people are traveling in America. From January to May the park is closed and it is necessary that this bill be passed now so that they may get supplies and materials up there to run this operation. It is a rather unusual bill, but when you look at the circumstances involved you will see there is nothing wrong with it and that this is the only possible solution we have to the problem now existing in Mount McKinley National Park. The Government has invested this money, the facilities are there, and we bring our citizens up there, show them the Government investment, take them on a Government railroad, house them in Government hotels, and when we take them around to see this grand, glorious park and its beauties, we charge them excessive rates. We take them up to some tents in the upper reaches of the park. I think this is the only way to solve the problem.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. MAGNUSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I note this bill authorizes the Government to purchase the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. I would like to find out what the approximate cost of this private property will be?

Mr. MAGNUSON. I do not know the approximate cost, but I think it will run around $30,000 or $40,000. The personal property of the concessionaire consists really of some busses and I think a little station at the railroad and some tents up there where they take the people. That is all it amounts to.

Mr. Chairman, I yield back the balance of my time.

Mr. JONES of Ohio. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I am rather reluctant to oppose any measure in which the Delegate from Alaska, our good friend the gentleman from Alaska [ANTHONY DIMOND], professes a deep and abiding interest. He is a grand person;

he is a splendid Representative, and he has done an extremely good job for the people of Alaska. But I feel somehow that our personal feelings for him must be transcended by considerations of legislative integrity and procedure, so I shall find it necessary to oppose the pending bill.

The purpose, of course, is obvious. We take over the property now owned by a concessionaire, who has a concession which has been granted by the National Park Service, and put the Government into the business of operating a hotel and incidental structures, fixtures, busses, automobiles, and so forth.

Let me call your attention to a very ingenious provision in this bill. It is definitely subject to a point of order, and as a member of the Committee on Appropriations I shall have to make that point. There is a proviso starting on the bottom of page 2 which states:

That out of the revenues from and the appropriations for the Alaska Railroad, there is authorized to be used such amount thereof as may be necessary for the purchase of the property of the Mount McKinley Tourist and Transportation Co.

There is not the slightest indication as to how much that amount will be.

Secondly, you are taking this amount out of the Treasury of the Alaska Railroad, owned and operated by the Government, which is operating at a deficit today. Colonel Ohlson, who is the Government director for the Alaska Railroad, appeared before the Committee on Interior Appropriations and indicated that the railroad had a deficit in 1937 of $185,000, that in 1938 they had a deficit of $58,206, and in 1940 they anticipate a very modest profit, but that is rather speculative. But now you would authorize by a provision in this bill which is definitely subject to a point of order that they can reach into the treasury of the Alaska Railroad, now operating at a deficit, for the purpose of purchasing these facilities and operating them. I say that that simply is not good business.

The joker is that it is a back-door approach to the Federal Treasury, because this provision states—

That out of the revenues from and the appropriations for the Alaska Railroad—

If there is an additional deficit, it merely means that it will be laid on the doorstep of Congress and they will submit to us that they need additional funds, and we will be paying for it in an indirect way. This is definitely the import and the meaning of this language in the bill, and no other construction can be placed on it.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Mississippi.

Mr. RANKIN. A few years ago a similar bill was brought in to buy an old tram road out north of Nome, Alaska. I stayed here during the Christmas holidays and held hearings on it and found that it would have cost the Government $600,000. Nobody lived out there. There were not a dozen families within reach of it.

We found out that it was just to gratify a few fellows, down in California, who owned an old, dead gold mine out there.

My distinguished friend who passed away a short time ago, Hon. Cassius Dowell, was with me in 1923 when we went into the McKinley National Park. They told us the traffic in that park had increased in 1922 50 percent over what it was in 1921. Someone asked them how many people were in the park in 1922 and they said six. There were only four persons went in in 1921.

I believe before making appropriations for a purpose such as this we ought to have it in black and white just what you are doing.

Mr. DIRKSEN. Let me supplement what the gentleman from Mississippi has said by stating that we now have invested in the Alaska Railroad $73,000,000. I recognize that there must be transportation facilities up there, but is that any reason why we should go into the business of operating a hotel and busses and other items at the expense of the taxpayer and for the enjoyment of a few people who may go up to visit McKinley National Park?

That is not the whole story. Look on page 2 of this bill and you will find there ingenious language. I do not know who drew this bill, but they are permanently putting us in the business of operating busses without regard for the restrictions in law. Let me read you this language on page 2:

To purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions now or hereafter imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles.

In other words, once you put them in business they can acquire, they can sell, and they can trade, along with the incidental facilities, and under this language they may do so without any restriction that may have been imposed by existing law or any law passed hereafter. It is a kind of an imposition on the Congress to tie its hands in that fashion. Certainly I am not going along with a proposal of that kind.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Florida.

Mr. GREEN. The committee adopted an amendment, inserting after the word "operate," the words "to sell." They may sell, if desired.

Mr. DIRKSEN. Yes; but you are projecting them into business with the word "hereafter" included in the bill which you present to the Committee today, in order to make it a permanent operating affair, without giving the Congress a chance to look into it properly from time to time.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Washington.

Mr. MAGNUSON. Of course, the gentleman realizes that it is the purpose to have them operate these busses permanently. The gentleman is talking about three old busses that they run around the park. They have to be able to trade them in and maintain them and repair them.

The gentleman from Mississippi spoke about 4 or 6 people visiting the park. We had over 1,400 visitors last year, and I expect that this year there will be 1,500, 1,600, or perhaps 2,000 visitors.

This is an operation involving $25,000 or $30,000. The way it is run now it is run badly. The concessionaires are not going to make any money. Of course, we want to put the Government in. That is the purpose. It is the only thing you can do.

Mr. DIRKSEN. Why did not the gentleman say so in his bill? All the gentleman says in his bill is that from the appropriations and revenues of the Alaska Railroad they can use whatever may be necessary, and it is not limited to three old busses. It will be whatever some gentleman who runs this show will determine to be necessary, both as to new busses and incidental equipment, hotels, lodging houses, and so forth.

The only person who shall determine what is necessary is the agency or person designated under the authority in this bill by the President of the United States, and the sky is the limit. You reach into the deficit of a railroad and get a back-door approach to the Treasury and then later on come and say, "Now, gentlemen of the Congress, here is what we need in order to reimburse this deficiency in the Alaska Railroad treasury because we have reached in and taken out money for the operation of the facilities in McKinley National Park." This is the only construction you can place on the language in the bill and it is terribly poor legislation.

Mr. MAGNUSON. Mr. Chairman, if the gentleman will yield, I will answer his question.

Mr. DIRKSEN. I yield.

Mr. MAGNUSON. Of course, this is to be part of the Alaska Railroad transportation system, and we want the funds that are to be used for operating these busses, or, if they build a couple of cabins up there, to be a part of the Alaska Railroad system.

Mr. DIRKSEN. I am reluctant to project this Government into the hotel business. The Interior appropriation bill,

which will be coming on directly for reading under the 5-minute rule, contains an item of expense for the operation of Government House down in the Virgin Islands. Rex Tugwell and others went down there in order to attract the tourist trade, but we are running at a loss, and so we pay for ice and janitor service and electricity out of Federal funds to operate a hotel in the Virgin Islands.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RANKIN. The Alaska Railroad is already running in the red, with a deficit, I would say, of at least $2,000,000 a year—more than that if you allow for interest and depreciation. We spent $57,000,000 building that road in the beginning. It is 467 miles long. There are not 10,000 people of all kinds, color, size, and varieties living within 500 miles of it in every direction. It has been a dead loss ever since it was built. It ought to be taken up and there ought to be a motor line in its place. To go out and buy a lot of old, dead property that we know is a dead loss, merely to gratify somebody who has some vested investment, I say that Congress ought to be very careful before it goes any further in that direction.

Mr. DIRKSEN. I will say to the gentleman from Mississippi that if this bill passes I am going to suggest we call this hotel "Hotel Deficit"—that will end it. [Laughter and applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we have already spent $350,000 building a hotel at this spot or in this Territory, and the hotel revenues last year amounted to something like $56,000, and the expenses, as near as I can figure them from the hearings on the Interior Department bill, amounted to $146,000. Now, that is good business. You know we have some folks in the House who run hotels. I wonder how long they would run their hotels in that way.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Can the gentleman from New York inform hotel owners why we go to Alaska for the Government to buy a hotel? There are plenty of good hotels in the big, broad United States of America that are not paying their way, and they are better than this one up there. Why should not the Government go into the hotel business nearer home than Alaska if it is going into the business at all?

Mr. TABER. The gentleman means that he thinks we ought to bail out the fellows who are already in rather than put the Government into the business of operating new hotels?

Mr. TREADWAY. I should be inclined to follow that course. There are gentlemen here from the great vacation State of Maine, and I happened to be in Maine a year or so ago and saw a very beautiful hotel being torn down on Mount Kineo, on Moosehead Lake, because it could not operate to financial advantage. Now, Kineo and Moosehead Lake are very much more accessible to the tourist people of the United States of America than Mount McKinley Park, and it seems to me that we would better begin nearer home before investing our Government money in Alaska. Of course, as a last resort, if eventually every hotel is bought up by the United States that is not profitable in the United States, then it might be all right to go to Alaska, but until we reach that situation I do not approve of it.

Mr. TABER. It appears that we had six visitors to this park who might be available as customers at this hotel. Does not the gentleman think that for six visitors we ought to build a hotel that will cost three or four hundred thousand dollars? Think of it! Six visitors!

Mr. TREADWAY. If the gentleman has asked me a serious question, I would say that he is too much of a Yankee, as I am, to approve of that sort of financial operation on the part of the United States Government.

Mr. TABER. Then ought there not to be at least one hotel for each visitor?

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. MAGNUSON. Of course, the gentleman is not really stating the facts.

Mr. TABER. Oh, the gentleman from Mississippi [Mr. RANKIN] just told us about the facts, and I am sure the gentleman knew what he was talking about.

Mr. MAGNUSON. But he was talking about 1921. Further, this bill does not provide for building a hotel.

Mr. TABER. But it does.

Mr. MAGNUSON. We want to buy a few tents. They have been housing the people up there in tents and we want to put up a shelter over their heads; that is all.

Mr. TABER. So that I may inform the gentleman about his own bill, I shall read a couple of lines from the bill:

> That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, the President of the United State be, and he is hereby, authorized and empowered * * * to construct, reconstruct, maintain, and operate hotels, lodges, and other structures.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. SCHAFER of Wisconsin. The New Deal at a cost of about $60,000 per family, to our almost bankrupt Federal Treasury, has sent several hundred strawberry growers into the Matanuska Valley in Alaska.

Mr. TABER. I do not know. I may not be correctly informed, but I had heard that those folks had all graduated to the relief rolls. Is not that correct?

Mr. SCHAFER of Wisconsin. These strawberry farmers will be in a position to tour this national park and perhaps will need hotel facilities which are provided at the expense of the taxpayers under this bill. That is sound New Deal doctrine.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Florida, chairman of the committee.

Mr. GREEN. It would be better business for the Government to cause the investment we now have there to pay greater dividends, or at least help to get out of the red. If the gentleman had an automobile and had lost one wheel off the car, would he not be willing to acquire an additional wheel in order to run the automobile?

It seems to me that about this whole thing we are going somewhat far afield. The Government owns the railroad, and the Government can better make the railroad pay if it can control this bit of property.

Mr. TABER. I think I can answer the gentleman's question.

Mr. GREEN. It is only a matter of business prudence that we make this business pay there in order to help the railroad.

Mr. TABER. I think I can answer that question. Here we have a fellow who has been running this business at a loss and he wants us to bail him out.

Mr. GREEN. Oh, no; it is a paying business.

Mr. TABER. One of these station wagons is plenty good enough for that sort of service. The problem is to buy out or to bail out this fellow who has been operating a bus line, and it is probably going to cost $30,000 or $40,000. They would not need any authorization if they were going to do things on a moderate scale.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. TREADWAY. I am astonished that the distinguished gentleman from Florida [Mr. GREEN], chairman of the Committee on the Territories, should appear here advocating the purchase of a hotel in Alaska, because I have toured his fine State and enjoy going down there and would like to be there now; and I can call the gentleman's attention to numerous hotels in his State standing idle, with windows out of them in many instances. People who have sunk their money in

these booms would be only too glad to have the properties bought by the Federal Government under the leadership of the distinguished gentleman from Florida without his going up to Alaska and spending Federal money there to buy a hotel.

Mr. TABER. Then the gentleman thinks we ought to bail out those people in Florida?

Mr. TREADWAY. I think the gentleman ought to bail out his own people first instead of going up to Alaska.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. MICHENER. It seems to me that we bailed out the reindeer people in Alaska for around $1,000,000 last year. That was a private-business project that was started and did not pay.

Now, the Alaskan Railroad has not been paying. We have $57,000,000 of the taxpayers' money in it. It never would have been constructed, and everybody knows it, if the Congress had sent a committee up there to investigate before we built it. We have the Richardson Highway, running right alongside it, which could do the work. My colleague on the other side [Mr. RANKIN] said there were few people within 200 miles. There are not 10,000 people within 200 miles of the entire Alaskan railroad and McKinley Park project. I do not blame the gentleman from Washington [Mr. MAGNUSON], who hopes they will get some more tourists in Seattle. I do not blame the gentleman from Alaska [Mr. DIMOND], who would like to have the Government go up there and develop Alaska, regardless of what it costs the taxpayers, but Congress is charged with a responsibility. I congratulate the gentleman from New York [Mr. TABER] on his courage in getting up here and making a fight. It is so easy to vote for these small projects, but remember how they grow.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RANKIN. I want to say to the membership of the House the gentleman from Michigan [Mr. MICHENER] was with me on that trip to Alaska and we made a thorough investigation of Alaska. The gentleman will bear me out in what I say about the tourist trade. In the first place, there is nothing in Mount McKinley Park except Mount McKinley. You can see it just as well from the train as if you were in the park. It looks just as well 50 miles away as if you were up close to it. The gentleman from Michigan was with me on that trip, and I will leave it to him if I am not giving you the facts.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SCHAFER of Wisconsin. The New Deal brethren spent $1,000,000 of the taxpayers' money to purchase reindeer in Alaska. They might want to establish a housing project for Santa Claus in Alaska under this bill. Should not an amendment be incorporated so that Uncle Sam can purchase a few sleighs and use these reindeer and sleighs to take the taxpayers for their sleigh ride? This would be a more economical transportation than that provided under this bill. [Laughter.]

Mr. TABER. I understand since the Department of the Interior began monkeying with this reindeer business last year that the reindeer are dying off. I do not know whether it is because of their operations or not, but it seems to be the effect of their operations—a complete failure.

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the distinguished gentleman from Missouri.

Mr. SHORT. I do not see why we should object to the Government going into the hotel business. It has gone into practically all other kinds of business. Of course, one of the best planks in the splendid platform adopted by the Democratic Party in 1932 was:

> We pledge immediately to take the Government out of competition with private enterprise.

Instead, this administration has put the Federal Government into competition with all kinds of private enterprises. The Federal Government today is in the loan business, in the mortgage business. In fact, Uncle Sam at this hour is the biggest holder of bad mortgages of anyone on earth. We are in the building business; we are in the power business. If the administration has its way, we will soon get into the health business, because of the medicine men in the New Deal. We are in the insurance business. State socialism is here. Why not have Government ownership of everything?

Mr. TABER. Would the gentleman answer a question for me?

Mr. SHORT. I doubt if I could.

Mr. TABER. Does not the gentleman think we ought to bail out everybody who goes into a business that is not profitable?

Mr. SHORT. Why, of course. Many of the best citizens in my district who used to be self-supporting and self-sustaining, today, before they will paint a barn or put a hinge on the gate or even build a chicken coop, sit down and write to me to see if they cannot get an appropriation or a grant from the Federal Government. [Laughter and applause.]

Mr. SHAFER of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SHAFER of Michigan. One of the businesses the Federal Government went into was the cooperative tractor business at Battle Creek, Mich. It took $375,000 of the taxpayers' money and moved this plant to Arthurdale, W. Va., one of their resettlement projects. They threw out of work 360 men in doing that job. The plant was under production in Battle Creek, but after the New Dealers moved it to Arthurdale they never assembled a tractor, they never sold a tractor, and a few days ago the administration announced that the project had been abandoned. This venture in business cost a loss to the taxpayers of this country of at least $500,000.

Mr. TABER. Yes; and this would probably give them a chance to lose another $500,000. Of course, I suppose that the committee which brought out this bill would like to have the Government lose another $500,000.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SMITH of Ohio. I want to call the attention of the gentleman from Missouri [Mr. SHORT] to this fact: I think the gentleman from Missouri is mistaken when he says that the party in power is violating its pledge that it intended to take the Government out of competition with private industry. The fact is that it has carried out that pledge, or is well on its way to carrying it out. It has destroyed all private industry, so, of course, there will be no competition by the Government with private industry. [Laughter.]

Mr. TABER. I yield to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. If the Members of the House will refer to the hearings on the Interior Department appropriation bill, at page 976, they will see the interrogation by the gentleman from Nevada [Mr. SCRUGHAM] of Colonel Ohlson, who operates the Alaska Railroad. This is a question by the gentleman from New York [Mr. FITZPATRICK]:

> You have received funds sufficient to take care of the Railroad this year?
>
> Colonel OHLSON. The past year we sustained a deficit of $58,206.35. However, if transportation for investment, for capital investment, in the amount of $40,115 was deducted, the deficit from operations would have been only $19,830.
>
> Mr. SCRUGHAM. How will the deficit be made up, if you are not asking the Treasury for any appropriation?
>
> Colonel OHLSON. From appropriated funds available last year.

So you can see the Alaska Railroad has been running in the red right along. They come here and ask the Federal Gov-

ernment to make appropriations to carry on the operation of the Railroad. That is where they are going to get the money to build this hotel.

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. TABER. Mr. Chairman, I believe I should call attention to one or two other things. They told us that their deficit was only about $50,000, but if you study the figures on pages 981 to 983 of the Interior Department appropriation hearing, you will find that the deficit of the Alaska Railroad is $200,000, or only 4 times the amount the colonel told us.

It is perfectly apparent that this outfit wants to go ahead and build another hotel on top of the $350,000 outfit. Instead of being satisfied with ordinary Ford station wagons for transportation, something that would cost around $1,000 a vehicle, they want to spend $35,000 or $40,000. There is absolutely no limit to the amount of money they could spend, almost no limit to the amount of things that could be done. It is absolutely impossible for us to tell anything about them. The only way we can get any satisfaction out of it and protect the Treasury is to defeat the bill completely, get rid of it, and not load the Treasury up with a lot of other liabilities. I hope that when this bill comes up for consideration by the House that it will be thrown out. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FITZPATRICK].

Mr. FITZPATRICK. Mr. Chairman, I rise to support the bill, H. R. 4868, offered by the gentleman from the State of Washington, as I believe Alaska is entitled to some consideration from our Government. We have taken out of Alaska millions and millions of dollars in gold, copper, furs, fish, and other things, but have put very little back insofar as improving Alaska, with the exception of building a railroad which, up to 1939, was not self-supporting. However, the manager of the Alaska Railroad, Colonel Ohlson, when he testified before the Interior Subcommittee on Appropriations, stated that they expected to have a profit for 1939.

I was up in Alaska last summer and visited Mount McKinley National Park. The Government owns the hotel close to the railroad station, which is operated by the Alaska Railroad. The Mount McKinley Transportation Co. operates the busses running into the park. It is about 65 miles from the hotel to camp 66, where you can get a good view of Mount McKinley if it is a clear day. The bus fare is $25. If one should go to Wander Lake, which is about 18 miles farther, it would cost $35. The Mount McKinley Transportation Co. went into business many years ago. In fact, they were the people that put McKinley Park on the map. They had a franchise which expired last year and are now operating on a temporary permit. It seems this company put quite a sum of money into the bus corporation and the building of lodges. Up to 2 or 3 years ago they received no return on their money. I understand that the last several years they have been making money, and it is now a good paying business. My understanding is that they do not want the Government to take over the operating of the busses as they feel they have a chance to get back some of the money they have invested in this undertaking.

I feel, however, that the hotel and transportation should be under one management, whether it is operated by the Government or a private concern. However, I feel that if the Government should take it over that they should pay the present corporation for their equipment and cabins, but not for their goodwill. The hotel which is near the entrance to the park cost around $300,000. It is nicely furnished and well managed. I understand they will have a profit for the year 1939. At the same time I feel that if they took over the Mount McKinley Transportation Co. they would have a greater profit and it would be good business to do so. Mount McKinley is a beautiful place to visit. It is a little different from the rest of our national parks. In our other national parks the animals are quite tame. Not so in Mount McKinley Park. You see real wildlife. You see wild bears, wolves, moose, and other wild animals as you drive through the park—also beautiful Alaskan wild flowers.

While at the hotel there were many tourists there. Many of them did not make the trip out to where they could see Mount McKinley because of the cost of the bus. I believe operating the busses with the hotel and railroad will improve the financial returns for our investment.

One of the previous speakers referred to the Matanuska Valley and said the people that went up there to develop it are now on relief. On my visit to Alaska last summer I visited the Matanuska Valley and called on a number of farmers. I was informed that about 30 percent of the people who first went up there were misfits and it was necessary to get rid of them, while about 70 percent remained and are making good. The farmers that I called on were very enthusiastic, very happy, and felt they would be able to pay back the Government for the farms that they had taken over. Many of those farmers were from Michigan, Minnesota, and Wisconsin, but not one of them was on relief. I found a very fine hospital, good schools, three churches, a cooperative market, and a fine canning industry. As I stated before, the people seemed very happy and satisfied. In fact, I met a couple of farmers who had at first been allotted 40 acres each and had taken over 40 additional acres, which gave them a total of 80 acres in all.

They are up there and are making good. They are good American citizens and are working hard to make a success of the opportunities being given them by the Government. They are pioneers. So, too, those people who started the bus line up at Mount McKinley Park are pioneers, but there is a chance now for them to make a little money after many years of losses. If the Government is to take it over, they should take it at a reasonable price.

Mr. GREEN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FITZPATRICK. Mr. Chairman, as far as our investment in Alaska is concerned, I feel that we should protect it by doing something to help Alaska. We have taken millions and millions of dollars out of there, but we do not want to put anything back. I am in favor of the passage of this bill not alone because of the people in Alaska but for the American people and the American taxpayers so they can save some of the investment that they have in the Alaska Railroad and the hotel. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, why this bill to build a Government hotel in Alaska? May I ask the gentleman who just spoke, the gentleman from New York, is there an Army post up there?

Mr. FITZPATRICK. They are going to have an Army post and a Navy field up there.

Mr. HOFFMAN. Is there an Army post and barracks up there now?

Mr. FITZPATRICK. Yes. There are some men stationed at Fairbanks.

Mr. HOFFMAN. They are going to build a barracks?

Mr. FITZPATRICK. I do not know. They are going to build a naval base. I want to say to the gentleman, I do not know why they built the hotel, but it is there, the same as in other of our national parks.

Mr. HOFFMAN. The point is this: If the Government has an Army barracks up there, that would be one thing to be considered.

Mr. GREEN. Yes; it has an Army barracks up there, and we are building a large air base there also.

Mr. HOFFMAN. Then there is no reason why the Government should have a hotel in Alaska. It goes without saying that if you have an Army barracks up there you can take care of all these people, if the precedent set by the administration is followed. We have established the precedent already. You will recall that on the 10th day of February, when the American Youth Congress was down here with its communistic allies, the President's wife sat on a table in the

Labor Department there and used the telephone, calling the President and calling the Army authorities, and straightaway she got accommodations at Fort Myer for 150 of these people, with the Government providing trucks to haul them back and forth. It would be a waste of money to duplicate this service, which was extended here in Washington by the War Department, at the expense of the hotels, by building hotels in Alaska.

If the wife of the Commander in Chief of the Army can get accommodations and transportation at Government expense, think how nice it would be for San Francisco if the American Youth Congress met there. And, by the way, I understand they cheered Harry Bridges heartily when introduced last night down at the meeting held in the auditorium of the National Press Club.

Mr. GROSS. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Pennsylvania.

Mr. GROSS. If we have no hotel up there, those fellows who are sent up there to count the reindeer will have no place to stay while in Alaska.

Mr. HOFFMAN. They can be taken care of at the Army base. So if they can furnish transportation from the city of Washington to Fort Myer, the situation would not be different in principle if they went a little further and furnished transportation for the American Youth Congress from San Francisco to Alaska. True, the distance would be greater but the idea, the principle, is the same.

If we are going to have the President for another term, a continuation of the same man in that Executive office, why not let the wife of the Chief Executive arrange for these accommodations in Alaska, as she did here in Washington, if taxpayers are no longer to have control of the expenditure of their funds. The fact that such a course might interfere with private business, as her acts did here in Washington, does not make much difference to the New Dealers. Their theory is that the end justifies the means.

There are two hotels here in Washington, the Ebbitt and the Grafton. You will find the phone numbers in the book, and if you doubt what I am going to tell you, just call up the managers and learn about it.

When these American Youth Congress delegates came to town the manager told me their representative arranged for accommodations for 500 of the American Youth Congress members. They went to the hotels, as expected, the first night, but after the Executive's wife called up and made arrangements for their entertainment at the Industrial Home and at the barracks at Fort Myer, and at more expensive hotels, those people did not go to the accommodations which had been arranged for them at these 2 hotels. The manager of those 2 hotels lost that business, and he did not seem very enthusiastic about it. They might well have said, "What am I going to do with the help I employed here? What about those who make their living working here if I am to have my prospective guests taken from me? All these people are working and I have to pay their wages. How can I do business in competition with the First Lady, who offers free accommodations? I counted on the money that these folks were going to pay, $1 a night." After the First Lady of the Land arranged for these other accommodations, some at Fort Myer, he did not get the business.

I know the administration has been attacking business in various ways, but this is the first time that I know of that members of the family in the Executive Mansion have directly taken guests, who expected to pay, from hotels which give employment to those who work in the hotels and upon which they depend for their jobs and livelihood. The volume of the business of which the hotels were deprived may not amount to a great deal but the principle involved is an important one. If one Federal official can furnish shelter for his guests at Government expense, may not others do likewise, and where will it end?

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If, under existing law, the First Lady has the legal authority to issue an order and have the taxpayers furnish transportation to and from Fort Myer, and housing at Fort Myer for "pinks" and "reds" who attended the Youth Congress, then under the same provisions of law she would have authority to furnish transportation and housing for tourists in Alaska. If that be so, then we would not have to pass this bill to provide transportation and housing facilities for economic-royalist tourists in Alaska. We could solve the problem by providing free telephone service from Alaska to the First Lady of the Land so that she can get her authorizations for free transportation and housing through, as she did for tourists who attended the Youth Congress.

Mr. HOFFMAN. Mr. Chairman, I have introduced a resolution, House Resolution 402, asking the War Department by virtue of what authority these accommodations were furnished. When we have the answer I trust you will read it. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I want to call attention first to the Department of the Interior hearings for this year. On page 700 you will find the number of visitors to Mount McKinley National Park. In 1936 there were 1,073 visitors, and in 1937, 1,378 visitors. The Interior Department keeps a record of everyone who goes into these parks. You do not know where the visitors come from. They may be from Alaska. That is all the people who went into the park in 1937. In 1938 there were 1,478 visitors. Now we come down to 1939, last year, and that figure was estimated; and let me say to the Members of Congress that I have not seen the Interior Department make an estimate on anything in which they are interested unless they made the estimate sky high. What is the estimate of the number of people who visited Mount McKinley last year? Their estimate states 2,262 people visited the park in 1939. How many of them came from Alaska? How many of them were visitors from the United States? We do not have that information.

It seems to me that we are now getting the Government into the hotel business on a large scale, when the Alaska Railroad already owns one hotel. Let me read from the hearings on the Interior Department appropriation bill. I asked Governor Gruening this question about the Mount McKinley Hotel.

> Is not that a Government-owned hotel?
> Governor GRUENING. Oh, yes. That is under the railroad.
> Mr. FITZPATRICK. And it is beautifully equipped. They have the very finest there. It is well kept, well taken care of, well managed—

And so forth. What are we doing in this bill? We are giving the President of the United States the power through any agency or agencies he may designate to construct, reconstruct, maintain, and operate hotels, lodges, and other structures and appurtenances incident thereto, and to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. We are not only going to build new hotels but we are giving the President the power to buy what is already there, that someone else owns.

You ought to have some experience from the legislation we have passed in the last year or two about going up there to take over the reindeer industry. We pass laws on someone's assurance that it will not cost any money. I have been here 9 years, and I have seen more camouflage, I have seen more deception, and I have seen more downright dishonesty in the statements that are made about bills being passed that will not cost any money than in any place I have ever been in all my life. I do not say that with the idea that I want to say the Members of Congress are crooked; but what do you mean from such construction when you say we are going to pass a bill and it will not cost any money, when those who make the statement know the bill is no good without ultimately asking the Government for money?

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Alabama.

Mr. PATRICK. I want to know just what the gentleman means when he says he has seen more dishonesty here than any other place he has ever been?

Mr. RICH. I have seen more bills passed with the statement being made that they would not cost any money, but eventually they do cost money.

Mr. PATRICK. That is what the gentleman means by dishonesty? Does the gentleman mean that the committees who bring in these bills are dishonest?

Mr. RICH. No; I do not say that. I say they bring the bills in here with the statement that the passage of the bill will not cost any money. They are not dishonest in that statement about the bills, but they know they are going to come in later and ask for money. The inference is they will never cost money.

Mr. PATRICK. Then where does the dishonesty lie?

Mr. RICH. In making the statement that it will not cost any money when they know in their own minds and hearts that eventually it will cost money.

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. RICH. I am not going to yield until I finish my statement.

We have built a hotel in the Virgin Islands that has cost the Government a lot of money. We rent that hotel to a private individual, and this individual pays less than 3 percent on the money invested. The Government owns and takes care of the property, and, according to the statement by Governor Cramer, this individual pays less than 3 percent on the money invested—some investment.

We have hotels down in Panama. The Government owns a lot of hotels in this country. We built one at Arthurdale, W. Va., on Government-owned property. They are not getting enough people over there to pay 3 percent on the money invested. We have set the Government up in business enterprises for two reasons, it seems. One is to get the Government into business, and the other is to get the Government to take over some property that someone cannot operate at a profit and wants to be relieved of.

It was said by the gentleman from New York a while ago that we have taken millions of dollars of wealth out of Alaska and are not putting anything into it. The gentleman from New York knows that our appropriations for Alaska every year are increasing. Every year we put more money into Alaska than we did the year before. When we put that money into Alaska we are trying to take care of those people, and we are doing a pretty good job.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield because I mentioned the gentleman.

Mr. FITZPATRICK. The gentleman is very honest, very efficient, and very capable.

Mr. RICH. I thank the gentleman.

Mr. FITZPATRICK. Is it not a fact that the money we put into Alaska is a small percentage of the money we take out?

Mr. RICH. If you figured that everything—all the fish that are caught, and all the gold that is mined in Alaska and buried down here in Kentucky at a cost of $35 an ounce, all the wealth we get out of Alaska, every dollar of it, went back into the Treasury, Alaska would pay its way. The only trouble is that it does not, and we get a very, very small percentage of that amount, and we only furnish fishing to our own people who go up there to fish in Alaskan waters.

Mr. FITZPATRICK. Is it not a fact that the people who take millions of dollars out of there pay it back in taxes to the Government?

Mr. RICH. No; we do not get near the amount of taxes back that we pay out, and I might show right in that connection how much we pay out per capita in Alaska and how much they pay. The Alaskan people pay into the Government 39 cents per capita, while we pay back to the Alaskan people $2.60 per capita—over 900 percent we pay to them per capita.

Mr. FITZPATRICK. But they do not take the wealth out of Alaska. The American citizens take the wealth out of that country and not the natives of Alaska. If you take that away from those people, you do not leave them anything.

Mr. RICH. When we give them $2.60 for every 39 cents they pay in, do you not think that is pretty good?

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The figures with respect to visitors to the McKinley National Park are very surprising to me. Can the gentleman tell us what deterrents in the form of high transportation costs and high hotel costs operate up there, what has been the travel under the private concession, and what is likely to be the travel under railroad ownership?

Mr. RICH. Well, the railroad ownership will operate the hotel at a loss in order to get them to travel on the railroad so that we can say that the railroad is making a profit. That is what they are doing up there. Do not let anybody fool you about that. We have had the man who operates the Alaska Railroad before us and we had given us the amount of revenue and the amount the Government put up, with the improvements they are asking each year to build a bridge or to build new shops or to build more boxcars or to get more supplies. We furnish the money out of the Treasury for this and then they take the money they get from operating the railroad and say they are making a profit. There just is not any sense to it.

Mr. WOODRUFF of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Michigan.

Mr. WOODRUFF of Michigan. By the way, may I ask my friend from Pennsylvania, speaking of the hotel business, does he happen to know anything about the hotel business that the Government is in at Key West? I believe, perhaps, the only committee of this House that has an opportunity to get any information whatsoever about the activities engaged in by the Government of the United States at Key West is the Committee on Appropriations, and may I commend to the gentleman, as a member of that committee, a thorough investigation of that situation the next time the proper department of the Government comes before his committee.

Mr. RICH. I may not be on the subcommittee that handles that matter, but I may say that I do not know of a hotel that the Government operates that is not going in the red and going in the red fast. This is just another dead horse. [Laughter and applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, I have listened with very great interest to the remarks made by the various gentlemen on this particular bill. They have made rather long speeches but have given very few pertinent facts. The gentleman from New York [Mr. TABER], who is a most efficient and grand person, has pointed out that the Congress authorized the purchase of reindeer in Alaska and, due to the fact that the Interior Department is now operating or in control of the reindeer industry, the reindeer are dying very rapidly. As a matter of fact, the reindeer are, and have been for several years, dying rapidly. When that was pointed out to the Members of Congress as one of the reasons why these animals should be acquired, they ridiculed the proposition. Up to this time, however, the Interior Department has not taken over a single reindeer, which, I think, is one of the reasons why the mortality rate is still high.

This bill does not contemplate the building or the purchase of a hotel. The railroad exists, the hotel exists, and the bill contemplates the purchase of certain equipment in the way of busses to augment the transportation facilities that now exist. The transportation system, in the way of busses, I understand to be a very splendid paying proposition.

The gentleman from Mississippi has called attention to the fact that in 1921 or 1922 or 1923, either two, four, or six people

visited McKinley National Park. I assume this is true, but the reason there were so few visitors was due to the fact there were no facilities and no place for them to stay.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Kentucky.

Mr. MAY. I heard the gentleman's comment with respect to the reindeer. Does the gentleman know that the Finns have used those animals to very great advantage in their conflict with Russia and that they may be of use to us sometime when Alaska develops?

Mr. DEMPSEY. The gentleman is right, but to ridicule a bill as important as this is wrong. I think the gentlemen should confine themselves to the facts. Everybody who travels at all at some time will have a desire to see Mount McKinley, but to go there and not have facilities to stay comfortably would certainly cause anyone to refrain from going.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SMITH of Ohio. The gentleman has stated that there is no authority in this bill to build hotels.

Mr. DEMPSEY. Oh, I made no such statement. I said it is not contemplated to build any hotels or to purchase any hotels.

Mr. SMITH of Ohio. But we are passing a bill authorizing the construction of hotels. Is it contemplated that we should go outside of what is contained in the act or deal with the act itself?

Mr. DEMPSEY. I would be specifically concerned with the act itself, but members of the Committee on the Territories who came before the Committee on Rules, of which I happen to be a member, say, as does the Department, with which I have talked, and Mr. Gruening, who is in charge in Alaska, that they contemplate the expenditure of about $30,000. The Government has spent tremendous sums of money up there, and I think this will do a lot to assist people in going there and adding to the proper facilities for their comfort and convenience. I think the bill should pass.

Mr. SMITH of Ohio. The gentleman would be willing, then, to strike out the part relating to the construction of hotels?

Mr. DEMPSEY. Of course, I am not a member of the Committee on the Territories.

Mr. MAGNUSON. I will answer that the construction of hotels simply means building a shelter, so that when people go there they will have a place to stay. They have only tents now. That is the best language we could use, for them to stay there overnight. If the gentleman wants to call it a shelter, we are willing to call it a shelter.

Mr. DEMPSEY. Let me point out the tremendous increase in visitors at McKinley National Park. From the two or four or six in 1921 or 1922, it has risen up to nearly fifteen hundred in 1938, and they estimate two thousand in 1939. That seems to me to be a splendid increase.

Mr. GREEN. Mr. Chairman, I yield myself 1 minute. Something has been said about bailing out hotels. There is no desire to bail out anybody or anything. The purpose of this bill is to take over the concession, which is now paying, and to help the Government-owned Alaska Railroad by this process. The gentleman from Massachusetts [Mr. TREADWAY] spoke something about bailing out hotels in Florida. There has been constructed in the last 12 months more than 50 new hotels in Florida, and they were all filled this winter. None of them needs to be bailed out.

I yield 4 minutes to the gentleman from North Dakota [Mr. BURDICK], a member of the committee.

Mr. BURDICK. Mr. Chairman, one of the greatest philosophers in this Congress is the Senator from Arizona [Mr. ASHURST]. He says that on all public questions that come before the Congress there are three stages. There is first the stage of ridicule; second, the stage of argument; and, third, the stage of enactment.

I doubt whether we will get beyond the first stage in this particular bill. The man who made the greatest effort in the way of sarcasm and ridicule ever made in Congress was J. Proctor Knott, of Kentucky. A bill was before the Congress to appropriate money to build a bridge across the St. Croix River to open up the commerce of the interior with Duluth. What Mr. Knott said at that time has become a great national classic in the way of ridicule, but all that he said in the way of ridicule came true as a matter of fact. I think that J. Proctor Knott came very nearly losing the distinction of being a leader in that sort of argument by the argument of the gentleman from New York [Mr. TABER] this afternoon, who said that there were only six people annually who visit this park. Let me say to you that the Government has $70,000,000 invested in that railroad, and if the taking over of this little facility at the end of the railroad will help the railroad, then all you people here who have been talking about economy and at the same time spend $72,000,000 for one battleship should stop and think what you are doing. You are appropriating in this bill not to exceed one-fifteenth of 1 percent of the cost of that railroad, and if the income from that little business at the terminal will help pay that loss, I cannot understand why the gentleman from New York can be against it.

Mr. TABER. Mr. Chairman, if the gentleman will yield, I will tell him.

Mr. BURDICK. I do not have time. I asked the gentleman for time.

Mr. TABER. I did not think the gentleman would have time.

Mr. BURDICK. I asked you for time to speak on this bill and I did not get it.

Mr. TABER. I did not have any.

Mr. BURDICK. Now you want to get it from me when I have only 4 minutes. That is another instance of your great economy. [Laughter.]

I want to say to you that no one has spoken about the national defense of this country. I dare say everyone who has spoken against this bill has voted one, two, three, on every bill to appropriate money for the Army and Navy, no matter how many billions of dollars were involved.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BURDICK. Yes; I yield.

Mr. SCHAFER of Wisconsin. I did not vote for those national-defense funds that the gentleman indicated.

Mr. BURDICK. Good for you. There are a great many good points about the gentleman from Wisconsin. [Laughter.]

I want to say to you that no one has emphasized the fact that this is a part of our national defense. You know how countries are beaten down by invasion. If there ever was any chance to invade this country it would be through Alaska or Mexico. What position would you be in in that event, without a railroad to move your troops or to move the people? It seems to me as a matter of national defense that railroad should be kept there and kept operating. If we can contribute anything to the earnings of that railroad by taking over these facilities at the end of the line, we should do it. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, I certainly think we ought to be clear on the matter of the language of this bill. This bill specifically calls for the construction of hotels. I do not know exactly what the definition of a hotel is, as given in the dictionary. I am unwilling to take the definition of the gentleman from Washington [Mr. MAGNUSON], who describes it by motions with his arms, indicating it is going to be something with a roof or a covering overhead. This bill specifically provides for the construction of hotels. I certainly would not leave it to politicians or bureaucrats to define what that means, especially where an indefinite amount of money is involved, as is the case here. It seems to me that there is unlimited latitude on the part of those in authority to say what these hotels shall consist of. On the ground of that language alone, this sort of thing should be turned down.

For the life of me, I cannot understand, when our national finances today are threatening the well-being of our whole Nation, how men can stand in this House and defend an

appropriation of this kind. I think it is a crime, and I am willing to leave it to history to say whether or not this is true.

The argument is made that if these hotels are built, perhaps we can make this railroad a paying proposition. What an idea that is! Spend fifty or sixty or seventy million dollars to build a railroad that is not paying. Now, if we build a few hotels, we can make that railroad project pay. Is that not a proposition for Congress to put up to this country? If the railroad is not paying and needs something like this, there is only one thing to do with it, and that is to abandon the railroad. I understand it is not needed there anyway. I understand there is a public highway that is capable of taking care of all the traffic in that Territory. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman, in your case, just as in mine, this bill may be passed or defeated, and it is not going to affect us personally. But it may affect the people of Alaska. My sympathies are with them for anything within reason that we may do. In my opinion, this will impose very little, if any, charge upon the Treasury.

I was a member of the Fisheries Committee making an investigation of the subject of fisheries in Alaska this last summer. We learned then more about the resources, possibilities, and needs of Alaska than we could have learned in any other way. Those people are our wards. Reason, not ridicule, should govern us in all of our study of their problems. Gentlemen, in legislating for these people duty, not dollars, should control. I hope you agree with me that it is our duty to the people in that Territory to help build up and maintain and make that Territory which we have taken over by purchase from Russia. We did not ask them to come into the United States. We bought the Territory, and yet no people could be more loyal and more patriotic than they have been and are. I do not know whether the property purchased under this bill will pay or not, but there is not a businessman who has addressed this body today who would not advocate a business investment that in the end would mean success rather than loss. That is the case here. The concessionaire must make high rates. The Government—owning, as it does, the railroad, the hotel, and the park—may charge less. There is considerable talk about hotels. The Government owns the hotel now. What is needed are inexpensive lodges to attract and house tourists to this area.

I wonder how many on this floor realize the area of Alaska? It is an empire. That Territory is more than two times the size of Texas. Place Point Barrow, the northernmost cape in Alaska, on the boundary between the United States and Canada and the farthest point of the Aleutian Islands would rest upon Los Angeles and the southeasternmost point of Alaska would rest upon either Charleston, S. C., or Savannah, Ga. Alaska is a magnificent Territory, ready to be developed. I hope we may encourage those people, and help them. By all means let us not ridicule to death a little investment that may mean much in the end.

You need the Alaska Railroad. You need it for the defense of the United States. You need it for communication with Fairbanks, where I understand there is to be located a large Army airport shortly. Do you realize that an airplane route from Seattle by way of the Great Circle and the Aleutian Islands is 1,700 miles nearer to Japan than by way of the Hawaiian Islands? Do you recall that at the westernmost point of Alaska we are only 54 miles or thereabouts from Asia? We owe it to ourselves to help develop Alaska. We owe it to the people of Alaska to help them.

Something was said about the money that has been taken out of Alaska. Yes; vast resources from the fisheries have gone to the people of the Pacific coast, while the men who are engaged in the fisheries themselves have gotten but a small return. I would like to see this Congress wake up to its responsibility to Alaska with the result that one of the finest commissions that could be found, men conservative and yet farseeing, would go to Alaska and study and plan for its future, working in cooperation with a similar commission or committee representing the Territory.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BLAND. I will have to yield to my friend from Wisconsin; I could not resist, although I had intended not to yield to anyone.

Mr. KEEFE. Will my friend the gentleman from Virginia explain to me what the authorization under this bill amounts to in money?

Mr. BLAND. I could not tell the gentleman. I understand it will be less than $100,000. I know, however, that it does not make any difference what we may put in this bill, how we tie it up, what restrictions we get in it, when it comes to the Committee on Appropriations, of which the gentleman from Wisconsin is a most distinguished member—and I was mighty sorry to lose him from my committee—the Committee on Appropriations will see to it that the limitations are imposed. I have found that it does not make any difference, when it comes to the Appropriations Committee, they are going to take care of that. [Applause.]

Under leave to extend my remarks, I wish to quote from a report made August 9, 1939, by Under Secretary of the Interior to Secretary Ickes on the problem of Alaskan development. Every word of that report deserves consideration. I am inserting in my remarks an extract from that report so that Members may see what Alaska means to the United States:

ADVANTAGES TO THE UNITED STATES

Rapidly constricting foreign markets make an expansion of the Alaska market vitally important to the United States, particularly for the west coast.

With a population of 60,000, Alaska purchased $42,676,441 worth of American products in 1938; this figure was, for the same period, larger than our trade with Czechoslovakia ($26,492,796), Denmark ($24,810,760), Hungary ($2,408,055), Ireland ($26,947,071), Norway, ($22,566,800), Switzerland ($10,584,766), Poland ($24,695,903), Finland ($11,991,287), Portugal ($10,947,144), or Spain ($12,225,913). Our total export trade with Brazil, to whom we have made special and costly trade concessions, was but $61,955,062, and with Russia whose market has been assiduously cultivated, totaled but $69,691,498. These are the actualities of the present. Potentially, Alaska offers a market larger than our present export market in all of South America. With a substantial increase in population, necessitating, as it would, heavy purchases of capital and consumer goods (many of which obviously cannot ever be produced in Alaska), the United States would have a ready and exceedingly friendly market for exports totaling many times its present figures.

Again, it must be recognized that Alaska itself may become a great center in our future trade with Asia and with South America. The title of Anne Morrow Lindbergh's book North to the Orient came as a great shock to people who assume that the shortest route to Asia from the United States is a western route. The fact of the matter is that the air-route course from San Francisco to Japan via the Aleutian Islands (the Great Circle route) is over 1,700 miles shorter than the route via the Hawaiian Islands. Alaskan resources will assume increasing importance in the industrial development of Asiatic countries in the years to come. South America too is likely to provide an increasing market for such products of Alaska as furs, canned fish, and various metals.

The great importance of Alaska to the United States lies in its potential role in increasing the consumer market that supports American industry. Aside from this complementary part in the national economy Alaska may serve the United States as a strategic source of raw materials. The United States is notably deficient in supplies of tin, antimony, tungsten, chromite, manganese, and nickel, all of which are found in Alaska. The development of these resources cannot be left to future moments of emergency. The course of prospecting, of mining, and of constructing mills and smelterics involves years, if not decades. An intelligent concern for our future suggests that that process be inaugurated at the earliest possible moment.

Finally, the increase in trade with Alaska that will come with an increased Alaskan population will prove not only a substantial advantage to our present shipping industry but a vital link in our national defense. The commercial and military angles of harbor development and road building can be separated. As the National Resources Committee declared:

"If it be granted that control over lines of communication is the deciding factor insofar as greater security in time of war is concerned, then one clue is provided for the development of a sound national policy with regard to Alaska. Peace or war, the advancement of adequate communication with and within Alaska, would seem to be a responsibility of the Federal Government."

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SEGER].

Mr. SEGER. Mr. Chairman, ever since I have been in the House Alaska has been a stepchild, and it has not a very

strong father and mother yet. Certain statements that have been made here this afternoon ought to be cleared up. The gentleman from Mississippi said there were six people in Alaska in 1923. The gentleman from Pennsylvania said there were 6,700 in 1939. That is a fairly good increase in 18 years.

When I went to Alaska last summer I thought I was going to a place where people lived in igloos, but I found some very fine hotels. In Ketchikan, a city of 3,000 or 4,000 people, I found good hotels; I found them in Juneau, a city of 8,000 people; and I have been told there are 60,000 white people in Alaska today. We have been all over the map. We have been to Florida and we have been to Pennsylvania and to Maine comparing hotels. I think the great mistake made by the sponsors of this bill was their use of the word "hotel." What is wanted up there, as I understand, is shelters, tents, something of that kind, 6,000 feet up on the mountain. This mountain is 23,000 feet high. The scenery is beautiful, but, as has been said, you cannot see it from the railroad except on a very clear day; not until you get up there to the 6,000-foot elevation does its summit appear through the clouds. Transportation to that point costs $25 or $30 per person. While we were there the Duke of Sutherland and 21 of his retinue refused to pay this price to see it, and I do not blame them. If the fare were reasonable—say, $10 or $15—they would have made $200 or $300 from that one party. The greatest thing holding back Alaska is cost and expense of transportation. I believe in my own mind that it does not pay to charge too high rates for transportation. Even our post office is run at a loss. If the first-class postage rate in this country generally were 5 cents for the average letter instead of the present 3 cents, people would send probably only one-third as many letters, but with the rate at 3 cents they send three times as many. The Government does not make any profit on the post office, and it is not intended that it should. So with this railroad; unless transportation in Alaska is made reasonable, people will not go there to live.

Let me say in answer to the gentleman from New York that the people who went to Matanuska are not going to the poorhouse, are not going on relief. They are producing some of the finest crops I have ever seen. Those people are farmers. The man, of course, who went out there a shoemaker from New York did not make a success of farming, but the farmers from Minnesota and Michigan who went to Matanuska have succeeded in growing large crops of fine quality, and they are disposing of every bit they raise, selling it to the people of Alaska. They are not going to the poorhouse. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 14 minutes.

Mr. JONES of Ohio. Mr. Chairman, this bill provides in the first place for the purchase of the goodwill and the equipment of the Mount McKinley Transportation Co.—the goodwill, if you please, of a company whose franchise has expired. As to the equipment we would buy under this bill, as well as the busses which have been mentioned a good deal up to this time, there is other equipment; for instance, 20 horses, motorbusses with glass tops, bedding, tents, camps, chairs, and beds, and various other things that go with this kind of place. Even if this kind of purchase were a wise one for the Government—and I am sorry that I have to go against the wishes of the distinguished chairman of the committee on this bill and oppose it—but even if it were a wise purchase for the Government, this kind of legislation should not be brought here in this type of bill.

Dr. Gruening testified before the committee in regard to this bill. He proposes to buy four busses—and this bill would allow him to do it—he proposes to buy four busses, which, he says, will cost in the neighborhood of $16,000, $18,000, or $20,000. Do you mean to say that this Congress is to go on record authorizing a bureaucrat to purchase busses and equipment when his testimony before the committee indicates that he does not know anything about the value of the equipment? This proposition should not be brought before Congress in this type of bill. Rather, the subject should be referred to a bureau to investigate as to feasibility and as to advantage to the Government in owning this kind of equipment. I make that statement even if we should resolve to buy this kind of private business.

Mr. Chairman, let us look at the record of earnings of this company. The Mount McKinley Tourist & Transportation Co. was owned by a man who is now deceased. I had the Interior Department give me a record of the earnings of the Government since 1929, so far as this contract was concerned. In 1929 it earned $218; in 1930, $296; 1931, $133; 1932, $25; 1933, $25; 1934, $83; 1935, $103; 1936, $215; and in 1937, $330. The figures for 1938 are not available as yet.

The Government let this contract on a percentage basis. The Government has drawn in the past a percentage of the earnings of the Mount McKinley Transportation Co. It has been brought out here that the cost of traveling from the railroad terminal up to Mount McKinley is $35, and it is stated that that amount is too high, yet we would have the Government operate these transportation facilities at less than $35. The only conclusion we can draw is that if the price is lowered the Government will lose money, and it will result in additional appropriations every year in order to make up the difference.

Mr. KELLER. Will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Illinois.

Mr. KELLER. Does the gentleman mean to say that simply by reducing the price of going on a trip of one kind or another that will reduce the amount to be received in the total?

Mr. JONES of Ohio. There are only so many tourists go up there. There are only a very small number of people who want to go to the camp.

Mr. KELLER. The gentleman would not tell us that those who do go there will all go up anyhow? As a matter of fact, has it not been shown that when we charge too much nobody takes the trip, just the same as if we should fix the fares on the streetcars in Washington at 25 cents instead of 10, you will not get any passengers.

Mr. JONES of Ohio. There is the difference between the $35 and $10. If you want the Government to pay the differential, if you want the Government to pay a subsidy to the transportation company, that is all well and good. That is the only thing that can happen. The Government will have to pay the difference if we lower the price substantially.

Mr. KELLER. Maybe we ought to raise the price.

Mr. MOTT. Will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Oregon.

Mr. MOTT. The Mount McKinley National Park is, of course, a national park, and the purpose of a national park is to give the public the use of it. Has the gentleman any objection to the Government owning facilities in national parks and operating hotels, transportation facilities, and so forth?

Mr. JONES of Ohio. I may say to the gentleman that this is an innovation. The Government does not own this kind of equipment in other parks. At this time, when millions of people are out of work, at this time when millions of people are dependent on relief, why should we spend money in this manner in order to buy a pony express in a national park that is not available to the general public? [Applause.]

Mr. FITZPATRICK. Will the gentleman yield? I can tell him something about the statement he just made there.

Mr. JONES of Ohio. I decline to yield. I want to continue with my statement.

Mr. Chairman, the significant thing in this bill is that it provides for the purchase of the equipment of the Mount McKinley Transportation Co. I wonder how much support there would be for the bill if we were to strike out the Mount McKinley Transportation Co.? What equipment do we need up there? The only equipment needed would be a little station wagon or a little Ford bus, yet they talk about spending $20,000 for glass-top busses that cannot be used any place else. All that would be necessary would be a few hundred dollars at the most, even if we intended to go into this

private business. This bill is appalling; it is foolish and foolhardy.

It is doubtful whether Mount McKinley Park will ever become a beaten path so far as the tourists of this country are concerned. This is only a big hope that the venture may become profitable to the Government.

It was represented in the committee by Colonel Ohlsen that the railroad in Alaska was making money. Yet we find that after the Government has expended an original $73,000,000 to construct the railroad, last year it was $200,000 short in its operating cost alone. Now we want to attach to that kind of a losing game bus, pony express, and hotel to make it run in the red further.

The gentleman from New York points out that we have a hotel up there at the terminal. The hotel that it is proposed to build or construct will be up in the park. But we have a hotel now at the entrance to the park at the railroad terminal on which we have already expended $300,000. As the gentleman from New York states, it does not look very good. That is a sample of the way the Government handles business when it does go into private enterprise. It does not take care of the property, just as it has not taken care of this hotel at the entrance to Mount McKinley Park. We certainly ought to learn by the record made by the concessionaire during the last 10 years and by experience that this is an unprofitable venture. We should learn by experience that even the Alaska Railroad is an unprofitable venture. All it can possibly haul is a few canned goods from the port to Fairbanks, Alaska. The whole railroad is only 300 miles long. Anyone wanting to travel the whole length of the railroad would not carry any more than a suitcase and a few nuggets.

This bill should not be passed, because it allows wide discretion to a bureaucrat to determine the price that shall be paid for this kind of equipment. No one knows the value of it. No testimony has come before the committee as to the value of each one of these articles. Certainly this Congress cannot go on record and will not go on record as voting a blank check or blanket authority for some person to go way up into Alaska and with no limit on his power to pay for this white elephant. It is not good business.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman.

Mr. JENKINS of Ohio. How much would be involved in this purely discretionary feature?

Mr. JONES of Ohio. $35,000 is an initial possibility, and that is not all. It leaves the way open for additional purchases, purchases of additional tents, additional cots, and additional horses. This authority extends just as far as a bureaucrat wants to run rampant.

Mr. JENKINS of Ohio. That will be yearly?

Mr. JONES of Ohio. That will be annually. There is no end to it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. This bill provides that the bureaucrat may construct, reconstruct, maintain, and operate hotels, lodges, and so forth?

Mr. JONES of Ohio. The gentleman is correct.

Mr. SCHAFER of Wisconsin. Then in connection with this authority we have the last sentence, providing for the unlimited use of the revenues from and appropriations for the Alaska Railroad. So that under this bill the Committee on Appropriations would not have a check on the expenditures, as the gentleman from Virginia [Mr. BLAND] indicated. The bureaucrat has authority to expend any money, received as revenue or heretofore or hereafter appropriated for the Alaska Railroad, to construct and operate hotels, lodges, and so forth. Under this bill a bureaucrat could erect a hotel the size of the Willard Hotel or the Mayflower Hotel with the revenue from the Alaska Railroad or from any appropriation heretofore or hereafter made for such railroad. The amount of the revenue and appropriations is the only limitation.

Mr. JONES of Ohio. The gentleman is correct.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Washington.

Mr. MAGNUSON. I just wish to disabuse the mind of the gentleman from Wisconsin. It has been said here time and time again that we have no intention of constructing hotels. If we take out the word "hotels" and use instead "lodges" or "shelters," or a similar word, would the gentleman be for the bill?

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Michigan.

Mr. DONDERO. Do I correctly understand that this railroad is 70 miles long and that a charge of $35 is made for traveling that distance?

Mr. JONES of Ohio. No. This is a bus service up into the park. I am not sure about the exact length of the park. Can the gentleman from Alaska tell me the length of the park?

Mr. DIMOND. As I recall, the present road from the railroad to the far end of the park is 66 miles long.

Mr. JONES of Ohio. As a final word, let me say that from the standpoint of the people who hold the concession, the Mount McKinley Tourist & Transportation Co., why should they not want this bill passed? What businessman who has a losing or an unprofitable venture on his hands would not want to unload it on the Government? What businessman would not want to have the Government come along and pick him up off the flat of his back? I know people in my district who have been dispossessed through no fault of their own, and my heart goes out to them, but we cannot run our business as a government and be profligate in our expenditures in that way.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield for a question?

Mr. JONES of Ohio. I yield for a question.

Mr. FITZPATRICK. I understand this company made a profit last year on its bus transportation of nearly $9,000, and they do not want to give up the concession.

Mr. JONES of Ohio. No such figure as that was testified to before our committee, and that is a far cry from the profit made in 1937 of $336. Further, even considering that a private company could make a small profit, it does not necessarily follow that the Government, performing the same service and hauling the same number of passengers, could make a profit out of it. The Government always loses money when it injects itself into private business. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, there has been quite a bit said here today about the bill. I believe some of my colleagues have impressions which are very fantastic as to the general plan of this legislation. Much has been said about hotels, among other things. I have no objection whatever to having an amendment placed in the bill eliminating the word "hotels." I do not really believe there is a need at this time for hotels.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Texas.

Mr. RAYBURN. Of course, this entire bill is subject to a point of order, there is no question about it, because of the proviso, inasmuch as the entire bill is one paragraph, so I presume someone who is opposed to the bill will make that point of order. Then the gentleman can offer an amendment, which will be germane, of all of the bill down to the proviso.

May I make this suggestion to the gentleman from Florida: The bill contains the language—

> To construct, reconstruct, maintain, and operate hotels, lodges, and other structures.

I have not heard anyone who does not seem to believe there should be some lodges in the park, and I am wondering if the

gentleman would consider leaving out of the amendment he intends to offer the word "hotels."

Further, in line 16, there is some very peculiar language that I believe ought to be left out. It is—

Notwithstanding the restrictions now or hereafter imposed by law with regard to the purchase—

And so forth. Would the gentleman have any objection to leaving out of his proposed amendment the words "now or hereafter"? This language is going pretty far. It appears to me that if the gentleman would offer an amendment of that kind, it might be accepted by the House. As it is drawn now, this bill is certainly subject to a point of order in its entirety.

Mr. GREEN. I appreciate the suggestion of the gentleman from Texas. Of course, I am not authorized by the committee to accept any amendments, but if an amendment of this nature, having for its purpose the elimination of the word "hotels" and the other words "now or hereafter" mentioned by the gentleman from Texas, is offered, I shall vote for it, because I do not believe the words mentioned are necessary. I do not believe it is necessary to construct any hotels there. I do know that in the development of the hearings before the committee it was apparent that at the very outside not more than $30,000 would be expended from Alaska Railroad funds to carry out the purposes of this bill.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman.

Mr. TABER. On page 2, line 19, the words "or sell" appear to be inserted by way of a committee amendment. Does that mean you are going to buy and sell automobiles up there? That is what the language would indicate.

Mr. GREEN. I do not yield any further. The gentleman did not yield to me, although I was trying to offer some helpful suggestions. The committee has adopted an amendment to offer to the bill including the words "or sell," so that the Government can resell this property if it so desires.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield.

Mr. RAYBURN. Is not that language necessary with respect to obsolete equipment, so that the Government may have authority to sell in order to salvage something out of such equipment?

Mr. GREEN. The committee has such an amendment and will offer it.

Mr. Chairman, I do not believe there is any disposition on the part of even the minority Members of the House to hobble the development of the Territory of Alaska. I have viewed with much alarm the votes of some of my colleagues on the floor here with respect to huge appropriations for buildings in the District of Columbia and at other places in the country. I recall under the administration of President Hoover there was an authorization of some $17,000,000 for one building in the District of Columbia. Since that time other buildings have been constructed here and funds have been appropriated for T. V. A., for Federal buildings of all kinds, for flood control, for battleships, and for Army and Navy expansion in general, as well as for agriculture and other various and sundry causes. I have voted for them as you gentlemen have. Now, do you not owe an obligation to your ward which is the Territory of Alaska, and do you owe it any less business prudence than the mother government simply because it happens to be over there by the Orient? Did you vote against the appropriation to put a naval air base there? Have you voted against the development of its rivers and harbors and against its other public constructions? Would you be willing now to vote to abolish the railway in Alaska and not have one there or to withhold from them the funds that are needed from the mother government?

I am quite surprised that some of you would refuse $30,000 when this money will enable a Federal facility there to help pay some of the deficit which that Federal facility is now inflicting on the Government. I do not understand your philosophy, gentlemen. I do not understand why some of you are not willing to have a comfortable little shack in Mount McKinley where a tourist may sleep, if he desires, rather than to pay a large sum to some private individual to sleep under a little tent. Would you want the American citizens from continental United States to go to Alaska and ride in a bus which is not roadworthy? Would it not be better business for them to ride in a bus owned by the Government, if necessary, in order to have adequate service?

I cannot quite understand the attack which some of my colleagues are launching against this bill. I have no personal interest in this bill. The committee has made careful study and has reported it favorably.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Can the gentleman as chairman of the committee advise us what he believes or understands the authorization in terms of money means?

Mr. GREEN. Approximately, $30,000—not more than that. I would have no objection individually, not as chairman of the committee, to the amount to be expended being limited to $30,000.

Mr. KEEFE. For all purposes?

Mr. GREEN. There is no bugaboo or anything of that sort involved in this bill, as some of my colleagues have heretofore mentioned.

Now, I was surprised when the New Deal was brought into this matter and to see the third term brought in, and, believe it or not, the gentleman from Michigan, Brother HOFFMAN, is going to have the same President for 4 years and 10 months more, whether he wants him or not. [Applause.]

Mr. McCORMACK and Mr. HOFFMAN rose.

Mr. GREEN. I yield, first, to the gentleman from Massachusetts.

Mr. McCORMACK. What I was going to suggest was in line with the suggestion made by the gentleman from Texas [Mr. RAYBURN] with respect to the words "or hereafter" in the proviso. If a point of order would lie—and of course no one can tell how the Chair would rule—it seems to me there would be considerable logic behind such a point of order, and why would it not be advisable for the gentleman, under the circumstances, to tell the Committee that he himself will offer an amendment striking out the words "or hereafter"? I think that might tend to clarify the situation, and then let someone else offer an amendment relating to the hotel and then, if someone else wants to offer an amendment limiting the amount to $30,000, which the gentleman states he will personally support, let him do that. I can see the position of the gentleman on the last two amendments, but with respect to the other amendment, if a point of order is made, that provision will almost certainly be stricken out, and it would seem to me advisable for the gentleman, as Chairman of the Committee, or in his individual capacity as a Member, to offer an amendment to strike out the words "or hereafter," and to advise the Committee that he intends to do that.

Mr. GREEN. I shall, if recognized by the Chair, as an individual Member, offer such an amendment.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. All right, although the gentleman did not yield to me.

Mr. HOFFMAN. Maybe I did not see you, I am sorry—I yield now.

Mr. GREEN. Proceed.

Mr. HOFFMAN. I understood the gentleman to say that we are going to have a third term whether we like it or not. Now will the gentleman tell me this? These two terms having cost us a deficit of $25,000,000,000, how much is this third one going to cost us?

Mr. GREEN. It is obvious that the present occupant of the White House will be called to serve our Nation during this critical period. You can call it a third time, if you desire, or you can call it 4 years more.

Mr. HOFFMAN. What is it going to cost?

Mr. GREEN. The income of the American people has increased from the Republican figure in 1932 of about $38,000,000,000 or $40,000,000,000 to the Democratic management income of seventy-odd-billion dollars annually now. This has strengthened America economically. The people are as strong

as the Government and the Government is as strong as the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate hotels, lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions now or hereafter imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper: *Provided further*, That out of the revenues from and the appropriations for the Alaska Railroad, there is authorized to be used such amount thereof as may be necessary for the purchase of the property of the Mount McKinley Tourist & Transportation Co. and the purchase, construction, operation, and maintenance of the facilities for the public as herein authorized."

Mr. DIRKSEN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. I make the point of order against the entire bill on the ground that the provisions beginning in line 23, on page 2, are in contravention of the rule prohibiting appropriations in a bill for legislative purposes.

Mr. GREEN. Mr. Chairman, I concede the point of order and desire to offer an amendment.

Mr. TABER. But, Mr. Chairman, under the point of order the bill goes out.

Mr. RAYBURN. Oh, no; it does not go out. The enacting clause is still there, and anyone has authority to offer any amendment that he desires under the rules of the House.

The CHAIRMAN. The Chair is prepared to rule.

This provision comes under clause 4 of rule XXI, which, in effect, prohibits appropriations being made by committees not having jurisdiction over appropriations. Beginning with line 23 on page 2 of the bill provision is made for an appropriation. Therefore, the point of order is sustained.

Mr. GREEN. Mr. Chairman, I offer the following amendment which I send to the desk.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN: Insert after the enacting clause the following:

"That section 1 of the act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"'That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper.'"

Mr. TABER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TABER. It constitutes an appropriation of the funds necessary to carry on that activity. There is nothing to say that the funds are authorized to be appropriated, but the President is authorized to go ahead and construct and reconstruct structures, and to purchase, on such terms as he may deem proper, personal property. There is no requirement that an appropriation be first made, nor is an authorization required. In effect, it constitutes an appropriation to cover the whole proposition, and I make the point of order against it.

Mr. RAYBURN. Mr. Chairman, the gentleman from New York [Mr. TABER] is clearly in error. This is an authorization because it says that the President is authorized to do these things. He cannot do these things unless the Congress appropriates the money to do it. Clearly, when the bill provides that the President is authorized to do these things, when he has no money with which to do them, it contemplates that an appropriation must be made before the authorization can be carried out.

Mr. TABER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be very glad to have full light on the subject.

Mr. TABER. Mr. Chairman, the amendment provides that the President is authorized and empowered, through such agencies as he may designate, to construct, and so forth. The bill does not say that there is an authorization to appropriate sums for that purpose, but he is authorized to go ahead and do the job, and that necessarily carries with it an appropriation of the funds with which to do the job, and it is not limited in any way. It is not an authorization, but it is a direction to do certain things.

Mr. RAYBURN. Mr. Chairman, further replying to the gentleman from New York [Mr. TABER] rarely is a bill passed through the Congress that does not authorize the President, some board, some commission, or some administrator to do some thing; authorize them to make rules and regulations; authorize them to put into effect a certain law; authorize them to employ experts; authorize them to employ attorneys; and authorize them to employ stenographers, typists, and so forth; but there is no appropriation in it, and it is contemplated that the Congress intends to make an appropriation or it would not have passed the law. The whole bill, as suggested to me by the gentleman from Tennessee [Mr. COOPER] is an authorization, pure and simple.

The CHAIRMAN (Mr. ROBERTSON). The Chair is prepared to rule. As the Chair understood this bill, it could have been divided into two parts, and clearly that was the intention of the patron of the bill. The first part outlined the scope of the measure. The second part, beginning with line 22, carried an appropriation to carry out the purposes of the first part of the bill.

The Chair has sustained a point of order against the appropriation. We now have in effect in the pending amendment what was left of the bill without the appropriation. The Chair is of the opinion that the amendment is merely an authorization, and overrules the point of order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin to the amendment offered by Mr. GREEN: Page 2, lines 12 and 18, after the words "motor-propelled", insert "and reindeer-pulled."

After the word "proper", in line 22, page 2, insert "and also to use the reindeer, heretofore acquired by the United States Government, to provide transportation, steaks, milk, and sleigh-pullers for visitors to the park."

[Laughter.]

Mr. GREEN. Mr. Chairman, a point of order. The amendment is not germane. The bill has nothing to do with reindeer. The amendment is not germane.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would like to be heard on the point of order.

My amendment is germane to the pending Green amendment, which provides for a raid on our almost bankrupt Federal Treasury of an unlimited sum, which can amount to several million dollars to build hotels and other structures. Under the authorization our Federal Government bureaucrats can build hotels costing many million dollars, such as the Mayflower and the Willard. The amendment offered by the gentleman from Florida [Mr. GREEN] also provides that the Government shall purchase vehicles, and I respectfully suggest that a reindeer-pulled vehicle is a vehicle just the same as a motor-propelled vehicle, and my amendment is germane under the rules of the House.

The CHAIRMAN (Mr. ROBERTSON). The Chair is prepared to rule.

The Chair overrules the point of order. [Applause and laughter.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, this is a perfecting amendment which should be incorporated if this bill is to be passed. I believe, however, that this bill which provides for an unwarranted and unlimited raid on the Public Treasury should not pass.

Mr. Chairman, our national debt has now passed the staggering and stupendous sum of $42,000,000,000, in addition to about $8,000,000,000 of obligations which our Federal Government has guaranteed. For many years our Federal Government has been operating with a huge annual deficit of several billion dollars. The history of the governments of the world reveals that no government can continue a loose fiscal policy, such as has been followed by the New Deal for 7 long years, without soon being plunged into bankruptcy, with resulting devastating inflation, and misery, suffering, distress, and despair, second only to the results of a major war of invasion.

I am surprised to find none of our New Deal economy spokesmen raising their voices against this unlimited raid on the Public Treasury to put the Government into the hotel, lodge, resort, and transportation business in Alaska.

The gentleman from Mississippi [Mr. RANKIN], in citing statistics the other day, clearly demonstrated that local municipalities can develop electrical energy at a much lower cost than Uncle Sam can under his extensive and expensive T. V. A. power authority. Uncle Sam should stay out of all fields of legitimate private business. I am, therefore, opposed to this bill, which will raid our almost bankrupt Federal Treasury for an unlimited amount in order to put Uncle Sam in the hotel, resort, and transportation business in Alaska. Mr. Chairman, although we now have more than 10,000,000 of our people who are out of a job, who want a job, and who cannot find a job, we find our New Deal brethren reducing W. P. A. expenditures, in the name of economy, and cutting down expenditures for our distressed farmers in the name of economy. How will you explain to the distressed American people that you were willing to use the economy ax on them while voting unlimited funds for a New Deal bureaucrat to erect hotels, lodges, and resorts and provide transportation for the economic royalists who are able to pay as high as $25 for a sightseeing trip in a park in Alaska?

Mr. Chairman, this bill and the $1,000,000 Alaska reindeer raid on the Public Treasury which was made in the first session of this Congress certainly take the American people for a sleigh ride. If this bill is to pass, it is therefore fitting to adopt my amendment so that Uncle Sam can utilize the reindeer which he has purchased for a million dollars, and purchase a few sleighs for them to pull instead of spending many thousand dollars for motor-propelled vehicles.

Mr. Chairman, the New Deal has established a reputation for being a Santa Claus administration. The New Deal has used about a million dollars of the American taxpayers' money to purchase reindeer in Alaska. This bill proposes to spend more millions to build and operate hotels and carry on other resort activities in Alaska. My amendment merely proposes to permit the purchase of a few sleighs and the use of the reindeer. The New Deal apparently wants to play Santa Claus in a big way in Alaska. Adopt my amendment and you will have a hotel, sleigh, and reindeer for Santa Claus in Alaska as an everlasting monument to our New Deal Santa Claus brethren.

Mr. Chairman, we read in Holy Writ, "Wherefore by their fruits ye shall know them." When the roll is called on the final passage of this bill the distressed and overburdened taxpayers of America will know all of those who want Uncle Sam to play Santa Claus in a big way in Alaska at their expense. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment to the amendment close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DIRKSEN. Mr. Chairman, I object. I would like about 2 minutes.

Mr. GREEN. I ask unanimous consent that all debate on this amendment to the amendment close in 3 minutes.

The CHAIRMAN. Is there objection.

Mr. KEEFE. Which amendment is the gentleman referring to?

Mr. TABER. There are other amendments to the amendment to be offered later.

Mr. GREEN. I am referring only to this amendment to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DIRKSEN. The word "hotel," was stricken from the bill, Mr. Chairman, by the original amendment, but there still remain the words "structures or lodges," and I think with that language carried in the bill there still would be authority for the use of money to erect permanent structures. That is all I have to say.

The CHAIRMAN. Does the gentleman from Florida desire to be recognized?

Mr. GREEN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida is recognized for 2 minutes.

Mr. GREEN. Mr. Chairman, the gentleman from Illinois has properly said that by the amendment I offered the word "hotel" was stricken from the bill.

The amendment offered by the gentleman from Wisconsin is altogether unnecessary and was offered, I think, by way of ridicule. I do not see any good purpose it would serve if adopted. I therefore ask that the amendment to the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin and Mr. MAGNUSON) there were—ayes 54, noes 74.

So the amendment was rejected.

Mr. JONES of Ohio. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Ohio to the amendment offered by Mr. GREEN: On page 2, line 3, after the words "to construct", strike out all down to and including the word "thereto" in line 5.

Mr. JONES of Ohio. Mr. Chairman, this will do precisely what I think the majority leader said he wanted done; that was to cut out of the bill the provision that would empower the Interior Department to construct, maintain, or operate hotels, lodges, other structures, and appurtenances incident thereto.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. RAYBURN. The majority leader did not say that at all.

Mr. JONES of Ohio. If I misunderstood or misinterpreted what the gentleman said I apologize.

Mr. RAYBURN. What I said was that an amendment ought to be offered striking out the word "hotel" so as not to authorize the construction of hotels. But lodges and other structures I think are necessary.

Mr. JONES of Ohio. I thank the majority leader. I am sorry I misunderstood him.

Certainly this Congress does not want to go on record as authorizing the Department of the Interior to construct or reconstruct buildings and lodges that do not now exist and for which there is no present demand.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. RICH. What difference does it make whether a building that houses people who come to the park is called a hotel or a lodge?

Mr. JONES of Ohio. I am sure I cannot see any difference between the two.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. MOTT. If the gentleman's amendment is adopted what would the Secretary of the Interior be authorized to do under the bill?

Mr. JONES of Ohio. It would leave in the bill authorization to purchase equipment.

Mr. MOTT. Including lodges?

Mr. JONES of Ohio. Whatever present equipment is there.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. DONDERO. If the bill were amended limiting the authorization thereunder to $30,000 or $35,000, would that meet some of the objection that is based on the ground of unlimited authorization?

Mr. JONES of Ohio. It would be an improvement over the present bill. It would still be a bad bill and ought to be defeated.

Mr. GREEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the bill close in 10 minutes.

Mr. TABER. Mr. Chairman, reserving the right to object, we ought to have at least 20 minutes, for there are several amendments to be offered. I have one amendment which I think will take some time, and I understand the gentleman from Wisconsin has an amendment.

Mr. GREEN. Mr. Chairman, I modify my request to make the time 25 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on amendments to the bill close in 25 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. JONES of Ohio) there were—ayes 59, noes 70.

So the amendment was rejected.

Mr. KEEFE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEEFE to the amendment offered by Mr. GREEN: Page 1, line 10, after the word "Alaska", insert "There is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of $30,000 and."

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. KEEFE. Mr. Chairman, it will be recalled that on two occasions I asked the proponents of this bill, including the chairman, what authorization was expected to be provided for if this bill was passed. I was told by the chairman of the committee that it was expected there would not be over $30,000 involved in the bill. Therefore I have offered an amendment to cure the suspicions of Members of this House that perhaps there may be an unlimited authority if the amendment is not included.

I have offered an amendment very clearly in line with the suggestion made by the chairman of the committee, that he himself would have no objection if the authorization provided in this bill were limited to $30,000. It seems to me if the authorization is so limited a great many of the fears and apprehensions of Members of Congress will be done away with, because under the bill and under the amendment offered by the gentleman from Florida [Mr. GREEN] there appears to be no limitation at all, and we simply have to accept the word of the gentlemen of the committee that it is not contemplated the Government shall build lodges and maintain and operate other structures and appurtenances up there which may cost a very much larger sum than the gentleman indicated was involved in this bill.

Mr. GREEN. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Florida.

Mr. GREEN. I stated on the floor earlier in the afternoon I would not oppose an amendment of this kind, but I have talked with some of the Members and I do not know whether $30,000 will cover it or not. I believe it will, but in justice to the department having jurisdiction, I think the gentleman should raise the figure set forth in his amendment. I would suggest he raise it to $40,000 or $50,000.

Mr. KEEFE. Mr. Chairman, I took the gentleman at his word. He is chairman of the committee, and he stated that he expected $30,000 would be sufficient. Certainly if the chairman of the committee does not know what is involved in this authorization, I am certain that Members of Congress who are not members of that committee are not in position to say. It seems to me, in view of what has been claimed, that an authorization of $30,000 ought to be adequate and sufficient to take care of the situation up there.

Mr. McCORMACK. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. It seems to me that there is only a small difference involved. My suggestion to the chairman is that the amendment of the gentleman from Wisconsin be accepted, and if it has to be raised a little, that can be taken care of in the Senate.

Mr. KEEFE. Yes. I have no objection to that. All I am interested in is seeing to it that this unlimited authority as provided by the amendment offered by the gentleman from Florida is not carried into this bill and that we as Members of Congress put some limitation upon this authority. My amendment accepts the position of the chairman of the committee in reference to what he thought the limitation should be, and I think the amendment should be unanimously supported.

Mr. MAGNUSON. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Washington.

Mr. MAGNUSON. Of course, we have no objection to the first figure, although the amount has never been quite determined. Our rough estimate is about $30,000. This bill has passed the Senate and the matter will go to conference anyway and can be worked out. The gentleman, in offering an amendment limiting this bill, knows that if there is any money to be expended it has to go through the Appropriations Committee.

Mr. KEEFE. I understand it has to go before the Appropriations Committee ultimately, but I may say from my brief experience as a member of the Appropriations Committee that it has often been contended when Congress has acted on an authorization that that fact alone should have a powerful influence on the Appropriations Committee to make an appropriation for the amount authorized. That is why I would like to have this limitation put in.

Mr. DIMOND. Will the gentleman yield?

Mr. KEEFE. I yield to the Delegate from Alaska.

Mr. DIMOND. I think there has been some confusion as to the amount of $30,000. The only time I heard $30,000 mentioned in the hearings on this bill was in the testimony of Governor Gruening, of Alaska, when he was asked as to the possible value of the property to be purchased of the Mount McKinley Tourist & Transportation Co., and he said, as I now

recall, that it would, in his judgment, be about $30,000. That $30,000 mentioned in the hearings did not take into consideration at all the cost of any lodges or structures of any kind for the accommodation of visitors to Mount McKinley National Park.

Mr. KEEFE. May I suggest to the gentleman, it seems to me, in view of that statement, if it be the fact, the whole bill ought to be sent back to the committee and then that committee report something that we can understand.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KEEFE] to the amendment offered by the gentleman from Florida [Mr. GREEN].

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 81, noes 54.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GREEN], as amended.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 95, noes 43.

So the amendment was agreed to.

Mr. GREEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBERTSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, had directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. GREEN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. JONES of Ohio) there were—ayes 106, noes 81.

Mr. DWORSHAK. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Obviously there is not a quorum present.

The Doorkeeper will close the doors; the Sergeant at Arms will notify the absent Members; and the Clerk will call the roll.

The question was taken; and there were—yeas 173, nays 170, not voting 86, as follows:

[Roll No. 39]

YEAS—173

Allen, Pa.	Claypool	Eberharter	Harrington
Anderson, Mo.	Cochran	Edelstein	Hart
Angell	Coffee, Wash.	Edmiston	Harter, Ohio
Beam	Cole, Md.	Ellis	Havenner
Beckworth	Cooper	Evans	Healey
Bell	Cox	Fernandez	Hendricks
Bland	Crosser	Fitzpatrick	Hennings
Bloom	Crowe	Flaherty	Hill
Bradley, Pa.	Cullen	Flannagan	Hook
Brewster	D'Alesandro	Flannery	Houston
Brown, Ga.	Darden	Ford, Leland M.	Hunter
Bryson	Davis	Ford, Thomas F.	Izac
Buckler, Minn.	Delaney	Gathings	Jacobsen
Burch	Dempsey	Gearhart	Jarman
Burdick	Dickstein	Geyer, Calif.	Johnson, Luther A.
Byron	Dingell	Gibbs	Johnson, Lyndon
Camp	Dondero	Gore	Johnson, Okla.
Cannon, Fla.	Doxey	Gossett	Kee
Cartwright	Drewry	Grant, Ala.	Kefauver
Celler	Duncan	Green	Keller
Chapman	Dunn	Gregory	Kennedy, Martin
Kennedy, Md.	May	Randolph	Spence
Keogh	Mills, Ark.	Rayburn	Sutphin
Kerr	Mills, La.	Richards	Sweeney
Kirwan	Monroney	Robertson	Tarver
Kocialkowski	Mott	Robinson, Utah	Tenerowicz
Larrabee	Murdock, Ariz.	Romjue	Thomas, Tex.
Lea	Murdock, Utah	Sacks	Thomason
Leavy	Myers	Sasscer	Tolan
Lesinski	Nelson	Schaefer, Ill.	Vinson, Ga.
Lewis, Colo.	Nichols	Schuetz	Voorhis, Calif.
Luce	Norton	Schulte	Walter
Lynch	O'Connor	Schwert	Ward
McAndrews	O'Day	Scrugham	Warren
McCormack	Oliver	Secrest	Weaver
McGranery	Parsons	Seger	Welch
McKeough	Patman	Shanley	Whelchel
McLaughlin	Patrick	Sheppard	White, Idaho
McMillan, Clara G.	Patton	Sheridan	Williams, Mo.
McMillan, John L.	Peterson, Fla.	Smith, Conn.	Woodrum, Va.
Magnuson	Pierce	Smith, Wash.	Zimmerman
Mahon	Ponge	Snyder	
Marcantonio	Rabaut	South	
Massingale	Ramspeck	Sparkman	

NAYS—170

Alexander	Elliott	Kean	Robsion, Ky.
Allen, Ill.	Engel	Keefe	Rockefeller
Allen, La.	Englebright	Kilburn	Rodgers, Pa.
Andersen, H. Carl	Fenton	Kilday	Rogers, Mass.
Anderson, Calif.	Fish	Kinzer	Rogers, Okla.
Arends	Folger	Kitchens	Rutherford
Arnold	Ford, Miss.	Kunkel	Sandager
Austin	Fulmer	Lambertson	Schafer, Wis.
Ball	Gamble	Landis	Schiffler
Bates, Mass.	Gartner	Lanham	Seccombe
Bender	Gerlach	LeCompte	Shafer, Mich.
Blackney	Gilchrist	Lewis, Ohio	Short
Boehne	Gillie	Ludlow	Simpson
Bolton	Graham	McDowell	Smith, Maine
Boren	Grant, Ind.	McGehee	Smith, Ohio
Bradley, Mich.	Griffith	McGregor	Springer
Brooks	Gross	McLeod	Stefan
Brown, Ohio	Guyer, Kans.	Maas	Sumner, Ill.
Bulwinkle	Gwynne	Marshall	Sumners, Tex.
Burgin	Hall, Edwin A.	Martin, Iowa	Taber
Byrns, Tenn.	Hall, Leonard W.	Martin, Mass.	Talle
Cannon, Mo.	Halleck	Mason	Terry
Carlson	Hancock	Michener	Thill
Carter	Harness	Monkiewicz	Thomas, N. J.
Chiperfield	Harter, N. Y.	Moser	Thorkelson
Church	Hartley	Mundt	Tibbott
Clason	Hawks	Murray	Tinkham
Clevenger	Hinshaw	Norrell	Treadway
Cluett	Hobbs	O'Brien	Van Zandt
Coffee, Nebr.	Hoffman	O'Neal	Vincent, Ky.
Cole, N. Y.	Holmes	Osmers	Vorys, Ohio
Collins	Hope	Pace	Vreeland
Colmer	Horton	Pearson	Wadsworth
Corbett	Jeffries	Plumley	Whittington
Costello	Jenkins, Ohio	Polk	Wigglesworth
Cravens	Jenks, N. H.	Powers	Williams, Del.
Crawford	Jennings	Rankin	Winter
Culkin	Jensen	Reece, Tenn.	Wolcott
Curtis	Johnson, Ill.	Reed, Ill.	Wolfenden, Pa.
Dirksen	Johnson, Ind.	Reed, N. Y.	Wolverton, N. J.
Disney	Johnson, W. Va.	Rees, Kans.	Woodruff, Mich.
Durham	Jones, Ohio	Rich	
Dworshak	Jonkman	Risk	

NOT VOTING—86

Andresen, A. H.	Cummings	Jones, Tex.	Routzohn
Andrews	Darrow	Kelly	Ryan
Barden	DeRouen	Kennedy, Michael	Sabath
Barnes	Dies	Kleberg	Satterfield
Barry	Ditter	Knutson	Shannon
Barton	Doughton	Kramer	Smith, Ill.
Bates, Ky.	Douglas	Lemke	Smith, Va.
Boland	Eaton	McArdle	Smith, W. Va.
Bolles	Elston	McLean	Somers, N. Y.
Boykin	Faddis	Maciejewski	Starnes, Ala.
Buck	Fay	Maloney	Steagall
Buckley, N. Y.	Ferguson	Mansfield	Stearns, N. H.
Byrne, N. Y.	Fries	Martin, Ill.	Sullivan
Caldwell	Garrett	Merritt	Taylor
Case, S. Dak.	Gavagan	Miller	Wallgren
Casey, Mass.	Gehrmann	Mitchell	West
Clark	Gifford	Mouton	Wheat
Connery	Hare	O'Leary	White, Ohio
Cooley	Hess	O'Toole	Wood
Courtney	Hull	Peterson, Ga.	Youngdahl
Creal	Jarrett	Pfeifer	
Crowther	Johns	Pittenger	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Toole (for) with Mr. Pittenger (against).
Mr. Casey of Massachusetts (for) with Mr. Douglas (against).
Mr. Sullivan (for) with Mr. McLean (against).
Mr. Ferguson (for) with Mr. Hull (against).
Mr. Somers of New York (for) with Mr. Darrow (against).
Mr. Creal (for) with Mr. Hess (against).
Mr. Pfeifer (for) with Mr. Hare (against).

Mr. Barnes (for) with Mr. Ditter (against).
Mr. Gavagan (for) with Mr. Jarrett (against).
Mr. Maciejewski (for) with Mr. Wheat (against).
Mr. Michael J. Kennedy (for) with Mr. Eaton (against).
Mr. Maloney (for) with Mr. White of Ohio (against).
Mr. O'Leary (for) with Mr. Youngdahl (against).
Mr. Fay (for) with Mr. Stearns of New Hampshire (against).

General pairs:

Mr. Doughton with Mr. Gifford.
Mr. Mansfield with Mr. Barton.
Mr. Satterfield with Mr. Knutson.
Mr. Cooley with Mr. Elston.
Mr. Caldwell with Mr. August H. Andresen.
Mr. Boland with Mr. Bolles.
Mr. Kleberg with Mr. Miller.
Mr. West with Mr. Case of South Dakota.
Mr. Jones of Texas with Mr. Andrews.
Mr. Steagall with Mr. Gehrmann.
Mr. Barry with Mr. Crowther.
Mr. Merritt with Lemke.
Mr. Smith of Virginia with Mr. Routzohn.
Mr. Starnes of Alabama with Mr. Johns.
Mr. Taylor with Mr. Courtney.
Mr. Wood with Mr. Byrne of New York.
Mr. Wallgren with Mr. Garrett.
Mr. Kramer with Mr. Ryan.
Mr. Faddis with Mr. Buck.
Mr. Barden with Mr. McArdle.
Mr. Martin of Illinois with Mr. Connery.
Mr. Boykin with Mr. Kelly.
Mr. Sabath with Mr. Cummings.
Mr. Smith of Illinois with Mr. DeRouen.
Mr. Fries with Mr. Smith of West Virginia.
Mr. Dies with Mr. Shannon.
Mr. Bates of Kentucky with Mr. Mouton.
Mr. Peterson of Georgia with Mr. Clark.

Mr. SECREST changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will continue the call of committees.

Mr. RAYBURN (after the Committee on Mines and Mining was called). Mr. Speaker, I ask unanimous consent that further proceedings under the call of committees may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. MANSFIELD (at the request of Mr. LUTHER A. JOHNSON), for 10 days, on account of illness.

To Mr. STARNES of Alabama (at the request of Mr. HOBBS), indefinitely, on account of official business necessitating his personal presence in his district.

To Mr. PETERSON of Georgia, for the remainder of the week, on account of official business.

EXTENSION OF REMARKS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the bill just passed, and include therein certain quotations.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole on the bill just passed and include therein short excerpts.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an extract from the Hungarian Society and another from the New York Times.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Association of Retired Railway Employees on the Wheeler-Lea bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that in the extension of my remarks yesterday on the Interior Department appropriation bill I may include excerpts from the Annual Report of the Governor of the Virgin Islands, excerpts from the Budget of the Philippine Islands, excerpts from the hearings on H. R. 4773, and a copy of correspondence received from the legislative representative of the Virgin Islands.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial which appeared in the Ohio State Journal of March 5.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Fort Wayne News-Sentinel on Mad Anthony Wayne.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole this afternoon, and I also ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a speech by Hon. ROBERT A. TAFT.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1785. An act to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 263. An act for the relief of George R. Morris;

S. 538. An act for the relief of certain purchasers of lots in Harding town site, Florida;

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2157. An act for the relief of George H. Eiswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the Finance Department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam-site and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;

S. 2973. An act for the relief of Inez Gillespie;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Thursday, March 7, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 7, 1940:

H. R. 6321, to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

This bill was previously referred to the Committee on Ways and Means, but under date of February 26 it was rereferred to this committee.

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 o'clock a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 o'clock a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Thursday, April 4, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, April 4, 1940, at 10 o'clock a. m. on the following bill: H. R. 7637, relative to liability of vessels in collision.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 13, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States," and for other purposes.

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1430. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000 (H. Doc. No. 650); to the Committee on Appropriations and ordered to be printed.

1431. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939; to the Committee on Claims.

1432. A letter from the Secretary of the Interior, chairman of the Migratory Bird Conservation Commission, transmitting the report of the Migratory Bird Conservation Commission for the fiscal year ended June 30, 1939 (H. Doc. No. 651); to the Committee on Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MURDOCK of Arizona: Committee on Irrigation and Reclamation. H. R. 8498. A bill to authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in 20 annual installments, and for other purposes; with amendment (Rept. No. 1712). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. H. R. 8642. A bill to establish and promote the use of standard methods of grading cottonseed, to provide for the collection and dissemination of information on prices and grades of cottonseed and cottonseed products, and for other purposes; without amendment (Rept. No. 1713). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LUTHER A. JOHNSON: Committee on Foreign Affairs. H. R. 8530. A bill for the relief of Esther Cottingham Grab; without amendment (Rept. No. 1714). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3738) for the relief of Willard Twitchell; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8707) for the relief of William T. J. Ryan; Committee on Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RANDOLPH:

H. R. 8788. A bill to provide for the creation of the Harpers Ferry National Historical Park, in the States of West Virgina, Maryland, and Virginia, and for other purposes; to the Committee on the Public Lands.

By Mr. BUCKLER of Minnesota:

H. R. 8789. A bill for the benefit of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. DURHAM:

H. R. 8790. A bill to provide for the transmission of postal cards by air mail; to the Committee on the Post Office and Post Roads.

By Mr. HEALEY:

H. R. 8791. A bill to amend the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended; to the Committee on Agriculture.

By Mr. RANDOLPH:

H. R. 8792. A bill to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department; to the Committee on the District of Columbia.

H. R. 8793. A bill to provide for the regulation of the business of fire, marine, casualty, and title insurance, and for other purposes; to the Committee on the District of Columbia.

By Mr. THILL:

H. R. 8794. A bill to allow certain credits against the income of individuals for income-tax purposes; to the Committee on Ways and Means.

By Mr. COOLEY:

H. R. 8795. A bill to reduce interest rates on loans on veterans' life insurance; to the Committee on World War Veterans' Legislation.

By Mr. EDWIN A. HALL:

H. R. 8796. A bill to divest certain activities of their interstate character; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 8797 (by request). A bill to amend the National Defense Act, and for other purposes; to the Committee on Military Affairs.

H. R. 8798. A bill to prevent retardation in promotion and in pay and allowances of permanent professors of the United States Military Academy appointed by the President from the commissioned officers of the Regular Army; to the Committee on Military Affairs.

By Mr. SECCOMBE:

H. R. 8799. A bill to provide for the repair and preservation of the McKinley Memorial in the State of Ohio; to the Committee on the Library.

By Mr. TOLAN:

H. R. 8800. A bill to provide for grants to the States for needy disabled adults; to the Committee on Ways and Means.

By Mr. DEROUEN:

H. R. 8801 (by request). A bill to amend section 3 of title 43 of the United States Code; to the Committee on the Public Lands.

By Mr. HEALEY:

H. Res. 413. Resolution for the investigation of the American fishing industry; to the Committee on Rules.

By Mr. RANKIN:

H. Res. 414. Resolution authorizing the printing of the National Electric Rate Book, published by the Federal Power Commission, as a House document; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIES:

H. R. 8802. A bill for the relief of Charles W. Coleman; to the Committee on Military Affairs.

H. R. 8803. A bill for the relief of A. A. Martinez; to the Committee on Claims.

By Mr. LELAND M. FORD:

H. R. 8804. A bill for the relief of Sgt. J. D. Davis; to the Committee on War Claims.

H. R. 8805. A bill for the relief of Robert Clyde Scott; to the Committee on Military Affairs.

By Mr. GORE:

H. R. 8806. A bill authorizing the President of the United States to appoint Sgt. Alvin C. York as a colonel in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

By Mr. JOHNSON of Oklahoma:

H. R. 8807. A bill for the relief of Thomas J. Morris; to the Committee on Claims.

By Mr. JOHNSON of West Virginia:

H. R. 8808. A bill for the relief of J. W. and Robert W. Gillespie; to the Committee on Claims.

By Mr. KENNEDY of Maryland:

H. R. 8809 (by request). A bill for the relief of Capt. Thomas R. Clark; to the Committee on Claims.

By Mr. McLAUGHLIN:

H. R. 8810. A bill for the relief of Daisy Fitzpatrick; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 8811. A bill granting a pension to L. A. Ragan; to the Committee on Invalid Pensions.

By Mr. WALTER:

H. R. 8812. A bill granting jurisdiction to the Court of Claims to hear, determine, and render judgment upon certain claims arising out of the acquisition by the United States of seven Austrian merchant vessels; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6806. By Mr. BOLLES: Petition of sundry citizens of Janesville, Wis., favoring the passage of the Neely bill (S. 280) to stop compulsory block booking; to the Committee on Interstate and Foreign Commerce.

6807. Also, petition of sundry citizens of Monroe and Racine, Wis., supporting the Federal chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6808. By Mr. GAVAGAN: Petition of the United Irish-American Societies of New York, opposing the adoption of the proposed St. Lawrence Waterway treaty; to the Committee on Foreign Affairs.

6809. By Mr. LUTHER A. JOHNSON: Petition of J. D. Martin, Jr., secretary-treasurer of the Texas Hardware and Implement Association, Bryan, Tex., favoring House bill 8045, providing for an amendment to the Fair Labor Standards Act; to the Committee on Labor.

6810. By Mr. MARTIN J. KENNEDY: Petition of the New York State Federation of Women's Clubs of Mount Morris, N. Y., expressing opposition to the St. Lawrence seaway project; to the Committee on Interstate and Foreign Commerce.

6811. By Mr. KEOGH: Petition of the Rugby Masonic Club, No. 771, Brooklyn, N. Y., protesting against importation of refined sugar from the Tropics, thereby protecting the jobs of the Brooklyn sugar-refinery workers; to the Committee on Foreign Affairs.

6812. Also, petition of the Ladies Auxiliary of the Rugby Masonic Club, Brooklyn, N. Y., protesting against the importation of refined sugar from the Tropics, thereby protecting the jobs of the Brooklyn sugar-refinery workers; to the Committee on Foreign Affairs.

6813. Also, petition of the National Woman's Party, Industrial Council, New York City committee, concerning the equal-rights amendment to the Constitution; to the Committee on the Judiciary.

6814. By Mr. RICH: Petition of sundry citizens of Bradford, Pa., protesting against the shipment of war supplies to Japan; to the Committee on Foreign Affairs.

6815. By Mr. TENEROWICZ: Resolutions adopted at a mass meeting under auspices of Rochester Polish Relief Committee, protesting against the conduct of the German and Russian Governments in Polish territories now administered by them; to the Committee on Foreign Affairs.

6816. By the SPEAKER: Petition of the New York State Waterways Association, Inc., Albany, N. Y., petitioning consideration of their resolution with reference to the St. Lawrence seaway and power project at Albany, N. Y.; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MARCH 7, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Edward H. Pruden, D. D., pastor of the First Baptist Church, Washington, D. C., offered the following prayer:

Our Father, we thank Thee that Thou art the God of our fathers and our God, and, even as Thou didst lead them in the days that are gone, Thou wilt lead us today in the midst of a world so much in need of the spirit of the Prince of Peace. We pray Thee that we may do our utmost to make that spirit a reality in the hearts of men. May Thy spirit guide and direct us in all things. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 6, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 4368) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 263. An act for the relief of George R. Morris;

S. 538. An act for the relief of certain purchasers of lots in Harding town site, Florida;

S. 2157. An act for the relief of George H. Elswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;

S. 2973. An act for the relief of Inez Gillespie; and

S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwellenbach
Andrews	Frazier	Lodge	Shipstead
Ashurst	Gerry	Lucas	Slattery
Austin	Gibson	McCarran	Smathers
Bailey	Gillette	McKellar	Smith
Bankhead	Glass	McNary	Stewart
Barbour	Green	Maloney	Taft
Barkley	Guffey	Mead	Thomas, Idaho
Bilbo	Gurney	Miller	Thomas, Okla.
Brown	Hale	Minton	Thomas, Utah
Bulow	Harrison	Murray	Tobey
Byrd	Hatch	Neely	Townsend
Byrnes	Hayden	Norris	Truman
Capper	Herring	Nye	Tydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Van Nuys
Clark, Idaho	Holt	Pepper	Wagner
Clark, Mo.	Hughes	Pittman	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	
Davis	King	Russell	
Downey	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Minnesota [Mr. LUNDEEN], and the Senator from Texas [Mr. SHEPPARD] are detained on important public business.

The Senator from Ohio [Mr. DONAHEY] is unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Wisconsin [Mr. WILEY] is unavoidably absent from the Senate because of illness.

Mr. RUSSELL. My colleague [Mr. GEORGE] is unavoidably detained.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATE, FEES AND EXPENSES OF CONCILIATION COMMISSIONERS (S. DOC. NO. 160)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for fees and expenses of conciliation commissioners, United States courts, fiscal year 1940, in the sum of $30,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution of the City Council of Baltimore, Md., favoring adoption of the Harrington amendment to the so-called omnibus transportation bill, so as to prevent Interstate Commerce Commission approval of consolidation plans that would tend to diminish existing employment in the railroad industry, which was referred to the Committee on Interstate Commerce.

Mr. GIBSON. Mr. President, I have before me and ask consent to present petitions signed by approximately 3,000 post-office employees throughout the United States requesting consideration for Senate bill 540, which provides optional retirement at the expiration of 30 years' service in the civil service, and request that they may be referred to the Committee on Civil Service.

The VICE PRESIDENT. Without objection, the petitions will be received and referred as requested by the Senator from Vermont.

REPORTS OF COMMITTEES

Mr. BROWN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3028. A bill for the relief of R. Stern (Rept. No. 1277); and

H. R. 6513. A bill for the relief of Floyd H. Roberts (Rept. No. 1278).

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3306. A bill for the relief of Roy F. Lassly, former Acting Chief Disbursing Clerk, Department of the Interior (Rept. No. 1279);

S. 3328. A bill for the relief of Dorothy Crossing (Rept. No. 1280); and

H. R. 2041. A bill for the relief of Tom Kelly (Rept. No. 1281).

Mr. SCHWARTZ, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3052. A bill for the relief of Dollie C. Pichette (Rept. No. 1282);

H. R. 2086. A bill for the relief of Joseph Sciortino (Rept. No. 1283); and

H. R. 3674. A bill for the relief of the Allegheny Forging Co. (Rept. No. 1284).

Mr. ELLENDER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3071. A bill for the relief of Luther Devoe (Rept. No. 1285); and

S. 3309. A bill authorizing the Comptroller General of the United States to settle and adjust the claim of O'Brien Bros., Inc., New York City, N. Y. (Rept. No. 1286).

Mr. ELLENDER also, from the Committee on Claims, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 2003. A bill for the relief of the Priest Lumber Co., Inc. (Rept. No. 1287);

S. 2704. A bill for the relief of Mr. and Mrs. C. W. Black, and Marion Rabren (Rept. No. 1288);

S. 3280. A bill for the relief of the estate of Less Everett, deceased (Rept. No. 1289); and

S. 3354. A bill for the relief of Nannie E. Teal (Rept. No. 1290).

Mr. PITTMAN, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 3338. A bill for the relief of Alice C. Wainwright (Rept. No. 1291); and

S. J. Res. 210. Joint resolution authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear the decoration of the Cross of Grand Officer of the Order of St. Sava, bestowed by the Government of Yugoslavia (Rept. No. 1292).

Mr. THOMAS of Utah (for Mr. SHEPPARD), from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3401. A bill for the relief of Charles N. Barber, former United States property and disbursing officer, Vermont National Guard, and for other purposes (Rept. No. 1293); and

S. 3470. A bill to amend the National Defense Act of June 3, 1916, as amended, to provide for enlistments in the Army of the United States in time of war, or other emergency declared by Congress, and for other purposes (Rept. No. 1294).

Mr. CHANDLER, from the Committee on Military Affairs, to which was referred the bill (S. 3402) to authorize the granting of a right-of-way for roadway purposes on the Fort Thomas Military Reservation, Ky., in exchange for the release of property rights in and to a certain road on said reservation, reported it with an amendment and submitted a report (No. 1295) thereon.

ENROLLED BILLS PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on March 6, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration Facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for damsite and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States, at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REYNOLDS:

S. 3529. A bill to provide for domiciliary care and medical and hospital treatment for former members of the military and naval services who served at least one enlistment period; to the Committee on Finance.

By Mr. BYRD:

S. 3530. A bill to prohibit the exportation of tobacco seed and plants, except for experimental purposes; to the Committee on Agriculture and Forestry.

By Mr. CHAVEZ:

S. 3531. A bill to authorize a preliminary examination and survey of the Mimbres River and its tributaries in the State of New Mexico for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Commerce.

By Mr. JOHNSON of Colorado:

S. 3532. A bill pertaining to the management and administration of national-forest range lands; to the Committee on Public Lands and Surveys.

By Mr. BILBO:

S. 3533. A bill authorizing the appointment of a commission to prepare a new Code of Laws for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BYRD (for himself and Mr. GLASS):

S. J. Res. 224. Joint resolution to provide for the maintenance for public use of certain highways in the Shenandoah National Park; to the Committee on Public Lands and Surveys.

By Mr. ELLENDER:

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area; to the Committee on Agriculture and Forestry.

CODE OF LAWS FOR THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, I have, today, introduced in the Senate a bill providing for the appointment of a committee of eminent lawyers to prepare a new code of laws for the District of Columbia—see Senate bill 3533, which was referred to the Committee on the District of Columbia, and appears under the heading "Bills and joint resolutions introduced." This bill has the support of the Bar Association of the District of Columbia, and of the lawyers of Washington. I was astonished to find that the capital of the Nation, which in the past 40 years has grown from a comparatively small city to a great metropolitan center, is still operating under a 1901 code. I am advised that many provisions of the present official code have been repealed or modified by later statutes, that at present the statute law of the District of Columbia is in a state of confusion, and that there is a general demand for a new official code. I understand that in the case of several decisions made by judges, upon further investigation it has been found that they had overlooked one of the many statutes stored away. There should be an official code where one can find all the laws relating to the District of Columbia, so that he may know what the law is when he finds it. No mere collection of statutes in a compiled code will suffice. What the people need is a new official code, such as we have in most of the States of the Union, which the lawyers, judges, and litigants can understand. Since I have been in the Senate I have heard much to the effect that Washington should lead the Nation, that it should be progressive and show the way to the rest of the country. The Congress now has an opportunity to show the good people of Washington that it can take the lead in reform legislation.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENTS

Mr. PITTMAN submitted an amendment requiring ratification by the Senate of reciprocal-trade agreements, intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was referred to the Committee on Finance and ordered to be printed.

Mr. BROWN. Mr. President, I send to the desk an amendment to House Joint Resolution 407, extending the Reciprocal Trade Agreements Act. I ask that the amendment be printed and referred to the Finance Committee.

The VICE PRESIDENT. Without objection, the amendment will be received, printed, and referred to the Committee on Finance.

Mr. BROWN. In connection with the amendment which I submit, I desire to make the following statement:

The amendment provides, in substance, that upon the making of a trade agreement it shall be submitted to the Congress and remain there for 60 days, during which time it shall not be in effect. If during the 60-day period no concurrent resolution expressly disapproving it is passed, the trade agreement shall go into full force and effect. The same procedure applies to the termination of the trade agreement. Perhaps it may assist in understanding the amendment to say that there is applied to the trade agreements by this amendment the same general procedure that is now applied to the Executive orders issued by the President under the recently enacted governmental reorganization law.

I desire to say that this amendment is offered by one who has been convinced that the Reciprocal Trade Agreements Act should be extended, regardless of whether or not this amendment is adopted. There is considerable sentiment in the Senate and in the House for some congressional control of the trade agreements. If this sentiment is strong enough to endanger the passage of the bill, it is thought that the amendment may meet the views of those who insist upon some congressional check upon the power granted, and thereby result in the passage of the bill which might otherwise be lost.

I am convinced that the Reciprocal Trade Agreements Act should be extended. If it is necessary to adopt some form of congressional control, I believe this plan should receive serious consideration.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF THE WAR DEPARTMENT—AMENDMENT

Mr. WHEELER submitted an amendment proposing to appropriate $25,000 to enable the Secretary of War to carry out the provisions of the act entitled "An act to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont.," approved August 10, 1939, intended to be proposed by him to the bill (H. R. 8668) making appropriations for the fiscal year ended June 30, 1941, for civil functions administered by the War Department, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

RATIFICATION BY SENATE OF RECIPROCAL TRADE AGREEMENTS

[Mr. PITTMAN asked and obtained leave to have printed in the RECORD a letter addressed by him under date of March 7, 1940, to Senator JOHNSON of Colorado, relative to a proposed amendment requiring ratification by the Senate of reciprocal-trade agreements, which appears in the Appendix.]

SEVEN YEARS OF CONSERVATION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a release from the Division of Information of the Department of the Interior regarding the progress during the 7 years of the Democratic administration in the conservation of American natural resources, which appears in the Appendix.]

ARTICLE BY MR. IKE HUGHES ON WORLD AFFAIRS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article pertaining to world affairs recently published in the Washington (N. C.) Daily News and written by Ike Hughes, of Washington, N. C., which appears in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. Senators, let the Chair state the parliamentary situation so that the Senate may understand it.

The Senate has just approved the Journal of the Senate of yesterday. The Journal shows, so the Chair is informed by the Journal clerk, that the motion pending before the Senate is the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote by which the amendment of the Senator from Connecticut [Mr. DANAHER] was rejected.

So the question is on the motion of the Senator from Arizona to reconsider that vote.

Mr. McNARY. Mr. President, that is generally a correct statement. However, while the motion to reconsider was made by the Senator from Arizona, he was disqualified by reason of his attitude on the vote. Subsequently a motion to reconsider was made by the Senator from Nevada [Mr. PITTMAN].

The VICE PRESIDENT. The Senator from Oregon will realize, the Chair is sure, that when there is no yea-and-nay vote it is impossible for the Chair to say who is qualified and who is not qualified. The Journal shows, so the Chair is informed by the Journal clerk—and the Journal has just been approved by the Senate—that the motion of the Senator from Arizona is pending before the Senate at the present time.

Mr. McNARY. I have no objection to the history as recited, but I think the Journal is just about as incorrect as was the occupant of the chair yesterday when he announced the result of the division.

The VICE PRESIDENT. The Chair is relying on the Journal, for the Journal has been approved by the Senate.

Mr. NORRIS. Mr. President, I have just come into the Chamber and understand the motion pending is to reconsider the vote by which the amendment of the Senator from Connecticut [Mr. DANAHER] was rejected.

The VICE PRESIDENT. The Senator from Nebraska is correct.

Mr. NORRIS. I am one of the Senators who voted against the Senator's amendment, as I said yesterday to the Senator from Arizona. Although I think the Chair is right that when there has been no yea-and-nay vote a motion to reconsider can be made by any Senator, however, if there is any question about it——

The VICE PRESIDENT. The Chair is informed by Mr. Watkins, the Parliamentarian, that that has been the universal practice of the Senate.

Mr. NORRIS. I think that is correct, but, if there is any question about it, Mr. President, as I said yesterday, I stand willing to make a motion to reconsider. I voted with the prevailing side. I still believe as I did when I voted against the amendment, but a question was raised as to whether the amendment was rejected or whether it was carried. Anyway, it seems to me, so long as there is a question, no matter how it arose, we ought, in order to be fair, to permit its reconsideration so that there may be a yea-and-nay vote. It is only common justice, it seems to me, that the vote ought to be reconsidered.

The VICE PRESIDENT. Does the Senator ask unanimous consent, or what request does the Senator make?

Mr. NORRIS. I understand that is not necessary. The Chair has entertained the motion of the Senator from Arizona.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote by which the amendment of the Senator from Connecticut was rejected.

Mr. CLARK of Missouri. Mr. President, I have no desire to oppose the motion to reconsider. I rise merely for the purpose of making an observation on a practice of the Senate which, to my mind, is solely and absolutely responsible for such a situation as arose on yesterday, and which, so far as I am advised, is in contravention of the practice of every other parliamentary body in the world, either official or unofficial. That is the practice in the Senate of having the Chair, on a division, simply announce whether the motion has been carried or defeated, without announcing the vote, and then rule that following that arbitrary announcement of the Chair a demand for the yeas and nays comes too late.

So far as I am advised, the practice of every other parliamentary body in the world is that when a demand is made for a division, the Chair counts and announces the count, so many "ayes" and so many "noes"; and when the count is announced, before the Chair declares the motion carried or defeated, it affords an opportunity for any Member who either doubts the accuracy of the Chair's count or believes the result could be changed upon a yea-and-nay vote to ask for the yeas and nays, and that opportunity is accorded him.

Of course, I am perfectly familiar, as we all are, with the reason for the Senate practice of not announcing the vote, but simply having the Chair say: "The 'ayes' have it" or "the 'noes' have it." The practice grew up because of a desire to evade the constitutional requirement that a quorum shall be present for the transaction of business; and the reason for the practice is to avoid disclosing, by the announcement of the vote, that a quorum of the Senate actually did not vote upon the particular proposition. I submit, however, that it is a bad and vicious practice which ought to be changed. Any presiding officer, no matter how fair he may be, no matter how anxious he is to record the will of the Senate, may conceivably be mistaken as to the number of Senators rising on one side of a proposition or another. He might make a mistake if he should take the trouble individually to count, as is done by the presiding officer in the House of Representatives. It is for that reason that a check should be made by an announcement of the vote, and an opportunity should be afforded, in orderly practice and the preservation of the constitutional rights of a legislative body, to demand the yeas and nays, which is a constitutional right, and not be precluded by the arbitrary judgment, perhaps the mistaken judgment, of any presiding officer.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Will Senators permit the Chair to make a statement in that connection?

When the present occupant of the chair came to this body he was told by the Parliamentarian that the practice of the Senate was that when a division was called for the clerk made the count. The clerk is not a constitutional officer, and the Chair could not understand why a constitutional officer should not be trusted as well as the clerk elected by the Senate, so the Chair himself adopted the practice of counting, and he is going to continue it so long as he occupies this position.

On the second proposition referred to by the Senator from Missouri, with reference to announcing the vote, the Senate will recall that the present occupant of the chair each time has announced the number voting on each side, and he intends to continue to do so. It does not make any difference so far as the Constitution is concerned, because the last roll call of the Senate showed that a constitutional majority was present, and the presumption in law is that it continues, regardless of the number of Senators voting, because, as the Chair understands, Senators may sit in their seats in the Senate and decline to vote. The Chair knows of no power except the Senate itself that can make them vote.

Mr. NORRIS. Mr. President, I do not want this occasion to pass without making just a short observation.

In the main, I think what the Senator from Missouri said is correct. Notwithstanding the Chair is going to hold otherwise, I believe that if a vote discloses that there is no quorum present, the point of no quorum is good and should be recognized if it is made right at the time.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment. My understanding has always been that the Chair has often announced merely that a motion was carried or lost because of what might have happened if he had stated the number who had voted on each side, when everybody knew there was not a quorum present. To avoid that, both sides have been willing that those who were present should be regarded as sufficient, and the Chair has been permitted merely to announce that the motion was either carried or defeated.

All that trouble could be avoided if before the Chair announced that a motion had been carried or defeated the Chair should say, "The ayes appear to have it," or "the noes appear to have it"; and that would give an opportunity for any Senator who did not believe the announcement was correct to call for the yeas and nays or for any other proceeding he desired to take. All trouble might be avoided if that practice were observed; but now we are confronted with the fact

that there is an honest difference of opinion as to whether the amendment was carried or was defeated yesterday when the vote was taken. I think it ought to be the desire of all Senators, no matter how they stand on the merits of the amendment to get, if posible, and not to interfere with getting the actual view of the Senate, which can be done now, as I understand under the ruling, only by a reconsideration of the vote. It seems to me we ought to give unanimous consent for its reconsideration, so that there may be no question as to what the outcome is going to be when the amendment is finally voted on by a yea-and-nay vote or otherwise.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote taken on yesterday on the modified amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment of the committee. [Putting the question.] The ayes seem to have it. The ayes have it, and the motion to reconsider is agreed to.

The question now is on agreeing to the amendment offered by the Senator from Connecticut, as modified, to the amendment of the committee.

Mr. McNARY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, I desire briefly to discuss the amendment.

Mr. McNARY. Mr. President, before that is done I ask to have the amendment read.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment will again be stated.

The CHIEF CLERK. On page 6, line 7, after the word "determination", it is proposed to insert a comma and the following:

> Whereupon such officer or employee or the appropriate State or local agency, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39c, Public Law No. 696, of the Seventy-fifth Congress, approved June 22, 1936 (U. S. C. Supp., title 11, sec. 67c). No such officer or employee shall be dismissed as a result of such determination by said commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended.

Mr. NORRIS. Mr. President, as I understand from conversations with various Senators, there is not any doubt that this amendment is going to be agreed to. I am opposed to it. I think its importance perhaps is not great; and if it were not to be a precedent I believe I should not say anything on it, because as the Senator from Connecticut has modified the amendment he has taken out of it what seemed to me, when he first offered the amendment, an objection which was absolutely insurmountable, and which would have made the amendment unworkable.

Mr. President, apparently we are going to supply the right of appeal to the courts after a man who has had a hearing before the Civil Service Commission has been discharged, which means that the case may be carried to the Supreme Court of the United States.

We do not apply that principle, and from the very nature of things, in my judgment, could not, to the thousands of cases of discharge or suspension which may occur under the various departments of our Government. If we are going to apply it at all, we should apply it equitably. For instance, a man may be engaged as one of a gang of men building a road, and in the judgment of his superior officer may have violated the law, and the law may provide that for that violation he must be discharged. It seems to me we should let the man who is in charge discharge the workman without even having a hearing by the Civil Service Commission. That is the practice in other cases. When the foreman or superintendent, or whoever the man in charge may be, discharges, his word is supreme. If Senators will reflect on the matter, I am sure they will agree that it is necessary that that be so, when thousands and thousands, and perhaps millions of cases may arise within a few years if we apply the rule to every one as we are asked to apply it here; and it should apply to every one in the Government if it applies to one.

If a foreman discharges a man, and the man thinks he has not violated the law, or desires to contest the discharge, he goes before the Civil Service Commission; they investigate the case, pass on it, and decide whether the discharge shall be consummated. It seems to me that is going far in the protection of every right which may exist on the part of anyone. When a case is carried into court, the complainant or the Government is given the right to appeal from one court to the next. There is first a trial in the district court, which may and probably will cost hundreds of dollars, perhaps thousands of dollars; then the parties go to the next court, and from there to the Supreme Court, employing attorneys, whose fees, if they are at all reasonable, would probably amount altogether to thousands of dollars. When they get through, the project upon which the man was working may be finished, may be ended, may not exist any longer, and there will be nothing but a moot case, except that probably if it went to the Supreme Court, and it was found that the man was wrongfully discharged, he would be entitled to his wages.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LODGE. Can the Senator enlighten me on this point? Is the procedure embodied in this amendment followed anywhere in the Government today?

Mr. NORRIS. Not that I know of, in any similar case. I do not think it is followed in any Government activity.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. NORRIS. I will yield in a moment. I thank the Senator from Massachusetts for asking the question. If the practice should apply in the case we are now considering, then I submit in all fairness, in order to treat everyone alike, it should be applied in every branch of the Government, and every employee in the Treasury Department, or in any of the other departments of Government, who might be discharged, ought to have the right of a trial before the Civil Service Commission; he ought to have the right of appeal from that decision to a district court, and there be entitled to try the case de novo, with witnesses summoned, perhaps, hundreds of miles, and a long, tedious trial had. Then he ought to have the right of appeal, the record made up, and the case taken to the circuit court of appeals, and from there to the Supreme Court.

I now yield to the Senator from California.

Mr. DOWNEY. Mr. President, I am not entirely sure that I understood the implication of the question asked by the Senator from Massachusetts, but I wish to say to the Senators present that in the State of California there is the right of appeal to the courts of the State from a ruling of the civil-service commission in the case of the discharge of an employee. I handled several such cases during 20 years' practice in California, and I never observed any of the difficulties and handicaps which have been suggested by the Senator from Nebraska.

I may say that in perhaps a hundred cases in which I was consulted by employees who had been discharged, I advised the employees in 10 of the cases that they had been discharged because of political corruption, or the arbitrary and capricious action of some public official. Of the 10 cases in which I was perhaps concerned, we established our right in the courts in 8 or 9 of the cases and had reinstatements.

I desire to say to the Senator from Nebraska that undoubtedly the right of appeal to the courts and to have witnesses sworn and examined and cross-examined, and a full hearing under the glaring light of publicity, is, indeed, a strong check upon arbitrary action upon the part of public officials or the civil-service board, and I for one desire to commend the amendment of the Senator from Connecticut. In this era, in which we are heavily implementing the power of bureaucracy, and concentrating power in the hands of a few, it is well, merely as a check upon the Civil Service Com-

mission, to reserve the right to a hearing in the case of an employee who has been discharged unfairly or dishonestly or through political corruption.

Mr. NORRIS. Mr. President, I think the Senator from California has misconstrued the question propounded by the Senator from Massachusetts, or, if he has not, then I did not understand it. We are not dealing with the civil-service commission of any State; we are dealing with the Civil Service Commission of the United States. I do not know what the laws of the various States are, I do not pretend to say, and I do not think the question the Senator from Massachusetts had in mind had any application to anything except the question we are considering as it applies to the Federal Government. If I am wrong, I should like to have the Senator from Massachusetts correct me.

Mr. LODGE. The Senator is entirely correct. What I was trying to ascertain was whether in any of the departments of the Federal Government the proposed practice was followed.

Mr. NORRIS. As I have stated, I do not believe it is. If it is, I do not know of such an instance. It will be part of the Federal procedure if we agree to the pending amendment.

Again, Mr. President, it seems to me we are unjustified in insinuating, as Senators often do, that the Civil Service Commission of the United States is lacking in intelligence, or ability, or patriotism, or a sense of justice. I think we all have confidence in the Civil Service Commission; at least I have. I think their judgment is sometimes wrong; sometimes I have not agreed with them; but I think their judgment has always been based upon what they believed to be the facts in the particular case. It is that Commission which is to pass on a discharge, if one takes place, and I do not believe we are justified in insinuating that the Commission is either prejudiced, biased, or incompetent.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. DANAHER. I call to the attention of the Senator the fact that under the pending bill the same Civil Service Commission would be empowered to thwart the will of the Congress with reference to grants-in-aid of State functions, insofar as it provides grants-in-aid, and to exercise its discretion to withhold, either in whole or in part, so much of the funds as it may decide would be a fair penalty upon a State or a department of the State because of the alleged violation by some employee. Does the Senator from Nebraska not yield to the very persuasion that it is as right and fair and just that a State department so affected be given the right to determine, by way of appeal, whether or not such a conclusion by the Commission was arbitrary and capricious and unjust?

Mr. NORRIS. Mr. President, the Senator assumes that it will be capricious and arbitrary, which I do not assume to start with. I believe they will give aggrieved employees a fair trial, and I do not think the Senator from Connecticut is justified in assuming that they will be arbitrary or capricious. They might not decide a case as I would decide it; but they are as honest as a judge, perhaps just as unprejudiced, perhaps just as able. We would give the Commission an opportunity to consider the case, then we would give the district judge an opportunity, and then give the circuit court of appeals an opportuntiy, then give the Supreme Court of the United States the last guess as to what should be done in a particular case when a man is discharged from some job on a project in which the Government is engaged, such as building a road, or something of that kind.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. I wish to ask the Senator a question regarding the right of appeal from a decision of the Commission. Does not the Senator think that would be quite a restraining influence? Of course, the three Commissioners themselves cannot pass on a case; they have to have it passed on by a deputy or by employees. Does not the Senator think that if the law provided that there might be an appeal to a district court of the United States, it would make whatever official of the Civil Service Commission who would pass on a case exceedingly careful not to make a mistake?

Mr. NORRIS. That may be true; perhaps he would be more careful. But, if that is true in one case, it is true in every other case. There is one thing we should do, it seems to me, if we can, and that is we should stop litigation. Someone has to pass on the question of fact, and it does not necessarily follow that a court or a judge can better perform that duty than a layman. If a question of law is involved in the case, the man affected can get into court without any trouble. He can file a bill for an injunction, if a question of law is involved, and get into court; but when it comes to the finding of a fact, I would trust the judgment of the Commission as much as I would my judgment, or the judgment of the Senator from Tennessee, or of a judge, realizing that all concerned are fair and honest men and want to do what is right, but that they may disagree very widely, of course.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I do not recall at the moment any provision of Federal law for appeal from decisions of Federal commissions, though I think there are cases in which specific appeals are allowed. But I recall that States have enacted laws which permit appeal from the findings of commissions or from a State court to a United States court, which appeals, I think, have had a very beneficial influence. I have known examples of such appeals.

Mr. NORRIS. Mr. President, when we pass a law relating to the Interstate Commerce Commission, the question arises whether we should provide by law that the findings of fact by the Interstate Commerce Commission shall be final, or whether we should permit the courts to review such findings of fact. In my judgment, the findings of fact should be final. Questions of law which arise from the findings of fact, or from trials or hearings, should properly come before the court on appeal. It seems to me fair to permit appeal on questions of law.

About a year ago, when the late Senator Logan of Kentucky was with us, he was chairman of a subcommittee of which I was a member. I do not remember the question we had under consideration, but at the time a very noted Englichman was in the United States delivering lectures, and he delivered a very able lecture in Washington. I know him personally. He has a world-wide reputation as an economist. Senator Logan consulted me about the advisability of having a meeting of the subcommittee and asking this Englishman to come before the committee. I thought the idea an excellent one. I did not believe that he could give us any particular light on the immediate question before us, but I believed he would give us light on the general question of the jurisdiction of courts in England and in the United States.

He came before the committee and made an excellent witness. He answered all the questions we asked him, and we asked him a great many. I asked him whether in Great Britain they had any commission or board which was comparable to the Interstate Commerce Commission in the United States, and he said they did. He told us what it was.

I asked him, "How long has that board been in existence?" I do not remember his exact answer, but I believe he said it had been in existence 40 years. I asked him, "Is there any appeal from that board to your courts?" He said there was an appeal from that board on questions of law but that the findings of fact by that board were final and no court in England would dare set them aside.

I asked him, "Can you give us any idea of how many cases were appealed in that period of 40 years?" Again I speak only from memory and have not immediately refreshed my recollection, for I did not expect to refer to this experience; so I may be wrong; but, as I remember, he said that during those 40 years there had been only eight cases appealed.

I asked him whether there was any place to go from the court he mentioned. He said, "Yes; there is one more court." I asked him how many of those eight cases had been taken from the court he first spoke of to the higher court, the House

of Lords, and my recollection is that he said three in 40 years.

Mr. President, we would have 40 in 3 minutes in the United States. That will be true always if we do not have some board or some authority to settle the questions of fact. In respect to jury cases, in most jurisdictions the courts have held that when a jury passes upon a question of fact submitted, the judge has no right to set aside the jury's decision unless the court finds that there was no substantial evidence to sustain the jury's decision, which, of course, raises another and different question. But the question of fact is for the jury to determine, and the question of law is for the court to determine. In the matter under discussion we deal mostly with questions of fact.

Mr. President, simply for the sake of the RECORD I desired briefly to submit my views on the question.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LUCAS. I have great respect for the opinions of the Senator from Nebraska. I rise to ask him a question: Does the Senator from Nebraska believe that the question of political liberty is involved in the pending legislation in any way?

Mr. NORRIS. I have not thought so.

Mr. LUCAS. In other words, the Senator does not believe that the political rights of an individual who is charged with violation of the statute are being invaded?

Mr. NORRIS. Mr. President, I now understand the Senator's question. I do not believe so. Some honest men who are better lawyers than I am believe those rights are invaded. That question can easily be tested, however, without having the amendment adopted and passed upon. If the political rights of an individual were invaded, then the law would be unconstitutional, and one could get into court immediately by various kinds of applications. The question could be placed before a court and carried to the Supreme Court and that Court could pass upon it. The adoption of the particular amendment in question would not assist in that respect. If the law is unconstitutional, it will be so found very soon, even without the adoption of this amendment, and the law will fall.

Mr. LUCAS. But if the Senator from Nebraska entertains the same view as that entertained by the Senator from Illinois with respect to the invasion of the political rights of an individual, then, I take it, the Senator from Nebraska will agree that in case an individual were charged with violation of the statute he should have his rights determined by the court of last resort?

Mr. NORRIS. I agree with the Senator. But we do not need this amendment in order to get a decision on the matter. That is my contention. We could not put anything into the law, however ingenious we might be, which would take away the constitutional rights of any citizen, and if such an attempt were made the citizen could go into court and have the question determined, even without the adoption of language such as contained in the pending amendment.

Mr. REED. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. REED. I join with every one in this body in admiration of the fairness of the distinguished Senator from Nebraska and the distinguished Senator from New Mexico, the author of the bill. I listened to the Senator from Nebraska yesterday, and, if I recall his statement correctly, he was afraid of the length of time which would be required for an appeal to be decided. The junior Senator from Kansas is merely a layman, and he wonders if the objection of the Senator from Nebraska is to be the matter of appeal, or to the length of time required to carry out an appeal, and whether or not it would be possible so to adjust the amendment offered by the Senator from Connecticut as to limit the appeal to the district court of the United States and to instruct that court to give preferred and first consideration to such an appeal.

Further——

Mr. NORRIS. Let me answer that question before the Senator propounds another one. I may forget the one he has already asked. I will answer in the affirmative. We could. I have no doubt we have the constitutional authority to adopt the kind of amendment the Senator is suggesting. We could limit the appeal and give such instructions as the Senator has suggested. That is often done. It has been done in a great many cases.

Mr. REED. May I inquire if that would meet, in part at least, the objection of the Senator from Nebraska?

Mr. NORRIS. It would not meet my objection. My objection is that, in the first place, this is an unnecessary thing, and will establish a precedent which I am afraid will come home to roost in connection with other legislation. If we enact such legislation, we ought to do so with regard to every person employed by the Federal Government. It seems to me it is unnecessary to enact this legislation in order to protect anyone's rights.

Mr. REED. If the Senator from Nebraska will permit me again to interrupt him. I share the opinion expressed by the senior Senator from Missouri that the proposed legislation does not indicate a very high opinion of the present administration of the Civil Service Commission. I am for the Hatch bill and for its principles, but very frankly I am in doubt about lodging so broad a power in a commission, in which, from experience in this body, I have no confidence whatever.

Mr. NORRIS. Mr. President, I am sorry the Senator has no confidence in the Civil Service Commission. I had nothing to do with the modification of the amendment. It was a modification of what was originally in the law to remedy a situation which it was thought would bring about bad effects. Probably that is true. I am inclined to think it is. The amendment was worked out by a committee. I think the Senator from North Dakota [Mr. NYE] was a member of the committee. The committee proposed the amendment submitting the question to the Civil Service Commission.

In my judgment, there are a good many other bodies to which we could submit it, just as well as to the Civil Service Commission. We could set up a separate board, of course; but it seems to me that when it is necessary to carry on a project in which we are engaged, some agency ought to have the right to discharge employees, and to discharge them quickly if necessary. That is true in private business. It seems to me it ought to be true in governmental business of this kind. Otherwise, we interfere with the orderly progress of what we are trying to do.

Mr. REED. Mr. President, I wish to assure the Senator from Nebraska [Mr. NORRIS] and the Senator from New Mexico [Mr. HATCH] that I am wholly sympathetic with the purposes of the bill, and expect to vote for it, whether the pending amendment be agreed to or not.

Mr. HATCH. Mr. President, I desire to take just a moment to explain something of the legal situation in which the amendment of the Senator from Connecticut [Mr. DANAHER] would place us.

I have no particular objection to any plan which would protect or safeguard the rights of any individual. On the contrary, I would gladly aid in protecting and safeguarding the rights of individuals. However, before we can intelligently enact legislation providing for an appeal to the courts, the nature of the bill must be understood, as well as the nature of the power conferred on the United States Civil Service Commission.

Under the provisions of the bill, the Commission would never pass final judgment so far as the hiring or firing of an individual is concerned. In that respect I am sure the situation is entirely different from that which the Senator from California [Mr. DOWNEY] portrayed. The only thing the Commission may do is to determine that a certain sum of money should be withheld, and if the State persists in retaining any employee who has violated the provisions of the act, another sum of money may be withheld from the State. No judgment is pronounced against any individual. There is no final judgment against the State in the sense that we understand judgments. The Civil Service Commission is not given the power to remove an individual from office. I am wonder-

ing what sort of judgment there would be, and how it could ever be taken into court, or whether the courts have any jurisdiction of such cases.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. DANAHER. I invite the Senator's attention to the language of his bill, on page 6, lines 7 to 16, inclusive. In order that the thought therein contained may be in the minds of all, let me take just a moment to read it:

> If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

Mr. President, on page 5 it is definitely provided that upon receipt of a report of an alleged violation the Commission has to determine whether or not the violation has occurred. If it determines that it has occurred, and thereafter imposes a penalty by withholding, either in full or in part, funds by way of grants to the States, under the terms of the language in lines 7 to 16 on page 6 it even goes to the length of providing that if the individual has been put back to work in another subdivision of the State, an additional penalty may be imposed. I submit that a reading of the language shows that there is such a determination as to a question of fact as to warrant an appeal, both to the accused individual and to the State involved, or the subdivision thereof.

Mr. HATCH. Mr. President, I have no desire to argue with the Senator, but I wish he would listen to the authorities I shall read on the real legal points involved as I see them.

As I stated in the beginning, there is no disposition on my part to stand in the way of any proper or legal method of providing adequate protection or safeguards. But suppose the appeal is granted, as the Senator prescribes: What type of procedure is to be followed if that administrative function be transferred to the courts?

Under section 12 (b), if a Federal agency charged with the duty of making any loan or grant of funds to a State has reason to believe that there is a violation of the provisions of subsection (a) by an officer or employee to which such subsection applies, it makes a report to the United States Civil Service Commission.

Upon the receipt of such report, or of other information which seems to the Commission to warrant the investigation, the Commission then determines whether or not there has been a violation of subsection (a).

If the Commission determines that there has been such a violation, it then does two things:

First. It determines and certifies to the Federal agency the amount of any loan or grant which should be withheld on account of such violation, either permanently, temporarily, or conditionally; and

Second. It determines whether or not the violation warrants the removal of the officer or employee, and notifies the appropriate State or local agency if it makes such a determination.

Thereafter, if the Commission finds that the officer or employee has not been removed from office after such notification, or that within 18 months after his removal he has been appointed to some other position in a State or local agency, the Commission is then to determine and certify to the Federal agency an additional amount to be withheld from the amount loaned or granted to a State or local agency within the State.

It is apparent that the action of the Commission in determining that a violation of subsection (a) warrants the removal of the officer or employee who committed such violation is not a binding decision in any sense, but merely a recommendation to the State or local agency that such officer or employee should be removed. If the Commission subsequently finds that the officer or employee has not been removed, it can do nothing about enforcing its recommendation to the State or local agency with respect to the removal of the officer or employee; but it merely has authority to determine and certify that an additional amount of Federal funds shall be withheld.

As a result, the determination by the Commission with respect to the removal of an officer or employee for a violation of subsection (a) is not a case or controversy within the meaning of article III of the Federal Constitution, and no court established pursuant to such article could be given jurisdiction to substitute its judgment for that of the Commission in such a case. This is true, first, because the determination of the Commission is not a final judgment or binding upon anyone; and, second, because the determination made by a court when it substitutes its judgment with respect to the question of removal for the judgment of the Commission would merely be an administrative determination which no constitutional court is permitted to make.

However, the amendment proposed by the Senator from Connecticut apparently contemplates that the district courts of the United States should pass upon the question of removal, and thereby make such courts in effect administrative agencies for determining a matter which does not come within the scope of the judicial power which they may exercise under article III of the Constitution.

It is also not clear from the amendment of the Senator from Connecticut—

First. What type of procedure is to be followed if that administrative function should be conferred upon the courts;

Second. Whether the suspension of the officer or employee referred to in his amendment is to apply only in the cases of officers or employees found guilty of a violation of subsection (a) by the Commission or the courts at some time prior to the time of taking the so-called appeal;

Third. Whether the prohibition with respect to dismissal of an officer or employee as a result of the determination by the Commission is an absolute prohibition, or limited to the period during which the so-called appeal is pending; and

Fourth. What the effect of a decision by the court in any such case would be; that is, whether it would have any binding effect upon the State or local agency, or whether it would be merely a recommendation to the agency of the same character as the determination made by the Commission.

The language of the amendment of the Senator from Connecticut is apparently broad enough to allow the district courts to decide for themselves the question of removal of the officer or employee involved, and in that respect would seem to be no different from the power conferred upon the Court of Appeals of the District of Columbia in the original Radio Act of 1927 with respect to questions relating to applications for station licenses and for the renewals of such licenses when the applications had been refused. In that act it was provided that the decisions of the Federal Radio Commission "shall be final, subject to the right of appeal" therein given, and that the court "shall hear, review, and determine the appeal upon said record and evidence, and may alter or revise the decision appealed from and enter such judgment as to it may seem just." However, the Supreme Court held that such an appeal was not permitted, and said, in *Radio Commission* v. *General Electric Co.* ((1939) 281 U. S. 464, 467–468, 470):

> We think it plain from this résumé of the pertinent parts of the act that the powers confided to the Commission respecting the granting and renewal of station licenses are purely administrative and that the provision for appeals to the court of appeals does no more than make that court a superior and revising agency in the same field.

That is the position I take with respect to the powers under consideration. They are purely administrative and involve no judicial function whatever. The Senator's amendment would make the district court a revising agency, not in the judicial field but in the administrative field.

Continuing, the Supreme Court further said:

> The Court's province under that provision is essentially the same as its province under the legislation which up to a recent date permitted appeals to it from administrative decisions of the Commissioner of Patents. Indeed, the provision in the act of 1927 is

patterned largely after that legislation. And while a few differences are found, there is none that is material here.

* * * * * * *

Our conclusion is that the proceeding in that court was not a case or controversy in the sense of the judicial article, but was an administrative proceeding, and therefore that the decision therein is not reviewable by this Court.

I take it that under the provisions of the amendment the Supreme Court would be bound to say again exactly what it said in the Radio case, and that no final judgment or judicial power is involved. The Supreme Court would say it was not a case or controversy within the article of the Constitution conferring jurisdiction upon the courts.

In the case of *Postum Cereal Co.* v. *California Fig Nut Co.* ((1927) 272 U. S. 693, 698–699, 700), the Supreme Court held that it had no jurisdiction to review a decision of the Court of Appeals of the District of Columbia in a proceeding by it to review a decision of the Commissioner of Patents refusing to cancel the registration of a trade-mark. In the course of its opinion the Court said:

The decision of the court of appeals under section 9 of the act of 1905 is not a judicial judgment. It is a mere administrative decision. It is merely an instruction to the Commissioner of Patents by a court which is made a part of the machinery of the Patent Office for administrative purposes. In the exercise of such function it does not enter a judgment binding parties in a case as the term case is used in the third article of the Constitution. * * *

The distinction between the jurisdiction of this court, which is confined to the hearing and decision of cases in the constitutional sense, and that of administrative action and decision, power for which may be conferred upon courts of the District, is shown in the case of *Keller* v. *Potomac Electric Co.* (261 U. S. 428, 440, 442, 443). There it is pointed out that, while Congress in its constitutional exercise of exclusive legislation over the District may clothe the courts of the District not only with the jurisdiction and powers of the Federal courts in the several States but also with such authority as a State might confer on her courts (*Prentis* v. *Atlantic Coast Line Co.*, 211 U. S. 210, 225, 226), and so may vest courts of the District with administrative or legislative functions which are not properly judicial, it may not do so with this Court or any Federal court established under article III of the Constitution.

I raise that point, Mr. President, not because I desire to discuss any constitutional questions, but because it is so clear and so apparent that this amendment has no place in the bill that I hope it will be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], as modified, to the committee amendment. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the senior Senator from Texas [Mr. SHEPPARD] and will vote. I vote "nay."

The roll call was concluded.

Mr. TYDINGS. My colleague [Mr. RADCLIFFE] is necessarily absent. If he were present he would vote "yea."

Mr. AUSTIN. I announce that the Senator from Maine [Mr. WHITE] and the Senator from New Hampshire [Mr. BRIDGES] are unavoidably absent.

The Senator from Wisconsin [Mr. WILEY] is unavoidably absent because of illness.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness. I am advised that if present and voting, the Senator from Arkansas would vote "yea."

The Senator from Texas [Mr. SHEPPARD], the Senator from Nebraska [Mr. BURKE], and the Senator from Minnesota [Mr. LUNDEEN] are detained on important public business. I am advised that if present and voting, the Senator from Texas would vote "nay."

The Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], and the Senator from Utah [Mr. KING] are unavoidably detained.

The result was announced—yeas 48, nays 36, as follows:

YEAS—48

Andrews	Chavez	Hayden	Reed
Ashurst	Connally	Herring	Russell
Austin	Danaher	Hughes	Shipstead
Bailey	Davis	Lee	Slattery
Bankhead	Downey	Lucas	Smathers
Barbour	Frazier	McCarran	Smith
Bilbo	Gibson	McKellar	Stewart
Brown	Gillette	McNary	Taft
Bulow	Glass	Maloney	Thomas, Okla.
Byrd	Guffey	Minton	Townsend
Byrnes	Gurney	Pepper	Truman
Capper	Hale	Pittman	Tydings

NAYS—36

Adams	Hatch	Miller	Schwellenbach
Barkley	Hill	Murray	Thomas, Idaho
Chandler	Holman	Neely	Thomas, Utah
Clark, Idaho	Holt	Norris	Tobey
Clark, Mo.	Johnson, Calif.	Nye	Vandenberg
Ellender	Johnson, Colo.	O'Mahoney	Van Nuys
Gerry	La Follette	Overton	Wagner
Green	Lodge	Reynolds	Walsh
Harrison	Mead	Schwartz	Wheeler

NOT VOTING—12

Bone	Caraway	King	Sheppard
Bridges	Donahey	Lundeen	White
Burke	George	Radcliffe	Wiley

So Mr. DANAHER's amendment to the committee amendment was agreed to.

Mr. LODGE. Mr. President, I move to amend the committee amendment on page 5, line 4, after the words "or either House", by inserting the words "or the executive council of said State."

This is purely a procedural and perfecting amendment which is suggested because of the fact that in Massachusetts the legislature does not confirm appointments but this is done by an executive council that is elected by the people for that purpose.

I have consulted with the Senator from New Mexico, as well as my colleague from Massachusetts, and the Senator from New Mexico tells me he accepts this amendment, which is purely, as I have said, of a procedural nature.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts to the committee amendment.

Mr. DANAHER. Mr. President, before that question is put, may I be recognized?

The PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DANAHER. I ask unanimous consent to lay aside temporarily the amendment offered by the Senator from Massachusetts so that I may make a motion to reconsider the vote on the previous amendment.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the amendment of the Senator from Massachusetts be temporarily laid aside so that he may make a motion. Is there objection? The Chair hears no objection.

Mr. DANAHER. I move that the vote on the previous amendment be reconsidered.

Mr. McNARY. I move to lay that motion on the table.

Mr. HATCH. I understand that is the vote on the amendment of the Senator from Connecticut?

Mr. DANAHER. That is correct.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oregon to lay on the table the motion of the Senator from Connecticut.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the Senator from Massachusetts.

Mr. O'MAHONEY. Mr. President, I ask that the clerk read the amendment offered by the Senator from Massachusetts.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 5, line 4, after the words "or either house," it is proposed to insert "or the executive council of said State."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts to the committee amendment.

The amendment to the amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I have another pro forma amendment to which I should like to draw the attention of the Senator from New Mexico, and, after the pro forma amendment shall have been agreed to, I desire to offer an amendment which will probably require some discussion.

The perfecting amendment which I desire to offer is, on page 4, line 25, after the word "State," to insert the words "or any person who is authorized by law to act as Governor." I ask unanimous consent that the amendment of the committee be perfected by the change suggested by me.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment offered by the Senator from Wyoming is agreed to.

Mr. O'MAHONEY. Mr. President, the amendment I desire to say a few words about comes in the committee amendment, on page 5, line 20, after the word "occurred", to strike out the remainder of line 20 and all of lines 21 to 25 on page 5, and on page 6, lines 1 to 16, inclusive, and on the same page, line 17, strike out the words "of loans or grants"; and, in line 21, after the word "occurred", to strike out the remainder of subsection (c), and in lieu of the matter stricken from subsection (b) to insert the following language:

> And that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall certify the fact to the appropriate Federal agency, which shall thereupon withhold from its contribution, loan, or grant to such State or local agency within such State a sum twice the amount of the annual salary of such officer or employee.

The purpose of this amendment is to remove the penalty which the bill now provides upon the State itself and upon the people of the State and to confine the penalty to the person, officer or employee, who has violated the law.

I have been particularly impressed by the argument which has been made on the floor by several Senators with respect to the effect of the bill as it now stands.

Subsection (b) of the proposed section 12 would have the effect of penalizing all the people of the State and the State itself, even though an offense were committed by only one or two individuals, and I am sure it is not the purpose of the committee to bring about such a result. If the punishment is to fall upon anybody, it should fall upon the person who has offended and not upon the whole population of the State.

Let us take, for example, a State highway department.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. O'MAHONEY. I am very glad to yield to the Senator.

Mr. NORRIS. I think I should look favorably upon the Senator's amendment, but I am wondering whether his amendment is broad enough in scope. Does not the language which the Senator has attempted to strike out and to insert certain other language include the amendment offered by the Senator from Connecticut? If so, ought it not to be stricken out the same as the rest of the language?

I am not sure about that. I did not know anything about the amendment of the Senator from Wyoming until it was offered.

Mr. O'MAHONEY. I see. The amendment of the Senator from Connecticut is not printed in the bill.

Mr. NORRIS. No.

Mr. O'MAHONEY. I understood it to apply to the persons and agencies affected; and if the amendment I now suggest were adopted, it would necessarily require a modification of the language of the other amendment.

Mr. NORRIS. I was wondering whether the amendment of the Senator from Connecticut, who does not seem to be present now, was not made to the language which the Senator from Wyoming attempts to strike out. If that be true, it ought to be included in his amendment. I take it that if the amendment of the Senator from Wyoming is agreed to the necessity of the amendment of the Senator from Connecticut will at once disappear. I am sorry he is not present.

Mr. O'MAHONEY. The Senator is quite right. The amendment of the Senator from Connecticut, which was adopted, was inserted to follow certain language of the bill which is proposed to be stricken out by my amendment; but, of course, I would have no objection to a modification which would take care of the amendment of the Senator from Connecticut. When that amendment was drafted, the Senator, having in mind that the penalty falls upon State agencies and the State, as well as upon the person, wrote into his amendment in line 3 of its printed form the words "or local agency." Those words could be dropped out in the event my amendment should be adopted.

Mr. NORRIS. Will the Senator from Wyoming permit the Senator from Connecticut to answer a question which I desire to propound to him?

Mr. O'MAHONEY. Certainly.

Mr. NORRIS. If the amendment offered by the Senator from Wyoming is agreed to, does the Senator from Connecticut believe that his amendment ought to go out with the other language that is proposed to be stricken out by the amendment? In other words, if the amendment offered by the Senator from Wyoming is agreed to, is it not true that the necessity for the amendment of the Senator from Connecticut will disappear?

Mr. DANAHER. I should say, by way of reply, the answer is "No," at least until we see the cumulative effect of our work on the whole bill. If the amendment of the Senator from Wyoming be carried, I am perfectly willing that we shall later go back and review cumulatively what we shall have done by the time we reach paragraph 15 of the bill. Then, of course, we shall be in a position to correct the language by dropping out language which is not applicable. As the matter now stands, however, there is no reason in the world why we should drop any amendment which is thus carried, for the reason that we do give protection at least to the accused employee, even if the amendment of the Senator from Wyoming is carried.

Mr. O'MAHONEY. Mr. President, I quite agree with the statement made by the Senator from Connecticut. It was not my purpose to repeal the action which the Senate has just taken. The purpose of the amendment of the Senator from Connecticut was to give a right of appeal to the persons affected and to the agencies affected. My amendment would eliminate any punishment on an agency as such; so the amendment of the Senator from Connecticut could be made to fit into my amendment merely by dropping from his amendment the words "or local agency."

I ask unanimous consent that the language of the amendment of the Senator from Connecticut be considered as part of my amendment with those three words dropped.

Mr. DANAHER. Mr. President, I withhold the right to object for the moment while I ask the Senator from Wyoming a question or two. Does he now have in mind, in his unanimous-consent request, that he would alter my amendment by taking out certain language from the amendment which was just adopted?

Mr. O'MAHONEY. Just the words "or local agency," because my amendment altogether eliminates the local agency from the text of the committee amendment. My request was that the language of the amendment of the Senator from Connecticut, modified by the elimination of the words "or local agency" in line 3, be considered as a part of the amendment I have offered; so, if my amendment should fail, his original amendment would stand.

Mr. DANAHER. I have no objection.

Mr. O'MAHONEY. Then let the amendment be stated as modified by the unanimous-consent agreement.

The PRESIDENT pro tempore. Without objection, the amendment, as modified, will be stated for the information of the Senate.

The CHIEF CLERK. In the committee amendment, on page 5, line 20, after the word "occurred", it is proposed to strike out the remainder of line 20 and all of lines 21 to 25 on page 5, and on page 6, lines 1 to 16, inclusive; and on the same page, line 17, to strike out the words "of loans or grants"; and in line 21, after the word "occurred", to strike out the remainder of subsection (c), and in lieu of the matter stricken from subsection (b) to insert the following language:

And that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination, whereupon such officer or employee or the appropriate State, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39c, Public Law Numbered 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C. Supp., title 11, sec. 67c). No such officer or employee shall be dismissed as a result of such determination by said commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall certify the fact to the appropriate Federal agency, which shall thereupon withhold from its contribution, loan, or grant to such State or local agency within such State a sum twice the amount of the annual salary of such officer or employee.

Mr. ADAMS. Mr. President, I desire to make a parliamentary inquiry, as well as a suggestion. I assume that the Senator from Wyoming is quite free to incorporate in his amendment any language he wishes; but, as I understand, the amendment of the Senator from Connecticut was adopted, and then—pursuant to what I have regarded as an entirely improper practice in this body, but one which is growing in frequency—a motion was made by the mover of the amendment to reconsider it, followed by a friendly motion to lay on the table the motion to reconsider. That is, the amendment of the Senator from Connecticut seems to have been nailed down; so I ask the parliamentary question whether it is now open to such change as suggested by the Senator from Wyoming?

Mr. O'MAHONEY. Mr. President, I should imagine that in the circumstances, by unanimous consent—which, I take it, has been granted—that parliamentary difficulty would not arise.

The PRESIDENT pro tempore. That is the opinion of the Chair—that by unanimous consent, and only by unanimous consent, can the amendment be reconsidered in that particular.

Mr. O'MAHONEY. Then I shall merely return to repeat what I said a moment ago. The purpose of this amendment is to eliminate the punishment upon States and upon State agencies, and confine the punishment solely to the persons affected. I believe it very much improves the bill. Many of us were disturbed by the fact that as reported by the committee the bill upon our desks undertakes to extend the withdrawal of funds to States which probably in most cases would have no part whatever in the violation, and it is a penalty upon citizens who likewise are altogether innocent.

I think all will agree that we should not pass a bill which withdraws rights or benefits from any State because of the acts of some of its inhabitants.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment reported by the committee.

The amendment to the amendment was agreed to.

ERNESTINE HUBER NEUHELLER

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1998) for the relief of Ernestine Huber Neuheller, which was, on page 2, line 2, to strike out all after the word "citizen", down to and including the word "turpitude", in line 10.

Mr. WAGNER. I move that the Senate concur in the House amendment.

The motion was agreed to.

ROBERT STOCKMAN

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1449) for the relief of Robert Stockman, which were, on page 1, line 6, to strike out "$6,957.92" and insert "$5,000", and on page 2, line 1, to strike out all after the word "Provided", down to and including "$1,000" in line 14, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. GREEN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. ADAMS obtained the floor.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwellenbach
Andrews	Frazier	Lodge	Shipstead
Ashurst	Gerry	Lucas	Slattery
Austin	Gibson	McCarran	Smathers
Bailey	Gillette	McKellar	Smith
Bankhead	Glass	McNary	Stewart
Barbour	Green	Maloney	Taft
Barkley	Guffey	Mead	Thomas, Idaho
Bilbo	Gurney	Miller	Thomas, Okla.
Brown	Hale	Minton	Thomas, Utah
Bulow	Harrison	Murray	Tobey
Byrd	Hatch	Neely	Townsend
Byrnes	Hayden	Norris	Truman
Capper	Herring	Nye	Tydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Van Nuys
Clark, Idaho	Holt	Pepper	Wagner
Clark, Mo.	Hughes	Pittman	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	
Davis	King	Russell	
Downey	La Follette	Schwartz	

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

Mr. ADAMS. Mr. President, I desire to submit an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend section 9, so that it will read as follows:

SEC. 9 (a). It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government or department thereof shall endeavor directly or indirectly to influence the vote or political action of any Federal officer or employee in any degree subject to his orders or directions or whose employment he has power to terminate. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. For the purposes of this

section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

Mr. ADAMS. Mr. President, the amendment which I have offered is an identical restatement of all of section 9 of the Hatch Act, with the exception of the second sentence.

I have had some contact with the Hatch law from time to time. The first Hatch amendment, as it came in, was directed to a relief bill. I very reluctantly voted against it at the urgent insistence upon the floor of the Senate of the majority leader. I was told that his political life depended upon its rejection. My own political life was in the balance; but I voted against the original Hatch amendment because of that appeal. I say that simply to prove that the Senator from Kentucky [Mr. BARKLEY], the majority leader, was wrong when he said yesterday that he did not make votes by speeches. I offer myself as evidence of the persuasiveness of his appeal at that time.

Following that the Appropriations Committee accepted the Hatch amendments enlarged from the original form, and they comprised sections 1, 2, 3, 4, 5, 6, 7, and 8 of the present Hatch bill. They are in a strong, a stringent, and a proper form. They definitely reach evils which should be reached.

As a member of the Appropriations Committee I aided in securing similar amendments to the appropriation bills and approved the adoption of these amendments.

I think the second sentence of section 9 should be modified. I do not differ with the purpose and theory of my friend and neighbor. I think he should, however, be willing to consider a softening of this one section.

Mr. President, I am not in any way concerned in this matter politically. I happen not to be a candidate for office. I have no candidates for office—I will take that back; I have a list of some 26 candidates for President. [Laughter.] That is some 25 more than others have.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. NEELY. Does not the Senator have on his list the 47 candidates who are Members of the Senate?

Mr. ADAMS. Now the Senator has caught me out on a limb. I cannot say that as many as 47 Senators are candidates. But in the seclusion of my office I made a list of the Democrats who could be elected, and who might be willing to take the place. I eliminated the other Senators, perhaps because I thought they would not take the place. I put on my list some names of persons who were not Senators.

Mr. President, the provision of the law which I seek to have amended makes a flat, positive, unequivocal prohibition that no employee, no officer in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. That language goes so far as to provide that if a Federal employee were engaged in doing sewer work he could not go to the country grocery store to a meeting of his precinct committee and argue politics. A stenographer in a Federal office could not go to a sewing circle and there argue the cause of her party. Construing the language literally and strictly, it means that a Federal employee could not go to the grocery store and argue with the group of people who were there that they should do certain things in the campaign, in spite of the facts that he had no control over them.

I think it perfectly proper to say that no Federal officer or employee shall engage in any effort to influence the conduct or the vote, or even the opinion of anyone who is subject in any way to his control, whose salary he can affect, whose duties he can affect, or whose tenure of office he can affect. But I think we go further than we should when we say that every Federal officeholder, no matter how minor his place may be, shall no longer take part in the activities of a campaign.

We are thinking, and I am sure the author of the bill is, in terms of a great Federal machine reaching out its arms and seeking to control nominations and elections. I am not in favor of that being done. I have personal reasons for being lacking in enthusiasm for such activity. The people in my home State do not agree with me today as to some policies. They probably would overrule me in the State convention. I would not deny them the right to do that.

In my State I am sure conditions are different from those in some other States. The activities of Federal employees in my State have not been corrupt nor corrupting.

Mr. President, we cannot escape having political organizations. We have State organizations which are necessarily made up of State employees. In all cities we have city organizations made up of city employees. We have a Federal grouping. Now, what is proposed to be done? It is proposed to prevent the participation in political activities of every person who has been given a Federal place. Again I refer for illustration to my State. The leaders in the State holding Federal offices were appointed because they had demonstrated their character and their capacity in civic walks of life. They were given Federal places because they were leaders previously. They are not leaders simply because they have Federal places.

I am entirely willing to say, and I approve of saying, to a Federal employee, "You shall not exercise your authority, your influence, upon another Federal employee." However, I am not willing to say to him, "You may not seek to pass on your experience and your knowledge and your views to others who are not otherwise subject to your control."

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. LUCAS in the chair). Does the Senator from Colorado yield to the Senator from Indiana?

Mr. ADAMS. I yield.

Mr. MINTON. The Senator is not ready to say that simply because the citizens of his State, to whom he has alluded, hold Federal offices, if they go out and participate in a political campaign they are guilty of pernicious political activity?

Mr. ADAMS. I am not going to argue adjectives. I think primarily a citizen is entitled to participate in all the governmental functions, unless there be some clear reason for excluding him therefrom. I think the provision in question excludes them without reason.

Mr. MINTON. The title of the act is "To prevent pernicious political activities." I inquire of the Senator whether he thinks that a collector of internal revenue, for example, whom he may have appointed in Colorado, who is a high-class citizen, and who of his own volition takes part in a political campaign in his own State, is engaged in pernicious political activities simply because he happens to be the collector of internal revenue?

Mr. ADAMS. I would be willing to restrict activities which are of a less culpability than those which may be designated as pernicious. I am unwilling to permit activities which are oppressive, which take advantage of someone.

I am thinking of the lesser Federal employees. I am thinking also, perhaps, of the major number of employees, who are the actual leaders in my State, and who know more about the public business than does anyone else in the State. I think we are denying to the public service opportunities and benefits which those persons can confer, which we ought not to do. Purely from the standpoint of the public service, I think we have gone too far. I do not think it is corrupt or pernicious for a man, merely because he is an officeholder, to approve the principles which he is seeking to support, or to advocate the cause of the party to which he has devoted the political efforts of his life.

I find in the discussion of yesterday that in almost every instance local conditions seem to have their bearing upon the situation.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from South Carolina.

Mr. SMITH. Do I correctly understand that the Senator's amendment would give a public officer the right to which he refers, but would restrict him from attempting to bring under his influence those working under him?

Mr. ADAMS. Absolutely.

Mr. SMITH. As I understand, the Senator would not restrict anyone in the Government service from freely expressing his opinion at any public meeting, but would restrict him if he attempted to use his office to apply persuasion to one in the employ of the Government.

Mr. ADAMS. That is a correct statement of my view. In my State—and it is doubtless true in most of the other States—we have a provision of many years' standing which not only prohibits the officer of a corporation from seeking to influence those in his employ, but penalizes such conduct. That is a perfectly proper thing to do. In other words, the officer who controls the pay checks and the employment should not be in a position to influence those under him. He should not be permitted to put notices on the gate to the effect that unless so and so is elected the factory will not open the day after election. On the other hand, the superintendent should not be forbidden to go to his club and argue at the round table, among those who are not in his employ, his views about public affairs, thereby contributing some information to them.

I am trying to apply the same principle to the Hatch Act—punish every unfair use of power and prevent every possibility of those in Federal places taking advantage of their control over others, but leave to them their individual freedom.

For instance, in my neighborhood we have little precinct caucuses, where we meet to select delegates to a convention. At the present time a man holding a very minor place in the Federal service, having no one under him, may not go to a precinct caucus and there participate in the selection of delegates. He may not join or become an officer of the Young Democratic Club or the old Democratic Club. He must take no part in such processes. Many of these persons can contribute to the public welfare.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. SMITH. The thing that has been worrying me about the Hatch Act is its universal application. If an individual in the Government service exercises his inalienable right to express his opinion, he is likely to lose his job and be subject to other punishment, regardless of whether or not he is appealing to someone in a position similar to his own. I do not think we have power by legislation to take from any citizen his individual, inalienable right of free speech. However, I think he ought to be prohibited from using his position of trust or power to coerce anyone who is in the same employment. I am glad the Senator is making that distinction. We should restrict those who are in a position to use their influence upon those dependent upon them, but we should preserve to everyone the American right of freedom of speech.

Mr. ADAMS. My own political welfare—if I were concerned about it—would lead me to support the Hatch Act. It is not to my advantage, as things exist in my State, to do the thing I am doing. The group of Federal employees out there—whose rights I wish to conserve—do not at this time agree with me upon certain matters which may become of first importance; but I am not willing to say to them that I, having freed myself, may cooperate with the city machine or the State machine and dominate nominations and elections in my State, while they, who are a part of the Federal organization, may not defend the principles in which they believe and perhaps seek to reelect those who were good enough to look after them.

Last summer and fall I met many friends of mine. They said, "You voted for the Hatch Act." I said that, like others, I sat by the side of my friend, to whom I am devoted, and although by a single word I could have prevented its passage upon the call of the calendar, I did not do so. I knew what was in it. I have no alibi. My friends said to me, "By that act you have said that we are tainted, and that we are not fit to participate in political conventions." I have not had much explanation to make. In a measure I am seeking to do penance for the reflection which I, along with others, cast upon the good citizenship of my friends and neighbors who happen to have Federal places.

I am not interested in politics; and I know from the yea-and-nay votes which took place in the House when the Hatch Act was passed, and the yea-and-nay vote in the Senate yesterday, that no Member of Congress was influenced by a political motive in casting his vote.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. SMITH. Did I correctly understand the Senator to say that he does not think there was any politics in the vote yesterday in the Senate? I am trying to respect the Senator's opinion. I am listening to him as one who is giving his real judgment. If he makes such a statement as a matter of fact, he need not talk any further to me.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. MINTON. Of course the Senator from South Carolina does not mean that any partisan political question was involved, because the Senator saw the Democratic leader, the Senator from Kentucky [Mr. BARKLEY], lead the Republican Party to a great victory.

Mr. SMITH. I did.

Mr. MINTON. It was not partisan, to say the least.

Mr. SMITH. The Senator from Colorado says there was no politics at all in it. This is a serious matter, and the Senator is going on record as saying that no politics was involved in the vote yesterday in the Senate. God help us.

Mr. ADAMS. Mr. President, I happen to be one who has never talked politics on the floor of the Senate. So far as I know, I have never said an unkind thing of a Republican on the floor of the Senate. I do not think unkind things about them. I want always to think that they are actuated by patriotic motives, as are my friends on this side of the Chamber. If it so happens that they did act in a group, I take it for granted that it is merely a coincidence that their opinions happened to concur at that particular time in what they thought was for the welfare of the country.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Tennessee.

Mr. McKELLAR. Perhaps the Senator has already explained the difference between the modified section 9a which he has presented as an amendment to the bill and the sections of the law as it now is. Has the Senator done that? If he has not, may I ask him to point out the changes?

Mr. ADAMS. I shall be glad to try.

The Hatch Act, in section 1, as it stands—and as I want it to stand—makes it unlawful to intimidate or coerce any person as to his vote. That is perfectly proper.

Section 2 makes it unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States, including any corporation controlled by the United States or any agency thereof, and any corporation all the capital stock of which is owned by the United States or any agency thereof, to interfere in an election.

Section 3 makes it unlawful for any person to promise any employment or other benefit in consideration of support of or opposition to a political candidacy.

Section 4 makes it unlawful to threaten to deprive—"to threaten to deprive"—any person of employment or the benefit of any relief funds on account of race, creed, or color.

Section 5 makes it unlawful to solicit or receive an assessment or contribution for a political purpose from any person entitled to or receiving funds made possible by funds appropriated for work relief or work-relief purposes, thus protecting work-relief recipients and funds.

Section 6 goes so far as to make it unlawful to secure or to aid in furnishing lists of names of persons receiving work-relief compensation so that they might be reached for political purposes.

Section 7 provides that no part of any appropriation made for work relief or work shall be used for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote.

Section 8 provides a criminal penalty for violating any one of the sections to which I have adverted.

Then comes section 9. The authors of the pending bill obviously recognize that section 9 is an unduly harsh provision, and do not put in the pending bill that criminal provision, but say, "If you do these things, you may be removed from your position." Section 9 of the law, however, will continue to have those provisions in it.

If my amendment should be adopted, it would be unlawful for any person employed in the executive branch of the Federal Government or any agency or department thereof to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. It would maintain the right to vote, but would provide for removal in case of violation of its provisions.

The provision which would be affected by my amendment is that which reads:

> No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

It is a broad provision. Having been forbidden to do various things, which we all agree are improper, under criminal penalties, the law then goes on to say, "You shall take no part in any political campaign regardless of how high your intentions may be and how meritorious your cause may be."

I have endeavored to limit that by providing that no one in the Federal service shall seek or be permitted to influence any other person in the Federal employment who is subject to his control, who is under him in any way, or in any degree, whose compensation or tenure of office is controlled by him; in other words to give the ordinary Federal employee, the inconsequential Federal employee, the right, if he desires, to go to a party meeting, and, if he wants to do so, to sit on the platform and to get up on the platform and say to the audience, "I think that my party has done great things for my State, for my country, for my city, for me, and that it should be returned to power." I do not think that is an offense so long as he is talking to his neighbors, those who are not subject to his control, but is merely debating the issues with his friends and his neighbors as to matters perhaps of great consequence. The only thing that has been saved to the political employee of the Federal Government as the act stands is the right to vote. He can express his opinion. I think, in its original form, it said he could express them privately but the word "privately" was stricken out, I think, somewhere along the road, but it may have been meant that he should express them quietly; I do not know.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. ADAMS. I am glad to yield.

Mr. NEELY. If the Senator's amendment should become a part of the law, in his opinion, to what extent, if any, would United States marshals and Federal district attorneys and collectors of internal revenue be restored to the rights which they enjoyed before the Hatch law was enacted?

Mr. ADAMS. They would not be permitted to give direction to those in their employ, to those who are in any way under them. They would be restricted in relation to those over whom they have influence or authority. A United States marshal would not be prevented from going down to the District X Club, of Wheeling, and saying there to people who have no connection with the Federal business, "I think that we Democrats have done a good job; we have done this; we have done that; and we have done the other, and I hope that when the election comes you folks will remember our candidate." Under the amendment he could express his opinion. There are civil-service limitations with which my esteemed and beloved friend is familiar, and I am not. I know he thinks I have gone a little beyond his understanding, but I think the things I have said are justified by the language of the Hatch Act, and the Hatch Act controls at the present time and not the opinion of the Civil Service Commission.

Mr. NEELY. Mr. President, will the Senator yield further?

Mr. ADAMS. Certainly.

Mr. NEELY. To be more specific, would the amendment of the Senator, if adopted, permit a United States marshal or district attorney or collector of internal revenue to become a delegate to a State convention or to make a speech in behalf of the party of which he is a member, without any reference to his employees but merely speaking in general terms for the adminstration of which he is a part?

Mr. ADAMS. I think so.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. ADAMS. Certainly.

Mr. McKELLAR. Have not such United States officials had the right guaranteed them under our Constitution and laws? Simply because he happens to be an appointee of the Federal Government, why has he not the right to take part in the politics of this country, as any other American citizen may do?

Mr. ADAMS. I will say to the Senator that I am not discussing the matter from the standpoint of constitutional right; I am merely saying, as a matter of morals and good citizenship, that we should not deny to these officials and employees the right of reasonable and proper participation, provided they do not make use of the power and influence of their office.

Mr. McKELLAR. I agree with the Senator 100 percent.

Mr. ADAMS. I am interested in my people at home who have asked me, "Have we become pariahs?" In most of the States of the country the nominating process is fundamental; much more is determined as to the welfare of our Government by conventions where candidates are nominated than by votes on election day. It is proposed to permit certain officials and employees merely to have the chance to vote, and to take from them all opportunity to participate in the processes of nomination, and, of course, in some States the nomination is final. In my State it is not, because of political conditions, but we might, by the exercise of discretion in a convention in my State, make better selections than otherwise. I think when we eliminate the advice and experience of people we are damaging the public service.

I will say to the Senator from New Mexico when we are dealing with the privileges which the law gives citizens—I am not saying rights; I am saying privileges—that if we make an error we should make the error on the side of protecting those privileges rather than of unduly restricting them; and I think that the provision of the bill is unduly restrictive. I am speaking honestly as a good citizen and in the interest of good government. I say that the government of my State would be better off with this amendment than with the provision of the bill. I say nothing as to other States; I am speaking of my State, for I know that there influence of the Federal employees has been wholesome; though, as I have said frankly, they may not agree with me, for many of them—in fact, most of them—had the inception of their employment from hands other than mine; but I do feel that they have certain rights. I feel that their party is entitled to their help; I feel their State is entitled to their help. If I may put it on a political basis, why allow one army with its generals, its colonels, its majors, its captains and lieutenants, drilled and trained, and they tell me encouraged to prepare for battle, and on the other side have the generals and the colonels and the majors and the captains all forced to retire and the battle fought without leadership on that side?

I do not mean to draw an illustration which might explain any votes, because, as I have said, there is no notion that any political consequences or considerations would influence or have influenced the votes. I am speaking to Republicans and Democrats, saying to them that I think this amendment is in the interest of good citizenship. I think it is in the interest of good politics. I think it is in the interest of the ultimate welfare of both the great parties.

FOREIGN GOVERNMENTS SELL SILVER; UNITED STATES HOLDS THE BAG

Mr. TOWNSEND. Mr. President, I am going to deviate from the subject before the Senate for just a moment to state that while the United States complacently continues buying foreign silver, other governments keep on scraping around to see how much silver they can get rid of.

Early this year the Government of Greece decreed the withdrawal of all outstanding 10- and 20-drachma silver coins, to be replaced by paper notes.

Now the Government of British India is starting to lower the fineness of its silver coins. According to the London Economist of February 10, 1940, reporting the present step by the Indian Government, the measure applies only to the ¼-rupee piece, whose fineness is being lowered from nine hundred and twenty-five thousandths to five hundred thousandths.

But—

Adds the Economist—

it is possible that it may foreshadow the extension of this new fineness to the whole range of silver coins, provided the public response to this partial move is satisfactory. The aim of this measure is probably to conserve the silver resources of the Empire and to postpone to a very distant date indeed the time when it may become necessary to spend foreign currency on importing silver either for coinage or hoarding purposes. * * * The proposed fineness is that to which British silver coins were reduced by the Coinage Act of 1920, and experience in this country suggests that the appearance of the token currency need lose nothing from the debasement of its silver content.

There is hardly a foreign government in the world which, in one way or another, has not profited by the folly of the United States Congress in directing the Treasury to go out into the market and buy foreign silver. Under the Silver Purchase Act of 1934 to date more than $1,000,000,000 have been handed over to foreigners in all quarters of the globe in exchange for silver for which we had, have, and will continue to have absolutely no use. The imported silver, dug out of the ground in Mexico, Canada, Australia, and Russia, and taken out of hoards in far-off China and Siam, we have put back into the ground.

Today the Treasury holds one and one-third billion ounces of surplus and idle silver, cast off by the rest of the world. This Treasury stock of silver is not held as security for silver certificates, but constitutes a nest egg for potential inflation; and some people are now eyeing that nest egg longingly.

The use of silver as a standard of value was abandoned by European countries during the last half of the nineteenth century. By the early 1890's the process of abandonment was virtually complete. Yet a half a century later the United States Treasury is still buying the silver unwanted anywhere else, and buying it at an artificial price which would melt away the moment the Treasury stopped taking silver. Last summer, when the Senate voted to end foreign silver purchases, within just a few days the open-market price dropped from 43 cents to 35 cents when the Treasury again stepped in to peg the price.

I have before me a partial list of countries which have profited from the liberality of the American Silver Purchase Act of 1934, and the amount of silver they have sold since that year, as taken from the annual reports of Handy and Harman, dealers in the precious metals. The table does not show consumption of silver during the period. Consumption was accounted for mainly by the United States Treasury purchases and by the arts and industries.

During the 6-year period China and Hong Kong sold 1,166,200,000 ounces, Mexico sold 512,900,000 ounces, Canada sold 126,200,000 ounces, the Indian Government sold 130,200,000 ounces, the Soviet Union sold 45,100,000 ounces, the Siamese Government sold 22,000,000 ounces, and so forth.

Mr. President, I send to the desk and ask to have printed in the RECORD a table showing the various foreign countries and the amount of silver which has been purchased from them. I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Silver sales by foreign countries, 1934–39

[In millions of ounces]

Source	1934	1935	1936	1937	1938	1939	Total
New production:							
Mexico	74.1	75.6	77.5	85.7	84.0	81.0	477.9
Canada	16.4	17.5	19.3	24.5	23.8	24.7	126.2
South America	16.0	23.5	31.3	32.7	32.4	34.7	170.6
All other foreign countries	52.5	53.4	59.8	62.5	67.0	68.6	363.8
Other supplies:							
China and Hong Kong	200.0	190.0	302.0	177.9	234.3	62.0	1,166.2
Indian Government	33.0	29.0	.....	.9	2.3	65.0	130.2
Mexican Government	.....	.....	.....	.....	35.0	.....	35.0
Soviet Union	25.0	19.0	1.0	.1	.....	.....	45.1
German Government	1.0	1.0	1.0	.1	.1	.....	3.2
Other demonetization:							
Spain	.....	.....	.....	.....	40.0	10.0	50.0
Peru	.....	.5	.....	.....	.....	.....	.5
Austria	.....	2.0	.....	.....	.....	.....	2.0
Persia	.....	3.4	.....	.....	.....	.....	3.4
French Indochina	.....	3.5	.....	4.5	.....	.....	8.0
Netherland India	.....	2.0	.....	.....	.....	.....	2.0
Rumania	.....	.....	.....	6.0	.....	.....	6.0
Siamese Government	.....	.....	.....	.....	22.0	.....	22.0
Dominican Government	.....	.....	.....	.....	.3	.....	.3
Unallocated	.....	141.1	.....	.....	.....	.....	141.1
Total sales by foreigners	418.0	561.5	491.9	394.9	541.2	346.0	2,753.5
Value of total sales by foreigners, in millions [1]	$201.6	$362.3	$223.0	$176.2	$235.3	$136.1	$1,334.5

[1] Calculated at the average price of foreign silver for the year concerned on the basis of New York "official price" plus ¼ cent per ounce.

Mr. TOWNSEND. Mr. President, in addition to the table which I have just mentioned, I ask consent that there be printed in the RECORD at the conclusion of my speech a brief memorandum which I have prepared, and which I now send to the desk.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC MUST PAY TREASURY $1 FOR 27 CENTS' WORTH OF FOREIGN SILVER

Under congressional authority the Government is today indirectly using silver to pay off obligations at 27 cents on the dollar. Silver certificates, backed by 27 cents' worth of silver per dollar face value are legal tender. Once issued by the Treasury to the foreign seller of silver, or his agent, they have to be accepted by the rest of us in the liquidation of any debt, public or private. The public has no choice in the matter, short of repealing the law.

The so-called world price of silver is 35 cents an ounce. This is merely the artificial level at which the price is supported by the United States Government through the removal from the market of large quantities of silver and their burial at West Point. There the metal will stay interred until doomsday.

With silver at 35 cents an ounce, $1 will buy about 2.86 ounces of the metal. When the Treasury buys silver, it buys it with silver certificates. No budgetary appropriation is necessary. The silver "pays for itself," since by law the Government makes it into good money.

Against each $1 silver certificate, according to law, the Treasury must set aside about three-fourths of an ounce of silver (0.7732 ounce). At the world-market price, three-fourths of an ounce of silver today is worth only about $0.27.

In other words, the $1 silver certificate is today redeemable not in a dollar's worth of silver, as many people think, but in only 27 cents' worth. And, whenever the Treasury stops buying silver entirely, as some day it must, the figure of 27 cents will shrink.

What it all boils down to is simply this: the Treasury, by the issuance of silver certificates, causes 27 cents' worth of silver to be sold to the citizens of this country for nearly four times the cost to the Treasury.

It is all perfectly legal. Congress authorized this in 1934, and ever since then the Treasury has been carrying out the will of Congress "enthusiastically," to use the Secretary's own word for it.

The President posseses the power to reduce the content of the standard silver dollar by about 50 percent. Should he do so today, there would be less than 13½ cents' worth of silver behind each silver certificate.

If the people only realized the hocus pocus involved in this silver program, they would quickly put a stop to it. It is up to Congress to end the buying of foreign silver forthwith, as has been forcefully recommended by Federal Reserve Chairman Eccles and by the Federal Advisory Council, a Nation-wide body, in a unanimous resolution.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several

States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities." approved August 2, 1939.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwellenbach
Andrews	Frazier	Lodge	Shipstead
Ashurst	Gerry	Lucas	Slattery
Austin	Gibson	McCarran	Smathers
Bailey	Gillette	McKellar	Smith
Bankhead	Glass	McNary	Stewart
Barbour	Green	Maloney	Taft
Barkley	Guffey	Mead	Thomas, Idaho
Bilbo	Gurney	Miller	Thomas, Okla.
Brown	Hale	Minton	Thomas, Utah
Bulow	Harrison	Murray	Tobey
Byrd	Hatch	Neely	Townsend
Byrnes	Hayden	Norris	Truman
Capper	Herring	Nye	Tydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Van Nuys
Clark, Idaho	Holt	Pepper	Wagner
Clark, Mo.	Hughes	Pittman	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	
Davis	King	Russell	
Downey	La Follette	Schwartz	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. HATCH. Mr. President, the pending amendment is the one offered by the Senator from Colorado [Mr. ADAMS]. It had not been my intention to take the floor again on any of the amendments which might be submitted, except very briefly, perhaps, for I thought that when the Senate yesterday debated all day long section 9 of the original act, and, after a full, free, and fair discussion of that section, a vote was taken, with every Member given his right and opportunity to vote as he desired, the issue was settled. I thought in fairness it should have been considered as settled. If the amendment offered by the Senator from Arkansas had prevailed yesterday, the issue would have been settled so far as I was concerned.

Today, however, under the amendment which my good friend the Senator from Colorado has offered—and he is my good friend—he seeks to do exactly what the Senate yesterday said should not be done, for, despite the new language that is drafted and inserted in the amendment, the substance of the amendment would result in exactly what the Miller amendment would have accomplished had it been adopted yesterday.

The Senator from Colorado in explaining his amendment quotes very carefully and correctly section 9 (a) of the act passed at the last session of Congress, and I want Senators, if they will, to listen—for this is an important amendment—and see that what I have just said is correct. The first part of the amendment reads:

> It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

That is the exact language contained in the first sentence of section 9. As the Senator from Arkansas himself pointed out yesterday, the same language appears in section 2 of the act. So, so far as repealing section 9 yesterday was concerned, had the Miller amendment prevailed as to the language I have quoted, it would have made no difference, because it would have still remained in the other section of the act; namely, section 2.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BROWN. I do not think the Senator is entirely correct when he says that the first four or five lines of section 9 (a) are identical in meaning and intent with section 2 of the Hatch Act, for the reason that section 2 of the Hatch Act is aimed at the use of official authority in an election at which the office of President, Vice President, Members of the Senate, and so on, is at issue, whereas under section 9 the prohibition is against the use of such authority in all elections, and not just elections in which those officers are to be elected. Am I not correct about that?

Mr. HATCH. The Senator from Michigan is correct, but, in effect, that is what I was arguing, because for practical purposes at almost every election some Federal official is involved. I would not have objected at all to the Miller amendment on the basis of that difference. That was the point I was making.

Mr. BROWN. I wish to ask the Senator another question, if he will permit. The language of section 2 is that "It shall be unlawful for any person employed in any administrative position by the United States," and so forth. I took that to mean such officials as were in the higher-up, policymaking positions in the Government, while in section 9 the prohibition is against the use of offical authority by any person employed in the executive branch, which I think is much more inclusive than the provision in section 2.

Mr. HATCH. That was my original idea, but a review of the authorities convinces me that there is no difference.

Mr. BROWN. I cannot agree with the Senator in that respect. There are those two substantial differences between sections 2 and 9 of the original Hatch Act.

Mr. MILLER. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. MILLER. I merely wanted to interject one thought in reply to the suggestion of the Senator from Michigan. There is no difference between an administrative officer and an employee of the executive branch. I know the Senator is a lawyer of no mean ability, and a consultation of the authorities by him will disclose the fact that an administrator of government is an executive officer; he is not an administrator if he is employed in the judicial or legislative branch. All administrators, as such, are employees of the executive branch, so the term "executive branch" is inclusive of administrators.

Mr. BROWN. Not necessarily agreeing or disagreeing with what the Senator has said, he can see that there is this difference between the two sections, that the one applies only to elections in which Federal officers are elected, while section 9 applies to all elections, whether Federal officers are elected or not.

Mr. MILLER. There is that technical difference, there is no doubt.

Mr. BROWN. It is more than technical, I will say to the Senator, because there is a considerable reason for applying the law to elections in which Federal officers are elected, but we are going a long way further toward the invasion of State rights if we interfere with State and municipal elections, in which the Federal Government has no interest whatsoever.

Mr. MILLER. I called the Senator's attention to the difference, and I do not believe there is much difference between the Senator's construction and my construction.

Mr. HATCH. The point about section 9 is that it is not concerned with the election, but with control over the officials, and the Federal Government has a right to know what its employees do in State, Federal, or any other kind of election.

Mr. BROWN. The Senator is absolutely correct about that. Section 9 is founded upon a different constitutional or legal authority from that controlling section 2.

Mr. HATCH. The point I was making was that, so far as the coercion, intimidation, or use of official authority is concerned, I would have no objection if only section 2 of the act remained. It would make no particular difference about section 9. The meat of section 9 was the thing at which the Senator from Arkansas struck yesterday, and it is the thing at which the Senator from Colorado strikes today, and although the language used by the Senator from Colorado is somewhat disguised, the result, the effect, would be exactly the same.

Mr. President, let me read the language of the amendment of the Senator from Colorado, remembering that already under the same section he has drawn and submitted he makes it unlawful—

> for any person employed in the executive branch of the Federal Government * * * to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

Under that sentence the use of all official authority, all official influence, is prohibited. What does he then provide? To take the place of the language he strikes out he adds this:

> No officer or employee in the executive branch of the Federal Government or department thereof shall endeavor directly or indirectly to influence the vote or political action of any Federal officer or employee in any degree subject to his orders or directions or whose employment he has power to terminate.

Instead of being an addition to the section, it is a limitation, if anything, on the preceding sentence of the same section. It is a well-known rule of law that a statute must be read in its entirety in order to get the intent of the legislators. Here we find in one place the use of official authority or influence prohibited altogether—it cannot be used against any person—but in the next sentence it is said that one cannot use it to intimidate or coerce a person under him. In other words, go out and intimidate or coerce anybody else, somebody who is not in your department, as in the case of a district attorney using the power of indictment, perhaps, against some person over whom he has no authority whatever. That would be perfectly legal, perfectly fair and right, under the amendment.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. The language of the amendment of the Senator from Colorado would not prohibit such a practice as this, which I am informed is prevalent in some quarters: Take, for example, the unemployment-insurance activity, in connection with which a reemployment office is maintained. That was formerly administered by Federal personnel; it is now administered by State personnel, but the administrative expenses are paid 100 percent by the Federal Government.

I use that as an example of what it seems to me would be permitted by the Senator from Colorado in cases where no direct effort is made to coerce a Federal employee, but the employee is furnished by the State machine to the unemployment-insurance set-up, and members of the State machine sit around in the headquarters of the commission and discuss politics in front of applicants who are coming in to see about their unemployment insurance or to look for jobs. Those employees are not directly under the agents of the Unemployment Insurance Commission. As I see it, they would not be covered by the amendment of the Senator from Colorado [Mr. ADAMS]. But if anyone is so foolish as to think that they would not have a tremendous influence simply by talking politics in front of the applicants who come in, and who may think that their jobs depend upon adhering to the views of those who have the power to give them jobs, he is badly mistaken.

Mr. ADAMS. It was my understanding that the situation which the Senator from Missouri presents was not covered by the Hatch bill in its present condition, and that was the reason why he was in favor of the amendment which is now pending. I expect to support that part of the bill for that reason.

Mr. HATCH. Mr. President, we are going to get so many complications in the measure that I am fearful we will not have any law at all.

Mr. MINTON. Mr. President, would not other sections of the Hatch bill penalize a district attorney or a similar officer if he used the authority of his office to influence or affect an election?

Mr. HATCH. If the district attorney deliberately threatened, intimidated, and coerced someone, he would violate section 2 of the act. It would, perhaps, be difficult to obtain evidence of such coercion.

Mr. MINTON. No one can be convicted if the evidence against him is not obtained.

Mr. HATCH. The Senator knows the difficulty of obtaining such evidence. That is the reason for section 9 also.

Mr. MINTON. But if the district attorney should use the authority of his office to influence, coerce, and threaten anyone so as to affect his action, he would be guilty under other sections of the Hatch Act, would he not?

Mr. HATCH. He would be and he should be. However, the Senator knows, as we all know, the difficulties involved in obtaining sufficient evidence to justify criminal prosecutions. We know how difficult it is to prove such cases. We wrote the provision in the law because such an aggravated case might occur as to make proof possible, but when it was written I knew full well that it would very seldom, if ever, be used.

Mr. President, I know, and the Senator knows, how the game of politics is played. I heap no more condemnation upon the Federal officials than the Senator from Colorado does. I have been in his State and met many fine and able officials there. But we know how the game of politics is played, and we know what is expected when delegates go to conventions, whether their employer ever says a word or not. We know how the game is played even in the little precinct caucus, of which the Senator spoke, which is at the very foundation and with which I am very familiar, because until last year we had the full convention system in my State. In the little precinct caucuses I have seen employees doing their most deadly and effective work, because there is where the first delegates are nominated. They go from there to the county conventions. The county conventions are controlled by the same officials, and delegates go from there to the State conventions, which they also control. I have seen them controlled. I have been in them when they were controlled. And the junior Senator from my State has also.

I was thinking of a case in his own city of Albuquerque. I am not going into political matters in New Mexico. I think New Mexico is just as good and perhaps a little bit better in many ways than many other States, but we have had our troubles, and we know what they are.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HATCH. I yield to my colleague.

Mr. CHAVEZ. My colleague and I have both been beneficiaries of it.

Mr. HATCH. Yes; both I and my colleague have been beneficiaries of it; and I think there is not a Federal official in my State who is not my friend and supporter; and I think the State officials are also. There is nothing personal in what I say on that account.

Senators have asked repeatedly, What is wrong about officials going to conventions? I have tried to argue the matter many times. Others have argued it here on the floor so many times that it would seem useless to mention it again.

I am sure Senators are not particularly interested in what I think, but I wonder if they would be interested in what a great Democrat thought on that subject? Yesterday I quoted what the founder of the Democratic Party said about it, and he did not hesitate to condemn the use of patronage in elections, and officials working in elections, and said that should be cause for removal.

Let me read the words from the mouth of a great Democrat, respected by every Democrat in this body. In 1886, President Grover Cleveland said:

> Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid, in their political action as well as in the discharge of their official duties, offending by display of obtrusive partisanship their neighbors who have relations with them as public officials.
>
> They should also constantly remember that their party friends from whom they have received preferment have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the political action of their party associates, or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

I want Senators to listen to this sentence, because it is language such as I never dreamed of using.

> The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair—

"Indecent and unfair," said Grover Cleveland—

> and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns.

That is exactly what the bill we passed last summer prohibits. It prohibits officeholders going as delegates to conventions. It prohibits such activities in political campaigns as Grover Cleveland said should be prohibited.

> Individual interest and activity in political affairs are by no means condemned. Officeholders are neither disfranchised nor forbidden the exercise of political privileges, but their privileges are not enlarged nor is their duty to party increased to pernicious activity by office holding.
>
> A just discrimination in this regard between the things a citizen may properly do and the purposes for which a public office should not be used is easy, in the light of a correct appreciation of the relation between the people and those entrusted with official place, and the consideration of the necessity under our form of government of political action free from official coercion.

I do not want to continue arguing this question over and over again, and I really think it is a little unfair again to raise it today. I do not charge the Senator from Colorado with unfairness. He is too close and good a personal friend of mine for me ever to make that charge; but I think that when we have once voted, as we did yesterday, that ought to be the end at least to the consideration of that phase of the subject.

I wish to refer to some things which were said today about the Republican Party supporting this measure. My friends on the other side of the Chamber need no defense from me, but I want them to know that I, as a Democrat, at least appreciate the support they have given this essentially Democratic measure, and if our floor leader led the Republican Party to a "smashing victory" yesterday, as was said here a while ago, he led the Senate of the United States to a smashing Democratic victory in line with the time-honored principle of the Democratic Party, and I congratulate him, and I appreciate the efforts, the ability, and the statesmanship displayed by the floor leader on this side of the Chamber.

I wish to make one more statement while I am on my feet about this bill, which has been referred to as the Hatch bill. I have never referred to it as such, although while it is under attack and being assailed I am perfectly willing that it bear that title. However, I want to say again that it is not my bill. In drafting the original measure, I was aided and assisted by the Senator from Texas [Mr. SHEPPARD] and the Senator from Vermont [Mr. AUSTIN]. I think the three of us worked on that measure with no thought of partisanship whatever, with no thought of giving any party any advantage, but in our perhaps feeble manner we tried to do something for our country. And I do not want to see the result of our labors destroyed by the Senate adopting the amendment offered by the Senator from Colorado.

Mr. CHAVEZ. Mr. President, I want to clear one thing once and forever within this body and throughout the United States.

No one in the country knows better than I the motives of my colleague [Mr. HATCH] with reference to the so-called Hatch Act. The efforts of my colleague have not been on the impulse of the moment. I, for one, know that my colleague has been thinking of this kind of legislation for years.

Mr. HATCH. Mr. President, will my colleague yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. My colleague might also tell the Senate that the doctrines and things which I have preached in the Senate I have preached in our State before our conventions and to our party associates.

Mr. CHAVEZ. Mr. President, long before the so-called Hatch bill was introduced in the Congress of the United States my colleague made definite efforts in the State of New Mexico to make this kind of legislation effective within the State.

Only some 10 days ago a grand and fine citizen of my State passed on to a better life. He came from my colleague's home city. His name was S. A. Jones. At the time of his death he was a member of the New Mexico State Senate. Long before anyone in this body or the other body of the Congress had heard of the so-called Hatch bill, Senator Jones, of New Mexico, in the New Mexico State Senate, at the instance of my colleague, introduced a bill similar to what we call the Hatch Act. It did not get anywhere.

Mr. President, through the press and through magazines it has been stated that the motives of my colleague in sponsoring the Hatch bill were due to some personal political situations in our State. I deny that. I know the newspaper boys think they are smart. I know that they think they can read the mind of the average Senator or Representative; but half the time they are wrong, as they were with respect to the election of 1936.

Before I read to the Senate a portion of an article which I have before me, let me say that the writer of the article slanders my colleague, and slanders Representative DEMPSEY, the sponsor of the Hatch bill in the House of Representatives.

There may be some Members of the Congress who are afraid of editorial opinion; but I am not. I prefer public opinion. I prefer the kindness and the good will of the type of people to whom the writer of this article refers to the opinion of a commentator in the city of Washington who could not elect a constable in his home city or in my home State.

I deny what this commentator in the city of Washington has said about the Hatch bill. I deny that my colleague had any such motives. I deny that my friend Representative DEMPSEY, of my State, had such motives. I give to my colleague and to Representative DEMPSEY credit for sincerity of purpose, notwithstanding the fact that I am against the pending bill. I know that their motives are sincere in what they think is the interest of the country. But there are commentators in the city of Washington who would credit my colleague with different motives.

I hold in my hand a photostatic copy of an article from the Washington (D. C.) Evening Star of September 6, 1939, written by Jay Franklin. The article reads in part as follows:

> We, the people. Yes; there should be, there must be, there is a Uvalde.

The commentator to whom I have referred was taking to task the Vice President of the United States or someone in Uvalde. In discussing the Hatch bill, which had recently passed, this man, who calls himself an American, used the following language. I read in part from the article:

> As a matter of fact, now that the subject has been raised, is there such a place as Texas? We know that there is a state of mind down there, bounded on the north by Col. Amon Carter, on the south by Mayor Maury Maverick, on the east by the ruins of Huey Long, and on the west by the Hatch pure-politics ("Don't let the greasers vote") bill.

Mr. Franklin, in referring to a class of loyal people who have voted for my colleague and for Congressman DEMPSEY, by insinuation or malice attributed to my colleague or to Representative DEMPSEY certain base motives. I say he prevaricates. CARL HATCH is not that type.

Mr. HATCH. Mr. President, will my colleague yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. I had forgotten the article which the Senator is reading, and especially the words which he has just read. I wish to thank the Senator for making the statement he has made.

Mr. CHAVEZ. I do not want any commentator or newspaperman in the city of Washington to attribute malice or any of the other meaner motives to my colleague, notwithstanding the fact that I am still against his bill, but not for the reasons assigned by this commentator in the city of Washington.

I know that by no stretch of the imagination could there be any truth in the unkind words used by Mr. Franklin

against a class of people who have dared to accept my colleague and Representative DEMPSEY, from other States, and honor them by sending them to the Congress of the United States.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK of Missouri. Is the Senator referring to a commentator who is ashamed to go under his own name, but goes under an alias?

Mr. CHAVEZ. I do not even know the gentleman. I will give him that much credit. I will call him a gentleman.

Mr. President, I have a difficult task on this particular occasion. I know my colleague. I know his pure motives. I happen to come from a race of emotional people. It is with a sad heart that I feel it my duty to take a stand against a thing which I know he sponsors, and with respect to which he is so sincere.

However, Mr. President, I have not yet evaded a responsibility. I have not yet neglected a duty. I have not yet voted for reasons of expediency. Down in my conscience I feel that my colleague's bill hits at the very fundamentals of the things which Mr. Franklin would talk about, which are sacred to the American people. I know the ills at which my colleague aims, and I know the difficulty which my colleague has encountered in the passage of the original act. I know what he is trying to reach by the pending measure. I have been the beneficiary and the victim of the so-called bad influences within State governments. I have helped—and my colleague has helped—to elect State Governors who later forgot. I say to the Senate today that it would be to my interest from a political standpoint to support my colleague in his efforts to purify State politics. But, Mr. President, in order to reach an evil it is wrong to try to do something that may prove much more of an evil.

That is the reason I was opposed to the original Hatch bill, and why I feel that I must, in conscience, support the amendment of the Senator from Colorado.

If it had not been that yesterday our honored and beloved leader had made some statements with reference to politics, I would not on this occasion tell my thought; but I feel that I am entitled to speak to this body and especially to those to whom my leader was appealing yesterday, as to whether this class of legislation is in keeping with and will perpetuate the philosophy of government which we have had for the last 7 years.

Mr. President, I am still old-fashioned enough to believe in party government; I am old-fashioned enough to believe that if the people of this country should select the minority leader as President on the Republican ticket next year, I would prefer that kind of government rather than bureau Washington. I am still old-fashioned enough to believe that the people of the United States should select the one, whether it be the present President of the United States or some other Democrat, to carry on party government rather than the Civil Service Commission or any bureau in Washington. That has been our system. The country has grown and progressed under that system, and I, for one, do not want now to change it by giving more and more power to bureau Washington.

We may talk all we want about Fascists, we may discuss all we want the views of Communists, but we all know the American people will get them all out of the way in no time when they get good and ready. The danger to free government, the danger of dictatorship is bureau Washington. When some individual in New Mexico violates the law whether it be the Hatch law or any other law, I, for one, want the peers of that citizen to say what shall be done with him and not some clerk here in the city of Washington. That may be treason for the moment; it may be unpopular; but that is the way I sincerely feel about it.

Carrying that a little further, what are we doing? We are saying to an employee who may have had the fortune to be recommended by my friend, the Senator from New York, or my friend, the Senator from Kentucky, because the Senator from New York or the Senator from Kentucky trusted him and felt he could do his duty as a citizen and as an official, "You must not exercise your inherent right as an American citizen and say to the people of Kentucky or New York 'I believe in the philosophy of President Roosevelt, and I want you to help continue it.'" Should he do so, under the bill he would become a lawbreaker; he would belong to that group who are outside the law.

I want to go further. We have heard and we have read ever since we became of age about the indifference of the American people to their political affairs. We hear during all elections that the people are not interested; that they will not come out and vote. Here we are proposing to select a special class of employees merely because someone dared to recommend them for public office and to require those in that class to keep still.

I believe in the philosophy of President Roosevelt, and I think it is still right for the Solicitor General of the United States—if he cares to do so, to go out and say to the country "Yes, I believe in Roosevelt." Why not? Would you prevent him from trying to carry on as he believes?

What is there wrong in an employee in any State—in the State of Kentucky, for instance—if he happens to have a little 2-by-4 governmental job, saying, "I believe in Senator CHANDLER; I believe in Senator BARKLEY"? Should he be held to violate the law because he asks those who feel the way he does about it to vote for them? Why should such a man be made a criminal? Furthermore, we cannot change the world in any such manner as that. We had prohibition sometime ago, and we had bootleg whisky. All that will be done by this law will be to make a bunch of political bootleggers out of honest people. Many of those who would be affected by the law would continue to carry on as has been done since the passage of the Hatch law. I do not mind telling you, Mr. President, that Congress cannot pass legislation that will specialize a certain class and not make it apply to all.

I am one of those who believe that the right under the law and under the Constitution of a charwoman in a Federal building is just as sacred as that of the Secretary of the Interior. If he can talk, why can she not talk? What makes him bigger? I prefer the charwoman; she can get more votes for the New Deal. [Laughter.]

Why must the Government of the United States be hypocritical about these matters? We know we are not going to enforce this proposed law. The present law is not being enforced now. Go to the Census Bureau, and unless you get a clearance from a Senator or a Member of the House of Representatives you cannot get one enumerator appointed anywhere. I should like to have Mr. Capt deny that statement. The Hatch law is in existence; so why not let us try to be honest and fair with ourselves and not be hypocritical. Why act under false pretenses? If a law is good for one, let it be good for all.

Further referring to the remarks of my grand leader, my fine leader, on yesterday, when he was talking about what would happen if the amendment submitted by the Senator from Arkansas [Mr. MILLER] should be adopted, he said the country would revolt. The country has already revolted.

When the bill introduced by my colleague became a law we, the Democrats, lost the House of Representatives. Do not fool yourselves. It is all right to thank my friends on the other side; it is all right to be grateful to them because they helped out in one particular matter here; the voice is that of Jacob, but the hand is that of Esau. They are gloating and bragging, and I do not blame them. It is Republican legislation; it is not Democratic legislation.

Let us analyze this proposal in a practical manner. We know that the only thing that counts on election day is votes. We know the only way the Democrats can carry on is to have a Democratic House and a Democratic Senate. Very well. If we do not have a Democratic House and a Democratic Senate, it is not possible to put into operation our policies of government or our party policies.

How do we arrive at whether a thing is right or wrong in an American way of thinking? By the rule of the majority. So far as the Democrats are concerned they have spoken

and are on record as being against the so-called Hatch law. They went on record yesterday. Forty Senators rose in their might and expressed their opinion of—I may go further and say probably their resistance to—the law sponsored by my colleague.

If it is thought that the Democrats are legislating, let me remind the Senate that after the original Hatch bill passed the Senate of the United States, in an orderly way, on the unanimous-consent calendar, without a single objection, in due course it went to the House of Representatives, and there they had a record vote. I am talking now as to the feeling and the sentiment of Democrats and Republicans. The test on that proposition came about when Representative Healey, of Massachusetts, made a motion to recommit the bill to the committee.

What do we find? On page 9638, volume 84, part 9, of the CONGRESSIONAL RECORD of the Seventy-sixth Congress, we find a list of those who voted for the so-called Hatch bill and those who voted against it on a test vote of recommittal. We find, Mr. President, 146 what—Republicans? No; we find 146 Democrats voting to recommit the bill. Do you believe in the rule of the majority? And against the motion to recommit we find 75 Democrats and 157 Republicans. So tell me that the Democratic Party is legislating for the good of the country, or what should be for the good of the country.

Among the 146 who voted on the test vote against the so-called Hatch bill we find such Democrats as BELL, of Missouri; BLAND, of Virginia; BLOOM, of New York; BOLAND, of Pennsylvania (the majority whip); BRADLEY, of Pennsylvania; BUCK, of California; BULWINKLE, of North Carolina; CHANDLER, of Tennessee; COLMER, of Mississippi; CULLEN, of New York; and so on down the line; and the last one on the list who voted against the so-called Hatch bill is a candidate for President of the United States to this day—and let me tell you we could do worse—the Speaker of the House of Representatives. That is the class of Democrats who voted against the so-called Hatch bill, not because they were interested in patronage, not because they were against doing away with the evils about which my colleague talks, but because the bill in its effect hit more fundamental things than a measly job in New Mexico or Idaho; because it is un-American, according to my way of thinking; because it is special legislation, and affects only a class of citizens that are being penalized now because my colleague and I dare have enough confidence in them to have them appointed United States marshals, United States attorneys, or collectors of internal revenue.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. CHAVEZ. Yes.

Mr. CHANDLER. How many Democrats voted for the Hatch bill in the House on final passage?

Mr. CHAVEZ. Approximately the same number. Let me tell the Senator from Kentucky that on the motion to recommit, 146 Democrats voted for recommittal. One hundred and fifty-seven Republicans and seventy-five Democrats voted against recommittal of the bill.

Mr. CHANDLER. My question was, How many Democrats voted for the bill on its passage?

Mr. CHAVEZ. On the passage of the bill there were 241 yeas and 134 nays.

Mr. CHANDLER. How many Democrats voted for the bill?

Mr. CHAVEZ. The difference between 241 and 157.

Mr. CHANDLER. The Senator understands that many times legislators will vote for a motion to recommit in order to keep from voting on the bill; but when they have the bill right in front of them, it is a different proposition. They will vote to do away with something so that they will not have to face final action on it; but the situation is different when it comes to casting their votes on it directly, when it is on the barrelhead, and they have to vote "yes" or "no."

Mr. CHAVEZ. Yes; but I want the Senator from Kentucky to look at these figures.

Mr. CHANDLER. Will the Senator give me those final figures again?

Mr. CHAVEZ. Certainly.

On the motion to recommit there were 146 Democrats voting for the motion. On the passage of the bill there were 134 Democrats who voted against it.

So if we believe in party government, if we believe in the American system of the rule of the majority, I still maintain that this legislation should be credited to the Republicans, and I am willing to give it to them. With all due deference to them, I do not think they have the sincerity of purpose that my colleague from New Mexico has; but they passed the legislation, and not the Democrats.

Recall the vote yesterday on the amendment of the Senator from Arkansas [Mr. MILLER]. There were 40 Democrats for the amendment, and 22 Democrats against it, or a ratio practically of 2 to 1; and on the House side, by the record vote, we have the same result. So if we are to continue with party government, if we do not want to go ahead with mongrel politics, if we still believe in the system which has made this country what it is, it appears to some of us that the rule of the majority should prevail.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CHAVEZ. Certainly.

Mr. BARKLEY. I am unable to follow my dear friend from New Mexico in pointing out the vote on yesterday as 40 Democrats to 22 or 23 Democrats unless it is for the purpose of impressing the 23 with the view that they ought to have been with the 40.

Mr. CHAVEZ. That is correct; I think they should have been.

Mr. BARKLEY. If that was true on yesterday, ought it not to be true on all legislation? Ought we not to hold a Democratic conference on every bill that is brought here, and let the majority govern, so that the minority would fall in line with the majority, and vote as they did?

Mr. CHAVEZ. I have so much confidence in my leader that I want him to decide those questions.

Mr. BARKLEY. I appreciate the Senator's confidence, if it exists; and I do not question the sincerity of his statement.

Mr. CHAVEZ. I assure the Senator that it does exist.

Mr. BARKLEY. But if, by implication and by inference, I am to be criticized because I happened yesterday to be with 23 instead of 40, I ask my friend in all sincerity if we ought not to take a party poll on every proposition, and let the minority on all matters fall in line with the majority; and if he thinks that I, in the position I occupy here, regardless of my own views and regardless of what I conceive to be my duty, ought to take a poll in advance of every vote, and line up with the majority of the Democrats because they happen to be on a certain side of a question?

Mr. CHAVEZ. No; the Senator from Kentucky misunderstands me.

Mr. BARKLEY. I am trying to understand the Senator.

Mr. CHAVEZ. As a Democrat, I still think the Senator from Kentucky should do as his conscience dictates, whether he is alone or with the majority.

Mr. BARKLEY. I am glad to hear the Senator say that, because the Senator from New Mexico does that, and I honor him for it. I frequently regret that he and I are not together, but I never doubt his sincerity; I never impugn his motives; I never criticize or question him when he votes in any way he sees fit, though I sometimes wish he would vote with me.

Mr. CHAVEZ. I am not questioning the motives of any one who voted against the Miller amendment on yesterday. As a matter of fact I am submitting to the majority, even if the majority is composed of a minority of Democrats and Republicans; but I want to impress upon the Senator that as far as the Democratic Senators were concerned, notwithstanding the fact that the amendment lost, the majority of the Democratic Senators evidently were not satisfied with the Hatch law as it originally passed.

Mr. BARKLEY. The Senator knows that in the past several years, during the entire two terms of President Roosevelt, there has never been any effort on the part of the Democratic majority to bind any other Democrat; and because the impression might have gotten out that we were seeking to bind

Democrats there has never been, so far as I recall, a conference of the Democratic majority on legislation with a view of undertaking either to bind Democrats or even to persuade them to vote in a certain way. We have recognized the right of Democrats here to vote as they saw fit. In fact, if they were not more or less individualists, they would not be Democrats. But, in view of that general attitude of all Democrats here toward their colleagues, does the Senator from New Mexico think it really is pertinent to recall what the vote was yesterday?

Mr. CHAVEZ. It is pertinent only as showing numerically what the Democrats thought of the Hatch law.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. CHAVEZ. Yes.

Mr. MINTON. Of course, we who voted for the Miller amendment yesterday had no criticism to offer of the distinguished Senator from Kentucky.

Mr. CHAVEZ. No; we had no intention whatever of criticizing him.

Mr. MINTON. We have not any criticism at all of him, but we were just flabbergasted to see him running toward the wrong goal. [Laughter.]

Mr. BARKLEY. Mr. President, if the Senator will yield, of course there are many doors to this Chamber, and frequently I am flabbergasted by seeing the departure of Senators through various doors that lead out of the Chamber or out of the fold of what I regard as good democracy; but I have never found fault with them, and I do not now find fault with them.

Mr. CHAVEZ. I am not finding fault.

Mr. BARKLEY. I have always assumed, and I should not want to belong to a body where I could not assume, that every Member of it votes as his conscience dictates to him.

Mr. CHAVEZ. That is correct.

Mr. BARKLEY. Frequently we are compelled here, regardless of our partisan affiliations, to take positions which are nonpartisan, which are beyond the limitations of party control or party conception or party advantage. On a matter of this sort, which is not partisan, and by no stretch of the imagination can be made partisan, I think every Democrat and every Republican at least ought to be given credit for voting his sincere convictions upon it.

Mr. CHAVEZ. I am sure they voted their convictions, and I am not trying to criticize the vote of any Member of this body on yesterday. I am just trying to impress upon the Senate numerically how the Democratic Senators stood, and further to impress upon the Senate that as far as I am concerned I am still standing in the same position I occupied in 1938.

Mr. BARKLEY. The Senator has been consistent. He has been against this legislation fundamentally from the very beginning.

Mr. CHAVEZ. That is correct; and nothing has hurt me more than the fact that I could not agree with my colleague about it, because I should have loved to go along with my colleague, for I know his purity of thought and motives.

Mr. GREEN. Mr. President, does the Senator from New Mexico claim that the use of patronage is not only excusable but laudable if it is used in order to carry out the policies of President Roosevelt?

Mr. CHAVEZ. No; the Senator from Rhode Island certainly misunderstood the Senator from New Mexico. What the Senator from New Mexico said was that in my opinion any employee of the Federal Government who believes in the policies of the President of the United States has the inherent right to try to carry out those policies in the only way provided by the Constitution or the law; that is, through politics. How are we to carry on with the administration of this President or any other President unless we elect people who believe in the particular philosophy of government espoused by the President we are supporting, and how are we to elect such people unless we go out and help?

Let me say this to the Senator from Rhode Island, that I was for Roosevelt "before Chicago." I did not become a supporter of President Roosevelt after the nomination at Chicago or after I came to Congress. I was in Congress before Roosevelt was nominated, and there was only one way in which the American people had an opportunity to show that they were for Roosevelt—for the Democrats to get out and get delegates to nominate him for President of the United States at Chicago and for the people to elect the nominee. He may be the best man in the world—and I believe he is—but unless he is nominated neither the Senator from Rhode Island nor I will have an opportunity to vote for him.

Mr. GREEN. Then, let me ask the Senator from New Mexico a further question. If that is his view as to President Roosevelt and his policies, why does he denominate this a Republican rather than a Democratic measure? He alludes to the fact that no Democrats voted against it in the Senate, but a majority of the Democrats of the House voted against it. Why does he ignore the fact that the President of the United States—President Roosevelt, whose policies he claims he supported "before Chicago"—signed the Hatch bill last year, and that yesterday he expressed himself as opposed to any amendment to the Hatch Act?

Mr. CHAVEZ. That is correct. He did sign the bill.

Mr. BANKHEAD. Mr. President, I demand proof that he stated he was opposed to any amendment. I deny it and demand proof.

Mr. GREEN. I limit the question, then, to the fact that he signed the Hatch bill.

Mr. BANKHEAD. I ask, then, how long he took to approve it after it reached his desk.

Mr. CHAVEZ. Mr. President, whether he signed it or not has not a thing whatsoever to do with whether or not I feel that the legislation is good legislation. The President of the United States has his responsibilities, and on many occasions Congress passes measures which may be contrary to the views of the President, but due to the fact that Congress has acted, he signs the measures. That happens every day in the week. How many times has the Congress of the United States increased appropriations in bills contrary to the financial policy of the President? He would be against that, but Congress having acted, he acted in his capacity, carrying out his functions as the Chief Executive, and signed the measures. The fact that he signed the Hatch bill does not convince me, for one, anyway, that he was so enthusiastic about it.

Mr. GREEN. No; but it does not support the Senator's position, does it, that when no Democratic Senator voted against the bill and a Democratic President signed it, therefore it was a Republican measure?

Mr. CHAVEZ. No. What I maintain is—and it is a fact, and is of record—that a majority of the Democratic Senators expressed their opinion against the bill, the majority of the Democratic Representatives expressed their opinion against the bill, but a majority of Congress voted for the bill, and I respect the law as long as it is the law, but I still think it is a bad law.

Mr. President, only one more point, and I shall have finished. I have stated heretofore that the danger to this country, in my opinion, is "Bureau Washington." I am sincere about this. I know that the people of the States make mistakes, but I know that the people of the States rectify those mistakes at the proper time, and I think that it behooves the citizens of the United States to watch the situation very carefully, or pretty soon we will have a Government by bureaus and not by sovereign States; we will have a Government from Washington and not a Government from Mississippi or Alabama or North Carolina; we will have someone in Washington telling us what we should do instead of having the people of Idaho and elsewhere saying what they want to do. Officials in Washington do coerce; Washington does use the "squeeze play," if I may use that expression, and I have seen it done in my State. I am going to call the attention of my colleagues to an incident in my own State where there was a "squeeze play" from Washington, and what happens in New Mexico happens elsewhere.

Last December, at the insistence of and under threats from "bureau Washington," the board of regents of our State college were forced to discharge a director of the Extension Service in New Mexico, a local employee, who had been appointed by the board of regents chosen by our Governor. I think that the board of regents were wrong; I think they should not have let Washington threaten them the way they did, but someone from Washington went to Las Cruces, N. Mex., and said, "This fellow must get off." They said, "Why?" "Well, we don't agree with him." The man from Washington may have been correct. We happen to have in the State college a local set-up of the Triple A, which employs 63 or 64 persons. This man said, "You either fire this man or we will take away the set-up of the Triple A." When I went to the Department of Agriculture in the city of Washington and complained of those methods, I was told by a high official, whose name I do not care to mention here, "Well, possibly that was the only way they could get away with it."

Mr. President, I do not want such things to happen in any State. I thank the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS].

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwartz
Andrews	Ellender	Lee	Schwellenbach
Ashurst	Frazier	Lodge	Shipstead
Austin	Gerry	Lucas	Slattery
Bailey	Gibson	McCarran	Smathers
Bankhead	Gillette	McKellar	Smith
Barbour	Green	McNary	Stewart
Barkley	Guffey	Maloney	Taft
Bilbo	Gurney	Mead	Thomas, Idaho
Brown	Hale	Miller	Thomas, Okla.
Bulow	Harrison	Minton	Thomas, Utah
Byrd	Hatch	Murray	Tobey
Byrnes	Hayden	Neely	Townsend
Capper	Herring	Norris	Truman
Chandler	Hill	Nye	Tydings
Chavez	Holman	Overton	Vandenberg
Clark, Idaho	Holt	Pepper	Van Nuys
Clark, Mo.	Hughes	Pittman	Wagner
Danaher	Johnson, Calif.	Reed	Walsh
Davis	Johnson, Colo.	Reynolds	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS], which will be stated.

The CHIEF CLERK. It is proposed to amend section 9 of the act so that it will read as follows:

SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government or department thereof shall endeavor directly or indirectly to influence the vote or political action of any Federal officer or employee in any degree subject to his orders or directions or whose employment he has power to terminate. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

Mr. HATCH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DOWNEY (when his name was called). On this vote I have a pair with the senior Senator from Ohio [Mr. DONAHEY]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. SHIPSTEAD (after having voted in the negative). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present he would vote "yea" on this question. I therefore withdraw my vote.

Mr. THOMAS of Utah (after having voted in the negative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised, however, that if present and voting, he would vote as I have voted. Therefore, being at liberty to vote, I allow my vote to stand.

Mr. McNARY. The Senator from Wisconsin [Mr. WILEY] is paired on this question with the Senator from Arkansas [Mrs. CARAWAY]. If present, the Senator from Wisconsin would vote "nay", and the Senator from Arkansas would vote "yea."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senators from Texas [Mr. CONNALLY and Mr. SHEPPARD], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Georgia [Mr. RUSSELL], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], and the Senator from Utah [Mr. KING] are unavoidably detained.

The Senator from Texas [Mr. CONNALLY] is paired with the Senator from Georgia [Mr. GEORGE]. I am advised that, if present and voting, the Senator from Texas would vote "yea" and the Senator from Georgia would vote "nay."

The Senator from Utah [Mr. KING] is paired with the Senator from Texas [Mr. SHEPPARD]. I am advised that, if present and voting, the Senator from Utah would vote "yea" and the Senator from Texas would vote "nay."

The Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Maine [Mr. WHITE] are unavoidably detained. These Senators have a general pair.

The result was announced—yeas 35, nays 42, as follows:

YEAS—35

Adams	Clark, Idaho	Lee	Pittman
Andrews	Ellender	Lucas	Schwartz
Bailey	Guffey	McKellar	Slattery
Bankhead	Harrison	Maloney	Smathers
Barbour	Hayden	Miller	Smith
Bilbo	Herring	Minton	Stewart
Bulow	Hill	Murray	Thomas, Okla.
Byrnes	Hughes	Neely	Truman
Chavez	Johnson, Colo.	Pepper	

NAYS—42

Ashurst	Gerry	Lodge	Thomas, Idaho
Austin	Gibson	McCarran	Thomas, Utah
Barkley	Gillette	McNary	Tobey
Brown	Green	Mead	Townsend
Byrd	Gurney	Norris	Tydings
Capper	Hale	Nye	Vandenberg
Chandler	Hatch	Overton	Van Nuys
Clark, Mo.	Holman	Reed	Wagner
Danaher	Holt	Reynolds	Walsh
Davis	Johnson, Calif.	Schwellenbach	
Frazier	La Follette	Taft	

NOT VOTING—19

Bone	Donahey	Lundeen	Shipstead
Bridges	Downey	O'Mahoney	Wheeler
Burke	George	Radcliffe	White
Caraway	Glass	Russell	Wiley
Connally	King	Sheppard	

So Mr. ADAMS' amendment was rejected.

Mr. MALONEY. Mr. President, I offer an amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, beginning with line 15, it is proposed to strike down to and including line 18 on page 7.

Mr. MALONEY. Mr. President, every Senator is entirely familiar with the bill, and the amendment is so simple I shall take but a few moments to discuss it.

Mr. HATCH. Mr. President, will the Senator yield for a moment?

Mr. MALONEY. I yield.

Mr. HATCH. I should like to ask the Senator from Connecticut, who has presented an amendment, the purpose of which is to strike out certain language on pages 4, 5 6, and 7 of the bill, which I take it is all of section 12——

Mr. MALONEY. Yes.

Mr. HATCH. Was the Senator present in the Chamber, and did he know that practically all that language has been stricken as the result of the adoption of the amendment offered by the Senator from Wyoming?

Mr. MALONEY. I was present when the proposal of the Senator from Wyoming was adopted, and I think I am familiar with that amendment.

Mr. HATCH. I was not quite sure whether the Senator from Connecticut understood the effect of the amendment of the Senator from Wyoming.

Mr. MALONEY. Yes; I did. I should like to say in that connection, Mr. President, that if the Senator from New Mexico feels that my amendment deserves recognition, and makes the statement that its adoption would destroy the bill, I wish to say, so there may be no misunderstanding, that that is entirely the purpose of the amendment. I am against the bill. I am opposed to section 3 of the bill, and to the bill in its entirety, because I firmly believe that it trespasses upon the rights of States.

I still adhere to the views I held when I first came to the Senate. I have endeavored always to express my opinions, sometimes with little success, occasionally with a degree of success, on measures concerning the rights of States.

It so happens that I am in a politically comfortable position in offering this amendment, because if adopted it would have no favorable effect upon my own political welfare. The administration in my State is entirely Republican, but regardless of what the situation there may be, I should very much dislike to see the Senate take another step of intrusion upon States' rights.

I made the statement in the Senate a long time ago that the rights of States were marching toward death, and this is but another long step in that direction. Without further explanation, I just want to say that I am very hopeful that the amendment will be adopted.

I shall ask for the yeas and nays on this question.

Mr. PEPPER. Mr. President——

The PRESIDENT pro tempore. The Chair will state the parliamentary situation. The question now recurs upon the adoption of the committe amendment, as amended. Therefore, the same thing would be accomplished by a vote on the committee amendment as by a vote on the amendment to strike out.

Mr. MALONEY. Mr. President, I am hopeful that the committee amendment will be rejected.

Mr. PEPPER. Mr. President, I ask the Senate to indulge me to make a brief comment in favor of the amendment offered by the able Senator from Connecticut [Mr. MALONEY] for the reasons already given in the remarks which he made in offering the amendment.

The particular provision in the bill represents an undue aggression of the Federal Government upon what I consider to be the just immunities of the several States.

The language appearing upon page 4 of the bill contains these words:

> No such officer or employee shall take any active part in political management or in political campaigns.

It does not say that the officers or employees of the several States shall not take any part in a Federal campaign or a campaign involving the election of a Federal officer. Remember this measure does not deal with Federal employees. It deals with State employees. It is proposed that the Federal Government shall say that no State employee who does not come within the few exceptions contained in the amendment may participate in a municipal election for mayor, a district election, a county election, or a State election. What is the justification for that restriction on the ordinary civil liberties of State employees? The justification is that the Federal Government is contributing certain funds to the agency of which the State employee may happen to be a part.

I am vitally interested to know, therefore, whether or not we are laying down the definite principle that the Federal Government has the right to control—not to prescribe the general conditions for, but to control—the activities of every local agency which is supplemented by Federal funds.

I am interested to know that, Mr. President, because on every possible occasion I have voted for the appropriation of Federal funds in aid of State agencies which were trying to serve the general welfare. I have endeavored to make it possible to vote in even more cases than have appeared before the Senate. I am the author of a bill which contemplates Federal Government aid in the education in the public schools of the country of underprivileged children. But if the pending bill should become a law, and this precedent should be established, every school teacher in my State would come within the restrictive clutch of the Federal power to define what his or her political activities in local—not Federal—affairs may be.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. Does not the Senator think the Federal Government has a right to fix the terms upon which money appropriated out of the Treasury of the United States shall be distributed among the States?

Mr. PEPPER. I answer the Senator by saying that the Federal Government has the power; but, if it ever exercises it, it will violate the fundamental concept of the difference between Federal and State power.

Mr. BARKLEY. In other words, the Senator advocates the distribution of Federal money among all the States without in any way prescribing the terms under which it may be expended?

Mr. PEPPER. I did not go so far as to say "without in any way prescribing the terms under which it may be expended." I do not advocate any restriction upon the Federal power to lay down reasonable terms and conditions surrounding the use of Federal funds; but, of course, it is as Mr. Justice Holmes said. Everything from the Two Tables of Stone up to the present time is a matter of degree. It is all right to prescribe certain broad general standards, as the Federal Government does in making road funds available to the several States. It prescribes a certain type of highway, with certain dimensions, to be constructed according to a certain design, from certain materials. However, that right does not carry as an incident the Federal right to say what the individual employee of a State road department shall do in local politics.

Mr. BARKLEY. Mr. President, may I ask the Senator another question?

Mr. PEPPER. I yield.

Mr. BARKLEY. Does the Senator think there is any degree of difference between the use of money out of the Treasury of the United States to control or affect the election of a Federal officer, and the use of the same money to control the election of a State officer?

Mr. PEPPER. I think there is a very distinct difference, Mr. President.

Mr. BARKLEY. The difference being, if I gather the trend of the Senator's argument, that if a State officer, including the Governor, the secretary of state, the State auditor, or even the chairman of the highway commission, or the State director of the old-age pension system—half the expenses of which are borne by the Federal Government—desires to

use not only the money out of the State Treasury, but also money out of the United States Treasury to bring about his election to some State office, a lesser degree of wickedness is attached to that conduct than if a United States Senator, Representative, or some other Federal officer were trying to do the same thing.

Mr. PEPPER. Mr. President, I am not at all sure that there is a great degree of wickedness—to use the term of my friend the able majority leader—in either case; but I can well understand the reasons of policy which make it a proper exercise of the Federal power in one case and an improper exercise of that power in the other case.

I suggest this reason for that distinction in my mind: There was a State road department in Florida before the Federal Treasury began to contribute Federal funds to the building of roads in that State. The Federal money did not bring into existence the State power to build roads. It may have supplemented it, but the Federal contribution was made because the Federal Government, being concerned about the movement of citizens of the whole country, sought to bear its just share of the construction program.

Mr. BARKLEY. Florida was one of the forward States in the matter of constructing highways. So was North Carolina. So was Illinois. Some States are far ahead of their sister States in the construction of highways. However, I believe that the adoption of the Federal good-roads law operated more effectively to stimulate highway construction in the United States than anything that has been done by any State or by the Federal Government alone in the construction of highways.

The point is not whether or not there was a highway department in the Senator's State or in my State before the passage of the Federal Aid Road Act. It seems to me the gravamen of the whole situation is whether or not a State officer, whatever may be his title, ought to be permitted to use funds out of the United States Treasury—no matter whether they be highway funds, funds for unemployment compensation, or funds for the payment of county agents in the Department of Agriculture within the State or a subdivision of the State—to advance his political fortunes to a greater extent than anybody else ought to be permitted to do so. While I am a stickler for State rights, I do not believe that doctrine ought to be extended to the point of permitting or sanctioning the use of Federal funds by any State official in order to advance his political welfare.

Mr. PEPPER. Mr. President, let me state the question a little differently. I say that merely because the Federal Government makes a just contribution to a State expense, it has no right to deprive State citizens of their normal civic prerogatives under State law.

Mr. BARKLEY. Mr. President, will the Senator again yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. The justice of the contribution to any activity within the State, if it is encouraged and fostered by the Federal Government, is no greater than the justice of the contribution of the Federal Government to any of its exclusive activities. It seems to me the question of justice does not enter into it.

Mr. PEPPER. Surely the Senator makes a distinction between the status of an employee of a State agency whose funds may perchance be supplemented from the Federal Treasury, and that of an employee who owes his official existence to the Federal Government.

Mr. BARKLEY. The difference in the status is that in one case the employee is appointed by State authority, and in the other he is appointed by Federal authority; but in both cases he is spending money out of the Federal Treasury.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. I invite the attention of the Senator from Kentucky to the language on page 4, beginning in line 23:

> When used in the second sentence of this subsection, the term "officer or employee" shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or the mayor of any city; (2) heads of executive departments of any State or municipality; (3) officers who are appointed by the Governor of any State by and with the advice and consent of the legislature or either house thereof, and who determine policies to be pursued by such State in the State-wide administration of State laws; (4) officers holding elective offices.

The officials are excepted from the terms of the bill. The bill applies only to the plain workers in the various States. In a way, the language referred to is a tremendous step toward perpetuating the present State officers.

Mr. BARKLEY. Mr. President, if the Senator from Florida will further yield, the language referred to by my friend from Tennessee is a part of the language of the very amendment on which we are about to vote.

Mr. McKELLAR. It is sought to be stricken out.

Mr. BARKLEY. The Senator from Florida is opposing the adoption of the entire amendment. So, if his attitude should prevail and the amendment should be rejected, no part of section 12 would remain in the bill. It would all be eliminated, including the language read by the Senator from Tennessee.

Mr. McKELLAR. I think it ought to be eliminated.

Mr. BARKLEY. I have no doubt of that. Let me say to the Senator from Tennessee that there is no virtue in reading that language, because, if the amendment shall not be agreed to, it will go out.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MINTON. The Senator from Kentucky asked the Senator from Florida if the Federal Government does not have the right to dispense its bounty upon such terms as it sees fit, to which the Senator from Florida replied, "Yes." Of course, no one can question that statement so long as the Federal Government writes its laws looking to the dispensation of its bounty for the things it is trying to promote with that bounty, and not in an effort to coerce the States into doing something which, in the first instance, the Federal Government has no right to require to be done. That is the difference between the Federal Government dispensing money upon proper conditions and dispensing it upon improper conditions.

Mr. BARKLEY. Nobody doubts the ability and power of the Federal Government not only to fix the conditions upon which its own money shall be expended, but to appoint in every State the very persons who are to dispense the Federal money. In appropriating funds to the States we have a right to select the employees who are to dispense it.

Mr. MINTON. Nobody would deny that the Federal Government has that right; but the Federal Government has no right to say "We shall dispense this money in a manner which will compel the States to do politically something which the Federal Government has no right to require under its own power."

Mr. BARKLEY. I do not understand that the bill undertakes to compel the States to do anything.

Mr. MINTON. The Senator from New Mexico says that is the purpose of it. I have read the provisions of the bill time after time. There is nothing in the bill except coercion of the States.

That is its purpose—Federal power to coerce the States to do something that the States do not want to do but the Federal Government wants to compel them to do.

Mr. BARKLEY. I do not understand that the Senator from New Mexico or any other Senator supporting this bill has stated that the bill is intended to compel the States to do anything. It is an effort to prevent State employees receiving Federal funds doing what we will not permit our own employees of the Federal Government to do.

Mr. MINTON. That is a matter of tweedledum and tweedledee. If we are going to prevent them from doing something by action which they themselves would not take, whether it be coercion or not, the result is exactly the same.

Mr. MALONEY. Mr. President, the Senator from Kentucky is entirely right. We would not have this legislation before us today if we had not taken the very unusual step of the original Hatch Act, and if after the passage of that act it

had not occurred to some people that Federal employees and Federal officeholders were denied the rights held by people in the State governments. If this proposal here today had come before us on its own merits, without the existence of the original Hatch Act, it would be scorned as a horrible intrusion upon the rights of the States. Now the attempt is being made, quite sincerely, of course, to advance the action earlier taken, by bringing in a bill that coerces the States, or, as the Senator from Kentucky points out, prevents the States from doing something; prevents them from managing their own business.

Mr. PEPPER. Mr. President——

Mr. HATCH. Mr. President, I do not want to interrupt the Senator from Florida if he desires to proceed with his remarks.

Mr. PEPPER. I yield to the Senator from New Mexico.

Mr. HATCH. I should like to say to the Senator from Indiana and others who have been stating my position on the floor that I have tried to make quite clear what I seek to accomplish. Let me say that there is another thing the Federal Government is vitally concerned with and vitally interested in; we have a solemn duty and obligation to the people of the United States to see to it that the funds we appropriate of the taxpayers' money shall not be used for corrupting influences in the States or in the Federal Government, either, and while I do not use the phrase "corrupting influence" in any bad sense, experience has taught us that the pernicious political activity of employees of State and city governments, as well as of the Federal Government, is a corrupting and bad influence on the States of the Nation; and the Federal Government has a vital and deep concern in all such matters.

Mr. PEPPER. Mr. President, I see very clearly that the proponents of this bill contemplate nothing less than the political emasculation of everybody who happens to be the partial beneficiary of Federal funds. If the argument made by the proponents of this legislation prevails, and we pass it, we had just as well get ready to see the greatest curtailment of Federal expenditures and the greatest curtailment and restriction of Federal extension that we have seen in a long time in this country. There are many who perhaps would like to see that happen.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Kentucky.

Mr. CHANDLER. Does the Senator have any objection to curtailing the expenditure of the public money of the people of the United States?

Mr. PEPPER. I do have objection, and I will state to the Senator my reason. I am in favor of the bill which is now on the Calendar of the Senate, ably presented by the senior Senator from Mississippi [Mr. HARRISON] and the junior Senator from Utah [Mr. THOMAS], which contemplates that the Federal Government shall aid the several States of this Nation in providing adequate education in the public schools of the States.

Mr. CHANDLER. Does the Senator want, in providing for the adequate education of the youngsters of America, to fix it so that everyone who gets some Federal money will be required, in order to teach school, to play politics in order to keep his position?

Mr. PEPPER. I will answer the Senator. In making the Federal Government equalize the natural economic differences in the ability of the several States of this country to furnish a fair standard of education to the boys and girls, I do not deem it proper to tell the school teachers who may happen to be the partial beneficiaries of the Federal contribution that they cannot go out and say they support a candidate for superintendent of public instruction in their own counties. That is none of the Federal Government's business.

Mr. CHANDLER. When the Federal Government appropriates money to the several States it has a right to expect that the States where that money is expended will spend it for the purposes for which it was appropriated. If the Federal Congress appropriates money for the Public Health Service, for public charities, and for public schools, we are undertaking to say by this bill—and I would apply it to everybody except the President of the United States, and at one time I thought that I would go that far, but I am not willing to go that far now but would let him say, if he wants to, whom he is for and whom he is against—we are undertaking to say to everybody else who spends the money of the people of the United States or to whom money may be appropriated, if this legislation is ultimately successful, as I believe it will be: "You have public money; devote your time and attention to the job for which you have been selected; we are not going to have a single cent expended for waste or graft or extravagance or political management or manipulation in the United States."

I wish to repeat what I said a couple of days ago. If the Senator does not think that his people in Florida and my people in Kentucky and the people all over America have grown weary, and will continue to grow more weary of present conditions, if the Congress of the United States does not fix it so that the public money cannot be spent for politics and for the perpetuation of people in office in America, and if the policy is not changed here in Congress the people will change it themselves, for some day they are going to send a group of representatives here who will change it.

Mr. MALONEY. Mr. President, will the Senator from Florida yield to me there?

Mr. PEPPER. I yield briefly, but I should like to reply to the statement of the Senator from Kentucky.

Mr. MALONEY. Briefly, I should like to comment upon what has just been said. I think the Senator from Kentucky is entirely right, and that the people are greatly worried about the situation to which he refers, but they have one greater worry which I should like to point out, and that is their great worry about the centralization of government. That is one of the outstanding fears of the country right now.

Mr. PEPPER. Of course.

Mr. CHANDLER. Mr. President, will the Senator yield to me again?

Mr. PEPPER. I should like first to answer the Senator's statement.

Mr. CHANDLER. I do not wish to take the Senator's time.

Mr. PEPPER. I wish to answer the Senator's statement; then, as soon as I have answered, I will yield to let the Senator propound another question.

Mr. CHANDLER. Very well; go ahead.

Mr. PEPPER. I wish to point out to the Senator that his reasoning has proceeded upon the assumption that we will keep State employees from taking Federal money and going out and using it for political purposes. It is just exactly the contrary; and here is the language I am complaining about:

> No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

I am not talking about taking Federal money and going out and hiring automobiles with it, supplying campaign posters to be put up, and inserting advertisements in newspapers; I am saying that the Federal Government, instead of freeing the citizen from anything, is putting upon him Federal shackles of tyranny when it says to the school teacher, in the case, I supposed, that even at nighttime in his or her own time in the community square or in the county courthouse he or she cannot get up and say, "I am here to make a speech for my candidate for superintendent of public instruction."

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. I take it the Senator is heartily in favor of the purposes of the original law which was to prevent Federal employees taking part in political campaigns?

Mr. PEPPER. Yes.

Mr. TYDINGS. How can the Senator take that group of our citizens and tell them, "You shall not do this because you are paid by the Federal Government," and withhold the same restriction from other persons who are paid not in full but in large measure by the Federal Government? In the town of Orlando, Fla., in the Senator's own State, for instance, there are two men living next door to each other. One of them is the deputy collector of internal revenue, working for the United States Government. The Senator says he does not want that individual to take an active part in a political campaign. He thinks it is perfectly right and proper that the deputy collector of internal revenue should not take any part in a political campaign in the State of Florida, because he is paid from the Federal Treasury. Now, the man next door to him is an employee of the State highway department and, we will assume, has his salary paid to the extent of 55 percent, for the purposes of illustration, by a contribution which comes from the Treasury of the United States.

If the principle is sound in the first instance, and those who are on the Federal pay roll should not take any part in politics, the man, although appointed by the State, is 55 percent on the Federal pay roll; and the truth is if it were not for our peculiar system of building highways, which grew up not with any definite plan but evolved into its present shape, 55 percent of that man's salary would be paid by the Federal Government and 45 percent would be paid by the State; and yet when an election or a political campaign comes on the deputy collector of internal revenue and the State highway officer are talking and the State highway officers says, "Come out with me tonight; I want to electioneer for Mr. John Brown who is running for Congress," and the deputy collector of internal revenue says, "I cannot do that because my salary is paid by the Federal Government." But the highway employee says, "55 percent of my salary is paid by the Federal Government; and why should you not have as much right to go out and work for your candidate as I have?"

Leaving aside the State and National situation to which the Senator has alluded as a reason for his opposition, and putting the matter on the mere basis of civilian rights, on the mere basis of equality of opportunity and special privileges to none—which is another old Democratic slogan—does not the Senator think the man who is in the Internal Revenue Department should feel justly aggrieved?

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. PEPPER. I prefer not to yield until I answer the question of the Senator from Maryland.

Mr. SCHWELLENBACH. There is another question which I should like to ask the Senator to answer at the same time. I hope the Senator from New Mexico will be able to clear up this question in my mind:

Suppose that down in Orlando, Fla., there are twin brothers. They are exact twins. One of them commits the crime of making a mistake in his income-tax return.

SEVERAL SENATORS. Or refuses to answer the census questions. [Laughter.]

Mr. SCHWELLENBACH. All right; we will say he refuses to answer the census questions, and the Federal Government prosecutes him. The other man murders his wife. The county prosecutor, or whatever the prosecuting officer in the State of Florida is called, is a friend of the man who murdered his wife, and decides not to prosecute him. The man admittedly has murdered his wife. His twin brother violates a Federal law by not answering the census questions and goes to the penitentiary; but the brother who murders his wife is allowed to go free in the State of Florida. Would the Senator recommend that the Federal Government should go into the State of Florida and prosecute the man for the murder of his wife?

Mr. PEPPER. The Senator from Washington has, of course, indicated the answer to the questions of the Senator from Maryland. I would put my direct answer in three categories.

In the first place, the employee of the State is not even partially an employee of the Federal Government. In the second place, the thing that is involved in the first case, where restrictions are thrown around the activities of the Federal employee, is only the one question of the extent to which a man's civil status shall be affected by our Federal restriction. In the third place, in the case in which the employee is an employee of the State, we have not only the question of restricting his civil status and prerogatives but we have the very distinctive question in American political philosophy of a transgression upon the sovereignty of the States of the Union.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. Just let me make a further statement. The Senator may say, "That is just a technical difference"; but at one time I heard it said that the difference between a man and a woman is just a technical difference. [Laughter.]

Mr. LUCAS. Mr. President——

Mr. TYDINGS. Mr. President, if the Senator will yield, let me say to him that all the distinctions to which he has alluded and worked out to such a point of refinement are only little twigs on the tree of liberty. The trunk of the tree of liberty is equality of treatment; and denial of the right to take part in an election is going almost as far as denial of the right of suffrage.

The Senator can see no objection whatever to having the Federal Public Roads Administration come down to his State and say, "You shall not build in Florida a road that is not 20 feet wide. You shall not build in Florida a road of which we do not approve." The Senator has voted for that over and over again.

Mr. PEPPER. And he will continue to do so.

Mr. TYDINGS. He has allowed the Federal Government to say what kind of roads the taxpayers of the State of Florida shall have, and he has not been at all concerned about it, because he was on the receiving end of the beneficial appropriation.

Mr. PEPPER. Oh, no.

Mr. TYDINGS. If the Senator could go that far to allow this great, big Federal Government to come in and dictate to the sovereign State of Florida what kind of roads it should have, certainly the Federal Government can follow its own money and provide, in the complete expenditure of that money, that there shall be no political influence attached to it.

Mr. PEPPER. Mr. President, the able Senator from Maryland is a very distinguished lawyer. He surely could not have been listening a moment ago when, in response to the question of the senior Senator from Kentucky [Mr. BARKLEY], I readily conceded to the Federal Government the legal power to do that. I am making an argument on the basis of policy, that it is not desirable for the Federal Government to exercise that power in a case of this kind.

I will distinguish the highway case from the case we are now considering. It does not involve any encroachments upon a civic prerogative for the Federal Public Roads Administration to say, "If you want our contribution in building a national highway system, you must meet Federal specifications for that kind of a project."

Mr. TYDINGS. That is true.

Mr. PEPPER. The dead earth in a State does not feel affronted because a particular type of specification has been insisted upon. It does not have the animate opposition to the encroachment of Federal power that a human being has. We do not get into the question of sovereignty and sovereign immunities when we have that question; but when we say, "We are going to carry the doctrine of the Federal power to its inevitable, logical destination and say that everybody who directly or indirectly receives aid from the Federal Government, and therefore from the country as a whole, must have even the minutiae of his conduct regulated by the Federal power," we have gobbled up every pretense of sovereignty that is left in the political subdivisions of the country.

Mr. HATCH. Mr. President——

Mr. TYDINGS. I think the Senator has made a good statement there, to the extent that there is no question of the Federal Government having the power to do what has been suggested, but that he wants to put the matter, not upon

the contention that we have not the power, but upon the basis of policy.

Mr. PEPPER. That is correct.

Mr. TYDINGS. I want to put it upon the basis of policy. How can we disfranchise from political influence one citizen who owes his living in whole or in part to the Treasury of the United States, and permit another citizen to exercise such influence? The citizen was created before the State. The people were first created, and the purpose of the State was to serve the people; and the purpose of the Nation which was later created was only to serve the people in a whole way.

So the State and the Federal Government are the servants and not the masters of the people. Therefore, what the Senator has sought to do is to make the State bigger than justice between man and man; bigger than equality between man and man. Without equality there is no democracy and there is no government. So, on the premise of policy, I think the Senator might well consider that there is only one avenue to justice, and that is equality of treatment for all who receive, in whole or in part, their compensation from the Federal Government.

Mr. MINTON and Mr. BARKLEY addressed the Chair.

Mr. PEPPER. Let me make a comment, and then I will yield to the Senator from Indiana, and then to the Senator from Kentucky.

I will say to the Senator from Maryland that, as the Senator from Washington [Mr. SCHWELLENBACH] a moment ago indicated, there are many instances in which there is a disparity between similar situations in the State jurisdiction and in the Federal jurisdiction. For example, under the Federal law, if a man is convicted of committing a homicide, first-degree murder, he is hanged. In my State, if he receives a similar conviction in the State court, he is electrocuted in the electric chair. Yet the Senator from Maryland, pursuing his logic to a conclusion, would say, "I insist that similarity of execution must be inflicted upon both—those who are the victims of the State power and those who are the victims of the Federal power."

Mr. TYDINGS. Mr. President, if the Senator will again yield, his premise cannot be sound, because the man who commits murder in Florida commits murder under a State law, while the man who commits murder on a military reservation commits it under a national law.

Mr. PEPPER. That is the distinction I am pointing out.

Mr. TYDINGS. In the instant case, the point at issue, whether a man is a State employee paid in part by Federal funds, or whether he is a Federal employee paid entirely by Federal funds, he is working under one Federal law, and all I am asking is that the Senator stand by what he has just said—that we should not have two standards of justice for the violation of one Federal offense.

Mr. PEPPER. I point out to the Senator that we have been having two standards ever since there has been a Federal Government—a Federal system imposed upon a State system.

Mr. TYDINGS. But the Senator is now advocating, and I think he will be fair enough to admit it, that there shall be two standards. If you are paid in full by the Federal Government, a certain standard shall apply. If you are paid 90 percent by the Federal Government, that standard shall not apply. I want it to apply with equality to all.

Let me say that I did not vote for the Hatch Act the first time it came up, although I doubt whether any man in this Chamber had greater personal grounds to support it than I had. I voted for it the second time with some misgivings. I questioned then what the Senator is arguing now, but there was no one to listen, and certainly I was not the one to make a fight to defeat the measure when I knew the injustices that might occur as a result of Federal influence in State elections. I say to the Senator that the biggest thing in this law is the preservation of what we call democracy. With the years that are ahead, with war, with deficits, with unemployment, we cannot throw too many safeguards around elections if we want democracy to survive.

Mr. PEPPER. Mr. President, what the Senator calls democracy I have heard him on previous occasions call "the tendency of the Federal Government to usurp the whole prerogative of government in America."

Mr. TYDINGS. That is just my point, and I was not enthusiastic about the original law, but now that we have it, and the Senator from Florida voted for it, let us make it apply to all alike.

Mr. PEPPER. I yield to the Senator from Indiana, and then I will yield to the Senator from Kentucky.

Mr. MINTON. Mr. President, the Senator from Maryland pitches his argument on the basis of equality.

Mr. TYDINGS. That is correct.

Mr. MINTON. And he cited a couple of examples; one of a man employed on the Federal pay roll as deputy collector of internal revenue and the other on a State highway activity for which he receives some Federal funds, and they live as neighbors. On the basis of equality, because I do not favor taking Federal employees out of politics or State employees out of politics——

Mr. TYDINGS. Of course not.

Mr. MINTON. I want to get them all in. The more people in, the better——

Mr. TYDINGS. That is correct.

Mr. MINTON. My proposition would be like this: Here are twin brothers, using the illustration of the Senator from Washington—a couple of "Gold Dust twins," such as we have seen around here. [Laughter.]

Mr. TYDINGS. Siamese twins.

Mr. MINTON. One of them works on the State highways, for which he receives some Federal funds. The other works, we will say, for Tom Girdler, who is politically minded. If the Hatch bill passes as it is before us now, the one who works for the State highway cannot go out and take any part in a political campaign, to protect his own job, and work for the man who got him his job, and support the party which put him to work; but the follow who works for Tom Girdler can go out and do every political trick in the book that Tom Girdler tells him to do, and not only protect his own job, but probably improve his position. Is that equality?

Mr. TYDINGS. Does the Senator want me to answer? May I have the time, I ask the Senator from Florida?

Mr. MINTON. One man is proscribed merely because he holds a job on a project to which the Federal Government makes a contribution.

Mr. TYDINGS. Will the Senator from Florida allow me to reply?

Mr. MINTON. That is the only distinction between them, for they are twins.

Mr. TYDINGS. Will the Senator from Florida yield?

Mr. PEPPER. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, to my mind the illustration answers itself. I do not think I even have to utter a sentence. According to his statement, the Senator would not have any civil service for Federal employees.

Mr. MINTON. I would not, if the Senator asks me.

Mr. TYDINGS. That is what I thought.

Mr. MINTON. The civil service does not protect those who are outlawed by the Hatch bill; the civil service does not protect those whom the Senator from New Mexico [Mr. HATCH] proposes to outlaw by the bill——

Mr. TYDINGS. The point I make is——

Mr. MINTON. The civil service has not anything to do with these poor people. They are not protected by civil service at all.

Mr. TYDINGS. The point I make is that if we follow the Senator's premise, as I see it, to its logical conclusion, we would not have any restriction at all as to anyone who works in any department anywhere for the Federal Government; but while possibly our policy has sometimes been foolish, sometimes ill-advised, in the main our impulse has been to throw around Federal employees in governmental life certain restrictions as abuses have occurred.

There was a time when every Member of Congress had passes on the railroads of the country, but abuses took place

as a result of that system, and today, as I understand, one cannot have a pass on a railroad in this country and be a Member of Congress. So even a little regulation like that is the result of an abuse. Therefore, what we are attempting to do here—whether we have done it in the right way or not I am not arguing—is to eliminate one more abuse which interferes with the machinery of that which we call a constitutional democracy.

Mr. MINTON. Mr. President, if the Senator from Florida will permit me to make one observation to the Senator from Maryland, he pitched his argument on the high plane of equality. My proposition was pitched upon the same plane, and the man whom I cited as an example was not in any more of an equal position than the one to whom the Senator referred, whatever the collateral arguments may be.

Mr. TYDINGS. I think the Senator has a point there, except that we have the Hatch Act on the statute books. Let us make the Hatch Act apply to all who are affected by this philosophy, or repeal it. That is a different matter. But so long as it remains on the books let us have equality of treatment for all under it and make no exceptions.

Mr. MINTON. The Senator's argument, then, comes down to this: Since we have done one bad thing, let us make it worse.

Mr. TYDINGS. No; but if we make everyone in the country except five people pay 10 cents on a hundred dollars as a tax rate, I want to take those five in and make them bear their burden, too. Taxes should fall equally, and so should the responsibilities of government.

Mr. PEPPER. I yield now to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, the Senator has gotten considerably away from the point about which I wanted to inquire a few moments ago. He stated earlier in his remarks that if the new Hatch bill shall be enacted into law the amount of Federal contributions to the States and to the various counties will be materially curtailed. I assume he meant by that to intimate that rather than give up their political control over men appointed by them, the legislatures and Governors of the States would withdraw their requests for or their acceptance of Federal funds. Is that what the Senator meant?

Mr. PEPPER. Mr. President, I will state very clearly what I meant. I meant, I will say to our able leader, that if the States, because they accept some Federal aid, have to bow down and accept Federal dictation in respect to the minutiae of the conduct of their citizens, I hope to heaven that they will at least have sufficient pride in their hearts to repudiate promptly all Federal aid.

Mr. BARKLEY. So that in order to continue to control the political activities of the people appointed by the States and employed on the highways, or receiving unemployment insurance, all of which is paid by the Federal Government, for the States make no contribution at all to the payment of unemployment compensation, or the payment of the agents appointed by the State, in case of county agents, or in the case of anyone else appointed by the State government to administer funds contributed by the Federal Government, rather than give up their political control of those appointees, the States would withdraw their acceptance of Federal contributions. I dare say there is not a Governor or a legislature in the United States that on any such pretext would withdraw a request for or acceptance of Federal money.

Mr. PEPPER. The Senator has asked a fair question, and he is entitled to a fair answer. The distinction I make is that I would not preserve to the State or any State machine or any State agency or officer a right to dictate to their employees who are partial beneficiaries of Federal funds. I do not profess any desire whatever to preserve that prerogative to them, but I do protest against this language and this sentiment being included in the law:

> No such officer or employee shall take any active part in political management or in political campaigns.

I am saying that it is not the power of the boss I am trying to preserve; it is the political and civic liberty of the individual citizen of the municipality, county, or State, who would not be protected because the agency for which he works happens to get some of its funds from the Federal Government.

Mr. BARKLEY. If the Senator will yield, that is precisely the principle for which I am contending, and for which I think the Senator from New Mexico and all others who are supporting the proposed legislation are contending, that is, the liberty of the individual citizen to be free from domination on the part of anyone who has been responsible for his appointment. I contend that no State officer and no Federal officer has any inherent right to dominate or coerce any citizen as to the way he shall vote.

Mr. PEPPER. That is correct.

Mr. BARKLEY. Therefore all we are proposing to do is to provide that whenever such officials use Federal funds they shall not undertake to use their power or their influence. They may have the power to influence the employees, but they do not have the right. That is the difference between the Senator's contention and mine.

Mr. PEPPER. The Senator is ignoring the distinction in the section. The first part of the bill, the earlier part of it, and the original Hatch Act, do proscribe intimidation, coercion, and the like, on the part of the officeholder, the employer, as it were, under whom the employee works. That is not in controversy here. I will ask the Senator to listen to this language:

> No such officer or employee shall take any active part in political management or in political campaigns.

I am not talking about the boss influencing the employee; I am saying that the language against which I remonstrate restricts the liberty of the individual school teacher, if the State gets Federal funds for its schools, or of the individual militiaman, if the National Guard of the State gets Federal funds, and restricts the political activity of the private citizen, in a way, with respect to a local purpose only, with which the Federal Government should not be concerned.

Mr. BARKLEY. The Senator has mentioned school teachers. I am familiar with the teaching profession. I myself once taught school. I think if there is anything for which the school teachers of America contend and stand it is the right of all school teachers to exercise the right of suffrage as they see fit, and I am sure the Senator knows that in many cases those who are responsible for the appointment of school teachers undertake to dominate them in order that someone may be elected on the school board who will guarantee that they will be retained as teachers in the schools where they have taught. I have seen it happen, and every other Senator I am sure is familiar with the fact, that often, in order to get a school trustee elected, the teachers exercise their influence with the children and the children's parents in order that some man or woman may be elected as a trustee who will guarantee that they will be reappointed as teachers.

Certainly no Federal funds contributed for education should be used by any power, any authority, which has the determination as to whether or not a school teacher shall be reappointed, and certainly no such authority should be turned loose to exercise that sort of control over the school teachers of the United States. I think that evil and that possibility and that power outweigh any damage which may come to the individual school teacher from providing that he or she may not go out and make speeches or become campaign manager for someone running for office.

Mr. PEPPER. I think the Senator from Kentucky is overlooking the fact that there are at least two provisions in the bill. The first lines of section 12 contain an element of the suggestion to which the Senator has addressed himself, in these words:

> No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence—

I interpolate the word "official" before the word "influence" also—

> for the purpose of interfering with an election or affecting the result thereof.

In that portion of the section reference is made to the employer, the head of the department, as it were, not being permitted to use his official influence for the purpose of coercing his employees. In addition to that, Mr. President, the section contains the language which I have quoted before, namely:

No such officer or employee shall take any active part in political management or in political campaigns.

Mr. CLARK of Idaho. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. CLARK of Idaho. The Senator from Florida suggested a while ago that the bill would apply to the National Guard. Is that a considered opinion?

Mr. PEPPER. Mr. President, I have not made any serious or prolonged study of the question, but what I meant to say was that if we pass this bill, and then are consistent in principle, we should also say that no National Guard member, no member of the State militia, can take any part in local political campaigns in his State, because a part of the State militia's income is derived from Federal contributions. I say that is going far outside the scope of the power we should exercise.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MALONEY. In view of what the Senator from Florida has just said, I should like to ask him if he can visualize the logical extension of this kind of legislation a little later to affect the veterans who receive pensions from the Government?

Mr. PEPPER. Yes, Mr. President.

Mr. MALONEY. And, carried further to a logical conclusion, legislation affecting all those who receive unemployment insurance and old-age pensions under the Social Security Act?

Mr. PEPPER. Of course. Mr. President, if we once establish the precedent that whenever we appropriate Federal money we shall insist upon the prerogative of controlling the minutiae of the conduct of those who receive that money, we might just as well obliterate any pretense of distinction between the Federal and the State Governments.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Florida yield to the Senator from Colorado?

Mr. PEPPER. I yield.

Mr. ADAMS. I wish to carry the suggestion made by the Senator from Connecticut a step farther. If taken to its logical conclusion, the next step is to provide that if the State does not do something which is required by the Federal Government, it will not receive Federal funds.

Mr. PEPPER. Yes.

Mr. ADAMS. And it would be quite logical to say that no Federal funds would be given any State which would not elect Democratic Senators.

Mr. PEPPER. That may be entirely plausible.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. Does the Senator believe that the Congress of the United States would do such a thing as pass a law requiring the election of only Democratic Senators?

Mr. PEPPER. The Senator was bringing the thing to a logical conclusion or extreme, and I said that, consistent with that principle, the Congress had the power to do it. Does the Senator deny the Federal power to do it?

Mr. HATCH. Let me say to the Senator, who has always been very liberal in his views with respect to the extension of the Federal power——

Mr. PEPPER. That is the reason I spoke of it.

Mr. HATCH. I have heard the Senator speak on that subject, and I am somewhat amazed at his present attitude. I wish to say that whenever the Congress of the United States shall pass a law requiring the election of Democratic or Republican Senators, the Senator need not worry about laws or anything else.

Mr. PEPPER. Of course, the Senator knows that that is simply carrying the matter to its logical extreme. I said to the Senator from Kentucky that if we have the power to regulate the conduct of persons who receive Federal money in one case, I assume we have the power to regulate it in another case. As to whether or not the illustration suggested is carrying it to a logical absurdity, there may be a difference of opinion.

Mr. HATCH. Mr. President, will the Senator yield once more.

Mr. PEPPER. I yield.

Mr. HATCH. Did the Senator vote for the Social Security Act?

Mr. PEPPER. On the final vote I voted "no," but I am in favor of it, and that vote was only because of the failure of the Senate to adopt the Connally amendment.

Mr. HATCH. The Senator is in favor of that measure?

Mr. PEPPER. Yes.

Mr. HATCH. It goes further than this bill does.

Mr. PEPPER. I may not have understood the Senator's question completely.

Mr. HATCH. I refer to the merit system in the States.

Mr. PEPPER. Yes. Does the Senator suggest——

Mr. HATCH. I do not suggest anything.

Mr. PEPPER. Let me answer that question. I admit—and I so stated in answer to the question of the Senator from Kentucky. I admit not only the power but the desirability of the Federal Government to prescribe fair condition for the receipt of Federal funds. I said that in my response to the able Senator from Missouri yesterday. I deny neither the power to prescribe nor the desirability of the Federal Government prescribing reasonable conditions.

Mr. HATCH. Will the Senator yield there?

Mr. PEPPER. I will yield in a moment. In the case of the social security fund, to say that the employees who are to spend the money should be competent employees and be selected by fair standards of competency, I do not regard as an unreasonable violation of the sovereignty of the State; but to say to them, "You must not only be competent, you must not only be chosen by fair standards of competency, but we are going to tell you how you must spend your time at night, whom you may speak to on the street corners, what you can say in the courthouse on Saturday afternoon when you are not on your job"—I say that that in high degree is an improper extension of the Federal power.

Mr. HATCH. Yet, Mr. President, the identical rule against political activity is now applied to the employees to whom the Senator just referred.

Mr. PEPPER. The Senator is not talking about all the employees of the social security fund.

Mr. HATCH. I am talking about those in the States for whom we set up standards under congressional authority, and we made the State set up standards, among which were requirements against political activity. There is no difference in the world between the purpose then sought and the one we are arguing for today, except that the restriction in the case of social-security matters goes ten times further.

Mr. PEPPER. Mr. President, the only answer I can make is the one I made to the Senator from Maryland. It is a question of degree, and a question of the reasonableness of the regulations under the circumstances in question.

Mr. ADAMS. Mr. President, let me say that I differ with the Senator. It is not entirely a question of degree. In this case the provision is that if a State employee in a department that receives Federal funds shall engage in politics, then he shall be discharged; if he shall be reemployed in any department in the State, then a penalty shall be imposed upon some other agency—in other words, an agency in which he was not employed—which was not involved in the matter.

Mr. HATCH. I do not want that suggestion to go unanswered. The Senator was correct as to the original bill. That has already been modified and taken care of.

Mr. PEPPER. Let me answer what was intimated a moment ago by the Senator from New Mexico as to why I, who

consistently have voted for Federal funds, had taken the position I did in this matter. I wish to answer that question. It is because I make the same distinction in my political philosophy which I understand Justices Holmes, Brandeis, Frankfurter, and Black, and perhaps other members of the Federal Supreme Court, have made in their determination relative to the extent of the Federal power. I mean that in the realm of economics, in the realm of the adjustment of economic maladjustments, in the realm of economic experimentation, in dealing with conditions which in the very nature of things must affect the whole extent of the country, I think there is a just Federal prerogative. But when the effort is made to extend the Federal power to encroach upon civil rights that are not indigenous and not related to the whole country, we have a different situation.

A few days ago Mr. J. Edgar Hoover was down in my State purporting to clean up the city of Miami. He sent his emissaries, I know, to the offices of at least six sheriffs in that State, and called the sheriffs of the State before a group of his hired men. The first question he asked them was, "How much graft are you taking in? How much are you sending to Tallahassee?" I protested against it. I do not care if J. Edgar Hoover had stood like Elisha to catch the mantle of Elijah when it descended from his predecessor who ascended into heaven. I do not care how noble he is. He has no right to police State offenses. And I was particularly pleased to hear the able Senator from Nebraska make an inquiry of the Attorney General of the United States to know whether or not the Federal Bureau of Investigation was trying to become an agency to police every one of the minute crimes of this country. I have been for the Bureau 100 percent, and I am still for it, but however much good it may have done, the Federal Bureau of Investigation has no right to police violations of municipal law, county law, or State law in my State.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. STEWART. That is just what would happen if a garbage collector in the Senator's State should violate the law, is it not?

Mr. PEPPER. Of course, it is. If we permit its continued expansion, we shall engulf the sovereignties of this country beneath the Federal Government.

Mr. President, I do not want to see a revulsion in sentiment which will destroy the Federal Bureau of Investigation. I do not want to see a revulsion in sentiment which will make the State highway departments say to the Federal Government, "No; we will not take your money at the price of our own ignominy."

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. Can the Senator give the Senate any opinion or has he any notion as to how many men would be required to make the necessary investigations in an election year, or the number of complaints which would be made to the Civil Service Commission?

Mr. PEPPER. Mr. President, the number is incalculable. The Senator knows, as I know, that the law would never be enforced, because we could not practically enforce it.

Mr. LUCAS. Mr. President, will the Senator yield for a further question?

Mr. PEPPER. I yield.

Mr. LUCAS. Take the case of a State in which those who are in elective public office are all Republicans. Is it not a fact that under those circumstances, if this bill should become a law and the provisions of the Hatch Act were extended into the States, the Democrats would find ways and means to lodge with the Civil Service Commission in Washington, D. C., every conceivable type of complaint against the Republicans in power?

Mr. PEPPER. Yes.

Mr. LUCAS. And would not the same situation arise with respect to Democrats in power? Would not the boys who are smart in politics on the Republican side use every conceivable means and effort to lodge every kind and character of complaint with the Civil Service Commission between now and the fall election in order to create a false impression as to what is being done by those in control of the affairs of government in the State of Illinois? Compared to the present situation, would not that sort of activity be the most outrageous character of pernicious political activity that could be imagined?

Mr. PEPPER. I think the situation the Senator contemplates would be practically unavoidable with such a law.

Mr. BANKHEAD. Mr. President, may I ask the Senator a question?

Mr. PEPPER. I yield if the Senator from Illinois has concluded.

Mr. LUCAS. I wish to make one further observation along that line. If the prophecy of the Senator from Illinois should be correct, how much money and how many more employees would be required in connection with the enforcement of such a law? How many more employees would be required in the field to make an investigation, as the proposed law requires, upon every legitimate complaint that comes along? We had better add some money, if it is proper to do so in this bill, properly to enforce the law.

Mr. PEPPER. The Senator is correct in foreseeing that it would require more employees than the effort to enforce the prohibition law ever required, and would be equally futile.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BANKHEAD. Has the Senator noted published statements, and heard statements to the effect that the Civil Service Commission is now very greatly behind in its work of merely grading the examination papers of new applicants for Federal jobs?

Mr. PEPPER. Yes.

Mr. BANKHEAD. Has the Senator further noticed the statement that $250,000 is now being requested by the Civil Service Commission in addition to its regular appropriation?

Mr. ADAMS. $400,000.

Mr. BANKHEAD. $400,000 is now being requested by the Civil Service Commission to enable it to catch up with its present work.

Mr. PEPPER. Yes.

Mr. BANKHEAD. If the pending bill should become law, how much does the Senator estimate would be required in addition for the Civil Service Commission to make all the necessary investigations, obtain evidence, and follow the prosecutions of the cases?

Mr. PEPPER. In my humble opinion, the United States Army itself would not have enough members properly to police such a law in this country.

Mr. President, I stated a moment ago that I am concerned about this question as a matter of philosophy.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. I am very much concerned about the question just asked, and the answer of the Senator. The proposed new section 15 provides as follows:

> SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, the term "active part in political management or in political campaigns," as used in this act, shall have the meaning ascribed to it by such rules or regulations. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

In other words, every single appropriation that the Congress may make now or hereafter will in effect come under the supervision of the Civil Service Commission. I think the Senator is correct in stating that an immense amount of money would be required to administer such an act. I wonder whether or not the Senator from New Mexico [Mr. HATCH] can tell us how much money would be required in the event the bill should pass. How much money would he expect to ask for in the beginning?

Mr. HATCH. Mr. President, I will say to the Senator from Tennessee that I am not as pessimistic about employees and

officials of the United States Government as some other Senators seem to be. I am not so doubtful of the integrity and honesty of those officials and the law-abiding qualities of the citizens of the United States as to think that any law which is laudable and right cannot be enforced without calling in the United States Army and all the resources of the Treasury to enforce it.

I will tell the Senator what will happen under such a law. I will tell him what will happen in my State, and I believe also in the State of the Senator from Tennessee and in the State of the Senator from Colorado. When the law is once thoroughly understood, I think it will be obeyed.

Mr. McKELLAR. I think the Senator is somewhat of an optimist.

Mr. HATCH. I would rather be an optimist than a pessimist.

Mr. McKELLAR. All my life I have been, and still am, one of the most ardent of prohibitionists. I thought anything that would do away with liquor was necessarily good and righteous. The Senator entertains similar views with respect to the proposed law. I did not believe any power could prevent the United States Government from enforcing the prohibition law; and yet I lived to see the day when it was not enforced anywhere under any circumstances. Why? Because the law was in opposition to a desire on the part of many of our people to drink.

A similar inclination exists in connection with politics. I believe nine-tenths of our people are very greatly interested in politics, and therefore are likely to take an interest in politics when they ought not to do so. I believe an enormous sum of money would be required to enforce the provisions of the proposed act.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Alabama.

Mr. BANKHEAD. I wish to ask the Senator from Tennessee a question. Is it not a fact that too much talking by Federal employees would constitute a violation of the proposed law? In that connection, is it not as natural to want to talk as it is to want to drink?

Mr. McKELLAR. Yes; I think it is even more natural to want to talk than to drink. [Laughter.] I would rather talk than drink, because I do not drink.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. I see no analogy whatever between the enforcement of the proposed law and the enforcement of the prohibition law. I will say to the Senator from Tennessee that if he had received the expressions I have received from a great many employees throughout the country—some of them anonymous communications from persons afraid to sign their names—he would not feel quite as he feels today. Many employees are afraid of their jobs every day on account of the political activity demanded of them. They would gladly surrender the right to engage in political activity if they could be relieved from the threat and intimidation under which they constantly live. Even those appointed by patronage methods know they are going out by the same method. They live by the sword, and they will die by the sword. The whole thing is wrong.

In the long run, there will not be much difficulty about enforcing the proposed law. At first, of course, there will be plenty of evasions, which will cause trouble; but in the long run, with the educational processes of the country going on, enforcement will not be too difficult.

Mr. McKELLAR. Mr. President, will the Senator yield to me in order that I may ask one further question?

Mr. PEPPER. I yield.

Mr. McKELLAR. I asked the Senator how much money would be required to enforce the proposed law. The Appropriations Committee has just finished the consideration of one deficiency bill, which it will report tomorrow; and in a few days we shall have another. How much money will the Senator ask for, through the proper authorities?

Mr. HATCH. Mr. President, I have conferred with the Civil Service Commission, and I have been informed that they can handle the job. However, on the question of money, let me say that if we can effectively stop the political activity of employees of the Federal Government and of the States, we shall save the Government of the United States and the governments of the States many times the cost of enforcing the proposed law.

Mr. McKELLAR. One further question, and I shall have concluded. If the proposed law is such a splendid thing for the great body of people, why does it except the Governor or the Lieutenant Governor of any State, the mayor of any city, the heads of executive departments of any State or municipality, officers who are appointed by the governor of any State by and with the advice and consent of the legislature or either house thereof and who determine policies to be pursued by such States in the State-wide administration of the State laws, and officers holding elective offices? If it is such a good thing, it seems to me the language exempting those classes ought to come out. I think the law should apply to Senators and to Governors. I do not think we should set up any favored classes to be exempted from the provisions of the proposed law. No persons in the world are more interested in politics than are the very ones who are excepted under the provisions of the bill.

Who is more interested in politics, I ask, than the Governor or the Lieutenant Governor of a State, or the mayor of a city, or heads of executive departments, or officers who are appointed by the State by and with the advice and consent to the legislature or either house thereof and who determine State policies in the State-wide administration of State laws, or ourselves? Who is more interested in politics than the 96 Members of this body—in low, debasing, corrupt politics, if you want to call it that? I do not call it that because I do not think that way about it. I do not believe we are in debased or dishonest offices in this body; but if we are going to pass a law for the general run of people I think we ought to make it apply to ourselves, who are the chief among politicians.

Mr. HATCH. Mr. President, the Senator started out by asking me a question. Then he included a great many other questions.

Mr. McKELLAR. Just let the Senator answer the question. I want to know how much money the Senator is going to ask for in the deficiency bill which will soon come before the Senate.

Mr. HATCH. The Senator has passed that matter. He wants to know why certain officials were exempted.

Mr. McKELLAR. I shall be glad to have that information, too. The Senator did not answer the first question. I hope he will answer the second one.

Mr. HATCH. I am sure the Senator did not hear me on yesterday, when I explained quite carefully, and as best I could, the difference between policy-making officials, such as he has described, and others. There are such things as political offices. The Senator occupies one; and, of course, there are a few things like State and Federal constitutional provisions as a result of which we could not require the removal of such an officer.

Mr. McKELLAR. Does not the Constitution apply to all persons alike? I did not know that I belonged to one class under the Constitution, and that the man who works here in a subordinate capacity belongs to another class. I think our Constitution applies to everybody.

Mr. HATCH. Let the Senator get this point, and see if there is any difference: The man who works here may be fired, may he not, by his superintendent, and thus lose his job?

Mr. McKELLAR. Yes; and we may be fired, too. Do not forget that. We may be fired.

Mr. HATCH. The Senator may be removed from office only by impeachment proceedings. He may be impeached and removed from his office.

Mr. McKELLAR. Oh, no; the people may fire us whenever they wish. They are our employers. They may fire us whenever we do not do right, and sometimes even when we do right. [Laughter.]

Mr. PEPPER. Mr. President, I desire to answer the suggestion of lack of power which to my very great surprise was apparently intimated by the able Senator from New Mexico. Does the Senator mean to say that the Federal Government has power to say that an employee of a State road department who may happen to be the partial beneficiary of Federal funds may be regulated with respect to his political activity, but a constitutional officer having supervision over a State road department, in spite of the fact that it receives Federal funds, is immune from Federal regulation?

Mr. HATCH. Mr. President, I have never said anything of the kind.

Mr. PEPPER. I thought the Senator answered that these constitutional officers could not be removed or affected.

Mr. HATCH. I said the processes were entirely different. A highway employee and a Governor are not comparable, and the Senator knows it.

Mr. PEPPER. But do we have the power?

Mr. HATCH. No; I say we do not have the power to remove the highway employees.

Mr. PEPPER. Does the Federal Government have power to provide that funds which the Federal Government makes available to a State road department may be revoked by the Civil Service Commission, provided the Governor of the State takes part in a political campaign? Have we that power?

Mr. HATCH. We may exercise power over our own funds in any manner or way that is wise. Certainly that would not be a wise way in which to exercise it.

Mr. PEPPER. The Senator does not deny, then, that the Federal Government has power to regulate the political conduct of a Governor, and that we could strike out the exceptions on pages 4 and 5, and the legal validity of the bill would not be affected?

Mr. HATCH. I made that plain. On the floor of the Senate I pointed out not only what I have said but what our party has said and our President has said as to the difference between policy-making officials and other employees. A Govenor comes within the definition of a policy-making official.

Mr. PEPPER. But the Senator from Maryland [Mr. TYDINGS] awhile ago, and others, have said that everybody should be dealt with similarly. I myself have made the distinction between power and the desirability of the exercise of power. So I understand the Senator from New Mexico to admit that the Congress has power to include within the terms of its regulation governors and other State officials, constitutional or not.

Mr. HATCH. I think the Congress has power to impose any restrictions it cares to impose upon the expenditure of funds it appropriates.

Mr. PEPPER. That is what I thought. I do not disagree with the legal answer the Senator has given. That is the tragedy of this law, and the danger of it.

Mr. President, I have a few more remarks to make. If the leader is willing to subscribe to a unanimous-consent agreement that I may resume my remarks at the beginning of the session tomorrow, with the understanding that I shall not take over 10 or 15 minutes, I shall appreciate it; but, of course, I can conclude now if he would like to have me do so.

Mr. BARKLEY. I am willing to suspend now.

Mr. NEELY. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. Yes; I yield.

Mr. NEELY. I improve this opportunity to give notice that as soon as I can obtain the floor tomorrow I shall demonstrate beyond the possibility of a doubt that there is great necessity for drastic legislation on the subject now before the Senate; second, that the bill in its present form is not sufficient; and, third, that the substitute I have offered will, if enacted, provide effective relief for the political disease which every honest man and woman in the country desires to exterminate.

AMERICAN VESSELS DETAINED BY BELLIGERENTS

Mr. HOLT. Mr. President, will the Senator from Florida yield in order that I may put something in the RECORD?

Mr. PEPPER. I yield.

Mr. HOLT. I ask unanimous consent to have inserted in the RECORD—not in the Appendix—a tabulation of American vessels detained by belligerents since the outbreak of the war. There have been 108 ships reported to the State Department as detained in that period, 90 being held by Great Britain, 14 by France, and 4 by Germany.

The PRESIDENT pro tempore. Without objection, the tabulation will be printed in the RECORD.

The tabulation is as follows:

American vessels reported to Department to have been detained by belligerents since Sept. 1, 1939, for examination of papers or cargo

GREAT BRITAIN

Vessel	Owner or operator	Cargo	Detained	Released
Saccarappa	South Atlantic Steamship Co	Phosphate, cotton, general	Arrived Sept. 3; cargo seized Sept. 8 by British authorities	Ship released promptly; cargo unloaded.
Lehigh	U. S. Maritime Commission	Cargo for Hamburg	British authorities, Sept. 5	Sept. 7, 1939.
Black Osprey	Black Diamond Line	General	Vessel picked up Sept. 5 by British naval vessel	Sept. 13, 1939.
Warrior	Waterman Steamship Corporation	Phosphate rock	British, Sept. 7; cargo phosphate requisitioned	Sept. 18, 1939.
Black Eagle	Black Diamond Lines		British authorities, at Downs, Sept. 12	Sept. 19, 1939.
Shickshinny	South Atlantic Steamship Co	Phosphate, cotton	Detained Sept. 16, Glasgow, by British authorities	Sept. 18, 1939.
Black Condor	Black Diamond Lines		British authorities, Sept. 17	Sept. 24, 1939.
Black Hawk	do		British authorities, Sept. 19	Oct. 1, 1939.
Ethan Allen	Lykes Bros. Steamship Co	Tobacco	British authorities, Sept. 20	Sept. 30, 1939.
Ipswich	Waterman Steamship Corporation		British, Sept. 20; cargo seized which was billed for Bremen and Hamburg.	Do.
Santa Paula	Grace Line		When 30 miles from Curaçao ordered to stop, delayed 20 minutes, unidentified British cruiser, believed to be *Essex*.	
Black Falcon	Black Diamond Lines		British authorities, Oct. 6	Oct. 17, 1939.
Black Gull	do		do	Oct. 11, 1939.
Black Heron	do		British authorities, at Weymouth, Oct. 7	Oct. 16, 1939.
Patrick Henry	Lykes Bros. Steamship Co	Cotton, flour, copper	British authorities, Oct. 10	Oct. 22, 1939.
Sundance	South Atlantic Steamship Co	Rosin and general cargo	Detained Oct. 11, London, British authorities	Oct. 25, 1939.
Black Tern	Black Diamond Lines		British authorities at Weymouth, Oct. 11; removed 368 bags of United States mail.	Oct. 28, 1939.
Oakman	Lykes Bros. Steamship Co		British authorities, Oct. 13	Oct. 27, 1939.
Iberville	Waterman Steamship Corporation		British, Oct. 13; cargo seized which was to be discharged at Antwerp and Rotterdam.	Oct. 24, 1939.
Exporter	American Export Lines, Inc		British authorities, at Gibraltar, Oct. 14, 1939	Oct. 27, 1939.
Scanstates	American Scantic Line		British authorities at Kirkwall, Oct. 14	Oct. 20, 1939.
Gateway City	Waterman Steamship Corporation		British, Oct. 16; cargo seized which was billed for delivery at Antwerp and Rotterdam.	Oct. 31, 1939.
Cranford	Lykes Bros. Steamship Co		British authorities, Oct. 17	Oct. 21, 1939.
President Hayes	American President Lines	Rubber, latex	British authorities, Oct. 22, at Alexandria, British naval patrol; vessel searched before being permitted to proceed.	Oct. 23, 1939.
Tulsa	South Atlantic Steamship Co		British, Oct. 23, at London	Nov. 9, 1939.
Meanticut	Lykes Bros. Steamship Co		British, Oct. 23; ordered to proceed to Oran to discharge certain Italian cargo.	Oct. 27, 1939.
Wacosta	Waterman Steamship Corporation.		British, Oct. 24; seized cargo billed for Rotterdam	Nov. 8, 1939.

American vessels reported to Department to have been detained by belligerents since Sept. 1, 1939, for examination of papers or cargo—Continued

GREAT BRITAIN—continued

Vessel	Owner or operator	Cargo	Detained	Released
Black Eagle	Black Diamond Line		British authorities, Oct. 26	Nov. 5, 1939.
Scanpenn	American Scantic Line		British authorities, at Kirkwall, Oct. 28, 1939	Nov. 11, 1939.
Hybert	Lykes Bros. Steamship Co., Inc.		British authorities, at Downs, Oct. 30, 1939; arrived at Ramsgate, Nov. 1.	Arrived at Rotterdam, Nov. 4, 1939.
Black Osprey	Black Diamond Lines		British authorities, at Downs, Oct. 31, 1939; arrived at Ramsgate, Nov. 2.	Nov. 8, 1939.
Exminster	American Export Lines		British, Nov. 1, detained at Gibraltar; released without any confiscation of cargo.	Nov. 6, 1939.
Black Condor	Black Diamond Lines		British, Nov. 5, at Weymouth; part of cargo seized; 162 bags mail removed.	Nov. 17, 1939.
President Polk	American President Lines		British, Nov. 5, at Port Said; certain cargo detained for inquiry.	
Scanmail	American Scantic Line	Mixed	British, Nov. 5, at Kirkwall; part of cargo seized and detained; free to depart after Nov. 21 to return to United States.	Nov. 25, 1939.
Exeter	American Export Lines		British, Nov. 6, detained at Gibraltar; 700 bags United States mail for Germany removed from vessel.	Nov. 6, 1939.
Express	do		British, Nov. 8, released after examination at Gibraltar	Nov. 8, 1939.
Nishmaha	Lykes Bros. Steamship Co	Cotton, paraffin, beef casings	British, Nov. 11, at Gibraltar; large number of items of cargo seized; free to proceed after Nov. 17 on captain's undertaking to unload at Barcelona cargo for that port, and to proceed to Marseille for unloading seized items.	Nov. 23, 1939.
Yaka	Waterman Steamship Co	General, cotton, barbed wire, tool handles.	British, Nov. 11; destination London and Rotterdam	Nov. 28, 1939.
Express	American Export Line	General	British, Nov. 12, at Malta; being detained pending receipt of instructions from British Government; has remaining on board 420 tons general cargo for Greece, Turkey, and Rumania; free to depart after Nov. 21, in view of declaration furnished.	Departed, Nov. 23, 1939.
Lafcomo	Tampa Interocean Steamship Co		Arrived Weymouth, England, Nov. 13	Nov. 18, 1939.
Black Hawk	Black Diamond Lines		British, Nov. 13; arrived at Ramsgate	Nov. 30, 1939.
West Harshaw	Lykes Bros. Steamship Co	General, cotton, oil, carbon black.	British, Nov. 16, at Ramsgate	Nov. 27, 1939.
Examiner	American Export Line	General, oil, grease, rubber tires, cotton goods.	British, Nov. 17, at Gibraltar; 11 bags first class mail removed.	Dec. 4, 1939.
Black Gull	Black Diamond Line		British, Nov. 17	Nov. 27, 1939.
Excambion	American Export Line	General, oil, films	British, Nov. 20, at Gibraltar	Do.
Exmouth	do		British, Nov. 22, at Gibraltar	Dec. 5, 1939.
Effingham	Lykes Bros. Steamship Co	Mixed	British authorities, Nov. 27, at Ramsgate, destination Antwerp, Rotterdam; certain cargo detained for guaranties.	Dec. 7, 1939.
Azalea City	Waterman Steamship Co	Mixed, cotton, lumber, oil, rosin, etc.	British authorities, Nov. 27 at London; destination Antwerp, Rotterdam; certain cargo detained for guaranties.	Dec. 5, 1939.
Winston Salem	Lykes Bros. Steamship Co	Mixed, flour, cotton, carbon black, oil, acetone, etc.	British authorities, Nov. 28 at Ramsgate; destination Rotterdam; 22 items cargo seized, and certain others detained for guaranties.	Dec. 7, 1939.
Extavia	American Export Line	Mixed, flour, tires, oil, babbitt metal, etc.	British authorities, Nov. 29 at Gibraltar; destination Istanbul, Piraeus; ship free to depart after December 10 on giving Black Diamond guaranty in respect 1 item cargo.	Dec. 14, 1939.
Exochorda	do	Mixed, burlap, tinplate, tobacco, oil, et cetera.	British authorities, Dec. 5, at Gibraltar	Dec. 14, 1939.
Yaka	Waterman Steamship Co		British authorities, Dec. 5, at the Downs	Dec. 6, 1939.
Exmoor	American Export Line		British authorities, Dec. 7, at Gibraltar	Dec. 15, 1939.
Explorer	do		British authorities, Dec. 9, at Gibraltar	Dec. 23, 1939.
Steel Engineer	Isthmian Steamship Co		British authorities, Dec. 10, at Gibraltar	Dec. 11, 1939.
Meanticut	Lykes Bros. Steamship Co		British authorities, Dec. 17, at Gibraltar	Dec. 18, 1939.
Excalibur	American Export Line	Mixed, cotton, coffee, cocoa, flour, etc.	British authorities, Dec. 17, at Gibraltar; destination, Genoa, Naples.	Dec. 31, 1939.
Oakwood	Lykes Bro·. Steamship Co	Mixed, 6 items to be seized	British authorities, Dec. 20, at Gibraltar; destination, Genoa.	Dec. 23, 1939.
Executive	American Export Line	Mixed, oil, tinplates, machinery, nickel tubing.	British authorities, Dec. 20, at Gibraltar; destination, Piraeus, Thesalonia, Istanbul, Constanza; guaranties received respect to certain items, 6 others still required.	Jan. 3, 1940.
Exilona	do		British authori'ies, Dec. 28, at Gibraltar	Jan. 12, 1940.
President Adams	American President Lines	Mixed, fibre, hemp, tea, silk, tin, rubber, coffee, oil.	British authorities, Dec. 29, at Port Said; destination Alexandria, Genoa, New York; suspect cargo discharged at Alexandria; 1 item seized, 18 items detained for guaranties.	
Exeter	American Export Line		British authorities, Jan. 1, 1940, at Gibraltar	Jan. 11, 1940.
Mormacsun	American Scantic Line		British authorities, Jan. 3, 1940; intercepted and taken into Kirkwall in combat area.	Jan. 26, 1940.
Nashaba	Lykes Bros. Steamship Co		British authorities, Jan. 3, 1940, at Gibraltar	Jan. 8, 1940.
Exiria	American Export Line		British authorities, Jan. 4, 1940, at Gibraltar	Jan. 17, 1940.
Manhattan	United States Lines		British authorities, Jan. 6, 1940, at Gibraltar	Jan. 7, 1940.
Western Queen	Lykes Bros. Steamship Co		British authorities, Jan. 9, at Gibraltar	After several hours.
President Van Buren.	American President Lines	Mixed, oil, cotton, silk, tin, rubber.	British authorities, Jan. 10, at Port Said; destination Genoa, New York; vessel discharged items of suspect cargo at Alexandria and preceeded on voyage; 3 items detained subject to guaranties.	
Tripp	Lykes Bros. Steamship Co	Mixed, carbon black, oils, copper, lead, manganese ore.	British authorities, Jan. 11, at Gibraltar; destination Genoa; proceeded on hold-back guaranty; 2 items seized, 7 detained for guaranties, 2 for fuller inquiries.	Jan. 13, 1940.
Narbo	do	Mixed, cotton, lead, rosin	British authorities, Jan. 13, at Gibraltar; destination Italy, Yugoslavia, Greece; vessel proceeded on hold-back guaranty; 2 items seized, 23 subject to guaranty, 27 released.	Jan. 14, 1940.
Excambion	American Export Line	Mixed, 170 items. Glycerine oil, sugar, cotton, jute, rubber, copper.	British authorities, Jan. 17, at Gibraltar; 470 sacks mail seized—54 German, 80 Italian, 336 ordinary German; cargo released on Black Diamond guaranty; destination Genoa.	Jan. 23, 1940.
Manhattan	United States Lines		British authorities, Jan. 17, at Gibraltar	After few hours.
Washington	do	Mixed, 160 items, coffee, cocoa, lard, oils, casings, wax.	British authorities, Jan. 20, at Gibraltar; destination Genoa; released on hold-back guaranty.	After several hours.
Examelia	American Export Line		British authorities, Jan. 20, at Gibraltar	Jan. 31, 1940.
Nishmaha	Lykes Bros. Steamship Co		British authorities, Jan. 21, at Gibraltar	Jan. 22, 1940.
Excellency	American Export Line		British authorities, Jan. 22, at Gibraltar	Jan. 23, 1940.
Cold Harbour	U. S. Maritime Commission (U. S. Lines, charterer).	1,380 tons corkwood	British authorities, Jan. 27, at Gibraltar; destination Lisbon to Odessa.	Jan. 30, 1940.
Sarcoxie	do		British authorities, Jan. 28, at Gibraltar	After several hours.
Waban	Lykes Bros. Steamship Co	Mixed, 90 items. Cotton, bean oil, lead	British authorities, Jan. 28, at Gibraltar; destination Italy and Greece; vessel proceeded on hold-back guarantee. One item seized, 34 detained subject to guarantee.	

American vessels reported to Department to have been detained by belligerents since Sept. 1, 1939, for examination of papers or cargo—Continued

GREAT BRITAIN—continued

Vessel	Owner or operator	Cargo	Detained	Released
Exochorda	American Export Line		British authorities, Jan. 29, at Gibraltar.	Feb. 1, 1940.
Washington	United States Lines		British authorities, Jan. 31, at Gibraltar.	After several hours.
Jomar	Tampa Interocean Steamship Co. (Chilean Nitrate Sales Corporation charterer).		do	Feb. 1, 1940.
Exminster	American Export Line		British authorities, Feb. 1, at Gibraltar	Feb. 9, 1940.
Manhattan	United States Lines		British authorities, Feb. 3, at Gibraltar; 390 sacks German mail seized, but American diplomatic mail pouches were not disturbed.	Feb. 3, 1940.
Exford	American Export Line	Mixed, 90 items, oil, aluminum, lead, tin plate, steel, etc.	British authorities, Feb. 5, at Gibraltar.	Feb. 13, 1940.
Scottsburg	Lykes Bros. Steamship Co		British authorities, Feb. 8, at Gibraltar	Feb. 9, 1940.
West Chatala	do	Mixed, 90 items, rice, cotton, asphalt, coffee, wax, etc.	British authorities, Feb. 10, at Gibraltar	After several hours.
Manhattan	United States Lines		British authorities, Feb. 14, at Gibraltar	Do.
Exermont	American Export Line		do	Feb. 16, 1940.

FRANCE

Exochorda	American Export Line		French authorities at Marseille; removed 2 seamen (German nationality) Sept. 6.	Sept. 6, 1939.
President Harding	United States Lines		French, Sept. 9; cargo still under seizure on Oct. 28; 135 tons copper, 34 tons petroleum, hides, oil, coffee, tin plate, and miscellaneous.	Promptly.
City of Joliet	Lykes Bros. Steamship Co	Cotton, lead, copper, etc	French authorities, Sept. 14	Oct. 5, 1939.
Syros	do	Cotton, lead, machinery	French authorities, Sept. 22	Oct. 10, 1939.
Executive	American Export Line		Detained Casablanca, Morocco, Sept. 27; on orders from Paris because of nature of cargo.	Sept. 29 on condition vessel proceed to Bizerte, Tunisia.
Exeter	American Export Lines, Inc		French authorities, Oct. 5, 1939; vessel west-bound from Marseille; reported to have been examined several times by French naval authorities.	Oct. 6, 1939.
Nashaba	Lykes Bros. Steamship Co	Copper, cotton, etc	French authorities, Oct. 14	Oct. 25, 1939.
West Hobomac	do	Gilsonite, cotton, rice	French authorities, Oct. 18	Do.
West Gambo	do		French, Oct. 22; 750 bales cotton black ordered ashore	Cleared from Havre Nov. 2, 1939.
Endicott	do		French, Oct. 22; 2,276 bars of copper and 1,796 bags carbon black ordered ashore.	Do.
Exeter	American Export Line		French, Nov. 8; detained 24 hours; 1,400 bales cottonseed hulk consigned to Switzerland removed.	Nov. 10, 1939.
Oakwood	Lykes Bros. Steamship Co		French authorities, Dec. 27; intercepted 15 miles off French coast en route from Gibraltar to Genoa and taken into Villfranche by French naval authorities. Mistake of boarding officer, who believed that notation in log book was an order to proceed to Marseille.	After few hours.
Nishmaha	do	Cotton, paraffin, beef casings.	French authorities, Nov. 29, at Marseille; detained by French pending decision of contraband committee in London.	Dec. 23, 1939.
Manhattan	United States Lines		French authorities, Feb. 2; stopped by French patrol vessel cp 14 about 25 miles southeast Cape St. Vincent and ordered to proceed to Gibraltar for examination.	

GERMANY

Wacosta	Waterman Steamship Corporation.		Detained Sept. 9 for 3 hours by German submarine; papers examined, holds searched.	After 3 hours.
Hybert	Lykes Bros. Steamship Co		Detained Sept. 10 about 2 hours by German submarine; examined papers and warned not to use radio for 24 hours.	After 2 hours.
Eglantine	do		Ordered to stop by German submarine Sept. 18; told not to use radio and to send papers for inspection; advised not to use radio for 3 hours on being permitted to proceed.	After 1 hour and 20 minutes.
City of Flint	U. S. Maritime Commission, owner; chartered to United States Lines.	General cargo, part of which contraband.	Seized on high seas by German vessel and taken by prize crew to Soviet port.	Nov. 4, 1939, by Norwegian authorities.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. PEPPER. Mr. President, will the RECORD show that the junior Senator from Florida may be recognized tomorrow?

The PRESIDENT pro tempore. The Senator asked unanimous consent that that might be done, and the Chair believes his request was agreed to.

Mr. PEPPER. I just want to be sure.

Mr. NEELY. Mr. President, if there is any doubt about it, I ask unanimous consent that at the convening of the Senate tomorrow, after the preliminary business shall have been disposed of, the Senator from Florida may continue his speech.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

Mr. BARKLEY. Mr. President, I ask unanimous consent that I may introduce a joint resolution providing for the filling of a vacancy on the Board of Regents of the Smithsonian Institution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution (S. J. Res. 226) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the resignation of John C. Merriam, be filled by the appointment of Vannevar Bush, a resident of the city of Washington, for the statutory term of 6 years.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of James J. Murphy, Jr., of Pennsylvania, to be consul general.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

COAST GUARD

The legislative clerk proceeded to read sundry nominations in the Coast Guard.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Coast Guard are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

The PRESIDENT pro tempore. Without objection, the nominations in the Army are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until tomorrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 8, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 7 (legislative day of March 4), 1940

NATIONAL YOUTH ADMINISTRATION

Miss Mary S. Anderson, of Illinois, to be Administrator of the National Youth Administration for Illinois.

COAST GUARD OF THE UNITED STATES

The following-named officers of the Lighthouse Service to be lieutenants in the Coast Guard of the United States, to rank as such from December 1, 1939:

Lighthouse Engineer Arthur James Beckwith.

Associate Lighthouse Engineer Russell Edwin Yates.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

MARINE CORPS

Brig. Gen. William P. Upshur to be a major general in the Marine Corps from the 1st day of October 1939.

Lt. Col. Lloyd L. Leech to be a colonel in the Marine Corps from the 14th day of August 1939.

Lt. Col. Samuel A. Woods, Jr., to be a colonel in the Marine Corps from the 14th day of August 1939.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7 (legislative day of March 4), 1940

DIPLOMATIC AND FOREIGN SERVICE

James J. Murphy, Jr., now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

COAST GUARD OF THE UNITED STATES

TO BE CAPTAIN

Michael J. Ryan

TO BE LIEUTENANTS

William Charles Helbig
Edward William Laird

TO BE CHIEF BOATSWAINS

Ray W. Dierlam
Marius Peterson
Svend A. E. H. Petersen
Lynton R. Daniels
Ernest V. Wyatt
Harold J. Babbitt
Christie T. Christiansen
John A. Heikel
Karl A. E. Lindquist

TO BE CHIEF BOATSWAINS (L)

Harry F. Burnham
Alfred E. Kristofferson
Paul H. Forner
Walter T. Farrell
John M. Odin
Melvin M. Hymer
William E. Holmes
George A. Joseph
Elisha G. Tillett
Charles Wright, Jr.
Paul W. Tifft
Alston J. Wilson
Perry H. Simpson
Ralph C. Rich
Thomas G. Deegan
Curtis C. Hayman
William E. Ireland
Jonas T. Hagglove

TO BE CHIEF GUNNER

Herbert I. Vernet

TO BE CHIEF MACHINISTS

John W. Hollister
Arthur L. Finigan
James L. Wattengel
William D. Pinkston
Frederick G. Hall
Dykeman N. Bent
Nathaniel L. Edwards
Henry Y. Clements
Richard M. Valentine
Robert E. Hearne
Ernest A. Bigelow

TO BE CHIEF ELECTRICIAN

Clifford F. Wurfel

TO BE CHIEF CARPENTER

Theodore Tobiason

TO BE CHIEF PAY CLERK

Archibald J. Maclean

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Hugh McCalla Wilson, Jr.

TO AIR CORPS

First Lt. Howell Marion Estes, Jr.
First Lt. Peter McGoldrick.
First Lt. Edward Walter Moore.
First Lt. Jergen Bernhart Olson.
First Lt. Richard Henry Smith.
First Lt. Jack Wellington Turner.
Second Lt. John Harris Griffith.
Second Lt. John Cozart Pitchford.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS, MEDICAL ADMINISTRATIVE CORPS

Paul Cable Larnce.
Elliott Powell Rigsby.
Emerson Beery Taylor.
Thomas Floris Criswell, Jr.
Woodrow Charles Herbert.

PROMOTIONS IN THE REGULAR ARMY

Lewis Tenney Ross to be major, Corps of Engineers.
Stuart Absalom Cameron to be major, Medical Corps.
Andres Gilberto Oliver to be captain, Medical Corps.
Glynn Bryan Widner to be captain, Dental Corps.
Karl Harry Willers to be captain, Veterinary Corps.

Joseph Richard Koch (captain) to be United States Army chaplain with the rank of major.

Charles Francis Baish to be major, Corps of Engineers.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS, REGULAR ARMY

TO BE COLONELS

Ralph Royce
William Ord Ryan
Clinton Wilbur Howard
Joseph Taggart McNarney
Edwin Bowman Lyon
Hume Peabody
Earl Larue Naiden
Michael Frank Davis
Hubert Reilly Harmon
Henry Jervis Friese Miller
Thomas James Hanley, Jr.
Leo Andrew Walton
Ralph Pittman Cousins
Adlai Howard Gilkeson
George Edward Stratemeyer
Robert LeGrow Walsh
Junius Henry Houghton
Howard J. Houghland
Charles Belding Oldfield
William Hampton Crom
Gerald Evans Brower
Robert Chapin Candee
Oliver Patton Echols
Vincent Bargmant Dixon
Laurence Fielding Stone
Willis Henry Hale
William Charles Ocker
William Frederick Volandt
William E. Kepner
Charles Thomas Phillips

TO BE LIEUTENANT COLONELS

Lowell Herbert Smith
Edwin Jacob House
Ray Aloysious Dunn
Frederick Foster Christine
Earl Spiker Schofield
Arthur Emel Simonin
Frank O'Driscoll Hunter
David Sidney Seaton
Harold Huston George
Walter Jay Reed
St. Clair Streett
John Isham Moore
Oliver Stevenson Ferson
Robert Gale Breene
James Franklin Powell
Neal Creighton
Alonzo Maning Drake
Victor Herbert Strahm
Ira Robert Koenig
Philip Schneeberger
Karl Shaffner Axtater
William Joseph Flood
Charles Merrill Savage
George Churchill Kenney
George Merrill Palmer
John Parr Temple
Byron Turner Burt, Jr.
Earle Gene Harper
Lotha August Smith
William Valery Andrews
Arthur Wellington Brock, Jr.
Merrick Gay Estabrook, Jr.
Carl Franklin Greene
Perry Wainer
William Seymour Gravely
Harlan Ware Holden
Joseph Leonard Stromme
Rudolph William Propst
Frank Denis Hackett
Aaron Edward Jones
Robin Alexander Day
John Y. York, Jr.
Walter Hey Reid
John Bellinger Patrick
Earl Hamlin De Ford
Ralph Bamford Walker
Clarence Beaver Lober
John Kenneth Cannon
Arthur John Melanson
Theodore Joseph Koenig
Grandison Gardner
Alvan Cleveland Kincaid
Omer Osmer Niergarth
Aubrey Hornsby
Charles Peter Prime
Auby Casey Strickland
John Martin Clark
Rowland Charles William Blessley
Arthur Thomas
Ulysses Grant Jones
John Paul Richter
Michael Everett McHugo
James Lionel Grisham
Earl Seeley Hoag
Vincent James Meloy
Charles Egbert Branshaw
Edward Whiting Raley
James Troy Hutchison
Edwin Randolph Page
Harvey Hodges Holland
Russell Lowell Maughan
Oliver Perry Gothlin, Jr.
Eugene Benjamin Bayley

TO BE MAJORS

Ray Henry Clark
Homer Wilbur Ferguson
Robert William Calvert Wimsatt
Donald Fowler Fritch
John Sharpe Griffith
Edmund Clayton Lynch
Alfred August Kessler, Jr.
Mervin Eugene Gross
Benjamin Wiley Chidlaw
Orval Ray Cook
James Wrathall Spry
Robert Wilkins Douglass, Jr.
Oscar Louis Beal
Hilbert Milton Wittkop
Townsend Griffiss
Leo Henry Dawson
Milton John Smith
James Frederick Phillips
Raymond Edward Culbertson
Ralph Adel Snavely
Robert Boyd Williams
John Wesley Warren
Patrick Weston Timberlake
Clyde Kenneth Rich
Laurence Carbee Craigie
Charles White Lawrence
Wallace Evan Whitson
Russel J. Minty
James Francis Joseph Early
Alden Rudyard Crawford
Thomas Merritt Lowe
David Myron Schlatter
Charles Trovilla Myers
Leslie Page Holcomb
Wilfred Henry Hardy
Joseph Smith
Joseph Harold Hicks
Robert Chaffee Oliver
John Maurice Weikert
John George Salsman
James Michael Fitzmaurice
Hoyt Sanford Vandenberg
Stewart Warren Towle, Jr.
Walter Cornelius White
Glen Clifford Jamison
Carl Brown McDaniel
Herbert Kenneth Baisley
John Kraybill Nissley
Archibald Yarborough Smith
Charles Goodwin Pearcy
Earle Everard Partridge
David Jerome Ellinger
Cecil Ernest Henry
Uzal Girard Ent
Joe L. Loutzenheiser
Richard Emmel Nugent
John Phillips Kirkendall
Robert Roy Selway, Jr.
John Gilbert Moore
Luther Stevens Smith
Robert Wells Harper
Howard McMath Turner
Leonard Henry Rodieck
George Hinkle Steel
Edward Higgins White
William Olmstead Eareckson
Richard Weigand Gibson
John Reynolds Hawkins
Ralph Emanuel Fisher
James Somers Stowell
Arthur LeRoy Bump
Demas Thurlow Craw
Cornelius Walter Cousland
Carl Joseph Crane
Howard Eugene Engler
William Donald Old
Elmer Theodore Rundquist
Harold George Peterson
George Francis Schulgen

PROMOTIONS IN THE NAVY

TO BE CAPTAINS

Thomas S. McCloy
Robert P. Hinrichs
Pat Buchanan
Wallace B. Phillips
Harry D. McHenry
Robert B. Simons
Robert M. Hinckley
Rivers J. Carstarphen
Benjamin Perlman
Alfred E. Montgomery
James C. Clark
Guy C. Hitchcock
Anton B. Anderson
Clarence Gulbranson
Carroll M. Hall
Campbell D. Edgar
Paul S. Theiss
Charles S. Alden
James C. Jones, Jr.

TO BE COMMANDERS

Thomas J. Bay
John D. Murphy

TO BE LIEUTENANT COMMANDERS

John T. Warren
Fiorentin P. Wencker
Hallock C. Davis
Harold H. Tiemroth
Anthony L. Rorschach
Chester C. Smith
De Vere L. Day
Clarence E. Haugen
Rodmon D. Smith
Claude A. Dillavou
Wilfred B. Goulett
Harman B. Bell, Jr.
Kenneth V. Dawson
Harold C. Pound
Roger B. Nickerson
Willard K. Goodney
Joseph W. Ludewig
Merle Van Metre
Thomas G. Reamy
Knowlton Williams
Charles A. Bond
Clement R. Criddle
Charles E. Tolman
Frederick N. Kivette
Jesse C. Sowell
Ira E. Hobbs
Edward L. Schleif
Harold C. Larson
Thomas Burrowes
Donald C. Varian
Harry H. Henderson
Rex. S. Caldwell
Russell S. Smith
Morton C. Mumma, Jr.
David A. Hurt
Stirling P. Smith
George C. Wright
David M. Tyree
Jackson S. Champlin

TO BE LIEUTENANTS

Robert E. Hudson
Frank C. Acker
Seldom C. Small.
Joel C. Ford, Jr.
William R. Franklin
Joseph C. Wylie, Jr.
Francis D. Foley
John Munholland
Louis J. Kirn
Max Silverstein
Robert E. Vandling
Louis A. Bryan
Paul G. Osler
George L. Raring
Robert B. Fulton, 2d
John M. Lietwiler

Donald I. Thomas
Herbert M. Coleman
David D. Scott
Frank H. Brumby, Jr.
Chauncey S. Willard
John H. Morse, Jr.
David F. Kinert
Ernest D. Hodge
Harry L. Reiter, Jr.
Morton Sunderland
Ernest P. Abrahamson
Ronald L. Wilson
Richard H. Lambert
Fred L. Ruhlman
Robert H. Weeks
John G. Spangler
Walter D. Coleman

TO BE LIEUTENANT (JUNIOR GRADE)

Paul B. Ryan

TO BE ASSISTANT DENTAL SURGEONS

Richard C. Shaw
Theodore A. Lesney
Tyles R. Schroeder
Howard B. McKinney
William R. Stanmeyer
Harry B. McInnis
Robert A. Colby
William J. Charm
Lewis L. Cross
George R. Reynolds

TO BE ASSISTANT PAYMASTER

Charles J. Lightfoot

TO BE CHAPLAIN

Roy L. Lewis

TO BE CHIEF BOATSWAINS

James H. Trimble
Luin G. Kingman

TO BE CHIEF GUNNERS

John O. Cavanaugh
Harry B. Krupa
Ralph L. Keeting

TO BE CHIEF ELECTRICIAN

Merle W. Colony

TO BE CHIEF RADIO ELECTRICIANS

Charles A. Mattson
Frank H. Clarke

TO BE CHIEF MACHINISTS

Erwin W. Miller
Oswald J. Reas
Gilbert W. Bane
Wilfred S. Iredale
Joshua H. Garrett

TO BE CHIEF CARPENTER

Karl B. Diefenbach

POSTMASTERS

ALASKA

Guy E. Mish, Nome.

CALIFORNIA

George W. McMurry, Loma Linda.

COLORADO

Willard T. Moreland, Simla.

FLORIDA

Thomas Jesse Webb, Ojus.

INDIANA

Hugh M. Hayes, Elkhart.
Elnora Root, Hagerstown.

KANSAS

Nat G. Walker, Great Bend.

MAINE

Ida P. Stone, Oxford.

MASSACHUSETTS

Carl R. Rowe, Marlboro.

MINNESOTA

Richard G. Romens, Littlefork.
James T. Collins, Oak Terrace.

OKLAHOMA

Edward S. Bowles, Perry.

PENNSYLVANIA

Frank Bertovich, Bentleyville.
Blanche C. Anderson, Monongahela.

SOUTH CAROLINA

Mary Gertrude Jenerette, State Park.

WISCONSIN

Rinold N. Duren, Cazenovia.
Roger R. Austin, Lancaster.
John W. Kelley, Rhinelander.
Joseph N. Thiele, Whitewater.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 7, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, strong to save, hear us when we call to Thee. O Thou, the unaging Christ, who hast suffered for every sin-convicted heart; Thou Holy Spirit, the Divine comforter, who didst brood upon the waters and bade the wild confusion cease; O Holy Trinity of love, mercy, and power, enable us by faith to cling to Thee. Incline our hearts to wisdom, our souls to love, and our lives to faith that the sweetening streams of the higher humanities may flow forth, unfolding and revealing Thy holy will in this changing world. By Thy help may we forsake every known evil, retire into the hushed depths of our own being and pray to God who wears the robes of the universe: "O Lord, make bare Thine arm and Thy righteous will be done." O lift us beyond the dust of matter into the morning realms of hope and vision where the tree of life spreads its branches, and here may we yearn for a deeper rest not known before. In the holy name of our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On March 1, 1940:

H. J. Res. 456. Joint resolution making available for the fiscal year 1940 an additional amount from the special funds heretofore set up for the payment of compensation benefits authorized by certain Emergency Relief Appropriation Acts.

On March 2, 1940:

H. R. 4198. An act for the relief of M. L. Parish;

H. R. 6084. An act for the relief of Katheryn S. Anderson; and

H. R. 8237. An act to amend the District of Columbia Revenue Act of 1939.

On March 4, 1940:

H. R. 1456. An act for the relief of Maj. Herbert A. Jacob;

H. R. 2860. An act for the relief of Ben Willie Jones, as legal representative of Thelma Jones, a deceased minor;

H. R. 3794. An act to establish the Kings Canyon National Park, Calif., to transfer thereto the lands now included in the General Grant National Park, and for other purposes; and

H. R. 6505. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

On March 5, 1940:

H. R. 112. An act to facilitate control of soil erosion and flood damage on lands within the Ozark and Ouachita National Forests in Arkansas.

On March 6, 1940:

H. R. 3391. An act providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles; and

H. R. 7270. An act to amend the Bonneville Project Act.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 685) entitled "An act to create a Division of Water Pollution control in the United States Pub-

lic Health Service, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BARKLEY, Mr. SHEPPARD, and Mr. MCNARY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S. J. Res. 206. Joint resolution creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

NATIONAL LABOR RELATIONS ACT

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, by direction of a majority of the committee, of which I am chairman, to investigate the National Labor Relations Board, I have this morning introduced certain amendments to the National Labor Relations Act, which have been referred to the Committee on Labor.

As it is somewhat difficult to ascertain what the amendments really mean by simply reading the amendments themselves, I ask unanimous consent, Mr. Speaker, that I may extend my remarks at this point in the RECORD to include an explanatory statement of the purpose and effect of the amendments.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. And may I say, Mr. Speaker, while I regret very deeply the inability of the committee to submit a unanimous report as to the amendments, nevertheless I believe that each member of the committee has striven earnestly and honestly to reconcile our views. It is now up to the Members of this House as to whether they wish to take action at this session of the Congress on the National Labor Relations Act.

I wish to say further that the committee has spent weeks in the preparation of these amendments and I think we can assure the House that there is nothing contained in them that will emasculate the act or diminish the right of collective bargaining or the means of enforcing that right, as guaranteed by the act. We have, however, sought to insure to both employer and employee fair, just, and honest treatment. [Applause.]

The matter referred to follows:

EXPLANATION BY SUBJECTS OF AMENDMENTS RECOMMENDED

The amendments to the National Labor Relations Act which the committee recommends be enacted are submitted in the form of a bill.

ABOLITION OF PRESENT BOARD

The amendments recommended provide for the abolition of the present National Labor Relations Board and the creation of a new Board of three members to be appointed by the President with the advice and consent of the Senate. Not more than two of the members are to be members of the same political party. The new Board is to have the same name as the present Board. There are no restrictions placed on the power of the President to appoint the members of the present Board to the new Board.

SEPARATION OF PROSECUTING AND JUDICIAL FUNCTIONS

The bill proposes to separate the prosecuting and judicial functions under the National Labor Relations Act by distributing the powers and duties under the act between the new Board, which is to exercise the judicial functions on the one hand, and a new officer, to be known as the Administrator of the National Labor Relations Act, who is to exercise the prosecuting functions, on the other hand. The Administrator is to be appointed by the President, with the advice and consent of the Senate, and is to have no connection whatsoever with the Board. The new Board is given power to appoint employees necessary to the exercise of its judicial functions, and the Administrator is given power to appoint employees necessary to the exercise of his prosecuting functions. Whereas under the present act charges of unfair labor practices are made to the regional directors of the Board, and complaints based on those charges are issued by the Board through the regional directors, under the amendments recommended charges will be filed with the Administrator or his regional director. All the preliminary investigations in relation to charges made will be carried out by the Administrator, and if he has reason to believe that the charges are true, he, and not the Board, will issue the complaints. Under the present act, the time and place for a hearing is designated in the complaint. Under the recommended amendments, the complaint issued by the Administrator will be filed with the new Board, and that Board will fix the time and place for a hearing thereon, which cannot be less than 15 days after the service of the complaint. It is hoped that this change will do away with the practice brought out in the hearing before the committee of fixing "phoney" hearing dates for use as a lever to force a settlement. The amendments recommended make it the duty of the Administrator to prosecute the complaint before the Board or before its trial examiner conducting the hearing. The Board has no prosecuting function whatever, but is to sit merely as a judge to determine the facts from the opposing contentions of the Administrator, with his witnesses, and the person complained against, with his witnesses. The Administrator is required to be made a party to all proceedings before the Board and to take such action therein as he deems necessary. Orders of the Board are to be enforced in the courts, not upon application by the Board as under the present law, but upon application of the Administrator. Such application is required to be made when the Board so requests, or may be made by the Administrator on his own motion.

Similarly, proceedings to review an order of the Board are brought by the party aggrieved, as petitioner, against the Administrator, as respondent, and the Administrator, rather than the Board, has the function of bringing to the attention of the court the reasons why the order of the Board should stand and be enforced. Thus, the Board is not required to act as advocate in relation to a matter which it has decided as judge. Since it has no prosecuting functions, the Board is given no power to subpena any witnesses, but is required, upon application by the Administrator or any party to proceedings before the Board, whether before or during a hearing, forthwith to issue subpenas to the Administrator or such party, as the case may be, for the attendance of witnesses or production of evidence. The issuance of a subpena is to be done as a matter of course, but if a person is required by any subpena to produce evidence under his control, and he thinks that such evidence has no bearing on the inquiry in progress, or that the subpena does not describe with sufficient particularity the evidence whose production is required, he may move the Board to revoke the issuance of the subpena, and the Board is required to revoke the issuance of the subpena if it agrees with him. These changes in provisions relating to the subpena power will do away with any prior restraint upon the issuance of subpenas, and at the same time adequately protect persons from fishing expeditions. Under the amendments recommended, enforcement of a subpena against one who disregards it is to be had in court upon application of the person to whom the subpena was issued rather than upon application of the Board as under the present law.

REPRESENTATION CASES

Substantial changes are made by the amendments recommended in the power of the Board in relation to determining units appropriate for the purposes of collective bargaining and certifying representatives for collective bargaining. Under the amendments, the Board is precluded from acting in these cases on its own motion, and is permitted to act only upon application by an employer under specified circumstances, or upon application by a specified percentage of, or by a representative representing a specified percentage of, employees. When such an application is made, the Board is required to hold a hearing, and if as a result of the hearing it determines that the statements in the application are true and that the question is one affecting commerce, it is required by order first to determine the unit appropriate for collective bargaining. That unit can't be larger than the largest unit claimed as appropriate in an application filed by employees or representatives in the proceeding. After determining the unit appropriate for collective bargaining, the Board is required to take a secret ballot of employees in that unit, and by order certify the representative or representatives for collective bargaining that have been chosen by a majority of the employees voting. This certification is to be effective for 1 year. Thus during this period both employees and employer will be free from controversies with respect to employee representatives.

The power of the Board to determine the unit appropriate for collective bargaining has one important exception. In cases where there is a dispute between two or more labor organizations, each of which in their applications in the proceeding claim to represent a majority of the employees in the unit claimed by such labor organization to be appropriate, as to the unit or units appropriate for the purposes of collective bargaining, the Board is required to make a finding to that effect, and is given no power in such cases to determine the appropriate unit or units until such labor organizations have by written agreement settled such dispute, or to determine any unit to be appropriate which is not specified and claimed to be such in the agreement.

Where a dispute as to the unit or units appropriate for collective bargaining exists, the employer is protected by providing that it is not an unfair labor practice for him to refuse to bargain with either faction.

FREEDOM OF SPEECH AND OF THE PRESS

Questions have arisen under the present law as to whether section 8 (1) of the act, making it an unfair labor practice to interfere with, restrain, or coerce employees in the exercise of their rights to self-organization and collective bargaining, prohibits an employer from expressing his opinion with respect to matters which may be of interest to employees or to the general public. Obviously, no law of Congress can interfere with the freedom of speech or of the press guaranteed in the Bill of Rights. Hence, a clarifying change

is made in section 8 (1) of the act to provide that nothing therein is to be construed or interpreted as prohibiting any expressions of opinion with respect to any matter which may be of interest to employees or to the general public, provided that such expressions of opinion are not accompanied by acts or threats of discrimination, intimidation, or coercion.

RULES OF EVIDENCE

Under the present law the rules of evidence prevailing in the courts of law or equity are not controlling in Board hearings. This requirement—and it has been construed as a requirement by the Board's trial examiners—has had the effect of making records unduly long, as well as permitting the Board to make findings based upon, and to draw inferences from, evidence which under the most liberal rules would never be admissible in a court of law. The character of controversies which the Board decides is not such that the rules of evidence must be relaxed to any great extent in order that substantial justice may be done or vigorous enforcement of the act effected. Thus, the committee has recommended that the proceedings before the Board or before its trial examiners shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure adopted by the Supreme Court.

FINDINGS OF FACT BY THE BOARD

Under the present law the Board is required to issue an order if upon all the testimony taken it is of the opinion that the person complained against has engaged in an unfair labor practice. The hearings before the committee indicate that the Board has confused its functions under this requirement with the function of the court in relation to findings of fact by the Board in a proceeding for the enforcement or review of a Board order, for there was testimony in the hearings to the effect that the Board made its findings on substantial evidence rather than on a preponderance of the evidence. The trier of facts is always required to make findings on a preponderance of the evidence. An appellate court accepts the findings of the trier of facts if those findings are supported by substantial evidence, because an appellate court is not in a position to weigh evidence, not having heard the testimony, seen the witnesses, observed their demeanor, and not being expert in evaluating testimony in a highly specialized field. Because the court cannot weigh the evidence, however, does not mean that the trier of facts should make findings with an eye to court review rather than with an eye to determining where the truth lies on a preponderance of the evidence before it. Hence, the committee recommends that the Board be required to make findings upon a preponderance of the evidence in the same manner as every other trier of facts.

EFFECT OF BOARD FINDINGS ON COURT REVIEW

Under the present law, the Board's findings of fact are made conclusive on the courts if they are supported by substantial evidence. While it is true that the *Consolidated Edison Case* ((1939) 305 U. S. 197) broadened to some extent the concept of what evidence was deemed substantial, the nature of the controversies which the Board is called upon to decide, such as the determination of an employer's true motive for discharging an employee, are such that the courts ought to be given more power than they now have under the present law to review the Board's findings of fact. Thus an additional standard is prescribed under which the court can overturn such findings. Under the amendments recommended, such findings are conclusive unless they are clearly erroneous, or unless they are not supported by substantial evidence.

DECLARATION OF POLICY

Two minor changes have been made in the wording of the findings and declaration of policy in section 1 of the National Labor Relations Act. First, the statement that the denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of the collective bargaining leads to strikes, etc., has been changed in the amendments recommended to a simple statement that the failure to bargain collectively between employers and employees leads to strikes, etc. In the opinion of the committee the present language of the act constitutes an indictment of employers generally, which is not justified by the facts. The second change made in the language of the findings and declaration of policy by the amendments recommended is the elimination of the statement that it is the policy of the United States to encourage the practice and procedure of collective bargaining. In the opinion of the committee, Congress should do everything in its power to protect the exercise by workers of that right, but should not require the Board to encourage unionization where employees do not want it.

VIOLENCE

Under the amendments recommended, the committee, by changes in the definition of the word "employee," proposes to write into the act the rule announced by the Supreme Court in the *Fansteel Case* ((1939) 306 U. S. 240) with respect to the right of an employee who has engaged in violence or unlawful destruction or seizure of property to be reinstated by order of the Board. If a preponderance of the testimony taken shows that an employee has willfully engaged in these unlawful activities, the Board is to have no power to order such employee reinstated.

CLARIFICATION OF TERM "BARGAIN COLLECTIVELY"

Questions have arisen under the present act as to whether the act compels an employer to enter into an agreement with the representatives of a majority of his employees in an appropriate bargaining unit. The Supreme Court, in the *Jones-Laughlin Case* ((1937) 301 U. S. 1), stated that there was nothing in the act to compel an agreement, and the committee proposes to write into the act in terms that cannot be misunderstood the rules thus announced by the Supreme Court. "Bargain collectively" is defined as including the requirement that employer meet and confer with his employees or their representatives, listen to their complaints, and make every reasonable effort to compose differences, but is not to be construed as compelling or coercing either party to reach an agreement or to make counter proposals. This definition is in substance the definition announced by the Supreme Court in the *Virginia Railway Case* ((1937) 300 U. S. 515).

STATUTE OF LIMITATIONS

Under the amendments recommended statutes of limitations are provided for in two instances. First, it is provided that no complaint can be issued which is based on a charge of any unfair labor practice which occurred more than 6 months prior to the time such charge was made to the Administrator; second, it is provided that no order for the payment of back pay or other money shall order such payment with respect to a period longer than 6 months. Cases have been brought to the attention of the committee where the decision of the Board has not been rendered until at least 18 months after the case was argued before the Board, and in which the Board has issued an order directing the payment of money during this entire period of time. It is hoped that this provision will act to speed up Board decisions.

EFFECT OF EXAMINER'S INTERMEDIATE REPORT

An amendment recommended by the committee provides that in situations where the case is heard before a single member of the Board or before a trial examiner such member or examiner shall prepare and serve on the parties an intermediate report together with a recommended order, and that unless exceptions are filed thereto within 20 days after service, or within such further period of time as the Board may allow, such recommended order will become the order of the Board. The Board is given power at any time prior to the filing in court for a petition for review or enforcement to modify any such order or any other order issued or made by it.

DEFINITION OF AGRICULTURE

Under the amendments recommended the term "agricultural labor" is clarified by definition. Such term is not defined in the present law, and the Board in the North Whittier Heights case has held that employees of farm cooperatives are not agricultural labor. This decision of the Board was affirmed by the Circuit Court of Appeals, and hence an amendment is necessary to exclude from the coverage of the act employees which it was never the intention of Congress to include in that coverage. Hence the committee recommends that "agricultural labor" have the same meaning as in the Social Security Act. This definition was carefully worked out by the Committee on Ways and Means and has been passed upon and approved by both Houses of Congress.

ECONOMICS DIVISION

Under the amendments recommended the Board will be effectively precluded from setting up an economics division. The hearings before the committee indicate that there is no justification whatsoever for the existence of this division, and there will be less justification for its existence under the other amendments which impose on the Board the exercise of judicial functions only.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by a former Member of this House, Hon. Maury Maverick.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain excerpts in explanation thereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANDERSON of Missouri asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. THOMASON. Mr. Speaker, in view of the interest in the progress of the Army Air Corps expansion program, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio broadcast between Major General Arnold, Chief of the Air Corps of the Army, and Mr. Fulton Lewis, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a brief editorial appearing in the Palladium Item, of Richmond, Ind., of date of March 4, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

APPOINTMENTS TO COMMITTEES

Mr. MARTIN of Massachusetts. Mr. Speaker, I submit several privileged resolutions and ask for their immediate adoption.

The Clerk read as follows:

House Resolution 415

Resolved, That BARTEL J. JONKMAN, of Michigan, be, and he is hereby, elected to the following committees of the House of Representatives: Committee on Patents and Committee on Claims.

The resolution was agreed to.

The Clerk read as follows:

House Resolution 416

Resolved, That J. HARRY MCGREGOR, of Ohio, be, and he is hereby, elected to the following committees of the House of Representatives: Committee on Public Buildings and Grounds, Committee on the Territories, and Committee on Invalid Pensions.

The resolution was agreed to.

The Clerk read as follows:

House Resolution 417

Resolved, That FRANCES P. BOLTON, of Ohio, be, and she is hereby, elected to the following committees of the House of Representatives: Committee on Indian Affairs, Committee on Election of President, Vice President, and Representatives in Congress, and Committee on Expenditures in the Executive Departments.

The resolution was agreed to.

The Clerk read as follows:

House Resolution 418

Resolved, That USHER L. BURDICK, of North Dakota, be, and he is hereby, elected to the Committee on Roads of the House of Representatives.

The resolution was agreed to.

REVISION OF THE LAWS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEOGH. Mr. Speaker, I am pleased to announce, on behalf of the Committee on Revision of the Laws, that the fifth cumulative supplement to the United States Code is being delivered to the folding room and placed to the credit of Members. The committee has continued its practice of showing the legislative development of the code by italicizing the new matter and bracketing the deleted portions of those amendments to existing law. Supplement 5 of the code includes all laws passed up to and including the second—special—session of this Congress. The committee also maintains, for the convenience of Members and others, a current classification of public laws enacted during the present session. Inquiries for such information may be addressed to the chairman. The committee is always anxious to receive suggestions and comments from the Members, and from those who use the code, designed to increase the efficiency and effectiveness of it. [Applause.]

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a resolution passed by the legislative committee of the Nebraska State Farmers' Union.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a brief editorial from the Cincinnati Post on the subject of flood defense.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that today, after the completion of matters on the Speaker's desk and the legislative program of the day, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks to be made this afternoon by the gentleman from New Jersey [Mr. MCLEAN] I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

TERM OF THE PRESIDENCY

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEAN. Mr. Speaker, there is much discussion today relative to a third term for the President, and in connection with it attention is directed to the much-discussed suggestion that the President should be elected for a single term and be ineligible to succeed himself. The idea is not new. It was one of the great compromises of the Convention which brought about the adoption of the Constitution and the establishment of our present Government. I have introduced a resolution providing for the necessary amendment to the Constitution to make the change from our present practice of electing a President every 4 years without ineligibility to succeed himself. My resolution is now pending in the Committee on Election of the President and Vice President, and now would seem to be an appropriate time for its consideration and enactment. It would not affect the present situation, but it would anticipate the future.

On the 20th of July 1937 I addressed the House and covered the history of the subject of the term of the President from the beginning of the Government. In assembling the material I had the assistance of the legislative research staff of the Congressional Library; and while allowance must always be made for omissions, you will find in my remarks a very comprehensive study of the subject.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the Bakersfield Californian on 147,000 immigrants who came into California in 1939 by automobile.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object, which I shall not do, to call the attention of the gentleman from New Jersey [Mr. MCLEAN] to the fact that this proposition of one term for the President of 6 years was written into the Confederate Constitution. I am glad to know that leading Republicans have gotten around to reading that sacred document. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NOMINATIONS FOR THE PRESIDENCY TO BE MADE IN MINNESOTA

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, contrary to general belief, the Presidential nominations for the Democratic and Republican Parties are going to be decided in Minnesota this summer and not in Philadelphia and Chicago, where most of you assumed the selections will be made. The Chicago and Philadelphia national conventions will be only to confirm action taken and decisions already made in Minnesota the first week in June.

From June 2 to 5 the National Governors' Conference will be held in Minnesota at the request of Minnesota's popular and smart young Governor, and consequently there will be in our State at that time all the best political heads, quantitatively and qualitatively speaking, in the entire United States, to say nothing of the squads and droves of newspapermen.

Will that conference discuss and decide who the Presidential nominees are to be? Knowing Governors and politicians and political writers as we do, the answer is obvious. So Minnesota steals the show and sets the stage for these most important events.

All that is left is to decide which one of our many beautiful and breath-taking summer resorts gets the Governors' conference. Minnesota's efficient adjutant general, Ellard A. Walsh, is to decide, as arrangements chairman, whether the group will go to the Arrowhead country, to Detroit Lakes, Brainerd, Gull Lake, Breezy Point, Grand Rapids, Alexandria, Hackensack, Bemidji, International Falls, or where. We have so many beautiful spots it is indeed hard to choose between them, but any place in Minnesota will inspire these political visitors, as it does everyone who breathes its fresh, pure, invigorating, pine-scented air and views its beauties of forest, lake, and countryside.

WALTER-LOGAN BILL

Mr. BARTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTON. Mr. Speaker, I have asked for this time in order to ask a question of the majority leader. I am receiving a great many letters from my constituents asking about the Walter-Logan bill. I wonder whether the majority leader has decided whether that bill is to come before us for discussion and action at this session.

Mr. RAYBURN. A rule has been granted on that bill, but no time has been fixed for its consideration.

Mr. BARTON. Is it a part of the program that we will probably come to before adjournment?

Mr. RAYBURN. There has been no specific program made out as yet. What we want to do is pass the appropriation bills as fast as they come to the House and intersperse with that matters more or less controversial. As far as general legislation is concerned, there has been no program made.

Mr. BARTON. Would it be fair to say that there is no plan for legislation except appropriation bills at this session of the Congress?

Mr. RAYBURN. Oh, no; not at all.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a speech made over the radio last Monday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks by including an article on naval personnel in the magazine Naval Affairs.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an excerpt from the Baltimore Sun.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and include therein a speech by Mr. Dan Hallowell on the Bonneville project, delivered on the 28th day of February in Portland, Oreg.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my remarks, and include a report on the methods used in the selection of candidates for Annapolis and West Point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. RUTHERFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Andrews	Doughton	Kerr	Starnes, Ala.
Barnes	Douglas	Kirwan	Steagall
Bates, Ky.	Englebright	Kleberg	Stearns, N. H.
Beam	Faddis	Maciejewski	Sullivan
Boland	Fish	Mansfield	Sweeney
Buckley, N. Y.	Garrett	Martin, Ill.	Taylor
Byron	Gearhart	Merritt	Wallgren
Camp	Gehrmann	Murdock, Utah	Ward
Clark	Gross	Myers	Wheat
Creal	Hart	Peterson, Ga.	White, Ohio
Cummings	Healey	Pittenger	Wood
Darrow	Hook	Routzohn	Youngdahl
DeRouen	Jarrett	Sabath	
Dies	Jeffries	Sandager	
Ditter	Jenkins, Ohio	Shannon	

The SPEAKER. On this roll call 373 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to insert my own remarks in the RECORD with regard to water pollution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EDELSTEIN. Mr. Speaker, I ask unanimous consent that on the 15th of this month, after the conclusion of the legislative program of the day, I may address the House for 30 minutes on the life and legislative experience of the late Dr. William I. Sirovich.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein a statement made before one of the House committees.

The SPEAKER. Without objection, it is so ordered.

There was was no objection.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an address by Senator BRIDGES made at Ogden, Utah.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KILBURN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter from the Secretary of State, Mr. Hull.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that on Monday next, after the legislative program for the day, I may be permitted to address the House for 30 minutes on the subject of the migratory problem in California.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Philadelphia Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1941

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8745, the Interior Department appropriation bill, 1941, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, $874,950: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 2, line 5, after the comma, strike out "$874,950" and insert "$689,970."

Mr. TABER. Mr. Chairman, I am offering this amendment with the idea of trying to save a little of the money that the committee has brought in here for the operations of the office of the Secretary of the Interior. That you may know how well based my motion is let me say that the appropriation for this purpose last year was $545,410. The amount recommended by the committee is $874,950, an increase of over $329,000.

There is absolutely no justification for this increase. It is true that they have in this Department probably 150 or 175 employees who are paid from the relief rolls. To put them in with the regular employees will require $216,000. This added to last year's appropriation would make $761,000.

There is a useless item in there for propaganda and publicity of $72,000. There is another item for photographs, $12,520. There is another item for a power-policy committee—a promotion outfit—$55,560; another item for a radio section, $21,660. I have not proposed to take all of that out of this outfit, as I should.

I have only proposed to cut out $185,000. I have done this because I feel that this office is spending too much money, that there is absolutely no justification for it. When it comes to the point that the operations of a department are such that it must put somebody on the radio with arguments suggested by it every day in the year we are getting to a situation which is intolerable. It is bureaucracy at its worst. It is one of the worst showings that has ever been brought here by any department of the Government. The only way we can ever save America from the ravishment of bureaucracy is by turning down the money which is being wasted upon propaganda falsely to uphold the position these people have taken in raiding the Treasury of the United States. Never can we begin to economize, never can we get anywhere in economizing, unless we stop at the source the propaganda, vicious and improper, and in many cases in violation of the law, that has been going on for several years by this Department. I think it is one of the worst outfits in the Government of the United States, absolutely irresponsible and absolutely without any regard for the law.

I hope this amendment will be adopted. The item is even $45.000 above the Budget. Let us save a dollar. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, it is not unusual for the gentleman from New York to oppose appropriations for the Interior Department.

The first item to which the gentleman appears to object is one of $216,500, not a new item, not a new policy. This committee is not trying to establish a policy; oh no. Practically every one of these people is on the pay roll, and the gentleman himself is a member of the deficiency committee which made funds available for this personnel on a more or less permanent basis. There is nothing else for us to do except to discharge these people or make an appropriation for them. So much for that. These people are getting their money—and it is no secret—from public-works funds.

Mr. TABER. If the gentleman will yield, I have included in my amendment enough money to continue the employment of these people. It is intended to cut out the vicious propaganda.

Mr. JOHNSON of Oklahoma. The gentleman proposes to cut out $185,000, yet the item to which he objects so strenuously is a little $15,000 radio item.

Mr. TABER. It is $21,660.

Mr. JOHNSON of Oklahoma. Yet his amendment would make a cut of $185,000. Let me finish my statement. If the gentleman will permit, I did not interrupt him.

The next item to which the gentleman so strenuously objects is the power-policy item. The people are being paid now out of Public Works and it is not proposed to put a lot of additional men or women to work, as has been suggested, but the committee simply lays the cards on the table and proposes to put them on a permanent basis, where they belong.

The next item has to do with the radio service. The gentleman objects to these radio programs. These people, for the most, at least, are now being paid out of emergency funds. May I say to the gentleman that the committee, instead of bringing in a bill above the Budget estimate, this item, like practically every other item in the bill, is reduced. This reduction is between $25,000 and $30,000 below the Budget estimate instead of being $45,000 above the Budget estimate, as the gentleman has suggested.

Mr. TABER. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I do not yield to the gentleman now. The reason for the apparent increase is due to the fact that we have consolidated the estimate for the power policy committee plan into this, which amounts to $60,000. That is all there is to it.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not know whether we can eliminate all the items suggested in the amendment or not, but certainly some consideration should be given by the Members of the House to the Secretary's office. May I call your attention to the fact that the Division of Personnel Service has increased 135 percent in 7 years. The number of employees in the Interior Department in 1933 was 19,600. The number of employees today is 47,000. Get that—an increase from 19,600 employees in 1933 to 47,000 employees at the present time in the Department of the Interior, an increase of 135 percent in employment in 7 years. Perhaps the Department of the Interior is not a bit worse than the other departments because the increases in employment have gone up tremendously.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from New York.

Mr. FITZPATRICK. How many new activities have been added to the Interior Department during that period?

Mr. RICH. Too many.

Mr. FITZPATRICK. How many in the last year?

Mr. RICH. We took out three and put in four; so the number of employees there involved in the exchange was nominal.

Mr. Chairman, the point I make is that we have added department after department. What did Mr. Roosevelt say before he took office? He stated, "I will consolidate departments and I will eliminate bureaus." Instead of that he has

added more; many, many more. Let us consider the reorganization bill that was passed last year. In that connection he has added over 100,000 employees to the Government pay roll because of the reorganization. This is something the membership of the House ought to think about. The reorganization that Mr. Roosevelt has established has resulted in adding 100,000 employees. An increase of 135 percent in 7 years in the Department of the Interior is entirely too much.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman is a very valuable member of this committee and he knows that this bill had been slashed about 20 percent before the committee got hold of it. Will not the gentleman admit in a general way that the committee did a good job in slashing this bill nearly $3,000,000, making a cut of 20 or 22 percent?

Mr. RICH. I made the statement on the floor of the House that the committee worked hard on the bill, but I could cut this bill $10,000,000 and it would not hurt our country but would help it.

In the Division of Information we have spent $21,660. I asked Secretary Ickes about this increase and he stated as follows:

I remember that Mr. Straus, the Director of Information, came in sometime ago and said he would like to put on a dramatization of the Annual Report of the Secretary of the Interior. I told him that he was crazy; that it could not be done in any attractive form. However, in due course he brought in to me a script, which I read with great care. It seemed to me to have great possibilities, and I gave a clearance for it.

When we have men in a department who can convince the Secretary that a lot of the work they do should be dramatized, I say we have too many people in those departments and they are only trying to increase the size and scope of the work of those departments. I think that propaganda of that kind within the Department is vicious and should be stopped. It does no one any good and should be stopped.

Mr. KELLER. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Illinois.

Mr. KELLER. What meaning does the gentleman get out of the proposal to dramatize this work? What does he understand that to mean?

Mr. RICH. He was talking about dramatizing the report of the Secretary. If the Secretary's report is not intelligent enough to the American people and we have to go out and dramatize it so they will know what they are talking about, then I suggest we pay more attention to our schools so that our people will be educated to understand a report of the Secretary or else have the Secretary of the Interior make a more intelligent report. If we would indulge in a little education along that line we will not need so much expense in the various departments of our Government dramatizing and putting on a department show.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 73, noes 107.

So the amendment was rejected.

Mr. GOSSETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSSETT: After the period on line 9, page 3, insert the following: "*Provided*, That no part of the appropriation made available to the office of the Secretary by this section shall be used for the broadcast of radio programs designed for or calculated to influence the passage or defeat of any legislation pending before the Congress."

Mr. GOSSETT. Mr. Chairman, I come not to attack or condemn the Department of the Interior that has done much splendid work. This amendment proposes to protect the Department of the Interior and the Congress from the folly and the danger of political broadcasts paid for out of the public purse.

The section of the bill just read appropriates $874,950 to the office of the Secretary of the Interior. Included in this appropriation for the Secretary's office are funds for the radio section of the Information Division of the Department of the Interior. Concerning this radio section, Secretary Ickes, in the hearings on this bill, testified as follows:

The Information Division proper remains as it was, and it has been very successful in serving the bureaus during the past year. There is included in our estimates, however, the transfer of a radio section, consisting of eight persons, having salaries totaling $21,660, who have heretofore served the Department but been financed by the Public Works Administration.

Then I notice in the report on this bill under increases in contingent expenses an item for radio broadcasting records of $3,000.

So far I am not complaining. The Department is to be commended for the number of entertaining and educational programs broadcast during the last year. The people of this country are entitled to full and complete information concerning their Government and its many services to them. I hope more and better programs of information and entertainment may be furnished them as time goes on. But all the programs have not been of this character. Several broadcasts have gone entirely outside and beyond the field of education or information. Our able colleague the gentleman from Maryland [Mr. COLE] has introduced in this Congress a bill enthusiastically sponsored by the Department of the Interior which would provide for the absolute Federal control of the oil business of this country, such control to be in the Department of the Interior. This is not the place for, and time does not permit, a discussion of the merits of this Cole bill. Suffice to say, it is highly controversial. In an obvious effort to build up sentiment for this bill, the Department of the Interior through its radio section staged several broadcasts that would rival Orson Welles' melodrama on the Men From Mars. I want to read you some excerpts from these broadcasts, which you will find in the Appendix of the CONGRESSIONAL RECORD on page 1124. On program No. 24, the departmental broadcaster depicts a state of public hysteria, and then follows a series of outcries from a land gone dry of oil:

DOCTOR. I'm a doctor. I must get there at once. A woman is dying.

ATTENDANT. Sorry, Doc. We haven't a drop of gasoline in the station.

(Sounds: Fire siren.)

FIREMAN (shouting). It's the schoolhouse! And we can't move our fire engines.

TRUCK DRIVER (through filter). Listen, Boss, I'm carryin' perishable goods—fruit and vegetables—on this truck. How am I gonna get them there before they spoil?

TICKET AGENT. The Twentieth Century Limited can't leave this station, Madam. You'll have to get to New York by stagecoach.

FARMER (surprised). Well, I'll be doggone. I can't use my tractor. I can't plow my farm.

HUSBAND (ordering wife). Get the children. We'll leave the house and find a restaurant where they cook with a coal stove.

DISPATCHER (droning via radio). All airplanes are grounded. All airplanes are grounded.

Boss. You men needn't report to work tomorrow. This plant's shutting down. Can't run our machines without oil.

(Sound: Telegraph key, in and under.)

TELEGRAPHER. S O S! S O S! Steamer *America* calling. Stopped in midocean. One thousand aboard. Send help at once.

MAN. Get some candles, Martha, or we won't have light.

ADMIRAL (dictating). To the Navy Department: Fleet unable to leave port for Pacific coast as ordered. [Fade.] Guns useless without oil. Waiting further word on——

Then on program No. 26 the departmental narrator says:

I'm speaking for the Department of the Interior, principal guardian of your natural wealth; it wouldn't let me say anything that wasn't so.

This is followed by a statement that all of our known oil reserves will last only about 13 years; certainly not longer than 17 years. He then appeals to an imaginary Mrs. Murphy to see her Congressman.

Doubtlessly, oil and gas have been and are being wasted. Certainly we should conserve all of our natural resources, but no department of our Government has any right to spend the people's money in trying to sell the people anything. To present by radio at Government expense an argument in behalf of pending legislation is bad; to use minisformation in such an argument and for such a purpose is intolerable. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the amendment be again read. I have not heard the modified amendment and I should like to know just exactly what it is. It may be that we can accept the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again read the amendment.

Mr. JOHNSON of Oklahoma. May I say for the benefit of the Committee that certainly no member of our committee has any desire that any radio program be put on the air for the purpose of influencing legislation, either for or against any proposal. I did not hear the one particular program to which the gentleman so strenuously objects. I did hear a number of programs, and they were excellent, entertaining, and certainly not objectionable.

It was my understanding that the original amendment to be offered was to eliminate the entire item for radio programs. I am glad that the modified amendment does not attempt to do that. Personally, I see no objection at all to the amendment. I have not discussed the matter with all members of the subcommittee, but I believe we could accept the amendment as I do not think it adds to or takes from the present law.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Alabama.

Mr. PATRICK. If this amendment is put into effect, how will it be handled? Who will have the say? How could it be handled without having a board or some employees in addition to those covered by the pending measure to determine these questions? Then you would run up against the very proposition we are up against now, about being driven by some sort of regimentation.

Mr. JOHNSON of Oklahoma. May I say to the gentleman that the amendment really does not amount to anything. The present law is a good deal stronger than the amendment, and to be perfectly frank, that is the reason I am willing to accept it. Of course, the General Accounting Office has the final say as to what could be or could not be used. This really does not amount to anything, but if it will make the proponents feel better and if they will go along on the remaining provisions we will be glad to accept it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Pennsylvania.

Mr. RICH. It certainly is not going to hurt anything and it might do a lot of good. I believe it ought to be adopted.

Mr. JOHNSON of Oklahoma. Would the acceptance of the amendment help the gentleman to go along with the bill, then?

Mr. RICH. I will certainly go along with this amendment.

Mr. JOHNSON of Oklahoma. The committee has no objection to the amendment.

Mr. COLE of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the distinguished gentleman from Texas [Mr. GOSSETT] has referred to legislation bearing my name as inspiring the broadcasts to which he has specifically referred. I am glad the Committee has seen fit to accept the amendment, and I shall comment very briefly upon it.

The truth is that during the long and tedious hearings the committee of this House, of which I have the honor of being chairman, was conducting in the investigation of the petroleum industry, it developed through one of the witnesses that such broadcasts were being conducted under the auspices of the Interior Department. The committee condemned the broadcasts said to specifically refer to legislation before us, at that time, and does now. Because of that testimony I requested the Department of the Interior to send me some facts relative to the work which they were doing under their radio set-up costing only $15,000 a year. I was truly amazed to find the wonderful service they are rendering. I found also that some young man associated with the problem, overly zealous as to his interest in the petroleum-conservation proposition and the prevention of waste thereof, had gone beyond what the Secretary of the Interior himself desired. With the permission of the Chairman, I shall insert as a part of my remarks, a list of the leading stations throughout this country—105 in all—which are now carrying the programs of the Interior Department from New York, with professional actors paid by the broadcasting companies; also the caption of the many programs they have sponsored dealing with all the interesting and important work before this great Department. The more I read these reports the more I wonder if the reason Secretary Ickes is criticized as much as he is is because he is doing something all the time. Whether you like him or not, you must admit the efficiency of the important personnel under him. He is a man who does things, and with few exceptions, does them well. I am sure it will be interesting to the Members of the House to know what their programs contemplate in the future, and finally, the public reaction to the program What Price America, sponsored by the Department of the Interior.

Mr. Chairman, the broadcast referred to, and according to the remarks of my good friend, the distinguished Member of this House from Texas, referring to the legislation he has mentioned, has no influence upon the committee dealing with this problem whatsoever. We have about concluded the general survey of this matter, which is of such vital concern to a great majority of the Members of this House, and our report will be made within the time required therefor. As the gentleman from Oklahoma [Mr. JOHNSON] has said, the law already covers such a situation as has been described here, but nevertheless this amendment might seem to curtail in the future overstepping the bounds and privileges extended this Department. I do not think it necessary, but it might do good as a reminder.

Herewith is a list of subjects covered in the 52 broadcasts of What Price America program referred to in this discussion: Earliest Conservation; Ohio Land Co.; Lewis and Clark; The Land Office; Mormon Irrigation; Discovery of Gold; Yosemite National Park; Bureau of Mines; Major Powell—The Geological Survey; Yellowstone—Its Origin; Central Valley; The Grazing Problem; Imperial Valley; John Muir and Our National Parks; Monongah Mine Explosion and the Bureau of Mines; Olympia National Park; Helium; Bureau of Mines During the World War; The Reclamation Program; National Monuments; Our Indians; Fire Prevention in the Nation Parks; Boulder Dam; Oil—Historic Background; Hot Oil; Wildlife; Romance of Silver; History of Coal; Fish; Inventory of Our Natural Resources; This Very Moment—Fire Prevention; Plug in the Tub—Boulder Dam; Central Valley; Navajo; Grand Coulee; Oil—13 Years; Wildlife Today; Fish—Great Lakes; Grazing—Taylor Grazing Act; Field Services of Interior Department; Coal—Bituminous Coal Division; Boulder Dam; What America Has To Be Thankful For; Conservation Versus Waste; Strategic Minerals; Conservation and Democracy; Special Christmas Program; Parks—Yosemite; Puerto Rico; Grand Canyon; Bonneville Dam; résumé ended January 27, 1940.

These broadcasts have been presented over the following prominent stations throughout the country from New York City by professional actors supplied and paid for by the broadcasting company:

5 p. m.: WABC, New York; WOKO, Albany; WCAO, Baltimore; WEEI, Boston; WKBW, Buffalo; WKRC, Cincinnati; WGAR, Cleveland; WJR, Detroit; WDRC, Hartford; WCAU, Philadelphia; WJAS, Pittsburgh; WPRO, Providence; WFRL, Syracuse; WJSV, Washington, D. C.; WBNS, Columbus; WHIO, Dayton; WHEC, Rochester, N. Y.; WORC, Worcester; WPG, Atlantic City; WABI, Bangor; WCHS, Charleston, W. Va.; WESG, Elmira; WMMN, Fairmont; WHP, Harrisburg; WPAR, Parkersburg; WBRK, Pittsfield; WGAN, Portland, Maine; WMAS, Springfield, Mass.; WNBX, Springfield, Vt.; WIBX, Utica; WWVA, Wheeling; WBRY, Waterbury; WDNC, Durham; WBIG, Greensboro; WMAZ, Macon; WDBJ, Roanoke; WTOC, Savannah; WSJS, Winston-Salem;

WMBR, Jacksonville; WDBO, Orlando; WDAE, Tampa; WJNO, West Palm Beach; CKAC, Montreal; CFRB, Toronto.

4 p. m.: WBBM, Chicago; KRNT, Des Moines; KMBC, Kansas City, Mo.; WHAS, Louisville; KFAB, Omaha (Lincoln); KMOX, St. Louis; WEOA, Evansville; WISN, Milwaukee; WMBD, Peoria; WFAM, South Bend; WIBW, Topeka; KFH, Wichita; WGST, Atlanta; WAPI, Birmingham; WDOD, Chattanooga; WNOX, Knoxville; KLRA, Little Rock; WREC, Memphis; WCOC, Meridian; WSFA, Montgomery; WLAC, Nashville; WWL, New Orleans; WCOA, Pensaccla; KRLD, Dallas; KTRH, Houston; KOMA, Oklahoma City; KTSA, San Antonio; KWKH, Shreveport; KTUL, Tulsa; WOC, Davenport; WKBB, Dubuque; WTAQ, Green Bay; WMFG, Hibbing; WKBH, La Crosse; KGLO, Mason City; WCCO, Minneapolis; KSCJ, Sioux City; WHLB, Virginia.

3 p. m.: KVOR, Colorado Springs; KLZ, Denver; KSL, Salt Lake City; KFBB, Great Falls; KGVO, Missoula; KOY, Phoenix; KGAR, Tucson; WGGM, Albuquerque.

2 p. m.: KOH, Reno; KROY, Sacramento; KARM, Fresno; KNX, Los Angeles; KOIN, Portland; KSFO, San Francisco; KIRO, Seattle; KFPY, Spokane; KVI, Tacoma.

5 p. m. (short-wave stations): W2XE, New York; W3AU, Philadelphia; W1XAL, Boston.

See newspapers for time: KHBC, Hilo; KCMB, Honolulu.

A special award was given this program when it was selected by Max Wiley as the best radio series presented by the Government and cited in his book Best Broadcasts of 1938 and 1939, as follows:

> For its sustained dramatic interest, for its power to transport the listener to the scene, for proper subordination of informative content to entertainment value, and for accuracy of research, the series What Price America represented the outstanding radio effort of the United States Government last year.

It was also cited as "the most popular adult educational program" by the Women's National Radio Committee, comprising more than a score of national women's organizations.

Some estimate of the public reaction to the What Price America series might be gathered from the following:

A total of 137,252 requests for conservation literature—the What Price America booklet—have been answered by the radio section in connection with this series.

While the great majority of the requests did not reveal the profession or interest of the person making request, the following were identified in the numbers indicated:

Officials of adult educational organizations	431
Officials of automobile and travel clubs	25
Businessmen	641
Officials of colleges and universities	531
Library officials	127
Principals of grade and high schools	232
Professional conservationists (State officials, editors, writers, etc.)	250
Professional people (doctors, lawyers, engineers, etc.)	1,004
Students (who indicated material was being used in class work)	998
Teachers	1,244
Youth organizations officials (Boy Scouts, Girl Scouts, etc.)	180

As to current activities of the radio stations in question, I am advised as follows:

> The radio section is now engaged in the research and preparation of two new series of programs.
>
> 1. This, Our America, a series to be presented on the red network of the National Broadcasting Co.
>
> 2. A second series of What Price America, developed along entirely new lines, and the outline of which is attached.
>
> Facilities of the studios and services of the personnel, are continually employed not only with departmental activity, but in servicing the various outside agencies of government who request help and assistance. Currently there is being produced from the studios a coast-to-coast series for the Department of Labor, the episodes of which are also being electrically transcribed.
>
> An extensive electrical duplicating job is being performed for the Music Division of the Library of Congress; a series of network broadcasts with which the Library of Congress is identified, are being recorded; planning and preparation is under way for a series of electrical transcriptions to be made for the Bureau of Fisheries to stimulate fish consumption; an extensive transcription job is being done for the Work Projects Administration; a series of radio programs is in process of preparation for the United States Travel Bureau, to stimulate travel in the Americas; a series of broadcasts to promote interest and travel in the national parks this summer is in process of being placed; a series of educational broadcasts to be based on Indian cultures and backgrounds, to be used in the schools, is being contemplated by the Bureau of Indian Affairs. Technical assistance of the Radio Section staff is being asked for an international broadcast from Mexico City, in connection with a Western Hemisphere Indian conference, to be held in April; electrical transcriptions on wildlife are being contemplated by the Biological Survey and the American Wildlife Institute; a series of electrical transcriptions are in process of being prepared for the Rural Electrification Administration; the regular series of broadcasts presented by the Office of Education are being electrically transcribed; and a series of recordings are being planned by the Social Security Board, for clarifying problems of personnel in their various field offices.

I am glad to have this opportunity to bring this information to the attention of the House, because I know the membership will be interested. Certainly I have been, and within proper limitations I think you will agree they have been performing a splendid service and should be permitted to continue to do so. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from Oklahoma [Mr. NICHOLS] asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. NICHOLS. Mr. Chairman, I am frank to say that I hesitate to take the floor at this time for the purpose for which I have sought the floor, but I feel sure that before I have concluded my remarks the Members will agree with me that I am justified in so doing.

Many Members know, if not all of them, that there is pending before a subcommittee of the District of Columbia Committee a proposition as to whether or not the District of Columbia shall be given the right of suffrage. I happen to be a member of that committee. Yesterday in a newspaper in Washington a rather unfair attack, I think, was made on me by reason of my stand on certain matters pertaining to suffrage for the District, and at this point I want to observe that it seems strange to me—so strange that, insofar as the newspapers of the District of Columbia are concerned, one is not privileged to take a stand contrary to the opinion of the papers of the District without having the District immediately charge him with some unholy motives.

I am too smart to jump on the newspapers. I want no argument with them. They have always got another edition coming out on you and they will have the last word. So, of course, if I had an argument with the newspapers, I would lose that argument; but now I want to refer to an article which appeared yesterday in the Times-Herald under the name of a very eminent and learned writer, Mr. Frank C. Waldrop, and, in discussing this matter, he had this to say:

> To escape threatening damage to prestige, perhaps even loss of control in the House, the Grant administration rushed through the present form of District of Columbia government prohibiting suffrage to white or black. At that time Negroes were 33.6 percent of the District of Columbia population.
>
> They were a difficult 33.6 percent, naturally, and needed patience, tolerance, and time to grow into the community. They got none of those. Instead, they were made the butt of every "confidential" explanation why Congress could not return any suffrage at all.
>
> "Why, you wouldn't want a Negro mayor in the Nation's Capital, would you?"
>
> That was the line the city patronage soppers used then, just as they use today. No later than 2 days ago the acting chairman of the House subcommittee considering District of Columbia suffrage let it be known that he is not against votes, but he is worried about the Negroes.

At that point I say this: Insofar as this question of suffrage has ever been considered by me, the matter of the Negro question has never been mentioned by me at any time, and when this distinguished gentleman says that 2 days ago I made any remark about the Negroes, or about the Negro question, insofar as it applied to suffrage for the District, the gentleman is making a misstatement of fact. Further, I think that the newspapers of the District could well be busily engaged about the matter of attempting to keep down racial

hatred rather than to incite it through articles like this. [Applause.]

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Let me finish and I shall yield later if I have time. I quote further from the gentleman's article:

The Honorable JACK NICHOLS, of Eufaula, Okla., his name is. The Honorable Jack isn't worried about any Negro mayor. He is worried about the prospect that his string of relatives on the pay roll of the District government would be fired if he lost his patronage control.

Meaning what? Why, the gentleman charges that I have a string of relatives on the District pay roll, and that the reason I am against suffrage for the District is because they will lose their jobs, if suffrage were granted.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NICHOLS. Mr. Chairman, the real truth of the matter is that I have not a single relative, of any degree removed, on the District pay roll. I have a sister who is employed by the Work Projects Administration, who works in the District of Columbia, of whom I am tremendously proud, and who is doing a swell job, but she does not, nor never has she, worked for the District of Columbia. Not only that, but 4 years ago I recommended a boy for a position in the District of Columbia government.

He was put to work and has been there ever since. Besides him, I have never had man, woman, or child employed by the District government upon my recommendation. Is this fair? Of course, it can only be done for one thing—in an attempt to injure me. Where? Here? Oh, no; at home. For what purpose? To scare me into submission. I do not scare easily. [Applause.] I merely ask my learned friend, the author of this story, that in the future he write anything about me that he chooses, but please confine it to the truth and I shall not quarrel with him. I cannot help but think that this matter of charging me with loading the District pay roll with patronage is a deliberate misstatement of fact.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. SHEPPARD. The gentleman would not have his colleagues in the House believe that for a moment he wanted to restrict the great privilege of the civil liberties which the gentleman apparently exercised?

Mr. NICHOLS. Oh, no; but I wish I were accorded the same liberty.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. SECCOMBE. Mr. Chairman, I am a member of the District Committee, and I commend the gentleman from Oklahoma [Mr. NICHOLS] for his attitude on suffrage. He has always had an open mind upon it. I agree with his course, because this same columnist made about the same attack toward me some weeks ago. I wrote to him and told him to print my words in their entirety. He never made a reply. I agree with the gentleman from Oklahoma wholeheartedly in what he has said, and I commend him for his attitude in the hearings he held in giving the question of suffrage fair hearings.

Mr. NICHOLS. I thank the gentleman and shall say just one other thing. I was sent word yesterday morning that if I did not change my attitude on this matter, a newspaper owner of the District of Columbia was going to send people into my district to attempt to defeat me. I shall call the name of that person if it is necessary. At the moment I choose not to, but if challenged I would be very happy to supply it. I thank you. [Applause.]

The pro forma amendment was withdrawn:

The Clerk read as follows:

DIVISION OF INVESTIGATIONS

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamplands and indemnity for swamplands; and for traveling and other expenses of persons employed hereunder, $470,000, including not exceeding $40,000 for personal services in the District of Columbia; not exceeding $52,500 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for the use of agents and others employed in the field service. The Secretary of the Interior shall include in his annual report a full statement of all expenditures made under authority of this paragraph.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask the indulgence of the committee for a brief period to make reference to an item further on in this bill, namely, the Bureau of Fisheries.

I am particularly interested in that Bureau because it has been doing most excellent work in my district, as well as throughout the country. There is a Federal hatchery in a little village at the southern end of my district called Hartsville. There has been a small appropriation made by the Department for the improvement of the Hartsville hatchery. I find by building modern ponds no more water is being used in propagating fish to the extent of 300 times as many as formerly was done, and that makes just that much more distribution for the benefit of the sportsmen not only of Massachusetts, but of adjoining States.

I am informed there are in the whole country 105 hatcheries. Of those, 90 are for the benefit of sportsmen and 15 are commercial hatcheries. Ten of the commercial hatcheries are salt-water hatcheries and are entirely commercial The other 5 are part commercial, as I understand it, and part for sportsmen as well.

The increase of fingerlings in those Government hatcheries today means a distribution of fish throughout the country for the benefit of our people, particularly the sportsmen throughout the country. So you can see there is a very general use coming from the propagation of fish through these hatcheries and great increase in the outdoor life.

My experience with the particular hatchery to which I am referring indicates that the type of employees in the Bureau of Fisheries is very high. I am surprised that the Government can secure the services of such able men as they seem to have at the salaries paid. I am familiar with one or two other hatcheries as well. It shows the interest in the actual scientific work of the hatcheries themselves on the part of the employees.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes; I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I want to confirm what the gentleman has just said with regard to the high type of employees connected with this work, and more particularly with regard to the high type of citizens who favor just this program. Some of the ablest men in the country, high officials of Government, business and professional men, and civic leaders, who are sportsmen, have written to me just to this same point—that we ought to do more to encourage this sort of wildlife for the benefit of sportsmen and for the health of our people generally. These are the men who have contacted me favoring this program. I know the rank and file of our people favor it without writing me.

Mr. TREADWAY. I thank the gentleman, and I thoroughly agree with his statement.

Further than that, the interest of those very men is producing a much larger number of sportsmen as a result of the establishment of fish clubs. We have sportsmen's clubs throughout my district. Practically every town has a sportsmen's club. That means for better citizenship and greater enjoyment of the great outdoors and recreational features of our communities. Of course, New England is much more thickly settled than the district from which the gentleman from Arizona comes.

Perhaps it would not be out of place to call to the attention of the House a general statement in connection with this matter.

Referring to the amount recommended by the Appropriations Committee for the maintenance and operation of fish-cultural stations, Bureau of Fisheries, Department of the Interior, I note the following:

Limitation of salaries in the field force, $464,690.
Operation and maintenance of fish-culture stations, including travel and distribution, $383,250.
Construction of new stations in Pennsylvania, Oklahoma, Arkansas, and Mississippi, $75,000—

Making a total recommended by the committee of $922,940.

I want to call attention to the item of $383,250 for the operation and maintenance of the stations, including travel and distribution. By "distribution" is meant that at a hatchery such as the one I speak of, where one or more trucks are provided by the Government, the fish are actually delivered where the sportsmen want them to be delivered, rather than the sportsmen being called upon to travel long distances and go to the hatcheries themselves.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. This distribution means that the sportsmen's clubs throughout an area will take the contents of the trucks or cans of fish brought to them by the hatchery officials and keep them perhaps for 6 months or a year in smaller ponds, rather than distributing them through the brooks, and in that way increase the quantity that are actually available for the sportsmen later on. In other words, they mature beyond the fingerling stage before being actually put into the brooks or ponds for the sportsmen to reach, which, of course, is a very excellent thing for the increased production, as well as for the increased possibilities of pleasure for the sportsmen.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to my friend from Mississippi.

Mr. RANKIN. I will say to the gentleman from Massachusetts that certainly the most highly advertised fish hatchery in the world is in my home town of Tupelo, Miss. I find there, and I believe it is the same in other hatcheries, that they not only haul these fish out in trucks occasionally but they ship them in cans and lay them down at the lake or pond or stream where the receiver wants to use them. These are distributed at Government expense to those who apply for them.

Mr. TREADWAY. That is exactly in conformity with what I was endeavoring to say.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. CASE of South Dakota. The fact that the gentleman from Mississippi is interested in names is evidenced by his inquiry the other day with respect to how Hot Springs got its name. The fish hatchery in my district is named Spearfish. The gentleman, of course, would have no difficulty in recognizing how it secured its name.

Mr. RANKIN. By the way, I want to say to the gentleman from South Dakota that I understood the other day our ducks had gone up there during this cold weather. I hope he returns them now since the weather has cleared up. [Laughter.]

Mr. TREADWAY. Mr. Chairman, with reference to the general benefit of the fish-cultural appropriation the following figures, I am sure, will be interesting.

During the fiscal year 1941, 11 new fish-cultural stations will be operated, for which the committee is allowing an increase over the 1940 figure of $16,060. I note that the bureau's facilities have been greatly expanded over 1940, not only by the establishment of new stations but also through increased facilities covering pond construction and modernization of the stations for the purpose of rearing the small fry to larger fingerling sizes for distribution. This naturally requires a greater expenditure for fish food and the bureau's request for an increase in this item of $37,500 has been reduced to $8,000.

To show you why an increase in the fish-food item is needed, during the fiscal year 1938, 10,723 applications for fish were received by the Bureau. In 1939, 12,585 applications were received. To supply these applications required an output of over 8,000,000,000 fish and eggs. Of this total, 84,400,000 were fingerling fish. These fish were produced at approximately 90 game-fish hatcheries. It has been estimated by reliable authorities that there are 15,000,000 anglers in the United States, and that during the past year they spent approximately $500,000,000 for fishing tackle, accessories, and other incidental expenses in connection with a fishing trip.

Never in the history of the Bureau have the demands been so great for game fish for stocking purposes. This may be ascribed, in part, to a large number of reservoirs and lakes which have been established throughout the country through the use of emergency funds.

If the people of this country, living some distance from the sources of commercial fish—such as the Great Lakes, Pacific and Atlantic Ocean, are to be given fresh fish, the Bureau of Fisheries must maintain the streams through an adequate stocking program, which requires the production of larger fingerling fishes, and more funds for fish food for their production. So, it will be seen that this activity is well worth the expense that is involved.

Mr. RANKIN. Mr. Chairman, I congratulate the gentleman from Massachusetts [Mr. TREADWAY] on his coming around to our way of thinking on this question of fish hatcheries.

Mr. TREADWAY. I preceded the gentleman, I might say.

Mr. RANKIN. I understand the gentleman preceded me on this floor, but his education began 39 years ago, when one of my distinguished predecessors, Hon. John M. Allen, better known as Private John Allen, made the most outstanding address on fish hatcheries ever made in this body, and one that literally immortalized him.

It resulted in the creation of the fish hatchery at Tupelo, which in turn has resulted in making Mississippi the leading bass State of the Union, as I am informed by the Bureau of Fisheries.

I have signed more fish applications, probably, than any other man in either House of Congress because of the operation of this fish hatchery at Tupelo; and, for the amount of money spent on it, I know of no enterprise that has been worth more to the masses of the people of that area. I am not talking about the sportsmen particularly, for our sportsmen can go to the Gulf coast where fishing is really a luxury, but almost every farmer in the district, it seems to me, now has a small pond or a small lake that he has stocked with fish, either bass, bream, or crappies from this fish hatchery.

Here is a record of the proceedings on that day, February 20, 1901, when this Tupelo hatchery was established, as a result of Mr. Allen's address:

Mr. ALLEN of Mississippi. Mr. Chairman, I ask unanimous consent to return to page 45 of the bill, and after line 20 insert the following amendment, which the Clerk will read; and then I ask unanimous consent for 20 minutes to speak to that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Page 45, at the end of line 20, insert 'for the establishment of a fish hatchery and fish-culture station at the town of Tupelo, State of Mississippi, $20,000.'"

The CHAIRMAN. Is there objection to returning to this paragraph for the purpose of considering the amendment?

There was no objection.

The CHAIRMAN. Is there objection to granting to the gentleman from Mississippi 20 minutes to discuss the amendment? [After a pause.] The Chair hears none.

Mr. ALLEN of Mississippi. Mr. Chairman, I do not deem it necessary to take up 20 minutes' time of this Committee to pass this amendment, but as this fish hatchery is to be established at Tupelo, and I find among some people in the country—even some newspapermen, who are supposed to impart information to others, and some gentlemen who have been elected to Congress, and who tell me that they have not only been to school but gone through college—so much ignorance about Tupelo that I think I ought—in justice to them, not to Tupelo—to enlighten them some on this subject. [Laughter.]

If I were willing to avail myself of all the traditions and many well authenticated but not absolutely accurate historical suspicions, I might invest this subject with much more historical and romantic interest. But I propose to confine my remarks to well-authenticated facts, ignoring such traditions, believed by many of

our people to be true, as that when Christopher Columbus had his interview with Ferdinand and Isabella of Spain, that in his efforts to persuade them to back him in his expedition that led to the discovery of America, he assured them that an all-wise Creator, creating a world like this, was bound to have made somewhere near its center such a place as Tupelo. [Laughter.]

The first authentic account we have of the section of country that will one day be included in the corporate limits of Tupelo is that the great Indian chief, Chicksa, from whom that great and warlike tribe, the Chickasaw Indians, took its name, was west of the great Mississippi River, and that he, with his followers, followed a pole guided and supported by invisible hands across the Mississippi River to the vicinity of Tupelo. There, we are informed, the pole stopped, stood upright, planted in the ground, and there the Chickasaw Indians made their home. No people, Mr. Chairman, were ever directed by a wise Providence to a fairer land. 'Twas in the rolling woodland just north of one of the most beautiful prairies on which the eye of man or beast ever rested. The country abounded with all sorts of game, the streams were full of fishes, and on this continent there was no more enticing place for this poetic race of the forest. Here the Chickasaws grew to be, as they are to this time, one of the greatest and most powerful of the Indian tribes.

In 1513 the knightly Ponce de Leon landed upon the coast of Florida, and perverted history has it that he started out to look for the fountain of youth and limitless gold fields, when in truth and in fact he really started to look for Tupelo. [Laughter.] You are all familiar with the disaster that overtook his expedition. Later, in 1540, the great and adventurous discoverer, Hernando de Soto, landed his expedition on the coast of Florida, and finally succeeded in reaching and discovering for the first time by a white man Tupelo. [Laughter.]

Here he stopped in the midst of the Chickasaws until attacked by them and driven west to what is now the city of Memphis, where he discovered the great Mississippi River.

The Chickasaws were then left in peaceable possession, so far as the white man was concerned, of this beautiful section for nearly 200 years, when, in 1736, Bienville, with his expedition, came up from Florida, and D'Artaguette from the Illinois, attempted to meet and take from the Chickasaws what is now Tupelo. D'Artaguette got there before Bienville and was defeated by the Chickasaws. He and almost all of his expedition perished at their hands. Bienville arrived later, was also defeated and driven back, with great loss to his expedition; and now, in laying out and grading avenues and boulevards for Tupelo, the bones, spurs, weapons, epaulets, etc., of the slain of these ill-fated expeditions are plowed up. [Laughter.]

This is something of the early history of the place about which we find so much ignorance. My colleague, General Catchings, told me not many days ago that some newspaperman had asked him if there really was such a place as Tupelo. [Great laughter.]

I do not assert that all of these historical events to which I have referred took place immediately in the town of Tupelo, but they were in that vicinity and were on territory that we expect to have incorporated into the city some day. To come down to a later period, those of you who know anything of the history of your country will remember the contentions and contest that lasted for many years between the French, English, and Spanish Governments for the ownership of the Mississippi territory. I am informed by those familiar with the real designs of those great nations at that time that the real motive of all of them was the ownership of Tupelo. [Great laughter.]

Finally, the United States, appreciating the importance of the position, took advantage of their dissensions and acquired Tupelo. [Renewed laughter.]

About the year 1848 it became a matter of great concern to the great Northwest to secure a market for their products, so they gave aid and encouragement to the building of the northern end of what is now the Mobile & Ohio Railroad. The city of Mobile, on the Gulf, recognizing also the great advantages of direct connection with Tupelo, helped along this enterprise, and the road was built from Mobile to Tupelo. [Laughter.]

Everything went on very well until about 1861, when the South concluded to secede from the Union. I am reliably informed that when Horace Greeley and others sought Mr. Lincoln and asked him to "let the wayward sisters depart in peace," he shock his head and said, "No; this secession takes from the United States Tupelo [laughter], and we will not submit to it." And it was to rescue to the Union this town that brought on the war. [Renewed laughter.]

The armies of the Union were first directed against the capital of the Confederacy at Richmond, Va., but some obstructions were thrown in the way of that army at Bull Run, and they were persuaded to return to Washington. Another great army was then marshaled under the command of General Grant, who landed at Pittsburg Landing, on the Tennessee River, and began his cperations against Tupelo. [Laughter.]

Gen. Albert Sidney Johnston and myself met General Grant's army at Shiloh [laughter], and for most of the first day we had a real good time with them, and but for General Johnston being killed and me being scattered on the evening of that day there is no knowing what might have happened or how the history of this country might have been changed. [Great laughter.]

Suffice it to say I retired on Corinth, and when we were there, sorely pressed, President Davis ordered General Beauregard to fall back to Tupelo and there make a great and desperate stand for the life of the Confederacy. And it seems that Generals Grant and Halleck were so much impressed with the dogged determination of the Confederate Army to defend Tupelo to the death of the last man that they turned away in other directions. [Laughter.] Later, General Sturgis started from Memphis with a well-equipped army with a view of capturing Tupelo and breaking the backbone of the Confederacy. But on the road down there, when he had gotten within a few miles of Tupelo, General Forrest, that great cavalry commander, appreciating what the loss of Tupelo would mean to the Confederacy, met Sturgis at Brices Crossroads, took from him all of his artillery and wagons, sent him back to Memphis without an organized company and with the remnant of his army in about one-fourth of the time that had been consumed by forced marches in going down.

But Mr. Lincoln seemed never to have lost sight of the importance of Tupelo to the Union, and he marshaled another army under that able commander, Gen. A. J. Smith, and started them to capture Tupelo. Gen. Stephen D. Lee and General Forrest, with their commands, were sent to intercept him, but in maneuvering for positions General Smith got between Forrest and Lee and Tupelo and succeeded in capturing the town; and in an effort to dislodge him from there the desperate and bloody battle of Harrisburg, which is in the suburbs of Tupelo, was fought, in which nobody had any decided advantage, but General Smith evacuated the town and went back to Memphis. But the very fact that Tupelo had fallen seems to have broken the spirit of the Confederates, and we never did much good after that. [Great laughter.]

You will find, Mr. Chairman, in the Congressional Library a book the title of which is "Tupelo." It was written by a northern Presbyterian preacher and school teacher, who happened to be down in that section when the war began. I remember him very well. This book treats of his trials and tribulations about Tupelo, where he was arrested, imprisoned, and would have been shot but for his timely escape from prison; and, as I remember the substance, as he puts it, of his offense was a suspicion that he entertained secret doubts as to the divine origin and right of African slavery.

After the close of the war, when we had returned to our peaceful avocations, one of our brightest and most far-sighted young men, having in mind the great future as well as the great past of this town, settled in Tupelo, and afterward became a Member of this body and is now about terminating a great career of 16 years here. What this Nation and this House owes to Tupelo for this contribution I leave for others to say. My modesty forbids my speaking of it. [Laughter.] Some 15 years ago Kansas City and Memphis, appreciating the fact that if they ever hoped to do any good as cities they must have direct connection with Tupelo, built a railroad from Kansas City, through Memphis, to Tupelo, Birmingham, realizing that with all of its marvelous resources they could never be developed and properly distributed without direct railroad connection with Tupelo, saw to it that the road was built from Birmingham to Tupelo.

Mr. Chairman, during the discussion on the river and harbor bill in this House recently I heard so many statistics as to the tonnage of the various cities that were seeking appropriations in that bill that it stimulated me to inquire into the tonnage at Tupelo, and I find that during last year there were about 4,000,000 tons of freight passed through Tupelo. It was only the other day you saw in great headlines in all of our newspapers that the Southern Railroad had purchased the Mobile & Ohio Railroad, running from St. Louis to Mobile, through Tupelo.

The president of the Southern road was in Washington a few days later, and I met him for the first time, and in a conversation I had with him I gathered the reason for this purchase. It was that the Southern system had already about 7,000 miles of railroad, which had cost them hundreds of millions of dollars; they found this great system, after all this expenditure, practically useless to them, because they had no direct connection or terminal facilities at Tupelo. They therefore spent many millions more for 900 miles of railroad that would take them into Tueplo and give them good terminal facilities there. [Great laughter.]

Many of you gentlemen have never been to Tupelo. I hope none of you entertain any idea of dying without going there. I should hate to have it said of any Member of this Congress—for all of whom I have such a kindly feeling—that they did not aspire to visit Tupelo before they died. [Laughter.] I extend you all an invitation to come and promise you a royal welcome. Come and go with me on College Hill some evening and see one of our Tupelo sunsets. [Laughter.]

Come and see one of our southern, silvery, Tupelo moons! I think it is the only place in the South where we have the same beautiful moons we had before the war. [Laughter.] I have often been asked about the size of Tupelo. I confess I have not been able to get the exact figures from the last census. The tabulating machines do not seem to have been able to work it out yet; but I can say, Mr. Chairman, that by sufficiently extending the corporate limits of our town we can accommodate a population larger than the city of London. [Laughter.] The truth is that our lands about Tupelo have been so valuable for agricultural purposes that we have not yielded them up for building a city as rapidly as we should have done. [Laughter.]

I can say, Mr. Chairman, that while there are larger places than Tupelo, I do not think there is any other place just exactly like it. Tupelo is very near, if not exactly, in the center of the world. The horizon seems about the same distance in every direction. [Laughter.] The sun, when doing business on regular schedule, comes right over the town, and sometimes gives us a hot time in the old town. It is a great place for the investment of capital, where it will be welcomed and protected. Come early, gentlemen, and avoid the rush!

This, Mr. Chairman, is a proposition to establish there a fish hatchery. We have the ideal place for a fish hatchery. Why, sir, fish will travel over land for miles to get into the water we have at Tupelo. Thousands and millions of unborn fish are clamoring to this Congress today for an opportunity to be hatched at the Tupelo hatchery. [Loud laughter.]

Now, Mr. Chairman, I only wish to say in conclusion that if there is a Member here who wishes to have his name connected by future generations with that of Judas Iscariot and Benedict Arnold, if he wishes to have himself and his posterity pointed at with scorn, if he desires to be despised by men and shunned by women, let him vote against this amendment and he will secure all this infamous notoriety. [Loud laughter and applause.]

Needless to say the amendment was unanimously adopted.

When Mr. Allen made that speech, you will note that the House literally roared with laughter and applause. When we look back now over 39 years and see how this movement has grown, we realize that Private John Allen was contributing to the development of a great national enterprise.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. TREADWAY. I wish simply to add that I realize the long period the gentleman's predecessor served here and the distinguished work that he did. However, in the first session I served in the Sixty-third Congress, I introduced a bill donating to the Federal Government, on behalf of a constituent, the hatchery to which I have referred in my district. It was a donation to the Federal Government, not a purchase by the Federal Government.

Mr. RANKIN. The gentleman from Massachusetts rendered a great service to the people of that area when he did it, and I congratulate him.

But I could not let this opportunity pass without calling attention to the services of the distinguished gentleman from Mississippi, the Honorable John M. Allen, who, as I said, was known throughout the length and breadth of the land in those days as Private John Allen. He was one of the great leaders of his day and generation and one of the greatest wits who ever occupied a seat in this House. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein the address by John Allen to which I referred.

The CHAIRMAN. Without objection, the request of the gentleman to extend his own remarks will be granted. The gentleman will have to submit the balance of his request in the House.

There was no objection.

The Clerk read as follows:

BITUMINOUS COAL DIVISION

Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed $4,500 for hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed $1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, $2,187,800: *Provided*, That the first paragraph of subsection "(e)" of part II of the Bituminous Coal Act of 1937 (50 Stat. 72), is amended by inserting at the end of such paragraph and before the period the following: ": *Provided further*, That the provisions of this act shall not apply to a sale of bituminous coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them."

Mr. EDMISTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. EDMISTON. Mr. Chairman, I make a point of order against the proviso on page 8, beginning in line 7 and ending in line 14.

Mr. RICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. Does a member of the committee not have the first opportunity to make a point of order against the whole paragraph? If so, I make a point of order against the whole paragraph.

The CHAIRMAN. The gentleman from Pennsylvania, a member of the committee, or any other Member of the Committee of the Whole, would have a right to make a point of order against the whole paragraph(even though a previous point of order had been made to a part of the paragraph.

Mr. RICH. Then, Mr. Chairman, I make a point of order against the whole paragraph on the ground that it is legislation on an appropriation bill.

Mr. FITZPATRICK. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. JOHNSON] or the gentleman from New York [Mr. FITZPATRICK] desire to be heard on the point of order?

Mr. FITZPATRICK. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZPATRICK. Mr. Chairman, I believe this amendment comes under the Holman rule. Eight percent of all the coal handled by this Commission will be used by the Federal, State, and city governments throughout the country. About 35,000,000 tons of coal will be used, and it will cost the Federal, State, and city governments approximately $3,850,000. It will cost the Federal Government alone $1,100,000.

The appropriation in this bill is $2,187,800 for the administration of the act. It will not be necessary for the Commission to handle about 8 percent of all the coal coming under the Bituminous Coal Act if this amendment is agreed to. It is hard to say whether or not it will save $187,000, which would be about 8 percent of the total amount allowed in the bill for administering the act. In my opinion it will certainly save from $20,000 to $100,000. If that is so, it surely is germane to the act, and it will save the different cities, States, and the Federal Government over $3,000,000.

Mr. Chairman, I feel the amendment is germane and the point of order should be overruled.

Mr. KELLER. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from Illinois.

Mr. KELLER. May I ask which point of order the gentleman is arguing, the point of order raised by the gentleman from Pennsylvania [Mr. RICH] or the point of order raised by the gentleman from West Virginia [Mr. EDMISTON]?

Mr. FITZPATRICK. The gentleman from Pennsylvania [Mr. RICH[made the same point of order as the gentleman from West Virginia [Mr. EDMISTON].

Mr. KELLER. No. He made a point of order against the whole paragraph.

Mr. FITZPATRICK. I am making a statement in reference to the paragraph beginning on page 8, line 7, a point of order against which was first raised by the gentleman from West Virginia, and I thought afterward included in the point of order made by the gentleman from Pennsylvania [Mr. RICH].

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. The gentleman states that this paragraph is germane because of its effect on the Federal Government and municipalities so far as savings are concerned.

Mr. FITZPATRICK. It will cut down the cost of administering the act.

Mr. ALLEN of Pennsylvania. But inferentially the gentleman admits, if this act does become effective, it will cost the taxpayers of this country and the consuming public millions of dollars?

Mr. FITZPATRICK. No. If my amendment is carried, it will not cost the Federal Government or States anything.

The gentleman is not in favor of the act in the first place. The gentleman wants to knock out the entire act.

Mr. ALLEN of Pennsylvania. Yes.

Mr. FITZPATRICK. Then the gentleman is not in sympathy with the coal miners.

Mr. ALLEN of Pennsylvania. I want to amend the act so that it will be workable.

Mr. EDMISTON. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from West Virginia.

Mr. EDMISTON. If this provision stays in the act, certainly the gentleman does not think that will help the Bituminous Coal Act or the Guffey Coal Act. It will wreck the thing if that amendment stays in there.

Mr. FITZPATRICK. It will not wreck it. The savings will amount to about $3,850,000 for the States and Federal Government. In some of the cities it will cost them $1,000 a day, in some others $500, and in still others $400 a day. It is going to cost the Federal Government $1,100,000 if it must pay this tax. I am in sympathy with the act itself and I supported it.

Mr. TABER. Mr. Chairman, I desire to be heard on the point of order.

Mr. KELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KELLER. What are we talking about? We have a point of order made by the gentleman from Pennsylvania [Mr. RICH] which applies to the entire paragraph involving the Bituminous Coal Commission and we are having a discussion on something entirely different.

The CHAIRMAN. Permit the Chair to state that the first point of order was made to the proviso. Of course, if the point of order is good with reference to the proviso, it is good so far as the whole paragraph is concerned. The Chair will hear the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, that this item is legislation is specifically set out in the language between lines 7 and 10 on page 8 in that it proposes to add a paragraph to subsection (e) of part 2 of the Bituminous Coal Act of 1937.

The Holman rule provides:

Nor shall any provision in any such bill or amendment thereto—

Referring to appropriation bills—

changing existing law be in order except such as being germane shall retrench expenditures by reduction of the number and salary of the officers of the United States, by reduction of the compensation of any person paid out of the Treasury of the United States, or by reduction of the amount of money covered by the bill.

The language carried here does none of those things which are covered by the Holman rule. It is not in any way in order, nor does it appear that the language in any way effects a saving to the Treasury of the United States. Under these circumstances it is not legislation in line with the Holman rule, but quite the contrary, and the point of order should be sustained.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. FITZPATRICK. Assuming that 35,000,000 tons of coal are taken out of the act, will not that cut down the cost of administering the act?

Mr. TABER. Why, the proper way to cut down the cost of administering the act is to sustain the point of order and leave the language out of the bill.

Mr. FITZPATRICK. Will the gentleman answer the question; will it not cut down the cost of administering the act?

Mr. TABER. When we have to deal with one particular type of coal under one provision and another type under the other, it will cost four times as much to administer the act.

Mr. FITZPATRICK. If we cut out 35,000,000 tons, 8 percent of the total coming under the provision, will it not cut down the cost of administration?

Mr. TABER. No; it will increase the cost, because it will involve more detail and work.

Mr. FITZPATRICK. It will not.

Mr. MAY and Mr. EDMISTON rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. MAY. I should like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. In support of the point of order?

Mr. MAY. In support of the point of order.

The CHAIRMAN. The Chair feels that in fairness he should first hear from the gentleman from West Virginia, who made the point of order.

The Chair will be pleased to hear the gentleman from West Virginia.

Mr. EDMISTON. Mr. Chairman, the proviso on page 8, lines 7 to 14, is certainly very clearly, to any reasonable mind, legislation on an appropriation bill. Members have only to read the proviso to see that it is legislation on an appropriation bill. As to the application of the Holman rule, as the gentleman from New York has said, even though the language is germane, the provision saves no money. As a matter of fact, it will cost the Government a great deal of money if this language remains in the bill. In my opinion, if this language stays in the bill, all the work the Commission has done in an effort to fix some 350,000 different prices in this country will have to be done over again. Further, are we not a great legislative body if we pass a bill, make it a law of this land, and then by a proviso like this exempt all political subdivisions of the country so that the law would apply to everyone but the political subdivisions?

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman from New York [Mr. FITZPATRICK] made the statement that he voted for this bill. Now he wants to destroy it by exempting the political subdivisions. He is letting the Government do what he does not want the people of this country to do.

Mr. EDMISTON. He is doing just that, and letting every political subdivision of this country be a purchaser of bootleg coal.

Mr. FITZPATRICK. If the gentleman will permit me to answer the gentleman from Pennsylvania, was he in favor of the act?

Mr. RICH. No. I voted against it because I knew it was wrong in the first place. I am going to vote against it now.

Mr. FITZPATRICK. Certainly. I am in favor of the act, but I believe it is unconstitutional to tax the State and city governments.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from West Virginia makes the point of order against the language appearing in the proviso in lines 7 to 14, inclusive, on page 8, that it is legislation on an appropriation bill. The gentleman from Pennsylvania makes a similar point of order against the entire paragraph beginning in line 10 on page 7 and ending in line 14 on page 8. Of course, if the point of order made by the gentleman from West Virginia as to the proviso is sustained, the point of order also having been made by the gentleman from Pennsylvania as to the entire paragraph, the result would be that the point of order would be good as to the entire paragraph.

The gentlemen speaking in opposition to the point of order have endeavored to justify the provision appearing in the bill to which reference has been made on the ground that it comes within the provisions of the so-called Holman rule. The Chair invites attention to the second sentence of clause 2 of rule XXI, commonly known and referred to as the Holman rule, which reads as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The Chair also invites attention to page 56 of Cannon's Procedure in the House of Representatives, and quotes as follows:

MUST SHOW RETRENCHMENT ON ITS FACE

It must affirmatively appear upon the face of the bill that the proposition, if enacted, will retrench expenditures.

A retrenchment of expenditure relied upon to bring a proposition within the exception to the rule prohibiting legislation on an appropriation bill must be apparent from its terms, and a retrenchment conjectural or speculative in its application, or requiring further legislation to effectuate, is not admissible.

The Chair also invites attention to another precedent directly in point to a proper consideration of the question here presented, section 1530, volume VII of Cannon's Precedents, quoting:

The reduction of expenditure relied upon to bring a proposition within the exception to the rule prohibiting legislation on an appropriation bill must appear as a certain and necessary result and not as a probable or possible contingency.

The language of the proviso to which the point of order is made is as follows:

Provided, That the first paragraph of subsection "(e)" of part II of the Bituminous Coal Act of 1937 (50 Stat. 72), is amended by inserting at the end of such paragraph and before the period the following: "*Provided further*, That the provisions of this act shall not apply to a sale of bituminous coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them."

It seems to the Chair that this language is legislation on a general appropriation bill. The very language itself clearly shows that the purpose sought to be accomplished is the amendment of existing law. Therefore, as it appears so clearly that it is legislation on an appropriation bill, under the provision of the rule to which the Chair has referred and based upon the previous decisions and precedents here cited, the Chair feels that this provision does not properly come within that provision of clause 2 of rule XXI, known as the Holman rule.

The Chair, therefore, sustains the point of order made by the gentleman from West Virginia as to the proviso, and likewise sustains the point of order made by the gentleman from Pennsylvania as to the entire paragraph. The entire paragraph will go out on the point of order.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 7, beginning in line 10, insert a new paragraph, as follows:

"Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed $4,500 for hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed $1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, $2,187,800."

Mr. JOHNSON of Oklahoma. Mr. Chairman, I think it is obvious that this amendment as it now stands contains no legislation. I shall not take the time of the Committee to discuss it at this time.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Kentucky.

Mr. MAY. The only thing this amendment does is to reinsert a portion of the paragraph to which a point of order was made by the gentleman from Pennsylvania [Mr. RICH], and the bill is exactly as written down to the proviso on page 8.

Mr. JOHNSON of Oklahoma. The gentleman is correct.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Pennsylvania to the amendment offered by Mr. JOHNSON of Oklahoma: In the last line of the gentleman's amendment, after the word "periodicals", strike out "$2,187,800" and insert "$1,187,800."

Mr. ALLEN of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Chairman, so that I may explain the purpose and significance of this amendment to the Committee, I would like to relate a brief history of the legislation pertaining to the bituminous-coal industry. The first attempt to regulate bituminous coal came in 1933, under the N. I. R. A., which act was declared unconstitutional in 1935. Following this the first Bituminous Coal Act was passed in 1935 and declared unconstitutional in 1936, and the legislation under which we are operating today was passed in April of 1937, nearly 3 years ago.

I cite these facts to emphasize that since 1933 we have been accumulating records and data, all of which could have been used as a basis for a price-fixing program had the Bituminous Coal Commission, now a Division of the Department of the Interior, been working effectively.

I voted for the Bituminous Coal Act of 1937, hoping it might possibly bring some order to an industry which was in comparative distress, but we have learned from experience since the passage of that act in April 1937 that the legislation itself contains unworkable provisions. Furthermore, there has been obvious maladministration of that legislation, which is well known to most of the Members of this House.

Now, I come from a large bituminous coal district. If any benefits had resulted from this legislation I would be on the floor this afternoon fighting for the full amount of this appropriation. If this meant anything constructive to the coal operators or the coal miners of my district I would be working for this appropriation and not against it.

Mr EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not at this point, but I will be pleased to yield in a moment.

I ask the membership of this House to pause for a moment before we throw good dollars after bad. Before we appropriate any more money to be wasted—and money has been wasted during the past 5 years on this ill-starred legislation—we should study the record and take account of facts.

The purpose of the Bituminous Coal Act was twofold, first to fix prices, and second to regulate the bituminous-coal industry. During the whole history of this legislation not a single price has been fixed except for one brief period in 1938, and those prices were thrown out 2 months later because they had been arrived at illegally by the Commission. As far as regulating the industry is concerned, it has been plunged from comparative disorder into absolute chaos. Bureaucrats want to control, not regulate. Nothing has been accomplished to benefit the bituminous-coal industry under this legislation. After 5 long years at an estimated cost to the industry and to the people of $20,000,000 the results are zero.

I want to quote from the hearings at page 128, where the gentleman from Pennsylvania [Mr. RICH] asked this question:

The question is, What have you accomplished both for the operators and the miners in that time?

The answer was:

Mr. GRAY. Nothing, except the attempt to set the prices, which is now almost accomplished.

Mr. Chairman, refer to the hearings on this legislation during the past 4 years and you will find where that statement "We are about to establish minimum prices," has been made every year since the adoption of the legislation. We are still waiting for that phantom schedule. It is just around that mythical corner today as it was 3 years ago.

Former profitable mines are losing money today; more mines in America are closed today than before the passage of

this act in April 1937, and more miners are out of work today than there were then. Does that record warrant confidence, or the further appropriation of good dollars?

Here is the history of bituminous coal since the passage of this vitiating legislation.

Overcome these facts if you can: In 1936 the industry lost slightly in excess of $12,000,000; in 1937, the first year of this legislation, the industry lost $37,000,000; in 1938, the industry lost $60,000,000; and in 1939, the figures are not yet available, but the loss will approximate the losses of 1938. Can the proponents of the Coal Act speak with assurance when they are face to face with such a record? One reason for these losses is the 30-day restrictive contract clause, and I wish you would give me your attention for a moment on this provision. The producers of bituminous coal under the provisions of the Coal Act can contract with consumers for a limited period of only 30 days. You know that large consumers, depending on uninterrupted production schedules and cost schedules, cannot afford to contract for 30-day periods only. We have driven consumers who have previously purchased bituminous coal into the arms of competing fuels. Furthermore, the expense of selling coal every 30 days has been prohibitive. Common sense suggests that.

Price-fixing alone has always been unworkable. We are mocking the experience of history when we try to assure any industry a profit by Government edict, a thing which has never been accomplished unless the Government has owned that particular industry outright. Prices today on coal are based on production costs, and those costs depend on wages and taxes, insurance and State legislation—all of which are dynamic factors. They may change from day to day. Yet after a period of months, we have established in one area alone 500,000 minimum coal prices.

Think of that—500,000 minimum prices, and those prices may be completely changed tomorrow morning, or even before they are made effective, by one slight alteration in the wage structure or in the insurance rates in the coal industry. Is there any human agency that can possibly administer 500,000 complex prices in just one area alone—and there are several areas in this country?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not now. So today's prices may be obsolete tomorrow morning, and there is going to be constant confusion in this industry even if minimum prices are established. Read what the Consumers' Counsel said—that agency of the Bituminous Commission which was established to protect the consumer. Read what our own agency said of this legislation, and it is contained in its report to Congress of December 27, 1938:

> It is impossible to believe that a police organization—
>
> Meaning the Bituminous Coal Commission—
>
> will be successful in enforcing regulations and compelling observance of decisions which attempt to put so many prices into effect.

Many of you have no coal mines or miners in your districts, but you all have consumers of bituminous coal. I want you to look on page 71 of the hearings, in which it is stated by Mr. Kirgis, of the Consumers' Counsel, that once these minimum prices are established the coal bill of our people will jump $44,000,000 a year. If you have consumers in your district who can stand that higher cost of living, if the unemployed in your district can afford to pay more for their coal, if the working people in your district can afford to do so, then, by all means, vote against my amendment. My conviction is that the consumers of America are already saddled with too heavy costs of living. This Congress cannot afford to impose higher prices on them for such a fundamental necessity as coal. It is just a matter of robbing Peter to pay Paul, trying to help one economic group at the expense of another. It just is not fair. And it is not good economics.

I wish you would refer to the statement by our colleague, the gentleman from Illinois, Mr. Anton Johnson, in the CONGRESSIONAL RECORD of February 23, wherein he states that he has received protests from three large communities in his district because of the increased costs to the citizens of his communities, if these proposed prices are once established.

Mr. Chairman, this matter is not an isolated case. There is a principle involved in this whole legislation. It is for us to decide now whether we are going to arrest the onward march of bureaucracy; whether we are going to veer away from that dangerous tendency we have been following in recent years. We must determine whether we are going to stand by a system of free enterprise as against regulation; reasonable industrial freedom as against bureaucratic dictatorship. On page 28 of the hearings I think the attitude of Mr. Ickes, Secretary of the Interior, is clearly revealed when in answer to a question he states:

> Most of this coal goes into interstate commerce. It would work for uniformity, and I think Federal inspection and supervision and other things would be equally or better handled by the Federal Government than by the State. It removes it from local influence.

It is up to us to decide whether we wish to scrap State rights and State regulation and concentrate all power here in the hands of a Federal bureaucracy. When we do that there will, of course, be no democracy here in America. [Applause.]

[Here the gavel fell.]

Mr. EDMISTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN].

Mr. Chairman, I would like to answer the gentleman from Pennsylvania on the amendment which he has offered, the effect of which is plain to every Member of the House. It is simply to scuttle the Bituminous Coal Commission.

I grant that the Bituminous Coal Commission has not functioned the way many of us had hoped it might, but there have been several million dollars invested in an effort to try to get it to do what a great many of us believed would be a godsend to the coal industry. We are assured now that they have complied with the legal requirements on price fixing and that those prices will be forthcoming in the very near future. Having invested several million dollars in this matter, certainly we do not want to scuttle the ship before we have given it a trial, to see whether it will work or not.

The gentleman from Pennsylvania [Mr. ALLEN], I know, does represent a large bituminous coal producing district. He said, "What good has this act done for the coal industry?" It will do a great deal of good for the coal industry when these prices are fixed. Let me tell you that since we have had the Bituminous Coal Act we have had peace in the coal industry. We have had no bloodshed, and the miners have been working for a living wage. When these prices are fixed the operators will make a fair profit on their production.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I cannot yield. The gentleman did not yield to me.

These things have come out of the industry. We all know the past history of the coal industry—the strife and turmoil and bloodshed for years. Since the enactment of the N. I. R. A. and the Bituminous Coal Commission we have had no bloodshed in the coal industry.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. ALEXANDER. Up in our section there has been a great deal of opposition to the Bituminous Coal Commission because of the fear that in setting these prices you are talking about they are going to make it so high that we cannot afford to use that type of coal up there, and as a result at the present time there is a move on foot to borrow $11,000,000 through the Reconstruction Finance Corporation for the purpose of running a gas pipe line from the Kansas gas fields, and gas will be substituted for coal. What is the gentleman's answer to that?

Mr. EDMISTON. The gentleman will find that when he gets his gas up there from Kansas that unless an entirely unreasonable price is fixed on coal, it cannot compete with coal.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. MAY. I think the gentleman should tell the House that this money is all collected from the coal operators by a special tax, and none of it comes out of the Federal Treasury.

Mr. EDMISTON. That is true. Members of the committee will point that out later. But 1-cent-a-ton tax, paid by the producer, the coal operator, will at the end of this fiscal year have paid more money into the Treasury than all of this has cost the Government.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. SCHAFER of Wisconsin. These coal operators pay the tax, but they pass it on to the consumer, do they not?

Mr. EDMISTON. Well, does not the consumer always pay all the taxes?

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. Yes; I yield.

Mr. WALTER. Is it not true that the reason why the act has not been put into effect is because of the cases in the courts that have been held up?

Mr. EDMISTON. Of course, the court threw out the prices that they did establish and made them do it in a different way; that has taken this time. You can all imagine how much time it takes to fix 400,000 prices on anything.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. VAN ZANDT. I am deeply interested in the coal question by reason of the many coal miners in my district, but I think the gentleman has confused many Members. The gentleman mentioned a moment ago that the Bituminous Coal Commission has brought peace to the coal industry. How did the Bituminous Coal Commission bring peace to the industry?

Mr. EDMISTON. Because under price fixing the operator can pay a fair, decent, living, American wage to the miner, and he does not have the old strife and turmoil and bloodshed that he had in the olden days. He believes that prices will be fixed and he can make a legitimate profit.

Mr. ALLEN of Pennsylvania. But there has been no price fixed.

Mr. EDMISTON. Eighty percent of the coal operators are trying to comply with what they want when the prices are fixed. They are trying to anticipate it and do it on that basis.

Mr. VAN ZANDT. Until prices are fixed the industry will have to depend on agreements already negotiated between the producers and the miners?

Mr. EDMISTON. That is right.

Mr. VAN ZANDT. Therefore the Bituminous Coal Commission has had nothing to do with peace in the industry.

Mr. EDMISTON. The Bituminous Coal Division has had a great deal to do with peace in the coal fields since its establishment.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. JOHNS. What do I understand by "the fixing of 400,000 different prices"?

Mr. EDMISTON. They have to fix the price of coal for each mine to each market to which that mine ships its coal. You can readily see how many prices there would be for one mine. One mine may operate two or three different veins of coal, and the price will have to be fixed for each seam of coal. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in Pennsylvania we used to have 800,000 miners; today we have about 400,000.

Mr. Chairman, I am interested in seeing that the miners of Pennsylvania have jobs. What is the result if they do not? We have to find something else for them to do. I do not want to do anything that would in any way interfere with the Pennsylvania miners, although I have very, very few in my district.

The bituminous-coal code requires the mine operators to come under its provisions or pay a penalty of 19½ percent. You will see on page 125 of the hearings where I asked Mr. Gray whether they would compel them to come under the code. He said no, they are not compelled to, but any mine operator who would not come under the act would be a fool, because he has to pay only 1 penny a ton if he comes under the act, but if he does not then he is fined 19½ percent. They drive them into it, yet Mr. Gray says they are not compelled to come in.

All I have to say is that a 19½-percent fine would compel anyone to come under a code. What is the result? They have gone around to every mine operator in Pennsylvania and told him that if he did not come under he would be fined 19½ percent. Well they will all come under the act to avoid the penalty.

What is the result of operations under the Bituminous Coal Commission? In 5 years we have poured $10,000,000 into this Commission. When it was a 5-man board they were always at loggerheads and fighting each other every time they came before our subcommittee. Not once were they in harmony as to what they wanted. It was terrible. I must admit though that it is a whole lot better under the management of Mr. Gray than it was under the 5-man board.

If the Commission required all the money provided under this item of the bill to operate their established program for 1 year I would not object to it, but I think it could easily be cut down by $1,000,000 and the carrying out of the purpose of the Bituminous Coal Act would not be interfered with one iota. We could thus save $1,000,000. I think it is only wise that the committee adopt the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN].

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. WALTER. Does the gentleman feel that after having expended the tremendous amount of money that has already been expended it is good economy to prevent putting into effect the very thing we desired when we first passed the act?

Mr. RICH. I tried to explain how I felt about that. After 5 years of effort and $10,000,000 expense they have not even fixed the price of coal. It is ridiculous. I know it is said the price of coal will be published on the 1st of April. The basic principle being established, and everybody being signed up, it is simply ridiculous to believe that they cannot properly function with the amount of money that would be left in the bill if the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN] is adopted. I feel confident they will still have sufficient money. It will not destroy the act; it will help it and eliminate a lot of political leeches, who are of no service to the Department.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. ALLEN of Pennsylvania. Is it not true that from a purely economic standpoint in order to fix prices you must control production also? And is it not further true that this bureaucracy in Washington is trying to control production at the mine and that the next step will be outright ownership?

Mr. RICH. Absolutely, and it will do very great damage and injury to the coal-mining industry. I hope that the coal industry of Pennsylvania, instead of going backward, will go ahead so we can give our miners work. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. MAY. Mr. Chairman, reserving the right to object, I have been trying for some time to get an opportunity to debate this amendment, but the Committee has not seen fit to give me a chance to be recognized. Unless assured that I shall have 5 minutes, I shall object.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. MAY. Mr. Chairman, I object.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

Permit the Chair to state that the Clerk has furnished the Chair with a list showing the following gentlemen as seeking recognition on this amendment: Messrs. MAY, KELLER, LEAVY, JOHNS, REECE of Tennessee, and JOHNSON of Oklahoma.

Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] is recognized for 5 minutes.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the splendid and able arguments made by the two gentlemen from Pennsylvania would be apropos were we still operating under the seven-man board that had a lot of trouble, legal and otherwise. But that board is a thing of the past. It does seem that a lot of prejudice still is held here against the present set-up because Members disliked the old Coal Commission.

I do not think I am unfair when I say that the gentleman's argument is about the same as he made last year against the seven-man board. A year ago, when the members of that board appeared before our committee, they were divided as to policy and were not in accord. Some of them were said not to be on speaking terms. That situation, however, no longer obtains. But the present Director, Mr. Howard Gray, is doing a good job and I think every member of the committee who heard his testimony realizes and appreciates he is doing an outstanding work. Harmony and efficiency has replaced chaos and inefficiency.

I want to call the attention of the members of the committee to the fact that the Committee on Appropriations has been able to cut this appropriation $1,312,000 below the figure appropriated last year for the seven-man board. I am glad to say to the Members that they have already eliminated a large part of the personnel and other expenses. After this has been done and after hearing the evidence, the committee slashed another $200,000 from the appropriation and we feel that the bill has been reduced about as much as possible and still maintain efficiency.

Mr. Chairman, I speak as one who has no coal in his district. Moreover, it is well known that I voted against the original bill establishing the Bituminous Coal Commission. But we have it now, the law is functioning, and it is doing a good job. We heard no protests, except from one Member of Congress. We did not hear a protest from a single coal miner or coal operator. Not one of them appeared before our committee and asked that the appropriation be eliminated or reduced.

Mr. RICH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Pennsylvania.

Mr. RICH. We did not ask any coal operators to appear.

Mr. JOHNSON of Oklahoma. No; neither did we ask 50 Members of Congress to come before the committee, either; but some 50 of them appeared before our committee, and all, save 1, asked for increased appropriations.

We have reduced this item as far as we feel it can be reduced and at the same time efficiently function. Let me call attention to the fact that 1 year hence this law expires. If you eliminate a million dollars from this bill, you will simply be saying, "We are not going to wait a year. We do not propose to give Mr. Gray and his set-up an opportunity to make good. We are going to do it now just in order to show we did not like that seven-man board that preceded him."

The gentleman from Pennsylvania [Mr. ALLEN] is one of my good friends. I have gone into his own district more than once and have been delighted to speak for him. He is an able and valuable Member of this body. He appeared before our committee and repeatedly said he was against the bill, and he is against the appropriation for the Coal Division. All of us know of his personal feelings on the matter. Members who are against it, who are not willing to give the new Director any chance at all; then, I submit, that they ought to vote against any appropriation; but certainly they should not cripple the bill by voting for the pending amendment. But those who are willing to give Mr. Gray and his organization a chance to make good, as they are already doing, then, may I ask you to vote down the Allen amendment?

Mr. RICH. We appropriated last year over $3,000,000, and he has up to the 1st of July to spend the unexpended portion of that appropriation?

Mr. JOHNSON of Oklahoma. That is right.

Mr. RICH. He is going to have the price of coal on April 1. By the 1st of July he can cut down his force, and it would be good business to do that.

Mr. JOHNSON of Oklahoma. This bill proposes to cut the appropriation down about one-third. This bill, I again remind Members, represents a reduction of more than $1,300,000 below what they had last year.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Chairman, I want to talk about the feature of this bill that affects as much, if not more, the State of Pennsylvania than any other State in the Union. Pennsylvania in population is a large State, and in coal production it stands number one, or did until West Virginia exceeded it. Kentucky comes about third. I happen to have been engaged in the coal business long enough to learn that the problem of price-fixing is a most difficult one. First of all you are up against about 6 or 7 different grades of coal; then you are up against numerous kinds of coal; and when a commission is dealing with a great industry as basic as the coal industry is, an industry that covers 37 of the 48 States, it has a stupendous problem. May I say that I do not believe in fixing prices and the only way I can justify my vote against the amendment is to say that I have never believed in spending, as some have asserted here, $10,000,000 in an effort to complete a job with a fixed objective, and then cut off a million dollars to keep it from being performed in the end.

I was a little amazed that my colleague from West Virgina [Mr. EDMISTON] said this involved a job of fixing some 400,000 different prices. When you figure there are seven grades of coal, all selling at different prices, going into three or four different markets and into a multitude of different uses, you can appreciate what a difficult problem it is. It may never be accomplished. But inasmuch as the money comes out of the pockets of the coal producers, I think it would be unwise of the Congress to undertake to nullify a statute which we ourselves enacted by withdrawing an appropriation to make it effective.

May I say further that there is no industry in this country that pays unskilled labor higher wages than the coal industry—and I mean by unskilled labor the ordinary coal loader who takes a pick and shovel and goes into the mine and loads the coal. When you say that they cannot fix the price of coal, it means that in the State of Pennsylvania, where there are some 400,000 men making their living by loading coal, you are, in effect, saying that they will not get credit for what we know in the coal mines as bug dust, which comes from the cutter bar of the machine. About 6 inches of the coal goes back into the gob, as we term it, and the miner gets no credit for that. If there is a price fixed on that and a price can be found, it will enable the coal loader to have in his pay check at the end of the half of the month credit for the bug dust that he has never heretofore received, and I want to say on behalf of the 30,000 coal loaders who live in the eight great counties of my district that I would like to see them get credit for it. I am not going to vote to cut the throat and assassinate the legislation that they have sponsored by withdrawing the appropriation, legislation enacted by the Congress.

Mr. RICH. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman is anxious to have his miners work. The only way that his miners can have jobs is to have the operators sell coal.

Mr. MAY. That is right.

Mr. RICH. If you increase the price of coal so that coal competes with oil, then you are going to put coal out of business, and the consumers will all use oil. You will not be able to increase the wages of your men, who you say get high wages now, if they mine something that the operators cannot sell, and you will do your miners an injustice.

Mr. MAY. In the oil business you do not have half a dozen different kinds of oil coming out of the same well. In the coal industry you do have different grades of coal coming out of the same mine. The only purpose of the fixing of prices is to make profitable the under grades of the coal by providing, not a high price but a stabilized uniform price in particular markets. If prices can be stabilized and thereby bring about a stabilized and steady year-round market, that means steady employment for the coal miners and steady and profitable business for the merchants and other business interests in thousands of communities where coal is produced. That is the kind of business I want. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. REECE].

Mr. REECE of Tennessee. Mr. Chairman, I believe, as the gentleman from Pennsylvania has said, it is generally admitted the Bituminous Coal Division, as it is now operating under the Interior Department, is doing a good job and is conscientiously trying to carry out the purposes of the act, and will do so unless handicapped by inadequate funds. The amount provided in this bill is more than $1,000,000 less than the old Commission used in the previous year and the amount is some $200,000 less than the estimate of the Budget Bureau, and the Budget estimate was less than the estimate of the Coal Division. The amount collected by the 1-cent tax levied under the act well exceeds the amount provided for its administration. It amounted to about $3,750,000 in 1939 and it is expected this year to be something like $4,000,000. Thus the amount to be collected from the tax imposed is substantially more than the appropriation recommended. The purpose of this tax, though not expressly so stated in the act, is to defray the cost of administering it and not for the purpose of general revenue.

In my opinion, it is unfair to the coal industry, who pays the tax, and to those charged with the responsibility of administering the act, not to provide a sufficient amount of the tax revenue to properly carry out its purposes. This is particularly true during the period when the act is being put into operation, which is the case during this period. The coal industry wants the act given a fair trial. This cannot be done unless the Division is given an adequate appropriation during the rest of the year. Unless this is done we will never know whether the act can be made to function in the interest of the coal industry, in the interest of the employees, and in the interest of the public. If we are not going to provide sufficient money to ascertain whether that purpose of the act can be carried out, then I say we ought to eliminate the entire item at this time. We will never be able to find out if it is able to function in the interest of the public and the industry unless we give it sufficient money to carry out the purposes of the act. The appropriation should be governed by the requirements as estimated by the Division unless those estimates are shown to be erroneous. I think myself we ought to have provided the money which the Division felt it should have in order to function properly, since its estimates were not shown to be erroneous. Certainly the committee went far enough when it reduced the estimate of the Budget Bureau by $200,000. The Division should not be handicapped by lack of money so that the act will not have a fair trial in its operation.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. RICH. We have had this Commission set up for 4 years and have given them $10,000,000, but they have been fighting all the time and have not even fixed the prices of coal. After spending $10,000,000 they say they will have the price schedule ready by the 1st of April. Does not the gentleman believe they ought to be able to function and do what it was intended they do without having all these men on the pay roll, who were not required even when they were making up this price schedule?

Mr. REECE of Tennessee. The old Coal Commission had a very difficult problem to face. I presume none of us feel that it functioned as well as it should have, but it encountered difficulties, some of which were legal. After it was ready, at one time, to promulgate prices, due to interpretations by the Court, it was found necessary to withdraw proposed schedules and start anew with reference to the determination of prices. Regardless of what the gentleman from Pennsylvania may say about the old Commission, he admits the Division is now doing a much better job, and it is generally felt that it is doing an excellent job. I think those in charge of its administration should be commended. They certainly should have our cooperation after we have given them this responsibility.

Mr. Chairman, it would be very unfortunate if this amendment should be adopted. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Chairman, I agree heartily with what the gentleman who just preceded me had to say. He has given a very fair, a very sensible, and a very rational statement in regard to the entire matter.

Referring to my friend the gentleman from Pennsylvania [Mr. ALLEN], let me suggest that under the N. R. A. the great John Morrow companies did make money. They can make it again when we have proper control of the industry, and they will do it. It happens, however, to be an outfit that has never believed that anything the present administration has ever done or ever will do is any good at all, and therefore it is "agin it" whether it has any sense to it or not. Let me suggest to the young gentleman himself that if he believes this act is unworkable, instead of trying to sabotage the act he should bring to this body proper amendments to make it workable.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KELLER. No. The gentleman would not yield to me and I cannot yield to him—the gentleman had twice as much time as I am getting—although I would like to beat the gentleman in his own argument, because he cannot defend his position.

There is only one object sought by this amendment, and that is to sabotage the entire program that this act has provided for.

Mr. FLANNAGAN. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Virginia.

Mr. FLANNAGAN. Is not this an indirect attempt to kill this piece of legislation?

Mr. KELLER. Certainly.

Mr. FLANNAGAN. Is it not a fact that there is no demand from either the operators or the miners to repeal the Bituminous Coal Act?

Mr. KELLER. Certainly. I thank the gentleman for the suggestion.

If any man who thinks the task of setting the prices of coal is an easy one will look into it just slightly, he will find that it is one of the most difficult problems we have ever undertaken. I also am against all price fixing if the problems involved can be solved otherwise.

I want to call attention to the fact that the gentleman from Minnesota [Mr. ALEXANDER] raised the question as to whether the farmers in his section of the country should pay higher prices for heat, for coal. My understanding is that we all want fair prices for the farmers. I know I want fair prices for mine, and I think everybody else wants fair prices for their farmers. But I also want fair prices for the coal producers and coal miners, and I think everybody who has coal production in his district wants the same thing. The truth of the matter is that what we are really trying to do here is to set up such conditions as will bring about fair

prices for everybody. That is a national idea we are seeking to solve.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman for a question only.

Mr. MAY. Is not the situation that we have here very much like the man who gets a house built up to the roof and then plasters it and goes off and leaves it?

Mr. KELLER. That is exactly what would be the effect of adopting this amendment.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman.

Mr. THOMAS F. FORD. Is it not possible that this Board will ultimately develop a set of facts through the work they have been doing which will solve the problem?

Mr. KELLER. Exactly; and I want to suggest that since the gentlemen from Pennsylvania who have interested themselves in this discussion have pointed out that the drift up at the Coal Commission at the present time is toward nationalization of the mines, I would call attention to the fact that unless we can find a solution for this problem somewhere along the line we are working on we will be drifting toward the very thing that has taken place in Europe, and that is nationalization of the coal mines. And I commend that to both the gentlemen for their study and consideration.

I am hopeful we can work out a plan that will enable us to retrieve the fortunes of the soft-coal industry and save it from any nationalization. But I am not going to close my eyes to what has taken place in other countries where the same conditions have preceded a nationalization of the mines. I insistently suggest to both of the gentlemen that they study that subject and investigate both the conditions precedent and the conditions following the nationalization of mines in Europe.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield in connection with this matter?

Mr. KELLER. For a question, please.

Mr. ALEXANDER. In connection with the building of this gas pipe line from the Kansas gas fields to the northwest section of the country, and this question the gentleman is bringing up of the higher price level for bituminous coal, it seems to me that the two do not jibe. You cannot spend this Government money——

Mr. KELLER. I yielded for a question. I cannot yield for a long statement.

Mr. ALEXANDER. Can you spend this $11,000,000 that the Government is going to spend to run this gas pipe line from the Kansas fields to the northwest and then raise the price of coal and continue to compete?

Mr. KELLER. You want a fair price for your farm products, and so do I, and that is what we are trying to get all along, and therefore it is a national question and not a local one.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I ask unanimous consent that the gentleman may have 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. I would like to ask the gentleman this question. If the gentleman is so interested in the miner, how can he figure that by appropriating for the Tennessee Valley Authority—and the gentleman has voted for practically everything they wanted down there—he is helping the miners of Illinois and bringing about an increased demand for coal?

Mr. KELLER. I know the answer to that, if you will let me make it, and it is an answer just to your liking, and here it is. Before the T. V. A. came in we had no yardstick for measuring the price of power to industry. But by having T. V. A. we got a yardstick and it is a success and it does not hurt the miners of Illinois or any others, but gives them the opportunity of doing a lot better job than they would otherwise have been able to do. [Applause.]

[Here the gavel fell.]

Mr. JOHNS. Mr. Chairman, I have listened this afternoon to a great deal of talk about the operators of the coal mines, and I am reminded of a happening a few years ago at a convention where the late Will Rogers was to speak. He listened to the presiding officer introducing everybody who was on the stage and finally, when he got up to speak, he said:

> Now, I have listened to this old, bald-headed man over here introduce everybody on the stage, and now, if it would not take too much time, I would like to introduce the audience.

[Applause.]

So, if it will not take too much time here I would like to say something about the people back home; something about the effect on the dealer and the man with a family who has to buy this coal, and also the man who is operating a business. They would like to know something about what is going on.

I was amazed this afternoon, and have been ever since I have been in Congress, to hear the debates on this bituminous-coal law. Sitting here, a few moments ago, I asked the gentleman from New York [Mr. WADSWORTH] whether he was in the United States Senate when Bob La Follette asked to have the railroads valued, saying we would then have a basis for fixing freight rates and passenger rates. I remember when that started out, the Senator said it would cost about $5,000,000, and that they would get the value very soon, and we would then know just what to do in fixing rates. The fact of the matter is, it took 20 years before they were valued, and instead of costing $5,000,000 it cost about $25,000,000, and by the time they got the railroads valued, of course, the valuation was no good because conditions had changed so that they were of no value.

We have been fixing the price, or trying to fix the price, of coal. Somebody said here that there are approximately 500,000 prices already fixed. It is amazing that we should sit around here and expect any business to properly function with 500,000 different prices on 1 commodity alone. We have increased the pay roll of the Federal Government over 400,000 people in the last 6 or 7 years, and it will take 400,000 more people to check up on these prices, if they are fixed, to see that they are enforced.

I have had quite a number of letters from people back home who are selling coal. They would like to enter into a contract to buy some coal, but they do not know whether the prices will be reasonable or whether they will be fixed on the 1st of April at a sum that would enable them to safely deal in coal or not. No doubt they are arranging now so that they can safely do business on the assumption that the prices are to be fixed higher at that time. That being true, many of the people are assuming that these prices are already in effect—that they have already been fixed—because they have been increasing each year. If we are going to increase the price of coal so that it will amount to $44,000,000 a year more, we should think very seriously about this proposition, and I am afraid that by the time these prices are fixed the first of those 500,000 prices will be out of date and that we will have to fix some more.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNS. Yes.

Mr. MAY. I hope my colleague did not understand me to say that we were going to fix higher prices. What I had in mind was to fix regular prices so that the mines could operate, not on a seasonal basis, such as they do in cold weather and then slow up in hot weather, but so that they could operate the year round, so that the employment and the business would be regular.

Mr. JOHNS. I do not think the gentleman said anything about raising the prices, but it was stated here that it would increase the price to the consumer about $44,000,000 a year.

Mr. ALLEN of Pennsylvania. If the gentleman will permit, Mr. Kirgis, of the Consumers' Counsel, very definitely stated in the hearings that it will increase the price to the consumers $44,000,000 a year. Of course, the dealer will be compelled to raise his price to the consumer.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEAVY. Mr. Chairman, I think I can approach this troublesome question in reference to the bituminous-coal

industry in quite an impersonal and open-minded manner. My district does not produce a single pound of coal and there is not any prospect of its ever producing any coal, but as a member of the subcommittee of the Committee on Appropriations having in charge the Interior Department appropriation bill, I had a part in writing the bill; and if gentlemen will turn to the hearings, they will find that as a subcommittee we gave this whole subject matter a real going over, and we were all of the opinion that in the early stages of its organization they had shortcomings, but this is an excellent agency now. It would be unwise at this late hour to attempt to cut them off, and also we were of the opinion that it is not within the province of our subcommittee to nullify a legislative act of the whole Congress that provided the coal legislation. I do not know whether it is good legislation or otherwise. Nevertheless, it is the law of the land, and this Commission has been functioning for several years. The Supreme Court held the first act unconstitutional. This act has been held constitutional, and on April 1 of this year, within the next 30 days, they are going to fix prices. Whether we approve this amendment or not, they will collect from the American public during this next year, unless we repeal the whole act, $4,000,000. We as a committee ask you to appropriate the sum of $2,187,000. They had $3,500,000 last year. The Bureau of the Budget cut them $1,100,000, and the committee, after long, careful, and earnest consideration, made another cut of $200,000. I think we made a mistake when we did that. I contend that it would be just as wise to cut the whole appropriation out as to say to this organization, "We will cut your appropriation half in two." The gentleman from Pennsylvania [Mr. ALLEN] appeared before our committee and made a very thorough, careful, and intelligent statement. I asked him if he would place in the record the names of the companies and the operators that oppose the act, and he did that. He gave us some 90 operators. There are 13,500 operators in the United States affected by the act. My colleague from Pennsylvania gave us 90. As soon as I had those I made some further inquiry to ascertain if they were extensive producers, and where they were located, and these are some of the facts that I discovered. A lot of them are what they call strip-mine operators, who operate under different conditions from those who operate in shaft mining. I find this concerning these operators:

One of them—William H. Cooke, of Walter Bledsoe & Co., Terre Haute, Ind.—is an attorney, and not a coal operator at all.

J. T. M. Stoneroad, president, Carnegie Coal Corporation, Pittsburgh, Pa., has sold all of his interest and is no longer identified with that company.

C. F. Richardson, of the West Kentucky Coal Co., Sturgis, Ky., is dead.

R. J. Cotts, president, Hitchman Coal & Coke Co., Wheeling, W. Va., sent me this telegram earlier, which I want to read into the RECORD to show you that the coal industry itself is not in opposition to this legislation or this appropriation.

Mr. Cotts says:

On page 1188 of part 1, Interior Department appropriation bill for 1941, the name of the Hitchman Coal & Coke Co., of Wheeling, W. Va., is listed as a company being drastically opposed to the Bituminous Coal Act of 1937. Mr. Cotts is no longer with this company, and I, as president of the Hitchman Coal & Coke Co., of Wheeling, W. Va., specifically request that the name of the Hitchman Coal & Coke Co., of Wheeling, W. Va., be removed from this list, as we are without question in favor of the Bituminous Coal Act of 1937.

Mr. ALLEN of Pennsylvania. Will the gentleman yield at that point?

Mr. LEAVY. My time has practically expired.

Mr. ALLEN of Pennsylvania. I was asked by the gentleman to include in the record at the time of the hearings letters from those companies who had opposed it. If those men have died in the meantime, I have no control over an act of God.

Mr. LEAVY. I have just presented you a telegram from one of the big operators who repudiates the fact that his name should be included in this list.

I hope that the committee will vote down the amendment. Let us not destroy this agency just when we have an opportunity to find out what they can do. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN] to the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. ALLEN of Pennsylvania) there were—ayes 73, noes 83.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. ALLEN of Pennsylvania and Mr. JOHNSON of Oklahoma to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 88, noes 74.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON] as amended.

The amendment, as amended, was agreed to.

The Clerk read as follows:

For all expenses necessary to enable the Bonneville Power Administrator to exercise and perform the powers and duties imposed upon him by the act "to authorize the completion, maintenance, and operation of the Bonneville project, for navigation, and for other purposes," approved August 20, 1937 (50 Stat. 731), including personal services, travel expenses, purchase and exchange of equipment, printing and binding, and purchase and exchange (including one at not to exceed $1,200), maintenance, and operation of motor-propelled passenger-carrying vehicles, $5,650,000, of which amount $8,200 shall be available for personal services in the District of Columbia and $641,800 shall be available for expenses of marketing and transmission facilities, and administrative costs in connection therewith: *Provided*, That this appropriation and the unexpended balances of appropriations and allotments heretofore made for the construction of the power distribution system shall be available until expended and shall be accounted for as one fund entitled "Construction, Operation, and Maintenance, Bonneville Power Transmission System."

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 12, line 24, strike out the period, insert a colon, and add the following: "*Provided further*, That no part of this appropriation or the unexpended balances of any appropriation or allotment which may be available for the construction of transmission lines shall be available for the construction of the Pasco-Colfax transmission line or the Pasco-Pendleton transmission line."

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I hope I may have the attention of the Committee, in the interest of economy, for just a little, because the amendment which is on the desk at the present time proposes to prohibit and interdict the use of any funds for the construction of two proposed transmission lines which will cost about $4,000,000.

I have no quarrel particularly with the Bonneville Power Administration. It has been installed. They have two generators operating. They expect to put two more generators into operation sometime around the beginning of 1941. So there is no use crying over whether or not it was a good venture or a bad venture. But the fact remains that there is no sense in the Congress providing funds for the expansion of transmission facilities for the wholesale distribution of power in areas that are now supplied, or where the proposal is to spend the taxpayers' money without any thought or any possibility of ever securing a return on the investment.

Now, follow this briefly: If you will let your mind dwell on the upper northwest corner of the United States of America, you will find two States that form somewhat of a rectangle—Washington on top and Oregon down below. Over on the east side, bounding the States on the east, is the State of Idaho, with the long panhandle extending all the

way from the lower boundary of Oregon to the upper boundary of Washington. What they propose to do with $2,600,000 in this bill is to build a line from a little town called Pasco, with a population of 7,000, over to another small town called Colfax, and then across the line to Lewiston, Idaho. There are a number of reasons, in my judgment, why it should not be done.

It is going to be a 145-mile line, and it is going to cost $2,600,000. The need for power, or the outlets for the sale of power are not to be found there. So when you seek to amortize this investment from the standpoint of depreciation and an interest return, you are not going to be able to get the money back.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Let me proceed, please.

That is the objection I have to it. It is the old story that was started by Columbus, which came first, the hen or the egg. That has never been satisfactorily demonstrated that I know of. But what they are doing here is to extend power lines out into sparsely populated areas in the speculative hope that there will be customers, so they will get their power cheaper within those areas, but the people in the more populous centers must pay the bill on an average rate.

There is included also $1,400,000 for a line from a little town called Pasco to a town across the border in Oregon, the town of Pendleton, a distance of 65 miles. Pendleton is a town of 7,000 people. The average electric bill in that area will be around $3.50 per capita. Finally, you may expect they will extend the line another 50 miles down to La Grande, Oreg., and they will ask for another $1,000,000. So, for approximately 115 miles of line in this direction, we will have another $2,500,000 invested.

You must appreciate that Bonneville is in the nature of a sales organization. It sells its power wholesale, not retail. Consequently, it has got to sell power to municipalities or public-utility districts organized under the law or to large industries such as the newly proposed aluminum company that is coming into that area. But if you are going to spend $1,400,000 on the line from Pasco to Pendleton, you are going to get back at the very most about $40,000 gross. But that is not all. Pendleton has a power plant. They are operating under contracts that probably cannot be canceled overnight. So you spend $1,000,000 of the taxpayers' money for a 65-mile line into a town of 7,000 population through an area that is sparsely populated; that is wheat country and no good place to find an outlet for power.

It is also proposed to send $2,600,000 to go across to Lewiston, Idaho, where they do not want Bonneville power. As I remember, the Governor of Idaho and others indicated definitely that they did not want the line. They have some hydro or some reclamation projects in their own State that they would like to develop. Consequently they do not want Bonneville power.

I for one can see absolutely no justification for authorizing or making available funds for building a line into Lewiston, Idaho, or for going down into Oregon to the town of Pendleton.

There is another reason why I am opposed to this. If we authorize the line to Pendleton, then in a year or so they will extend the line down to La Grande, in the district of the gentleman from Oregon [Mr. PIERCE]. I do not know what the situation is down there, but I have been informed that they have a reclamation project proposed down there that some day they might want to develop power of their own down around La Grande. La Grande is a town of about 7,000 or 8,000 people. The gross revenue we could expect from there would be around $30,000 or $35,000, and you cannot amortize this kind of expenditure, charging off depreciation and interest on invested capital, and ever recover or recapture the investment for the taxpayers. So as a purely balance-sheet proposition it occurs to me that this is a speculative undertaking, and it ought to be stricken from the bill, and it will be if this amendment is adopted. It should not be undertaken until the Bonneville administration can justify on a market-outlet basis that there is some reasonable hope over a period of time of recapturing the investment that is now proposed to be made of money belonging to the people of the United States of America.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. Are these cities the gentleman just mentioned already supplied with electricity by private concerns?

Mr. DIRKSEN. Yes; by private companies. Now, I hold no brief for the power companies out there. I suppose some of them are operating some plants, possibly not as efficiently as they should, and maybe their rates are not quite as low as they ought to be; I do not know. It has been testified, however, that in this particular area they have got rates so low that if you add the interest on the investment you will be on a T. V. A. basis.

Mr. MAY. Mr. Chairman, will the gentleman yield further?

Mr. DIRKSEN. I yield.

Mr. MAY. The gentleman has not, of course, had the privilege of reading the hearings before the Committee on Military Affairs on the tax situation in Tennessee, but I want to say to the gentleman that the State of Tennessee is practically destroyed from a revenue standpoint. Public-health activities are being suspended, and schools are going to be suspended unless something is done about it. If we go out around the Columbia River and start to take business away from private utilities they will be faced with the same situation cut there.

Mr. DIRKSEN. The problem of tax displacement will not arise in the Bonneville area in the same proportion that it did in the Tennessee Valley area.

I do not approach this question from the standpoint of tax displacement, but I say that in a sparsely settled country like this, with so few people, they ought to wait a little while to see whether there is justification for expending $4,000,000 on a line that under no conceivable circumstances can ever return the investment. It is only a common-sense, sound, business approach to the problem involving the expenditure of this money; therefore we ought to interdict the expansion and the construction of these two lines in that area.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I understand that the Bonneville Authority is selling the Mellon interests electricity at 3 mills. Can the gentleman tell me what the ordinary people buy this electricity for?

Mr. DIRKSEN. They have a varying rate out there. They have a gross rate that is based on kilowatt-year usage. They have been talking about 2 mills per kilowatt-hour, but that does not enter into the picture, in my judgment. I say that before we expend $1,400,000 to go 65 miles with a line to a town of 7,000 people, which at the very most can only return from $30,000 to $35,000 in aggregate power revenues, we ought to take a piece of paper and pencil and figure out in a very substantial way to see where we are coming out so far as a Federal investment is concerned, and we will not come out. When we remember that the prohibition on the Bonneville Power Administration is that they have to sell their power to public-utility districts, to municipalities, and to large industries, not small consumers, it will be seen that they have to find an outlet through towns and public-utility districts. In this particular area, Pendleton, for instance, voted not to come into a county utility district, and other communities in that area have voted these P. U. D.'s down. As a result, I see no hope of ever recapturing this money, and it occurs to me that is a question we should consider before we load the Federal Treasury with another $4,000,000 of expense.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I am wondering if we can determine how many Members want to speak on this amendment.

Mr. PIERCE. Mr. Chairman, I want 10 minutes to reply to the gentleman from Illinois [Mr. DIRKSEN].

Mr. WHITE of Idaho. Mr. Chairman, I ask for 10 minutes.

Mr. LEAVY. I shall have to object to 10 minutes. Each Member may have 5 minutes.

Mr. PIERCE. He saw fit to abuse my country for 10 minutes and I want to tell the facts.

Mr. LEAVY. Mr. Chairman, we cannot finish this bill if all Members take 10 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 50 minutes, and that the committee be given 8 minutes in which to close the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

Mr. WHITE of Idaho. Mr. Chairman, unless I can get 5 minutes I shall object.

Mr. WIGGLESWORTH. Mr. Chairman, reserving the right to object, may I ask the gentleman from Washington if his request might not be limited to this particular amendment? I know of two other amendments to be offered to the paragraph as a whole on this side of the House.

Mr. LEAVY. I am anxious to expedite the consideration of this bill, which contains 144 pages. Unless we expedite its consideration, we will spend an unreasonable time on it. How much additional time does the gentleman from Massachusetts desire?

Mr. WIGGLESWORTH. I think we ought to have 15 or 20 minutes in addition.

Mr. LEAVY. Can the gentleman get along with 10 minutes?

Mr. WIGGLESWORTH. Ten minutes on each of two amendments. Cannot the gentleman limit his request to the pending amendment?

Mr. SCHAFER of Wisconsin. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

Mr. WIGGLSEWORTH. Mr. Chairman, I object.

Mr. LEAVY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 1 hour and 10 minutes, the last 10 minutes to be reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

Mr. MOTT. Mr. Chairman, reserving the right to object, it is rather difficult for us who are interested in this particular item to agree to limit debate when we do not know what the two other amendments are. If we can find out, we may not object.

Mr. WIGGLESWORTH. Mr. Chairman, further reserving the right to object, may it be understood that 20 minutes of the time will be reserved for the other two amendments, so that all three amendments will not be taken up together?

Mr. LEAVY. The unanimous-consent request was made with the understanding that 20 minutes would be reserved for the consideration of the two amendments referred to by the gentleman.

The CHAIRMAN. Is there objection to the modified request of the gentleman from Washington [Mr. LEAVY], that al debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes, 20 minutes of which time shall be used for the two amendments to which the gentleman from Massachusetts [Mr. WIGGLESWORTH] referred?

Mr. MOTT. Mr. Chairman, I object.

Mr. LEAVY. Mr. Chairman, I move that all debate upon this amendment and all amendments to this paragraph close in 1 hour and 10 minutes, the last 10 minutes to be allotted to the committee, and 20 minutes of that time to be given to the consideration of two amendments that have been suggested by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The motion was agreed to.

The CHAIRMAN. In order that there may be no misunderstanding, the Chair has the following list of Members requesting time within the time fixed: The gentleman from Mississippi [Mr. RANKIN], the gentleman from Oregon [Mr. PIERCE], the gentleman from Oregon [Mr. ANGELL], the gentleman from Oregon [Mr. MOTT], the gentleman from Pennsylvania [Mr. RICH], the gentleman from Idaho [Mr. WHITE], the gentleman from Illinois [Mr. KELLER], the gentleman from Kentucky [Mr. MAY], the gentleman from Washington [Mr. LEAVY], and the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The gentleman from Oregon [Mr. PIERCE] is recognized for 5 minutes.

Mr. PIERCE. Mr. Chairman, there are living today a quarter of a million people in eastern Oregon and southeastern Washington. At one time I owned and managed the electric power company and the transmission lines connected with the distribution system at La Grande, a small segment of the country under question. I sold that company more than 30 years ago. At that time I was collecting $5,000 a month and had an income of $60,000 a year. The company was sold to the big fellows for $300,000. Talk about income, why, there is plenty of income there.

I will thank the gentleman from Illinois to give me his attention. I listened to him and listened to his clear misstatements. I am entirely familiar with the propaganda of the power companies which he put over in a clear way.

The company that now controls us is a part of Electric Bond & Share. Ours is a rich field for the sale of electric current at low, reasonable rates. That company is selling its electric energy in our country at nearly three times the rate that is being charged in Tacoma or west of the mountains. These power companies are charging extortionate rates.

In the territory to which the gentleman would deny Bonneville current there are several R. E. A. organizations which have as many as 1,000 customers that want to take power from Bonneville. When the districts organized by the R. E. A. want power they now buy of the Pacific Light & Power Co. which is controlled by the Electric Bond & Share. They pay three times the rate they would pay for power from Bonneville.

The cost of these transmission lines will all be repaid within the time limit. No other part of the country is paying the excessive electric rates the Inland Empire is paying. There are possibly sections in there that are solely wheat-raising sections, but there are also large sections of that area that are susceptible of close irrigation, and people will live there by the thousands. They are flocking in now. The quarter of a million now in that country will be a million within a short time. I have given fifty-odd years of my life to that country, and I know about it.

There has been talk about duplicating the lines. The power that comes in there now comes over a 66,000-volt line. The line now contemplated is a 110,000-volt line. Over a 110,000-volt line you will get four to five times as much power as you can get over a 66,000-volt line. The 66,000-volt line means a 15- to 18-percent loss. A 110,000-volt line with a 100-mile transmission means a 5- or 6-percent loss. So there is a vast difference between the proposed Bonneville lines and those now in use. The lines that are there now are all low-voltage lines.

This transmission line should be built because there is no better field anywhere in the country than right there for the sale of electric energy. There is nothing better you can do for the people than to give them Bonneville power, for which there is an eager and a ready market. How much power are we taking now? Precious little. About one-half the farmers are being served, not over that, and they are paying an extortionate rate for the service they are now getting. If they could have Bonneville power, they would take all the line could give them in that territory, and within the time limit the project would pay out. These sections of Oregon and Washington are on the Columbia River and are entitled to Bonneville power. Very naturally, the Electric Bond & Share wants to keep the territory for themselves.

Pendleton is a city of 8,000 people; La Grande has 10,000; and there are other growing, prosperous cities. Public-utility districts are already being formed everywhere. It is in the air. Why should all the Bonneville current flow west?

The propelling force behind the move to cut the Bonneville transmission and marketing appropriation is the Electric Bond & Share Holding Co. This holding company has three operating companies serving that part of Oregon and Washington east of the Cascade Mountains.

In eastern Oregon residential bills for the small consumer using up to 100 kilowatt-hours per month are, on the average, 2.61 times as high as similar Tacoma bills. The eastern Oregon stove and water-heater consumer pays two and thirty-nine one-hundredths times as much as a like consumer does in Tacoma. In southeastern Washington these ratios are 2.10 and 2.03.

Rural cooperatives in this section are paying the private companies at least 2.5 to 2.8, the Bonneville wholesale tariff. A few cooperatives in this section are paying up to three times the Bonneville price for wholesale current. With 100-kilowatt-hour metered use, the difference between present purchased wholesale price and Bonneville wholesale rates represents $12.50 per farm per year. With the increased use of drudgery-relieving appliances, each farm would save $25 per year in the wholesale price alone.

No wonder the Bond & Share group is using every possible effort to kill Bonneville appropriations and thereby keep cheap power out of the eastern part of these two States. The Bond & Share representatives admit that this is their purpose. A careful reading of the testimony before the committee discloses the efforts of the private-power overlords in trying to strangle the rural and domestic consumers of this great section.

Every device known to the business is being used in this effort. False issues are raised to cloud the actual facts.

Eastern Oregon and southeastern Washington have a population of 248,000 people, 91,000 of this total live on farms. This eastern region is devoid of fuels. It is also lacking in installed hydro capacity. The installed hydro capacity of southeastern Washington and eastern Oregon is represented by 26,300 kilowatts. This installed capacity gives a ratio of 105 kilowatts per thousand population.

If rates were as low and use as great as in other parts of these two States, there would be immediate area deficiency of 63,700 kilowatts of installed capacity. This figure represents the immediate potential market of this eastern country if all the available farms were served and the electric rates were lowered. From the experience in other sections of both States, under similar conditions, there will be in a few years a deficiency of 99,500 kilowatts of capacity. If initially only 50 percent of this potential market is reached, the revenue accruing from the lines serving this area will be $875,000 per year. This revenue would warrant a present expenditure on a return basis of $3,500,000, which is below the Budget estimate for proposed eastern lines. With the lowering of rates this revenue will be doubled in a few years. The lines that were set out in the Budget estimate are actually less than conditions and earnings justify for this accessible well-farmed area. In the eastern counties of my district 42 to 72 percent of the occupied farms do not have electricity. The average cash income of these eastern unserved farms is in excess of the State average. This section has an unserved farm population of 45,000 people and an immediate rural market for 15,000 kilowatts. The population of this section is increasing rapidly and will continue to do so because of the irrigation projects under way and changes in the type of farming. Sugar beets, peas for canneries, dairies, and seed production are being substituted for the large wheat farms. People are moving at a high rate into this area from the Dust Bowl.

Notwithstanding a regional lack of fuels and a deficiency in hydro capacity, the area is served from long, low-capacity transmission lines. These lines transport power great distances, at comparative low voltage, from the Yakima, Lewiston, and Spokane areas. From these sources there are only two feed lines into northeastern Oregon, namely, from Pasco and Walla Walla into Pendleton. These lines are 66,000-volt lines with conductors known in the trade as single Zero copper. The average transmitted distance from the power sources over these lines is some 115 miles and the nominal capacity of such lines at this voltage is low. For the farmers and the residential consumers of eastern Oregon to secure lower rates, larger line capacity will be necessary. The existing private lines have only one-fourth to one-fifth of the capacity required to adequately serve this area if our farmers and our people are to secure service at low rates. It seems to be the policy of the private companies to install low-capacity transmission lines in order to keep the rates up.

In southeastern Washington and contiguous territory there are 12 newly formed but successful rural R. E. A. cooperatives. These cooperatives have, within the last 8 months, built over 1,500 miles of farm lines. These cooperatives are purchasing temporarily from the private power companies until low-priced Bonneville current is brought to them. No wonder the Electric Bond & Share desires to keep Bonneville transmission lines away from this eastern market. No wonder our farmers in this eastern country are crying for the erection of Bonneville lines. Is not Congress large enough to tell the Bond & Share operators that we know how to run this Nation's business? Do we have to sit up and take our orders from these overlords, who have so padded their capital structures that the properties in question have the highest book value per customer of any private utility in America? When you vote on these reducing amendments, remember that they were inspired by the Electric Bond & Share Co. for the sole purpose of keeping low-priced current away from our eastern farmers.

These lines were in last year's Budget, and should have been built, as they were included in last year's appropriations which passed the Congress. Now, again, the appropriation for the lines is included and evasion of the clear intent of the law will no longer be possible.

Mr. Chairman, I ask my friends in this House to vote down this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oregon [Mr. ANGELL] is entitled to recognition for 5 minutes.

Mr. ANGELL. Mr. Chairman, I reserve my time, if I may, to speak on the other amendment which is more important than this one.

The CHAIRMAN. The gentleman from Oregon [Mr. MOTT] is entitled to recognition for 5 minutes.

Mr. MOTT. Mr. Chairman, I would like to have my time on the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Idaho [Mr. WHITE] is recognized for 5 minutes.

Mr. WHITE of Idaho. Mr. Chairman, I was very much interested in the statement of the honorable gentleman from Illinois [Mr. DIRKSEN] as to the insignificance of this proposed project and the unimportance of the country to be served. He refers to the small town of Pasco. I wonder if he knows where or what Pasco is. I wonder if he knows that Pasco is the junction point at the confluence of the mighty Snake and Columbia Rivers and one of the great railroad centers of the Northwest. The gentleman talks about the small town of Lewiston. I am wondering if he knows just where Lewiston, Idaho, is, and what it stands for. I wonder if he knows that Lewiston is at the confluence of the Clearwater and the Snake Rivers and is one of the important commercial centers in Idaho. And when the resources of the immense country tributary to the junction of these rivers is developed will be a great industrial center.

I am wondering if he knows that the greatest stand of timber owned by the Federal Government is in the country tributary to Lewiston, up the Clearwater River, up the Salmon River, and up the Snake River. I am wondering if he knows that the greatest undeveloped section of the United States is in this area of the Northwest which is tributary to the Snake, the Clearwater, and the great Salmon River drainage basin.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman for a question.

Mr. HILL. Did not the gentleman hear the gentleman from Illinois state two or three times that he did not know about this thing? The gentleman made that statement and evidently he does not know anything about it.

Mr. WHITE of Idaho. It is just like the statement that Proctor Knott made at one time here about Duluth, which turned out to be one of the greatest producing sections of the country.

I would like to remind the gentleman from Illinois that there are 30 miles of iron deposits in the Clearwater country behind Lewiston. I would like to remind the gentleman from Illinois that the West has to come East for its iron products, but with electricity and electric smelting we can produce our own iron and develop our own country, build up western industries, and be a market for the things that they produce in the East.

I would like for the gentleman from Illinois to know something about the proposed development of this country and the need for electric energy and cheap power. I want to substantiate what my good friend from Oregon [Mr. PIERCE] said. We need high-tension power lines to transmit cheap electricity.

I have here a map of Idaho and I call your attention to the location of Lewiston and to the location of this great forest section owned by the Federal Government. All that timber is waiting to be manufactured by cheap power. We want to build pulp and fiber mills, we want to develop that country and continue on the path of progress in this country, and the utilization of the power of Bonneville and the transmission of that power to this great area of Federal-owned resources is a great step forward.

This is a conservation measure. This is a constructive measure, and it will do more good and be of more benefit to the United States, and particularly to the Federal Government, than anything this Congress can do; and do not forget that it will repay every dollar that is expended. This is a reimbursible project. It is a development project, and it is a utilization of a big investment that has been made at Bonneville, and I earnestly urge that the Committee vote down this amendment and do the thing that was originally intended to be done, and develop our own resources and bring revenue to our Federal Government by utilizing the timber and the minerals in all this great undeveloped country that is tributary to Lewiston in the States of Idaho, Oregon, and Washington. Providing transmission lines for this power will be a great forward step.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield.

Mr. PIERCE. Is it not true that that country today is yielding a revenue to the Bond & Share of $1,000,000 a year, and that is right now?

Mr. DIRKSEN. Mr. Chairman, will the gentleman from Idaho yield?

Mr. WHITE of Idaho. I yield to the gentleman from Illinois.

Mr. DIRKSEN. In response to the gentleman's recurrent questions, may I say to him that I think I do know, and I also know how to take a piece of paper, irrespective of whether it is in Oregon, Illinois, or Florida, or Texas, and figure out what an investment has to earn before the taxpayers can come out with a whole skin.

Mr. WHITE of Idaho. I will say to the gentleman that Mr. Proctor Knott, in talking about building a bridge at Duluth many years ago, presented the same theory that the gentleman from Illinois is presenting here now, and the day will come when we will develop this country, and it will take its place as a great producing section of the United States comparable with the country in Pennsylvania and the gentleman's whisky-producing section of Illinois. [Laughter.]

Mr. DIRKSEN. Why does not the gentleman tell the House how many people are out there?

Mr. WHITE of Idaho. It is not a question of how many people are there. It is the development of our country and the people it will bring there.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a brief question?

Mr. WHITE of Idaho. I yield.

Mr. SCHAFER of Wisconsin. The gentleman is in favor of the Government developing cheap electricity. Is he in favor of the Government producing cheap silver or mining cheap silver?

Mr. WHITE of Idaho. I am in favor of anything that will develop our country. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KELLER] for 5 minutes.

Mr. KELLER. Mr. Chairman, if I may, I desire to yield my time to the gentleman from Oregon, Governor PIERCE, later in the debate.

The CHAIRMAN. The gentleman from Kentucky [Mr. MAY] is recognized for 5 minutes.

Mr. MAY. Mr. Chairman, I am very much in favor of the Dirksen amendment not merely on the ground of economy but because of a proposition that I think is involved in this legislation that is of vital importance and reaches to the very heart of the program. I have had just a few years' acquaintance with my distinguished and amiable friends on the committee, the gentleman from Washington [Mr. LEAVY] and the gentleman from Oregon, Governor PIERCE. They are very excellent and able Members of this House and very fine gentlemen. Anything I say about this proposition is not personal, nor is it particularly with any delight in differing from them.

I oppose this legislation upon the fundamental belief that there are two schools of thought in this country, one that believes in the capitalistic system and one that, whether it believes in the capitalistic system or the socialistic system, is promoting and supporting a program that will ultimately lead to the socialization of the electrical industry throughout this country. That is the ground principally on which I oppose this program. That is based upon my study of the subject for several years, plus my last 2 months of dealing with the conditions that have been brought about in the States of Tennessee, Alabama, and Georgia, and in other States of the South, by reason of the Congress allowing the Government to buy out and take over private utilities and put them into Government operation. I say to you now that, in my judgment, there has not been a more serious problem for the people of Tennessee and surrounding States since the days of reconstruction than they have in those States now. It means that unless Congress does something about it—and I do not know what it is going to do in the matter—for the next year these Southern States are going to be largely compelled to discontinue public-health activities, to largely discontinue their schools, because of the withdrawal of private properties from taxation. If anyone can tell me that the Federal Government by subsidizing a proposition like Bonneville, that goes out and builds transmission lines and authorizes it to go into the markets and take away from private facilities the markets they have, is not going to create a similar condition in the Northwest to that which we have in Tennessee, I would like to have him explain that.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MAY. I am sorry, but I have only 5 minutes.

On page 266 of the hearings on this bill there is set forth a letter sent to the committee by Dr. Thompson, secretary of the Public Ownership League of America. I suppose everybody here knows what that is and knows that there are a few estimable gentlemen in this House who are sponsors of that program. This gentleman who wrote this letter to the committee was up in Oregon at the time. Here is what he says:

> As a matter of fact, I am now in Portland helping in this work in a general way and incidentally, along the same lines, endeavoring to stimulate our public-ownership organizations throughout the Northwest and Pacific States.

What they mean to do is not merely to take over a few towns around Bonneville, but they are going to take over the States of Washington, Oregon, and California, and when they do that, then the Congress will be asked to refund in taxes

removed possibly $75,000,000 or $100,000,000 that are now being paid by private utilities in that area, and when they do that they socialize the electrical industry and abandon the capitalistic system.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The gentleman from Mississippi [Mr. RANKIN] is recognized for 5 minutes.

Mr. RANKIN. Mr. Chairman, before this Congress adjourns we should establish a blind school for Republicans, in which to train their candidates, and we should also provide a special dispensation so that the gentleman from Kentucky [Mr. MAY] and a few other Democrats who are still wandering around in the dark can attend. [Laughter.]

I want this blind school for these Republicans and a few benighted Democrats who are still fighting the T. V. A., the R. E. A., and the rest of our power program, so they can learn to read the Braille system, because their platforms will have to be published in Braille, as they are evidently going to hold their conventions and other political meetings in the dark.

In addition to their records here in opposing every effort to bring cheap electricity to the American people, they evidently desire to keep the farmers in the dark. I have just read three platforms proposed by three candidates for the nomination for the Presidency on the Republican ticket, one by Mr. Taft, of Ohio; one by a Mr. Gannett, who lives in New York State, I believe; and one by Mr. Dewey, who also lives in New York. They go into great detail about what they are going to do for the farmer. I should say what they propose to do to, instead of for, the farmer—because they propose to go back to the old system of plundering the farmers of this country through high protective tariffs for the benefit of big industries and other special interests—but they evidently propose to leave him in a complete black-out so far as rural electrification is concerned.

Not a single one of them mentions rural electrification a single time, the one thing in which the farmers of this country are most vitally interested. I am going to show some of the conditions that prevail in your States before this Congress adjourns, and especially the conditions in the district of the distinguished gentleman from Kentucky [Mr. MAY], who seems to devote about all his time to fighting the T. V. A., the greatest development that ever came to the people of Kentucky.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I will yield for a question.

Mr. MAY. Aside from the fact that I have cheap electric lights in my home, which I think the gentleman is going to talk about, I want to ask him if he has read Norman Thomas' socialist platform on the public utilities?

Mr. RANKIN. No; I have not; I am not interested in it. But I am familiar with the electric light and power rates in the district represented by the gentleman from Kentucky [Mr. MAY]. They are so high as to amount to almost a complete black-out. For instance, a merchant in his home town of Prestonsburg, Ky., pays as high as 9 cents per kilowatt for electricity, or did when the last report was issued a month ago. He has to pay $9 for 100 kilowatt-hours, which in my town, Tupelo, Miss., would cost him $2.50. [Applause.]

The gentleman from Kentucky [Mr. MAY] says he has cheap electricity in his home. He may have for all I know. But the rest of the people of his district are overcharged on an average of 100 percent or more. And I think if he will investigate his light and power bills he will find that he is being overcharged to the same extent.

As to his commercial consumers; that is, the merchants, hotel, restaurant, and filling-station operators, professional men, and others who have to pay commercial rates for their electricity, the record shows that they pay about the highest rates in Prestonsburg and surrounding towns of any place in America.

The commercial rates in Prestonsburg, Allen City, Dwale, Martin, Lackey, Paintsville, West Van Lear, Blackey, Neon, Seco, Whitesburg, Salyersville, Dolan, Hazard, Elkhorn, Pikeville, and Hellier are as follows:

Applicable to commercial consumers for lighting purposes, with incidental power permitted

	Cents per kilowatt-hour
First 100 kilowatt-hours	9
Next 100 kilowatt-hours	8
Next 200 kilowatt-hours	6
Next 1,100 kilowatt-hours	5
All over 1,500 kilowatt-hours	4

Now, here are the commercial rates for the same class of consumers in my home town of Tupelo, Miss.:

	Cents per kilowatt-hour
First 150 kilowatt-hours a month	2.5
Next 350 kilowatt-hours a month	2
Next 1,500 kilowatt-hours a month	1
All over 2,000 kilowatt-hours a month	0.8

Now, let us compare these rates and see how bad the commercial consumers in these towns in his home district are overcharged. We will just use his town and mine, Prestonsburg, Ky., and Tupelo, Miss.

	Kilowatt-hours									
	50	100	200	400	600	1,000	1,500	2,000	4,000	6,000
Prestonsburg, Ky.	$4.50	$9.00	$17.00	$29.00	$39.00	$59.00	$84.00	$104.00	$184.00	$264.00
Tupelo, Miss.	1.25	2.50	4.75	8.75	11.75	15.75	20.75	25.75	41.75	57.75
Difference	3.25	6.50	12.25	20.25	27.25	43.25	63.25	78.25	142.25	206.25

These commercial consumers seem to just pay rent to the power company to get to do business in their own establishments.

Remember that Prestonsburg and every other town in the gentleman's district is within the distribution radius of the T. V. A. at Norris Dam. Remember, also, that electricity can be generated anywhere in his district, with coal produced right at home, and distributed to the ultimate consumers at the T. V. A. yardstick rates, or at the rates prevailing in Tupelo, Miss., if not lower, with ample returns on legitimate investments.

But the trouble is the coal barons and the Power Trust are working hand in glove. They are not interested in the ultimate consumers of either coal or electricity; what they are after is to wring from the consumers of both coal and electricity every penny the traffic will bear.

At a later date I hope to take up the rates in that area—residential, commercial, and industrial—and show how those people are plundered by exorbitant overcharges for electricity for all purposes.

The opposition will probably come back at me with the same old misleading statement about taxes. But the facts are that the municipal plant at Tupelo pays a larger percentage of its gross revenues in taxes than does the Kentucky & West Virginia Power Co. that operates in this particular area.

The people of Kentucky were overcharged $8,914,000 in 1938, which was $3,400,000 more than the value of the entire wheat crop of Kentucky for that year. The commercial consumers alone in Kentucky were overcharged $2,934,000, and if they had all paid the exorbitant rates charged the people in this particular area their overcharges would have amounted to a great deal more.

I am glad to support the distinguished gentleman from Oregon [Mr. PIERCE] in opposition to efforts now being made to cripple the Bonneville project, one of the greatest blessings that has ever come to the people in that great northwestern section of the country.

Those people who are to benefit from Bonneville throughout the coming years will owe a lasting debt of gratitude to the distinguished gentleman from Oregon for his services in helping to bring this development about and to provide the means of transmitting the power generated at Bonneville to the ultimate consumers, and especially to the farmers throughout that section of the country.

I have often said of him—and I say it again—that in my humble judgment he has rendered those people the greatest

service of any man his State has sent to Washington, in your day and mine.

This attempt to cut down the appropriation for Bonneville is nothing in God's world but playing into the hands of the Power Trust, one of the worst monopolies this country has ever seen—one that is robbing the ultimate consumers of electricity in practically every State of this Union and pouring out all of this propaganda about how the T. V. A. is injuring the people of Tennessee. There is nothing at all in their statements, absolutely nothing. Simply because we have asked for a reallocation of the small amount of 12½ percent that is already charged to the wholesale purchasers of electricity generated by the T. V. A., merely because those counties whose lands have been flooded ask for a reallocation of those funds, asked that instead of paying them to the States the T. V. A. be authorized to pay them back to these counties to take the place of the taxes they would have received on these lands that have been flooded, and gradually let them down until they can pay off the outstanding bonds especially in their school districts—because of the request for this correction, these enemies of the T. V. A. come out with a great hullabaloo of propaganda to the effect that Tennessee is being ruined by the T. V. A. If there is any man in this House or elsewhere who ought to know better, he is the chairman of the Military Affairs Committee, the gentleman from Kentucky [Mr. MAY]. [Applause.]

Mr. VOORHIS of California. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. VOORHIS of California. I just wanted to observe that the people on the Pacific coast in the section I come from, the city of Los Angeles, have had for years a publicly owned bureau of municipal light and power, and our rates have been reduced seven times since 1929. We would not give it up for anything.

Mr. RANKIN. Certainly not. If you will look at the CONGRESSIONAL RECORD, page 2238, you will find a speech that I made on Friday, in which I take up the municipal plants of the various States of the Union. I show that they can all generate and distribute power as low as the T. V. A. rates, or lower. But instead of that they rise here and try to destroy Bonneville, try to destroy the T. V. A., try to destroy Grand Coulee, try to destroy rural electrification, and all the rest of these other beneficient projects. When you do that you are helping a ruthless octopus, or monopoly, that is wringing from the American people overcharges for electric lights and power amounting to as much as $1,000,000,000 a year, aiding that ruthless monopoly to hold your people in Egyptian bondage.

You have got to meet this issue, every one of you. This is the fight of the American people against the corrupt interests that have robbed and plundered them through electric light and power rates for the last 40 years. Thank God the time has come when they are able to defend themselves, and their weapon this year will be the ballot. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. TABER] is recognized for 5 minutes.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield for an observation?

Mr. TABER. I yield to the gentleman.

Mr. DIRKSEN. If I had in mind crippling this program my amendment would have been worded to stop any power lines going into Tacoma or Seattle or Salem or other places. This has been limited to two over on the eastern side, and there is not a soul who has stood up on the Democratic side and, by dollars and cents, made out a case. The gentleman from Idaho [Mr. WHITE] has confessed the case. He says it is speculative. That is why that amendment should be adopted. If you want to match figures, I will put them down on paper any time. We picked out two lines to show you that you cannot justify them by the figures of the English language. I defy anybody on that side to justify it on a dollars-and-cents basis. Why did not the gentleman from Mississippi [Mr. RANKIN] talk on the amendment instead of making a grand speech about power?

Mr. TABER. Mr. Chairman, I do not yield further.

This amendment is offered not for the purpose of crippling Bonneville, but for the purpose of protecting it from those people who would load it up with expenditures that it cannot carry and produce upon. There is no such thing as anyone on the floor that I know of thinking for a minute of protecting the interest of power companies. I do not know anything about them.

Every time anyone comes out here and tells the truth about some of these projects, someone who does not debate the real issues that are before us comes out and hollers about the power companies. Now, let us see what there is to this situation and whether we can afford to go on and spend money putting up power lines that will not produce.

These people already have contracts with the Aluminum Co. of America for 32,000-kilowatt capacity at $17.50 per year per 100 kilowatts. Now, what does this mean? This means 1¼ mills per kilowatt; and the best that the Reclamation Service could figure to produce electricity and sell it for at Boulder Dam was 2¼ mills per kilowatt. They are hardly going to break even on that proposition. When are we going to show any sense; when are we going to be honest with the American people? Or are we going to holler about the power companies? Let me say to you that every dollar of this deficit that comes from charging less than the stuff costs is going to be taken out of the American taxpayers. It is not going to be a benefit to the American people.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. TABER. Let me cite a few more figures. I want the gentleman to learn something about his project. The hearings show that the cost of these transmission lines and power installation would run $50,000,000. You have got to figure on a basis of 16 or 17 years' obsolescence and depreciation. This means a charge of $3,000,000 a year. You have got to figure interest at 3½ percent. This means $1,760,000, or a total in these two items of $4,777,000.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. TABER. When I get through.

The allocated cost of the dam is $50,000,000, according to their own figures. The interest on that is $1,750,000, and they are required to depreciate it in 40 years, under the law. This depreciation item amounts to $1,250,000 annually. These items on the dam amount to $3,000,000 annually, or the total on the dam and the transmission lines amounts to $7,777,000 annually. They claim in their set-up in the hearings a possible income of $9,000,000. Let me say to you that on the basis of operating as they say, 85,000 kilowatts, or one-fifth of the total capacity of 440,000 kilowatts, this 85,000 kilowatts producing $55,000 a month, or $660,000 a year, shows a total possible net income from full operation of $3,300,000. Where are we? Let me tell you, we want to think twice about extending power lines where we cannot afford to carry them. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is entitled to recognition for 10 minutes.

Mr. LEAVY. Mr. Chairman, I desire to divide this time and reserve 5 minutes of it to answer arguments on other amendments that may be offered.

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is recognized for 5 minutes.

Mr. LEAVY. Mr. Chairman, it sometimes appears to me to be rather a discouraging situation to stand in the Well of this House and talk to my colleagues upon a matter on which they entertain either such partial views on the one side or such bitter prejudices on the other. Argument and persuasion has little weight or consideration with many of them.

As to whether or not the Bonneville project should have been undertaken is certainly water over the dam. It is a great navigation project, it is a great flood-control project, and thousands of tons of freight now moving through

the locks there and the region below the dam on to the sea is safe from the floods that it suffered in previous years.

The Government in its design saw fit to plan for 10 generating units and then the Congress set up the Bonneville administration. As a result of that we have gone along—there has been a fight each year—but $23,000,000 has been appropriated or allocated for transmission lines. We found curselves last year with this great undertaking capable of generating 86,000 kilowatts of electrical energy in its first 2 units and ready to sell at 2 mills a kilowatt-hour, but we could not carry it away as we had no lines. We secured an appropriation that made it possible to carry energy as far as Portland and a little beyond; and this year the receipts are over $1,000,000. With but 2 generating units in and complete, on sales made in the next fiscal year, less than 20 percent in production, the receipts will be $2,200,000.

Coming to the gentleman's amendment, shall we restrict the construction of these two lines referred to in the amendment? And I grant that is a debatable question, as is every question, upon which honest minds differ, but I assume that there is not a man or woman in this House, I care not how intelligent he or she may be, that can pass an honest judgment upon that issue without having some knowledge of the facts. I cannot see how anyone would want to do that. At least you ought to read some 100 or 150 pages of the hearings detailing facts on this matter. My good friend from Illinois says we start from the little town of Pasco. Pasco is a town of 5,000, with another 2,000 just across the river at Kennewick—7,000 people. One hundred and fifty thousand people live within 50 or 60 miles up the Yakima Valley. This line goes to Walla Walla. Walla Walla is a city of some 20,000 people located in the center of a rich irrigated section where almost another 20,000 live. The line also goes through Milton and Freewater, 2 other towns there with some 2,000 people. Each 10 or 20 acres of land is maintaining a family in that region, where there is ample water for irrigation.

At Pendleton there are 7,000 or 8,000 people. Through that region traversed by this line there are a large number of new R. E. A.'s.

From Walla Walla the line as projected goes to Lewistown, which is just on the State line between Washington and Idaho on the Snake River at the confluence of the Snake and the Clearwater Rivers.

That is the only point that these projected lines touch Idaho at all. It then goes northwestward toward Colfax and Spokane, in one of the richest agricultural countries in America, a county that 10 years ago boasted of the greatest per capita agricultural wealth of any one of the 3,000 counties in this country. There they reach hundreds of farmers who, until R. E. A. came into the picture, had no service. I grant that probably they will take some of the present consumers of the Washington Power Co. that is now serving the region, but that company never had these customers till the Government built R. E. A. lines, and the rates from the private company are about two and one-half times what Bonneville power will cost. An examination of these hearings will show, and I say this regardless of your belief in reference to public or private power, that Bonneville will pay out not in 40 years but within the next 20 years, even at 2 mills per kilowatt-hour. If you want to assume, and if you can get any happiness and satisfaction out of it, that the Republicans are going to gain control of this Congress in 1941, you certainly want to be able to have this project in which some fifty or sixty million dollars have been invested made as usable as possible.

Mr. Chairman, this amendment should be voted down unless you just want to cripple this great undertaking now and later on give it away.

Mr. DIRKSEN. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I think the gentleman from Washington has made the best speech for my amendment of anyone, because he says the building of these two particular lines is debatable at this time, and that is the reason my amendment should be agreed to.

Mr. LEAVY. Yes; but everything here is debatable—few things in this life are susceptible of absolute proof. It is not a concession that the gentleman is right or that I am wrong, merely because I admit a known fact. Through the years to come both Bonneville and Grand Coulee will bring blessings and happiness to millions, and unless in some foolish moment we turn them over to selfish interests, they will stand out as a great monument to the memory of all who had vision to assist in their creation. Let us defeat this crippling amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 49, noes 63.

Mr. DIRKSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. LEAVY and Mr. DIRKSEN to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 70, noes 70.

So the amendment was rejected.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 12, line 24, after the word "system", strike out the period, insert a colon and the words "*Provided further*, That no part of this appropriation shall be expended for salaries or expenses of any persons engaging in activities contrary to or in violation of section 9 (a) of the act of August 2, 1939, Public, No. 252, Seventy-Sixth Congress, or of the rules and regulations issued thereunder by the United States Civil Service Commission, Form 1982, November 1939."

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. How much time will be permitted on this amendment?

The CHAIRMAN. The gentleman from Massachusetts [Mr. WIGGLESWORTH] gave notice that two amendments would be offered and under the limitation of time, 20 minutes were reserved for the consideration of those two amendments.

Mr. DIRKSEN. Mr. Chairman, I am informed only one amendment will be submitted.

Mr. WIGGLESWORTH. Mr. Chairman, one of the two amendments will not be offered and I assume 20 minutes will be available.

The CHAIRMAN. Without objection, there will be 20 minutes on this amendment, and the Chair will endeavor to recognize two Members for the amendment and two against the amendment.

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, this is a very simple amendment. I think it is almost self-explanatory. It merely provides that no part of this appropriation shall be expended for the salary or expenses of any person on the rolls of this agency engaging in activities in violation of the Hatch Act or of the regulations of the Civil Service Commission issued under that act. I offer this amendment, Mr. Chairman, in light of the testimony commencing at page 264 of the hearings on this bill.

The record indicates that considerable evidence was brought to the attention of the committee indicating activities on the part of Bonneville personnel which are forbidden under the Hatch Act. These activities included the carrying on of a propaganda campaign, participating in elections, and carrying on electioneering activities for the organization of public-utility districts.

The bulk of this evidence seems to have been excluded from the record. A sample of it, however, appears in a letter signed by Dr. Carl D. Thompson. Dr. Thompson is stated to be a Socialist, a magazine owner and secretary or president of the Public Ownership League of America. At the time of the activity referred to, Dr. Thompson was not only serving

the Public Ownership League of America but Bonneville, being carried on the rolls of the latter at a salary of $5,600.

When Dr. Raver, the administrator at Bonneville, was asked if it did not occur to him that the activities referred to were in violation of the Hatch Act and other applicable laws, he replied in effect, that until the act was changed and he was specifically directed not to do so, he intended to continue that kind of policy.

If Bonneville activities are within the law, adoption of this amendment can do no harm. If they are in violation of the Hatch Act or the Civil Service Commission regulations, the proposed amendment will certainly be helpful.

Mr. CARTER. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from California.

Mr. CARTER. I have conferred with the minority members of the committee and they are perfectly willing to accept this amendment. They will have no opposition to offer to it. I am wondering if the majority members of the committee would be willing to likewise agree to the amendment.

Mr. FITZPATRICK. Would not the same personnel come under the Hatch Act?

Mr. WIGGLESWORTH. I assume they would.

Mr. FITZPATRICK. Why is it necessary to pass an amendment then if they come under the Hatch Act?

Mr. WIGGLESWORTH. I may say to the gentleman that I think it clarifies the situation and makes compliance with the Hatch Act doubly sure if we put in a provision of this kind.

Mr. FITZPATRICK. Does the gentleman expect to go further than the Hatch Act?

Mr. WIGGLESWORTH. No; the amendment simply enforces the Hatch Act.

Mr. FITZPATRICK. Is it not unnecessary to pass such an amendment if they are covered by the Hatch Act?

Mr. WIGGLESWORTH. No. I believe this gives better assurance that the will of Congress will be carried into effect than if the amendment is not adopted.

Mr. CARTER. Mr. Chairman, if the gentleman will yield further, I should like to know, if I may, from the members of the committee on the majority side, if there is any objection to accepting this amendment and obviating the necessity for further debate on it.

Mr. LEAVY. As near as I can understand it in a hurried manner, I believe there would be objection. I am fearful that the amendment is so broad that if a charge were made or if a fact were found that one of the thousand employees had violated the Hatch Act it would tie up the entire appropriation. Any employee who violates that act is now covered by the law, and this would seem to me to be mere surplusage.

Mr. WIGGLESWORTH. May I say to the gentleman from Washington that no such result as he suggests should follow from the amendment. In the case he suggests, it would simply serve to deny the payment of salary or expenses to the particular individual.

Mr. RANKIN. That is what the amendment says.

Mr. WIGGLESWORTH. That is what it is intended to say.

Mr. RANKIN. It would apply only to those who violate the law.

Mr. WIGGLESWORTH. That is right.

Mr. RANKIN. It would not apply to those who do not violate the law.

Mr. LEAVY. As far as I am personally concerned, I would have no objection because it is mere surplusage at most. That protection already prevails, if such is needed. Such a person would be subject to immediate discharge under the Hatch Act. This is just using words where we do not need them, except to satisfy somebody.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Illinois.

Mr. DIRKSEN. It may be that that is what the law states, but it is questionable whether or not that practice has been carried into effect.

Mr. LEAVY. I grant that there was some question raised by a member of the subcommittee on that point about an employee a year ago. If the gentleman will check the record he will find that it was before the Hatch Act was ever enacted that the complaint that appears in these hearings was made. However, there is no complaint that this agency anywhere has violated the Hatch Act since it has gone into effect.

Mr. DIRKSEN. I am not sure.

Mr. LEAVY. If the gentleman will check the record I believe he will find I am correct.

Mr. WIGGLESWORTH. Do I understand that the chairman will accept the amendment?

Mr. LEAVY. I am not authorized to speak for the committee as a whole, but it just appears to me that it would be a safer course to give us an opportunity to study the effect of the proffered amendment before accepting it. It cannot possibly strengthen the situation. The gentleman seeks protection where we already have a law. The gentleman is just seeking to reenact for a single appropriation a provision of the law already existing.

Mr. WIGGLESWORTH. It makes the situation very much more clear. [Applause.]

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to ask a question of the gentleman from Massachusetts about this amendment. Can the gentleman inform me whether or not if this amendment is adopted it will prevent any of the employees or operators of the private power interests from participating in political activities?

Mr. WIGGLESWORTH. The gentleman knows very well that those employees are not on the Federal pay roll. The Hatch Act has no application to them whatever.

Mr. HOOK. That is just exactly my contention, that when you take away from the rights of the employees of the Federal Government or State employees as well the right to participate in questions that are interesting to them with respect to their government, you place in the hands of the private interests, the private monopolies, the right to control this Government. When you do that you have placed this Government in the very position Germany was when Hitler went in as dictator. When Hitler assumed power as chancellor in Germany his first step was to take away from the people the right to participate in political activity. The next thing that was done was to enact a law outlawing every other party except the National Socialist Party. They thereby set up their dictatorship. It is my contention that when you place in the hands of the private monopolies the right to participate in political activities and take away the right of others so to do, you are dangerously attacking democracy in this Nation. When you do that you are going dangerously close to the proposition of wiping out the two great parties in this Nation. I say that as long as we have Republicans and as long as we have Democrats we will not have any rotten "isms" in this country, but if we go along with the principle that is being advanced by the Hatch Act, no matter how laudable it may be, we are going a long way toward the end of eliminating those two great parties; and God forbid that that occur. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The question was taken; and on a division (demanded by Mr. WIGGLESWORTH) there were—ayes 61, noes 83.

Mr. WIGGLESWORTH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LEAVY and Mr. WIGGLESWORTH.

The Committee again divided; and the tellers reported that there were—ayes 83, noes 86.

So the amendment was rejected.

Mr. ANGELL. Mr. Chairman, I move to strike out the last word and ask unanimous consent to revise and extend my own remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

BONNEVILLE PROJECT FULLY JUSTIFIED

Mr. ANGELL. Mr. Chairman, Bonneville is in my district in Oregon; that is, the Oregon side of the Bonneville project; and I reserved time to speak on the other amendment on the subject which the gentleman from Massachusetts [Mr. WIGGLESWORTH] stated he would offer, but which was not presented. In my judgment, the other amendment would have been more detrimental to the Bonneville project than the one presented by the gentleman from Illinois [Mr. DIRKSEN], which we have just considered. For this reason I reserved time to speak on the other amendment.

I do not want to take your time for any extended discussion, now that this matter has been decided, but I do want to speak very briefly on one or two matters in connection with the Bonneville project.

On the opening day—March 5—when we considered this bill in general debate, I spoke at some length on the Bonneville project, which you will find in the RECORD of day before yesterday. The main consideration, of course, with reference to Bonneville is whether or not it is justified. As you will note, it is now completed, so far as the dam is concerned. Two of the operating units of the power project are in operation, two more will be in operation early in 1941, and two more in 1942, which will leave four to be completed later. Unfortunately, we did not have transmission facilities completed at the time the two first units of the power project itself were finished, and it was only last December 1 that we finally completed the first transmission line connecting the Bonneville plant with the Portland territory. For this reason the project has not had an opportunity to justify itself financially by reason of the fact we have had no marketing facilities.

The bill before us today for the Interior Department is to keep in step with the building of these power units as they come into production so that we may have transmission facilities available at the time the power is ready for distribution. We do not want to make the mistake we made before.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Oregon.

Mr. PIERCE. Is it not true that the income right there at Bonneville now is $100,000 a month and over the lines are going 79,000 kilowatts with a possible generation of 86,000, and the income this year will be around $1,000,000, next year $2,000,000; and 60 percent completed it will be over $5,000,000, and fully completed it will be $9,000,000 even at the present rate?

Mr. ANGELL. I think the gentleman is substantially correct. As I understand the figures, $1,000,000 will be received from the project next year, the following year $2,200,000, and, eventually, when the whole 10 units are in operation there will be approximately $9,350,000 a year of revenue coming in from the project. Amortization with interest at 3½ percent to retire the entire cost in 40 years, requires only $4,060,000 a year, so that after paying operation and upkeep, there will be left $3,399,549 each year above what is necessary to retire the investment. So the project will be a self-supporting one, and I think it very definitely is justified under the facts as we have them now.

As has been said, a contract has been entered into with the Aluminum Co. of America, which will last for 20 years and will bring in during the term of the contract $10,000,000, and only recently it was reported as shown in the Christian Science Monitor, which I saw on my desk yesterday, that an additional contract has been entered into with the Sierra Iron Co. which eventually will consume 32,500 kilowatts a year, which is practically the same amount that is provided under the contract with the Aluminum Co. of America. So these two projects alone ultimately will bring in $1,000,000 a year or almost one-fourth of the revenue required to pay the interest and retire the investment, not considering the immense value of the remaining power that will be available under the project when it is fully completed.

I would also like to call your attention to the fact, however, that under the generic law as we passed it preference must be given to public bodies and cooperatives. Section 4a of the law provides:

> In order to insure that the facilities for the generation of electrical energy at the Bonneville project shall be operated for the benefit of the general public, and particularly the domestic and rural consumers, the Administrator shall at all times, in disposing of electrical energy generated at said project, give preference and priority to public bodies and cooperatives.

This is a direct mandate from Congress to the Administrator as to how he shall dispose of this energy.

LOW RATES TO CONSUMERS

Mr. Chairman, as a result of the energizing of the transmission line to Portland, the city of Portland on October 15, 1939, put into effect a rate reduction which Administrator Raver states is approximately 20 percent.

The organic act provides that 50 percent of Bonneville power shall be reserved until 1942 for public bodies and agencies. It is the underlying policy of the law that the lowest possible rates to consumers shall be established. This is for the purpose of protecting domestic users, farmers, and the small users throughout the entire territory. It also contemplates furnishing the lowest commercial rates for industrial enterprises consistent with the profitable operation of the project.

Since this reduction was made, the State, through the public utilities commissioner, has made a further reduction in the rate.

The Nineteenth Annual Report of the Federal Power Commission, 1939, shows that rate reductions for electric energy averaged forty-six and one-half million dollars annually in the 3½-year period from July 1, 1934, to December 31, 1937, and that the production of electric energy reached an all-time high in 1939. I desire to quote briefly from this report:

> The total savings resulting from electric-rate reductions for the 3½-year period from July 1, 1934, to December 31, 1937, it was estimated, amounted to $162,761,490, an average of $46,500,000 per year. These figures represent merely a total of the separate annual savings based on average consumption per customer for periods prior to rate changes as reported by utilities, and as such do not reflect a cumulative total of all savings given—do not include savings on increases in the average consumption per customer which usually follow a rate reduction.
>
> The savings to the customers of privately owned utilities for all services during the period, it is noteworthy, equaled 6.4 percent of the estimated total revenues of such utilities in 1934, as against 5.1 percent in the case of the publicly owned system. Though privately owned utilities in nearly all instances reduced their average typical bills more than publicly owned systems, the average typical bills of publicly owned utilities, as has already been noted, remain generally below those of privately owned utilities.

POWER SALES PROGRESS

One hundred and nineteen applications for power, totaling 643,489 kilowatts, have been received by the Administrator of the Bonneville project. Of these 119 applications, 42 are from public-utility districts, 16 from municipalities, 29 from R. E. A. cooperatives, and 21 from drainage districts. Public applications total 108 and represent 446,529 kilowatts. Applications have also been received from 6 private utilities totaling 66,900 kilowatts. Five from industries totaling 130,060 kilowatts have filed power applications.

Thirty-nine applications totaling 92,671 kilowatts are ready for service connections. Feasibility reports have been completed on 24 applications, totaling 128,521 kilowatts and 21 contracts totaling 77,710 kilowatts have been submitted. Thirteen contracts have been executed totaling 59,110 kilowatts. All of this information on applications and contracts covers prime power only. In addition the project has authority to sell dump power which is power subject to recall to satisfy firm contracts. This power under filed tariffs sells for 2½ mills per kilowatt-hour, which is below the bare fuel costs of existing steam plants in the Bonneville area. Contracts have been executed with the private utilities to furnish dump power and the Portland companies have taken nearly 70,009 kilowatts of such energy. Therefore, it is fair to say that the sum of the firm power business in sight plus the market for dump power exceeds the present installed capacity. The load-development possibilities of the project

have been estimated by the Marketing Division in excess of 250,000 kilowatts by 1941 and 450,000 kilowatts in 1942. Comparing these load possibilities with the construction schedule given above it will be seen that a power shortage will exist in the Northwest during 1941 and possibly 1942.

EARNING POWER OF THE PROJECT

The earning power of the project is set out on page 74, table 8, of the annual report. The Administrator estimates that each kilowatt of capacity will earn on an average $18.36 per kilowatt-year, which will give a gross revenue on the completion of the plant of $9,350,000. The investment in transmission, transformer, and operating facilities for Bonneville alone will represent an outlay of $36,288,000. This investment represents only projected lines in the Bonneville-Coulee area, which will be allocated solely to the delivery of Bonneville current.

Based on the Federal Power Commission's allocation, the Army engineers have estimated that the completed investment in dam, power plant, and switch yard will represent $50,293,885. It will be noted that this is some 8 or 10 million dollars in excess of the original estimate by the Power Commission. The Power Commission's estimate was based on lower capacity. Since that time, as a result of experience with units 1 and 2, the Army engineers have concluded that the capacity can be expanded over the original estimated figure of some 430,000 kilowatts. The first two units installed have a rated capacity of 43,200 kilowatts each but units 3, 4, 5, and 6 are larger, being in the neighborhood of 52,000 kilowatts each.

The amortization and interest charges, based on 40-year repayment at 3½ percent interest, will run $4,060,000 per year and the combined operating expenses, together with maintenance and depreciation, will amount to $1,890,451. This will leave a net of $7,459,549 for fixed charges which is an 8.6-percent return on the Government's investment in power facilities or $3,399,549 in excess of the operating, maintenance, and fixed charges. Therefore when the plant is completed, the revenues under existing rates will retire the investment in a shorter period than 40 years besides taking care of all costs and deficiencies during the load-building period.

BONNEVILLE'S RECORD—INSTALLED CAPACITY AND PLANT-COMPLETION SCHEDULE

Mr. Chairman, two generating units are installed and operating. This represents a total capacity of 86,400 kilowatts. These two units have been designated No. 1 and No. 2. Funds to install and complete units 3, 4, 5, and 6 have been provided, save the $800,000 item, which passed the House recently. The second step of the program planned by the Army engineers contemplates that units 3 and 4 will be ready for service by June 1941. At that time the installed capacity will be 194,400 kilowatts. The Administrator anticipates that he will be crowded for capacity by that time and has requested the Army engineers to accelerate completion of units 3 and 4 so as to have them ready for service by January 1, 1941.

Units 5 and 6 are scheduled for completion about June 1, 1942. When units 5 and 6 are completed the plant's installed capacity will be 300,000 kilowatts.

Units 5 and 6 will be subject to shut-down when the foundations for units 7 to 10, inclusive, are installed. Shutting down units 5 and 6 during such a construction period will give the plant a firm available capacity equal to the sum of the first four units, or 194,400 kilowatts.

With the installation of units 7 and 8, the plant's capacity will be 410,000 kilowatts. If funds were provided this year, the earliest completion date for units 7 and 8 would be June 1, 1943.

When units 9 and 10 are completed the plant's capacity will be 518,400 kilowatts. If funds were provided this year for initial work, the earliest completion date for units 9 and 10 would be June 1944. The lack of provision for units 7 to 10, inclusive, will delay this program possibly 1 or 2 years beyond the dates given.

FARM LOAD

The latest available studies by the Farm Journal indicate that there are 61,137 occupied farms in Oregon and 81,105 such farms in the State of Washington. In Oregon 30,303 of such farms are electrified and 30,834 farms do not have electric service. In the State of Washington 48,375 farms are electrified and 32,730 farms are not.

Eastern Oregon and eastern Washington represent a substantial farm market. In this area 12 Rural Electrification Administration projects are under construction or completed. There is a large and highly successful cooperative with about 1,500 miles of rural lines in southeastern Washington. Eastern and central Oregon and the unserved areas in the Willamette Valley are now active in organizing Rural Electrification Administration cooperatives.

Rural Electrification Administration has recently had a field representative in the State of Oregon and this representative has estimated that there are 11 unserved rural areas that can be profitably developed. These unserved areas represent a rural line mileage of 978 miles.

Under the Bonneville filed tariffs such power can be purchased at one-half cent per kilowatt-hour. This possible saving in wholesale prices represents $12.50 per farm-year for the medium user and about $25 per farm-year for the larger consumer who utilizes an electric stove and labor-saving devices. These areas have farms of large dimensions. Therefore one of the essential requisites for a successful rural enterprise is low-cost current.

In the testimony before the Interior subcommittee it was pointed out that eastern Oregon and eastern Washington are sections devoid of fuel and installed hydro capacity. The available present capacity in this eastern country per thousand population is only 28 percent of the similarly installed per capita capacity in the remaining portions of these two States. This eastern section of Oregon and Washington has a population of 248,000, of which 91,000 is rural. The possible revenue accruing from the eastern Oregon and Washington lines would be in excess of $850,000 per year, which will justify the lines proposed by the Administrator. There is an early market for 68,000 kilowatts in this region, according to the testimony.

DUPLICATION

The policy of the Bonneville administration is to avoid duplicating existing lines. Last year the question of duplication was raised on the floor, and the parallelism of the project's transmission line from Vancouver to Eugene was cited. When this question was then up, attention was called to the lack of capacity of the private parallel lines in the Willamette Valley. Since that time the position taken on the floor has been sustained by the actual contracts with the Portland General Electric Co. for delivery at Salem and a pending contract application from the Mountain States Power Co. for delivery at Eugene. These companies would not toll current over the Government lines if their lines had the available capacity or requisite reserve.

POLICY PROVISIONS

Mr. Chairman, the policy covering the transmission and marketing of Bonneville power has been set by Congress in the organic act, approved August 20, 1937. The four outstanding policy provisions of this legislation are as follows:

First. The administrator is directed to sell the power at such a rate, subject to approval by the Federal Power Commission, so that the Federal Government will be reimbursed over a reasonable period, with interest, for its investment in power facilities. The interest rate has been set by administrative action at 3½ percent and the amortization period 40 years.

Second. The administrator is directed to construct, or purchase and to operate, transmission facilities to existing and potential markets, so as to encourage the widest possible diversified use of electricity.

Third. The administrator is directed that the project is to be operated for the benefit of the general public, particularly rural and domestic consumers.

Fourth. Fifty percent of Bonneville power is reserved to 1942 for public bodies and agencies. However, in this interim

the administrator has authority to sell such reserved power so long as it does not interfere with the preferential rights of public agencies.

Mr. Chairman, the article I referred to in the Christian Science Monitor is as follows:

BONNEVILLE AREA ADDS IRON PLANT TO ITS LIST

[Special to the Christian Science Monitor]

VANCOUVER, WASH., March 5, 1940.—The new industrial frontier radiating from Bonneville Dam and its abundance of cheap power, welcomed another important pioneer recently with the announcement of a pig iron production project which will use a commercially new electric process.

Second, such announcement within just a few weeks, the iron plant's choice of this section was preceded by news of a plant for production of aluminum. Both plants will be constructed near Vancouver, which is across the Columbia River from Portland, Oreg.

A contract has just been signed by the Sierra Iron Co. for Bonneville power ranging from 6,000 kilowatts the first year to 30,000 within 2 years; and by the Aluminum Co. of America for 32,500 kilowatts.

Iron ore for the projected pig-iron production will be taken from open pits just across the Columbia, near Scappoose, Oreg., say the project's sponsors. Coal will be taken from Chehalis, Wash., deposits, and limestone will come from several points in the Northwest.

COAL WILL BE USED

In spite of the use of electricity coal will still be an important factor in the iron plant's operation.

The contract for cheap Bonneville power was signed for the Sierra Iron Co. by D. H. Blotchford, president, of Los Angeles, and Paul J. Raver, Power Administrator for Bonneville Dam. The Sierra Co. is a Nevada corporation with California financing. Its contract calls for power delivery not later than June 1 this year.

Announcement of the two projects not only opens up new industrial vistas for the Pacific Northwest, but points toward immediate development of latent resources.

It has been pointed out that the Pacific coast demand is increasing for iron and steel, and that the home market would absorb a large output if mills were installed in this area.

President Roosevelt has indicated development of adequate steel capacity on the Pacific coast is a matter of great importance, and that it would be highly desirable from the standpoint of national defense.

One expert who has taken part in many surveys relating to feasibility of iron and steel production in the Pacific Northwest said investigations indicate the western market could use the production of plants of 750,000 tons annual capacity.

MATERIALS EASILY AVAILABLE

Materials, he said, should be available either close at hand or by low-cost water transportation.

Operations of the proposed iron plant will be watched with great interest by iron and steel men everywhere because of its departure from ordinary methods.

Electric smelting of iron ore has been the object of intensive research throughout the world but has made little headway, largely because of power costs and the fact that the unit size of furnaces already in use is so much larger than those required for electric use.

Furnaces to be installed by the Sierra Co. were designed by Albert E. Greene, of Seattle, metallurgist and electric furnace maker, who has done much experimental work in the use of electricity for smelting iron and manganese ores.

"Coal is used as the reducing agent," says Mr. Greene. "The coal may be of the abundant subbituminous or noncoking bituminous rank and may consist of the fines which are obtainable.

"Reduction takes place at the feed end of the furnace, with metal and slag flowing to the tapping end."

Mr. Blotchford said the Sierra Co. chose its site at Vancouver because it has access to four railway lines and ocean-borne transportation. It is also near a main auto highway.

He says his company expects the plant to develop a production of 100 tons of pig iron a day before the close of 1940, and plans, at the peak of its Bonneville contract, to produce 500 tons a day.

The first unit of the plant is scheduled to cost $120,000, and the completed plant $600,000.

Mr. MOTT. Mr. Chairman, I move to strike out the last word. Like my colleague from Oregon [Mr. ANGELL], when it appeared that the gentleman from Massachusetts [Mr. WIGGLESWORTH] was to offer an amendment which, in my opinion, would have prohibited the construction of transmission lines, I reserved my time in this debate for argument against that amendment. I commend now the fairness of the gentleman from Massachusetts in withdrawing that amendment, and I commend, also, the fairness of all those who have taken part in this debate.

When I spoke to the gentleman from Massachusetts and told him what, in my opinion, his amendment, if adopted, would do in the way of obstructing the further building of transmission lines, he realized that it might stop the construction of transmission lines altogether. He had no intention of stopping this work. He therefore offered to withdraw the amendment, and he did withdraw it. This generous and sportsmanlike action on the part of the gentleman from Massachusetts leaves nothing further to be said on his proposed amendment. I wish to take this opportunity, however, to say to my colleagues that they are to be congratulated for voting today to provide this $5,500,000 to continue the construction of transmission lines to carry the power from Bonneville into the areas which need and want that power. We do not contend that the Bonneville is by any means the only legitimate Federal hydroelectric power development in the United States, yet we do contend that it is a 100-percent legitimate project and that it is a 100-percent self-liquidating project. Under the provisions of the basic law this entire project must be liquidated within 40 years, and it must return a revenue of 3½ percent to the Government. The rates must be made in such a way that this project will do that, and under the system which is now in operation, that will be done.

The Bonneville project is one of the most valuable projects of its kind that can possibly be imagined. It will serve some 30,000 farms in the Willamette Valley alone. That valley has a population of over half a million people and is one of the most important agricultural areas in the United States. When the Willamette flood-control project is completed, it is estimated that at least one-third of the Bonneville power will be used for power pumping in the irrigation districts which will be created in the valley upon completion of the flood-control project.

I think that the Bonneville project is now so well understood by a majority of the Members of the House of Representatives that we will have little trouble in the future in securing whatever money is necessary to entirely complete it. This, I am sure, will redound to the benefit not only of the people who now live in the area it directly serves, but for the benefit of the people of the United States generally.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MOTT. Yes; I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Would the gentleman be in favor of similar projects, in other States, as, for instance, the Cabinet Gorge project? Would the gentleman be for that, would he vote for it?

Mr. MOTT. I have voted for all those projects which, in the opinion of the Army engineers, have been found after careful examination and survey to be of such value to the people that benefits to be derived from them would more than compensate for the expense necessary to build them. If the gentleman's project comes within that class, I would be glad to support it.

Mr. WHITE of Idaho. I am glad to know the gentleman would support it.

The CHAIRMAN. The time of the gentleman from Oregon has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the bill be considered now as read to page 80, line 5, at the end of line 4.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma that the bill be considered as read to page 80, line 5?

Mr. TABER. Mr. Chairman, reserving the right to object, what is the object of that?

Mr. JOHNSON of Oklahoma. As I understand it, that is the agreement which has been reached. There is no objection to any item from now until page 80.

Mr. TABER. And does that mean that a point of order may lie at any point in between or that an amendment may be offered?

Mr. JOHNSON of Oklahoma. Of course.

Mr. TABER. Mr. Chairman, I have an amendment before we get to that point, on page 16, which I desire to offer.

Mr. JOHNSON of Oklahoma. And points of order will lie.

Mr. TABER. Anywhere between here and page 80?

Mr. JOHNSON of Oklahoma. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. NICHOLS. Mr. Chairman, I reserve the right to object. Do I understand that the gentleman's interpretation of the request is correct, that points of order will lie at any of the pages between here and page 80?

The CHAIRMAN. That is a part of the gentleman's unanimous-consent request. Is there objection?

There was no objection.

Mr. TABER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 16, line 3, strike out "$893,880" and insert "$750,000."

Mr. TABER. Mr. Chairman, this amendment would reduce the bill down to the figures of the President's Budget.

Just think of me having to come here and support the President. Not a single Member on his own side of the aisle rises to support him.

There was absolutely no excuse whatever for raising this item for surveys of public lands above the Budget estimate by $143,000. All I am asking you to do is to support the President, and get down to $750,000 in line with the Budget estimate.

I am not going to say any more. I want to see whether you will do it or not.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman, in his enthusiasm, forgot to tell that this is $100,000 below what was spent for this same purpose last year. He also forget to tell you that there are several hundred million acres of land as yet unsurveyed, and it pays its own way. As was pointed out in my opening statement, this is one of the few departments of the Government that more than pays its own way. Besides that it will give a splendid opportunity for many worthy young men to secure employment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were ayes 79 and noes 86.

So the amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I make a point of order. On page 29, beginning with the last word on the page, "to," I make a point of order against the following language:

to be reimbursed under the provisions of the Act of February 14, 1920, as amended (25 U. S. C. 413), except that reimbursement shall not be required for expenditures in connection with Indian lands for which no production or compensatory royalty accrues, or for expenditures in excess of 10 percent of such royalties accruing from mineral-lease operations within any reservation or agency jurisdiction.

My point of order is that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. JOHNSON] desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RICH. Mr. Chairman, I make a point of order to the language on page 67, after the figures "$400,000", down to and including the word "created", in line 12, as follows:

and in addition thereto the Secretary of the Interior may incur obligations and enter into a contract or contracts not exceeding the total amount of $815,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for continuing construction of the project shall be available for the purpose of discharging the obligation or obligations so created.

It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. We concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. ALEXANDER. Mr. Chairman, I make a point of order against the language on page 13, beginning in line 17, after "$141,000," down to and including "$100" at the end of line 3 on page 14, which language reads as follows:

of which amount not exceeding $10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of $10,000 and $9,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of $100.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. We have passed that point, Mr. Chairman. The gentleman speaks too late.

Mr. TABER. Mr. Chairman, the reservation was made that we could make points of order all the way through.

The CHAIRMAN. The unanimous-consent agreement was from that point where the Clerk had been reading, on through to page 80.

Mr. TABER. Yes.

Mr. JOHNSON of Oklahoma. We had passed that point.

Mr. TABER. No. The Clerk had not read that.

Mr. JOHNSON of Oklahoma. The point of order undoubtedly comes too late.

The CHAIRMAN. The Chair is advised by the Clerk that he had concluded the reading of page 12, and therefore the point of order made by the gentleman from Minnesota [Mr. ALEXANDER] is made in time.

Does the gentleman from Oklahoma desire to be heard on the point of order made by the gentleman from Minnesota?

Mr. JOHNSON of Oklahoma. I would like to know what lines the gentleman from Minnesota refers to.

Mr. ALEXANDER. Starting after "$141,000", in line 17, on page 13, and going through the balance of that entire section, through line 3, on page 14.

Mr. JOHNSON of Oklahoma. I do not care to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. ALEXANDER] makes a point of order to the language appearing on page 13 as indicated by him. The language appearing in line 17, after "$141,000", on through the next four lines, was held subject to a point of order on April 21, 1938.

Therefore the Chair sustains the point of order to that and the remainder of the paragraph.

Mr. JOHNSON of Oklahoma. My understanding is that the point of order did not strike out the whole paragraph?

The CHAIRMAN. Beginning on line 17, page 13, with the word "of", on through the remainder of the paragraph.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 21, line 20, strike out the period, insert a colon and the following: "*Provided further*, That no part of this appropriation shall be available to conduct elections in any reservation or on any matter which has been previously voted upon there unless 2 years have elapsed."

Mr. JOHNSON of Oklahoma. There is no objection to the amendment from this side of the aisle.

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

INDIAN TRIBAL ORGANIZATIONS

Mr. CASE of South Dakota. Mr. Chairman, the amendment which I have offered merely proposes that none of the funds in this appropriation may be used to conduct elections on a matter on any reservation when that reservation has held an election on the same question within 2 years. It proposes to give the Indians and the Indian Office that much of a breathing spell from the turmoil and feelings that these elections generate, also, and quite important, the expense.

Under the provisions of the Wheeler-Howard Act—that is, the act of June 18, 1934—elections may be held on charter,

constitution, and so forth, whenever 30 percent of the eligible members of a tribe so petition. This is true, regardless, at present, of how recently or how frequently the Indians on that reservation may have expressed themselves on the subject.

Every election costs money. It costs the Government money. This appropriation item of $74,540 proves that. It also costs the Indians money who want to oppose the proposed action, and it probably costs something to the individual Indians who work with Government money.

It would seem that when a specific matter comes up and is voted on decisively once in 2 years, that that should be often enough. That is the time intervening between the general elections for Members of Congress.

My amendment, as worded, would not prevent elections to amend a constitution or charter once adopted, provided that the amendment proposed had not been voted upon within 2 years. A different subject matter could be the subject of a new election. But the amendment is intended to prevent, and would prevent, elections more frequently than once in 2 years on a subject matter or question upon which an election had been held.

My attention has been directed to the need of such a provision by the repeated elections on some of the Sioux reservations where elections are held over and over with the same result. It is all right to pass upon a question more than once, but when it has been thoroughly considered, the people are entitled to a little rest to see if conditions change before they have the fuss of another election.

The question may be asked how another election can be held unless the people ask for it. That means nothing. It is easy to get signers for a petition. That is true as a general proposition. It is easier to sign than to offend the circulator. That is particularly true when an Indian is approached with a petition which he knows will pass through the hands of some agency official who may be passing on his rations, loans, grants, or other benefits. The individual will sign or not sign according to the standing which he thinks it will give him at the office, and so would you. Every Member of this House knows well the difference between a record vote and a mere voice vote. One puts you on the spot and the other does not.

So the Indian signs the petition, but when he votes in a secret ballot, he votes his convictions. That is why petitions can be obtained calling for repeated elections at which the votes for a proposition will not equal the signers on the petition.

The result is bad feeling, wasted time, wasted effort, and wasted money, Government money and Indian money. My amendment is designed to prevent this. An election on a given subject once in 2 years is often enough. Those who understand the Indian country, I am sure, will agree that this amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. ROBINSON of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Utah: On page 80, line 5, after the word "Utah", strike out "$750,000" and insert "$1,250,000."

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ROBINSON of Utah. Mr. Chairman, there was a Budget estimate for this amount submitted by the Bureau of the Budget. Through a mistake the proper amount was not included in the bill. This amendment is offered to correct the mistake.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. RICH. The committee has agreed to accept the amendment because of the Budget estimate.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I desire to say that the committee has accepted the amendment. There was a Budget estimate for the full amount.

Mr. ROBINSON of Utah. I wish to supplement my remarks by reading at this time a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000 for the Provo River, Utah, reclamation project.

THE WHITE HOUSE,
Washington, March 5, 1940.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for the consideration of Congress a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000.

The details of this estimate, the necessity therefor, and the reasons for its transmission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., March 5, 1940.

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000 as follows:

BUREAU OF RECLAMATION

Reclamation fund, special fund: Provo River project, Utah: For an additional amount for continuation of construction, $500,000, from the reclamation fund, special fund, fiscal year 1941, to remain available until expended (43 U. S. C. 373A; 53 Stat. 717)---------- $500,000

This estimate is to provide for beginning the construction of the Duchesne tunnel, a unit of the Provo River project estimated to cost approximately $2,000,000 and requiring about 4 years to complete.

The Provo River project, in addition to providing water for irrigation, will also furnish a supplemental water supply for Salt Lake City, Utah. The entire project will cost about $15,774,000, of which $5,415,000 has been provided to date. The city has contracted to pay about 40 percent of the cost of the Deer Creek division and practically the entire cost of the aqueduct. These two features will cost $7,600,000 and $5,800,000, respectively. The Duchesne tunnel, 5.5 miles long, and having a capacity of 325 second-feet, will divert water from the upper tributaries of the Duchesne River in the Colorado River watershed to the Provo River for storage in the Deer Creek Reservoir. Water so stored is to be used to augment the municipal water supply of Salt Lake City. Unless this diversion is made, the water stored in the Deer Creek Reservoir will be insufficient to meet the demands of Salt Lake City.

It is estimated that the Deer Creek Dam will be completed in May 1942 and work is in progress on the tunnels and conduit to carry the water into Salt Lake City.

While the original estimate of $750,000 contained in the 1941 Budget for continuation of the Provo project contemplated work on the Duchesne tunnel, it has now developed, that this $750,000 will all be required to meet contractual obligations for other features of the construction program. Favorable weather conditions and a longer construction season have permitted the contractors to progress more rapidly than originally contemplated. Unless funds are made available for beginning the construction of the Duchesne tunnel, it will be impossible for Salt Lake City to derive any benefits from the other units of construction now in progress.

The foregoing estimate is required to meet contingencies which have arisen since the transmission of the 1941 Budget and its approval is recommended.

Respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

Mr. WHITE of Idaho. Mr. Chairman, before the bill, H. R. 8745, making appropriations for Interior Department for fiscal year 1941 passes, I wish to make a statement showing that an additional appropriation will be necessary for carrying on the construction of reclamation projects now being financed from the revolving fund.

Mr. Chairman, I wish to refer to the statement of Commissioner Page on page 356 of the hearings under subtitle "Estimates for 1941."

Mr. JOHNSON of Oklahoma asked Mr. Page the following question:

How much did you ask the Budget for?

Mr. PAGE. $67,000,000 plus.

This bill provides approximately $20,000,000 less than the amount required.

Mr. Page is a very conservative and efficient officer of the Government, and when he asked for $67,000,000 I am certain he needed every penny he asked for.

However, to satisfy myself, I checked the hearings and other data, and I find a list of 14 medium-sized projects approved and under construction, as follows:

	Amount needed to complete
Gila, Ariz.	$15,907,589
Colorado-Big Thompson	47,088,000
Boise, Idaho, Arrowrock division	9,191,789
Boise, Idaho, Payette division	4,213,000
Grand Valley, Idaho, Upper Snake	19,725,000
Lugert-Altus, Okla.	5,300,000
Deschutes, Oreg.	5,824,000
Klamath, Oreg.	603,000
Tucumcari, N. Mex.	5,155,000
Provo, Utah	9,609,000
Yakima, Wash.	6,515,000
Kendrick, Wyo.	1,968,000
Shoshone, Wyo.	2,300,000
Riverton, Wyo.	3,448,000
Total	136,847,378

The projects to which I am calling your attention are not the large new power projects being financed from the General Treasury. They are the smaller reclamation projects under construction from the revolving fund.

Projects with thousands of people already making their homes and living on the land and more thousands of homes in the cities and villages within the area.

These projects are largely supplemental water projects where the Federal Government already has a substantial investment which is being rapidly repaid by the settlers.

To complete these projects costing approximately $137,000,000 on a 5-year-average basis will require annual appropriations of twenty-seven or twenty-eight million dollars.

The bill under consideration allows about $6,000,000 or $22,000,000 less than required on a normal construction basis.

We talk a lot about "economy," but we seem to be able to find the money to build a couple of battleships every year at a cost of over $100,000,000 each.

On a 5-year-construction basis we will spend for 10 battleships 10 times the amount we need to complete all of the major reclamation projects of the West outside of the power projects which have already justified their construction by returning costs to the General Treasury at the rate of many millions per year in excess of original estimates.

Gentlemen, what is the use of building battleships if we are to neglect our internal situation? Why, I ask you, continue to build battleships at a cost of $100,000,000 each and neglect to complete a necessary piece of work when we know that the life of a battleship is only a little over 20 years?

The present European war will exhaust every nation that under any circumstance would attack the United States.

Gentlemen, I am serving notice now that as chairman of the Irrigation and Reclamation Committee of this House, I intend to propose legislation that will provide the necessary funds to complete the projects on the list mentioned and other necessary projects.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The amendment was agreed to.

Mr. RICH. Mr. Chairman, I move that the bill be considered as read down to line 17 on page 113 with the understanding that points of order may be raised, or amendments offered, to any paragraph between page 80 and line 17, on page 113.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 113, line 3, after the word "Budget", insert ": *Provided further*, That no part of the foregoing appropriations for the National Park Service shall be available for the payment of salaries or expenses of any employee of the National Park Service assigned to duties in connection with the Jefferson National Expansion Memorial in St. Louis, Mo."

Mr. JOHNSON of Oklahoma. Mr. Chairman, there is no objection from the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 111, line 20, add the following paragraph:

"Recreational administration areas: For administration, protection, and maintenance, including not exceeding $10,000 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicle, $250,000: *Provided*, That the National Park Service is authorized to retain the services of the project managers without reference to civil-service laws until the United States Civil Service Commission establishes appropriate registers of eligibles for such positions as are otherwise filled by civil-service employees."

Mr. TABER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. VAN ZANDT. Mr. Chairman, the amendment which I offer at this time concerns recreational demonstration areas located in 23 States with a total area of approximately 400,000 acres.

The amount of $250,000 specified in the amendment is necessary if these areas or public parks are to remain in operation for the fiscal year 1941.

The Federal Government spent large sums in developing these recreational areas in more than 20 States, and up until this time no item has been included in the Interior Department appropriations for the administration, protection, and operation of these parks. Each year the necessary money has been supplied from the emergency relief appropriations. This item rightfully belongs in the Interior Department budget because the National Park Service has supervision over these Federal-developed parks.

At this very moment there is no assurance that emergency relief funds will be available for this purpose after July 1, and since the Government has no legal authority to deed these parks to the States or other political subdivisions, due to the President's vetoing such a measure last year, they clearly become the responsibility of the Federal Government.

There are 52 of these areas located in 23 States, and, for the information of my colleagues, I submit the following States in which these parks are located:

Alabama	1
Maine	2
New Mexico	1
Pennsylvania	5
Tennessee	3
Indiana	2
North Dakota	1
California	1
Georgia	3
Maryland	1
New Hampshire	1
Rhode Island	1
Virginia	10
Michigan	2
South Dakota	1
Oregon	1
Kentucky	1
Missouri	3
North Carolina	1
South Carolina	8
Illinois	1
Minnesota	1
Oklahoma	1

During the past year 319,419 persons used the camping facilities of these parks, while 972,842 persons were day visitors, or a total of 1,292,261 persons.

The cost per capita was 16 cents which is small in comparison to the many benefits derived from the use of these recreational areas.

Gentlemen, in asking support for this amendment I do so conscious of the fact that thousands of our fellow Americans look to these parks for recreation and relaxation during the summer season.

In my own district Blue Knob National Park offers to the average family a day's outing, while the camping facilities are enjoyed by young and old alike.

The Girl Scouts of Cumberland, Md., and Altoona, Pa., and the Y. W. C. A. of Johnstown, Pa., located in the district of my good friend and colleague from Pennsylvania, HARVE TIBBOTT, have formed an organization known as the Blue Knob Camp Association, paying the annual rental fee charged by the Department of the Interior.

Last year 19,091 persons used the facilities of this park, of which 14,023 were day visitors while 5,068 were campers.

This park is typical of the other areas referred to and I hope that the Members of this House will stop to consider what these areas mean to thousands of our citizens who seek the many natural advantages that the great outdoors affords through the use of these Federal-developed parks.

I feel certain that in weighing the many benefits resulting from the operation of these areas you will be moved to give favorable consideration to this amendment. [Applause.]

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. The gentleman is closely connected with ex-service organizations. I want to say to him that American Legion posts in my State have written to me to the same effect, and I imagine other ex-service organizations as well are interested. Of course, those who have contacted me had in mind those areas nearest home.

Mr. VAN ZANDT. The veteran organizations are interested in these parks throughout the country because of their great desire to give to the American people the advantages of outdoor life.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman has made a very excellent address, and I personally feel very kindly toward recreational areas; but I call attention to the fact there is no Budget estimate for it and there is no authorizing legislation. For these reasons I feel constrained to make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. VAN ZANDT] desire to be heard?

Mr. VAN ZANDT. Mr. Chairman, may I ask the gentleman if it is not true that the Interior Department included in the budget it sent to the Budget Bureau an item covering these recreational areas?

Mr. JOHNSON of Oklahoma. I am not sure. We have no way of knowing what the Interior Department did. I think I can assure the gentlemen, however, that the Park Service is very favorable toward these recreational areas, and I am sure every member of the committee feels that way about it.

Mr. MOTT. The gentleman states the Interior Department sent an estimate to the Budget for this item and still there is no legislation authorizing it?

Mr. JOHNSON of Oklahoma. No. I said the Interior Department feels very kindly and very favorable to it.

Mr. MOTT. The Department did send up an estimate, did it not?

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Oklahoma [Mr. JOHNSON] makes a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT].

The Chair has examined the amendment and it appears clearly to the Chair that the proviso included in the amendment is legislation on an appropriation bill; therefore the point of order is sustained.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Page 111, after line 20, insert a new paragraph as follows:

"Mount Rushmore National Memorial Commission. Any unexpended balances of funds available for obligations for the Mount Rushmore National Memorial on June 30, 1940, shall hereby continue available during the fiscal year ending June 30, 1941, for the same purposes for which such funds were originally appropriated and under the same conditions and limitations with respect thereto."

MOUNT RUSHMORE MEMORIAL

Mr. CASE of South Dakota. Mr. Chairman, the amendment I have offered continues the availability after June 30 of any funds now appropriated to the Mount Rushmore Memorial Commission, which may be unexpended on that date. Existing conditions or requirements as to their use are continued by the wording of the amendment.

It is true, as the printed hearings show, that when the sculptor-engineer, Gutzon Borglum, appeared before the appropriations committee a year ago he promised "to complete the work" with the funds requested by June 30, 1940. The funds were appropriated, $75,000 to be immediately available and $175,000 to be available during the current fiscal year.

The Commission budgeted the work and funds, but obviously, in a work of that character, combining the art of sculpturing with the science of engineering, it is quite possible that time and money may not come out evenly on June 30 next. The Secretary of the Commission advises me that a small balance of funds may be on hand which could be expended before that date, but would be spent more orderly if it could be used after that date. Bad weather or break-downs in machinery may interfere with the work as programmed.

Congress, we hope, will have adjourned by June 30. It would be unfortunate, if on that date, some part of the work programmed with these funds were not finished and the money already appropriated should revert to the Treasury where it could not be touched until Congress meets again in January. I have explained the amendment to the members of the subcommittee, and they have said it is acceptable to them.

Many Members of Congress ask me about Mount Rushmore. Increasingly it is recognized that this is America's greatest memorial. On it, the Government has spent only a fraction of what has been spent on other memorials of far less significance, grandeur, and permanence. Probably many of you saw the Washington head on the cover of the Saturday Evening Post a couple of weeks ago. I invite and urge you all to see the memorial itself, with the heads of George Washington, Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt, in the Black Hills of South Dakota, at your earliest opportunity.

Mr. JOHNSON of Oklahoma. Mr. Chairman, there is no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment to correct the total, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 81, line 3, strike out "$6,697,000" and insert "$7,197,000."

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 81, line 16, strike out "$6,599,600" and insert "$8,099,600."

Mr. CARTER. Mr. Chairman, that is just a correction of the total?

Mr. JOHNSON of Oklahoma. That is right.

The amendment was agreed to.

Mr. CRAWFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAWFORD. When the gentleman from Minnesota submitted a point of order it struck out the $141,000 on page 13?

The CHAIRMAN. No. The point of order made by the gentleman from Minnesota was to the language following the figures cited by the gentleman from Michigan.

Mr. CRAWFORD. As I understand it, it is not now in order to offer an amendment to that section of the bill, pro forma or otherwise?

The CHAIRMAN. The gentleman is correct. That part of the bill has been passed, and another unanimous-consent request has been agreed to since then.

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD relating to page 13.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

Mr. CRAWFORD. Mr. Chairman, I wish to address my remarks to the phase of this bill which has to do with some of our island possessions and territories. In hurriedly glancing through the testimony submitted by Governor Cramer in connection with the Virgin Islands I find some of the information which I desire, but apparently some of it is not available. The Governor states, on page 1002 of the hearings:

> I was up here for 4 months last year trying to get favorable action, but, unfortunately, did not succeed in doing so. We want to be given the same treatment that Puerto Rico and the Philippine Islands get with respect to internal-revenue taxes collected on our products.

Just prior to that the Governor was commenting on the proposition of getting benefit payments for sugar growers in the Virgin Islands under the Sugar Act of 1937. He also referred to certain refunds or cancelations of what I believe they term there as export taxes. I understand that in addition to the Governor being in Washington a delegation from the Virgin Islands was here for several months last year attempting to get some very mild legislation approved which would help them in working out their economy. I believe a bill—H. R. 4773—is now pending before the Ways and Means Committee. As one who takes a little bit of interest in the offshore areas, I hope the Ways and Means Committee will see fit to favorably report at this session of the Congress the bill to which the Governor referred and the one to which I referred, and which any Member of the House can get full information on if he will inquire of the Ways and Means Committee. The legislation should be enacted this session, and I urge upon our acting chairman today that he press the Ways and Means Committee to favorably report the bill at an early date. It would greatly help the islanders.

The Governor speaks about spending 4 months here in Washington. On page 998 of the hearings, the gentleman from Pennsylvania [Mr. RICH], commenting on the ownership of the Virgin Islands Co., asked this question:

> Then you and the Secretary of the Interior and the other stockholders own the plant?
>
> Governor CRAMER. No, sir; we no not; because we signed a trust agreement which was to the effect that we would never get anything out of the company. Everything coming out of it was intended to be used for the rehabilitation of the people of the Virgin Islands.
>
> Mr. RICH. It does not look like anybody else will get anything out of it, from the financial reports you give. Can you give us a statement for the Virgin Islands Co. for this year? You said you could give it.
>
> Governor CRAMER. I did not say I could give it, but I said I will try to get it.

Mr. Chairman, the Members of this House are entitled at all times to have submitted to them the operating statements and balance sheets of all our companies with such sweeping charters as that held by the Virgin Islands Co. There is a lot of information I should like to have, as a Member of this House and as one who sits on the Insular Affairs Committee, pertaining to the very operations of the company here referred to. I am informed that the Governor of the Virgin Islands spends most all of his time out of the islands and the greater part of it in the city of Washington.

Businessmen and other citizens of the islands feel that the Governor spends too great a proportion of his time away from the islands. With the Virgin Islands Co. playing such an important part in the economy of the people, they are justified in being concerned about their privately owned business, which must compete, directly or indirectly, with the Government-owned operation. Naturally, they desire to have the Governor available most of the time, so that appeals and petitions and perhaps complaints may be filed with him personally.

I do not have access to the Governor, as do members of the Appropriations Committee, otherwise I would certainly use a lot of my energy in attempting to get full and detailed information with reference to exactly what has happened in connection with the rehabilitation program into which we have poured a lot of money, and as a result of which very little relief, if any, has come to the people down there. On the one hand, we pour money into the islands and on the other we impose wage and hour restrictions, export taxes, and other barriers to their economic and social progress, all of which renders them more unable to help themselves. This occurs because the Members of this body do not thoroughly understand the situation in the islands. I sincerely trust we will mend our ways. I believe the Committee on Appropriations will be rendering a great service if it will insist on the Governor's furnishing detailed information in connection with the condition of the Virgin Islands Co. and in line with this testimony.

We have on our hands at the present time two staggering problems, one much greater than the other, of course. The larger one is in Puerto Rico and the smaller one in the Virgin Islands. I believe it is somewhat of a tragedy that we are not closer to the economic problems and the social problems of those two areas. In my opinion, as a Member of this House who has not been here very long, we pay too little attention to what takes place in the offshore areas. I believe we are not familiar enough with the social and economic problems of Puerto Rico, in particular, as well as the Virgin Islands. The Governor of the Virgin Islands points out what tremendous difficulties they have there as the result of the droughts which visit that area from time to time. In recent months, as a matter of fact for the last 2 years, they have had a recurrence of a disastrous drought there. Those people still operate more or less under the old Danish law. We purchased the islands from Denmark years ago.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield 4 additional minutes to the gentleman from Michigan.

Mr. CRAWFORD. I believe we can help them help themselves tremendously by paying some attention to a further revamping of the organic law. We could also very appropriately give further consideration to the situation in Puerto Rico, which at the moment is very bad and, in my opinion, growing worse every day. I think our Insular Affairs Committee could very constructively be more active than it is. I do not want to be too critical of the Governor or the people of the Virgin Islands as long as I personally feel that part of the blame rests on the shoulders of the Members of this body.

This also applies to Puerto Rico. I believe we have been guilty of a terrible injustice to the Puerto Ricans in connection with our Wages and Hours Act. I believe our attempt to solve the sugar problem has been unfair to Puerto Rico. I believe our reciprocal-trade agreements have been unfair to Puerto Rico. I believe many other sins of omission and commission which can be traced to the floor of this House have contributed to the social and economic unrest of the Puerto Ricans. Some day we shall have to answer for them.

In that area there is a population of about 1,800,000, or, say, not more than 2,000,000, which is increasing, I am informed, at the rate of more than 35,000 per annum. They have unbelievable poverty down there. Of course, we also have plenty of poverty in the United States. Their legislative bodies cannot act independently of the Congress. We have aided the building of a political status for the Puerto Ricans which is most disadvantageous to them. We have built a type of commercial agriculture exclusively suitable for exportation. We have contributed to a curtailment of subsistence farming, encouraged absentee ownership, promoted a system which compels the people to import practically their entire subsistence and materially added to their cost of living. New sources of employment are conspicuous by their absence, although the population rapidly increases. Their productive possibilities tend to vanish; their resources are coming to

naught; the people grow poorer and poorer; a collective restlessness grows; discontent arises, and entirely too many of the people are plunged into despair. There is imposed upon us a greater responsibility from a trustee standpoint, because we are more or less responsible for their keeping. Every year we contribute heavily to their treasury, but at the same time, in my opinion, we could do a much better job in the way of constructive assistance than we do at the present time.

I should like now to make a few comments upon the Philippine situation. We have here, I understand, an appropriation of approximately $141,000 to pay the expenses of the High Commissioner of the Philippines. God only knows what will happen in connection with the Philippines. Their independence is on the way. Personally, I do not believe the Filipinos want independence—I mean the people who are capable of thinking—but, nevertheless, we have said to them that they will get independence. I personally feel that the people of this country are determined to give them their independence.

What is to be our program in continuing to subsidize the Filipino economy as a result of direct remittances which we make to their treasury from year to year? It is my understanding that the gentleman from Minnesota [Mr. ALEXANDER] will discuss this same proposition very shortly, and I shall not intrude on his comments.

COCONUT-OIL EXCISE-TAX ACCUMULATIONS

It is my understanding that the aggregate of the coconut-oil excise-tax accumulations up to December 31, 1938, amounted to some $73,928,012.77, and that in this figure there is included an overcredit of $1,200,000, leaving a balance of $72,728,012.77 as of the last-mentioned date; that for the year—12 months—of 1939 there accrued $17,468,379.22, and for January 1940 there accrued the sum of $1,302,898.77—an altogether total to February 1, 1940, of, let us say, $91,500,000. This, even the Filipinos must admit, is a pretty sum to be deposited in their favor.

SUGAR EXCISE-TAX ACCUMULATIONS

Section 503 of the Sugar Act of September 1, 1937—Public, 414, Seventy-fifth Congress—authorizes to be appropriated an amount equal to the amount of the taxes collected or accrued under title IV of the above-mentioned act on sugars produced from sugarcane grown in the Commonwealth of the Philippine Islands which are manufactured in or brought into the United States on or prior to June 30, 1941, minus the costs of collecting such taxes and the estimates of amounts of refunds required to be made with respect to such taxes for transfer to the government of the Commonwealth of the Philippines for the purpose of financing a program of economic adjustment in the Philippines, the transfer to be made under such terms and conditions as the President of the United States may prescribe; provided that no part of the appropriations authorized shall be paid directly or indirectly for the production or processing of sugarcane in the Philippine Islands. The tax imposed under title IV, section 402 (a) (1), amounts to 50 cents per 100 pounds on 96° raw sugar, or, say, 53½ cents per 100 pounds on refined white sugar. The 1940 sugar marketing quota set by the Secretary of Agriculture and applicable to the Philippine Islands amounts to—February 23, 1940 release—1,003,783 short tons raw value, and, calculating the excise tax at the rate of 50 cents per bag on raw sugar, we arrive at an approximate figure of $10,000,000 per annum. The Sugar Act has been in operation since September 1, 1937, and it is fair to assume that the excise tax will apply until June 30, 1941. On this basis, let us make a rough calculation of, say, 46 months, and at the rate of, say, $10,000,000 per annum credit to the Philippine Commonwealth. It would amount to a total of, say, $35,000,000, after deducting the expenses necessary to administer the collection and remittance of the tax on sugar.

So, Mr. Chairman, it would appear, when we take into consideration the general attitude toward the continuation of the excise tax on oil and that on sugar, that we are rapidly moving toward a fund of near one-quarter of a billion dollars to be used in connection with the economic adjustment in the Philippines before or after independence is granted. We have not only a right but a responsibility to leave no stones unturned to see that these funds thus created are used in a very proper manner and for the specific purpose of economic adjustment. It is a very unusual procedure in these days of deficits, heavy interest burdens, and rapidly growing Federal debt. If the fund is to grow to great proportions, that will impose upon us a greater degree of responsibility. If the fund's growth is to be discontinued, that will, in turn, raise serious problems for the Filipinos. In this connection, it is well for us to remember that the necessary appropriation has not yet been made for the transfer of the sugar excise-tax funds to the treasury of the Philippine Commonwealth. In due course the Congress will be called upon to approve an appropriation to permit the transfer of the sugar excise tax to the Philippine treasury, the funds to be expended, of course, in accordance with the provisions of the Independence Act, the Sugar Act and the amendments thereto, and the Revenue Act imposing the oil excise tax.

Now, let us look at another phase of the situation which has an important bearing on the whole approach and the questions and problems involved. The 1940 budget of the Philippine Commonwealth—submitted by the President of the Commonwealth to the national assembly on February 7, 1939—shows the following:

Estimated ordinary income	₱85,500,500.00
Estimated ordinary expenditures	83,406,930.00
Estimated excess of ordinary income over ordinary expenditures	2,093,570.00
Add: Estimated current surplus on July 1, 1939	28,620,096.38
Total	30,713,666.38
Deduct: Estimated extraordinary expenditures	610,000.00
Estimated current surplus on June 30, 1940	30,103,666.38

The national budget for the fiscal year ending June 30, 1941, excluding the income accruing to and the expenditures chargeable against the collections derived from the coconut-oil excise tax, it is estimated that the total collections for the fiscal year ending June 30, 1940, will reach the sum of ₱97,061,880, including the amount of ₱9,625,230 which the Philippine National Bank recently paid to the national government as a refund on account of fixed deposits previously written off. For the fiscal year ending June 30, 1941, the total collections are estimated at ₱91,178,150, including the sum of ₱3,500,000 which it is expected will be realized from the Philippine National Bank as a refund on account of fixed deposits previously written off. The 1941 budget proposes a total appropriation of ₱89,149,130 for the ordinary or recurring expenditures.

Now, when Congress gives its approval to the transfer of the accumulated funds flowing from the sugar excise tax, and when this is added to the oil excise tax it will be found that annual contributions will approximate—on basis of present showing—about $27,000,000 annually. This is such a great proportion of the total annual budget—$27,000,000 as related to, say, $42,500,000, a peso being equal to 50 cents American money—that when it is expended there will be danger of inflation of prices and great dislocation of industry in the islands during the period of expansion or immediately following its discontinuance. In fact, we are playing with great forces here. Those who are familiar with the economy of the islands, the standard of living of the people, the primitive state of the people, and the country can, when they comprehend the importance of such a vast sum of money as related to ordinary expenditures of Government, fully realize the dangers inherent in the policy we are following.

PRIOR REVENUES AND EXPENDITURES

Now let us look at some of the previous figures. From the annual report, Chief, Bureau of Insular Affairs, for 1938, we find the following:

	1934	1935	1936	1937
Total revenues	$39,337,375	$41,419,640	$51,751,118	$106,240,713
Expenditures	35,359,795	37,906,596	46,183,096	54,553,918

NOTE.—It is important to keep in mind that the receipts for 1937 include $47,753,613 coconut-oil excise tax collected in the United States.

While it is difficult to obtain current figures on all these transactions, we do find from the report of the Joint Preparatory Committee on Philippine Affairs that by the end of March 1938 the United States Treasury had collected $61,115,123 coconut-oil excise tax for remittance to the Philippine government, this being the sum which had accrued from May 10, 1934, to March 31, 1938. There is very little chance for the repeal of the excise-tax burden, and it would appear that for some years to come the Philippine treasury will be enriched by the flow of this excise-tax money from the United States. Now, as the excise-tax fund becomes larger and larger, and as it is augmented by the appropriations which are sure to be made to cover the accruals on the sugar excise tax, it is reasonable to assume that in due course a fund in the neighborhood of a quarter of a billion dollars, or even more, will be available for economic adjustment in the Philippines. This, my dear colleagues, certainly creates further Philippine uncertainty. In the United States we have had an example of just how planned economy works out or does not work out. We know what it means to have a vast sum of money turned over to Executive discretion. We know how leaks and fraud and waste can quickly develop. Yes; we have had some experience in using hundreds of millions of dollars making economic adjustments. Can we believe that in far-away, primitive Philippines, funds will be guarded with any greater degree of care and discretion than that which we have exercised in our continental United States? We have seen how such funds can be used for political purposes. Should we assume that this will not happen in the Philippine Islands? Personally, I shall not assume that it is not necessary for us to throw about and around these funds the greatest care that is humanly possible. In building up these vast funds we are creating great temptations for the Filipino politicos. Some day someone is very likely to look upon these accruals of excise-tax funds with great envy. Why do I say this? Because it is in keeping with the way legislative bodies operate. Revenues should always be kept within the bounds of reasonable needs. When they run sufficiently high to build up great excess funds, the temptation is there, and generally someone yields to temptation and a large percentage of the funds are squandered. For us to be parties to the building up of a great fund in the islands and then, through carelessness on our part as the Congress, to permit those funds to be squandered will be a greater disgrace to ourselves than it will be to the Filipinos who participate in a waste of the funds.

Mr. Chairman, to assist an honest man to pay his debts is a constructive step to take. On June 30, 1938, I am informed, the insular government of the Philippine Islands had bonded indebtedness outstanding in the sum of $47,041,000, this sum being included in the 10-percent limitation. In addition, there was outstanding, not included in the 10-percent limitation, the sum of $6,939,000, a grand total of $53,980,000. There were outstanding bonds of railroads, guaranteed as to interest by the Philippine government, $20,168,000. It might be a highly constructive step for the Commonwealth government to use some of the excise-tax funds for the purpose of paying off the direct and guaranteed debt of the insular government. A debt paid is an obligation discharged, while new buildings constructed add to the future burden in the form of taxes for upkeep.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walter: On page 97, line 20, strike out "$324,500" and insert "$331,500", and strike out "$227,000" and insert "$234,000".

Mr. SCRUGHAM. Mr. Chairman, the committee will offer no objection to the amendment. This item was omitted through a misunderstanding.

Mr. CARTER. If the gentleman will yield, I am not informed as to what item this relates to.

Mr. SCRUGHAM. It relates to coal statistics in the Bureau of Economics. The item was omitted through a misunderstanding, under the impression that this work was being handled by the Bituminous Coal Commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: On page 86, line 10, insert a new paragraph, as follows:

"For water-conservation projects in the Great Plains, reimbursable, as authorized by the act of August 11, 1939 (Public, No. 398, 76th Cong.), $1,500,000: *Provided*, That the amount of these funds expended on projects, in which, or in part, on Indian reservations shall not exceed one-fifth of the amount herein made available."

Mr. O'CONNOR. Mr. Chairman, I understand that this amendment will be objected to by the committee, and I therefore ask unanimous consent to withdraw it.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the bill from page 113 to the end of the bill may be considered as read, with the understanding that points of order and amendments may be in order to that part of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. REES of Kansas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REES of Kansas. Mr. Chairman, I make the point of order against the language beginning in line 12 on page 114 and extending to the end of the paragraph on line 19, page 115, that it is legislation on an appropriation bill not authorized by law, and that it contains contractual legislation.

Mr. WHITTINGTON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. No, Mr. Chairman; I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Mr. Chairman, I submit that the point of order is without merit. These appropriations are specifically authorized in the act referred to in line 14, on page 114; that is to say, the Federal Highway Act of June 8, 1938. Section 8 or 9 of this act specifically authorizes appropriations for the purposes set forth in the paragraph to which objection has been made. I submit that the point of order is without merit and should be overruled.

The CHAIRMAN (Mr. COOPER). The Chair is ready to rule.

The gentleman from Kansas [Mr. REES] makes a point of order against the language beginning in line 12, on page 114, and ending in line 19, on page 115.

The Chair invites attention especially to the language appearing in the proviso beginning in line 2, on page 115, and extending through the paragraph. It appears clearly to the Chair that that is legislation on an appropriation bill, and the Chair therefore sustains the point of order.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 114, line 12, insert a new paragraph as follows:

"Blue Ridge and Natchez Trace Parkways: For continuing the construction and maintenance, under the provisions of section 8 of the act of June 8, 1938 (52 Stat. 635), of the Blue Ridge and Natchez Trace Parkways, including not exceeding $2,400, for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, to be immediately available and remain available until expended, $2,000,000, of which amount not to exceed $50,000 shall be available for personal services in the District of Columbia: *Provided*, That $700,000 and any other sums received from other sources for said Natchez Trace Parkway shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said parkway in each respective State and said allotments shall be used for no other purpose."

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: On page 114, line 11, after the word "California", strike out the period and insert a comma and the following: "except in the floor of the canyon of the south fork of the Kings River."

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee will accept the amendment.

The amendment was agreed to.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 143, after line 13, add a new section to be known as section 5, to read as follows: "No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States, unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this act, who, being eligible for citizenship, had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States."

Mr. VAN ZANDT. Mr. Chairman, my amendment is similar to the amendment already adopted by the House when considering the appropriation bills for the Navy and nonmilitary functions of the War Department.

Reduced to a few words, the expenditure of the funds appropriated under this bill is restricted to the employment of only American citizens. This restriction applies only to those whose post of duty is in continental United States.

With 10,000,000 of our fellow Americans unemployed it behooves us to adopt such an amendment to aid our country in assisting our own citizens who are jobless through no fault of their own.

I respectfully request your support of the amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee is very pleased to accept the amendment.

Mr. MARCANTONIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is similar to several amendments, in fact, to a series of amendments, we have had during this session of the Congress which make it impossible for one who is not an American citizen to be employed on any of the projects or any of the works contemplated under these appropriations. Last week we had a similar amendment with regard to the nonmilitary appropriation bill and this week we have this amendment with regard to the Interior appropriation bill.

I wonder if I could get this Congress to pause and dispassionately consider just what we have been doing to the foreign-born. I wonder if it is possible to have you lay aside your prejudices and bigotry. I wonder if it is possible to have you drop your un-American offensive against a man who is law-abiding, who is trying to become a citizen of the United States, who is trying to raise native American children as good Americans. I wonder if it is possible to have you desist from depriving him of an opportunity to earn a living for himself and for his native American family?

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman.

Mr. VAN ZANDT. I think if the gentleman will read my amendment he will find that where an alien has applied for first papers and takes an oath of allegiance to the Government of the United States, he is excluded from the amendment.

Mr. MARCANTONIO. And the gentleman well knows that in applying for first papers, the foreign-born is confronted with a procedure that is so difficult and lengthy that an applicant has to wait 10 months or more before receiving his declaration of intention. Often because of his inability to meet red-tape requirements he never receives his declaration of intention. Furthermore, you do not make good citizens by jamming citizenship down people's throats. American citizenship is and has been a voluntary act, and these people want to become citizens. This Congress has refused to give sufficient funds to the Naturalization Service so that it is now understaffed and the foreign-born has to suffer long periods of delay. You have refused to make naturalization a reasonable procedure. To the contrary you have made it most difficult for the foreign-born to become a citizen and now you try to starve him because he is not a citizen. These people are anxious to become citizens, but what happens? Before the average courts of the States and of the United States they are asked questions that even a United States Supreme Court judge cannot answer.

There are all kinds of impediments set before them which I have not the time to describe, and there is so much red tape involved that becoming a citizen is today a most difficult process. I make no criticism of the Naturalization Service. It is doing the best it can. Congress will not give it the funds it needs nor has this Congress ever given any thought to make the process reasonable. On the one hand we make it virtually impossible for the foreign-born to become a citizen, and on the other hand you say to him, "You are going to starve because you are not a citizen of the United States." What brand of Americanism is this? I say it is Ku Klux Klanism.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. CASE of South Dakota. Does not the gentleman think that while there are American citizens out of work, the United States Government should not employ these people who have not signified their intention to become a citizen of the United States?

Mr. MARCANTONIO. You are not going to solve the unemployment problem by depriving anybody of work. The only way to solve the unemployment problem is to provide work for everybody. Deprive any group of people of their purchasing power and you aggravate the problem of unemployment. What are you going to do with these people anyway? Are you going to shoot them down?

Mr. CASE of South Dakota. We should urge them to become citizens of the United States.

Mr. MARCANTONIO. You urge them how? By making it almost impossible for them to be citizens. There was a time in the history of this country when the National Manufacturers Association sent agents to southern and eastern Europe, and to Ireland and various other places, and their agents pictured a beautiful land here and said, "Come on over—big wages, good living, hospitality, and a keen desire to help you." People believed them. They sold their few belongings and were herded into steerages. They greeted the Statute of Liberty with tears in their eyes, and their hearts were swelled with the desire to become Americans, raise their families as Americans, and to become an integral part of a great democratic Nation. No sooner had they turned their heads, they found themselves in Ellis Island. Soon they learned that the promises were fakes; that they had been induced to come here to be used as cheap labor—industrial cannon fodder of the labor exploiters.

On Ellis Island they put tags on them and they took them from Ellis Island and shipped them off to work in the mines, the roads, the mills, the sweatshops, and on the railroads. These men and women worked and worked hard, and at the end of each month instead of getting any wages, they would often be informed that after deducting their wages they still owed the company commissary money. At that time when we wanted cheap labor, it was marvelous to get these people here because we could exploit them, but since that time, since these foreign-born workers have fought for the American standard of living and have been insisting on union and trade-union rates, we no longer want them. These people helped build America. Now, that they have joined with their citizen fellow workers to help make America a happy nation of a happy people, we persecute them under the name of Americanism. This is not Americanism, it is know-nothingism. Remember, Mr. Chairman, what is going on in this House is a repetition of the vile Know Nothings, practices that existed in this country prior to 1860. This is Know Nothings legislation that we are putting in these bills

day in and day out. We are practicing the Know Nothings creed, and we who are of this foreign-born stock resent deeply your persecution of our people of whom we are proud. We resent it because it is wrong.

We resent it because you are going to the limit to hound and persecute the foreign born. The other day you passed an amendment which prohibits any American family to live in any low-cost Government-financed housing project if any one member of the family is not a citizen. And you call this Americanism? I am pleading for these people because they are good Americans, even though they do not possess a certificate. I plead for their native American children. If this is Americanism, if this legislation which forces the foreign born to travel along another via Crucis is the kind of legislation of which this Congress is proud, all right. You can have it, but I am telling you that the children, relatives, and friends of the foreign born and all others who still adhere to genuine American traditions resent this Know-Nothings legislation and will remember its proponents on election day.

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word. I shall take only a moment or two. I submit that if these people to whom reference has been made are good Americans, then they will become citizens of this country.

There is no Know Nothings legislation about this. Quite to the contrary. Out in my district one of the largest employers of labor, a private industry, some years ago voluntarily set up for itself this standard of employment. That industry required that whenever it employed new people they must be citizens, or at least must have applied for first citizenship papers. They paid the highest standard of wages of employers in that territory. The personnel manager told me that they found it to be good business, that when these people found that American citizenship meant something to them, they commenced to take an interest in their community and commenced to be better citizens and Americans. They cut loose the old ties and the United States became "our country" to them.

There can be nothing wrong in saying that when the taxpayers foot the bill to pay for employees of the United States, that we should give preference at least to American citizens or those who have declared their intention to become citizens before we employ aliens. [Applause.]

Mr. HINSHAW. Would the gentleman be willing to say whether or not United States citizens can be employed by any other government in the world?

Mr. CASE of South Dakota. I do not know of any such instance.

Mr. MURDOCK of Arizona. Is it not true that many of the States of the Union have similar laws forbidding public employment by the State or its subdivisions of aliens or of people who are not citizens or residents of the States?

Mr. CASE of South Dakota. I think many States do have such legislation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I merely state that similar amendments have been added to nearly every bill that has been passed here. There is no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 101, line 16, strike out "$2,808,460" an insert "$2,815,460."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I move to strike out the last word, to say in connection with the amendment I offered a few moments ago, relative to the Kings Canyon National Park in California, that the amendment was made necessary because the bill as reported by the Committee on Appropriations carried a provision that no funds for road building could be used in that park.

While it was the understanding of the committee that no roads were to be built, still the Park Service had never appeared before the committee in behalf of this park. At the time of the hearings on the Interior Department bill this area was not a national park; therefore, the National Park Service made no representations with reference to this park. Within the last day or two the bill making this area a national park has been signed. Since this bill was reported it has developed that the Park Service does want to make a few miles of entrance road. All the discussion in the committee at the time this amendment was under consideration was to the effect that according to the unofficial information no roads were contemplated and, if they were, the committee felt that a comprehensive plan of roadbuilding should not be commenced there without the matter being placed before the Committee on Appropriations. As I say, it developed afterward that the Park Service does desire to make an entrance road of a few miles and to make a turn-around and parking areas. There was no desire on the part of the committee to impede the development of this park and I believe I am correct in saying that they are unanimous for the amendment I have offered. From the Park Service I have obtained a statement of their plans of development, as follows:

ROADS AND TRAILS IN KINGS CANYON NATIONAL PARK

The allotment of roads and trails funds to the new park are necessary for these reasons:

1. From 50,000 to 75,000 automobiles may be expected to enter the South Fork Canyon during 1940. Camp roads and parking areas must be built to distribute and care for this influx or irreparable damage will be done to the vegetation and scenery. It is not expected to construct any major roads within the park or to push a road up the South Fork Canyon beyond a suitable turn-around point near Zumwalt Meadow.

2. It will be equally necessary to construct footpaths, trails, and bridle paths in the South Fork Canyon to distribute foot and saddle travel.

3. A beginning, but a small beginning, toward the above has been made by the Forest Service; but they have been faced with the indefinite status of the area and they were not confronted with the actual fact of automobile travel, as is the Park Service, because of opening of new State highway early in 1940.

4. There are over 400 miles of used trails in the park, much of which is in condition dangerous to stock, notably sections of the John Muir Trail over Glen Pass, the Middle Fork Trail from Tehipite to Simpson Meadow, the Muir Pass Trail from Little Peto Meadow to Evolution Basin. All trail use will intensify, and unless there is maintenance and improvement work they will become impassable. This is particularly the case this year as California has experienced its heaviest rains in many years.

SUMMARY

The allotment of moderate sums for minor road construction, for parking areas, for road and trail maintenance and improvement cannot operate to destroy the wilderness aspect of the park, but will preserve it from destruction by unregulated automobile traffic.

The Service and the Department of the Interior are irrevocably committed to the preservation of the Kings Canyon National Park as a wilderness park, with no additional road construction beyond that necessary to care for motor travel already brought with the South Fork Canyon. The deprivation of roads and trails funds will operate to hinder administration, protection, and maintenance, and will result in a condition which will reflect upon the Service and the Congress.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am reluctant to trespass on the indulgence and patience of the Committee at this late hour, but I should remind you that this bill carries $265,000 for the Virgin Islands, of which $90,000 is to be used to reimburse deficits in the treasuries of St. Johns, St. Thomas, and St. Croix. My only reason for alluding to it is because in another body a distinguished Member has introduced a resolution this week for the purpose of setting in motion negotiations with Great Britain and France looking to the purchase of Windward Island, Leeward Island, Bimini Island, Nassau Island, Trinidad Island, Bermuda, and a couple of bushels of other islands. The proposal is predicated upon the belief that these islands are essential to our national defense and as a means of collecting the war debts.

In view of the distressing and very vexatious experience that we have had with the Virgin Islands, reimbursing as we do today, the deficits, and in view of the fact that a similar situation exists in the other islands in the Caribbean today, I am apprehensive that Great Britain and France may undertake to accept the deal that would be offered in such a resolution. So I raise my voice against it. If they want to collect the war debt, let us start negotiating for Canada and be practical about it. [Applause and laughter.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. SCHAFER of Wisconsin. Has Uncle Sam's rum business in the Virgin Islands been operated at a profit or a loss?

Mr. DIRKSEN. I would say we are producing about 80,000 gallons of Government House rum and they have a gentleman on the pay roll figuring up new recipes whereby sales may be expanded. But if you look at the hearings you will see how distressing our experience has been with the Virgin Islands and the industries there.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RICH. The gentleman knows that we went in the red to the extent of $23,000 in the Virgin Islands rum plant and we did not charge anything for taxes and we did not get anything on the $2,600,000 we have spent there. If that is a good corporation, then we know nothing about corporations.

Mr. DIRKSEN. Let me suggest the language in the bill itself on page 136:

For defraying the deficits in the treasuries of the municipal governments, because of current expenses, $90,000.

Mr. KELLER. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. KELLER. Is that what makes the gentleman jealous, that Government House rum?

Mr. DIRKSEN. The amount of Government House rum they make in the Virgin Islands is such a picayunish amount compared with the rum and whisky we have manufactured in the city of Peoria alone that it is not worth worrying about. [Laughter.]

On the face of it, the logic of the proposal would appear almost unassailable. It goes like this: Since the war-debtor nations have refused or neglected to pay up and since the debts are becoming cold and seemingly uncollectible, let us venture in the real-estate business on a wholesale scale and take over a score of islands as part payment. Moreover, we must protect the Panama Canal, and since many of these islands are in the proximity of the Canal, we should own them. It makes a most plausible case.

But wait. We already own the Virgin Islands. Is it not a bit strange that the real experts on national defense in the War Department, as distinguished from some of the amateur experts outside the War Department, have never made a survey of the defense possibilities of these islands, insofar as I can learn? Is it not strange that nothing appears in the pending bill to fortify the Virgin Islands? Is it not strange also that we have not made any special effort to fortify Puerto Rico, which lies but 60 miles from the Virgin Islands? Whence comes the idea that we should accumulate a score of impoverished Caribbean Islands for defense purposes when in fact there is no showing whatsoever that they are necessary?

These are days of mobile navies and speedy planes, and it would be interesting to see by what ratiocination those who would have us go into the real-estate business can establish the contention that these islands are essential to our defense. The naval base which we established in the Virgins was withdrawn nearly 10 years ago, so that apparently the Virgin Islands do not loom so large in the plans of the Navy Department.

But this other argument; how convincing it seems. Since the war-debt nations refuse to pay, let us take what we can get. An assortment of islands to add to our insular domain would be better than no remittance at all. But would they?

We have had the Virgin Islands for 23 years, and they have been a vexation ever since. They have been dubbed "America's poorhouse." Governor Cramer himself has testified that more than $3,000,000 has been invested in land, sugar plants, factories, houses, and in a Government distillery. Other funds have been invested. Sugar has not succeeded. Government rum has scarcely succeeded. The three island governments come to us year after year as mendicants to reimburse the deficits which they incur. Emergency funds and aid of various kinds have been dumped into these islands, but all to no avail. During the period of United States ownership, the population has diminished by about 5,000, and it is fair to assume that many of them have migrated to the United States to add to our own problem of unemployment and relief. Now, some would have us venture into the acquisition of other Caribbean islands, only to become a place where additional funds from our own taxpayers might be dumped.

Back in 1917, when these islands were acquired, there was the familiar fanfare that these islands had commercial importance and strategic value. Wonder what has happened to that argument? As for commercial importance, they constitute a splendid way of adding to our national debt, our annual deficits, and to the continued maintenance of a national poorhouse.

What is true of the Virgin Islands is equally true of Puerto Rico. For more than 40 years we have administered Puerto Rico. What is the score? Every year we dump funds into Puerto Rico under the Smith-Lever Act, the Bankhead-Jones Act, and other acts to stimulate a decadent agriculture.

In round figures, the Puerto Rico Reconstruction Administration has received about $60,000,000 for relief and rehabilitation work. About $30,000 is spent annually in the island for enforcing prohibition. Another $50,000 has been recommended for the agricultural experiment station. Still another $128,000 was recommended for expenditure there under the Bankhead-Jones Act and another $105,000 for vocational education by the Office of Education. We also operate C. C. C. camps in the islands so that all in all, the Puerto Rican situation has been a sorry affair.

To crown our efforts, the application of the provisions of the Wage and Hour Act destroyed the needlecraft industry in Puerto Rico, made it impossible for them to compete with needlecraft imports from other low-wage countries, and the islanders are now appealing to us for additional aid.

As for its importance in national defense, let me direct attention to a bill which was introduced by Senator TYDINGS to provide a plebescite under which the Puerto Ricans might determine whether they wish to continue as a dependency or become wholly independent. All in all, this has been a tragic and costly experience for 40 years, and if the facts are fully known, I doubt that the taxpayers of this Nation would approve of any proposal to take on more grief by acquiring islands that have no defensive value and which would only constitute a further burden on the Federal Treasury.

To be sure, the national heart should never lose its charitable instincts, but there is such a thing as too much charity at the expense of the taxpayers. With the exception of Bermuda, the islands which it is proposed to bring under the folds of our flag are impoverished, unhealthy, unhappy, unimportant, and unnecessary as a part of the defense establishment of this Nation. My apprehension is that Great Britain and France in the light of their sorry experiences with these Caribbean Islands, might be only too glad to transfer them to this country for a fancy consideration and with it hand us the vexing task of doling out huge appropriations at the expense of the taxpayers of this country to maintain order and provide sustenance for the impoverished natives in these worthless tropical areas.

I, too, share the general desire to secure payment on our war debts. But in approaching that problem, let us be practical. Let us negotiate for Canada.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I will not take 5 minutes. I ask for this time only that we may close debate on this bill by looking at the doughnut instead of the hole.

This bill is of vast importance to thousands of people in this country. I could take you to my own State and show you thousands of families, literally homeless people, who have come out of sections of the country where the fertility of the soil has been exhausted, the topsoil washed or blown away, or where changes in agricultural methods have driven them from the place where they have made their farm home. Those people are looking for new homes. They are good people—old American stock. They are looking for work in the vast majority of cases—and for a new home. What they want more than anything else is a place where they can reroot themselves on the soil of America and follow the way of farming, which has been the basis of our civilization from the beginning.

This reclamation program and this public-power program are making possible the homes that those people so sorely need and which we in California especially need to have them have. This reclamation and power program is giving us a new American frontier. It means a great deal to the people of the State of California as well as from other sections of the country that we do all we can to create that frontier.

I am also deeply interested in the proposal that has been made that we conserve by a comprehensive program the water and develop the greatest practicable amount of water in the Great Plains area. That, too, is important for us of the far West who are having such difficulty in absorbing the great numbers of people who have been coming to our State in recent years.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. O'CONNOR. Is it not a fact that people who have been droughted out in the Great Plains area go to the Pacific Coast States of California, Oregon, and Washington, and thereby become a burden on the tax-relief rolls of those States?

Mr. VOORHIS of California. That is all too true, and it presents a great problem from the standpoint of school districts, our county hospitals, and in many other respects. Of course, under conditions of general prosperity the situation would be less difficult, but when, as now, we already have large numbers of people unemployed and in need, the added numbers make the situation more difficult.

Mr. Chairman, I had not intended to speak even as long as I have, but I do want to say that from the standpoint of this great human problem the Interior Department appropriation bill we are passing today is a great forward step. I regret only that it does not contain appropriations for conservation work in the Great Plains area so as to help people to stay where they are and make a good living because the life-giving water is present to make the land produce.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. RANKIN. Let me say to the gentleman from California that the public power plant in Los Angeles has been more responsible than any other cause in bringing down light and power rates in California.

Mr. VOORHIS of California. That is right and could be demonstrated in a dozen ways. Indeed the gentleman has stated the case conservatively. Like him I believe that streams and waterfalls are a gift of God to all the people to be used by all the people for the lighting of homes and the furnishing of power at cheap rates to farms and factories.

Mr. RANKIN. If the people of California were overcharged as much last year as were the people in Illinois, the home State of the gentleman from Illinois [Mr. DIRKSEN] were overcharged, they would have been overcharged $100,000,000.

Mr. VOORHIS of California. That is right and I thank the gentleman very much for his contribution. Indeed, largely because our rates have been reduced as they have, the number of residential consumers of electric power from the bureau of light and power of Los Angeles has almost doubled since 1935.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. O'CONNOR. The main reason for my withdrawing my amendment, which provided for an increase in the appropriation for conservation of water and the development of small irrigation projects on which relief labor could be used, was that I was assured that through another more effective means a larger appropriation would very likely be secured, and that should my amendment be defeated by the House it might in some way impair the chances of success of securing such larger appropriation by such means. It is imperative that we try to hold our people upon ranches by such improvements, and particularly so when relief labor can be employed, as such improvements would inure to the permanent benefit of the people and the country.

Mr. VOORHIS of California. I understand.

Mr. REES of Kansas. Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. Mr. Chairman, I rise in support of my point of order against the paragraph that not only appropriates $2,000,000 for these highways, but in addition thereto authorizes those in authority in the Park Service to enter into contracts to spend $2,000,000 more, and levy that much more against the taxpayers of this country. I believe the members of this committee know that this is legislation providing for contractual expenditures without legislative authority. It does not belong in an appropriation bill. The extra two million is here so that you will have that much more to spend on these projects.

Now what about the merits of this proposed legislation? This money is to be expended on two scenic highways—the Blue Ridge and the Natchez Trace Highways. One of them, when completed, will be more than 400 miles long. They call them "parkways," so as to have the excuse of securing Federal funds to pay the entire bill of construction and maintenance. I am informed that these two highways will cost about $60,000,000 or $70,000,000. In addition will be the cost of maintenance. I do not know of any place in the United States where highways of this length are built entirely at the expense of the Federal Government. No doubt they are fine scenic highways.

They traverse mountain regions in four or five Southern States. They will be used mostly by the leisure class of our people. The Congress long ago adopted a policy of matching dollars 50-50 with the local communities for building highways. Here, Uncle Sam pays the entire bill except that the States or the counties provide the land. Do you think this is either right or fair to the people of this country? You know it is not right. These particular highways were started with an allotment of W. P. A. funds by the administration. During the last 3 years Congress has been called upon to appropriate millions to keep the projects going. I maintain it is an extravagant expenditure of money and should not be allowed. If you want to build these highways, why not put them on the same basis and build them as we build highways in other parts of the country? It is favoritism, pure and simple. You know that.

If this proposition were in a bill of its own and required to stand on its own feet, on its merits, I just do not believe it would pass the House. Being only a part of a bill appropriating more than $150,000,000, for many projects in various parts of the country, it will be approved without much discussion as to its merits.

This legislation is favoritism, it is extravagant. The overburdened taxpayers of this country should not be asked to bear this extra burden. They just cannot afford it.

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: On page 143, after line 14, insert a new section to be known as section 6, to read as follows:

"No funds appropriated herein shall be expended for salaries, administrative expenses, travel, or other purposes in any Territory or former possession where refunds of excise-tax collections are being made to such Territory or former possession."

Mr. JOHNSON of Oklahoma. Mr. Chairman, I make the point of order against the amendment that it constitutes legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ALEXANDER. If the Chair please.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ALEXANDER. Mr. Chairman, it does not seem to me that this is legislation that comes within the previous rulings of the Chair, because it is a limitation and therefore comes under the Holman rule.

Mr. TABER. Mr. Chairman, it is a pure limitation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is not germane because it refers to appropriations not covered by this bill.

Mr. ALEXANDER. Mr. Chairman, answering the gentleman from Oklahoma I suggest that the bill carries an appropriation of $141,000 to which this amendment directly refers and therefore should be germane.

The CHAIRMAN (Mr. COOPER). The Chair invites attention to the fact that the bill does carry certain appropriations for the Philippine Islands, the Virgin Islands, and insular possessions. The Chair therefore is under the impression that the amendment is germane to the provisions of the pending bill, and the Chair is of the opinion that the amendment offered is in the form of a limitation and would be in order.

The point of order is overruled.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Chairman, I am sorry to take the time of the committee at this late hour but there are two points in connection with this amendment which it seems to me are well worth not only the attention of this body but the attention of the general public.

In the first place, I think this appropriation of $141,000 for the United States High Commissioner to the Philippines, which I am aiming at, is exorbitant and excessive, and a great waste of money. In support of this contention I call attention to the fact that this amount is nearly three times what the Governor General of Canada is allowed annually for the salary of himself and expenses of his office. It is a fact, I am informed this afternoon, that the Governor General of Canada is allowed only £10,000 a year for expenses. This is less than $50,000.

The Governor General of the Commonwealth of Australia spends only £7,500, which is less than $37,000, and considerably more than $100,000 under the $141,000 we are being asked to appropriate for the United States High Commissioner to the Philippines. I submit that both Canada and Australia are far more important and larger colonial possessions than the Philippines, so on the basis of these comparisons the appropriation requested is all out of reason. The Governor General of New Zealand receives only £7,500 per annum. An equal amount from us for our Commissioner to the Philippines would be much more reasonable.

But let me call your attention to one additional fact. Not only are the Governors General of those Dominions which I have mentioned chosen by the King of England, but I am informed the Dominions pay every penny of the expenses of these Governors General, whereas we ourselves are asked to pay $141,000 to support the United States High Commissioner to the Philippines. For what purpose? If you will read the hearings you will find that the purposes are very cloudy. There seems to be very little reason, as was developed by questions in the committee.

In addition to that the appropriation that is being requested is nearly as much as requested in the previous year, although we have just spent $750,000 to build new quarters for our High Commissioner to the Philippines, which has just been completed. On a 3-percent-for-interest basis, plus 2 percent for depreciation per annum, we should be saving approximately $37,500 in order to justify the expenditure of this huge sum. But instead of that, after spending $750,000 to build palatial quarters and a house for our High Commissioner, we are saving only $4,000; as shown in the committee hearings. We might better continue to rent quarters at $16,000 plus, which we paid before. We could be saving over $20,000 on that basis per annum. O Consistency, where art thou!

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Who was the High Commissioner when the American taxpayers were called upon to spend three-quarters of a million dollars for a palace in the Philippine Islands?

Mr. ALEXANDER. I believe it was one of the potential candidates for President.

Mr. SCHAFER of Wisconsin. Was it Mr. Paul McNutt, of Indiana?

Mr. ALEXANDER. May I say in this connection, it is not strange that our High Commissioners come back to this country prepared to carry on a campaign for the Presidency, in view of the tremendous sums which we are squandering there year after year for this useless purpose, both by way of refund of their excise tax collections amounting to many millions per year as well as this annual appropriation for the High Commissioner's establishment. Let us support this amendment and save making further mistakes in this connection. [Applause.]

[Here the gavel fell.]

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. RAYBURN. Mr. Chairman, it is very late. I hope the gentleman will not press his request.

Mr. ALEXANDER. Mr. Chairman, I withdraw my request.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. ALEXANDER].

Mr. Chairman, as the gentleman from Texas stated, it is very late. The gentleman from Minnesota has no doubt made a study of this question. He offers an amendment here in the form of a limitation which we know is, in fact, a legislative matter that ought to be decided by a legislative committee. The Members do not know what the effect of his amendment might be. It may have a very far reaching effect. The gentleman has in mind the Philippine Islands. I would not say that he has a grudge against those people, because I do not know what his attitude is, but he offers this amendment. It may be very far reaching in its effect. The gentleman had an opportunity to appear before the committee, but he did not come before the committee. At this late hour I do not think we should be called upon to discuss and decide a very important legislative matter that might be very far reaching in its effects. Mr. Chairman, for the reasons stated, I think we should defeat the amendment.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Minnesota [Mr. ALEXANDER] went out of his way to attack the distinguished gentleman from Indiana, Hon. Paul V. McNutt. Here are his exact words, as taken down by the official stenographer:

> Mr. SCHAFER of Wisconsin. Who was the High Commissioner when the American taxpayers were called upon to spend three-quarters of a million dollars for a palace in the Philippine Islands?
>
> Mr. ALEXANDER. I believe it was one of the potential candidates for President.
>
> Mr. SCHAFER of Wisconsin. Was it Mr. Paul McNutt, of Indiana?
>
> Mr. ALEXANDER. May I say in this connection, it is not strange that our High Commissioners come back to this country prepared to carry on a campaign for the Presidency, in view of the tremendous sums which we are squandering there year after year for this useless purpose.

Mr. RANKIN. What an insult.

Paul McNutt never took a dollar dishonestly in his life. He never dreamed of doing such a thing. There is not a more honorable man in America, as everyone knows. Yet the gentleman from Minnesota [Mr. ALEXANDER] stood here and intimated that Paul McNutt came back from the Philippines a rich man as a result of his service there. That is exactly what his words indicated, and I do not propose to let him make any such insinuation in this House and get away with it.

Paul McNutt served a great purpose in the Philippines; he discharged his duties honorably and well. He never took a dollar except the salary paid him by the Government. He really served at a loss. There is not a more honorable or a more able or a more worthy man in this Republic than Paul V. McNutt. There is not a man who stands higher in his own State. He made one of the greatest Governors Indiana ever had. He made one of the greatest national commanders the American Legion ever had. He stands high with the American people in every section of the country, as one of the ablest and most conscientious public servants this Nation ever had; and I do not propose to have the gentleman from Minnesota or anyone else stand here and in his partisan enthusiasm make such vicious and unwarranted insinuations against a man of his sterling character without a vigorous protest. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on the bill close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am certainly surprised to find our good friend, the distinguished gentleman from Mississippi [Mr. RANKIN] making the speech which he made a few moments ago, in denunciation of one of our colleagues, and accuse him of saying something in the Well of this House which the gentleman from Minnesota [Mr. ALEXANDER] did not say.

Mr. RANKIN. Yes; he did.

Mr. SCHAFER of Wisconsin. In order to keep the RECORD straight, he did not, the statement of the gentleman from Mississippi to the contrary notwithstanding. The gentleman from Mississippi accused the gentleman from Minnesota of accusing Paul V. McNutt, a New Deal potential Presidential candidate, of taking money himself and being personally dishonest. When you read the RECORD tomorrow you will find that the attack on the gentleman from Minnesota by the gentleman from Mississippi is manifestly unfair, as shown by the RECORD. The gentleman from Minnesota merely stated that during the administration of Paul V. McNutt as United States High Commissioner in the Philippines, there was expended from our almost bankrupt Federal Treasury $750,000 of our American taxpayers' money to erect a magnificent palace in the Philippine Islands in which to house Mr. Paul V. McNutt, who is now a leading New Deal Presidential candidate.

Of course our New Deal brethren are liberal with the American taxpayer's money when it comes to housing programs. Yesterday they tried to appropriate several million dollars for a housing program for Uncle Sam in Alaska, after they had purchased a million dollars' worth of reindeer for him to play Santa Claus.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The important thing is this. This is no time for any Member of this House to criticize another Member because he holds certain views with reference to our program of uncertainty in the Philippine Islands. We have built up in the form of excise taxes a fund of about $90,000,000 up to date on coconut oil alone, which we are sending over there.

We have accumulated a fund, which the Committee on Appropriations, in due course of time, is going to ask us to appropriate, on sugar excise taxes, which will move the total up another $25,000,000 or $35,000,000. We are moving toward a quarter of a billion dollars to be handed to the treasury of the Philippine Islands. I am one Member of the House who is going to discuss the situation any time I get ready, regardless of what the gentleman from Mississippi may have to say.

Mr. SCHAFER of Wisconsin. For the record, let us not forget the notorious Two-Percent Paul V. McNutt Political Shakedown Clubs in the State of Indiana in the United States of America. Let us not forget that our New Deal President said that one-third of the American people are ill-fed, one-third of them are ill-housed, and one-third of them are ill-clothed.

In view of this distressing condition in the United States and in view of the fact that our Federal Treasury is almost bankrupt, I believe it comes with poor grace for a New Deal leader like the gentleman from Mississippi [Mr. RANKIN] to denounce our colleague from Minnesota for merely protesting against raiding that Treasury at the request of Paul V. McNutt, former United States High Commissioner in the Philippine Islands, to erect a palace at a cost of three-quarters of a million dollars in the Philippines.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I am surprised that the gentleman from Wisconsin would be so blindly partisan as to make such a silly and absurd charge. The fact, however, that he makes such an unfounded charge is evidence that the would-be Republican leader from Wisconsin, and a lot of other members of his party are fearful that Paul McNutt might be the Democratic nominee for President. Of course neither Governor McNutt nor any other High Commissioner of the Philippines could possibly have had anything at all to do with the construction of a building in the Philippine Islands. That appropriation was made by a Congress of which the gentleman was, as I recall, a Member. The building in question is nothing like as pretentious as buildings owned by other countries there. To now charge Governor McNutt with being responsible for the construction of that building seems to be in keeping with the gentleman's idea of good sportsmanship and fair play. Now, I would like to ask the gentleman from Wisconsin if he really does not feel that he ought to apologize for his uncalled-for remarks against a great American?

Mr. SCHAFER of Wisconsin. If the gentleman wants to apologize and blame another New Deal potential Presidential candidate, Mr. Murphy, who preceded Mr. McNutt as the New Deal representative in the Philippines, we will let him do so. Let us then say that Mr. Murphy is responsible for spending $750,000 of the American taxpayers' money to build a palace in the Philippines for Mr. McNutt to live in and maintain at considerable expense to our American citizens, one-third of whom are ill-fed, ill-clothed, and ill-housed, according to our New Deal President. [Applause.]

[Here the gavel fell.]

The pro forma amendments were withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RAYBURN) having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 8745, the Department of the Interior appropriation bill, 1941, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. MARCANTONIO. Mr. Speaker, I ask for a separate vote on the Van Zandt amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 143, after line 13, add a new section to be known as section 5, to read as follows: "No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this act, who, being eligible for citizenship, had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 153, noes 17.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and I make the point of order there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and twenty-five Members are present, a quorum.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO EXTEND REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill just passed may have 5 legislative days within which to extend their own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. COLE], who spoke on the bill, may have permission to extend his remarks and to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—RELIEF OF CERTAIN FORMER DISBURSING OFFICERS (H. DOC. NO. 652)

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 7050, entitled "An act for the relief of certain former disbursing officers for the Civil Works Administration."

The bill would authorize and direct the Comptroller General of the United States to credit the accounts of 18 former disbursing officers of the Civil Works Administration with certain amounts specifically set forth therein, the purpose apparently being to permit the balancing and closing of the accounts of the respective disbursing officers. The bill contains no wording which would identify the outstanding items in the accounts and no other wording which would permit or enable the Comptroller General to give effect to its apparent purpose, or to do otherwise than credit these specific amounts. If all of these amounts were correct—that is, represented the present outstanding balances—the form of the bill would not be objectionable.

However, in the case of five of the accounts (Davis, McCracken, Bates, Wahlers, and Carrico) the amounts stated in the bill exceed the actual present outstanding balances and in the case of three of the accounts (Minnis, McIntosh, and Waters) the amounts are less than the present outstanding balances. With respect to the first of these two groups, the enactment of the bill in its present form would result in overcredits which might eventually entail payments, or the equivalent thereof, to the disbursing officers to the extent of such overcredits and with respect to the second group some differences would still remain outstanding. In the case of one of the accounts (Morris) the account is being reviewed in the General Accounting Office and final settlement may show an outstanding balance at variance with the amount specified in the bill.

Because of the variations in amounts, the bill, in its present form, would in large part fail to accomplish its apparent purpose and would, as hereinbefore indicated, be otherwise objectionable. Under these circumstances, and in accord with the recommendation of the Acting Comptroller General, I am withholding my approval of the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 7, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal.

Mr. KENNEDY of Maryland. Mr. Speaker, I move that the message, together with the bill, be referred to the Committee on Claims and ordered printed.

The motion was agreed to.

ADJOURNMENT OVER

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock on Monday next.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I shall not object, I would like to inquire what the program is for next week.

The SPEAKER pro tempore. As far as the program has been worked out, Monday is District Day, and I have been informed by the chairman of that committee that there will be several bills. Tuesday there will be considered under a rule the so-called naval expansion bill, which will be disposed of on that day or, perhaps, Wednesday. It has not been determined yet whether the committees will be called on Wednesday or not. On Thursday the legislative appropriation bill, I am informed, will be ready for the consideration of the House.

Mr. MARTIN of Massachusetts. On Monday there will be nothing except District business?

The SPEAKER pro tempore. That is my understanding.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend the remarks I made today and to include therein an address made by a former Member of this House, Hon. John M. Allen.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PUBLIC DEFENDER, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that the bill H. R. 8693, to provide for the office of Public Defender for the District of Columbia, be rereferred from the Committee on the District of Columbia to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection?

There was no objection.

UNLAWFUL USE OF BADGES, ETC.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5982, for protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 5982, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments as follows:

Page 1, line 3, strike out all after "the" down to and including "sold," in line 6, and insert "manufacture or sale in interstate commerce."

Page 1, line 7, after "thereof," insert "or the reproduction thereof for commercial purposes."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Mr. SUMNERS of Texas, Mr. WALTER of Pennsylvania, and Mr. GWYNNE of Iowa.

NATIONAL LABOR RELATIONS ACT

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a joint statement by myself and the Honorable ARTHUR D. HEALEY with reference to proposed amendments to the National Labor Relations Act.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend the remarks I made in the Committee of the Whole today, and to include a short article on Bonneville.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an article from Standard Statistics in relation to taxes, and to print a short statistical table.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article appearing in yesterday's Washington Daily Times, by Mr. George Rothwell Brown.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SPONGE DISEASES

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, first I compliment the Chairman and the subcommittee on the expeditious way in which they have handled this particular appropriation bill. My colleague, the gentleman from Florida [Mr. CANNON] and I had intended to offer an amendment to the Department of the Interior appropriation bill with reference to study and eradication of sponge diseases. A fungus disease has attacked sponges in the waters along the Florida coast which if unchecked will destroy more than a million dollar industry. In order to cooperate with the committee, and in order to get Budget approval, hoping to get it in time for a deficiency appropriation bill, or while this bill is before the Senate, did not offer that as an amendment, but will urge the approval by the Budget of the necessary item.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Florida. Yes.

Mr. JOHNSON of Oklahoma. As the gentleman knows, I have visited the area to which he refers upon his invitation. I made some investigations for the committee recently at Tarpon Springs and held some public hearings there. I know that the situation is very serious at that point, and I was hopeful that the committee would receive a Budget estimate before this bill was reported for the purpose of helping relieve the situation. I am very sympathetic with the condition to which the gentleman refers and in which he is so deeply concerned. I might add that he is to be congratulated on representing such a splendid, beautiful country and a progressive people. His district is to be congratulated upon having such a wide awake, able Representative in Congress. [Applause.]

Mr. PETERSON of Florida. I am very grateful for that contribution and I hope the Budget will approve the item in time for inclusion at this session. The sponge industry is an important industry, giving employment to more than 700 people directly in my district. The situation is becoming more acute every day.

The entire city of Tarpon Springs is largely dependent on the products of the sponge fisheries. It competes with no other industry. The disease infesting the sponges in the Bahamas first, then spreading gradually up the coast, has depleted entire areas. Sponge fishermen are specially trained. They and their fathers and grandfathers have followed this occupation. It is the only one they know. The Bureau of Fisheries has asked for $36,650. This is not as much as the relief load of 1 month if these people are thrown out of employment. Our need is urgent. I realize the fact the House is loath to go above the Budget, so I am going to appeal to the Budget, but may have to appeal to you again because an important industry and the livelihood of many of my people are at stake. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ARNOLD, of Illinois, for 8 days, on account of official business.

To Mr. CASE of South Dakota, for 4 days, beginning Tuesday, March 12, to attend a War Department hearing at Pierre, S. Dak.

The SPEAKER pro tempore. Under special order heretofore made, the gentleman from New Jersey [Mr. MCLEAN] is recognized for 20 minutes.

REFORM IN GOVERNMENT—SINGLE TERM FOR THE PRESIDENT

Mr. MCLEAN. Mr. Speaker, my purpose this afternoon is to direct attention to certain reforms which I firmly believe would greatly benefit our present and future existence.

My first suggestion has to do with economy. We must face the problem of reduction in our expenditures. This can be done in two ways. First, we can stop making contributions to the States for various non-Federal activities. This will have a double purpose. It will tend toward a balanced Budget and it will retard the present-day tendency to control State affairs and individual enterprise by Federal bureaucracy, under threat of loss of Federal appropriations. And secondly, by reducing expenses of the Federal Government. I know much has been said on this subject, but I advance a new viewpoint, which should emphasize the proposition and keep it constantly before us.

We have had so much discussion lately on imports and exports and various other percentages that we certainly must have become statistically minded. Yet, I doubt if anyone will venture to suggest to what extent the functions of Congress have been taken over by the Executive. The percentage would be so large that some of us would hesitate to admit the extent to which it has gone. But we do know that the abuses of authority granted to the Executive and the bureaus and boards under him have brought about the demand for the enactment of the Walter-Logan bill, the purpose of which is to prevent any Government agency from acting as legislator, prosecutor, judge, and executioner. That the people are sensible to this situation is evidenced by the demand for the early enactment of this measure. The sort of legislation which is the order of the present day leaves very little for the attention of Congress. It contemplates the centralization of all legislative power in the Executive. For example, everybody knows, as the President told us recently, that tariff making is a congressional function. But because, as has been alleged, it is such a stupendous undertaking and because Congress is susceptible to sinister and political influences, that function has been delegated to

the President. Congress has said it does not even care to be annoyed by approving the work of the Tariff Commission or those gentlemen who compose the various cloistered committees through which the destiny of American industry and agriculture must pass and which are composed of gentlemen who have a passion for anonymity. And there are other illustrations which might be used. Therefore, Mr. Speaker, in my judgment the forthcoming census has a very peculiar importance, far beyond the inquisitorial features of which the public now complain.

That is its relation to the organization of this House, with so much of the functions of Congress being taken over by others, there is little or no need for such a large membership, and I am of the opinion that, in the interest of economy, the membership of the House of Representatives could be reduced to at least one-half of its present number. I sometimes think it is the purpose to destroy its usefulness completely, and there have been times when I have felt that, in effect, it had been done. But my real purpose is to suggest a reform which I have advocated for some time. As long ago as the first session of the Seventy-third Congress I introduced an amendment to the Constitution providing that the President should be elected for a term of 6 years, and be ineligible to succeed himself, and on June 20, 1937, I addressed the House on the subject, and I showed that it was not a new idea, but had been advocated from time to time, since the adoption of the Constitution. In fact, this element of their deliberations gave the Constitutional Convention much concern, and our present system is the result of a compromise and the precedent set by George Washington and followed by his successors.

Now, Mr. Speaker, we have reached the point where Members of Congress admit that in at least one congressional function, Congress is incompetent to perform its stupendous tasks; that it is susceptible to sinister influences, political log rolling, and selfish interest, and we have transferred many of our functions to the Executive. It has never seemed to me that the habits of thought or the motives of men differ any, no matter with what branch of the Government they may be connected. Therefore we should clothe our public servants with such limitations and restrictions as will put them above the temptations which Congress, by its recent vote, admits.

I therefore advocate a single term for the President. It will place him above political considerations, in that he will not be influenced by the desire for reelection or the perpetuation of his party in power; it will place him above those sinister and political influences which must now seek solace and favor at his door.

My amendment suggests a term of 6 years. Some have criticized my effort because they say I can give no valid reason for 6 years, and Mr. Woodrow Wilson said, "To change the term to 6 years would increase the likelihood of its being too long without any assurance that it would, in happy cases, be long enough."

My answer to that is that there are provisions in the Constitution to take care of the first objection, and as to the second, we now have reason to believe that 7 years could be the appropriate length of time for a President to serve, because my reading of the CONGRESSIONAL RECORD for the past few days has almost persuaded even me that in 7 years everything necessary has been accomplished under conditions such as never before existed and which will never again return.

As a matter of historic interest, the gentleman from Mississippi [Mr. RANKIN] recently reminded the House that the constitution of the Confederacy provided for a single term for its president, with ineligibility to succeed himself. It is interesting to know that the principle was thus recognized.

Mr. Speaker, there are other reasons which can be advanced in support of this change in the length of term of the President, as I have previously pointed out, and I urge the Committee on the Election of the President and Vice President to give early consideration and approval to House Joint Resolution 50, which I have introduced for that purpose. A single 6-year term filled by an Executive who knows that he will not seek reelection will be more productive than two 4-year terms which involve all of the bargaining and compromise frequently resorted to with the hope of reelection. With a single term the health of the President will be conserved, his judgment will be uninfluenced by political consideration of self-interest. There will be no possibility of neglect of duties, such as must necessarily result when a President is involved and actually engaged in a political campaign. The public welfare demands that everything possible be done to relieve the President of physical and mental strain, and place him in a position where none other than consideration of the general good will control his motives and influence his actions.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Vermont [Mr. PLUMLEY] is recognized for 15 minutes.

ADMIRAL RICHARDSON

Mr. PLUMLEY. Mr. Speaker, I am about to discuss an unpleasant situation. I am compelled to ask your indulgence and to urge you to believe that what I have to say and shall say I am constrained by a sense of duty so to do. The situation is one that must be discussed on a plane that is above any that may involve personal relations or friendships.

The rights of American citizens are involved. The future welfare of our country is an issue.

Familiarity with, rather than ignorance of, our fundamental law, and strict adherence to the stringent but wise provisions laid down by our forebears, is necessary if not only our national integrity is to be preserved and conserved but also if our relations with foreign governments are to be based on the precepts conceived by the framers of our republican form of government.

Several weeks ago I was astounded when, in perusing the January 22, 1940, issue of the widely distributed magazine Life, I turned the page to the picture story indexed "New Commander in Chief Takes Over United States Fleet." There a full-page picture of the new CinCus, Admiral Richardson, greeted the reader. Prominently, and objectively, displayed at his left was a solitary framed photograph; an autographed photograph of King George VI of England. The text accompanying the picture stated: "Framed photo of King George is a memento of last summer's royal visit, during which Admiral Richardson served as naval aide."

Now, it has been pointed out by others that it was grossly indiscreet of the highest ranking officer of our sea forces to display such a memento. Particularly so, coming at a time when the photograph is of one whose country is at death grips with an enemy power; even more strikingly so when our country is endeavoring to maintain a status of strict neutrality in the conflict raging overseas.

However, the clamor which has been raised following the appearance of this picture is the type of occurrence, in a minor degree, which the Founding Fathers of our Government tried to avoid thenceforth when they wrote into our fundamental, basic law—our Constitution—the following words of article I, section 9, clause 8:

> No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

The foregoing is explicit, but allow me to direct your attention nevertheless to Farrand's Records of the Federal Convention of 1787 (vol. II, p. 389), wherein we find the following:

> Mr. Pinkney urged the necessity of preserving foreign ministers and other officers of the United States independent of external influence and moved to insert after article VII, section 7, the clause following: "No person holding any office of profit or trust under the United States shall without the consent of the Legislature, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state," which passed nem: contrad.

And volume III, page 327, wherein the following is to be found:

> Governor Randolph. * * * The next restriction is, that no titles of nobility shall be granted by the United States. If we cast our eyes to the manner in which titles of nobility first originated

we shall find this restriction founded on the same principles. These sprung from military and civil offices; both are put in the hands of the United States, and therefore I presume it to be an exception to that power.

The last restriction restrains any persons in office from accepting of any present or emolument, title, or office, from any foreign prince or state. It must have been observed before, that though the confederation had restricted Congress from exercising any powers not given them, yet they inserted it, not from any apprehension of usurpation, but for greater security. This restriction is provided to prevent corruption. All men have a natural inherent right of receiving emoluments from anyone, unless they be restrained by the regulations of the community. An accident which actually happened operated in producing the restriction. A box was presented to our Ambassador by the King of our allies.[1] It was thought proper, in order to exclude corruption and foreign influence, to prohibit anyone in office from receiving or holding any emoluments from foreign states. I believe, that if at that moment, when we were in harmony with the King of France, we had supposed that he was corrupting our Ambassador, it might have disturbed that confidence, and diminished that mutual friendship, which contributed to carry us through the war.

Moreover, allusion to this clause was made by Hamilton in No. 84 of the Federalist and undoubtedly by others of his contemporaries.

Dr. Story, in his Commentaries on the Constitution, tells us that the clause as to the acceptance of any present, emolument, title, or office, from any king or foreign state, "is founded in a just jealousy of foreign influence of every sort," and that "the provision is highly important, as it puts it out of the power of any officer of the Government to wear borrowed honors, which shall enhance his supposed importance abroad by a titular dignity at home."

Mr. Justice White, speaking in the case of *Downes* v. *Bidwell* (182 U. S. at 289), states:

> It is impossible to conceive that where conditions are brought about to which any particular provision of the Constitution applies, its controlling influence may be frustrated by the action of any or all of the departments of the Government. Those departments, when discharging, within the limits of their constitutional power, the duties which rest on them, may, of course, deal with the subjects committed to them in such a way as to cause the matter dealt with to come under the control of provisions of the Constitution which may not have been previously applicable.

Back down through the years the advice of the Attorney General, to all of the many who have sought his legal opinion, has been that the language of the clause to which reference is made lends itself to no ambiguous construction.

As illustrative of the type of opinion given by the Attorney General advising the heads of departments in relation to their official duties, let me direct your attention to volume 24, page 116, and the following, of the Opinions of the Attorneys General, which is as follows:

GIFTS FROM FOREIGN PRINCE—OFFICER—CONSTITUTIONAL PROHIBITION

The provision of article I, section 9, clause 9, of the Constitution, which forbids the acceptance, without the consent of Congress, by any person holding any office of profit or trust under the United States, of any "present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state," applies as well to a titular prince as to a reigning one; and a simple remembrance of courtesy, even if merely a photograph, falls under the inclusion of "any present of any kind whatever."

This prohibition expressly relates to official persons and does not extend, under the circumstances outlined, to a department of the Government or to governmental institutions.

DEPARTMENT OF JUSTICE,
September 8, 1902.

SIR: I have the honor to respond to your note of August 27, submitting for my consideration a copy of a note from the German Embassy, which communicates a list of presents bestowed by Prince Henry of Prussia on the occasion of his recent visit to this country. You ask my opinion on the question whether the constitutional provision which forbids the acceptance, without the consent of Congress, of any "present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state," may be construed as applying only to a reigning prince, in which case the authority of Congress for the delivery of these presents would not be required. The presents consist of portraits given to the Navy Department, the Military Academy, and the Naval Academy, and of a photograph to each of several military and civil officers of the United States. The provision of the Constitution is as follows:

"No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state." (Art. I, sec. 9, clause 9.)

It is evident from the brief comments on this provision, and the established practice in our diplomatic intercourse (2 Story on the Constitution, 4th edition, pp. 216, 217; 1 Wharton's International Law Digest, sec. 110, p. 757), that its language has been viewed as particularly directed against every kind of influence by foreign *governments* upon officers of the United States, based on our historic policies as a nation. Although it is manifest that the particular collocation of words in the Constitution, like the words "any foreign prince or state" in the neutrality statutes, refers chiefly to a foreign government and its regular executive (cf. act January 31, 1881; 21 Stat. 604), it would not, in my judgment, be sound to hold that a titular prince, even if not a reigning potentate, is not included in the constitutional prohibition. For the phrase of the provision is "*any* king, prince, or foreign state," and a titular prince, although not reigning, might have the function of bestowing an office or title of nobility or decoration, which would clearly fall under the prohibition. As this remark suggests generally the character of the gift, whether a present or some title of honor (although you do not suggest this point), it must be observed that even a simple remembrance of courtesy, which from motives of delicacy recognizes our policy, like the photographs in this case, falls under the inclusion of "any present * * * of any kind whatever." The act of 1881, *supra*, which, it is true, refers only to a foreign *government* uses the words "any present, decoration, *or other thing*."

But as the constitutional prohibition expressly and exclusively relates to official *persons*, it could not properly be extended, under the circumstances at all events, in my judgment, to a department of the Government and to governmental institutions.

I have the honor to answer your question in the negative.

Very respectfully,

HENRY M. HOYT,
Acting Attorney General.

THE SECRETARY OF STATE.

Relating specifically to this very matter is section 110 of volume I of Wharton's International Law Digest, at pages 757–759, which is as follows:

XXXIV. PRESENTS NOT ALLOWABLE

In the session of 1798 a resolution passed the Senate authorizing Mr. Thomas Pinckney to receive certain presents tendered him by the courts of Madrid and London, respectively, on the termination of his missions to those places. The resolution was rejected in the House, though a resolution was subsequently unanimously adopted stating that ground of this rejection was public policy, and disclaiming any personal reference to Mr. Pinckney. (See 5 Hildreth, U. S. 237.)

"A custom prevails among the European sovereigns, upon the conclusion of treaties, of bestowing presents of jewelry or other articles of pecuniary value upon the minister of the power with which they were negotiated. The same usage is repeated upon the minister's taking leave at the termination of his mission. In Great Britain it is usual to offer the minister, at his option, a sum of money, graduated according to his rank, or a gold box or other trinket of equal value. The acceptance of such presents by ministers of the United States is expressly forbidden by the Constitution, and even if it were not, while the United States has not adopted the custom of making such presents to the diplomatic agents of foreign powers, it can scarcely be consistent with the delicacy and reciprocity of intercourse between them for the ministers of the United States to receive such favors from foreign princes as the ministers of those powers never can receive from this Government in return. The usage, exceptionable in itself, can be tolerated only by its reciprocity. It is expected by the President that every offer of such present which may in future be made to any public minister or other officer of this Government abroad, will be respectfully but decisively declined." (Mr. J. Q. Adams, Secretary of State, to Mr. Rush, Minister at London, November 6, 1817, Manuscripts Institute of Great Britain; H. Doc. No. 302, 23d Cong., 1st sess.)

"I am directed by the President to instruct the ministers, consuls, and other diplomatic commercial agents of the United States that it is required of them that in future they will not, unless the consent of Congress shall have been previously obtained, accept, under any circumstances, presents of any kind whatever from any king, prince, or foreign state." (Mr. McLane, Secretary of State, circular, January 6, 1834. H. Doc. No. 302, 23d Cong., 1st sess.)

This document contains a report (March 4, 1834) from Mr. Archer, from the Committee on Foreign Affairs, in which it is stated that "the Government of the United States is the only one known to lay its agents employed in foreign intercourse under strict interdiction as regards the acceptance of presents in any form. This interdiction being in the Constitution could derive no increase of notoriety more than authority from instructions to our agents abroad."

The report goes on to say that the acceptance of presents has, notwithstanding, taken place in cases when, in oriental countries, such acceptance is a matter of invariable usage, and when "refusal of acceptance would furnish occasion for resentment, compromising

[1] Dr. Franklin is the person alluded to by Randolph. In the winter of 1856, in Philadelphia, under the roof of a venerable granddaughter of Dr. Franklin, I saw the beautiful portrait of Louis XVI, snuff-box size, presented by that King to the doctor. As the portrait is exactly such as is contained in the snuffboxes presented by crowned heads, one of which I have seen, it is probable this portrait of Louis was originally attached to the box in question, which has in the lapse of years been lost or given away by Dr. Franklin. H. B. Grigsby, History of the Virginia Federal Convention of 1788 (Virginia Historical Society Collections, vols. 9–10), page 264.

oftentimes the efficacy of the agency, or it might be even the official immunities or personal security of the agent." The presents in such cases, when not perishable, have been deposited in the State Department, or, when not susceptible of such deposit (as with horses), sold, and the proceeds sent to the Treasury.

On the subject of accepting office or honors from a foreign country, we have the following:

"While recognizing to the fullest extent the eminent service of Captain Martinez, of the Chilean ship of war *Meteor*, in rescuing the survivors of the crew of the United States merchant ship *Manchester*, under circumstances of extreme distress, the uniform practice of this Government forbids the presentation to that officer, in its own name, of any tangible token of this recognition. As all officers of the United States are forbidden to receive such rewards from foreign governments for actions or services of striking merit, it is deemed delicate not to confer obligations in this respect upon foreign officers, which their governments could not, under similar circumstances, be permitted to reciprocate.

"In the mercantile marine no such difficulty exists, and Congress, as you are aware, has placed a liberal fund at the disposal of the President for the purpose of enabling him to offer suitable testimonials to those brave men who so often imperil their own lives in behalf of others" (Mr. Marcy, Secretary of State, to Mr. Starkweather, September 1, 1855. MSS. Inst., Chili).

"The Constitution of the United States provides that no person holding any office of profit or trust under the United States shall without the consent of Congress accept of any office or title of any kind whatever from any king, prince, or foreign state. The terms of this provision of the Constitution of the United States neither prevent nor authorize persons who may hold office under any one of the States from accepting an appointment under a foreign government" (Mr. Hale, Assistant Secretary of State, to Mr. Rosenberg, May 22, 1872. MSS. Dom. Let.).

"Diplomatic officers are forbidden from asking or accepting, for themselves or other persons, any presents, emolument, pecuniary favor, office, or title of any kind from any foreign government. It not unfrequently happens that diplomatic officers are tendered presents, orders, or other testimonials in acknowledgment of services rendered to foreign states or their subjects. These cannot be accepted without previous authority of Congress.

"It is thought more consonant with the character of the diplomatic representation of the United States abroad that every offer of such presents should be respectfully, but decisively, declined. This having been for several years a standing instruction to all our agents abroad, the rule is, probably, so well known as to prevent the offer of such presents in future; but it is deemed proper to call the attention of officers to the subject and to observe that should there be reason to anticipate such an offer, informal notice, given in the proper quarter, of the prohibition against accepting a direct tender thereof would avoid the apparent ungraciousness of declining a courtesy" (printed Pers. Inst., Dip. Agents, 1885).

As to accepting and giving presents, see Mr. Webster, Secretary of State, to Mr. Cushing, May 8, 1843, quoted supra, section 67.

See as to presents to the President of the United States, Senate report, Executive Document No. 23, Thirty-seventh Congress, second session.

As to presents offered to George P. Marsh, arbitrator between Italy and Switzerland on a question of boundary by those Governments, see Senate Miscellaneous Document 16, Forty-fourth Congress, first session.

As to report in favor of Mr. J. R. Hawley's acceptance of decorations from the Governments of the Netherlands and of Japan, July 15, 1882, see House Report 1652, Forty-seventh Congress, first session.

Now, I have been advised by the Justice Department that no opinion on this particular provision of the Constitution has been rendered since 28 Opinions of Attorneys General, page 598, 1911; certainly none during the past 2 years.

Moreover, a search fails to disclose any bill having been introduced the objective of which would be to secure the necessary consent of the Congress for any gifts made or to be made incident to the visit of King George to this country last year.

Although I deprecate the lack of propriety evidenced by the picture appearing in Life, I do wish to pay my respects to Admiral Richardson's forthrightness, his fearlessness, honesty, and integrity.

I wired him yesterday to the following effect:

In re January 22, 1940, issue of Life magazine, pages 24 and 25, on page 25 of which text reads, "Framed photo of King George is a memento of last summer's royal visit," important that you advise me today by wire the occasion, date, and circumstances attending presentation of photo to you by King George or his representative.

And immediately from him received the following reply:

Photograph King George was given me at Hyde Park, N. Y., by the King in person on 11th June 1939, at the conclusion of his visit to the United States, during which I was detailed by the Navy Department, at the request of the State Department, to serve as naval aide. The photograph in Life was taken while I was on shore in my apartment, occupied by my family in Long Beach, Calif.

Some of my more Anglophobic correspondents have insisted that I rise to a question of the privilege of the House, or to that of personal privilege; some have urged that I undertake to initiate impeachment proceedings. As to the first two propositions, parliamentary rules preclude me, were I so inclined. As to the last suggestion, there is neither occasion nor does necessity impel me to unduly magnify the incident.

As is politely suggested above:

It is deemed proper to call the attention of officers to the subject, and to observe that should there be reason to anticipate such an offer, informal notice, given in the proper quarter, of the prohibition against accepting a direct tender thereof would avoid the apparent ungraciousness of declining a courtesy.

May I say that the King should have been advised that he should not place the Commander in Chief in the embarrassing position of being the recipient from his hands of the memento or token involved, or of having to decline to accept the same; moreover, Admiral Richardson should not have accepted it, despite any embarrassment occasioned by a declaration on his part.

It would seem to me that this entire incident might have been avoided had not somebody bungled, and bungled badly.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

ADJOURNMENT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until Monday, March 11, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Friday, March 8, 1940:

H. R. 6321, to provide that the United States shall aid the States in fish-restoration and management projects, and for other purposes.

This bill was previously referred to the Committee on Ways and Means, but under date of February 26 it was rereferred to this committee.

H. R. 8423, retirement of commissioned officers of the Coast Guard.

H. R. 8537, relative to Coast Guard facilities at Seattle, Wash., and Chattanooga, Tenn.

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7937, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 o'clock a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 o'clock a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Thursday, April 4, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, April 4, 1940, at 10 o'clock a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 13, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1433. A letter from the Secretary of the National Institute of Arts and Letters, transmitting the official report of the National Institute of Arts and Letters for the year 1939; to the Committee on the Library.

1434. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 16, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Meachims Creek, Middlesex County, Va., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HOBBS: Committee on the Judiciary. House Joint Resolution 437. Joint resolution authorizing the President of the United States of America to proclaim Citizenship Recognition Day for the recognition, observance, and commemoration of American citizenship; with amendment (Rept. No. 1715). Referred to the House Calendar.

Mr. HOBBS: Committee on the Judiciary. S. 1398. A bill to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; with amendment (Rept. No. 1716). Referred to the House Calendar.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 8540. A bill to authorize an increase in the White House Police force; without amendment (Rept. No. 1718). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 8226. A bill for the relief of David Morgenstern; with amendment (Rept. No. 1717). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 8077. A bill to authorize certain officers of the Army of the United States to accept such medals, orders, and decorations as have been tendered them by foreign governments; without amendment (Rept. No. 1719). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Virginia:

H. R. 8813. A bill to amend the National Labor Relations Act; to the Committee on Labor.

By Mr. BRADLEY of Michigan:

H. R. 8814. A bill to establish rearing ponds and a fish hatchery; to the Committee on Merchant Marine and Fisheries.

By Mr. EBERHARTER:

H. R. 8815. A bill to grant per diem compensation to the appointed members of the Board of Steam and Other Operating Engineers of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAAS:

H. R. 8816. A bill to provide for the retirement of enlisted men of the United States Navy and Marine Corps for physical disability incurred in line of duty, and for other purposes; to the Committee on Naval Affairs.

By Mr. SASSCER:

H. R. 8817. A bill authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. BUCK:

H. R. 8818. A bill validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); to the Committee on the Public Lands.

By Mr. SACKS:

H. R. 8819. A bill granting pensions to certain needy veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. SCRUGHAM:

H. R. 8820. A bill to grant pensions and increase of pensions to certain veterans of the War with Spain, the Philippine Insurrection, or the China Relief Expedition; to the Committee on Pensions.

By Mr. BARRY:

H. R. 8821. A bill to amend the act entitled "An act to prohibit financial transactions with any foreign government in default on its obligations to the United States," approved April 13, 1934; to the Committee on Foreign Affairs.

By Mr. GWYNNE:

H. R. 8822. A bill to extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory; to the Committee on the Judiciary.

By Mr. SHAFER of Michigan:

H. R. 8823. A bill to extend the benefits of the United States Employees' Compensation Act to emergency relief employees suffering from occupational diseases; to the Committee on the Judiciary.

By Mr. RAMSPECK:

H. R. 8824. A bill to amend section 3 of title 43 of the United States Code; to the Committee on the Public Lands.

By Mr. KLEBERG:

H. R. 8825. A bill to provide for the establishment of the Farm Credit Administration as an independent agency of the Government, and for other purposes; to the Committee on Agriculture.

By Mr. MITCHELL:

H. R. 8826. A bill to authorize an appropriation to assist in drefraying the expenses of the American Negro Exposition to be held in Chicago, Ill., during 1940; to the Committee on the Library.

H. J. Res. 484. Joint resolution declaring the birthday of Abraham Lincoln to be a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAVENS:

H. R. 8827. A bill for the relief of L. A. Holcombe; to the Committee on Invalid Pensions.

By Mr. DIRKSEN:

H. R. 8828. A bill granting a pension to Mary Loretta DeLancey; to the Committee on Invalid Pensions.

By Mr. HARTER of New York:

H. R. 8829. A bill granting an increase of pension to Raymond E. Daniels; to the Committee on Pensions.

By Mr. HAVENNER:

H. R. 8830. A bill to amend the records at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence; to the Committee on Immigration and Naturalization.

By Mr. KEAN:

H. R. 8831. A bill for the relief of Bernard E. Wareheim; to the Committee on Claims.

By Mr. McLEOD:

H. R. 8832. A bill for the relief of Carlo Incamicia; to the Committee on Immigration and Naturalization.

By Mr. O'BRIEN:

H. R. 8833. A bill for the relief of Gregorio Geraci; to the Committee on Immigration and Naturalization.

By Mr. SOMERS of New York:

H. R. 8834. A bill for the relief of Louis Gelber; to the Committee on Immigration and Naturalization.

By Mr. SHANNON:

H. R. 8835. A bill to provide for the relinquishment of mineral reservations in the land patent of May L. Sheeks; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6817. By Mr. BRADLEY of Michigan: Petition of H. I. Ochs and Mrs. E. J. Smith, of Charlevoix, Mich., and others, supporting House bill 1; to the Committee on Ways and Means.

6818. By Mr. FLAHERTY: Petition of the Boston Christian Endeavor Union, urging Congress to place an embargo upon the sale of American war materials and equipment to Russia and Japan and that no American credit be available to Russia and Japan; to the Committee on Foreign Affairs.

6819. By Mr. GWYNNE: Petition of George E. Hamilton and numerous other citizens of Greene, Iowa, urging enactment of House bill 1, known as the Patman chain-store bill; to the Committee on Ways and Means.

6820. By Mr. HARTER of New York: Petition of the Genesee-Jefferson Business Men's and Taxpayers' Association, Inc., Buffalo, N. Y., opposing the proposed St. Lawrence waterway project; to the committee on Foreign Affairs.

6821. Also, petition of the New York State Senate, memorializing Congress to enact legislation to prevent any President from seeking a third term; to the Committee on the Judiciary.

6822. Also, petition of the Brotherhood of Maintenance of Way Employees, Central Lodge No. 866, Buffalo, N. Y., opposing the St. Lawrence seaway project; to the Committee on Foreign Affairs.

6823. By Mr. KEOGH: Petition of the National Door Manufacturers' Association, Inc., Chicago, Ill., concerning House bill 4363; to the Committee on Labor.

6824. Also, petition of the Leach Co., of Oshkosh, Wis., concerning the Walter-Logan bill; to the Committee on the Judiciary.

6825. By Mr. SCHAFER of Wisconsin: Petition of the businessmen of Lower Third Street, Milwaukee, Wis., opposing the enactment of the Neely bill, which eliminates "block booking" in the movie industry; to the Committee on Interstate and Foreign Commerce.

6826. Also, petition of the businessmen of Mitchell Street, Milwaukee, Wis., opposing the enactment of the Neely bill, which eliminates "block booking" in the movie industry; to the Committee on Interstate and Foreign Commerce.

6827. By Mr. SCHIFFLER: Petition of J. B. McLaughlin, commissioner of agriculture, and A. B. Hatten, E. E. Brammer, E. L. Harris, Kiah Maynard, and Harrison Bradshaw, representatives of all tobacco growers in West Virginia, protesting against the 1940 acreage allotments in West Virginia; to the Committee on Ways and Means.

6828. By Mr. SCHWERT: Resolution of the Common Council of the city of Lackawanna, N. C., urging favorable action on legislation appropriating funds for the relief of the Polish people; to the Committee on Foreign Affairs.

6829. Also, resolution of Local Lodge, No. 866, Brotherhood of Maintenance of Way Employees, Buffalo, N. Y., opposing the proposed St. Lawrence seaway; to the Committee on Interstate and Foreign Commerce.

6830. Also, resolution of Polonia Lodge, No. 1176, of the Brotherhood of Railway Carmen of America, Buffalo, N. Y., opposing the St. Lawrence seaway; to the Committee on Foreign Affairs.

6831. By Mr. SHAFER of Michigan: Petition of 3,592 citizens of New York, Montana, Utah, Vermont, Ohio, and other States, supporting House bill 5237, which provides for 30-year optional retirement of postal employees; to the Committee on the Civil Service.

6832. Also, resolution of the National Door Manufacturers Association, Inc., supporting House bill 4363, which provides for the amendment of section 13 of the Wages and Hours Act, to exempt from the provisions of sections 6 and 7 all clerical employees paid on a straight-salary basis who are given vacations with pay; to the Committee on Labor.

6833. By Mr. WHITTINGTON: Petition of the Legislature of the State of Mississippi to Congress, requesting the continuance of the program of the Bankhead-Jones Farm Tenant Purchase Act; to the Committee on Agriculture.

6834. By the SPEAKER: Petition of assembly of youth, committee for Philadelphia Youth Council, Philadelphia, Pa., petitioning consideration of their resolution with reference to antialien legislation; to the Committee on Immigration and Naturalization.

6835. Also, petition of Missionary District of the Panama Canal Zone, Ancon, C. Z., petitioning consideration of their resolution with reference to regulation and restrictions of employment; to the Committee on Merchant Marine and Fisheries.

SENATE

FRIDAY, MARCH 8, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Dear Lord and Heavenly Father, we come to Thee as humble penitents seeking the comfort of the divine pledge of the forgiveness of our sins. Cleanse Thou our hearts from all envy, hatred, and malice, that in our thoughts, our words, and our actions we may show to each other only the spirit of courtesy and kindness as we wrestle with the problems that are pressing for solution to the advancement of Thy glory, the safety, honor, and welfare of Thy people.

Do Thou clarify our vision, gird us for our toil, direct our minds and wills, and grant that we may never lose our self-respect nor forfeit the confidence of those who trust us now because we trust in Thee. We ask it in the name of Him who came to show mankind the true and living way—Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 7, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Shipstead
Ashurst	Frazier	McCarran	Smathers
Austin	Gerry	McKellar	Smith
Bailey	Gibson	McNary	Stewart
Bankhead	Gillette	Maloney	Taft
Barbour	Green	Mead	Thomas, Idaho
Barkley	Guffey	Miller	Thomas, Okla.
Bilbo	Gurney	Minton	Thomas, Utah
Brown	Hale	Murray	Tobey
Bulow	Harrison	Neely	Townsend
Byrd	Hatch	Norris	Truman
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Chandler	Hill	Overton	Van Nuys
Chavez	Holman	Pepper	Wagner
Clark, Idaho	Holt	Pittman	Walsh
Clark, Mo.	Hughes	Radcliffe	Wheeler
Connally	Johnson, Calif.	Reed	White
Danaher	Johnson, Colo.	Reynolds	
Davis	La Follette	Russell	
Donahey	Lee	Schwartz	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Texas [Mr. SHEPPARD], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], and the Senator from Utah [Mr. KING] are unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Wisconsin [Mr. WILEY] is unavoidably absent because of illness.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

EXPENSES OF THE INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that Public Resolution Numbered 254, approved August 7, 1935 (49 Stat. 540), be amended by repealing section 2 of the resolution, which terminates the provisions of the resolution as of June 30, 1941, so as to provide an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts and for participation in the meetings of the committee and the Commissions established by that Committee.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 8, 1940.*

Enclosure: Report.

PETITIONS AND MEMORIAL

The VICE PRESIDENT laid before the Senate a resolution of the Pennsylvania District Executive Board of the State, County, and Municipal Workers of America (C. I. O.), Harrisburg, Pa., favoring the proposal that the President call a conference of labor, industry, and Government leaders to map a program to end the problem of unemployment, which was referred to the Committee on Education and Labor.

Mr. GIBSON. Mr. President, I have before me and ask consent to present for appropriate reference a petition signed by members of the auxiliary to Robert T. Shepardson Post No. 82, American Legion, of Londonderry, Vt., asking consideration for House bill 7593, which provides Government protection to widows and children of deceased World War veterans.

The VICE PRESIDENT. Without objection, the petition will be received and referred to the Committee on Finance.

Mr. TYDINGS presented a resolution of Janet Montgomery Chapter, Maryland Society, Daughters of the American Revolution, protesting against the enactment of Senate bill 1650, providing that money be drafted for use in war, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Appropriations, to which was referred the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, reported it with amendments and submitted a report (No. 1296) thereon.

Mr. HARRISON, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, reported it without amendment and submitted a report (No. 1297) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 7863) to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States, reported it without amendment and submitted a report (No. 1298) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on March 7, 1940, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 263. An act for the relief of George R. Morris;

S. 538. An act for the relief of certain purchasers of lots in Harding town site, Florida;

S. 2157. An act for the relief of George H. Elswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;

S. 2973. An act for the relief of Inez Gillespie; and

S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 3534. A bill to amend the act entitled "An act to amend the act entitled 'An act for the relief of certain purchasers of lands in the Borough of Brooklawn, State of New Jersey,' approved May 6, 1936"; to the Committee on Commerce.

By Mr. BULOW:

S. 3535 (by request). A bill relating to compensatory time off with pay for certain policemen and firemen; to the Committee on Civil Service.

By Mr. McKELLAR:

S. 3536. A bill to extend the benefits of the Railroad Retirement Act of 1937 to certain individuals; to the Committee on Interstate Commerce.

By Mr. JOHNSON of Colorado:

S. 3537. A bill granting an increase in pension to Harvey L. Frame; to the Committee on Pensions.

By Mr. WHITE:

S. 3538. A bill granting a pension to Fred E. Bradbury; to the Committee on Pensions.

By Mr. WALSH:

S. 3539. A bill for the relief of Thomas M. Barnes; to the Committee on Military Affairs.

S. 3540. A bill for the relief of Joseph S. Walden; to the Committee on Naval Affairs.

HOUSE BILL REFERRED

The bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENTS

Mr. LA FOLLETTE submitted an amendment, and Mr. CAPPER submitted two amendments, intended to be proposed by them, respectively, to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which were ordered to lie on the table and to be printed.

AMENDMENT TO RIVER AND HARBOR AUTHORIZATION BILL—CADLE CREEK, MD.

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. BYRD and Mr. MEAD each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. FRAZIER submitted an amendment making funds available during the fiscal year 1941 to any person who raised or produced and marketed hogs for slaughter on which there was levied, collected, or paid a processing tax under the provisions of the Agricultural Adjustment Act of 1933, or his legal representative, of so much of such tax as was in fact borne by such person, and so forth, intended to be proposed by him to House bill 8641, the first deficiency appropriation bill, 1940, which was ordered to lie on the table and to be printed.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. RUSSELL submitted the following notices in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

At the proper place insert the following:

"Loans: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7 of the Rural Electrification Act of May 20, 1936, as amended (7 U. S. C. 901–914), $40,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said act and shall be considered as made available thereunder; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum in addition to the amounts heretofore authorized under said section 3 (a) and without regard to the limitation in respect of time contained in section 3 (e) of said act."

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

At the proper place insert the following:

"Loans: For loans in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000–1006), $50,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 percent per annum; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary of Agriculture, who shall make repayment thereof out of all moneys collected by him representing payments of principal and interest on the loans made out of the funds so borrowed."

Mr. RUSSELL also submitted two amendments intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, which were ordered to lie on the table and to be printed. (For amendments referred to, see the foregoing notices.)

NATIONAL LABOR RELATIONS BOARD—STATEMENT OF WILLIAM M. LEISERSON

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement by William M. Leiserson, member of the National Labor Relations Board, before the Special House Committee to Investigate the National Labor Relations Board, December 11, 1939, which appears in the Appendix.]

ADDRESS BY JUDGE ALBERT W. JOHNSON TO NATURALIZED AMERICAN CITIZENS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered on March 6, 1940, by Judge Albert W. Johnson, of Lewisburg, Pa., to a group of naturalized Americans, and an editorial from the Scranton Tribune of March 6, 1940, referring to the address, which appear in the Appendix.]

THE ST. LAWRENCE WATERWAY PROJECT

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an article from a recent issue of the Washington Post, by G. Raleigh Parkin, relative to the proposed St. Lawrence Waterway project, which appears in the Appendix.]

THE SILVER-PURCHASE PROGRAM

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an editorial from the Washington Post of March 8, 1940, under the heading "Our silver folly," which appears in the Appendix.]

ARTICLE BY HON. CARL GOERCH ON THE FIRST POSTMISTRESS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "The First Postmistress," by Hon. Carl Goerch, published in the State magazine, of Raleigh, N. C., which appears in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Florida [Mr. PEPPER] had the floor and expressed a desire to continue his remarks, which were then unfinished. The Chair recognizes the Senator from Florida.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. PEPPER. I yield to the Senator from Kentucky, and will then yield to other Senators who may desire the floor briefly.

GREETING TO ARCHDUKES OTTO AND FELIX, OF AUSTRIA

Mr. BARKLEY. Mr. President, we all realize, I am sure, how the fate of empires, of nations, and of families is interwoven in the history of mankind throughout the ages. There is no more tragic or outstanding example of this change in the fate of nations and families, high and low, than is the record of Austria and the Austro-Hungarian Empire.

One of the oldest and most distinguished reigning families of Europe was the House of Hapsburg. We are all familiar with what happened to the Austro-Hungarian Empire as a result of the World War, and with what has occurred in Austria in more recent years.

There is now visiting in the United States Archduke Otto, son of the last Emperor of the Austro-Hungarian Empire; and with him is his brother Felix. They are studying American principles of democracy in order that they may utilize, for the benefit of other peoples, the knowledge and information which they may obtain from our experience and our institutions.

These young men are very affable and agreeable and democratic in their manner. They are honoring us today by visiting the Senate, and they are now seated in the Vice President's box in the family gallery. I suggest, as a courtesy to these young men, that we rise and greet them.

(Thereupon the Senate rose, and the archdukes bowed their acknowledgments.)

FOREIGN PROPAGANDA

Mr. CLARK of Missouri. Mr. President, at the extraordinary session of Congress I submitted a resolution providing for the setting up of a committee for the purpose of studying propaganda from any source whatever for the purpose of influencing the neutral position of the United States. That resolution was referred at the extraordinary session of the Congress to the Committee on Foreign Relations and has been there since. It is my purpose at the first opportunity to press for action in that committee on the resolution. The purpose of the resolution was to learn now, instead of 20 years later, the efforts which are being put forward by the various belligerents for the purpose of obtaining favors from us, or dragging us into the war on their side of the fence, or keeping us out of war, as the case may be. In the case of the last war we waited for 20 years to learn the extent and methods of the propaganda by which we had been dragged into the war.

We learned by the publications of Sir Gilbert Parker, and more lately and more completely by the publication of the book of Professor Peterson, Propaganda for War, something of the organized effort which was made during the last war, particularly on the part of the British, in an attempt to drag us into the war. We learned from Sir Gilbert Parker, the head of the British propaganda bureau, that one of the most effective methods he pursued for the purpose of getting us into the last war was propaganda put out through the schools and colleges of the United States by contacting a segment of college professors and, in some cases, putting them on the pay roll. We also know of the effort in the direction of propaganda which was made by the British Government through paying the expenses of a large number of magazine proprietors in one case, and of newspaper publishers in another case, for extensive tours of Europe for the purpose of absorbing food, drink, and propaganda and passing the latter on to our people on their return.

In connection with that subject, I ask unanimous consent to insert in the RECORD as a part of my remarks an article appearing in the New York Times of yesterday, March 7, setting forth a very insidious method of propaganda which apparently is already under way by the British by the device of undertaking to employ abroad a large number of American college professors, undoubtedly at liberal salaries, under a Government subsidy, ostensibly with a view to preparing British citizens for good service after the war, but actually for the purpose of sympathetic propaganda in this country.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

BRITISH MAY ASK AMERICANS' AID TO PREPARE SOLDIERS FOR CIVIL LIFE—EDUCATORS ENLISTED IN VAST SCHEME TO KEEP MEN'S MINDS ALIVE, STIMULATE CULTURAL INTERESTS, AND PROVIDE OCCUPATIONAL TRAINING

(By W. F. Leysmith)

LONDON, March 6.—American professors may soon be invited here to aid the British educational authorities in keeping the minds of men and women in the fighting services alive, retaining their interest in cultural matters, and teaching them to think.

The Pilgrim Trust has given £500 to the Central Advisory Council for Adult Education in His Majesty's Forces, the organization headed by Sir Walter Moberly, noted educator, that is cooperating with the Army, Navy, and Air Force in planning a vast scheme of tutorship eventually to extend to areas close behind the fighting fronts.

For the time being the educational corps of the three fighting services are reserving for themselves all technical and occupational training, the latter being training to fit men for civilian work after the war. Organization of lectures to enable men of the armed forces to continue their "cultural learning" as in civilian life is in the hands of Dr. Basil Yeaxlee, of Oxford, a great worker for education in the last war, and now secretary of the Central Advisory Council.

LARGE SUBSIDY IS EXPECTED

This voluntary council is composed of representatives of all British universities and adult educational bodies, such as the Workers' Educational Association and the Board of Education. Parliament is expected to vote soon a considerable sum to meet the increased cost of the fighting services' educational corps and the work of the Central Advisory Council.

The whole scheme is being devised on a far vaster scale than in the World War when, for the first 3 years or more, the education of troops was left to voluntary workers, chiefly under the organization of the Young Men's Christian Association. In fact, Dr. Yeaxlee today is directing his operations from the Y. M. C. A.'s London headquarters. He described how in the evenings troops and often many officers were crowding into Y. M. C. A. camp huts and those of the church army whenever his lectures were announced.

While the subjects of lectures are under strict control of commanding officers, Dr. Yeaxlee declares, there is no repression of ideas nor any curb on free discussion of any topic. At the same time care is taken that there shall be no propaganda for any "ism" of one extreme or the other.

The troops, as far as possible, choose their own subjects. Their request is passed by commanding officer to one or any other of 20 regional committees under Dr. Yeaxlee's control, and a lecturer is promptly found to fit the subject. For instance, a camp in the country holding a large number of searchlight operators, drawn likely enough from drab cities, sent request for a lecturer on astronomy to understand the skies the men gazed at nightly.

KNOWLEDGE OF MUSIC SOUGHT

Others have wanted to know all about Napoleon's Italian campaign or life in the Roman Army. There has been a real thirst for knowledge of good music, which many men, whiling away the hours of boredom, are now hearing over the radio for the first time. Other popular lecturers have been those on the working of democracy, how the parliamentary system works, the organization of the French Army, and illustration of the press.

As the generation born after the World War has grown up in a world talking peace, Dr. Yeaxlee has found it necessary to enlist many lecturers to explain why Europe is now at war. When these young fellows just called to the colors were at school they were taught about the League of Nations and world disarmament. After that they entered trades or professions; and, apart from an occasional glance at the headlines, many took no interest in world politics. Many, therefore, have no real knowledge of the background of the present war, and the council is doing its best to give this cross section of the Nation's youth the essential historical facts and to help them understand other nations.

"You must endeavor to explain to young troops what the American Constitution is before talking about what America does," is one of Dr. Yeaxlee's dicta.

With the possible exception of the air forces, which in recent years have built up one of the finest technical training systems in

the country, the service educational corps have been rather set back since the outbreak of the war, as their comparatively small staffs have been commandeered for what ministerial chiefs held to be more urgent work, and are still on peacetime allocation. The Navy presents great educational difficulties, since few men are at shore depots for any length of time. The army in France at the moment has little spare time for education.

The Canadian contingent in Britain has built up its own organization for fitting troops to be good citizens after the war.

BERTRAND RUSSELL

Mr. REYNOLDS. Mr. President, in pursuance of the remarks made by the able senior Senator from Missouri [Mr. CLARK] in reference to propagandists in this country, I desire to say that several days ago I clipped from one of the New York newspapers an article headed "Bishop Hits College for Hiring Russell." The article refers to a gentleman by the name of Bertrand Russell who is today professor of philosophy at one of the universities in California. The bishop is opposing the affiliation of Mr. Russell as a professor of philsophy in the College of the City of New York.

Furthermore, I found in a newspaper an article headed "Bertrand Russell Reenters Country," which reads:

SAN DIEGO.—Bertrand Russell, British educator, who will occupy the chair of philosophy at University of California at Los Angeles, has formally reentered the United States through the Tia Juana port of entry and is entitled to remain indefinitely on a permanent residence basis. In remaining in the United States and accepting employment at the university, he does not obligate himself to become an American citizen—

And, from what the bishop says about Mr. Russell, I do not think we want him as an American citizen—

but qualifies to apply for citizenship at a later date.

Before leaving Los Angeles for the Mexican town last week, Russell was quoted as saying that "I don't intend to renounce my allegiance to King George VI, but I would like very much to avail myself of the offer of the chair of philosophy made me by the university officials."

And the editors of the newspaper, in the clipping before me, have in italics at the bottom:

Well, what do you think of that? He eats our bread, draws our money, teaches our students, and says "to hell with the United States. I'm a subject of King George the VI and am going to remain so." Some gall!

I ask that the first article to which I referred be printed as a portion of my remarks, in addition to the one I have just read.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of March 1, 1940]

BISHOP HITS COLLEGE FOR HIRING RUSSELL

NEW YORK, March 1.—The College of the City of New York defended its appointment of Bertrand Russell as professor of philosophy today against the attack of Episcopal Bishop William T. Manning, who had described the British mathematician and philosopher as a "propagandist against religion and morality."

Dr. Nelson P. Mead, acting college president, said Mr. Russell was hired to teach mathematics, not morality and religion.

TEACHING IN CALIFORNIA

Mr. Russell is now teaching at the University of California at Los Angeles. His appointment here is not effective until 1941. His contributions to mathematics and philosophy are regarded as more important than his publicized views on marriage and morality.

* * * * * * *

Bishop Manning attacked the appointment in letters to New York newspapers. He asked, "What is to be said of colleges and universities which hold up before our youth as a reputable teacher of philosophy and as an example of light and learning a man who is a recognized propagandist against both religion and morality, and who specifically defends adultery?"

THE LATE EDWIN MARKHAM

Mr. DAVIS. Mr. President, the passing of Edwin Markham, whom it was my good fortune to know, brings on a new age. The one through which he lived his 87 years hung heavily on the accent of mechanized brutality and outrageous neglect of those who toil. Markham sensed all of these social needs, and rose to champion the cause of one disheartened groups after another. His famous poem The Man With the Hoe has doubtless been repeated more frequently than any other in the meeting places of those striving for a better life.

The hungry hearts of those of us who long for peace found in him a truly noble voice. Nevertheless, he was not content, for he longed to write five or six stanzas that would disperse the armies of the world. He said:

If I had the time, the youth, the strength to write one great poem, it would be against war. If I could have one wish fulfilled, it would be for a poem that would expose the mockery, the futility, the sterility of war in such a way as to warn every man who loves the world and humanity to watch vigilantly against war.

Mr. President, the American people are proud of Edwin Markham, our great poet, whose heart never ceased to beat in deep compassion for those who toil, for the heart-weary and the oppressed. We are proud that the aged poet recently said that when death overtook him it would not find a querulous old man, but a young fellow intrigued with the greatest adventure of all.

Mr. President, Edwin Markham has gone to explore the mysteries of the dead, even as he said. He has gone to chart out a higher level of living, a nobler plane on which to dwell. I ask unanimous consent to have printed in the RECORD a poem that has frequently graced its pages, The Man With the Hoe, the never-to-be-forgotten lines of a great soul, Edwin Markham.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The poem is as follows:

THE MAN WITH THE HOE

Bowed by the weight of centuries he leans
Upon his hoe and gazes upon the ground,
The emptiness of ages in his face,
And on his back the burden of the world.
Who made him dead to rapture and despair,
A thing that grieves not and that never hopes,
Stolid and stunned, a brother to the ox?
Who loosened and let down this brutal jaw?
Whose was the hand that slanted back this brow?
Whose breath blew out the light within this brain?

Is this the thing the Lord God made and gave
To have dominion over sea and land;
To trace the stars and search the heavens for power;
To feel the passion of Eternity?
Is this the dream He dreamed who shaped the suns
And marked their ways upon the ancient deep?
Down all the stretch of Hell to its last gulf
There is no shape more terrible than this—
More tongued with censure of the world's blind greed—
More filled with signs and portents for the soul—
More fraught with menace to the universe.

What gulfs between him and the seraphim!
Slave of the wheel of labor, what to him
Are Plato and the swing of Pleiades?
What the long reaches of the peaks of song,
The rift of dawn, the reddening of the rose?
Through this dread shape the suffering ages look;
Time's tragedy is in that aching stoop;
Through this dread shape humanity betrayed,
Plundered, profaned, and disinherited,
Cries protest to the Judges of the World,
A protest that is also prophecy.

O masters, lords, and rulers in all lands,
Is this the handiwork you give to God,
This monstrous thing distorted and soul-quenched?
How will you ever straighten up this shape;
Touch it again with immortality;
Give back the upward looking and the light;
Rebuild in it the music and the dream;
Make right the immemorial infamies,
Perfidious wrongs, immedicable woes?

O masters, lords, and rulers in all lands,
How will the Future reckon with this Man?
How answer his brute question in that hour
When whirlwinds of rebellion shake the world?
How will it be with kingdoms and with kings—
With those who shaped him to the thing he is—
When this dumb Terror shall reply to God,
After the silence of the centuries?

—EDWIN MARKHAM.

PEARL RIVER BRIDGE, MISSISSIPPI

Mr. BILBO. Mr. President, I ask unanimous consent for the present consideration of Senate bill 3209, and ask for its passage at this time, because it is an emergency matter. The highway department of my State is being delayed in the construction of a bridge on a very important highway.

The PRESIDENT pro tempore. The title of the bill will be stated by the clerk.

The LEGISLATIVE CLERK. A bill (S. 3209) granting the consent of Congress to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge across Pearl River in the State of Mississippi.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HATCH. Mr. President, reserving the right to object, if granting the request of the Senator from Mississippi would displace the pending business I should be compelled to object.

Mr. BILBO. That is not the purpose. I am asking unanimous consent for the consideration and passage of the bill.

The PRESIDENT pro tempore. The consideration of this bill by unanimous consent would not displace the unfinished business. The unfinished business may be temporarily laid aside pending action on the bill referred to by the Senator from Mississippi, and the regular order may be called for at any time.

Mr. HATCH. With that understanding, I have no objection.

There being no objection, the Senate proceeded to consider the bill S. 3209, which had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "Mississippi", to insert "State", and in line 10, after "1906", to insert "and subject to the conditions and limitations contained in this act", so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near Carthage, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage, in the State of Mississippi."

APPOINTMENT OF ACTING ASSISTANT SURGEONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2284) to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service, which was, on page 1, line 8, to strike out all after "30 Stat. 380)", down to and including "surgeons", in line 2 of page 2.

Mr. WALSH. I move that the Senate concur in the House amendment.

The motion was agreed to.

FARM PROGRAM OF THOMAS E. DEWEY

Mr. LEE. Mr. President, in yesterday afternoon's Washington Daily News appeared an article giving the farm program of Tom Dewey. I would say facetiously that it is baldfaced plagarism.

His first point would be to "Establish a fair parity between agricultural prices and industrial prices."

Second, "Provide Government crop loans at reasonable levels."

Third, "Adopt a direct program of soil conservation."

Fourth, "Convert submarginal land to more economic uses."

Fifth, "Extend the farm cooperative movement."

Sixth, "Continue and extend the program for marketing agreements."

Seventh, "Preserve the American market for American agriculture."

Eighth, "Broaden research in the use of agricultural products."

Mr. President, at one time there was an old lady who was hard of hearing, and someone tried to introduce to her Mr. Throttlebottom. She said, "Heh?" The man introducing his friend said, "Mr. Throttlebottom." She said, "Heh?" He said, "Mr. Throttlebottom." She said, "I can't understand. It sounds just like he says 'Mr. Throttlebottom.'" [Laughter.] As a matter of fact, he did say "Throttlebottom."

For 7 years we have had in operation the program proposed by Mr. Dewey, and now, as though it were brand new, not only this candidate, but some other candidates, come forward with this as a farm program, offering it to the farmers as though it were a brand new, original proposal.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5982) for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violations thereof; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. WALTER, and Mr. GWYNNE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. PEPPER. Mr. President, at the conclusion of the session yesterday I was addressing myself to the amendment of the Senator from Connecticut [Mr. MALONEY], by which he proposed that the Senate not agree to the committee amendment to the pending bill, which would be section 3 of the pending bill.

Mr. MALONEY. Mr. President, I should like to point out to the Senator that my amendment provides for the striking out of certain language. I was advised by the Chair yesterday that the effect would probably be the same if we voted on the question of the committee amendment. I am now advised that my amendment is correct insofar as the carrying out of my intention is concerned, because a vote disagreeing to the committee amendment would restore the language stricken out by the committee. Therefore I am very hopeful that the Chair will agree that my amendment is in proper order and that we may have a vote on the amendment as drafted. I shall offer a proposed slight change in the amendment.

Mr. PEPPER. Mr. President, the issue presented, then, is whether or not the Senate shall agree to including section 3 of the bill as it now appears before the Senate. I am opposed to the amendment to section 12 of the law as it appears in the bill, and I stated yesterday some of the reasons which moved me to that conclusion.

It will be remembered by all, of course, that we already have on the statute books the original Hatch law, which makes it a criminal offense for those who are employed by and receiving their remuneration from the Federal Government to coerce, intimidate, threaten, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote in an election at which certain defined Federal officials are to be elected.

The act also makes it unlawful for any person employed by the Federal Government to use his official authority for the purpose of interfering with or affecting the election of certain named Federal officials.

It also makes it unlawful for any person directly or indirectly to promise any employment in any way to any person as a consideration for any political activity of such person in any election.

The act also makes it unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment on account of race, creed,

color, or any political activity in support of or in opposition to any candidate or any political party in any election.

Likewise the act makes it unlawful for any person to solicit or to receive in any manner funds or subscriptions for any political purpose from any person known by him to be entitled to or receiving compensation, employment, or other benefits provided for or made possible by any act of Congress appropriating funds for work relief or relief purposes.

The act makes it unlawful for any person for political purposes to disclose, or to aid or assist in disclosing, any list or names of persons receiving Federal compensation so that they may be approached for the purpose of getting political contributions.

Mr. President, those prohibitions, salutary provisions of the Hatch law, are now upon the statute books of this country. Not only that, but by the Hatch law, now on the statute books, any Federal employee is forbidden from taking any part in any election; not only a Federal election, but a State election or a local election in any State.

I am not disposed to oppose even that provision of the existing Hatch law, because obviously the Federal Government has the unqualified power and the unqualified right to limit the activities of its own employees, and, while it may go to an extent which is not called for by circumstances, it does not raise the same question which is raised by the amendment before the Senate.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. PEPPER. I yield.

Mr. STEWART. Did the Senator say that he construed the law to prohibit or prevent those affected by the act from taking part in local elections?

Mr. PEPPER. I said that the original Hatch law, which is now on the statute books, goes so far as to prohibit Federal employees from taking any part in any election, Federal or local.

Mr. STEWART. But with respect to the pending amendment to section 12 of the Hatch Act, does the Senator construe that to mean that State, county, and municipal employees cannot take part in local elections, or are they merely restricted from activities in the election of Senators, Representatives, and other national officials, so to speak?

Mr. PEPPER. The question of the able Senator from Tennessee brings me to the specific point in issue here. The statute which is now proposed by the able Senator from New Mexico goes immeasurably further than the Hatch law which is now upon the statute books of this country. It goes so far as to contain this provision, against which I primarily direct my remarks:

No such officer or employee—

Which means an officer or employee of any State or political subdivision of a State—

No such officer or employee shall take any part in political management or in political campaigns.

Mr. President, that is the vice of the provisions.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. The Senator realizes, of course, that he is not stating the full provision; they must be engaged in an activity or function to which the Federal Government contributes funds.

Mr. PEPPER. Of course; I thought that was generally understood. The law provides that when any State officer or any State employee receives any part of his or her compensation from the Federal Government, or works for an agency in the State which receives any contribution from the Federal Government, in that case no such State official or State employee can participate in any political campaign, however local it may happen to be.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MINTON. The bill now before the Senate goes further than that. It provides that no official or employee of any State shall take part in a State election if he is employed in a department which is financed in whole or in part by Federal loans or grants, not that he has to receive part of his salary from them.

Mr. PEPPER. That was included in my statement, although I thank the able Senator from Indiana for his suggestion.

Mr. President, I did not deny that the Federal Congress lacked the power to pass that kind of a law, I did not question the jurisdiction of the Federal Government to prescribe those limitations upon the activities of those who are even partially the beneficiaries of Federal funds, even though indirectly so, but I did strongly question the policy of the Federal Government's laying down any such precedent for the Government of the United States.

Mr. President, I presume we all know that there seems to be some inherent tendency in the minds and hearts of human beings to abuse a power which may be possessed by them. It is regrettable that a tendency of that character exists in the human attitude; but our whole history and our whole experience teaches us that when a power admittedly exists we have to be extremely cautious against its abuse by human beings.

I have before me a vivid illustration of what I say. The United States Government, of course, has not only the power but the duty to enforce Federal law and to punish the violation of Federal law. For that purpose it is perfectly permissible, it is no doubt desirable, for the Federal Government to send a representative from the Department of Justice to the various parts of the United States where investigation of violations of Federal law may be proper, and where prosecution for Federal offenses is the duty of the Department of Justice. Yet, Mr. President, a little while ago a representative of the Department of Justice, a Mr. Rogge, went from the Department of Justice in Washington down into a sovereign State of the American Union, an honorable State of the American Government, whose history and illustrious service to the country deserve that it have always the highest esteem from the citizenry of this great Nation of ours. Mr. Rogge went down to the State of Louisiana, ostensibly for the purpose of enforcing Federal law and investigating violations thereof. And did Mr. Rogge in his zeal confine himself to that activity? I have before me certain Louisiana newspapers, one of date December 24, 1939, the Sunday Item-Tribune, published in New Orleans, which carries at the top of the newspaper in headlines 2 inches high the words:

United States to probe election.

The United States Government is to probe an election of local officials in Louisiana. At this time in American history, at this period in world history, do we admit to the world that democracy in America has so broken down that sovereign States cannot conduct their own elections?

Mr. President, I proclaim it as the privilege of a State in a democratic Government even to have bad government, if its people want it to be bad, and it is none of the Federal Government's business what kind of local officials are elected in Louisiana, or in any other sovereign State. If Mr. Rogge is so disatisfied with the democratic experiment in Louisiana that he thinks that the paternalism of the Federal Government alone can make democracy in Louisiana work in local matters, I am sorry that he occupies the political position he does in the American Government.

Mr. President, in the issue of January 4, 1940, of the New Orleans States here is another big headline:

Warns vote thieves here.

Then a subheadline:

Vote thieves warned by Rogge on primary.

In a what? In a United States election? The election of a United States Senator was not involved in that election; nor was any Representative involved in that election. They were electing a Governor. That is what it was all about; and so the Department of Justice sends this gallant knight, Mr. Rogge, down there to propitiate the demands of the United States Government that democracy operate according to his idea in the sovereign State of Louisiana.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. JOHNSON of Colorado. I am curious to know how it happened that the provisions of the original Hatch bill, which was passed last year, did not take care of Mr. Rogge's activities.

Mr. PEPPER. I will say to the able Senator from Colorado that I think he has made a very pertinent inquiry.

In another issue on January 13 of the Times-Picayune, published in New Orleans, I find the following headline:

"United States probe of ballot fraud to cover poll Tuesday," says Rogge.

Here is a subheadline:

"New" Federal inquisitorial body will resume quiz Monday.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLER. The Senator referred to the election in Louisiana. Of course, generally speaking, the Senator is right in referring to it as an election, but it was really more in the nature of an argument among the Democrats of Louisiana, was it not?

Mr. PEPPER. It was not even a national election. It was a party primary merely to name nominees, and was not, of course, a general election.

Mr. MILLER. It was a primary election in Louisiana.

Mr. PEPPER. Yes.

Mr. MILLER. I think the record should be kept clear on that point because it also emphasizes the point the Senator is making.

Mr. PEPPER. I thank the able Senator from Arkansas for calling attention to the fact that it was a primary and not a general election.

Mr. President, in the issue of January 15 of the New Orleans States I find the following huge headline:

Rogge warns vote crooks United States to act.

United States to act on what? Vote frauds in a State primary. Vote frauds in a State primary denounced by a United States Department of Justice representative cracking the whip over local authorities and perhaps local wrongdoers, threatening them with Federal prosecution.

Mr. President, that is not all. Again in the February 20 issue of the New Orleans States I find the following headline:

United States warning reassures many.

Obviously, therefore, the participation of Mr. Rogge in the Louisiana primary, while it has struck fear into the hearts of many, has likewise reassured many, according to which side they were on in the local election.

In addition to that, in the February 7 issue of the New Orleans States appears another big headline 2 inches high:

United States pushes probes.

Further attesting the diligence of Mr. Rogge in the Louisiana election.

All the newspapers to which I refer were published in 1940, except the one first referred to, of date December 24, 1939. In the New Orleans States, published at New Orleans February 14, 1940, appeared the following huge headline:

Rogge back, pushes vote fraud probes. New jury to stay in; sift all election violations.

I may say that the second primary was to be February 20, 1940, and Senators can imagine the impression that must have been created in the local primary by having all these big headlines, and the gallant rush of this modern political knight, Mr. Rogge, back to New Orleans for the purpose of safeguarding his conception of proper democratic government.

Then in the issue of February 15 of the New Orleans Item is another headline:

United States indicts in primary.

Then again the New Orleans Times-Picayune of February 15 has substantially the same headline and statement.

In the February 22 issue of the New Orleans States appears the following headline:

Rogge pushes all probes.

Then in a subheadline:

Roggs to push probe of graft, election; on way back here.

Then in the issue of February 14 of the New Orleans Item appears this big headline:

Rogge turns on heat.

That refers to a Federal official at a time when a second primary to elect a Governor of Louisiana was 5 days away. At least the attitude of Mr. Rogge must have been such as to give some justification for these newspaper headlines that appear in these newspapers to which I referred:

Rogge turns on heat.

What kind of heat, Senators? To see to it that a particular person was elected Governor in Louisiana. Is the United States Government to tell the people of Louisiana who their Governor is to be and ought to be? Is the United States Government to turn out Longism? Is that a proper sphere and scope of Federal activity?

In the issue of the Times-Picayune of February 20, the headline is:

United States to enforce honesty at polls, Rogge warns on eve of election.

That was on the day of the election. The Times-Picayune is a morning newspaper. That was the headline the day the people of Louisiana were to vote and decide who their Governor was to be.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. LUCAS. Does the newspaper to which the Senator has referred contain the exact statement made by Mr. Rogge?

Mr. PEPPER. The statement does nôt seem to be in quotation marks, but there is something that might be regarded as a direct statement from him. On the first page of the Times-Picayune of February 20 is the following:

Rogge expressed the opinion of the Department of Justice that the Federal Government has jurisdiction over any case in which mails are used to defraud a man of public office and of the emoluments and salary connected with it. The Government further believes, he said, that it has jurisdiction under the civil rights sections of the Federal Criminal Code "to punish any action by persons acting under color of official authority where that action involves infringement of rights secured by the Constitution and laws of the United States."

That is perhaps as direct a statement as any, Mr. President.

Mr. LUCAS. Those statements were made the day before the election?

Mr. PEPPER. This particular statement appeared in an early morning newspaper the day of the election.

I shall refer to only a few more newspapers. In the New Orleans States of February 22 is the headline:

Rogge will crack down.

In the New Orleans Times-Picayune of February 23 is this headline:

Rogge returns here to continue probe of State scandals. Prosecutor reveals plans for Nation-wide drive against "flow of graft" for public officials.

In other words, Mr. Rogge is going to clean up politics in the United States. The Federal Government is going to take over the apprehension and punishment of all those who upon any pretext may be drawn into the Federal net. Because they have offended against the Federal Government? No. Because, substantially, they have offended against the local law, and Mr. Rogge does not think they should have done it.

That is exactly what Hon. J. Edgar Hoover was doing down in my State. He said there was gambling and prostitution in Miami. I do not think any decent citizen approves of either gambling or prostitution in any city in America. I do not believe there is any Senator who would not lend any honorable effort toward the destruction, in a legitimate way, of those or any other law violations; but I do not believe there

is a Senator who, in his zeal to police local law violations in any city in America, would turn the whole force of the United States Government into an agency for local police purposes.

If there are real Federal offenses, then Mr. Hoover and Mr. Rogge have proper jurisdiction. They have not only the right to act but the duty to act. But if they use some technical subterfuge as an excuse for entering into a local situation, they exceed their just authority.

For example, in my State, at a time when the sheriffs of several counties were preparing to run for election again in a primary in May, Mr. Hoover came out with a front-page story—to which, of course, newspapers gave the greatest circulation—about official corruption, without naming the ones who are officially corrupt but smearing every honest official in that section, without an indictment being returned against any of them, or a judicial inquiry to separate the sheep from the goats.

Of course, there are corrupt officials in my State. I presume there are corrupt officials in every State. But I deny any man's right to say that even an appreciable number of corrupt officials affords an excuse to smear all of them from the lofty eminence of the Federal Bureau of Investigation.

I honor that great man from the State of Nebraska who sits in the Senate. Of course, I refer to the Senator from Nebraska [Mr. NORRIS]. He made inquiry of the Attorney General as to the details of what happened in Detroit when offenders were chained together like galley slaves in some ancient galley and brought into a court or into the presence of an official for fixing their bond. After all, Mr. President, we do not want to become so zealous even in trying to do good that we will smash every tradition which inheres in political sovereignty in America.

I mention these facts because I do not want to see distrust of departmental activities, and particularly the activities of the Federal Bureau of Investigation. I do not want anybody to be able to say with justice that the Federal Government is trying to influence an election in Louisiana, in Florida, or in any other State in America, because to do so would repudiate the fundamental concept of democracy of which we are the great beacon light for the nations of the world.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Illinois.

Mr. LUCAS. On that point I wish to read to the Senator and to the Senate a brief excerpt from an opinion which was rendered by Mr. Justice Bradley in the case of ex parte Curtis, back in 1882, dealing with a legal question involving the taking of money from one employee of the Government by another. The Congress of the United States enacted a law making such conduct a penal offense. The case was tried and went to the Supreme Court. That law is the law today; but there is a dissenting opinion by Mr. Justice Bradley upon the question which the Senator from Florida is now discussing, and I wish to read a short excerpt from it. Mr. Justice Bradley said, among other things:

> We are not unfrequently in danger of becoming purists, instead of wise reformers, in particular directions, and hastily pass inconsiderate laws which overreach the mark they are aimed at, or conflict with rights and privileges that a sober mind would regard as indisputable. It seems to me that the present law, taken in all its breadth, is one of this kind.

I submit to the Senate that the extension of the Hatch Act into the States is a similar type of law to that which this great jurist was discussing. I read further from the dissenting opinion of Mr. Justice Bradley:

> It is urged that the law in question is intended, so far as it goes, to effect this very thing. Probably it is. But the end does not always sanctify the means. What I contend is, that in adopting this particular mode of restraining an acknowledged evil, Congress has overstepped its legitimate powers, and interfered with the substantial rights of the citizen. It is not lawful to do evil that good may come. There are plenty of ways in which wrong may be suppressed without resorting to wrongful measures to do it. No doubt it would often greatly tend to prevent the spread of a contagious and deadly epidemic, if those first taken should be immediately sacrificed to the public good. But such a mode of preventing the evil would hardly be regarded as legitimate in a Christian country.

Mr. PEPPER. I thank the able Senator from Illinois for his contribution.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. Will the Senator from Illinois give the citation of the opinion from which he was reading?

Mr. LUCAS. It is the case of *Ex parte Curtis* (106 U. S. 371).

Mr. HATCH. I believe the Senator stated that he read from the dissenting opinion in that case?

Mr. LUCAS. That is correct.

Mr. HATCH. Will the Senator also state that the majority opinion in that case has not yet been overruled?

Mr. LUCAS. That is correct.

Mr. HATCH. Mr. President, if the Senator will further yield, I ask that the majority opinion be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

Mr. LUCAS. Mr. President, I join in the request of the Senator.

Mr. HATCH. I also ask that the dissenting opinion be included.

Mr. LUCAS. I thank the Senator.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the opinions were ordered to be printed in the RECORD, as follows:

EX PARTE CURTIS

The sixth section of the act of Aug. 15, 1876, c. 287, prohibiting, under penalties therein mentioned, certain officers of the United States from requesting, giving to, or receiving from, any other officer money or property or other thing of value for political purposes, is not unconstitutional

PETITION for a writ of habeas corpus.

The sixth section of the act of Aug. 15, 1876, c. 287, entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the government," provides "that all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employé of the government, any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section, shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars."

Curtis, the petitioner, an employé of the United States, was indicted in the Circuit Court for the Southern District of New York, and convicted under this act for receiving money for political purposes from other employés of the government. Upon his conviction he was sentenced to pay a fine, and stand committed until payment was made. Under this sentence he was taken into custody by the marshal, and on his application a writ of habeas corpus was issued by one of the justices of this court in vacation, returnable here at the present term, to inquire into the validity of his detention. The important question presented on the return to the writ so issued is whether the act under which the conviction was had is constitutional.

The case was argued by Mr. Edwin B. Smith in favor of the petition, and by The Solicitor-General in opposition thereto.

MR. CHIEF JUSTICE WAITE, after stating the case, delivered the opinion of the court.

The act is not one to prohibit all contributions of money or property by the designated officers and employés of the United States for political purposes. Neither does it prohibit them altogether from receiving or soliciting money or property for such purposes. It simply forbids their receiving from or giving to each other. Beyond this no restrictions are placed on any of their political privileges.

That the government of the United States is one of delegated powers only, and that its authority is defined and limited by the Constitution, are no longer open questions; but express authority is given Congress by the Constitution to make all laws necessary and proper to carry into effect the powers that are delegated. Art. 1, sect. 8. Within the legitimate scope of this grant Congress is permitted to determine for itself what is necessary and what is proper.

The act now in question is one regulating in some particulars the conduct of certain officers and employés of the United States. It rests on the same principle as that originally passed in 1789 at the first session of the first Congress, which makes it unlawful for certain officers of the Treasury Department to engage in the business of trade or commerce, or to own a sea vessel, or to purchase public lands or other public property, or to be concerned in the purchase or disposal of the public securities of a State, or of the United States (Rev. Stat., sect. 243); and that passed in 1791, which makes it an offence for a clerk in the same department to carry on trade or business in the funds or debts of the States or of the United States, or in any kind of public property (Id., sect. 244); and that passed in 1812, which makes it unlawful for a judge

appointed under the authority of the United States to exercise the profession of counsel or attorney, or to be engaged in the practice of the law (id., sec. 713); and that passed in 1853 which prohibits every officer of the United States or person holding any place of trust or profit, or discharging any official function under or in connection with any executive department of the government of the United States, or under the Senate or House of Representatives, from acting as an agent or attorney for the prosecution of any claim against the United States (id., sect. 5498); and that passed in 1863, prohibiting members of Congress from practising in the Court of Claims (id., sect. 1058); and that passed in 1867, punishing, by dismissal from service, an officer or employé of the government who requires or requests any workingman in a navy-yard to contribute or pay any money for political purposes (id., sect. 1546); and that passed in 1868, prohibiting members of Congress from being interested in contracts with the United States (id., sect. 3739); and another, passed in 1870, which provides that no officer, clerk, or employé in the government of the United States shall solicit contributions from other officers, clerks, or employés for a gift to those in a superior official position, and that no officials or clerical superiors shall receive any gift or present as a contribution to them from persons in government employ getting a less salary than themselves, and that no officer or clerk shall make a donation as a gift or present to any official superior (id., sect. 1784). Many others of a kindred character might be referred to, but these are enough to show what has been the practice in the Legislative Department of the government from its organization, and, so far as we know, this is the first time the constitutionality of such legislation has ever been presented for judicial determination.

The evident purpose of Congress in all this class of enactments has been to promote efficiency and integrity in the discharge of official duties, and to maintain proper discipline in the public service. Clearly such a purpose is within the just scope of legislative power, and it is not easy to see why the act now under consideration does not come fairly within the legitimate means to such an end. It is true, as is claimed by the counsel for the petitioner, political assessments upon officeholders are not prohibited. The managers of political campaigns, not in the employ of the United States, are just as free now to call on those in office for money to be used for political purposes as ever they were, and those in office can contribute as liberally as they please, provided their payments are not made to any of the prohibited officers or employés. What we are now considering is not whether Congress has gone as far as it may, but whether that which has been done is within the constitutional limits upon its legislative discretion.

A feeling of independence under the law conduces to faithful public service, and nothing tends more to take away this feeling than a dread of dismissal. If contributions from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet the demand may be treated by those having the power of removal as a breach of some supposed duty, growing out of the political relations of the parties. Contributions secured under such circumstances will quite as likely be made to avoid the consequences of the personal displeasure of a superior, as to promote the political views of the contributor,—to avoid a discharge from service, not to exercise a political privilege. The law contemplates no restrictions upon either giving or receiving, except so far as may be necessary to protect, in some degree, those in the public service against exactions through fear of personal loss. This purpose of the restriction, and the principle on which it rests, are most distinctly manifested in sect. 1546, supra, the reenactment in the Revised Statutes of sect. 3 of the act of June 30, 1868, c. 172, which subjected an officer or employé of the government to dismissal if he required or requested a workingman in a navy-yard to contribute or pay any money for political purposes, and prohibited the removal or discharge of a workingman for his political opinions; and in sect. 1784, the reenactment of the act of Feb. 1, 1870, c. 63, "to protect officials in public employ," by providing for the summary discharge of those who make or solicit contributions for presents to superior officers. No one can for a moment doubt that in both these statutes the object was to protect the classes of officials and employés provided for from being compelled to make contributions for such purposes through fear of dismissal if they refused. It is true that dismissal from service is the only penalty imposed, but this penalty is given for doing what is made a wrongful act. If it is constitutional to prohibit the act, the kind or degree of punishment to be inflicted for disregarding the prohibition is clearly within the discretion of Congress, provided it be not cruel or unusual.

If there were no other reasons for legislation of this character than such as relate to the protection of those in the public service against unjust exactions, its constitutionality would, in our opinion, be clear; but there are others, to our minds, equally good. If persons in public employ may be called on by those in authority to contribute from their personal income to the expenses of political campaigns, and a refusal may lead to putting good men out of the service, liberal payments may be made the ground for keeping poor ones in. So, too, if a part of the compensation received for public services must be contributed for political purposes, it is easy to see that an increase of compensation may be required to provide the means to make the contribution, and that in this way the government itself may be made to furnish indirectly the money to defray the expenses of keeping the political party in power that happens to have for the time being the control of the public patronage. Political parties must almost necessarily exist under a republican form of government; and when public employment depends to any considerable extent on party success, those in office will naturally be desirous of keeping the party to which they belong in power. The statute we are now considering does not interfere with this. The apparent end of Congress will be accomplished if it prevents those in power from requiring help for such purposes as a condition to continued employment.

We deem it unnecessary to pursue the subject further. In our opinion the statute under which the petitioner was convicted is constitutional. The other objections which have been urged to the detention cannot be considered in this form of proceeding. Our inquiries in this class of cases are limited to such objections as relate to the authority of the court to render the judgment by which the prisoner is held. We have no general power to review the judgments of the inferior courts of the United States in criminal cases, by the use of the writ of habeas corpus or otherwise. Our jurisdiction is limited to the single question of the power of the court to commit the prisoner for the act of which he has been convicted. (*Ex parte Lange*, 18 Wall. 163; *Ex parte Rowland*, 104 U. S. 604.)

The commitment in this case was lawful, and the petitioner is, consequently,

Remanded to the custody of the marshal for the Southern District of New York.

MR. JUSTICE BRADLEY dissenting.

I cannot concur in the opinion of the court in this case. The law under which the petitioner is imprisoned makes it a penal offence for any executive officer or employé of the United States, not appointed by advice of the Senate [an unimportant distinction, so far as the power to make the law is concerned], to request, give to, or receive from any other officer or employé of the government any money, or property, or other thing of value, for political purposes; thus, in effect, making it a condition of accepting any employment under the government that a man shall not, even voluntarily and of his own free will, contribute in any way through or by the hands of any other employé of the government to the political cause which he desires to aid and promote. I do not believe that Congress has any right to impose such a condition upon any citizen of the United States. The offices of the government do not belong to the legislative department to dispose of on any conditions it may choose to impose. The legislature creates most of the offices, it is true, and provides compensation for the discharge of their duties: but that is its duty to do, in order to establish a complete organization of the functions of government. When established, the offices are, or ought to be, open to all. They belong to the United States, and not to Congress; and every citizen having the proper qualifications has the right to accept office, and to be a candidate therefor. This is a fundamental right of which the legislature cannot deprive the citizen, nor clog its exercise with conditions that are repugnant to his other fundamental rights. Such a condition I regard that imposed by the law in question to be. It prevents the citizen from cooperating with other citizens of his own choice in the promotion of his political views. To take an interest in public affairs, and to further and promote those principles which are believed to be vital or important to the general welfare, is every citizen's duty. It is a just complaint that so many good men abstain from taking such an interest. Amongst the necessary and proper means for promoting political views, or any other views, are association and contribution of money for that purpose, both to aid discussion and to disseminate information and sound doctrine. To deny to a man the privilege of associating and making joint contributions with such other citizens as he may choose, is an unjust restraint of his right to propagate and promote his views on public affairs. The freedom of speech and of the press, and that of assembling together to consult upon and discuss matters of public interest, and to join in petitioning for a redress of grievances, are expressly secured by the Constitution. The spirit of this clause covers and embraces the right of every citizen to engage in such discussions, and to promote the views of himself and his associates freely, without being trammelled by inconvenient restrictions. Such restrictions, in my judgment, are imposed by the law in question. Every person accepting any, the most insignificant, employment under the government must withdraw himself from all societies and associations having for object the promotion of political information or opinions. For if one officer may continue his connection, others may do the same, and thus it can hardly fail to happen that some of them will give and some receive funds mutually contributed for the purposes of the association. Congress might just as well, so far as the power is concerned, impose, as a condition of taking any employment under the government, entire silence on political subjects and a prohibition of all conversation thereon between government employés. Nay, it might as well prohibit the discussion of religious questions, or the mutual contributions of funds for missionary or other religious purposes. In former times, when the slavery question was agitated, this would have been a very convenient law to repress all discussion of the subject on either side of Mason and Dixon's line. At the present time any efficient connection with an association in favor of a prohibitory liquor law, or of a protective tariff, or of greenback currency, or even for the repression of political assessments, would render any government official obnoxious to the penalties of the law under consideration. For all these questions have become political in their character, and any contributions in aid of the cause would be contributions for political purposes. The whole thing seems to me absurd. Neither men's mouths nor their purses can be constitutionally tied up in that way. The truth is, that public opinion is oftentimes like a pendulum, swinging

backward and forward to extreme lengths. We are not unfrequently in danger of becoming purists, instead of wise reformers, in particular directions; and hastily pass inconsiderate laws which overreach the mark they are aimed at, or conflict with rights and privileges that a sober mind would regard as indisputable. It seems to me that the present law, taken in all its breadth, is one of this kind.

The legislature may, undoubtedly, pass laws excluding from particular offices those who are engaged in pursuits incompatible with the faithful discharge of the duties of such offices. That is quite another thing.

The legislature may make laws ever so stringent to prevent the corrupt use of money in elections, or in political matters generally, or to prevent what are called political assessments on government employes, or any other exercise of undue influence over them by government officials or others. That would be all right. That would clearly be within the province of legislation.

It is urged that the law in question is intended, so far as it goes, to effect this very thing. Probably it is. But the end does not always sanctify the means. What I contend is, that in adopting this particular mode of restraining an acknowledged evil, Congress has overstepped its legitimate powers, and interfered with the substantial rights of the citizen. It is not lawful to do evil that good may come. There are plenty of ways in which wrong may be suppressed without resorting to wrongful measures to do it. No doubt it would often greatly tend to prevent the spread of a contagious and deadly epidemic, if those first taken should be immediately sacrificed to the public good. But such a mode of preventing the evil would hardly be regarded as legitimate in a Christian country.

I have no wish to discuss the subject at length, but simply to express the general grounds on which I think the legislation in question is ultra vires. Though as much opposed as any one to the evil sought to be remedied, I do not think the mode adopted is a legitimate or constitutional one, because it interferes too much with the freedom of the citizen in the pursuit of lawful and proper ends. If similar laws have been passed before, that does not make it right. The question is, whether the present law, with its sweeping provisions, is within the just powers of Congress. As I do not think it is, I dissent from the opinion of the majority of the court.

Mr. LUCAS. Mr. President, inasmuch as the Senator from New Mexico has seen fit to refer to the majority opinion, at this time I should like to read an excerpt from the majority opinion. The opinion was written by Mr. Chief Justice Waite. He said, among other things:

Political parties must almost necessarily exist under a republican form of government; and when public employment depends to any considerable extent on party success, those in office will naturally be desirous of keeping the party to which they belong in power.

That is what the Chief Justice, who wrote the majority opinion, had to say in connection with the question.

Mr. PEPPER. Mr. President, I am very much indebted to the able Senator from Illinois.

In view of the headlines from which I have heretofore read about the activities of Mr. Rogge in Louisiana, it is, of course, no subject of surprise to us to pick up another Louisiana newspaper and find the following headline:

Local boom to put Rogge in Presidency is growing.

Nor is it any surprise that the issue from which I have just read was the Alexandria Daily Town Talk, published on Wednesday, February 28, 1940; and, of course, it is not at all surprising that we should read in the same newspaper, the Alexandria Daily Town Talk of February 21, the headline:

Rogge for President. It could happen here.

Then I find on February 27 the following headline which purports to quote Mr. Rogge, I will say to the Senator from Illinois, in the following language, which is on the front page of the newspaper:

"United States helped to give State back to people," Rogge.

Sam Jones and Uncle Sam won the election in Louisiana. That is a permissible inference that a fair-minded man might draw, and Mr. Rogge is proud of his achievement.

Mr. President, I live in a section which at one tragic period of our history was also the victim of excessive zeal on the part of the Federal Government. Soldiers stood at the ballot boxes and said who could vote and who could not vote. They thought they were doing a righteous thing; they thought the Federal power was properly being employed; they honestly thought it was in the public interest that they do it; yet all history has both condemned and deplored that tragic excess of zeal on the part of some men dominant in Federal policy and power. I hope, Mr. President, that we are not entering upon another tragic era when my Government and your Government shall lend itself to the breaking down of democratic government to which we subscribe in all its goodness and in all its badness with every fiber of our moral being.

It is only natural, of course, that Mr. Rogge should turn to another domain. I have here the Atlantic City Press of the issue of March 7, 1940, which says in the headline:

United States prober to renew work here.

Then in the article it is disclosed that—

Mr. Rogge is said to be reluctant to inject the Federal Government into State situations, except where local authorities are unable or are unwilling to act.

And he probably intimates that just before they have a city commissioners' election in Atlantic City he is going to clean up New Jersey also as a part of the crusade of the Federal Government to have the kind of government it thinks is good democratic government in America.

Mr. President, I opposed the Federal antilynching bill. I suppose it may be considered by some that I was motivated only by the fact that I happen to come from a Southern State and have a southern ancestry; but I should like my colleagues to believe that I think, at least, that I was motivated by a philosophic principle in that position, the same principle that moved the able and late lamented Senator from Idaho, the one and only William E. Borah. He was not from the South by residence and tradition, as I am, and great constitutional exponent as he was, great lover of democratic principles that he was, he opposed that proposed legislation not because he was in favor of lynching, for nobody would think that William E. Borah could look with other than contempt and disgust upon the sad spectacle, the horrible spectacle of a lynching, but he thought there was a governmental principle involved. He believed that even the saving of the lives of the three men who were lynched last year in the South, one of them a white man and one of them shot down, not lynched, by the irate brother of a child who was run down by an automobile and killed by a colored driver, and the other, under circumstances with which I am not familiar, would have been a very dear price to pay for breaking down dual sovereignty as a principle of American government.

Of course, everybody knows that the Federal Government, with unlimited money, with unlimited personnel, with unquestioned power, can do a better job of policing this country than can the local people, who have limited means and limited personnel; but does that mean that we are in favor, Senators, of having the Federal Government police every offense that is committed in America? My gracious, there is one murder committed every 40 minutes in this country, but are we in favor of murder because we do not make the Federal Government the prosecutor of everyone who commits a homicide in America? No. We think there is a principle involved, and, therefore, we say we do not condone murder; we think that in the just balance of State and Federal power it is better even to have murder prosecuted by the States, as it is, than to turn loose the Federal Government with unrestrained power even to prosecute that offense.

So, Mr. President, I said yesterday that I opposed the pending measure because it improperly transgresses upon the political liberty of men and women in America without justification. It tells the man who is employed by the State road department of my State, for example, "You cannot walk up to the courthouse in your own county and rise there and say, 'My friends and fellow citizens, I am going to make a speech for A. B., who is a candidate for Governor, and who, I believe, would make the best Governor the people of this State, in the exercise of their sovereign power, could elect.'" Why? Because the Federal Government makes a little contribution, or a sizable contribution, to the State highway department of my State.

I said that I opposed this amendment because everybody knows, I think, that I am a New Dealer; everybody knows, I think, that I have voted repeatedly for the extension of the Federal power, and that I have sought more opportunities than I have had to vote for further extension of the Federal

power. Why? Because I know that there is a natural inequality in the distribution of children in America and the distribution of wealth in America. I know that the South, which I love, is spending a larger percentage of its income upon public education than are, for example, the other States of the country, and particularly the Northeast. Yet in spite of the fact that we spend a larger percentage of our per capita income in an effort to educate our children, in my State, in many cases, they do not have a 9-month school term in the public schools; they do not have the money to provide such a term. I have come to the Congress—I made it an issue in every campaign I have had—to try to obtain Federal aid to supply our deficiency, to equalize our inequality in ability to educate our children. Am I subject to accusation when I take that attitude that I am trying to make the Federal Government engulf every State authority there is? Can it justly be said that I am willing to turn over the regulation of the activity of every little school teacher in a rural district to the action of the Congress of the United States? Of course not.

In the Committee on Education and Labor, when we have been considering the Harrison-Fletcher-Thomas bill, we have been faced with the charge that we were about to turn the regulation of the school system of America over to the Federal Government. A few of us have been fighting against that accusation and have been saying, "No; we do not intend that; we are not going to tell the local authorities what to teach in the schools; we are not going to tell them whom to hire; we are not going to tell them how many hours the teachers shall work or what pay they shall receive or what they may do as citizens. All we are trying to do, our frightened fellow citizens, is to equalize the natural inequalities of the different States of the Nation to give their children a common standard of education." Yet, if the pending bill passes, if this precedent is buttressed, of course, they will be able to say to the proponents of that legislation, "You see; what did I tell you? If you ever start the program of having the Federal Government help the States educate their children, it will mean that we shall have done away with the privilege of local government in public education, and a minister of propaganda, no doubt, from the Department of the Interior or some other Federal agency will be telling the school teachers of America what they may teach; they will be telling the school boards whom they shall hire; and they will be telling the teacher what he can say in local affairs." It raises a very different question as to whether or not I favor that kind of a bill or whether the price might not be too high, and we would have to pay for it; but I said, because I was a New Dealer, whatever interest that might be to anybody, I felt called upon to make an explanation of why I oppose the pending measure and yet why I generally favor the extension of Federal power.

I have tried to make a line of demarcation. It is sometimes a shadowy line, no doubt, but to me it is a real line. That line of demarcation is, on the one hand, between the extension of the Federal power for the purpose of economic aid to the people of our country, supplying factors that local people may not supply, the harmonious adjustment of economic maladjustment and force in this country, and, on the other hand, the extension of the Federal power when it transgresses upon civic immunities and civic rights which the people in America inherently have from the divinity itself, as we say.

So, Mr. President, I favor a bill to regulate the production of cotton and the production of wheat and the production of rice and the production of tobacco and the like because only the Federal Government can properly and adequately legislate upon that subject. At a public meeting in my State, for example, a great group of tobacco growers appeared and told their Representatives and their two Senators that they wanted us to come to Washington and see to it that there was Federal legislation which would be effective to protect them in the production of their tobacco crop. They said, "If we reduce our acreage, Georgia or South Carolina or North Carolina or Virginia will merely increase theirs to the amount of our reduction, and no good will come of our sacrifice." Only the Federal Government, therefore, can properly act in such a case; but that is not the same as this situation. I could give many other illustrations; but when we get into the realm of transgressing upon the proper and just immunities of the civic rights, the sort of thing that is protected in the Bill of Rights, that is an entirely different situation.

I like to think that I am following the same line of demarcation that has been written into the jurisprudence of this country by such eminent jurists as Mr. Justice Holmes, Mr. Justice Brandeis, Mr. Justice Frankfurter, Mr. Justice Black, and other members of our Federal Supreme Court. Watch them. You will find Black, for example, voting for extension of the Federal power in the economic realm; but let a white law-enforcement officer even in a Southern State, whence he comes, question and go excessively against the proper civic immunities of the humblest black citizen, and you will find him a champion of the liberty of the oppressed one.

That is not a proper case, and it is not a proper case for the Federal power to take over the policing of crime that is of local significance in this country; and it is not a proper power for the Government of the United States to exercise to say what an employee of a State does in that State with respect to local political matters, just because the Federal Government may happen to contribute to the State agency which hires that individual.

Mr. President, I believe in the democratic sentiment of this country. I have faith in what Abraham Lincoln said—that the people, while not always the wisest, are in the long run the safest depository of power. I defend even the right of the people to make a mistake in the election of their Governors, just as Voltaire said that, while he disagreed with everything his opponent said, he would defend with his life his right to say it. I believe in the wisdom and the inevitable necessity of the preservation of the dual system of government in this country, the State system and the Federal system. By inclusion and exclusion, by experience, by trial and error, we shall from time to time redraw the line which properly circumscribes the activities of each; but, Mr. President, I hope we shall never destroy that line. I hope it shall never be obliterated, because if it is obliterated we shall have given to the nations which we beg to follow our example the most vivid illustration of the fact that we have found democratic government a failure here in our own country; and the tradition of liberty which our forefathers have handed down will have been destroyed by the agencies that they created to buttress that liberty, instead of to defile it from the citadel of the National Capital.

Mr. HATCH. Mr. President, I shall take but a moment today. Some things the Senator from Florida has been saying prompt me to say just a word or two.

From his argument it would seem that the bill passed at the last session of Congress and the pending measure had something to do with policing the several States of the Union, and that if the pending bill becomes law the Federal officials may go into the States and, in some vague and mysterious manner, bring about another tragic era, as he said, and destroy the fundamental rights of citizens of those States.

Mr. President, instead of being susceptible of any such interpretation as that these measures are exactly the opposite. The tragic era to which the Senator referred was brought about by the encroachment upon several States and the citizens of those States of the excessive use of power by Federal officials, and the overrunning of elections and the controlling of elections in the States and the sovereign rights of the people of the States by carpetbaggers imported under the guise of Federal officials. This proposed law would tie the hands of Federal officials and Federal employees and all to whom we pay sums of money, to prevent them from going into the Senator's State or any other State and encroaching upon the liberties of the citizens of those States; and that is one of the purposes of the bill. It will protect the Senator and his citizens against undue and unlawful and corrupt influences of officers.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. HATCH. No; I shall not yield just now, because the Senator has mentioned other men. He mentioned Abraham Lincoln; and when he says that all this talk about office-

holders and so forth does not amount to anything, let us see what Abraham Lincoln said on that subject.

Shortly before his assassination, after the Civil War, Abraham Lincoln said, pointing to a group of job hunters outside the White House:

We conquered the Rebellion, but that is a much greater danger.

The Senator wants to follow the philosophy of Justice Holmes. He believes in the philosophy and the liberalism of Justice Holmes. Yet he stands on the floor of the Senate and says that because a governmental agency throws some restrictions around its employees, it takes away from those employees an inherent and fundamental right. That was not the philosophy of Justice Holmes. We do not have to guess at what he said.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator, if I may, a rather long question. I think the Senator knows, because I have consistently supported his legislation, that I hope he is going to be able to answer the question to my satisfaction.

Mr. HATCH. I hope I can. I know the Senator has supported the legislation.

Mr. SCHWELLENBACH. I am very much worried about this amendment to the other act, for this reason: The Senator has just referred to interference with the right of the individual in a State, placing a restriction upon the right of the individual, and has expressed the opinion that that was not a danger. What worries me about this amendment is that, as I see the amendment, it is a restriction upon the right of the State itself to govern itself.

I never was able to accept the opinion of the Supreme Court in the A. A. A. case, in which they talked about coercion, because it seemed to me that if that was coercion, then any business transaction in which an offer and acceptance were made would constitute coercion. However, in that instance the Federal Government was dealing with the individual farmers and was saying to them, "You may take this or leave it." Certainly the Federal Government has a right to say to individuals throughout the country, "If you want to have assistance, you may take it or leave it," and that is not coercion; but in this instance we say to a State, "You may take this assistance or leave it, but if you take it we not merely are going to lay down the rules under which you shall take it, but we are going to police the project after you take it." I can see a very definite distinction between policing the individual within a State and policing the State government itself.

Many years ago our Supreme Court said that we had not a right to tax the incomes of persons in the States or to tax the States themselves, because the power to tax is the power to destroy. I am not quite sure just what the present attitude of the Supreme Court is upon that subject. There has been a modification of that doctrine by Mr. Justice Frankfurter. But is not that an analogy? If the power to tax is the power to destroy, and through the years the Federal Government has never been permitted to tax the incomes of those employed by the States, is not the power to give or refrain from giving equally the power to destroy?

What is worrying me is that here is a provision which is directed, not against individuals within a State, but against the government of the State itself, the Federal Government going in and saying, "We have a right to lay down rules and regulations, and to police afterward the action of the State in the performance of the governmental functions by the State itself." As I have said, I hope the Senator will be able to answer me satisfactorily.

Mr. HATCH. Mr. President, I do not want to beg the question, and I fully appreciate the sincerity of the Senator; but first I wish to call his attention to the fact that we have already done this very thing on a much more elaborate scale than is being proposed. For instance, we did it with respect to the amendment of the Social Security Act.

Mr. SCHWELLENBACH. So far as I am concerned that is not an answer.

Mr. HATCH. No, it is not, and I am not stating it as an answer. I am merely calling the attention of the Senator to the condition; and I still favor that amendment, and do not think the law is being abused in any way whatever. Action is also being taken in the various departments without any congressional authority. For instance, with reference to the A. A. A., the morning newspapers state that the Secretary of Agriculture has already put such rules into effect as to local committeemen, who were not regulated by the other act.

Mr. President, that still does not answer the question of the Senator. I am merely showing him that this is probably the mildest provision that has been proposed, and I have been somewhat amazed at some of the agitation and the fears expressed, when other things have been included in our laws without any comments about State rights. But I still am not answering the Senator, I know. I am merely explaining the general situation.

The Senator is familiar with the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] yesterday. The purpose of that amendment is to soften the provision, which we worked out in the committee, which, as it came from the committee, imposed really a very severe penalty against a State and all the people of a State itself, but under the amendment as the Senator offered it yesterday it centers on the individual who participates in political activity. The State may retain the individual in its employ if it desires. There is not a thing in the world to prevent a State keeping all the employees it desires to keep, and letting them engage in all the political activities they desire, if the State wants to do so. The only condition is that there shall be withheld double the amount of salary the individual would receive from funds the Government is contributing. It is a most mild and innocuous provision, and was intended to correct the very thing the Senator has mentioned. That was the purpose of the amendment, and it has been adopted.

Mr. President, I am very sorry the Senator from Florida had to leave the Chamber. I must say that he came to me and stated that he was compelled to leave in order to take a train. I wanted to read what Justice Holmes stated on this general subject as to the right of the government of a State or a municipality to lay down prohibitions against political activities of employees.

Many persons seem to think that when the Government, or a State or a municipality, prohibits political activity on the part of employees, it has in some manner deprived such an employee of a constitutional right. Mr. Justice Holmes spoke on that exact subject in a case arising when he was a member of the supreme judicial court of the State of Massachusetts. The question arose in the case of a policeman employed in a city who had engaged in political activity contrary to the rules of the city prohibiting political activity on the part of such an official. The policeman defended against his removal upon the ground that it deprived him of his constitutional right of free speech, and this is what Justice Holmes said on the subject:

There is nothing in the Constitution or the statute to prevent the city from attaching obedience to this rule as a condition to the office of policeman and making it part of the good conduct required. The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman.

In other words, Mr. Justice Holmes stated that if such an employee wanted to exercise all his rights, as other citizens did, he could do so, but he did not have a constitutional right to be a policeman and retain those rights. He continued:

There are few employments for hire in which the servant does not agree to suspend his constitutional rights of free speech, as well as of idleness, by the implied terms of his contract. The servant cannot complain, as he takes the employment on the terms which are offered him.

That was the philosophy of Mr. Justice Holmes. I am very sorry the Senator from Florida had to leave. I wanted him to hear that.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on agreeing to the committee amendment, as amended.

Mr. JOHNSON of Colorado obtained the floor.

Mr. MINTON. I suggest the absence of a quorum.

Mr. JOHNSON of Colorado. I desire to offer an amendment to section 3 of the bill which amends section 12 of the Hatch Act. I send the amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana to suggest the absence of a quorum?

Mr. JOHNSON of Colorado. I do not think it is necessary to call a quorum.

Mr. MINTON. I think Senators should be present if we are to consider any amendments or to take any action.

Mr. JOHNSON of Colorado. I have no objection. This is a minor amendment, just a perfecting amendment.

Mr. MINTON. I may be in accord with what the Senator is proposing, but someone else may not be.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Indiana to suggest the absence of a quorum?

Mr. JOHNSON of Colorado. I yield.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Shipstead
Ashurst	Frazier	McCarran	Smathers
Austin	Gerry	McKellar	Smith
Bailey	Gibson	McNary	Stewart
Bankhead	Gillette	Maloney	Taft
Barbour	Green	Mead	Thomas, Idaho
Barkley	Guffey	Miller	Thomas, Okla.
Bilbo	Gurney	Minton	Thomas, Utah
Brown	Hale	Murray	Tobey
Bulow	Harrison	Neely	Townsend
Byrd	Hatch	Norris	Truman
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Chandler	Hill	Overton	Van Nuys
Chavez	Holman	Pepper	Wagner
Clark, Idaho	Holt	Pittman	Walsh
Clark, Mo.	Hughes	Radcliffe	Wheeler
Connally	Johnson, Calif.	Reed	White
Danaher	Johnson, Colo.	Reynolds	
Davis	La Follette	Russell	
Donahey	Lee	Schwartz	

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present.

Mr. JOHNSON of Colorado. Mr. President, I ask that my amendment, which is now at the desk, be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 5, line 2, after the word "municipality", it is proposed to strike out the semicolon and to insert "who are not classified under a State or municipal merit or civil-service system."

Mr. JOHNSON of Colorado. Mr. President, as I stated a moment ago, I have taken up this amendment with the senior Senator from New Mexico, in charge of the bill, and he has no objection to it. The object and purpose of the amendment is not to exempt civil-service employees of a State or municipality who may also be heads of executive departments.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. HATCH. The purpose of the amendment is to make certain that the officers in question are not freed from the provisions of the bill.

Mr. JOHNSON of Colorado. That is correct. It removes the conflicts between the State law and the Federal law.

Mr. MALONEY. Mr. President, in offering the amendment I did yesterday I seem to have created a little confusion. Therefore, I now ask unanimous consent——

The PRESIDING OFFICER. Will the Senator from Connecticut withhold his request for a moment? The Senator from Colorado [Mr. JOHNSON] has offered an amendment which is merely a perfecting amendment. It may be desirable to dispose of that before the Senator from Connecticut makes his request.

The question is on agreeing to the amendment of the Senator from Colorado [Mr. JOHNSON] to the committee amendment, as amended.

The amendment to the committee amendment, as amended, was agreed to.

Mr. MALONEY. Mr. President, the amendment I offered yesterday, if adopted, would automatically reinstate the language stricken out by the committee, and I desire to avoid that situation. Therefore I should like to have unanimous consent, if I may, to modify my amendment so in its final form it will provide for striking out all the language beginning with line 15, page 4, down to and including line 9 on page 7. That does leave a bit of language in the committee amendment, unimportant by itself. However, I am compelled to do that in order to accomplish the purpose I desire.

Mr. President, I ask unanimous consent to modify my amendment in the manner I have indicated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none.

The question is on agreeing to the amendment, as modified, by the Senator from Connecticut, to strike certain language from the committee amendment, as amended.

Mr. MALONEY. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Hughes	Radcliffe
Andrews	Davis	Johnson, Calif.	Reed
Ashurst	Donahey	Johnson, Colo.	Reynolds
Austin	Downey	La Follette	Russell
Bailey	Ellender	Lee	Schwartz
Bankhead	Frazier	Lodge	Schwellenbach
Barbour	Gerry	Lucas	Shipstead
Barkley	Gibson	McCarran	Stewart
Bilbo	Gillette	McKellar	Thomas, Idaho
Brown	Green	McNary	Thomas, Okla.
Bulow	Guffey	Maloney	Thomas, Utah
Byrd	Gurney	Mead	Tobey
Byrnes	Hale	Miller	Townsend
Capper	Hatch	Minton	Truman
Chandler	Hayden	Murray	Tydings
Chavez	Herring	Neely	Vandenberg
Clark, Idaho	Hill	Nye	Van Nuys
Clark, Mo.	Holman	O'Mahoney	Wheeler
Connally	Holt	Overton	White

The PRESIDING OFFICER. Seventy-six Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. MALONEY] to the committee amendment, as amended.

Mr. HATCH and other Senators demanded the yeas and nays.

The yeas and nays were ordered.

Mr. MALONEY. Mr. President, before the vote is taken, I should like to make a few brief observations.

I wish to emphasize again, if further emphasis is necessary after the statements which have been made, just how serious a step we would take in the passage of the pending bill. It seems to me to be a burlesque on a noble institution. I want to be sure that there is no misunderstanding, and that Senators know, without a particle of doubt, that the defeat of my amendment and the passage of the Hatch bill means that hereafter in local elections no person in any municipality except the head of the Government and perhaps a few others may participate, and that hereafter in every community in the land persons who have had long experience in government and are closely associated with government must stand on the side lines as the selection of candidates is made.

It so happens that I live in a city which is governed by a Republican administration. It so happens that there is a Republican administration in my State. I am just as much concerned under such circumstances as I would be if conditions were reversed. I do not want to deny to those persons, especially informed of matters of government and knowing the people of their communities, the right to participate in the selection of candidates. I want Senators to know just how far-reaching is this step, and that in my opinion it is the most dictatorial proposal ever submitted to Congress. It not only denies to millions of our people the right to take part in the selection of candidates and actively to participate in election campaigns, but it opens the door, and is probably the entering wedge, to denying in the future similar rights to further millions of our people who enjoy some benefits under such acts as the social-security law.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. CONNALLY. Every Fourth of July we make flamboyant speeches about the right of free speech. Does the Hatch bill preserve the right of free speech to a man even though he holds a public office?

Mr. MALONEY. Mr. President, Fourth of July speeches must be changed if this bill is passed.

Mr. CONNALLY. I have always had the idea that liberty and free government meant something more than merely getting enough to eat and a place to sleep. I thought they meant the right to think, the right to express one's views, and, above all other things, the right to participate in this democratic system of ours. We all talk about our democratic processes. If nobody is to have any voice in the democratic processes except the fellows who are on the outside trying to get in, then we are denying to a large section of our people real liberty and freedom.

A horse gets enough to eat if he has a good owner, and he gets a good place to spend the night; but that is not freedom. That is not citizenship. That is not government. I am more concerned with the individuals who are affected than I am with the question whether or not they will form an opposition to me. If I were voting from political considerations, I should say, "Put State officers under the ban." State officers are the ones who threaten Senators. I think the Senator from Kentucky can bear witness to that. [Laughter.]

Mr. NEELY. Mr. President, will the Senator yield?

Mr. CONNALLY. I do not have the floor at the moment.

Mr. NEELY. The Senator can obtain additional evidence on that point from West Virginia.

Mr. CONNALLY. I shall accept the statement of the Senator from West Virginia if he wishes to corroborate that testimony.

Mr. NEELY. I certainly do. [Laughter.]

Mr. CONNALLY. Of course, cumulative evidence is not ordinarily admissible, but I think in this case it is entirely proper. It is confirmatory of the unchallenged statement of the Senator from Connecticut [Mr. MALONEY].

We have no machine in my State. Every fellow has his own if he can get one. So every officer has his own machine. If I were voting for my own perpetuation in office, I should say, "Shut out the State employees"; but they are citizens of my State, and they have a right to certain political privileges. So I am wondering what will be the result if the pending bill becomes law.

Mr. MALONEY. Mr. President, I do not know the Governor of Texas.

Mr. CONNALLY. I am not speaking of the Governor. He is a very fine gentleman and a friend of the Senator.

Mr. MALONEY. I was about to add that I assume that is the kind of man he is. However, I know that the Governor of my State is a Republican. I know that the mayor of my city is a Republican. I assume that the great majority of their associates are Republicans. I do not want to deny to them the freedom which they have always had, and to which they are entitled under the rights of American citizenship.

Mr. President, I assume that this matter is thoroughly understood; but I did wish, respectfully, to give one last word of admonition.

It is my understanding that the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. MALONEY] to the committee amendment, as amended. On this question the yeas and nays have been ordered.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McNARY (when the name of Mr. NORRIS was called). The senior Senator from Nebraska [Mr. NORRIS] is necessarily absent. If he were present, he would vote "nay."

The roll call was concluded.

Mr. SHIPSTEAD (after having voted in the negative). I have a general pair with the senior Senator from Virginia [Mr. GLASS], who is unavoidably absent. If he were present, he would vote "yea." I transfer that pair to the Senator from Ohio [Mr. TAFT] and permit my vote to stand. I am informed the Senator from Ohio, if present and voting, would vote "nay."

Mr. McNARY (after having voted in the negative). I am advised that my pair, the senior Senator from Mississippi [Mr. HARRISON], is necessarily absent. I transfer that pair to the senior Senator from New Hampshire [Mr. BRIDGES] and permit my vote to stand.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Florida [Mr. PEPPER], the Senator from New Jersey [Mr. SMATHERS], the Senator from Texas [Mr. SHEPPARD], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business. I am advised that if present and voting the Senator from Nebraska and the Senator from Texas would vote "nay."

The Senator from Mississippi [Mr. HARRISON], the Senator from Nevada [Mr. PITTMAN], the Senator from South Carolina [Mr. SMITH], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are detained in committee meetings.

The Senator from Utah [Mr. KING], the Senator from Virginia [Mr. GLASS], and the Senator from Georgia [Mr. GEORGE] are unavoidably detained.

I announce the following pairs: The Senator from Illinois [Mr. SLATTERY] with the Senator from Nebraska [Mr. NORRIS]; the Senator from New Jersey [Mr. SMATHERS] with the Senator from Wisconsin [Mr. WILEY]; the Senator from Florida [Mr. PEPPER] with the Senator from Georgia [Mr. GEORGE]; the Senator from Utah [Mr. KING] with the Senator from New York [Mr. WAGNER]. I am advised that if present and voting the Senator from Illinois, the Senator from New Jersey, the Senator from Florida, and the Senator from Utah would vote "yea," and the Senator from Nebraska, the Senator from Wisconsin, the Senator from Georgia, and the Senator from New York would vote "nay."

Mr. AUSTIN. The Senator from Wisconsin [Mr. WILEY], who is absent because of illness, is paired with the Senator from New Jersey [Mr. SMATHERS]. If present, the Senator from Wisconsin would vote "nay," and I am advised that the Senator from New Jersey would vote "yea." The Senator from Ohio [Mr. TAFT] is absent on official business.

The Senator from New Hampshire [Mr. BRIDGES] is unavoidably absent. I am advised that the Senator from New Hampshire would vote "nay" if present.

The result was announced—yeas 27, nays 49, as follows:

YEAS—27

Adams	Byrnes	Herring	Minton
Bailey	Chavez	Hill	Murray
Bankhead	Connally	Hughes	Schwellenbach
Bilbo	Donahey	Lucas	Stewart
Brown	Ellender	McKellar	Thomas, Okla.
Bulow	Guffey	Maloney	White
Byrd	Hayden	Miller	

NAYS—49

Andrews	Gerry	Lodge	Shipstead
Ashurst	Gibson	McCarran	Thomas, Idaho
Austin	Gillette	McNary	Thomas, Utah
Barbour	Green	Mead	Tobey
Barkley	Gurney	Neely	Townsend
Capper	Hale	Nye	Truman
Chandler	Hatch	O'Mahoney	Tydings
Clark, Idaho	Holman	Overton	Vandenberg
Clark, Mo.	Holt	Radcliffe	Van Nuys
Danaher	Johnson, Calif.	Reed	Wheeler
Davis	Johnson, Colo.	Reynolds	
Downey	La Follette	Russell	
Frazier	Lee	Schwartz	

NOT VOTING—20

Bone	Glass	Pepper	Smith
Bridges	Harrison	Pittman	Taft
Burke	King	Sheppard	Wagner
Caraway	Lundeen	Slattery	Walsh
George	Norris	Smathers	Wiley

So Mr. MALONEY's amendment to the committee amendment was rejected.

Mr. CLARK of Missouri. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 5, lines 2 to 6, inclusive, it is proposed to strike out all after the numeral "(3)", in line 2, down to and including the numeral "(4)", in line 6.

Mr. CLARK of Missouri. Mr. President, the purpose of this amendment is to strike out the third exception beginning in line 2 of page 5, as follows:

> Officers who are appointed by the Governor of any State by and with the advice and consent of the legislature or either house thereof, and who determine policies to be pursued by such State in the State-wide administration of State laws.

Mr. President, I offer this amendment because I do not believe there is any rhyme or reason in excepting such employees from the operation of the law simply because they happen to be appointed by the Governor and confirmed by the legislature. For example, take the case of a State highway commission in a State where the highway commission is appointed by the Governor and confirmed by the upper house of the legislature; that is to say, the State senate. They are involved in the expenditure of a vast sum of Federal money, and they are involved under such circumstances that they have a peculiar facility, if they choose to exercise it—and I use the State highway department merely as an example—for exerting political pressure. They not only have the employees of the State highway commission but they have the contractors doing business with the State highway commission, who are peculiarly subject to political pressure.

I happen to know of a case of the chairman of a State highway commission, appointed by the Governor and confirmed by the State senate, going about the State for the last 5 or 6 weeks on purely political business, interviewing employees of the State highway commission and contractors, as well, for purely political purposes. If the purpose of this measure be sound, I do not see any rhyme or reason whatever in making that exception. I therefore move to strike it out.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Indiana.

Mr. MINTON. Does the Senator see any reason why anybody should be excepted? Why should we except the Governor?

Mr. CLARK of Missouri. The Governor has been elected by the people of the State, and I can see a reason for excepting him. I can also see a reason for the second exception, "elective heads of executive departments of any State or municipality." That is an entirely different thing from allowing a State machine to be built up by the persons included in exception (3), who are usually the main cogs in every State machine. To say that a man who is elected by the people of a State shall have a right to appeal to the people of the State whenever he sees fit is one thing. To say that other officials appointed by the Governor or members of the State machine shall be permitted improperly to use Federal funds for the purpose of perpetuating that machine is an entirely different thing.

Mr. MINTON. Mr. President——

Mr. CLARK of Missouri. I again yield to the Senator from Indiana.

Mr. MINTON. Then, as I understand, it is the Senator's position that he wants to strike out this provision because these people are not elected by the people?

Mr. CLARK of Missouri. I say there is an essential difference between those who are elected by the people and those who are appointed.

Mr. MINTON. Then why does not the Senator move to strike out the second provision?

Mr. CLARK of Missouri. I am going to offer an amendment to that section in just a moment. We can dispose of only one at a time. I intend to offer another amendment, to insert at the beginning of the second exception the words "duly elected."

Mr. MINTON. In my State the State highway commissioners are not elected. They are appointed. They are not confirmed by the senate. They do not have to be confirmed in my State. Do they have to be confirmed in the State of Missouri?

Mr. CLARK of Missouri. It so happens that they do have to be confirmed in my State; but it seems to me to make no difference whether they have to be confirmed or not, because, in my opinion, that is no basis for a distinction.

Mr. HATCH and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. CLARK of Missouri. I yield first to the Senator from New Mexico.

Mr. HATCH. Mr. President, I merely want to state publicly to the Senator from Missouri—who has supported this legislation in its entirety, not only during this session but during the other—that I am in hearty accord with what the Senator is saying and what he seeks to do; and it will please me greatly if the amendment he now offers and the one he is going to offer are adopted.

Mr. CLARK of Missouri. I will say to the Senator from New Mexico that I supported the original bill at the last session of Congress and I am supporting this one as heartily as I can, and I shall support it whether my amendment is agreed to or not.

I now yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, let us assume that a State highway department receives Federal funds under the Hayden-Cartwright Act. Would not that automatically put the officials of that department under this bill?

Mr. CLARK of Missouri. In my opinion, it would. The Senator means if they received Federal funds?

Mr. LODGE. Yes.

Mr. CLARK of Missouri. They are excluded from political activity under the terms of this bill, or would be except for the exemption which is in the bill as at present drawn, and which I am trying to strike out. It now exempts the members of highway commissions in States in which the law provides that they shall be appointed by the Governor and confirmed by either branch of the legislature. That is what I am trying to strike out.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. CLARK of Missouri. Mr. President, I offer a further amendment. In line 1 of page 5, after the numeral "(2)", I move to insert the words "duly elected." That is the amendment which I explained just a moment ago.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. NEELY obtained the floor.

Mr. BROWN. Mr. President, will the Senator from West Virginia yield to me?

Mr. NEELY. I yield to the Senator from Michigan.

Mr. BROWN. I ask that an amendment which I intend to present as soon as the Senator from West Virginia concludes his remarks be read from the desk, if the Senator will permit that to be done, so that the Senate may understand its purport.

The PRESIDING OFFICER. Without objection, the amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 4, line 21, after the word "employee", it is proposed to strike out the remainder of the sentence, and to substitute therefor the following:

> (2) and no person who is a stockholder or officer of a corporation benefiting in any manner whatsoever (a) by any tariff, excise tax, or quota limiting imports into the United States, imposed by the United States; (b) by a loan from the Reconstruction Finance Corporation or any other governmental agency; (c) by a contract with the United States, or any of its agencies or with any State, municipality, or other governmental subdivision which is financed in whole or in part by loans or grants made by the United States or by any Federal agency; (3) and no person who is a stockholder or officer of a corporation which has pending an application for refund of Federal income taxes, or a claim against the United States before either the Court of Claims or the Congress; and (4) no person

who is employed as a lobbyist or legislative representative or whose principal business is that of appearing before the executive or legislative departments of the United States, shall take any active part in political management or in political campaigns. No such person shall solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever.

Mr. ASHURST. Mr. President, I ask for a roll call on that amendment.

Mr. NEELY. Mr. President, a vote on that amendment would not be in order at this time.

Mr. ASHURST. Very well.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Chair understands that the Senator from Michigan is not presenting the amendment at this time.

Mr. BROWN. I simply stated that I wanted the amendment read for the benefit of the Senate, so that it could consider it. I may point out that it would take care of Mr. Weir, who, I understand, is to be the principal collector for the Republican Party in the coming election and it would take care of a number of other gentlemen of that type.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. MINTON. As I understood the amendment which the Senator from Michigan has had read, it is an attempt by the Federal Government to control the expenditure of the money.

Mr. BROWN. Yes.

Mr. NEELY. Mr. President, the history of civilization is a never-ending record of man's ceaseless battle against the inhumanity, the greed, and the crime of his fellow men. With some degree of finality we win wars against floods and famines and pests and disease. But war against crime goes on forever. Unfortunately for the bill and the substitute before the Senate, the most difficult of all offenses to eradicate are those that are spawned by corrupt politics. The most dangerous, defiant, and irrepressible of all crime artificers and tort feasors are those who are clothed with the mantle of political influence or the armor of official power.

From motives which all senatorial supporters of the bill thoroughly understand, a few Governors and a number of their appointees have for a long time carried on a vigorous campaign against the reform which the pending substitute is designed to accomplish.

It is my hope that our voices and our votes will, in this parliamentary contest, be utilized in behalf of all the people and not for the perpetuation of the tyranny and extortion of statehouse machines which are infamously compelling defenseless employees to contribute millions of dollars every year for the nomination and election of partisan or factional candidates by means that are notoriously corrupt. As a result of practices which now prevail in a number of the States, those in the employment of the State government are practically disfranchised. By threats of the loss of their jobs they are compelled to vote for the nomination and election of candidates whom they desire to oppose and are forced to contribute to slush funds with which to assure the success of the candidates who are on the statehouse slates.

The net result of all this is that the State employee who is subject to this disgraceful compulsion is at once robbed of his liberty, his money, his vote, and his self-respect. But is there available competent and conclusive evidence that these offenses have been committed?

If you will generously lend me your eyes and your ears for a little while, I shall not only prove but demonstrate to you by unimpeachable evidence that the crimes indicated are not only committed but that they are as common as daylight and dark in at least one State in the Union, and that there is a present imperative necessity for comprehensive, drastic legislation by the Congress on the subject under consideration.

Let me now lay an infinitesimal part of the evidence before you. If all available proof similar to that which will be submitted were to be inserted in the RECORD, it would cost the Government thousands of dollars to print it. Therefore, in view of the high degree of intelligence of the jury which Senators compose, evidence that is simply cumulative will be rigidly excluded. Your attention is respectfully invited, first, to a letter from Mr. I. Raymond Murphy, of 2001 University Avenue, Morgantown, W. Va. He is an honorable, intelligent young man of excellent reputation who is now a student in the law school of the West Virginia University.

His letter is as follows:

DEAR SENATOR NEELY: I note in this morning's paper that Senator LUCAS, of Illinois, demanded proof that State political organizations were collecting 2 percent or more of State employees' salaries for campaign purposes. I am therefore submitting some proof for you to display to the Senator:

1. My appointment to the State employment service, December 13, 1937.

Mr. BARKLEY. In what department was the correspondent employed?

Mr. NEELY. In the employment department.

Mr. BARKLEY. In the unemployment insurance branch of the service the Federal Government contributes 100 percent, not only of the unemployment insurance but of the expenses of the administration.

Mr. NEELY. The agency by which Mr. Murphy was employed was and is supported by the Federal Government.

He says:

Four of the receipts I obtained from my immediate superior, Stuart S. Whiting, manager of the Grafton office. I paid 1½ percent until November 1, 1938, and obtained receipts for each payment. Then the district supervisor, Fred Knapp, notified us orally that the amount had been hiked to 2 percent, and we were required to pay the additional one-half percent on the entire year's salary, plus 2 percent, for November and December 1938, in advance, in order to have it for use in the November election.

3. January 1, 1939, I notified my superior that I did not intend to continue the payments. In the latter part of that month I received notice that I was to be transferred to the Welch office at the same salary, which would have meant a cut of about $60 a month to me because of the increased expense. I refused the transfer and asked Mr. McKenna about my standing on the State merit list. (I am No. 15 of the State manager's list as the result of the competitive examination held to obtain a list in 1937.)

His letter enclosed explains his attitude. Whiting is No. 42 or No. 43 on that list, but he was retained. He continued his payments.

On May 23, 1939, I was released without other notice.

4. All members of the State employment service were required to join the Jeffersonian Club, a statehouse inspired and dominated organization, headed by Isaiah Smith, now director of the budget. I have my receipt for that also.

5. I have the minutes of a meeting held in the Grafton office, prior to the August primary, 1938, in which Art Reynolds, chief deputy of the department of unemployment compensation, told us all that as members of the State organization we should go out and work for the nomination of candidates approved by the Charleston crowd. He named them in all the counties in the vicinity of Grafton. * * * I have the names of all those employees present at that meeting, as well as the exact words of Reynolds in addressing us. Needless to say, I refused those instructions, and thereby "put myself on a spot."

* * * Those payments were obligatory; unless they were made without objection the individual found himself on the outside looking in.

You may use the enclosed material in any way you deem fit.

(Signed) I. RAYMOND MURPHY.

The exhibits with Mr. Murphy's letter are as follows:

GRAFTON, W. VA., *March 7, 1938.*

Received of I. Raymond Murphy $2.02, by check, for February contribution to benefit fund.

STUART S. WHITING,
Senior Interviewer.

MAY 2, 1938.

Received of Mr. Isaac Raymond Murphy the said sum of $2.02, April contribution to the State benefit fund.

STUART S. WHITING,
Senior Interviewer.

A check dated July 8, 1938, for $2.02, drawn on the First National Bank of Philippi, W. Va., signed by I. R. Murphy, in payment of his contribution to the benefit fund. The check is endorsed on the back by this senior interviewer, Mr. Whiting.

A similar check, dated the 6th day of September 1938, for $2.02, similarly payable and similarly endorsed.

Mr. Murphy's payments of money thus attested were the result of extortion. Those higher up who were responsible for this "macing" ought to be in jail.

I indulge in no criticism of Mr. Whiting. He simply obeyed the orders of his superiors who would have discharged him instantly if he had failed to execute their orders.

Attention is invited to a letter which was sent to me by a public official whose name I withhold for his protection. Any Senator, may in confidence, inspect this communication. It is dated February 18, 1940, and says:

DEAR SENATOR NEELY: I am enclosing checks of Angela M. Fallon, who was employed for some time in the Williamson reemployment office, an agency financially supported by the Federal Government, which represent 2 percent of her salary, collected for the State organization. C. S. Brown was office manager in Williamson at the time.

The exhibits with this letter are as follows:

A check dated July 1, 1938, for $5.55, signed "Angela M. Fallon," payable to C. S. Brown, a State official, whose endorsement appears on the back of the instrument.

A check dated July 30, 1938, for $5.55, payable to the same person and signed by the same woman, Angela M. Fallen, endorsed on the back by Mr. Brown.

A check dated August 31, 1938, for $5.55, similarly signed, payable to the same official, and duly endorsed by him.

A check dated September 15, 1938, for $9.01, payable to the same State official or employee, C. S. Brown, signed by the same Angela M. Fallen, and endorsed on the back by Mr. Brown.

The last exhibit of this series is a check dated October 31, 1938, payable to the order of C. S. Brown, for $10.20. It is signed by Angela M. Fallon, and endorsed by Mr. Brown.

Every one of these checks represents an involuntary contribution by a State employee to a political slush fund.

My next evidence is from Tucker County, W. Va. It consists of the following affidavit and exhibits:

STATE OF WEST VIRGINIA,
County of Tucker, to wit:

I, Walter Fallen, do solemnly swear that I was requested to contribute 2 percent of my salary as an employee of the State from January until the general election. I was employed as prison guard at the prison labor operations in Pendleton County at road camp No. 69 and 70.

It was understood that this payment was mandatory in order to hold a job. Checks were supposed to go to E. Dice Harper, and one of my checks bears his signature. This check was made payable to E. Dice Harper and was endorsed by W. W. Harper, agent. E. Dice Harper's signature also appears above the name of W. W. Harper, agent.

To my personal knowledge, all the guards of the State paid into this fund, with the possible exception of one man, who I understand has been released or fired.

Further, I personally saw truck drivers and foremen, carpenters, and other classifications of State employees, make such payments. I saw a member of the State road office at Harman come around and make these collections every month since about the 1st of January. It is my understanding that this practice is to be continued after the election.

(Signed) WALTER FALLEN.

Taken, sworn to, and subscribed before me this 29th day of November 1938.

ALAN G. BOLTON, *Notary Public.*

The exhibits with this affidavit are two checks payable to E. Dice Harper, an officer or employee of the State road commission, for $2 each. One is dated July 7, 1938, the other September 5, 1938. Both are signed by Mr. Fallen, and appear to have been duly endorsed and utilized.

My next affidavit is from Barbour County, W. Va., and is in the following language:

STATE OF WEST VIRGINIA:
Barbour County, to wit:

This day personally appeared before me, W. L. Morrison, of Union District, Barbour County, W. Va., who, being by me first duly sworn, deposes and says:

My name is W. L. Morrison, and I live near Peel Tree, Barbour County, W. Va. I am a lifelong resident and native of Barbour County and a Democrat. In August 1933 I was appointed county road supervisor of Barbour County by Ernest L. Bailey, then State Road Commissioner of West Virginia under Gov. H. G. Kump. I occupied that position until 1937. As such supervisor I was responsible for the maintenance of all the roads in Barbour County, subject to the orders of the district engineer at Weston, W. Va. My crew of workers consisted chiefly of truck drivers, machine operators, and laborers, in addition to two foremen and some office help.

In the late fall of 1935 I was informed by my superiors in the Weston office that I was to collect of each employee a regular contribution out of his pay on each pay day, to be turned over to the State campaign fund. All of the supervisory officials were so notified, and they passed the word along to the men under them. Thereafter we all paid our regular amounts of 2 percent each month of our wages to the district office at Weston. I was very careful to see that all amounts collected were carefully itemized and checked so the correct amount was delivered each month.

It was commonly understood by all of us that the money was to be used for campaign purposes, and more particularly to nominate the slate of candidates in the primary favored and specifically endorsed by the State administration. Prior to the primary we received instructions concerning the State-wide candidates, as well as local candidates, for the house of delegates and State senate, and those instructions were passed on to the men out in the county. There is no question but that we paid the money into the State campaign fund to be used as the State administration wanted to use it.

And further this deponent sayeth not.

W. L. MORRISON.

Taken, acknowledged, and sworn to before me this the 28th day of January 1940.

PAUL S. MARTIN, *Notary Public.*

My commission expires December 23, 1946.

The attention of the Senate is invited to a statement which was made by Mr. J. Thomas Lane, district manager of the West Virginia State Employment Service. To the best of my knowledge and belief his veracity is undoubted and his reputation is without a stain.

STATEMENT BY J. THOMAS LANE

FEBRUARY 20, 1940.

I was appointed to the position of district manager of the West Virginia State Employment Service—an agency that is supported by Federal funds—Clarksburg district, in November 1937, on the basis of a merit examination, in accordance with the standards prescribed by the United States Employment Service. Because of the provision with reference to tenure of office contained in these standards I assumed that the position to which I was appointed was nonpolitical.

In the early part of February 1938 Mr. C. P. McKenna, chief of the West Virginia State Employment Service, in a conference held in Charleston, advised that there was being set up a benefit fund which had for its purpose the elimination of requesting contributions from time to time from the members of various office staffs. There was to be an organization set up on a district basis, with duly elected officers to be chosen from the employees—which officers would have control of the money contributed to the fund. It was mentioned that such a fund would be used to take care of any personal needs that might arise from time to time in the various offices of the district.

Upon my return to Clarksburg, I contacted the branch offices under my supervision, namely, the offices at Weston, Grafton, and Elkins, and explained the fund and its operation, and with this purpose outlined, it was agreed that all members of the staff would make contributions.

When I returned to Clarksburg, after contacting the branch offices, I received a letter, dated February 14, 1938, which is self-explanatory, which changed the purpose of the fund as well as the method in which the money was to be handled, and to which changes I objected.

On Mr. McKenna's visit to Clarksburg early in March 1938, we discussed the matter further, at which time I advised him that I was not willing to enter into such a plan whereby the money would be contributed to the central office and the expenditure of such funds governed by the head of the department.

At a later date I received a letter from Mr. McKenna asking me to state my objections in writing in order that he could defend my wishes, in that the Director had gone on record as to how the money would be handled and the purpose for which it would be spent. This letter was not answered by me, and several days later I received another letter with reference to the same subject. All these letters are in the hands of Senator NEELY. Upon receipt of this letter, and in view of the fact that I was instructed officially in that the correspondence was on official stationery and signed by Mr. McKenna as Chief of the Employment Service, and said letters sent to me under the franking privilege, I advised Mr. McKenna that there was no desire on my part, or that of my staff, to be in violation of the instructions of the Director.

In October of 1938 we were advised by the field representative of the West Virginia State Employment Service that the schedule set out in Mr. McKenna's original letter with reference to percentage of salary to be paid into this fund had been changed to a straight 2 percent; this change to be retroactive to January 1, 1938, and asked that we also pay in advance for November and December of 1938.

I personally received the contributions and forwarded them to Mr. McKenna by check. These checks are in the hands of Senator NEELY. There was in addition to these checks, $114.10 delivered in cash to the field supervisor.

It is evident, from the letters received as well as conversation of a later date with Mr. McKenna, that the purpose of the fund was political, and certainly in no way for the benefit of those persons who were making contributions. I definitely refused to pay into the fund after June 1938, and at a later date I advised a representative from the central office that I would not handle any money which was for this purpose.

I have no desire to be employed in an organization, purportedly on the basis of merit, and be subjected to a macing procedure which has for its purpose the perpetuation in office of a certain faction of a major political party. I do not believe that the Social

Security Board or the Bureau of Employment Security will tolerate such actions on the part of State officials who are in charge of the administration of certain phases of the act in State government; and this statement is made in order that a representative of the people can bring the facts before the proper authority.

The exhibits with this statement are:

A check dated May 12, 1938, made by the Thomas Lane Co., with the notation "Charge J. T. Lane," payable to C. P. McKenna, who at that time was chief of the West Virginia State Employment Service, 805 People's Bank Building, Charleston, W. Va. The check calls for $46.30 and is endorsed by Mr. McKenna, the chief of this service.

A check dated June 13, 1938, for $43.53, similarly payable, and similarly endorsed on the back.

A check dated July 19, 1938, for $43.54, similarly payable and endorsed.

A check dated August 26, 1938, for $45.93, similarly signed and similarly endorsed.

A check dated February 25, 1939, payable to cash, for $140.80, signed by Mr. Lane and endorsed by Mr. McKenna, the chief of this service.

The Senate will be shocked to learn that Mr. McKenna unlawfully carried on his correspondence concerning this extortion in frankable envelops. Each of his violations of the franking privilege is punishable by a fine of $300.

The first of these letters is dated February 23, 1938. The franked envelope in which it was mailed bears the Charleston post-office stamp, dated February 24, 1938. At the head of the letter these words appear:

Affiliated with United States Employment Service.

It says:

FEBRUARY 23, 1938.

Mr. J. THOMAS LANE,
District Manager, West Virginia State Employment Service,
Clarksburg Trust Building, Clarksburg, W. Va.

DEAR MR. LANE: After a conference with each district manager and the supervisory staff of the administrative office, it is unanimously agreed that there shall be created within our organization a "benefit fund," composed of voluntary contributions for the many and varied needs of the permanent personnel.

Mr. President, the word "voluntary," as used in this letter, manifestly means voluntary in the sense in which an unarmed man in a dark alley, surrounded by gangsters with loaded pistols pointed at his head, responds to the ultimatum, "Your money or your life."

Mr. McKenna continues:

The primary purpose, of course, is to eliminate the necessity of solicitations from time to time, two of which are anticipated during the present calendar year.

For what? First, for use in the primary against liberal Democratic candidates; and second, against the candidates of the historic opposition to the Democratic Party in November.

There will be many secondary needs for such a fund; and it is agreed that a committee of five be named to prepare and submit bylaws to govern; that at the next State-wide meeting of district managers an election of officers and directors be conducted for the coming year. Persons elected shall name the purposes for and govern all expenditures.

It is further agreed that it should start at once pending a permanent organization and that the following rates of contribution, based on salary, should prevail:

	Percent
Under $1,000 per annum	0
$1,000 to $1,499 per annum	1
$1,500 to $2,999	1½
$3,000 and up per annum	2

It is my suggestion that you discuss this fully with your branch managers, who may in turn fully inform their staffs (individually) and you will, of course, want to individually inform each of your staff. It should not be necessary, but I elect to caution you that the real purpose behind this move should be most thoroughly imparted to each participant and they should volunteer their contribution based on the above scale.

For your convenience in handling, I request that only one remittance be made from a district; this will necessitate your branch or branches remitting to you, and you will prepare a transmittal, showing the amount from each member of your staff, in order that proper credit may be given to each person.

As previously advised, in order that we may be prepared for this year——

What year? The campaign year of 1938, of course—

this fund should start with February salary. I hope you will give this your attention prior to March 1, and let me have your check, payable to me as acting treasurer, when you have received the contribution from the permanent appointees in your district. I do not think it wise to approach temporary appointees on this matter.

An identical letter is being mailed to each district manager.

Very truly yours,

(Signed) C. P. MCKENNA, *Chief.*

Let me interrupt the flow of Mr. McKenna's interesting correspondence long enough to observe that the system of exempting those temporarily employed has long since been abandoned. Last Saturday in my home in Fairmont, in the presence of the United States marshal for the northern district of West Virginia, a prominent public official informed me that some time ago a man by the name of Frank White, of Preston County, worked extra for the State road commission long enough to earn $3.50. As a condition precedent to the delivery of this compensation to the employee, he was required to contribute 2 percent of his earnings—7 cents—to the State political slush fund. The poor man had but 2 cents to his name, and consequently borrowed 5 cents from a friend in order to pay the ransom necessary to obtain his check.

We now proceed with Mr. McKenna's letter:

MARCH 14, 1938.

[Personal and confidential.]
Mr. J. THOMAS LANE,
District Manager, West Virginia State Employment Service,
Clarksburg Trust Building, Clarksburg, W. Va.

DEAR MR. LANE: In a conference with Mr. Stump—

Mr. Stump is the head of the service in West Virginia—

your desire to solicit monthly contributions from the employees in your district on a district basis was made known to him.

I did not enumerate the objectionable features as you mentioned on making the contribution on a state-wide basis for fear of possibly misquoting you.

For your information, Mr. Stump has gone on record that each department in the State will only make one contribution for all employees in the department and that such contribution will be made by the department head (which in our case is Mr. Stump) to the State chairman or State treasurer, and it is his desire that all employees in his department follow through on this idea.

Personally, I have no choice in the matter, but if you insist that your district would prefer to solicit and hold your contributions on a district basis, I will be glad to have you state your reasons therefor, in order that I may be in position to defend your wishes.

Very truly yours,

C. P. MCKENNA, *Chief.*

That letter was mailed in Charleston, W. Va., on the 14th day of March 1938 in a franked envelope.

The next exhibit is as follows:

MARCH 23, 1938.

[Personal and confidential.]
Mr. J. THOMAS LANE,
District Manager, West Virginia State Employment Service,
Clarksburg Trust Building, Clarksburg, W. Va.

DEAR MR. LANE: You have not favored me with a reply to my confidential letter of March 14, and, inasmuch as this matter is up again for discussion, and in order that I may make known your wishes, it is very necessary that you advise me whether or not you insist that a district basis is more suitable to the personnel in your district or whether or not you can concur in the State-wide plan.

Very truly yours,

(Signed) C. P. MCKENNA, *Chief.*

This letter was mailed in Charleston, W. Va., on the 23d day of March 1938 in a franked envelope.

The last letter, and the one which practically admits a violation of the law, is as follows:

FEBRUARY 18, 1940.

Mr. J. THOMAS LANE,
427 Duff Avenue, Clarksburg, W. Va.

DEAR MR. LANE: Mr. Knapp reports to me that you were permitted to remove from the files some letters from this office addressed to you as manager, but marked "personal" and/or "confidential."

The report further states that you were under the impression that being so marked such letters rightfully belonged to you. These letters were marked "personal," and some "confidential," for the reason that they were directed to your personal and confidential attention; however, they were mailed to you under the franking privilege as official business pertaining to the Clarksburg office of the West Virginia State Employment Service.

Giving consideration to the above reasons, I trust you will find it convenient to return these letters to Mr. Knapp.

Very truly yours,

C. P. MCKENNA, *Chief.*

Those letters will not be returned. They will be delivered to Hon. L. R. Via, United States district attorney for the

southern district of West Virginia, a most eminent lawyer and patriotic public official, to the end that the violations of the law relative to franking nonofficial mail may be given proper consideration.

Mr. President, I next present a part of a letter from Mr. D. B. Cain, of Parkersburg, W. Va., to me, which is dated January 20, 1940. It says:

I note with extreme interest in the Parkersburg News this morning quite a lengthy article in regards to your new bill governing such practices as are now being practiced in West Virginia as regards to extortion of money from State employees under the threat of losing their jobs. I am personally a victim of this vile practice, and as a result of same have been unemployed since the month of August 1938.

I am enclosing herewith two checks which will substantiate the fact.

Dice Harper, working out of Charleston, covered the entire State with all expenses paid, calling special meetings of employees during working hours, warning them just what the result would be upon failure to contribute to their vile and corrupt methods.

We have the extreme displeasure of being forcefully invited to some of these meetings, and were told that our district was far in the arrears as compared to the rest of the State, and could either come across or else, as our good Governor had so kindly favored us few with employment, and we owed it to him to contribute, and if we did not respect this extreme favor done us we possibly would find ourselves among the unemployed again.

Note this statement:

In my case and many others he proved himself a great forecaster of the future.

* * * * * * *

My father is unable to walk, and his credit, as well as mine, is ruined. We have nearly lost everything we owned several times, and only sale of some property will save us yet.

* * * * * * *

You are at liberty to use this letter in any way you see fit, as it contains nothing but absolute facts.

Wish you success with your aforesaid bill, not that it will do me any good, but possibly help some other poor, knocked-about, downtrodden man or woman. I remain,

Very truly yours,

D. B. CAIN,
1709 Oak Street.

The exhibits accompanying this letter are, first, a check, dated September 18, 1936, payable to W. H. Schimmall, a State employee, for $10, signed by D. B. Cain, and properly endorsed by Mr. Schimmall for deposit.

The second is a check dated September 25, 1936, to Mr. Schimmall, signed by Mr. Cain, calling for $7.50, and properly endorsed.

Mr. President, in order that there may be no doubt in the mind of any Senator that the existence of a wilderness of evidence such as I have submitted is a matter of common knowledge in West Virginia, I now read an article by Mr. Calvert L. Estill, an able West Virginia newspaper correspondent. It appeared in a number of papers in the State on or about the 19th day of January 1940.

[From the Wheeling (W. Va.) Intelligencer]

PLENTY OF PROOF OF ELECTION CORRUPTION FOR NEELY IN WEST VIRGINIA—EVIDENCE OF EXTORTION OF STATE PAY ROLLERS READY FOR SENATE

(By Calvert L. Estill, Staff Correspondent)

CHARLESTON, January 19.—If all that Senator NEELY needs to secure enactment by Congress of his "little Hatch bill" is evidence of corruption in State political machines and proof of the shameless blackjacking of employees on the public pay roll, the bill should be considered as good as passed.

Evidence of extortion of State pay rollers in West Virginia, at least, is plentiful, complete, and compelling. It exists in the form of affidavits, of photographic copies of letters from higher-ups to subordinates, ordering them to lay and collect the levies; of canceled checks; of photographic copies of letters from subordinates to their bosses transmitting the monthly "take"; and of the same kind of copies of post-office money-order receipts.

The proof already gathered here ought to be sufficient to convince even Senator SCOTT W. LUCAS, Democrat, of Illinois, who locked horns with Mr. NEELY in the Senate January 16 on the same measure. Senator LUCAS admitted that "I believe a lot of things occur in this country, but believing something and proving it are two different things."

While there is already in existence a considerable body of documentary evidence proving the operation of a Two Percent Club in this State, it would be possible to supplement that evidence with plenty more if the proper Federal authorities could be stirred out of their apathy and persuaded to do a little spade work.

TAPPING FEDERAL FUNDS

The most notorious—and complete—case here at the present time concerns the blackjacking operations of the employment service, a stepchild of the unemployment compensation department, whose chief was brazen enough to send letters to all branch-office managers, on official stationery, over his official signature, directing those managers to collect 2 percent of the salary of each permanent employee every month.

This case is complete with documents to prove every phase of the charges of extortion. But there is a great deal of additional evidence, furnished from every section of the State, to show that the blackjacking is general in the State departments. There are affidavits from road workers testifying that they had been compelled to fork over or else. And these affidavits are substantiated by canceled checks.

PRESENTED TO LEGISLATURE

Charges of the blackjacking of public pay rollers were made in the closing days of the 1939 session of the legislature, officially in the hall of the senate. These charges were supported by affidavits, canceled checks, and other information. They were smothered in committee. The statehouse-controlled legislature refused even to look at the incontrovertible evidence.

A bit of investigation by Federal agents will bring to light receipts given workers by conscienceless collectors so imbued with their sense of power that they did not hesitate to commit to writing the fact that they were the extortioners for the infamous 2-percent blackjack clubs. They figured they were beyond the law—for there is a law against such things right now on the State's statute books.

There are employees at the statehouse, for whom the taxpayers are shelling out salaries, whose duties, according to reliable report, consist simply of collecting the political assessments each month; of keeping the ledger on payments; and of seeing that those who don't pay don't stay on the pay roll.

All this evidence is on tap for the conviction of Senator LUCAS and any other doubters. The surprising thing is that Senator NEELY has not presented the evidence before.

Many of his friends have wondered how long he would be content for the statehouse forces to continue building up their huge slush fund to use against him and his friends in the coming primary election. The danger was seen and brought to public attention by the C. I. O. convention in Huntington last fall, which formally urged the proper Federal authorities to make an investigation, and put a stop to the blackjacking practice.

Extortion does not stop at the statehouse pay rolls; it extends into the counties. Reports are common here that employees in the service of Kanawha County have been forced—rather recently—to give up a whole month's salary at one time to satisfy the greed of the machine.

Most of them are resigned to the payment of tribute; they don't like it, but since that is the condition of their staying on the pay roll, they come across like good little soldiers. Now and then one rebels—and another economic execution takes place.

An affidavit from an employee of the State road commission, which gets huge slices of Federal funds, testifies that in 1938 he had to contribute 2 percent of his monthly salary to the slush fund from January until the general election in November.

"It was understood that this payment was mandatory in order to hold a job," he says under oath. "To my personal knowledge all the guards of the State—at prison-labor operations on the roads—paid into this fund, with the possible exception of one man, who I understand has been released, or fired.

"I personally saw truck drivers and foremen, carpenters, and other classifications of State employees make such payments. I saw a member of the State road office at Harmon (Randolph County) come around and make these collections every month since about the 1st of January."

Senator LUCAS demanded that Senator NEELY "show me some facts about these State machines, and I do not care whether they are in his State, whether they are in New York, in Illinois, or in any other State." And he wants the charges of extortion "proven by competent evidence before a committee." And "until those charges are proven," he said, "I cannot support the Senator's bill."

That indicates that proof of NEELY's charges will bring support to his bill. What is the Senator waiting for?

Mr. President, it would serve no good purpose to encumber the RECORD with the great mass of additional evidence in my possession. But if any Senator now doubts that notorious extortion of contributions from State employees in West Virginia for political purposes is the order of the day, and desires additional proof of the fact he can see more than a bushel of affidavits and exhibits similar to those now before the Senate by paying a visit to my office for that purpose.

Mr. President, I shall not offend by speaking of other States in detail. But since the Senator from Illinois [Mr. LUCAS] and I debated the subject matter of the bill and the substitute in the Senate in January many letters have been received from the Senator's State which charge, in effect, that "macing" conditions in Illinois are similar to those in West Virginia. Letters sent to me from several other States contain bitter complaints against extortion by political machines.

May we not assume that, upon the evidence now before us that all Senators who supported the Hatch bill for the protection of the public and the Federal employees will favor similar protection for those who are employed jointly by the Gov-

ernments of the Nation and the State? Therefore, let us inquire whether the bill or the substitute, if enacted, will be more likely to produce the desired result.

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. NEELY. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I have listened with unusual interest to every word the Senator has said, with the exception of a moment ago when I was called to the cloakroom. The information the Senator has provided has certainly been to my mind appalling. I had not the slightest idea that any official would have the effrontery or the gall, literally, to demand of one of his constituents that he contribute in the wise the Senator has so ably described.

I understood from what he said a moment ago that the Senator has provided for our consideration a substitute for the Hatch bill. I do not know what that substitute is; but I wish to say to the Senator if there is anything in the substitute that will cover effectively anything that the Hatch law does not cover, I am for it, for I am entirely in sympathy with everything the able Senator from the great State of West Virginia has said, and I am particularly interested that the Senator himself has said it, because it has been my observation, during the years I have had the honor of serving in this body, that at all times when the interests of the great mass of the people have been involved the Senator from West Virginia has taken the floor in behalf of the citizens of the country.

I have been greatly inspired this afternoon by the Senator's remarks, because he has impressed me with one fact particularly, and that is that insofar as the millions residing in his State are concerned he is desirous of their being permitted to give expression to their respective opinions without being driven to opinions with which they are not entirely in accord.

May I ask the Senator whether his substitute would really make the bill stronger?

Mr. NEELY. Mr. President, first let me sincerely thank the able Senator from North Carolina for his generous remarks, and say of him, as Homer said of Ulysses:

> Frequent and soft as falls the wintry snow,
> Thus from his lips the copious periods flow.

During the next 10 minutes the Senator will, in my opinion, become satisfied that my proposed substitute will, if enacted, accomplish all that he desires.

Let us briefly compare the bill with the substitute which I have proposed.

With the greatest respect for the distinguished, patriotic senior Senator from New Mexico [Mr. HATCH], who has been a John the Baptist in the matter of purifying the national political slough of despond, I am impelled to observe that his bill in its present form has no incisors, no cuspids, no bicuspids, and no molars. More plainly and less euphemistically speaking, it has no teeth. But it does propose a step in the right direction, and if nothing more effective becomes available, I shall enthusiastically support it.

For example, the bill provides no merit system for the selection of employees. Under it, politics—naked and unblushing—will largely if not exclusively determine one's chances to obtain a place on a State pay roll.

For further example, attention is invited to the fact that the bill does not even attempt to restrain the extortion of money from employees for political purposes. And this is one of the most brazen and disgraceful political crimes of the age.

My proposed substitute, which is before you, is armed for both offensive and defensive purposes like an antediluvian saber-toothed tiger. If a legislative instrumentality of this sort were never needed, it is needed now to restrain the voracious political cannibals who, in several of the States, are without mercy or remorse devouring their helpless victims—the State employees—every day in the year.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Mexico?

Mr. NEELY. I do.

Mr. HATCH. Let me say that with much of what the Senator says about the lack of teeth in the present measure, I agree; but I desire to explain that the reason is not only because of some lack of constitutional power, perhaps, in the Federal Congress, but also because there are practical considerations in regard to obtaining the passage of legislation.

Mr. NEELY. Mr. President, I fully appreciate that fact, and the great work that the able Senator from New Mexico has done. But I conceive it to be my duty to provide the Congress an opportunity to emancipate all the political slaves in the country by means of the substitute which I have proposed.

Mr. HATCH. Mr. President, will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from West Virginia further yield to the Senator from New Mexico?

Mr. NEELY. I do.

Mr. HATCH. The Senator has been here practically all this week during the progress of the debate.

He has observed some of the bitterness of the debate and some of the opposition which has developed against this, as I agree, more or less simple measure. What does he think a measure like this would evoke in the way of opposition?

Mr. NEELY. Mr. President, I have noted it, and I have with great admiration also noted the Senator's praiseworthy patience, in most trying circumstances, which I have not been quite able to emulate. He has rendered and is rendering service of incalculable value. The Senator is practicing what the Apostle Paul preached concerning expediency, and I am not. And let me add that St. Paul's very best disciple in the United States Senate is the eminent Senator from New Mexico [Mr. HATCH]. [Laughter.]

Let us now consider the substitute. Its own simple language is its best advocate. It is as follows:

> That after 60 days from the enactment of this act no officer or employee of the United States shall pay to any State or any agency or political subdivision of such State any moneys appropriated by the Congress for payment or allocation to the States or agencies or political subdivisions thereof, nor shall any such officer or employee order or approve the allocation or delivery to any State or agency or political subdivision of such State of any thing of value otherwise authorized to be delivered or allocated to States or agencies or political subdivisions thereof, unless such State has in operation a State civil-service plan currently approved by the United States Civil Service Commission (hereinafter referred to as "the Commission").

What must that plan provide in order to make the State eligible to obtain Federal funds?

> A State civil-service plan must—
> (1) provide that any person (other than an officer elected by direct vote of the people) employed in a civil capacity, any part of whose compensation is paid from any such moneys or from any fund into which any such moneys are placed, or who is employed in connection with the expenditure or distribution of any such moneys, or whose duties are in connection with the use or distribution of any such thing of value, shall be selected solely upon the basis of merit after an open, competitive, fair, and practical examination.

Second. The plan must provide—

> That no such person—

paid with Federal funds—

> shall be promoted to a more remunerative position unless he has performed the duties of the position from which he is promoted with a sufficient degree of efficiency to warrant his promotion.
> (3) Provide that no such person shall be under any obligation to contribute to any fund for political purposes or to render any political service.

Is there anyone in the Senate who will dare rise and contend that that section should not be written into the law?

Fourth. The plan shall—

> Prohibit any such person from making any contribution to any political fund and from taking any active part in any political management or in any political campaign.
> (5) Provide that no such person shall be denied the right to vote as he pleases and privately to express his opinions on all political subjects;
> (6) Provide that no such person shall be retained in such employment if such person, or any other person who is the husband, wife, father, mother, brother, sister, child, father-in-law, mother-in-law, brother-in-law, or sister-in-law of any such person, is an officer or member of any National, State, county, district, city, or

other political committee or any other organization performing substantially the same functions as any such committee;

(7) Provide that any officer or employee of the State or any of its agencies or political subdivisions who attempts or is a party to any attempt to coerce the political action of any such person, to collect or exact a contribution to a fund for political purposes from any such person, or to remove any such person from his position or demote or degrade him because of his failure to render any political service or make any such contribution, shall, upon conviction thereof by a court of competent jurisdiction, be removed from his office or employment and be subject to imprisonment;

(8) Provide for such methods of administration as are found by the Commission to be necessary for the efficient operation of the plan;

(9) Provide that the agency administering such plan shall make such reports, in such form and containing such information, as the Commission may from time to time require, and comply with such provisions as the Commission may from time to time find necessary to assure the correctness and verification of such reports;

(10) Provide for the establishment by the agency administering such plan, but only after open, competitive, fair, and practical examinations, of registers of persons eligible to fill vacancies in the various classes of positions required by this act to be filled in accordance with such plan, and provide that the officer or employee filling any such vacancy shall make his selection from among the three available persons on the register who rank highest in order of merit.

That provision is identical with the requirements of existing civil-service law.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. NEELY. Certainly.

Mr. DAVIS. Under the provision of the civil-service law as it is at present, with reference to selection of postmasters, the three highest on the list are certified to the Department and after the appointment is made, objection is filed against one of the three who happens to be a Republican. That is going on at this time, right here in our midst.

Mr. NEELY. Mr. President, that will not go on under the proposed substitute if it becomes a law.

The State plan must also—

provide that the agency administering such plan shall be a commission and that the members of such commission shall not all be affiliated with the same political party.

(b) Nothing in this section shall be deemed to prohibit any such plan from providing that in the appointment of any such person a preferential allowance may be granted to him on account of his having served in the Army or Navy of the United States.

(c) The Commission shall approve any plan which fulfills the conditions specified in subsection (a).

(d) In the case of any plan which has been approved by the Commission, if the Commission, after reasonable notice and opportunity for hearing to the State agency administering such plan, finds that the plan has been so changed or is so administered that there is a failure to comply with any provision required by subsection (a) to be included in such plan, the Commission shall withdraw its approval of such plan and shall notify the Governor of such State that its approval of such plan has been withdrawn. Such plan shall not be again approved until the Commission finds that there is no longer any such failure to comply.

(e) The Commission shall cause notice to be printed in the Federal Register of any action taken by it under the provisions of subsections (c) and (d) of this section.

SEC. 3. (a) The application of the provisions of the first section of this act with respect to any State may be suspended until July 1, 1941—

Mr. President, that provision was inserted for the purpose of saving certain States the expense of convening their legislatures in extraordinary session in order to qualify for funds under this proposed law.

SEC. 3. (a) The application of the provisions of the first section of this act with respect to any State may be suspended until July 1, 1941, by order of the United States Civil Service Commission if such Commission is satisfied, on the basis of evidence submitted to it by or on behalf of such State, (1) that action by the legislature of such State is necessary for the establishment of a civil-service plan which conforms with the provisions of section 2 (a), and (2) that conditions in such State are such that there is in fact substantially actual compliance with the requirements which are specified in section 2 (a) to be contained in a civil-service plan.

Mr. President, yesterday one of the most distinguished statesmen in this body, who is greatly admired and respected, said to me:

This matter should be dealt with by the States, and the State legislatures alone should enact laws to redress wrongs such as we have discussed this afternoon.

His recommendation meant, in other words, that West Virginia, for instance, should, by State legislation, prohibit within its boundaries the political cannibalism which this measure is designed to outlaw.

Mr. President, it would have been just as appropriate for my friend to have suggested to Prometheus to break his chains and rescue himself from the vulture that was devouring his liver. In present circumstances, an attempt to pass a law through the Legislature of West Virginia to prevent the "macing" of employees for political purposes would be the height of futility and the limit of nonsense.

Mr. President, with the evidence which has been submitted concerning the practices in West Virginia in mind, the Senate is requested to consider the following letter from the present distinguished Governor of the State:

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston, April 11, 1939.

Hon. M. M. NEELY,
United States Senate, Washington, D. C.

DEAR SENATOR NEELY: There has just been presented to me a copy of S. 282, relating to civil service in all State departments through which Federal funds are expended.

I am quite interested in selective civil service myself, and I have had some study made of the possibilities of introducing such a program in our State government, but was unable to have the study completed in time for consideration by the recent session of the legislature, and will likely request that this study be continued by the interim committee during the current recess of the legislature.

On the other hand, I note that this bill, which was introduced by you on January 4, would by its terms make its provisions applicable commencing July 1, 1939.

We have in the reemployment services and in certain phases of the department of public assistance a character of selective service which has proven quite satisfactory and which has met with the approval of the cooperating Federal agencies. If, however, the selective service or civil service proposed by your bill, S. 282, should be required by July 1, 1939, as a condition of continued cooperation with the Federal Government, it is quite clear that we would be confronted by an extraordinary session of the legislature, which I do not believe should be necessary at this time, or by the discontinuance of Federal funds for State and Federal cooperation.

While I approve the principle of selective service and merit advancement, I believe that, with respect to the State government, it should be a State program.

Before you press this bill too far, I would like to urge that you consider the responsibility which you would take in causing to be passed an act of this character, which would cut off the State which you have been elected to represent, from participation in any Federal funds or force an extraordinary session of the legislature of the State, without assurance as to the outcome of the session, if it should be called.

I take the liberty of writing you, thinking that perhaps you have not thoroughly considered the implications of this bill or the situation in which you might find yourself if you should sponsor to passage a bill that would force an extraordinary session of the legislature in the State which you represent or, in the alternative, deny your constituents participation in Federal funds, for the provision of which the citizens of West Virginia contribute in the payment of taxes.

With best wishes and hoping to see you before long, I remain,
Yours sincerely,

HOMER A. HOLT.

P. S.—I enclose herewith copy of a letter that I am writing the Governor of each of the States.

H. A. H.

With this letter, Governor Holt sent me the following copy of a communication which speaks for itself:

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston, April 11, 1939.

Hon. JAMES H. PRICE,
Governor of Virginia, Richmond, Va.

MY DEAR GOVERNOR PRICE: My attention has just been called to a bill pending before the National Congress designated S. 282 and entitled "A bill to provide that State employees employed in connection with programs carried on with the assistance of the Federal Government be selected in accordance with a nonpolitical civil-service plan," and requiring a State civil-service plan currently approved by the United States Civil Service Commission.

It is noted particularly that the effective date of this bill is July 1, 1939.

It is obvious that if this bill were passed, it would plunge the legislatures of many States into extraordinary sessions.

Though I am appreciative of some of the merits of civil service, if such plans are to be had for State administration, I believe they should be State plans, and I do not believe in the unnecessary supervision of State activities by Federal agencies, such as this bill would provide.

I thought that I should bring this matter to your attention in order that you might communicate with your Congressmen and Senators.

No doubt you will observe that this bill has been introduced by Senator NEELY, of West Virginia. I have written Senator NEELY about the bill. I do not know what motive prompted him to introduce it, but I have suggested to him that he consider the implications of a bill which would force the legislature of the State which he represents into an extraordinary session or place upon him the responsibility of denying his constituents participation in benefits of many Federal expenditures.

Since in his several personal political campaigns Senator NEELY has had no difficulty in receiving the support of his party members who are identified with the State administration in West Virginia, I rather assume that he must have introduced this bill on behalf of one of his colleagues in the United States Senate rather than in his own interest.

Yours sincerely,

H. A. H., *Governor.*

Mr. MILLER. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. MILLER. I am quite sure that the distinguished Senator may have answered the questions I wish to propound to him, but I should like to ask him one or two questions to clarify if I may, some ideas about the bill. Under the amendment which the Senator is proposing in the nature of a substitute the allocation of funds to State agencies or to States is predicated first upon the State adopting a civil-service law satisfactory to the United States Civil Service Commission.

Mr. NEELY. That is correct.

Mr. MILLER. Then, second, the States would have until July 1, 1941, to adopt the civil-service plan.

Mr. NEELY. That is true. And as I have previously stated, I shall gladly accept an amendment further to extend the time, because I have just been informed, for example, that the Legislature of Kentucky will not meet until 1942. It will be unnecessary for any State of the Union to convene its legislature in extraordinary session to meet the requirements of this measure.

Mr. MILLER. Mr. President, on page 3, in subdivision 7, the Senator undertakes to set out a method of enforcement of the State civil-service plan, with particular reference to collections of assessments that might be made against State employees. Aside from that feature of the bill, aside from other activities that might be engaged in by a State civil-service employee, is there any other provision for enforcing the State plan of civil service other than that which is set out in subdivision on page 3?

Mr. NEELY. The plan submitted for the approval of the Commission must contain provisions for the punishment of offenders by removal from employment and imprisonment.

Mr. MILLER. The Senator from Arkansas is merely seeking to be helpful in an effort to clarify this proposition that the State plans would necessarily have to be flexible enough to meet changing conditions, the flexibility being determined by conditions as and when they happen, largely under the supervision of the United States Civil Service Commission. Is that correct?

Mr. NEELY. That is correct.

Mr. MILLER. I thank the Senator.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. REYNOLDS. In listening to the reading of the letter written by the Governor of West Virginia, I rather inferred that he was suggesting that some chief executives of States might refuse to accept money proffered to them by the Federal Government.

Mr. NEELY. That is, refuse to accept it upon the conditions specified in the pending substitute for the bill.

Mr. REYNOLDS. That is the very point I wanted to make. In other words, if I have made the proper assumption, he and those who maintain a similar attitude would much prefer to forego contributions made by the Federal Government in the interest of their States and the people of those States, rather than give up the opportunity to whip them into line.

Mr. NEELY. Mr. President, the able Senator from North Carolina has stated a conclusion concerning which I shall make no comment.

Letters which I have received from various State officials have convinced me that their authors would rather refuse Federal aid with which to build roads, construct schoolhouses, bridges, athletic fields, playgrounds, and swimming pools, clothe the naked, and feed the hungry, than to accept such aid upon the condition that State political machines should abandon their racketeering at the expense of State employees.

I have listened with great interest to the eloquent arguments which have been made to the effect that the proposed legislation, if passed, would invade the rights of the States. That argument roared over this country in the fifties louder than the cannon roared in the sixties which mowed down countless ranks of the Blue and the Gray.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. WAGNER. I did not have the privilege—and it is a privilege—to listen to the Senator's entire argument, because I was busy on other official business. However, I wonder whether the Senator in his main argument referred to the provisions of the Employment Service Act of 1933, and also the Social Security Act, amendments to which I had the honor of sponsoring last year. In those acts there is a provision that funds may be extended to the States only upon condition that the States set up a merit standard for the employees who are to be paid from any of the funds provided by the Federal Government. The standards are about like those proposed in the substitute which the Senator offers. As I recall, both those acts were passed by a practically unanimous vote. I think the States have welcomed such aid.

Nobody then suggested that we were in any way invading States' rights. On the contrary, such legislation was welcomed by the States as a great aid to the welfare of their people.

Mr. NEELY. Mr. President, I had not called attention to the examples mentioned by the able Senator from New York. I thank him for the valuable contribution he has made to the debate. He is entirely correct in his implication that my substitute proposes simply an extension of the principle embodied in both pieces of legislation to which he has referred.

Mr. President, we heard the argument against the invasion of the rights of the States when we considered the pure-food law, the kidnaping law, the narcotic law, and innumerable other laws.

A great man once said that hell is paved with good intentions. The legislative highway which leads to this Capitol has been crowded by those who have perpetually cried out against Federal reforms on the ground that they would invade States' rights.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. REYNOLDS. I did not know that the States had any rights left. I thought the Federal Government, by appropriation, had bought all the States' rights.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. MINTON. I think the purchase would be complete if the pending bill were passed.

Mr. NEELY. Mr. President, what we are really trying to do is to prevent purchase—purchase of office—and every other species of political rascality regardless of what the distinguished Senator from Indiana says. No one, regardless of his motives, can oppose this legislation, without, in effect, taking his stand in favor of the continued maeing of State employees.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. MINTON. I think I shall vote for the Senator's substitute.

Mr. NEELY. I thank the Senator from Indiana more than I can tell him. I now know why Shakespeare, in referring to man, said:

In action how like an angel! In apprehension how like a god!

Mr. MINTON. The Senator has referred to slush funds. He would eliminate what he terms "slush fund" contributions by political employees to a political campaign fund either voluntarily or under coercion. The Senator seeks to do away with that activity. I ask the Senator in all fairness if he does

not think we ought to give some consideration to the "boodle bag" which Ernest Weir is carrying around with him and the slush fund which he expects to obtain in that manner. Has the Senator in mind anything looking to the corruption, which reeks and smells to high heaven, from the "boodle bag" of the opposition party, which has commissioned Mr. Weir to go around and collect a slush fund for the opposition in the election to come?

Mr. NEELY. Mr. President,

> Heaven is not reached at a single bound;
> But we build the ladder by which we rise
> From the lowly earth to the vaulted skies,
> And we mount to its summit round by round.

I am taking a hurdle at a time and am now endeavoring to reach the first round in the ladder that leads to political purity.

Mr. MINTON. Has not the Senator in contemplation the round about which I am talking, the big slush fund, the "boodle bag" of the "get-the-money boys"? The Senator will remember the campaign slogan which the Republicans had in 1920—"Get the money, boys." They are out now to "get-the-money boys"; and they have one of the "big boodle boys" from Pennsylvania. The Senator from Pennsylvania [Mr. DAVIS] knows him. I imagine he is about to rise and admit it.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. NEELY. I shall yield in a moment to my distinguished friend from Pennsylvania.

Mr. President, in this debate, I do not intend to be ground between the upper Democratic and the lower Republican millstones, or vice versa. I want votes for my substitute from both sides of the aisle. Let me inform my Democratic friend from Indiana that the Republican Party in my State helped to destroy itself, temporarily, by practicing some of the infamies I have condemned today. I desire to clean the Democratic house in West Virginia, if possible, before my party suffers the same disaster which stripped the opposition of power 8 years ago. For the present I shall leave to the Republicans the task of sinking or saving themselves.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. NEELY. I yield to the Senator from Pennsylvania.

Mr. DAVIS. I am sure the Senator will resent the "boodle bags" coming in from the millionaires who subscribed to the Democratic Party.

Mr. CONNALLY. Mr. President, I wish the Senator would give us the names of those individuals.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. NEELY. Mr. President, I unqualifiedly condemn the use of money by anybody at any time, or in any place, for corrupt political purposes.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. DAVIS. I join with the Senator.

Mr. NEELY. I thank the Senator from Pennsylvania for his joinder, and I hope we shall all be together when my substitute comes to a final vote, and that we shall all support it to the tune of Onward, Christian Soldiers, Marching as to War.

Extorting money from employees for corrupt political purposes is one of the most indefensible outrages of modern times. Personally I would rather be a ghoul and prowl through graveyards at midnight, when all the evil planets were in conjunction and the moon was in total eclipse, and rob the dead of their jewels and their gems than to attempt to elect myself to office with money filched from poverty-stricken people who are barely existing on the border line of starvation.

Mr. President——

> Once to every man and nation comes the moment to decide,
> In the strife of Truth with Falsehood, for the good or evil side;
> Some great cause, God's new Messiah, offering each the bloom or blight,
> Parts the goats upon the left hand, and the sheep upon the right,
> And the choice goes by forever 'twixt that darkness and that light.
>
> * * * * * * *
>
> Then it is the brave man chooses, while the coward stands aside,
> Doubting in his abject spirit, till his Lord is crucified,
> And the multitude make virtue of the faith they had denied.

We waged a war in the last century to emancipate the slaves of another race. I call on you to help emancipate in the twentieth century the political slaves of your own race. There are hundreds of thousands of them in the various States of the Union who are praying that we will throw out the life line to them. They have been robbed of their political liberty, their money, their votes, and their self-respect. Let us by the adoption of the proposed substitute set these slaves free and make their tormentors amenable to law, and thus earn the everlasting gratitude of generations yet unborn.

Mr. ADAMS. Mr. President, will the Senator yield for an inquiry?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. NEELY. I yield.

Mr. ADAMS. In reading the proposed substitute of the Senator, I find there is a prohibition against the payment to any State agency of Federal money unless the State has adopted a State civil-service plan. My inquiry is, Suppose there is in the State a civil-service plan applicable to a certain State agency, for instance, applicable to the State highway department, and there is no civil-service plan applied to some other agency; as I read the Senator's amendment, no money could be paid over to the State from the Federal Treasury unless every agency of the State was under civil service, even though not receiving Federal money.

Mr. NEELY. Mr. President, if the Senator has correctly construed the language of the proposal—and I have great respect for his ability as a lawyer and legislator—I shall gladly concur in an amendment to clarify the substitute to whatever extent may be necessary to make the withholding of funds apply only to that department of the State government which has failed to conform to the required civil-service plan.

Mr. ADAMS. I suggest that it might read something like this:

> Unless such State has in operation a State civil-service plan currently approved by the United States Civil Service Commission applicable to the agency or department to which the money is to be paid.

Mr. NEELY. I shall not object.

Mr. ADAMS. Then, I will offer that amendment at once.

The PRESIDING OFFICER. The Chair will state the parliamentary situation. The question before the Senate is upon the adoption of the amendment offered by the Senator from Michigan [Mr. BROWN].

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	La Follette	Russell
Andrews	Downey	Lee	Schwartz
Ashurst	Ellender	Lodge	Schwellenbach
Austin	Frazier	Lucas	Shipstead
Bailey	Gerry	McCarran	Smith
Bankhead	Gibson	McKellar	Stewart
Barbour	Gillette	McNary	Taft
Barkley	Green	Maloney	Thomas, Idaho
Bilbo	Guffey	Mead	Thomas, Okla.
Brown	Gurney	Miller	Thomas, Utah
Bulow	Hale	Minton	Tobey
Byrd	Harrison	Murray	Townsend
Byrnes	Hatch	Neely	Truman
Capper	Hayden	Nye	Tydings
Chandler	Herring	O'Mahoney	Vandenberg
Chavez	Hill	Overton	Van Nuys
Clark, Idaho	Holman	Pepper	Wagner
Clark, Mo.	Holt	Pittman	Walsh
Connally	Hughes	Radcliffe	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

Mr. BROWN. Mr. President, I desire to speak on the amendment. When this amendment was read by the clerk, many Senators asked me if I intended seriously to press it. I certainly do intend to press it seriously, because I think it goes to a much more vital subject of political corruption, political manipulation, and political influence in the Govern-

ment of the United States than does the original Hatch Act or the amendment the Senator from New Mexico now proposes. What he is hitting at are the $2 contributors; I am hitting at the $300,000 contributors to campaign funds.

Before I go into that subject I wish first to explain just what the amendment proposes to do. It proposes to amend line 21, on page 4, and following matter of the pending Hatch amendment and, in substance, provides that no person who is a stockholder or an officer of a corporation benefiting in any manner whatsoever by any tariff, excise tax, or quota limiting imports into the United States; no stockholder of a corporation which secures a loan from the Reconstruction Finance Corporation, or any other governmental agency; no stockholder of a corporation which has a contract with the United States or any of its agencies, and—following the idea of the Hatch amendment—no stockholder of a corporation which has a contract with a State, municipality, or other governmental subdivision which is financed in whole or in part by a loan or a grant made by the United States or by any Federal agency—that is the exact language of the Hatch bill—and no person who is a stockholder or officer of a corporation which has pending before the Government of the United States an application for a tax refund or a claim before the Claims Committee of the Senate or the House or before the Court of Claims, shall take any active part in political management or in political campaigns.

All that provision relates to stockholders and officers—not employees, as someone suggested to me, but stockholders and officers—of corporations which are in effect receiving benefits from the Treasury of the United States.

Then I include another class of individuals—persons who are employed as lobbyists or legislative representatives, or whose principal business is that of appearing before executive or legislative departments of the Government. That is the entire classification. I might include many others. Some further consideration by the committee might suggest to them some other persons who are interested in the Treasury of the United States, and in withdrawing funds therefrom.

All of those persons are prohibited, just as the Hatch Act prohibits Government employees, from taking any active part in political management or in political campaigns. The prohibition is absolutely complete.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Texas?

Mr. BROWN. Let me finish summarizing the amendment. But, furthermore, because of the facts I am going to bring out later in my argument, I think we ought to attach to this measure the same prohibition against political contributions that is contained in the present Hatch Act—the prohibition against political collections and contributions from Government employees.

No such person—that is, none of the stockholders of these various corporations which have some beneficial connection with the Government of the United States—shall solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatsoever.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, I desire to ask the Senator a question for information. He has followed this bill more closely than I have been able to do.

Under the law, the members of the National Guard of the various States are paid when they have camps, and are paid so much a week for drills. The Federal Government furnishes part of that money, probably a large part of it.

Mr. BROWN. It also supplies the equipment.

Mr. CONNALLY. Under the proposed legislation which is now pending, would not every National Guard member and every officer of the National Guard be prohibited from any political activity?

Mr. BROWN. After a careful reading of the present amendment I am inclined to think that such National Guard men, or members of State militia, whose pay is in part provided by the Government of the United States, are included within the prohibitions of the Hatch bill.

Mr. CONNALLY. That is what I mean. Under the bill as it is now pending, would they not be prohibited from any political activity?

Mr. BROWN. I fear they would.

Mr. HATCH. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. BROWN. I do.

Mr. HATCH. What part of the bill does the Senator refer to when he speaks about the provisions of the present Hatch bill relating to contributions?

Mr. BROWN. That is in the Hatch Act; the present law.

Mr. HATCH. To what persons does it relate?

Mr. BROWN. It relates to W. P. A. workers, W. P. A. supervisors, and various other employees of that kind.

Mr. HATCH. Mr. President——

Mr. BROWN. I do not yield right now. Let me say to the Senator that I think that provision in the original Hatch Act was totally unnecessary, because we have had on the statute books since 1876, I believe, a statute fully covering that subject.

Mr. HATCH. Mr. President, now will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan further yield to the Senator from New Mexico?

Mr. BROWN. Yes.

Mr. HATCH. Does the section to which the Senator refers apply only to those paid out of relief funds?

Mr. BROWN. I think it does; but I ask the Senator, who is an expert on the subject, if there is not a general statute, enacted in 1876, which was the subject of the Supreme Court decision to which the Senator from Illinois [Mr. LUCAS] referred earlier in the day, which prohibits any solicitation of funds by a Senator, a Representative, or any other Government official from any other Government official or employee.

Mr. HATCH. There is a general provision as to solicitation; but the difference is this: The pending bill was drawn with the law in mind to which the Senator refers. That law referred only to Government employees soliciting other Government employees.

Mr. BROWN. That is correct.

Mr. HATCH. And, as I pointed out on the floor of the Senate when the present law was under discussion, the solicitation of W. P. A. workers did not come from Federal employees. It came from persons on the outside who were not covered by the act.

Mr. BROWN. After the two votes in which I agreed with the Senator from New Mexico in refusing to join a majority of my Democratic colleagues to repeal section 9 of the Hatch Act, I am sure the Senator does not for a moment think I am now in favor of repealing that section. I am not. I have twice voted that way, both on the Miller amendment and on the Adams amendment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. Just let me finish my statement. I am in agreement with the proposition that there should be no coercion of persons upon relief. What I am now aiming at is an entirely different evil, but connected with the same subject matter. When the Senator is doing such a splendid job and has made such a thorough investigation of the law and the constitutional provisions relating to this matter of campaign contributions and political influence of persons who deal with the Government, who obtain benefits from the Government, whether by way of tariff concessions, by way of tax refunds, or any of the other things I have mentioned, the Senator ought to cover those evils just as he covers the $2 contributor who is on the Government pay roll.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. HATCH. I did not mean to imply anything contrary to what the Senator from Michigan has stated.

Mr. BROWN. The Senator admits what I have stated?

Mr. HATCH. Certainly I do; and I want to clear up the statement that there was no necessity of passing that provision of the other law.

On the question to which the Senator has just referred when he said I should give some attention to these other

things, I want him to know that those things have not by any means escaped my attention. They have not escaped the attention of other Members of the Senate. They have not escaped the attention of the Committee on Privileges and Elections. At this moment there is pending before that committee a bill drawn by the Senator who sits next to the Senator from Michigan, the junior Senator from Rhode Island [Mr. GREEN], in which in a separate measure he strikes at the very thing to which the Senator is referring. There is on my desk also a bill which strikes at the same thing.

I make that statement merely to let the Senator know that we are considering those things.

Mr. BROWN. I am very much pleased to hear it; and I shall be delighted if the Senator will agree to a recommittal of his bill or a delay of his bill until we can bring in the bill of the Senator from Rhode Island—which I think is part of the same subject matter—and legislate in regard to the whole problem of campaign contributions from those who seek favors at the hands of the Government of the United States, those who are paid in any manner whatever out of the Treasury of the United States, or those who benefit by the tariff laws of the United States, who, in my judgment, have been the worst offenders in the matter of making great campaign contributions and engaging in politics.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. In reply to what the Senator says, manifestly I cannot agree to his proposal. It is well known that this particular measure has been considered by the Committee on Privileges and Elections. It was announced at the last session of the Congress that this identical measure would be introduced, and no person has appeared before the committee and made a single suggestion along the lines the Senator suggests today. I cannot agree to any such proposal as that.

Mr. BROWN. Let me say to the Senator that the Hatch amendments may be enacted. So far the Senator has been very successful. If the measure does pass, it will be because 23 Republicans in a solid phalanx stand by his bill. I am not so sanguine that 23 Republicans will stand in a solid phalanx back of the bill about which the Senator tells me—the bill the junior Senator from Rhode Island [Mr. GREEN] has introduced—covering the matter of campaign contributions from the beneficiaries of the Treasury by way of tariff grants, tax refunds, and the other items I have detailed.

I would much prefer if we would put both propositions in one bill, because they cover the same subject. I want to see a bill passed containing the essentials of my amendment, but I am afraid it will not pass if we have to depend on the 23 Republicans on the other side to vote for that kind of a bill.

Several Senators rose.

Mr. BROWN. Before I yield I wish to say something further. Why do I make the statement about not being able to pass the bill? For the very good reasons I am about to outline. If my amendment were agreed to, John D. Rockefeller could not contribute $150,000 to the Republican national campaign fund in 1940, as he did in 1936.

Several parties by the name of Pew in the State of Pennsylvania could not contribute $310,000 to the Republican national campaign fund in 1940, as they did in 1936, because the Sun Oil Co., which is largely controlled by the Pew family is a beneficiary of an excise tax which has been levied by the United States upon oil.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. BROWN. Under my amendment the Pew stockholders in Sun Oil could not make the contribution because they would be prohibited, just as the $2 contributor in the highway department of the State of Michigan will be prohibited, by the existing law. I yield to the Senator from Pennsylvania.

Mr. GUFFEY. Has the Senator an itemized statement of the contribution of $310,000 by the Pew family?

Mr. BROWN. Yes; I have.

Mr. GUFFEY. Will the Senator put it in the RECORD?

Mr. BROWN. Yes.

Mr. HATCH. Will the Senator yield to me while he is looking for the data?

Mr. BROWN. No; I want to hear what the Senator from New Mexico has to say. I do not want to be required to answer a question when I do not hear it. I now have the information as to the Pew family:

Arthur E. Pew, of Bryn Mawr, Pa., contributed $15,775 to the Republican campaign fund in 1936.

Ethel Pew, of Bryn Mawr, Pa., contributed $81,625.

J. Howard Pew, of Ardmore, Pa., contributed $100,138.32.

J. N. Pew, of Ardmore, Pa., was a little more generous. He contributed $100,313.51.

Walter C. Pew, of Cynwyd, Pa., contributed $15,125.

The total was a sum slightly in excess of $310,000, and it all came from the Pew family, the members of which are large stockholders in the Sun Oil Co., which is the beneficiary of the tariff laws and the excise laws of the United States.

Mr. HATCH. Mr. President, will the Senator yield? I desire to answer a question the Senator from Michigan propounded about the highway employee, and to inform him that there is nothing in the existing law which prevents a contribution by that highway employee in Michigan.

Mr. BROWN. I disagree with the Senator. Would it or would it not be participation in politics for a highway employee of the State of Michigan, who would be subject to the provisions of the bill, to make a contribution for political purposes?

Mr. HATCH. It is not.

Mr. BROWN. I disagree.

Mr. HATCH. I wish to tell the Senator why it is not.

Mr. BROWN. What greater political activity could there be?

Mr. HATCH. May I explain to the Senator why I make that statement?

Mr. BROWN. Certainly; I should be glad to be informed about it.

Mr. HATCH. This is a rule of the Civil Service Commission——

Mr. BROWN. I do not care about any rules of the Civil Service Commission. I am responsible for my part in the enactment of the statute. But the Senator may proceed.

Mr. HATCH. Under the identical rules of the Civil Service Commission for more than 50 years it has been announced and held that civil-service employees could make voluntary contributions. There is no doubt about that.

Mr. BROWN. The Senator certainly has a different idea from mine. The Senator from Texas was discussing this subject in the cloakroom a while ago. I, as he, received several voluntary contributions from postmasters when I was a Member of the House of Representatives. I took every check and every dollar and sent it back.

Mr. HATCH. That is covered by another statute.

Mr. CLARK of Missouri. That is specifically prohibited.

Mr. BROWN. I am not referring only to the Hatch law; I am discussing contributions made by the Pew family and contributions which could be made by Government employees.

Mr. HATCH. That still does not apply to the employee in Michigan.

Mr. BROWN. I certainly disagree with the Senator's construction of his own statute when he says that a political contribution made for the purpose of promoting the interests of a political party is not participation in politics.

Mr. HATCH. That has been the ruling in this country for exactly 50 years, and has not been departed from, the language being exactly like the language in the measure before us.

Mr. BROWN. Let me put the question in a slightly different way, if the Senator insists. Is it any worse for the postmaster in Clovis, N. Mex., to make a $2 contribution to the Democratic fund than it is for the Pew family to make a $310,000 contribution to the Republican national campaign fund?

Mr. HATCH. Will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I wish to say to the Senator that he cannot say anything too much in condemnation of political contributions, like what he is saying now, to which I will not agree.

Mr. BROWN. Then the Senator would better agree to my amendment so that we can get it enacted into law, with the help of Senators on the other side.

Mr. HATCH. I can give the Senator greater evidence than he has as to political contributions——

Mr. BROWN. I am not nearly through with that subject. I merely yielded to an interruption.

Mr. LUCAS. Mr. President, will the Senator from Michigan yield?

Mr. BROWN. I yield to the Senator from Illinois.

Mr. LUCAS. The colloquy between the Senator from Michigan and the Senator from New Mexico brings to light once more section 15 of the bill, which I attempted to argue in my feeble way on Tuesday of this week, with respect to the delegation of power which the legislative branch of the Government is now asked to give to the executive branch of the Government under the proposed legislation.

Under the bill, as laid down at the present time, notwithstanding what may be the rules of the Civil Service Commission at this particular moment, the Civil Service Commission is designated to define what is and what is not political activity throughout every State in the United States of America, where the class of individuals affected is designated under this particular measure. That is the very thing which I think ought to be corrected. It seems to me that it is one of the real evils of this piece of proposed legislation.

In other words, under this bill we would delegate full power and authority to the Civil Service Commission here in Washington, D. C., without laying down any rules, any standards, or any safeguards, to say what is political activity and what is not political campaign, and what is political management, and how you can interfere and how you cannot interfere in the election of a public official in my State. That is one of the main reasons why I have sought continually, in discussing this matter with Members of the Senate, to have the bill sent back to the Committee on Privileges and Elections for the purpose of having that committee lay down safeguards to protect the sacred and fundamental rights of every American citizen who believes in political liberty, as I do.

I wish to say to the Senate that I feel deeply about this matter. If it were not for the type and form of government under which I live at the present time, I could not occupy a seat in the United States Senate as I do, because of my early surroundings and the hardships I had to endure. Had I been living under some government in existence at the present time, had I been under some dictatorship or military despot, of which the world is full at this very moment, I perhaps would be reading at night with the curtains closed. Perhaps I would be out on some highway, or in some concentration camp, or in some other place that is unknown to the American citizen.

I say that this particular measure strikes at the very foundation and life of that political liberty. If we are to permit the Civil Service Commission, or any other bureaucratic board here in Washington, D. C., to define the political activities of every individual in the United States who is affected by the bill, I say that we are going a long way, we are striking at the very root, at the very heart of democratic government in this country; and I cannot imagine the Senate doing it. I do not believe yet that the Senate will do it. I believe that the Senate will yet find some way to lay down proper safeguards, to tell the Civil Service Commission what they should do in connection with defining political liberty instead of leaving it to this board.

Mr. President, if the Senator will pardon me further, we are presumed to be the best political experts in the world. All our lives we have been schooled in politics. Here we are, trained in the science and art of government, Senators of the United States, who are presumed to know something about political management and political campaigns, the one thing in which we are experts, if we are expert in anything. True it is that we delegate power, under proper safeguards, to different bureaus here which have certain peculiar technical knowledge, and we ask them to make definitions, but we are asked to "pass the buck" under the pending bill. We have not the courage to send it back to the committee to study this thing from the angle to which I have been referring. We are asked to leave it to the Civil Service Commission to say just what is political liberty and what is not political liberty in this country.

Mr. President, to me it is a serious situation. Our liberty is a sacred thing, and this measure flies right in the face of the liberty that has been ours for 150 years.

Ours is a great country, and I was about to say that every move, at least a great many moves we have made since I have been a Member of this body, have been always toward more and more concentration of Government here in Washington, D. C. The Senator from Connecticut stated yesterday that he is not so disturbed because of what the people may be thinking about the Hatch Act, as the Senator who now occupies the chair [Mr. CHANDLER in the chair] says he is. The people are thinking about that act and many other things, but the Senator from Connecticut placed his finger on the real key to the situation; that is, the continued centralization of power in Washingon, D. C., gradually sweeping away the rights of the people in my State, and in every other State of the Union.

That is the serious thing, and I undertake to say that under this bill the Civil Service Commission would have the complete power and authority, as the Senator from Michigan has suggested, if a political worker—the $2 man, who seems to be the fellow we want to hit all the time—makes a contribution, to include such a contribution in its definition of what is political activity.

Mr. BROWN. Mr. President, I thank the Senator from Illinois, and if I have done nothing else this afternoon than to provoke that splendid speech, I feel I have performed a real service for the Senate.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. BROWN. I shall take a moment before I yield to the Senator from Indiana, and then I will yield to him.

Mr. President, I wish to say that, so far as the State of Michigan is concerned, the responsibility for writing a statute which clearly defines what "political activity" is, rests upon me and my colleagues in the Congress. It rests upon the Congress of the United States, and it should not be delegated to a civil service commission, which can change its rules from day to day without any let or say on the part of the Congress of the United States. Section 15 is an unlawful delegation of authority. And why is it delegated? It is delegated because the Senator from New Mexico and the other members of this committee have found the task of defining the term "political activity" to be too great for them, and they want to pass it on to the Civil Service Commission. It may be that they think they cannot pass this measure if they clearly define what political activity is.

Let me give the Senate a practical example. Suppose that legislative employees were under the prohibition of this act just as the executive employees are. Let us take the example of the Senator from Ohio [Mr. TAFT], who is now present in the Chamber. He is actively and openly a candidate for President of the United States. Someone said the other night that he went down to the railroad station and said, "I want a ticket," and the ticket agent said, "Where to?" He said, "Oh, anywhere. I have got business all over." [Laughter.]

If the Senator's clerk is engaged at the present time, long before a political convention is held, in making dates for the Senator, in answering queries as to when the Senator can go to Delaware, Ohio, or Detroit, Mich., or Augusta, Maine, in order to make a political speech in behalf of his candidacy for the Presidency of the United States, or, to speak more properly, in the interest of his nomination for the Presidency of the United States on the Republican ticket, is the Senator's clerk engaged in political activity or is he not?

If we apply that to the candidate of the Senator from Indiana [Mr. MINTON] on my left, who is an officer in the executive department, and if his clerk is making dates for the appearance of Governor McNutt in various parts of the country, is that clerk engaged in political activity? When does political activity start?

The Senator from Florida [Mr. PEPPER] referred to the fact that Mr. Rogge, the Assistant Attorney General, who has been in Louisiana and has been prominently mentioned by the newspapers of Louisiana since his success there in defeating, apparently, the then existing Democratic organization, is giving out statements probably laudatory of himself, and his associates are doing the same thing, and it is said by them that he should be the next nominee of the Democratic Party for the Presidency of the United States. In furthering that idea, is he, under the terms of this bill, engaged in a political activity in his own behalf?

I fully agree with the Senator from Illinois. There is no definition in this measure of what constitutes political activity, and there should be such a definition before the bill leaves the Halls of the Congress of the United States, because we are responsible for legislation and the Civil Service Commission is not.

I am unwilling to delegate that responsibility to them, and that is just what we do in this bill.

I now yield to the Senator from Indiana.

Mr. MINTON. Mr. President, I do not want the Senator to get away from this Pew family contribution.

Mr. BROWN. I still have it before me.

Mr. MINTON. We have had entirely too much attention paid to $2 men this afternoon. All during the debate we have been talking about the $2 man and the "two bit" man. I want to talk about the $300,000 family. First, I want to ask the Senator from what document he was reading the figures about the Pew family?

Mr. BROWN. I got them from the investigation of campaign expenditures in 1936, report of the special committee, which, as I recall, was headed by the senior Senator from Texas [Mr. SHEPPARD].

Mr. CONNALLY. Mr. President, the Senator from Texas [Mr. SHEPPARD] was chairman in 1938.

Mr. BROWN. I find the committee was composed of the then Senator Lonergan, of Connecticut; Senator Minton, of Indiana; Senator Schwellenbach, of Washington; Senator Austin, of Vermont; and Senator Frazier, of North Dakota.

Mr. MINTON. What I want to direct the Senator's attention to is the present well-known activity of the Pew family in Pennsylvania, and their large contribution in the last campaign to the Republican campaign fund. At that time, in 1938, the Democrats were in power in Pennsylvania, and were in power in the Nation, and all those condemned by the Hatch Act—the pernicious politicians; the pernicious people who are politically active and who hold political jobs—were all under the influence of this Democratic machine in the State and in the Nation. Notwithstanding that fact, the Pew machine beat them. I wish to ask the Senator from Michigan if he does not think they did it with money?

Mr. BROWN. They certainly did. They had plenty of it and they seemed to be very generous with it.

Mr. MINTON. Should we not give some consideration on the floor of the Senate to the real corruption in this country, represented by "boodle boys," such as Mr. Pew and Ernest Weir, and men of that kind, instead of talking about the "two bit" fellows and $2 men?

Mr. CONNALLY. Mr. President, is it the Senator's theory that the Republicans on the other side of the Chamber believe that if they can get the $300,000 contributors they will not need the $2 contributors?

Mr. BROWN. I think so.

Mr. MINTON. Oh, yes; with such contributions they would have the Democrats out, and they would be in power in November.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. GUFFEY. Does that report contain the contributions made by the royal family of Delaware, the Du Ponts?

Mr. BROWN. Yes.

Mr. GUFFEY. Their contributions are in much larger amount, and I should like to have them read into the RECORD.

Mr. HATCH. A little more than $600,000.

Mr. GUFFEY. Yes; more than $600,000.

Mr. BROWN. I will read them in a little more detail.

Mr. GUFFEY. I should like to have the Senator read those contributions.

Mr. BROWN. I am informed by the Senator from New Mexico [Mr. HATCH] that the total contributions were $600,000. Felix A. Du Pont, Wilmington, $134,500.

Mr. HATCH. It has been some months since I checked the names of those in the Du Pont family who contributed—I do not know who they are—but I took the name "Du Pont," and found that the total sum contributed by them was a little over $600,000, as I recall.

Mr. BROWN. I will read it in detail.

Felix A. Du Pont, Wilmington, $134,500.
A. M. L. Du Pont, of Wilmington, Del., $3,000.
Mrs. C. DuPont, of Wilmington, Del., $5,250.
Archibald Du Pont, of Wilmington, Del., $1,000.
Eugene Du Pont, $3,000.
Henry B. Du Pont, $25,000.
Irénée Du Pont, $121,230.
Mrs. I. Du Pont, $5,000.
Lammot Du Pont, $183,500.
Pierre S. Du Pont, $111,980.
S. Hallack Du Pont, $5,500.
William Du Pont, Jr., $21,000.

Their contributions, of course, were made to the Republican Party.

Mr. GUFFEY. Has the Senator any record of a contribution from Governor Buck, of Delaware? He married a Du Pont. We might as well get that connection, so as to see what the whole family contributed.

Mr. BROWN. I do not find Governor Buck's name in the list.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. MINTON. I have roughly calculated the small change put into the Republican campaign fund by the Du Ponts, and counting merely the larger figures I find that the Senator from New Mexico is quite right. The amount was $617,000,000, without counting the small change. [Laughter.] Mr. President, I mean $617,000.

Mr. BROWN. Mr. President, without giving any more figures, and merely selecting names at random from the more prominent of what may be called the "60 Families," which I think was the title of a book that has been the subject of discussion here, we find J. P. Morgan contributed $55,000, with several contributions from other members of the family. The Armours, of Chicago, contributed. And I notice a very distinguished citizen of the city of Washington—at least his business is here in the city of Washington—Mr. Auchincloss, $24,000.

Jules S. Bache, $7,800.

Now I come to a name with which we are all familiar, which has a particular reference to this controversy, because everyone knows that the two big banks of the city of New York are intimately connected with the Cuban sugar industry; that they are the beneficiaries of the quota law and the import restrictions that are placed upon the importation of sugar from the East Indies, from the Virgin Islands, from Peru, from Brazil, and are even responsible for the limitations that are placed upon our own production in Louisiana, in Florida, in Colorado, in Michigan, in Ohio, and throughout the country.

Mr. George F. Baker, president of the First National Bank of the City of New York, contributed $61,000 to the Republican national campaign fund.

Are we to prevent the little fellow in the Department of Agriculture, who perhaps owes his job to the fact that he wants to give his services to the Government of the United States, from enjoying a similar privilege? The Senator from New Mexico [Mr. HATCH], I think because of intense application to this problem, seems to assume that every man who is connected with the Government of the United States is so connected because of political patronage because he could not get a job anywhere else.

There are thousands of employees in the Government service who are giving their services to the Government of the United States because they would rather give them to the United States than to a private corporation at a sacrifice.

The Senator knows that many men came down from the city of New York who had jobs or who were partners in legal firms in which they were obtaining incomes far above any income that could be paid by the United States, and gave their services to the Government of the United States at what to them is a paltry sum of money.

The Senator seems to think that because a man takes a Government job there is something about it that should prevent him, no matter how honest his connection with the Government may be, no matter how earnest he may be in his desire to help the political party in whose principles he believes, from contributing a cent; but that the heads of great banks in the city of New York, who are largely interested, through their stockholders, in the sugar industry in the island of Cuba, should be permitted as individuals to make tremendous contributions to the Republican or Democratic campaign funds.

Mr. President, I cannot see the justice in the situation when we put one alongside the other, and I see no sense whatever in dividing the question. We should legislate upon the whole problem of political activity at one time.

Why do I say that? I am now talking particularly to the lawyers in the Senate. The reason why the Senator from New Mexico prohibits contributions on the part of employees of the Federal Government, or on the part of employees of the State governments whose salaries are in some manner contributed to by Federal funds, is because they receive a benefit from the Government of the United States, because they receive their pay from the United States, because they gain financially by reason of their connection with the United States, or—and there is one other possible basis—because their desire to hold their jobs will cause them to work for the party which has put them in office, and because they are subject to undue influence or coercion on the part of their superiors.

Let us apply the same test to the National City Bank or the First National Bank, or their large stockholders. Why do they make contributions to the Republican national campaign fund? It is because they, like the $2 clerk, receive a benefit by reason of certain excise taxes or import quotas, established by what? By the laws of the United States. Are they interested in such matters? Have we ever had a hearing on tariffs before the Finance Committee of the Senate in which we have not had representatives of big business protesting against a cut in the tariffs, or demanding an increase in the rates? I have never seen a hearing of the Finance Committee at which some gentlemen representing big business were not present. We have heard from dozens of them in the past 2 weeks on the question which will be before the Senate next week—the extension of the Reciprocal Trade Agreements Act.

Fundamentally, the $2 clerk is interested in keeping the political party in power because it has given him a job. Fundamentally, J. P. Morgan, George F. Baker, and the Pew family are interested either in keeping a favorable political party in power or in ejecting from power a political party which is unfavorable to their tariff and tax policies.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. WALSH. Does the Senator concede that the bill establishes a new principle so far as Government employees are concerned?

Mr. BROWN. I will say to the Senator from Massachusetts that I have consistently supported the original Hatch Act. Twice, against importunities from many of my colleagues, I have supported the present law by voting against the Miller amendment and by voting against the Adams amendment. It may have gone a little too far, but I believe that since we passed that law, it ought not to be repealed. I think that to do so would be a bad thing politically. Its enactment was a step in the right direction.

Mr. WALSH. I am in accord with that view.

Mr. BROWN. However, in the new bill we are doing an entirely different thing. We are attempting to extend the Federal power to officers and employees who are primarily State employees.

I will say to the Senator from Massachusetts that I am not a new 1932 Democrat. I have been a Democrat ever since I was able to think. I was first elected to office on the Democratic ticket in 1914, when I was 25 years old. I believe that we ought to preserve States' rights, and I am fundamentally opposed to an extension of the Hatch Act which would infringe on States' rights. In my judgment, although I do not believe it is in conflict with the Constitution of the United States so far as its language is concerned, it is certainly contrary to the spirit of the Constitution. My objection, therefore, is to the new Hatch bill and not to the old Hatch Act.

Mr. WALSH. I am pleased to have the Senator's distinction, because I thought he was critical of the whole fundamental policy.

Mr. BROWN. No.

Mr. WALSH. I invite attention to the fact that for years the principle of the bill has been applicable to postal employees. By regulations of the Post Office Department, postal employees are forbidden to participate in political campaigns.

Mr. BROWN. Let me say to the Senator in that connection that all such employees are entitled to the benefits of the civil-service rules. They are entitled to a reasonable permanency of employment. On the other hand, the Government of the United States can give no permanency of employment to those whom we now seek to reach, because they are hired by State officers and not by Federal officers, and we cannot legislate to make the State employ a certain individual.

Mr. WALSH. The Senator makes a distinction which is a proper one and which should be given very careful consideration.

I wish also to call attention to the fact that I remember very distinctly that when the Democrats came into power in 1932 a number of men seeking post offices under the Democratic administration in my State—and very properly—made complaints that certain postmasters had shown pernicious political activity, and asked that their 4-year term of office be canceled. My State was honeycombed from one end to the other by Democrats seeking post offices; but because of the administration of the Post Office regulations, and not because there was any virtue in the individuals, I think in only two instances was the slightest evidence available that Republican postmasters had been guilty of participation in politics. I think in only two instances was a successful case made.

So I think the Senator and I are in agreement that insofar as Federal officials are concerned, especially civil-service officials, they have the right to tenure of office and to retirement benefits, and that so far as we can protect them against political pressure to contribute to political campaign funds or to render political services we ought to do so.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BROWN. I shall be glad to yield in a moment.

I agree with what the Senator from Massachusetts says in that respect. In that connection let me say I favor the general purpose and policy of the Hatch law, and I am also in agreement with section 2 of the pending bill, which prevents the use of official authority to interfere with an election. I have no objection to—in fact, I am in favor of—section 2 as designated in the pending bill.

I now yield to the Senator from Illinois.

Mr. LUCAS. Mr. President, in reply to the Senator from Massachusetts [Mr. WALSH] a moment ago, the Senator from Michigan indicated that he saw in this bill nothing which he thought was unconstitutional.

Mr. BROWN. I may say I was not referring to section 15.

Mr. McKELLAR. I think that section is clearly unconstitutional.

Mr. BROWN. As I said earlier in my argument, I believe section 15 is an unwarranted and unconstitutional delegation of legislative authority. Absolutely no standards are set up, no limitations are fixed, in section 15. I believe in any event it should be stricken from the bill.

Mr. President, I was just making the point that the basis—the legal basis and the moral basis, if I may call it such—of the prohibitions proposed in this bill is that these employees

are in some manner beneficiaries of the Federal Government. Therefore I think it is perfectly logical to attempt to cover all of the other persons who are in the same class—beneficiaries of the Federal Government. Why?

Let us assume that somebody in the Department of the Interior is desirous of transferring the Bureau of Forestry to that Department and taking it away from the Department of Agriculture; and suppose that some employee of one of those departments comes up here and urges upon a subcommittee or a committee of the Senate that particular action. Of course, he is engaged in political activity of a certain kind. He is interested in keeping his job in the Department of Agriculture or in the Department of the Interior, as the case may be.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Texas.

Mr. CONNALLY. I desire to supplement a question I asked the Senator. The same rule about the National Guard would apply to the Reserve officers, would it not?

Mr. BROWN. I presume so.

Mr. CONNALLY. Is it not true that under this bill no member of the National Guard or officer of the Reserve Corps could run for a county office without getting out of the National Guard or Reserve Corps?

Mr. BROWN. I am sure the Senator could answer that question better than could I, because I have not a clear knowledge of just how the Reserve officers are paid.

Mr. CONNALLY. They are paid partially by the Federal Government and partially by the State.

Mr. BROWN. By whom are they appointed—the State officials?

Mr. CONNALLY. No; by the Federal Government.

Mr. BROWN. Are they State officers or Federal officers?

Mr. CONNALLY. I suppose they are Federal Government officers, for they belong to the Army of the United States.

Mr. BROWN. I do not think the present Hatch bill would affect that situation. They may be subject to the original law. I do not know.

Mr. HATCH. The Army Regulations cover that matter.

Mr. BROWN. I was giving the illustration of a departmental $2-a-month man—speaking of the contribution from his salary—coming up here and lobbying in the interest of keeping his job. That is his interest. That is one of the reasons why the Senator from New Mexico prohibits him from political activity. Likewise, we have the representative of a large corporation—let us take the United States Steel Corporation, for example—coming before the Bureau of Internal Revenue and asking that Bureau for a tax refund. The applicant may be entitled to it; he usually is; but so is the man down in the Department entitled to his job. The Department of Agriculture man will cling to the party that favors his view, and the man who applies for a tax refund will tend to favor the party that favors him when he comes before the Commission for a tax refund.

Mr. LUCAS. Mr. President, will the Senator yield right on that point?

Mr. BROWN. I yield to the Senator from Illinois?

Mr. LUCAS. With respect to the Agricultural Department, one of the slogans of the farmers in my section of the United States is, "A tariff for all or a tariff for none." It seems to me the Senator from Michigan is striking at a vital point. In other words, if we protect those who obtain benefits from the tariff, we ought to be able to protect the man who is getting a sort of a tariff from parity payments, we will say; and if we do not protect one, we should not protect the other.

Mr. BROWN. Absolutely; and, to bring the matter right down to fundamentals, the Government clerk, if he is not under civil service, is interested in keeping in power the party that is in power and that gave him a job, and the Sun Oil Co. is interested in kicking out of power the political party that will not give it the high-excise taxes it wants to prevent the importation of foregin oil and to raise the price of domestic oil. I can apply the same principle to the tariff. I can apply it to quotas. I can apply it to R. F. C. loans. I can apply it to contractors who are doing business with the Government of the United States. I can apply it to all persons who are applying to the United States for the consideration of their claims against it.

Mr. President, I desire now to go to a more fundamental question.

As I indicated to the Senator from Massachusetts [Mr. WALSH], I have twice voted with the author of the original Hatch Act in the matter of the two amendments which were submitted here earlier in the week. I am opposed to section 12, as proposed to be amended by the present bill, because it is an interference with the right of the State of Michigan to control its own elections, and is, therefore, an unwarranted intrusion into the rights of my own State.

Mr. President, we have pretty good election laws in the State of Michigan. I am going briefly to mention a few of their provisions.

Our statute—I am referring to section 3286 of the Compiled Laws of the State of Michigan, down to section 3320, the corrupt-practices statute—prohibits promises, offers, agreements, all forms of inducements to voters. It punishes the man who promises and the man who accepts the promise. It prohibits the solicitation of money for campaign purposes by any other than regularly constituted party officials. It prohibits threats and intimidations by persons in the position of employers, with the right to hire and fire. I think every form of political inducement, threat, and intimidation is covered by the sections mentioned and subsequent sections of the chapter.

I am of the opinion that elections in Michigan should be handled under Michigan law; and I think my State has fully covered by law every form of political wrongdoing that is set forth in the Hatch bill, with the single exception of the prohibition against all political activity. So far our State has not seen fit to deny its employees the right to speak their political convictions. I applaud that view. My State, and it alone, will determine that question.

Mr. President, I realize that in the short time I had to prepare this amendment I could not prepare an amendment that was sufficiently inclusive to cover all of the persons and the parties and the corporations which should be prohibited from political activity. Perhaps I have gone too far. But I plead now for consideration, not of one-half of the question but of the whole question involving influence in elections.

Mr. President, I say again, as I stated a while ago, that if the desire is to cover the whole situation, and to get the votes of the solid phalanx of 23 on the other side, which seems to be necessary in order to pass the bill, the Senator would better include within the covers of the bill all features of this evil that he is trying to reach.

He says to the Senate that his committee, or members of his committee, have this matter under consideration now. There will not be an election of importance, except a few primaries—and, of course, they may be of importance to certain Senators, I realize—there will be no Nation-wide election until November of 1940, which is some seven months off. The Senate is going to be in session for 2 or 3 months longer. Let us recommit the bill to the Senator's own committee; let us have the benefit of his knowledge of the law, of his searching investigation into the constitutional questions involved, of his searching into facts surrounding political corruption which he asserts has existed and which probably has existed in connection with Government employees; and let him put his fine mind, along with that of the Senator from Rhode Island, and others, to this other problem which I have mentioned today—the matter of political contributions from the "big shots" of the country—the Rockefellers, the Pews, the Morgans, the Armours, the Bakers.

Let him apply his mind to that problem and bring in a bill covering the entire situation, and I assure him that if it does not unduly interfere with States' rights, if it does not unduly restrict the political liberty of our citizens, he will find me standing just where I was yesterday—with him in his fight to wipe out political corruption. But, much as I desire to go along with him, I cannot go further in the present hour until he covers the entire field of political corruption by the bill which he proposes as an amendment to the Hatch law.

Mr. HATCH. Mr. President, I shall take only a moment. There is one special thing which I wish to mention in reply to what has been said on the floor of the Senate in the last few minutes. I refer to the criticism which has been heaped on the members of the minority party, who sit on the other side of the Chamber.

It has been repeatedly stated that the Hatch law could not have been passed if it had not been for the solid support of the Republican Members of the Senate. From a consideration of the votes which were cast, that is quite correct; but I want Senators on the other side of the Chamber to know that there is at least one Democrat on this side of the Chamber who respects a vote cast for what the Senator voting believes is for good government in this country, whether the vote comes from a Republican or from a Democrat. I am one of those who believe that when a man enters the Senate of the United States, takes his seat as a Senator in this body, and votes, he votes not as a Democrat or as a Republican, but as a Senator of the United States.

In this connection I wish to say that I have never gone to a single Member of this body about this bill. The Senator from Michigan stated he had been importuned to vote for the Miller amendment; and I am quite sure he is correct. Other Senators have been importuned to vote for amendments which are inimical to the provisions of the bill.

Mr. BROWN. Mr. President, if the Senator will yield at that point, I say frankly that I was importuned, but I do not think there is anything about that which the Senator should condemn. I have frequently importuned Senators to vote one way or the other, and, as the Senator knows, it is commonly done on the floor of the Senate.

Mr. HATCH. It is commonly done, and I am not condemning it; I am stating the fact. I am stating my attitude on this bill, and it has simply been that I have wanted individual Senators to vote, whether they be Democratic or Republican, just the way they believe to be best for the Nation. That is all I ask of any Senator.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I yield.

Mr. MINTON. I am sure the Senator from New Mexico does not feel, for a moment, that anyone has been coercing votes on the floor of the Senate.

Mr. HATCH. Do not pursue that too far, Senator.

Mr. MINTON. I wish, frankly, to inquire of the Senator as to whether he thinks that has been done.

Mr. HATCH. I heard the speech of the majority floor leader in this body yesterday, as the Senator did, and I resented what was said or the implication. I do not want to go over that.

Mr. MINTON. I am asking the Senator about coercion. He can say whatever he desires to say. I am asking him who on the floor of the Senate has been coerced.

Mr. HATCH. There has been plenty of talk and plenty of conversation.

Mr. MINTON. I am asking the Senator in all good faith who here has been oppressed in his vote, or who here has been coerced, who has been threatened, and by whom.

Mr. HATCH. Mr. President, I shall continue my remarks as I originally planned, saying that I only want Senators to vote just as they please; and whether they be Republicans or whether they be Democrats, I am glad to have their votes when they vote the way I do; but if they see a matter the other way, I consider it their duty to vote that way, and there has never been one word of criticism from me against any Senator, no matter how he has voted.

I take it as unkind, Mr. President, for a Senator to rise on the floor of the Senate and condemn the entire Republican minority because they voted for the bill.

Mr. BROWN. Mr. President, I should like to have the Senator yield there, if he will.

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Michigan?

Mr. HATCH. I yield.

Mr. BROWN. I should like to have the Senator point out where, in my remarks, I condemned the entire Republican minority. I voted against the same amendments they did. In this situation the Republicans have voted as one man, with one or two exceptions, and I think those exceptions have now been eliminated——

Mr. HATCH. I hope so.

Mr. BROWN. As a solid phalanx of 22 or 23; I do not know how many there are over there. [Laughter.] The only statement I made was that they did vote as a solid unit upon this proposition, and the Senator from New Mexico is far too experienced in politics not to know that there has been some discussion among the Republicans on the other side which has resulted in a unanimity of front upon this proposition. That kind of a situation, as the Senator knows, has not existed on the Democratic side.

Mr. HATCH. Mr. President, I quite agree that there has been no discussion which has presented unanimous action from this side of the Chamber. I do not agree that there has been no discussion on this side of the Chamber.

Mr. BROWN. I did not say that.

Mr. HATCH. I think plenty of efforts have been made to have a unanimous front on this side of the Chamber.

Mr. BROWN. Does not the Senator commend that? Is there anything wrong about Senators trying to get together?

Mr. HATCH. Oh, no; but I say the Senator was condemning those on the other side of the Chamber——

Mr. BROWN. Mr. President——

Mr. HATCH. I am not yielding now. I am saying that what is wrong on the Republican side is wrong on the Democratic side.

Mr. BROWN. I think the Republicans have a perfect right——

The PRESIDING OFFICER. Does the Senator from New Mexico yield further to the Senator from Michigan?

Mr. HATCH. I yield.

Mr. BROWN. I think the Republicans have a perfect right to get together, to marshal their forces, and get all 23 of them on the same side. I do not condemn them for it. I think they have done a better job than we have in the matter.

Mr. HATCH. Mr. President, the Senator condemns the bill because among other things it is an invasion of State rights, and is an invasion of the rights of individuals. Yet the Senator from Michigan offers as an amendment—and I am sure he offers it in good faith, and wants it to become the law of the land, or he would not have offered it as an amendment and sought to have it enacted into law—this provision:

> And no person who is a stockholder or officer of a corporation benefited in any manner shall take any part in political activities or in political campaigns.

The Senator would go down into the most remote place in Michigan, South Carolina, or New Mexico and would deny the little country school teacher—and there has been reference to school teachers here today, and they have been paraded around—who, out of the savings of years, perhaps has amassed a hundred dollars' worth of stock in some corporation, the right to engage in political activity.

Yet, Mr. President, the Senator from Michigan, is against the invasion of State rights.

Mr. BROWN. The Senator need not worry about the teachers. He has already denied them their political right. Let me suggest that his bill and my amendment would get the poor teachers from both angles.

Mr. HATCH. I am arguing the question of good faith, Mr. President.

Mr. BROWN. I want to say to the Senator from New Mexico that I do not think I can draw, in the space of time——

Mr. HATCH. Mr. President, I wish to withdraw those words "good faith." I do not challenge anyone's good faith.

Mr. BROWN. Very well.

Mr. HATCH. Mr. President, some Senators would gladly support this bill if it were a comprehensive, sweeping measure that covered every sin known to man. Yes; then it would be a great bill. And it would have a wonderful chance for passage, would it not?

Senators have complained because I have not given attention to the subject of campaign contributions. For a week this bill has been debated on the floor of the Senate. It was introduced in the early part of January this year. It was considered by the Committee on Privileges and Elections. Any Senator could have come before the committee and presented any idea or suggestion he had. The news of the contents and purposes of the bill was carried in the newspapers of the city of Washington. Not only this year, but last summer, when the original law was passed, I openly declared that a bill such as the one now pending would be introduced, and the President of the United States—your President, if you please—in his message approved that other bill, but pointed out this very thing, and said, in substance, that it has not been quite fair to tie the hands of Federal officials, and recommended that officials who were paid from Federal funds be included.

Everyone knew that the measure was coming up. We worked on it in the committee and gave it such attention as we could. We reported the best bill of which we were capable, without the help of any of today's critics, who have condemned the measure and found fault with it and offered amendments right and left, some for the purpose of destroying it. No suggestion was ever made that in framing the bill we should consider the question of large campaign contributions. Along that line we had only the efforts of the Senator from Rhode Island. The very committee report from which Senators have read here today, at this late hour, when we have debated this measure for a week without the subject of contributions having been brought up—the very report from which the Senator reads has been 4 years in the Senate of the United States, and not one hand that I know of has been raised to write into law any provision correcting that evil. The Senator from Indiana [Mr. MINTON] was a member of the committee that submitted that report and made recommendations in it.

But some of us were not always asleep with respect to this subject of campaign contributions. Some of us were thinking about that years ago. Some of us were thinking about it before the last campaign.

Mr. MINTON. What did you do?

Mr. HATCH. I will show the Senator in just a moment what we did. Even before the election of 1936, when relief funds were being paid out in huge sums to contractors and persons who might control elections were receiving benefits, the Senator from Virginia [Mr. BYRD] and myself introduced a bill in the Senate of the United States covering this very subject.

Mr. BROWN. I wish to say to the Senator that he was not very successful in his efforts to prevent Joe Pew and his family from contributing $315,000 in the subsequent campaign.

Mr. HATCH. No; we were not even able to get that bill out of the committee to which it was referred. It was introduced by us on the 15th day of April, 1935, and provided that—

> No person, firm, or corporation entering into any contract with the United States, or any department or agency thereof, or performing any work or services for the United States or any department or agency thereof, or furnishing any material, supplies, or equipment to the United States or any department or agency—
>
> And so forth, prohibiting many things—
>
> shall during the period of negotiation for, or performance or furnishing of, such contract, work, services, material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office, or to any person for any political purpose, or use. * * *

Mr. BROWN. I am glad to have the Senator bring up that proposition, and I call attention to what I said in the main body of my speech, that the Senator has a peculiar knowledge of these matters; he is an authority on the question; and when he is proposing legislation on the subject of political corruption in connection with campaign contributions and political activity, since he had all this knowledge at the time he first introduced the measure, I do not see why he did not take that same general idea and include it within the provisions of this bill.

Mr. HATCH. I will say to the Senator from Michigan that in my opening remarks in the debate on the pending bill I said I did not think the Congress of the United States had anywhere near exercised the power that vests in it to prevent corruption; that I was working on a bill which would go further than the pending bill goes; and I hoped to have it passed.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. I will yield in a moment. But the hope of something in the future shall not restrain or keep me from doing what I can today, be it big or little.

Mr. BROWN. My plea to the Senator is, Let us do the whole job at one time, and put the issue of the little fellow and the big fellow before the Senate in the same bill.

Mr. HATCH. If the Senator had stood on the floor of the Senate as I have done, begging Senators to vote for even a simple amendment to keep relief out of politics, and had seen it voted down; if he had stood here, as I have stood, and pleaded with the Senate of the United States to enact legislation that would keep employees from going as delegates to conventions, and had seen that voted down; then when there was finally passed the legislation which was enacted at the last session, if he had remembered the fight that was made on it in the House of Representatives and the difficulty encountered on the floor of the Senate, and if he had gone through what we have gone through this week with this bill, the Senator would not, I think, take the position he has taken here.

Mr. BROWN. I entirely disagree with the Senator. I think he has concentrated so much on the fly specks in this situation that he has forgotten all about the great big violators. I realize the Senator has worked hard. I realize that he may be impatient because this bill has run a longer course in the Senate than he thought it would. But I am just as sincere in my desire to protect the rights of the legislature of my State, of the people of my State, to make and enforce their own laws respecting their own elections, as is the Senator in his endeavor to bring about what I consider to be an unfair and unjust imposition of the Federal power upon the States. I am just as anxious to purify the election laws as is the Senator from New Mexico; but I say to the Senator, if the small contributions which Government employees have made amount to something, that the contributions that I have read to the Senator this afternoon and the practice which has existed for over 50 years in this country of obtaining contributions from wealthy men to support the party which has ever represented the views of wealthy men, constitute a problem so much greater than that to which the Senator is devoting himself, that I see no comparison between them.

I ask only that he bring in both questions at the same time, so that the entire picture may be before the American people, and we shall not legislate only against the $2 man and leave out the half-million-dollar man who is a seeker of Government favor.

Mr. HATCH. Mr. President, I have long since learned to do what I can when I can. I wish to say to the Senator from Michigan that everything he has said about large contributions and corruption is absolutely true. It is just as rotten, wrong, and contemptible as it can be to use funds to control elections. I will join the Senator from Michigan or any other Senator and help to sponsor and work for adequate legislation to strike at that evil; but I will not give up the progress we have made thus far and go back and start out on an altogether different road.

Mr. BROWN. Mr. President, let me say to the Senator again, as I have said before, that he will not get 23 votes in a solid phalanx from the Republican side on any bill such as I have outlined.

Mr. HATCH. I may not receive 23 votes, but I am counting on votes from the Republican side as well as from the Democratic side. I am sure we shall have votes from both sides.

Mr. BROWN. There is no doubt about the Senator getting votes from the Democratic side.

Mr. REYNOLDS and Mr. CLARK of Missouri addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield, and, if so, to whom?

Mr. HATCH. I yield first to the Senator from North Carolina.

Mr. REYNOLDS. Mr. President, I wish to make an observation, with the permission of the author of the bill. The Senator from Michigan seems to object because the bill does not cover enough. Perhaps it does not, but why not take what we can now and obtain a little more later?

Mr. BROWN. Because we shall not obtain anything more if we do not do so now.

Mr. REYNOLDS. I do not see why. Later we may have more Republicans in the Senate than we now have. [Laughter.] Therefore it follows from the argument of the Senator that if the Republicans vote for the bill in the next term his proposal will receive more Republican votes.

Mr. BROWN. Mr. President, the Senator entirely misses my point. I say that the Republicans will not vote in a solid phalanx for a bill which will deny Mr. Pew, Mr. Morgan, and Mr. Rockefeller the opportunity to make large contributions to the Republican national campaign fund.

Mr. REYNOLDS. If it would deny Mr. Pew the opportunity to make a $300,000 contribution, it would deny Mr. John L. Lewis the opportunity to make a $500,000 contribution. [Laughter.]

Mr. CLARK of Missouri. Mr. President——

Mr. HATCH. Mr. President, I promised to yield to the Senator from Missouri.

Mr. CLARK of Missouri. The Senator from Michigan said we would be certain of getting votes on this side for the bill which he suggests, which would bar Mr. Pew. If some of the recalcitrants who have been obstructing the bill should vote for the bill which he suggests, we should not need votes on the Republican side.

Mr. SCHWARTZ. Mr. President——

Mr. BROWN. Mr. President, will the Senator permit me to answer the Senator from Missouri?

Mr. HATCH. No; the Senator from Wyoming is asking for recognition.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Chair is anxious to try to facilitate debate among Senators. Senators know the rules. They should address the Chair.

Mr. SCHWARTZ. Mr. President, I merely wish to make an observation.

The PRESIDING OFFICER. Will the Senator from Wyoming permit the Chair to say a word? The Chair wishes to facilitate the debate. The only purpose of having a Presiding Officer is to try to keep the debate in order. If Senators will address the Chair, he will try to recognize them as soon as he can. With so many Senators talking at the same time, the Chair does not know just how to preside over that sort of meeting.

Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. HATCH. The Senator from New Mexico yields to the Senator from Wyoming.

Mr. SCHWARTZ. Mr. President, I appreciate the efforts of the Chair to save time. I merely wish to make one observation about the $500,000 said to have been contributed by Mr. Lewis. It did not come from Mr. Lewis. It came from $2 contributions from laboring men all over the United States, who contributed for that purpose.

Mr. MINTON. And it was paid back.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. ADAMS. I wish to make an inquiry of the majority leader.

Mr. HATCH. I yield to the Senator from Colorado for the purpose of making an inquiry of the majority leader.

Mr. ADAMS. Some of us have made engagements in the belief that the session would terminate at the regular time. The time is running on, and I was about to inquire what the program is. It seems to me there is no reason why we should continue in session longer this evening.

Mr. BARKLEY. I was waiting to see whether or not we could obtain a vote on this particular amendment at the conclusion of the remarks of the Senator from New Mexico.

Mr. HATCH. Mr. President, I shall shortly conclude my remarks.

Mr. BARKLEY. If we cannot obtain a vote at the conclusion of the remarks of the Senator from New Mexico, my purpose is to move a recess until tomorrow.

Mr. HATCH. I wish to make one further statement, Mr. President, and then I shall conclude my remarks.

Mr. BARKLEY. I am not seeking to limit the Senator.

Mr. HATCH. I am not through, but I shall conclude for the present.

It was said that I have lost my patience. I have not lost my patience at any time during this debate. I am not now out of patience with any individual. The only thing I desire is to have a vote on the bill and on the various amendments—a frank, open, and honest vote—as quickly as we can obtain one, giving every Senator the right to vote as he pleases. I think the pending amendment should be defeated. I am sure it would kill the entire bill if it were adopted.

I should like to have a vote on that amendment this evening—now, if possible—and I hope the Senate will agree to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN] to the amendment reported by the committee.

Mr. BROWN. Mr. President, I wish to keep the record straight in one respect. The Senator from North Carolina referred to the $500,000 contribution of John L. Lewis. The Senator knows, if he will recall, that that was a loan of $500,000, which has been repaid in full or in part.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN] to the amendment reported by the committee.

Mr. BROWN and other Senators called for the yeas and nays, and they were ordered.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Radcliffe
Ashurst	Donahey	La Follette	Reed
Austin	Ellender	Lee	Reynolds
Bankhead	Gerry	Lodge	Schwartz
Barbour	Gibson	Lucas	Schwellenbach
Barkley	Green	McCarran	Shipstead
Brown	Guffey	McKellar	Smith
Byrd	Gurney	McNary	Stewart
Byrnes	Hale	Mead	Taft
Capper	Harrison	Miller	Thomas, Okla.
Chandler	Hatch	Minton	Thomas, Utah
Chavez	Hayden	Murray	Tydings
Clark, Idaho	Herring	Neely	Vandenberg
Clark, Mo.	Hill	Nye	Van Nuys
Connally	Holman	O'Mahoney	Walsh
Danaher	Holt	Pittman	White

The PRESIDING OFFICER. Sixty-four Senators have answered to the roll call. A quorum is present.

The question before the Senate is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN] to the amendment reported by the committee. On that amendment the yeas and nays have been demanded and ordered.

Mr. BARKLEY. Mr. President, how many Senators were shown to be present?

The PRESIDING OFFICER. Sixty-four.

Mr. BARKLEY. It is obvious that there are many absent Senators. I think we might suspend at this point, and let the amendment go over until tomorrow.

Mr. McKELLAR. Mr. President, I ask the Senator from Kentucky why we cannot adjourn until Monday. Very few Senators will be here tomorrow. There always are very few present on Saturday.

Mr. BARKLEY. I appreciate the Senator's suggestion.

Mr. BROWN. Mr. President, will the majority leader yield?

Mr. BARKLEY. I yield to the Senator from Michigan.

Mr. BROWN. I understand that the yeas and nays have been ordered.

Mr. BARKLEY. That is true.

Mr. BROWN. I think we ought to have a vote tonight.

Mr. BARKLEY. The yeas and nays may be ordered, but, of course, that does not obligate the Senate to vote immediately.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Senator from Kentucky now is proposing that the matter go over until tomorrow.

Mr. BARKLEY. I think it is due to the absent Senators that the amendment go over until tomorrow. I move that the Senate proceed to the consideration of executive business.

Mr. McKELLAR. Mr. President, as a substitute for that motion, I move that the Senate adjourn until Monday next at 12 o'clock noon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee as a substitute for the motion of the Senator from Kentucky.

Mr. BARKLEY. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. McNARY. The senior Senator from Nebraska [Mr. NORRIS] is necessarily absent. If he were present, he would vote "nay."

Mr. SHIPSTEAD (after having voted in the negative). I am paired with the senior Senator from Virginia [Mr. GLASS]. I am not informed how he would vote if he were present. However, I find I can transfer my pair to the junior Senator from Idaho [Mr. THOMAS]. I do so and allow my vote to stand.

Mr. AUSTIN. I announce that the junior Senator from New Hampshire [Mr. TOBEY] is necessarily detained. If present, he would vote "nay."

Mr. McKELLAR (after having voted in the affirmative). I inquire if the senior Senator from Delaware [Mr. TOWNSEND] has voted?

The PRESIDING OFFICER. The Chair is advised that the Senator from Delaware has not voted.

Mr. McKELLAR. I have a general pair with the Senator from Delaware, which I transfer to the junior Senator from Mississippi [Mr. BILBO], and allow my vote to stand.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Florida [Mr. PEPPER], the Senator from New Jersey [Mr. SMATHERS], the Senator from Texas [Mr. SHEPPARD], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from California [Mr. DOWNEY], the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the Senator from Utah [Mr. KING], the Senator from Connecticut [Mr. MALONEY], the Senator from Louisiana [Mr. OVERTON], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

I announce the following general pairs: The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER]; the Senator from New Hampshire [Mr. TOBEY] with the Senator from Florida [Mr. PEPPER]; the Senator from Wisconsin [Mr. WILEY] with the Senator from New Jersey [Mr. SMATHERS]; and the Senator from Nebraska [Mr. NORRIS] with the Senator from Illinois [Mr. SLATTERY].

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am not advised how he would vote. I transfer that pair to the Senator from Georgia [Mr. GEORGE], and will vote. I vote "nay."

The result was announced—yeas 30, nays 34, as follows:

YEAS—30

Adams	Donahey	Lucas	Schwartz
Bankhead	Ellender	McKellar	Schwellenbach
Brown	Guffey	Miller	Smith
Byrd	Harrison	Minton	Stewart
Byrnes	Hayden	Murray	Thomas, Okla.
Chavez	Herring	Pittman	Tydings
Clark, Idaho	Hill	Radcliffe	
Connally	Lee	Reynolds	

NAYS—34

Ashurst	Gerry	La Follette	Shipstead
Austin	Gibson	Lodge	Taft
Barbour	Green	McCarran	Thomas, Utah
Barkley	Gurney	McNary	Vandenberg
Capper	Hale	Mead	Van Nuys
Chandler	Hatch	Neely	Walsh
Clark, Mo.	Holman	Nye	White
Danaher	Holt	O'Mahoney	
Davis	Johnson, Colo.	Reed	

NOT VOTING—32

Andrews	Downey	Lundeen	Smathers
Bailey	Frazier	Maloney	Thomas, Idaho
Bilbo	George	Norris	Tobey
Bone	Gillette	Overton	Townsend
Bridges	Glass	Pepper	Truman
Bulow	Hughes	Russell	Wagner
Burke	Johnson, Calif.	Sheppard	Wheeler
Caraway	King	Slattery	Wiley

So Mr. McKELLAR's motion to adjourn to Monday was rejected.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Thomas Parran, of New York, to be Surgeon General of the Public Health Service for a term of 4 years (reappointment).

He also, from the same committee, reported favorably the nomination of Jonas W. Graber, of Kansas City, Kans., to be Assistant to the Commissioner of Internal Revenue, to fill an existing vacancy.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the United States Public Health Service.

Mr. BAILEY, from the Committee on Finance, reported favorably the nomination of Paul R. Leake, of Woodland, Calif., to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif., in place of Charles O. Dunbar, deceased.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc. That completes the Executive Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Saturday, March 9, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 8 (legislative day of March 4), 1940

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

TO BE MAJORS

Capt. Otto Paul Weyland, Air Corps.
Capt. Kirtley Jameson Gregg, Air Corps.
Capt. George Aldridge Whatley, Air Corps.
Capt. Sheldon Brightwell Edwards, Air Corps.
Capt, Clarence Steven Thorpe, Air Corps.
Capt. Howard Hunt Couch, Air Corps.
Capt. Wilfred Joseph Paul, Air Corps.
Capt. Glenn L. Davasher, Air Corps.
Capt. William Ludlow Ritchie, Air Corps.
Capt. John Henry Dulligan, Air Corps.

NOTE.—Dates of rank not specified as they will be determined by dates of acceptance of certain officers nominated to the Senate on February 29, 1940, for appointment as temporary lieutenant colonels in the Air Corps.

APPOINTMENT IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Karl Robin Bendetson, Judge Advocate General's Department Reserve, to be captain with rank from date of appointment.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Capt. Dresden James Cragun, Infantry, with rank from August 1, 1935.

Capt. Edgar Elliott Enger, Infantry, with rank from June 9, 1938.

First Lt. George Rushmore Gretser, Infantry, with rank from June 13, 1936.

First Lt. Albert Edward Reif Howarth, Infantry, with rank from August 1, 1935.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lt. Col. Gustav Henry Franke, Field Artillery, from March 1, 1940.

Lt. Col. John Everard Hatch, Field Artillery, from March 1, 1940.

Lt. Col. Charles Anderson Walker, Jr., Ordnance Department, from March 1, 1940.

Lt. Col. Bethel Wood Simpson, Ordnance Department, from March 1, 1940.

Lt. Col. Harold Floyd Nichols, Coast Artillery Corps, from March 1, 1940.

Lt. Col. Harry James Keeley, Infantry, from March 1, 1940.

Lt. Col. Charles Philip Hall, Infantry, from March 1, 1940.

Lt. Col. Alexander Day Surles, Cavalry, from March 1, 1940.

To be lieutenant colonels

Maj. Ernest Louis McLendon, Infantry, from March 1, 1940.

Maj. Rhodes Felton Arnold, Infantry, from March 1, 1940.

Maj. Aln Dudley Warnock, Infantry, from March 1, 1940.

Maj. Eugene Nelson Slappey, Infantry, from March 1, 1940.

Maj. Stephen Garrett Henry, Infantry, from March 1, 1940.

Maj. Harwood Christian Bowman, Field Artillery, from March 1, 1940.

Maj. Rosenham Beam, Air Corps (temporary lieutenant colonel, Air Corps), from March 1, 1940.

Maj. Harry McCorry Henderson, Infantry, from March 1, 1940.

Maj. Pleas Blair Rogers, Infantry, from March 1, 1940.

To be majors

Capt. Clarence Lionel Adcock, Corps of Engineers, from March 1, 1940.

Capt. John Leon McElroy, Infantry, from March 1, 1940.

Capt. Henry Morehead Underwood, Corps of Engineers, from March 1, 1940.

Capt. James Bryan Newman, Jr., Corps of Engineers, from March 1, 1940.

Capt. James Creel Marshall, Corps of Engineers, from March 1, 1940.

Capt. Walter Ernest Lorence, Corps of Engineers, from March 1, 1940.

Capt. Lucius Du Bignon Clay, Corps of Engineers, from March 1, 1940.

Capt. Lloyd Ernst Mielenz, Corps of Engineers, from March 1, 1940.

Capt. Pierre Alexander Agnew, Corps of Engineers, from March 1, 1940.

Capt. Alexander Murray Neilson, Corps of Engineers, from March 1, 1940.

Capt. Hoel Smith Bishop, Jr., Corps of Engineers, from March 1, 1940.

Capt. Robert Habersham Elliott, Corps of Engineers, from March 1, 1940.

Capt. Samuel Davis Sturgis, Jr., Corps of Engineers, from March 1, 1940.

MEDICAL CORPS

To be captain

First Lt. Raymond Harold Bunshaw, Medical Corps, from April 1, 1940.

MEDICAL ADMINISTRATIVE CORPS

To be captains

First Lt. Leonard George Tate Perkins, Medical Administrative Corps, from April 23, 1940.

First Lt. Harold Lincoln Gard, Medical Administrative Corps, from April 23, 1940.

First Lt. Joe Edward McKnight, Medical Administrative Corps, from April 23, 1940.

POSTMASTERS

ALABAMA

Bryan Whitehurst to be postmaster at Abbeville, Ala., in place of Bryan Whitehurst. Incumbent's commission expired January 20, 1940.

Una B. Bowden to be postmaster at Ariton, Ala., in place of U. B. Bowden. Incumbent's commission expired February 15, 1940.

Robert B. Evans to be postmaster at Elkmont, Ala., in place of R. B. Evans. Incumbent's commission expired February 15, 1940.

Robert H. Reid to be postmaster at Elmore, Ala. Office became Presidential July 1, 1939.

Robert Gaston Bozeman to be postmaster at Evergreen, Ala., in place of R. L. Stallworth. Incumbent's commission expired June 18, 1939.

Louie Glenn Collier to be postmaster at Huntsville, Ala., in place of L. G. Collier. Incumbent's commission expires March 13, 1940.

James F. Freeman, Sr., to be postmaster at Phenix City, Ala., in place of Leslie Bocker, deceased.

ALASKA

Brigham Y. Grant to be postmaster at Wrangell, Alaska, in place of B. Y. Grant. Incumbent's commission expires March 12, 1940.

ARIZONA

Vivian E. Dodge to be postmaster at Cavecreek, Ariz. Office became Presidential July 1, 1939.

John W. Lawson to be postmaster at Oracle, Ariz. Office became Presidential July 1, 1939.

Jesse L. Boyce to be postmaster at Williams, Ariz., in place of J. L. Boyce. Incumbent's commission expired August 27, 1939.

William H. Daley to be postmaster at Window Rock, Ariz. Office became Presidential July 1, 1939.

ARKANSAS

Bascom B. Bevens to be postmaster at Booneville, Ark., in place of B. B. Bevens. Incumbent's commission expired July 17, 1939.

Grover L. Webb to be postmaster at Delight, Ark., in place of G. L. Webb. Incumbent's commission expired May 10, 1939.

James Thweatt to be postmaster at De Valls Bluff, Ark., in place of James Thweatt. Incumbent's commission expires March 10, 1940.

Andrew J. Clemmons to be postmaster at Grady, Ark., in place of A. J. Clemmons. Incumbent's commission expired July 1, 1939.

Parker D. Clear to be postmaster at Hardy, Ark., in place of P. D. Clear. Incumbent's commission expired February 14, 1940.

Allen T. Cowden to be postmaster at Horatio, Ark., in place of A. T. Cowden. Incumbent's commission expired June 12, 1939.

William J. Martin to be postmaster at Humphrey, Ark., in place of W. J. Martin. Incumbent's commission expired August 26, 1939.

Benjamin F. Thompson to be postmaster at Jacksonville, Ark. Office became Presidential July 1, 1939.

Glenn G. Martel to be postmaster at Magnolia, Ark., in place of J. G. Brown, resigned.

Aleen W. Holmes to be postmaster at Perryville, Ark. Office became Presidential July 1, 1938.

William F. Bryant to be postmaster at Quitman, Ark., in place of W. F. Bryant. Incumbent's commission expired January 20, 1940.

Ernest A. Stockburger to be postmaster at West Fork, Ark., in place of E. A. Stockburger. Incumbent's commission expired July 1, 1939.

CALIFORNIA

Ivy E. Reynolds to be postmaster at Byron, Calif., in place of I. E. Reynolds. Incumbent's commission expired August 14, 1939.

George W. Hull to be postmaster at Camino, Calif., in place of G. W. Hull. Incumbent's commission expired August 14, 1939.

Allan M. Davis to be postmaster at Exeter, Calif., in place of W. M. McClearen. Incumbent's commission expired February 9, 1939.

Callie R. Mason to be postmaster at Lost Hills, Calif. Office became Presidential July 1, 1939.

Albert R. White to be postmaster at Monolith, Calif. Office became Presidential July 1, 1939.

Dorothy M. Montgomery to be postmaster at Oceano, Calif. Office became Presidential July 1, 1939.

Anna W. Scherrer to be postmaster at Placerville, Calif., in place of Joseph Scherrer, deceased.

Charles H. Hayden to be postmaster at San Rafael, Calif., in place of T. M. Day, deceased.

Grady P. Hobson to be postmaster at Selma, Calif., in place of L. C. Pratt, resigned.

William Chester Barry to be postmaster at Soledad, Calif., in place of E. S. Franscioni. Incumbent's commission expired February 9, 1939.

Harriet J. Gross to be postmaster at Wheatland, Calif., in place of C. P. Griffith, resigned.

COLORADO

Mae L. Lewis to be postmaster at Gilman, Colo., in place of M. L. Lewis. Incumbent's commission expired February 7, 1940.

M. Ethel Guire to be postmaster at Uravan, Colo. Office became Presidential July 1, 1939.

CONNECTICUT

James M. Tomney to be postmaster at Cos Cob, Conn., in place of J. M. Tomney. Incumbent's commission expired March 28, 1939.

Philip T. Lewis to be postmaster at East Killingly, Conn. Office became Presidential July 1, 1939.

Martin W. Sinnott to be postmaster at New Hartford, Conn., in place of M. W. Sinnott. Incumbent's commission expired August 27, 1939.

Walter G. Barker to be postmaster at Niantic, Conn., in place of W. G. Barker. Incumbent's commission expired May 13, 1939.

Frank P. Ablondi to be postmaster at Stony Creek, Conn., in place of F. P. Ablondi. Incumbent's commission expired June 4, 1939.

DISTRICT OF COLUMBIA

Vincent C. Burke to be postmaster at Washington, D. C., in place of V. C. Burke. Incumbent's commission expired March 6, 1940.

FLORIDA

Elmer L. Grantham to be postmaster at Archer, Fla., in place of F. H. Gibbons. Incumbent's commission expired February 10, 1938.

Douglass G. Perry to be postmaster at Avon Park, Fla., in place of D. G. Perry. Incumbent's commission expired February 5, 1940.

Schubert S. Welling to be postmaster at Babson Park, Fla., in place of S. S. Welling. Incumbent's commission expired January 28, 1940.

Ethel S. Pierce to be postmaster at Boynton, Fla., in place of C. W. Pierce, deceased.

Beulah L. Kunberger to be postmaster at Florence Villa, Fla., in place of B. L. Kunberger. Incumbent's commission expired August 26, 1939.

Frederick F. Stump to be postmaster at Starke, Fla., in place of F. F. Stump. Incumbent's commission expired March 27, 1939.

Mary L. Woodmansee to be postmaster at Valpariso, Fla. Office became Presidential July 1, 1939.

GEORGIA

Irene McLeod to be postmaster at Abbeville, Ga., in place of Irene McLeod. Incumbent's commission expired March 15, 1938.

Lucius Hannon to be postmaster at Atco, Ga., in place of Lucius Hannon. Incumbent's commission expired January 20, 1940.

Elizabeth H. Quinn to be postmaster at Barnesville, Ga., in place of E. H. Quinn. Incumbent's commission expired January 20, 1940.

Martha C. Aultman to be postmaster at Byron, Ga., in place of M. C. Aultman. Incumbent's commission expired August 27, 1939.

Jesse S. Weathers to be postmaster at Cairo, Ga., in place of J. S. Weathers. Incumbent's commission expired January 20, 1940.

Estelle G. Pierce to be postmaster at Chamblee, Ga. Office became Presidential July 1, 1939.

Marcus Watson Miller to be postmaster at Colquitt, Ga., in place of M. W. Miller. Incumbent's commission expired February 27, 1940.

Telford M. Oliver to be postmaster at Franklin Springs, Ga. Office became Presidential July 1, 1939.

Mae W. Dukes to be postmaster at Gibson, Ga., in place of M. W. Dukes. Incumbent's commission expired January 20, 1940.

Ivey M. Cox to be postmaster at Newton, Ga., in place of I. M. Cox. Incumbent's commission expired August 14, 1939.

John Stanley Newton to be postmaster at Norman Park, Ga., in place of J. S. Newton. Incumbent's commission expired January 20, 1940.

Grover C. Alston to be postmaster at Richland, Ga., in place of G. C. Alston. Incumbent's commission expired August 14, 1939.

William H. Brock to be postmaster at Trenton, Ga. Office became Presidential July 1, 1939.

Jesse W. Slade to be postmaster at Zebulon, Ga., in place of J. W. Slade. Incumbent's commission expires March 13, 1940.

IDAHO

Willis M. Sears to be postmaster at Albion, Idaho, in place of W. M. Sears. Incumbent's commission expired March 25, 1939.

ILLINOIS

Milton W. Struwing to be postmaster at Algonquin, Ill., in place of C. C. Franke, removed.

Rupert R. Barkley to be postmaster at Casey, Ill., in place of R. R. Barkley. Incumbent's commission expired January 23, 1940.

Dale A. Leifheit to be postmaster at De Kalb, Ill., in place of T. S. Murray, deceased.

Mary Dillon-O'Brien to be postmaster at Flanagan, Ill., in place of Mary Dillon-O'Brien. Incumbent's commission expired August 22, 1939.

Frank M. Bradley to be postmaster at Geneseo, Ill., in place of F. M. Bradley. Incumbent's commission expired July 18, 1939.

William V. Webb to be postmaster at Karnak, Ill., in place of W. V. Webb. Incumbent's commission expired August 13, 1939.

Leo J. Willison to be postmaster at Olivet, Ill., in place of J. A. Hirsbrunner, retired.

William Claude Rogers, Sr., to be postmaster at Percy, Ill., in place of W. C. Rogers, Sr. Incumbent's commission expired February 14, 1940.

Alice May Pulley to be postmaster at Pittsburg, Ill., in place of A. M. Pulley. Incumbent's commission expired January 20, 1940.

Palmer Cecil Smith to be postmaster at Potomac, Ill., in place of P. C. Smith. Incumbent's commission expired August 22, 1939.

Harry G. Sleep to be postmaster at Warrenville, Ill. Office became Presidential July 1, 1939.

Calvin L. Bradley to be postmaster at Willisville, Ill. Office became Presidential July 1, 1939.

Lydia B. Morrissey to be postmaster at Winthrop Harbor, Ill. Office became Presidential July 1, 1939.

INDIANA

John J. Wintrode to be postmaster at Andrews, Ind., in place of J. W. Markle, deceased.

Emma Knesek to be postmaster at Cedar Lake, Ind., in place of Emma Knesek. Incumbent's commission expired February 14, 1940.

Roland T. Jones to be postmaster at Chrisney, Ind., in place of O. J. Fueger, resigned.

Albert Spanagel to be postmaster at Lawrenceburg, Ind., in place of Albert Spanagel. Incumbent's commission expired January 20, 1940.

Henry E. Delp to be postmaster at Marshall, Ind., in place of H. E. Delp. Incumbent's commission expired March 20, 1939.

Joseph M. Bowen to be postmaster at Mishawaka, Ind., in place of J. L. Kennedy, deceased.

Hugh G. McMahan to be postmaster at Rochester, Ind., in place of H. G. McMahan. Incumbent's commission expired April 27, 1938.

James Frank Durr to be postmaster at Sheridan, Ind., in place of R. O. Couch. Incumbent's commission expired February 18, 1939.

James E. Purkiser to be postmaster at West Baden Springs, Ind., in place of J. E. Purkiser. Incumbent's commission expires March 11, 1940.

IOWA

Ruth F. Hollingshead to be postmaster at Albia, Iowa, in place of R. F. Hollingshead, resigned.

Clare Dougherty to be postmaster at Allerton, Iowa, in place of T. O. Nye. Incumbent's commission expired June 18, 1938.

Myrtle A. Barnes to be postmaster at Delhi, Iowa, in place of M. A. Barnes. Incumbent's commission expired August 15, 1939.

Mary A. Waters to be postmaster at Delmar, Iowa, in place of M. A. Waters. Incumbent's commission expired January 23, 1940.

Mabel Crane to be postmaster at Dexter, Iowa, in place of G. A. Crane, deceased.

Jurgen B. Boldt to be postmaster at Jesup, Iowa, in place of J. B. Boldt. Incumbent's commission expired May 31, 1939.

Howard E. Reichard to be postmaster at Knoxville, Iowa, in place of H. E. Reichard. Incumbent's commission expired January 23, 1940.

Ethel M. Knudson to be postmaster at Lytton, Iowa, in place of C. F. Brobeil, deceased.

Lee E. Finders to be postmaster at Oelwein, Iowa, in place of L. E. Finders. Incumbent's commission expired July 19, 1939.

Olive C. Raders to be postmaster at Strawberry Point, Iowa, in place of L. A. Klisart. Incumbent's commission expired May 17, 1938.

Irene C. Schmidt to be postmaster at West Point, Iowa, in place of I. C. Schmidt. Incumbent's commission expired March 20, 1939.

KANSAS

Harold J. March to be postmaster at Bucklin, Kans., in place of H. J. March. Incumbent's commission expired January 31, 1940.

George R. Cleveland to be postmaster at Fort Dodge, Kans. Office became Presidential July 1, 1939.

Kenneth Grove to be postmaster at Greeley, Kans., in place of F. V. Morgan, resigned.

Kathleen M. Malone to be postmaster at Herndon, Kans., in place of D. E. Walsh, removed.

Ruth Hopson to be postmaster at Phillipsburg, Kans., in place of Ruth Hopson. Incumbent's commission expired May 25, 1938.

KENTUCKY

Joseph V. Carder to be postmaster at Brownsville, Ky. Office became Presidential July 1, 1938.

Dorothy B. Keeling to be postmaster at Camp Taylor, Ky., in place of D. B. Watkins. Incumbent's commission expired July 1, 1939.

Anna Mary Bowne to be postmaster at Clearfield, Ky., in place of M. S. Bowne, resigned.

Lester Jeter to be postmaster at Hustonville, Ky., in place of Lester Jeter. Incumbent's commission expired January 23, 1940.

Milton R. Snyder, Jr., to be postmaster at Milton, Ky. Office became Presidential July 1, 1939.

Robert J. Walker to be postmaster at Paint Lick, Ky., in place of R. J. Walker. Incumbent's commission expired August 21, 1939.

Everett T. Breen to be postmaster at Stamping Ground, Ky., in place of E. T. Breen. Incumbent's commission expired August 21, 1939.

LOUISIANA

Kenneth B. Anderson to be postmaster at Bogalusa, La., in place of C. L. Black, resigned.

Carl C. Brown to be postmaster at Haynesville, La., in place of S. E. Rankin. Incumbent's commission expired December 20, 1934.

William F. Derrick to be postmaster at Pioneer, La. Office became Presidential July 1, 1939.

Lois C. Adams to be postmaster at Roseland, La. Office became Presidential July 1, 1939.

Elmer J. Dalfiume to be postmaster at Sondheimer, La. Office became Presidential July 1, 1939.

MAINE

Joseph M. Mountain to be postmaster at Dexter, Maine, in place of J. M. Mountain. Incumbent's commission expired June 26, 1939.

Henry H. Higgins to be postmaster at Ellsworth, Maine, in place of H. C. Jordan, deceased.

Charles A. Robbins to be postmaster at Lincoln, Maine, in place of C. A. Robbins. Incumbent's commission expired January 23, 1940.

Opal F. Temple to be postmaster at Monticello, Maine, in place of O. F. Temple. Incumbent's commission expired August 21, 1939.

Edith B. Holden to be postmaster at Oakfield, Maine, in place of E. B. Holden. Incumbent's commission expired July 1, 1939.

Linwood J. Emery to be postmaster at Sanford, Maine, in place of L. J. Emery. Incumbent's commission expired June 19, 1939.

Annie D. Thompson to be postmaster at Waldoboro, Maine, in place of A. C. Hoffses. Incumbent's commission expired March 28, 1939.

MARYLAND

John W. L. McAvoy to be postmaster at Boonsboro, Md., in place of J. W. L. McAvoy. Incumbent's commission expired August 22, 1939.

John L. Downs to be postmaster at Clear Spring, Md., in place of C. T. Kreigh, removed.

Charles P. Anger to be postmaster at Garrison, Md. Office became Presidential July 1, 1939.

William D. Lovell, Jr., to be postmaster at New Windsor, Md., in place of W. D. Lovell, Jr. Incumbent's commission expired January 20, 1940.

Levin D. Lynch to be postmaster at Ocean City, Md., in place of L. D. Lynch. Incumbent's commission expired January 20, 1940.

Mary W. Stewart to be postmaster at Oxford, Md., in place of M. W. Stewart. Incumbent's commission expired January 20, 1940.

Clarence H. Chute to be postmaster at Pasadena, Md. Office became Presidential July 1, 1939.

Maurice T. Truitt to be postmaster at Pittsville, Md., in place of M. T. Truitt. Incumbent's commission expired January 20, 1940.

Edward L. Bachtell to be postmaster at Smithsburg, Md., in place of E. L. Bachtell. Incumbent's commission expired August 27, 1939.

John O. Crapster to be postmaster at Taneytown, Md., in place of J. O. Crapster. Incumbent's commission expired January 20, 1940.

MASSACHUSETTS

John F. Larnard to be postmaster at Amesbury, Mass., in place of J. F. Larnard. Incumbent's commission expired February 15, 1940.

George G. Henry to be postmaster at Ashfield, Mass., in place of G. G. Henry. Incumbent's commission expired March 3, 1940.

Paul E. Haley to be postmaster at Chester, Mass., in place of P. E. Haley. Incumbent's commission expired July 31, 1939.

Richard F. Pender to be postmaster at Dalton, Mass., in place of R. F. Pender. Incumbent's commission expired March 3, 1940.

Frances B. Stevens to be postmaster at East Falmouth, Mass. Office became Presidential July 1, 1939.

Charles E. Morrison to be postmaster at Falmouth, Mass., in place of C. E. Morrison. Incumbent's commission expires March 11, 1940.

J. Francis Megley to be postmaster at Holbrook, Mass., in place of J. F. Megley. Incumbent's commission expired March 3, 1940.

Martin J. Healey to be postmaster at Hubbardston, Mass. Office became Presidential July 1, 1938.

James E. Harte to be postmaster at Lee, Mass., in place of J. E. Harte. Incumbent's commission expired March 3, 1940.

Regina C. West to be postmaster at Littleton Common, Mass., in place of N. E. Callahan, deceased.

James Connaughton to be postmaster at North Grafton, Mass., in place of M. E. Glispin, removed.

Wilfred J. Tancrell to be postmaster at North Uxbridge, Mass., in place of W. J. Tancrell. Incumbent's commission expired March 3, 1940.

William F. Eggo to be postmaster at Pinehurst, Mass. Office became Presidential July 1, 1939.

Francis G. Fanning to be postmaster at South Lee, Mass., in place of F. G. Fanning. Incumbent's commission expired March 3, 1940.

John C. Donnelly to be postmaster at Walpole, Mass., in place of J. C. Donnelly. Incumbent's commission expired February 15, 1940.

MICHIGAN

Henry H. Sibole to be postmaster at Breedsville, Mich. Office became Presidential July 1, 1939.

John H. Sauvola to be postmaster at Chassell, Mich., in place of J. H. Sauvola. Incumbent's commission expired January 20, 1940.

Donald L. Lockwood to be postmaster at Fowlerville, Mich., in place of E. C. Cole, removed.

Florence M. Meier to be postmaster at Fraser, Mich. Office became Presidential July 1, 1939.

John W. Currigan to be postmaster at Lyons, Mich. Office became Presidential July 1, 1939.

Rosie J. Barnes to be postmaster at Maple Rapids, Mich. Office became Presidential July 1, 1939.

Ethel Wood to be postmaster at Rives Junction, Mich. Office became Presidential July 1, 1939.

Ida Parker to be postmaster at The Heights, Mich. Office became Presidential July 1, 1939.

MINNESOTA

Harry W. Long to be postmaster at Alexandria, Minn., in place of C. B. Smith, deceased.

James O. Low to be postmaster at Bingham Lake, Minn., in place of J. O. Low. Incumbent's commission expired August 26, 1939.

Emily M. Drexler to be postmaster at Brandon, Minn., in place of E. M. Drexler. Incumbent's commission expired March 12, 1939.

Duson Koncker to be postmaster at Buhl, Minn., in place of J. F. Doherty. Incumbent's commission expired March 12, 1939.

Leonard O. Ellson to be postmaster at Finlayson, Minn., in place of J. H. Arth, removed.

Cora E. McAlpine to be postmaster at Marble, Minn., in place of C. E. McAlpine. Incumbent's commission expired August 1, 1939.

MISSISSIPPI

Rosa W. Burton to be postmaster at Alligator, Miss. Office became Presidential July 1, 1939.

Eloise G. Stephens to be postmaster at Artesia, Miss. Office became Presidential July 1, 1938.

Christopher R. Berry to be postmaster at Benton, Miss., in place of C. R. Berry. Incumbent's commission expired July 18, 1939.

Bessie L. Sisson to be postmaster at Beulah, Miss. Office became Presidential July 1, 1939.

William G. Sloan to be postmaster at Northcarrollton, Miss., in place of W. G. Sloan. Incumbent's commission expired January 20, 1940.

Andrew J. Roper to be postmaster at Saltillo, Miss., in place of A. J. Roper. Incumbent's commission expired March 3, 1940.

Marion Carl Ferguson to be postmaster at Walnut Grove, Miss., in place of C. D. Chadwick, deceased.

MISSOURI

Edwin A. Williams to be postmaster at Boonville, Mo., in place of E. A. Williams. Incumbent's commission expired March 4, 1940.

Birdie Lee See to be postmaster at Corder, Mo., in place of Birdie Lee See. Incumbent's commission expires March 13, 1940.

Adrian A. Fults to be postmaster at Crystal City, Mo., in place of A. A. Fultz. Incumbent's commission expired February 15, 1940.

Ray G. Carter to be postmaster at Ellington, Mo., in place of E. K. Daniels, removed.

John E. Davis to be postmaster at Eureka, Mo., in place of G. B. Sturgis, removed.

Roy Carter Hendren to be postmaster at Hamilton, Mo., in place of R. C. Hendren. Incumbent's commission expires March 13, 1940.

William H. Kendrick to be postmaster at La Belle, Mo., in place of W. H. Kendrick. Incumbent's commission expired February 7, 1940.

Elton C. Cook to be postmaster at Lathrop, Mo., in place of E. C. Cook. Incumbent's commission expires March 13, 1940.

William H. Nanney to be postmaster at Marble Hill, Mo., in place of W. H. Nanney. Incumbent's commission expired August 7, 1939.

Kathryn Barry to be postmaster at Mendon, Mo., in place of Kathryn Barry. Incumbent's commission expires March 13, 1940.

Phares K. Weis to be postmaster at Moberly, Mo., in place of P. K. Weis. Incumbent's commission expired March 6, 1940.

William G. Nunnelly to be postmaster at New Florence, Mo., in place of W. G. Nunnelly. Incumbent's commission expired January 23, 1940.

Emmett H. Bond to be postmaster at Osceola, Mo., in place of E. H. Bond. Incumbent's commission expired February 5, 1940.

Roy Cooper to be postmaster at Puxico, Mo., in place of Roy Cooper. Incumbent's commission expired August 27, 1939.

Edna E. Saunders to be postmaster at Stewartsville, Mo., in place of E. E. Saunders. Incumbent's commission expired August 22, 1939.

MONTANA

Carl A. Walker to be postmaster at Musselshell, Mont., in place of C. A. Walker. Incumbent's commission expired August 27, 1939.

NEBRASKA

David A. Rose to be postmaster at Brunswick, Nebr., in place of D. A. Rose. Incumbent's commission expired July 24, 1939.

Maurice W. Ahern to be postmaster at Carroll, Nebr., in place of Nick Warth, resigned.

Robert Harold O'Kane to be postmaster at Wood River, Nebr., in place of D. D. O'Kane, resigned.

NEVADA

Ernest H. Bath to be postmaster at Carson City, Nev., in place of E. H. Bath. Incumbent's commission expired February 8, 1939.

Margaret E. Bauer to be postmaster at Panaca, Nev. Office became Presidential July 1, 1939.

NEW HAMPSHIRE

Ambrose P. McLaughlin to be postmaster at Bretton Woods, N. H. Office became Presidential July 1, 1939.

Carl D. Roche to be postmaster at Keene, N. H., in place of H. F. Waling, removed.

J. Arthur Lemaire to be postmaster at Suncook, N. H., in place of F. M. Pettengill, resigned.

NEW JERSEY

Sam Epstein to be postmaster at Lake Hiawatha, N. J. Office became Presidential July 1, 1939.

Victor R. Keller to be postmaster at Northfield, N. J., in place of V. R. Keller. Incumbent's commission expired August 26, 1939.

Curtis J. Gray to be postmaster at Pine Beach, N. J. Office became Presidential July 1, 1937.

NEW MEXICO

Martin Baca to be postmaster at Belen, N. Mex., in place of T. B. Baca. Incumbent's commission expired February 4, 1931.

NEW YORK

Harry Averill to be postmaster at Adams Center, N. Y., in place of Harry Averill. Incumbent's commission expired August 2, 1939.

Estell R. Harrington to be postmaster at Alexander, N. Y. Office became Presidential July 1, 1939.

Thomas F. Reilly to be postmaster at Bear Mountain, N. Y. Office became Presidential July 1, 1939.

Lillian P. Rock to be postmaster at Bloomingdale, N .Y. Office became Presidential July 1, 1939.

Edwin G. Champlin to be postmaster at Cherry Creek, N. Y., in place of E. G. Champlin. Incumbent's commission expired August 2, 1939.

John Frank Gagen to be postmaster at Cutchogue, N. Y., in place of J. F. Gagen. Incumbent's commission expired August 21, 1939.

Victoria C. Moore to be postmaster at Dryden, N. Y., in place of Leona Fortner. Incumbent's commission expired January 31, 1938.

Henry J. Rourke to be postmaster at Gansevoort, N. Y. Office became Presidential July 1, 1939.

Bess J. Smith to be postmaster at Hammond, N. Y., in place of L. R. Smith, deceased.

Elsa D. Hart to be postmaster at High Falls, N. Y., in place of E. D. Hart. Incumbent's commission expired August 21, 1939.

George E. Blust to be postmaster at Holland Patent, N. Y., in place of G. E. Blust. Incumbent's commission expired August 21, 1939.

Howard R. Stevens to be postmaster at Hopewell Junction, N. Y., in place of H. R. Stevens. Incumbent's commission expired March 19, 1939.

Glenn C. Edick to be postmaster at Lacona, N. Y., in place of G. C. Edick. Incumbent's commission expired July 18, 1939.

Theodore W. Cook to be postmaster at Montauk, N. Y., in place of T. W. Cook. Incumbent's commission expired June 15, 1938.

Emily B. Koons to be postmaster at Manlius, N. Y., in place of J. L. McDermott, removed.

Carson C. Faulkner to be postmaster at Margaretville, N. Y., in place of C. C. Faulkner. Incumbent's commission expired August 2, 1939.

Katherine W. Davis to be postmaster at Miller Place, N. Y. Office became Presidential July 1, 1939.

John H. Douglass to be postmaster at Orient, N. Y., in place of J. H. Douglass. Incumbent's commission expired August 2, 1939.

Mae J. Pessenar to be postmaster at Pine Hill, N. Y., in place of M. J. Pessenar. Incumbent's commission expired August 8, 1939.

Robert E. Boslet to be postmaster at Syosset, N. Y., in place of Clarence Smith. Incumbent's commission expired March 23, 1936.

NORTH CAROLINA

Margueritte G. Blanchard to be postmaster at Woodland, N. C., in place of S. N. Blanchard, deceased.

NORTH DAKOTA

Clair M. Christensen to be postmaster at Kensal, N. Dak., in place of J. A. Schieb, deceased.

Edward H. Berheide to be postmaster at St. Michael, N. Dak. Office became Presidential July 1, 1939.

OHIO

John B. Kochheiser to be postmaster at Bellville, Ohio, in place of J. B. Kochheiser. Incumbent's commission expired January 20, 1940.

John Galida to be postmaster at Campbell, Ohio, in place of E. J. Zetts, resigned.

Glenn R. Evans to be postmaster at Chesterland, Ohio. Office became Presidential July 1, 1938.

Frank W. Taylor to be postmaster at Clarksburg, Ohio. Office became Presidential July 1, 1939.

Charles M. Casenhiser to be postmaster at Clinton, Ohio. Office became Presidential July 1, 1939.

August Fellerath to be postmaster at Gypsum, Ohio, in place of August Fellerath. Incumbent's commission expired February 14, 1940.

Florence Wilcox to be postmaster at Hilliards, Ohio, in place of Florence Wilcox. Incumbent's commission expired January 20, 1940.

Peter F. Hammond to be postmaster at Lancaster, Ohio, in place of J. E. Gallagher, removed.

Edgar C. Merkle to be postmaster at Mogadore, Ohio, in place of E. C. Merkle. Incumbent's commission expired August 26, 1939.

Cecil W. Briggs to be postmaster at New Holland, Ohio, in place of C. W. Briggs. Incumbent's commission expired January 20, 1940.

William F. Engle to be postmaster at New Paris, Ohio, in place of W. F. Engle. Incumbent's commission expired July 2, 1939.

James L. Crawford to be postmaster at Orient, Ohio, in place of J. L. Crawford. Incumbent's commission expired January 20, 1940.

Hiram L. Basinger to be postmaster at Pandora, Ohio, in place of H. L. Basinger. Incumbent's commission expired January 20, 1940.

Louis E. Harman to be postmaster at Russellville, Ohio, in place of Joe Myers, deceased.

Ray M. Cartwright to be postmaster at Sardinia, Ohio, in place of R. M. Cartwright. Incumbent's commission expired January 20, 1940.

OKLAHOMA

Ben Cox to be postmaster at Boise City, Okla., in place of Ben Cox. Incumbent's commission expired August 13, 1939.

Hallie Clark Forde to be postmaster at Cherokee, Okla., in place of H. C. Forde. Incumbent's commission expired May 22, 1938.

Louis F. Dievert to be postmaster at Covington, Okla., in place of L. F. Dievert. Incumbent's commission expired June 26, 1939.

Ray M. Hubbert to be postmaster at Fargo, Okla., in place of R. M. Hubbert. Incumbent's commission expired August 26, 1939.

Elmer C. Hoops to be postmaster at Fort Cobb, Okla., in place of E. C. Hoops. Incumbent's commission expired January 24, 1940.

Amos C. DeWolfe to be postmaster at Guymon, Okla., in place of F. S. DeWolfe, resigned.

Howard J. Dunavant to be postmaster at Jet, Okla., in place of K. L. Hickman, deceased.

Belle Huntington to be postmaster at Luther, Okla., in place of Belle Huntington. Incumbent's commission expired June 1, 1939.

Joseph L. Pryor to be postmaster at Olustee, Okla., in place of J. L. Pryor. Incumbent's commission expired August 13, 1939.

Robert F. Rind to be postmaster at Pine Valley, Okla., in place of R. F. Rind. Incumbent's commission expired August 13, 1939.

Albert M. Lewis to be postmaster at Stuart, Okla., in place of C. V. Gilmore, transferred.

Rennie Alvin Bolar to be postmaster at Waynoka, Okla., in place of A. R. Pierce, removed.

James M. Crabtree to be postmaster at Weatherford, Okla., in place of J. M. Crabtree. Incumbent's commission expired February 5, 1940.

Fred Allison to be postmaster at Westville, Okla., in place of Fred Allison. Incumbent's commission expired August 27, 1939.

OREGON

Harry L. Price to be postmaster at Aloha, Oreg. Office became Presidential July 1, 1939.

Florence N. Pearson to be postmaster at Timber, Oreg. Office became Presidential July 1, 1939.

PENNSYLVANIA

Dennis J. Murphy to be postmaster at Barnesboro, Pa., in place of D. J. Murphy. Incumbent's commission expired February 21, 1939.

Charles H. Beck to be postmaster at Bushkill, Pa., in place of C. H. Beck. Incumbent's commission expired August 22, 1939.

Vesta Alice Swartz to be postmaster at Dauphin, Pa., in place of C. S. McNeely, removed.

Harold B. Dill to be postmaster at Finleyville, Pa., in place of H. B. Dill. Incumbent's commission expired August 2, 1939.

Herbert M. Ellis to be postmaster at Glenside, Pa., in place of E. E. Fricker. Incumbent's commission expired February 24, 1936.

Kathryn A. B. Pinnock to be postmaster at Le Raysville, Pa., in place of K. A. B. Pinnock. Incumbent's commission expired August 22, 1939.

Frank K. Barnhart to be postmaster at Linwood, Pa., in place of J. P. Connolly, deceased.

Lewis M. Kachel to be postmaster at Mohnton, Pa., in place of E. F. Miller, removed.

George L. Corrigan to be postmaster at New Hope, Pa., in place of G. L. Corrigan. Incumbent's commission expired August 2, 1939.

Mark P. Haldeman to be postmaster at Pine Grove, Pa., in place of H. D. Sarge. Incumbent's commission expired June 10, 1936.

Cora B. Rufe to be postmaster at Riegelsville, Pa., in place of C. B. Rufe. Incumbent's commission expired April 6, 1939.

Guy S. Behler to be postmaster at Slatington, Pa., in place of G. S. Behler. Incumbent's commission expired August 27, 1939.

Mabel G. Johnston to be postmaster at Woolrich, Pa., in place of C. V. Johnston, deceased.

SOUTH CAROLINA

Robert A. Deason to be postmaster at Barnwell, S. C., in place of R. A. Deason. Incumbent's commission expired January 23, 1940.

Helen Van Keuren to be postmaster at Cayce, S. C. Office became Presidential July 1, 1939.

Kirby Melton to be postmaster at Chesterfield, S. C., in place of J. R. Rivers. Incumbent's commission expired June 18, 1939.

Marjorie E. Chumley to be postmaster at Slater, S. C. Office became Presidential July 1, 1939.

SOUTH DAKOTA

Edward Lee McMahon to be postmaster at Beresford, S. Dak., in place of Fred Boller, deceased.

Amelia L. Rositch to be postmaster at Bowdle, S. Dak., in place of A. L. Rositch. Incumbent's commission expired July 9, 1939.

Bastian J. Kallemeyn to be postmaster at Hayti, S. Dak., in place of B. J. Kallemeyn. Incumbent's commission expired July 19, 1939.

TEXAS

Edith P. Robinson to be postmaster at Alvarado, Tex., in place of C. Y. Shultz, removed.

Miss John Gilliland to be postmaster at Baird, Tex., in place of Miss John Gilliland. Incumbent's commission expired July 18, 1939.

Leon L. Rosner to be postmaster at Bellaire, Tex. Office became Presidential July 1, 1939.

Robert E. Sneed, Sr., to be postmaster at Deer Park, Tex. Office became Presidential July 1, 1939.

Edward E. Layton to be postmaster at Eastland, Tex., in place of F. A. Jones. Incumbent's commission expired July 18, 1939.

Eleanor H. Shobert to be postmaster at Fairbanks, Tex. Office became Presidential July 1, 1939.

Charles E. Cade to be postmaster at Genoa, Tex. Office became Presidential July 1, 1939.

Clara C. Redford to be postmaster at Johnson City, Tex., in place of C. C. Redford. Incumbent's commission expired February 27, 1940.

Don O. Davis to be postmaster at McKinney, Tex., in place of W. B. Wilson, resigned.

Dallas S. Lankford to be postmaster at Mineola, Tex., in place of D. S. Lankford. Incumbent's commission expired January 25, 1939.

Olin N. Buchanan to be postmaster at Point, Tex., in place of Cleo Jackson, resigned.

Rudolph A. Engelking, Jr., to be postmaster at Sealy, Tex., in place of E. A. Beckman, removed.

Louisa H. Desmond to be postmaster at Spring, Tex. Office became Presidential July 1, 1939.

Roscoe C. Thomas to be postmaster at Stamford, Tex., in place of T. B. Colbert. Incumbent's commission expired March 15, 1939.

Emmett R. Moon to be postmaster at Stephenville, Tex., in place of L. W. Phillips. Incumbent's commission expired August 21, 1939.

Volney F. Norris to be postmaster at Thorndale, Tex., in place of V. F. Norris. Incumbent's commission expired January 31, 1940.

Erna R. Miles to be postmaster at Zavalla, Tex., Office became Presidential July 1, 1937.

VIRGINIA

William A. White to be postmaster at Arrington, Va. Office became Presidential July 1, 1939.

Bernice E. Utz to be postmaster at Barboursville, Va. Office became Presidential July 1, 1939.

Daniel W. Buckley, Jr., to be postmaster at Clifton Station, Va. Office become Presidential July 1, 1939.

Bernard P. Nearhood to be postmaster at Jewell Ridge, Va., in place of H. H. Elswick, resigned.

William F. Shipe to be postmaster at Middletown, Va., in place of M. E. Kline, resigned.

Lois Hurt to be postmaster at Tazewell, Va., in place of F. T. Witten, resigned.

VIRGIN ISLANDS

Adele Berg to be postmaster at Frederiksted, V. I., in place of Adele Berg. Incumbent's commission expired July 26, 1939.

WASHINGTON

George Janssen to be postmaster at Bellingham, Wash., in place of Vaughan Brown, resigned.

William C. Pearson to be postmaster at Ocean Park, Wash. Office became Presidential July 1, 1939.

WEST VIRGINIA

Sally D. Lyon to be postmaster at Boomer, W. Va. Office became Presidential July 1, 1938.

Price M. Bailey to be postmaster at East Beckley, W. Va. Office became Presidential July 1, 1939.

James T. Murphy to be postmaster at Grafton, W. Va., in place of J. T. Murphy. Incumbent's commission expired April 6, 1939.

Charles H. Corman to be postmaster at Spring Hill, W. Va. Office became Presidential July 1, 1939.

Joseph F. Graham to be postmaster at Tunnelton, W. Va., in place of J. F. Graham. Incumbent's commission expired August 27, 1939.

WISCONSIN

Jean A. Henning to be postmaster at Altoona, Wis., in place of R. P. Kielty, resigned.

Dale Leslie Waller to be postmaster at Boulder Junction, Wis. Office became Presidential July 1, 1938.

Oscar A. Peterson to be postmaster at Granton, Wis., in place of O. A. Peterson. Incumbent's commission expired August 26, 1939.

Mabel A. Dunwiddie to be postmaster at Juda, Wis., in place of M. A. Dunwiddie. Incumbent's commission expired August 26, 1939.

Anna Metz to be postmaster at Little Chute, Wis., in place of Anna Metz. Incumbent's commission expired August 27, 1939.

John R. Bernard to be postmaster at Necedah, Wis., in place of J. R. Bernard. Incumbent's commission expired August 14, 1939.

Ethel E. McKnight to be postmaster at Oakfield, Wis., in place of T. J. Burns, deceased.

Maude A. Whalen to be postmaster at Pelican Lake, Wis., in place of M. A. Whalen. Incumbent's commission expired August 27, 1939.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8 (legislative day of March 4), 1940

POSTMASTERS

ILLINOIS

Aaron W. Eads, Arthur.
James W. Duffy, Maywood.
Albert E. Fruch, Medora.
Florence L. A. Welch, Oneida.

NEW JERSEY

Mildred Davis, Cedarville.
Peter T. Grea, Harrington Park.
Leon P. Kays, Stanhope.
Julia Neely Rumley, Towaco.

NEW YORK

Daniel F. Driscoll, Geneva.
Mary A. Cahill, Lynbrook.
Olivette L. Johnson, Rensselaer.
Harold M. Drury, Scarsdale.
Edward W. Wolf, Southampton.

PENNSYLVANIA

Elmer L. Leaphart, Rockwood.

VIRGINIA

Benjamin H. Garrett, Ellerson.

SENATE

SATURDAY, MARCH 9, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, whose compassions fail not and whose loving kindness reacheth unto the world's end: Help us day by day, under the direction of Thy wisdom, to ordain for the governance of this Nation only such things as shall be pleasing unto Thee. Let Thy fatherly hand be over our beloved country with its manifold gifts of Thy bestowal. Where it is corrupt, purify it; where it is in error, direct it; where in anything it is amiss, reform it; where it is right, establish it; where it is in want, provide for it; where it is divided, reunite it. All of which we ask in the name of Him who bade us pray for the coming of Thy kingdom—Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 8, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Holt	Pepper
Andrews	Donahey	Hughes	Pittman
Ashurst	Downey	Johnson, Calif.	Reed
Austin	Ellender	Johnson, Colo.	Reynolds
Bailey	Frazier	La Follette	Russell
Bankhead	George	Lee	Schwartz
Barbour	Gerry	Lodge	Schwellenbach
Barkley	Gibson	Lucas	Shipstead
Bilbo	Gillette	McCarran	Smith
Brown	Glass	McKellar	Stewart
Bulow	Green	McNary	Thomas, Idaho
Byrd	Guffey	Mead	Thomas, Okla.
Byrnes	Gurney	Miller	Thomas, Utah
Capper	Hale	Minton	Truman
Chandler	Harrison	Murray	Tydings
Chavez	Hatch	Neely	Vandenberg
Clark, Idaho	Hayden	Norris	Van Nuys
Clark, Mo.	Herring	Nye	Walsh
Connally	Hill	O'Mahoney	Wheeler
Danaher	Holman	Overton	White

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Connecticut [Mr. MALONEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Texas [Mr. SHEPPARD], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The Senator from Utah [Mr. KING] is unavoidably detained.

Mr. AUSTIN. I announced that the Senator from Wisconsin [Mr. WILEY] is unavoidably absent because of illness.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

Mr. GLASS, as chairman of the Committee on Appropriations, read the following letter:

UNITED STATES SENATE, *March 9, 1940.*

To the Senate:

By virtue of the authority vested in me by the act approved May 17, 1928, I hereby appoint Senators THOMAS of Oklahoma and ADAMS of Colorado, to represent the Senate Appropriations Committee on the Board of Visitors to the United States Military Academy during the remainder of the third session of the Seventy-sixth Congress.

CARTER GLASS,
Chairman, Senate Committee on Appropriations.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman and secretary of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report covering operations of the Corporation for the fourth quarter of 1939, and also for the period from its organization on February 2, 1932, to December 31, 1939, inclusive, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution of the Board of Supervisors of Niagara County, N. Y., favoring adoption of the so-called Kennedy and Harter resolutions, relative to the proposed St. Lawrence seaway and power project, which was referred to the Committee on Foreign Relations.

Mr. BARBOUR presented the following resolution of the House of Assembly of New Jersey, which was referred to the Committee on the Judiciary:

Whereas on September 17, 1796, George Washington, the father and first President of these United States, delivered his farewell address to the people of his beloved country; and

Whereas in that address George Washington outlined certain suggestions for the guidance of the people of this Nation, among which was his opposition to more than two terms for a President of the United States; and

Whereas his determination not to seek reelection for the third time established a precedent and tradition which has been held sacred and unbroken by its successors in office; and

Whereas this tradition of the first President of the United States not to seek reelection for a third time forms a steadfast bulwark protecting the people of this Nation against the serious threat of the establishment of a dictator form of government in replacement of our present representative Government: Now, therefore, be it

Resolved, That this House of Assembly for the State of New Jersey do hereby memorialize the Congress of the United States of which our State of New Jersey is an important part, to enact proper and suitable legislation that will prevent any President from seeking a third term; and be it further

Resolved, That a copy of this resolution, signed by the speaker and attested by the clerk be forwarded to the Vice President of the United States, the Speaker of the House of Representatives in Congress, and to each Member of Congress from the State of New Jersey.

The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on the Judiciary.

Mr. BARBOUR also presented the following resolution of the House of Assembly of New Jersey, which was referred to the Committee on Education and Labor:

Resolution requesting the Metro-Goldwyn-Mayer Corporation, of Culver City, Calif., and urging Mr. John W. Considine, Jr., to arrange for the premier showing of the motion picture Edison the Man in the municipalities of the Oranges and Maplewood, in the county of Essex, this State

Whereas Thomas A. Edison by his inventions contributed greatly to the advancement of science and was a foremost citizen of our State; and

Whereas it is fitting and appropriate that he should be signally honored: Therefore be it

Resolved, That the Metro-Goldwyn-Mayer Corporation, of Culver City, Calif., and Mr. John W. Considine, Jr., are urged and requested to arrange for the premiere showing of the motion picture Edison the Man in the municipalities of the Oranges and Maplewood, in the county of Essex in this State; and be it further

Resolved, That copies of this resolution, signed by the speaker and attested by the clerk, be forwarded to the Metro-Goldwyn-Mayer Corporation, Mr. John W. Considine, Jr., and to the Senators and Representatives from this State in the Congress of the United States.

Mr. WALSH presented a resolution of the Board of Aldermen of the City of Medford, Mass., favoring the elimination to certain questions from the 1940 census questionnaire, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of Massachusetts, praying for the elimination of certain questions from the 1940 census questionnaire, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of Massachusetts praying for the consideration of proposals tending to a limitation of existing war and making for sound and enduring peace, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Council of the City of Lynn, Mass., protesting against the enactment of the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was ordered to lie on the table.

REPORT OF THE COMMITTEE ON APPROPRIATIONS

Mr. RUSSELL, from the Committee on Appropriations, to which was referred the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, reported it with amendments and submitted a report (No. 1299) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GIBSON:

S. 3541. A bill for the relief of Rae V. Parrott; to the Committee on Claims.

By Mr. LUCAS:

S. 3542. A bill to amend subsection (d) of section 4 of the act of Congress approved May 26, 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes"; to the Committee on Immigration.

By Mr. THOMAS of Utah:

S. 3543. A bill granting a pension to Gertrude Goddard; to the Committee on Pensions.

By Mr. DOWNEY:

S. 3544. A bill to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, as amended, with respect to the location of the nautical school at the port of San Francisco; to the Committee on Commerce.

S. 3545. A bill to create a United States Civil Service Board of Appeals; to the Committee on Civil Service.

S. 3546. A bill granting a pension to J. M. Logan; to the Committee on Pensions.

S. 3547. A bill for the relief of the Fireman's Fund Insurance Co., of San Francisco, Calif.;

S. 3548. A bill for the relief of the Pacific Indemnity Co., of Los Angeles, Calif.; and

S. 3549. A bill for the relief of the Associated Indemnity Corporation and/or Associated Fire & Marine Insurance Co., of San Francisco, Calif.; to the Committee on Claims.

By Mr. ASHURST:

S. 3550. A bill to make unlawful the transportation of convict-made goods in interstate and foreign commerce; to the Committee on the Judiciary.

By Mr. MEAD:

S. 3551. A bill to authorize the erection on the battlefield of Sackets Harbor, N. Y., of a monument to Maj. Gen. Jacob Brown; to the Committee on Military Affairs.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. JOHNSON of Colorado submitted amendments intended to be proposed by him to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. BANKHEAD submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

On page 80, line 5 (Senate subcommittee print), after the words "Agricultural Adjustment Administration" and before the colon, insert: "except that, within the total limitations imposed by section 392 (b) of said act for administrative expenses in the District of Columbia, regional offices, and in the several States, such limitations may be interchanged, in whole or in part, during the current fiscal year, between the District of Columbia, regional offices, and the several States."

Mr. BANKHEAD submitted an amendment intended to be proposed by him to House bill 8202, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed. (For amendment referred to, see the foregoing notice.)

INVESTIGATION RELATING TO THE PUBLIC LANDS

Mr. McCARRAN submitted the following resolution (S. Res. 241), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to matters relating to the administration of public lands with a view to determining, among other things, the extent to which—

(1) the so-called emergency powers conferred upon various governmental agencies in connection with the administration of such lands have been abused;

(2) purchases of privately owned lands have been made by the Government through the Resettlement Administration, the Farm Security Administration, the Soil Conservation Service, and other agencies for the alleged purpose of withdrawing "submarginal" lands from production and without regard to the adverse effect of such purchases upon the State and local tax systems or the proper balance of livestock units;

(3) the Federal bureaus and agencies administering the public lands have been enlarged and extended and bureaus within bureaus have been created for such purpose;

(4) Federal bureaus and agencies have interfered with water rights established and legally recognized under State laws;

(5) public lands have been improperly diverted under section 15 of the Taylor Grazing Act to areas classified by the Government as "marginal areas" without due regard to the effect upon the proper balance of established range and livestock units previously leasing the lands so diverted;

(6) administrative rules and regulations have been established under the provisions of section 2 of the Taylor Grazing Act which have resulted in extending the authority of the administrator of such act and which have evaded the limitations and restrictions placed upon such administrator by other specific provisions of such act;

(7) administrative authority has been abused for the purpose of circumventing the jurisdiction of the courts in which the legality of such authority is being determined, by attempting to coerce the Federal courts or to use such courts for coercive purposes in connection with such determinations, or by attempting to coerce individual litigants with respect to matters pending in the courts;

(8) representatives of the Department of the Interior have attempted through coercive tactics to bring about the reversal of views expressed collectively in regularly called representative meetings relating to the creation of grazing districts; and

(9) there has been interference with the established principles relating to supervision of the livestock industry which have long been applied by governmental bureaus and agencies charged with administering public lands, and there has been a disregard of the principles which are essentially necessary for the purpose of providing stability to the range-livestock industry which is in competition with non-range-livestock operations not under Government supervision.

The committee shall report to the Senate the results of its investigation at the earliest practicable date, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ADDRESS BY THE PRESIDENT ON THE FARM SITUATION

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States on March 8, 1940, to the farmers of the country assembled at the A. A. A. farm dinner, which appears in the Appendix.]

ADDRESS BY SENATOR WALSH AT THE DEDICATION OF TABLET TO PRESIDENT THEODORE ROOSEVELT

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by him on the occasion of the dedication of a tablet to the late President Theodore Roosevelt at Montauk, N. Y., on August 13, 1939, which appears in the Appendix.]

ADDRESS BY EDWARD A. O'NEAL ON AGRICULTURE

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a radio address delivered today by Edward A. O'Neal, president of the American Farm Bureau Federation, which appears in the Appendix.]

ANTILYNCHING LEGISLATION

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an editorial from the Greenville (S. C.) News entitled "Weak Lynch Bill Argument," which appears in the Appendix.]

POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES

[Mr. HATCH asked and obtained leave to have printed in the RECORD an article from the Washington (D. C.) Daily News of Friday, March 8, 1940, entitled "Hatch Act Resignations Are 'Final,' Says Jackson," which appears in the Appendix.]

BETHLEHEM STEEL CO. 1939 INCOME—ARTICLE FROM ST. LOUIS STAR-TIMES

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article from the St. Louis (Mo.) Star-Times with reference to the annual statement of the Bethlehem Steel Co. for 1939, which appears in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES BILL

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. The question before the Senate is the amendment of the Senator from Michigan [Mr. BROWN] to the committee amendment.

Mr. BROWN. Mr. President, I find in looking over my amendment that the penalty provided for violation of section 12, which my amendment modifies, could not apply. I therefore have prepared and present a perfecting amendment, which I should like to have read.

The VICE PRESIDENT. Is there objection to the Senator from Michigan modifying his amendment? The yeas and nays have been ordered on the original amendment, and, therefore, unanimous consent is required to modify it. The Chair hears no objection, and the amendment will be modified according to the desire of the Senator.

Mr. BROWN. Mr. President, I will say that the modification of the amendment simply provides that any person violating the provisions of the section shall be subject to the penalties provided in the original Hatch Act.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. HATCH. The Senator speaks of the penalties provided in the original act. There is a criminal penalty in the original act.

Mr. BROWN. The loss of funds, of course, could not apply to the persons who are prohibited from political activity by my amendment. I, therefore, have provided that the penalties set forth in section 8 of the act of August 2, 1939, which are criminal penalties, shall apply.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. BROWN. I yield.

Mr. HATCH. I merely want to say, when the Senator speaks of applying the criminal penalties provided in section 8, that the section provides for both fine and imprisonment.

Mr. GUFFEY. Mr. President, we have been discussing the Hatch bill for several days, not without a great deal of earnestness and ardor, and possibly some heat; but, to my mind, the most important effect of the Hatch bill as a long-range proposition has not been mentioned.

I have always believed in the two-party system of government, and I fear for what will happen to our country if that system is once destroyed, because its destruction will inevitably lead to a bipartisan control such as we had in Pennsylvania for many years.

For 30 years I battled in Pennsylvania, with a few other sincere and earnest Democrats, to break up that combination. We were unable to do so entirely until we carried the State in 1934 and passed a bill known as the party-raiding bill, compelling voters to register in one party only, and providing that candidates for office could run only on one ticket, with the exception of those who were candidates for the judiciary.

Thirty years ago I became very much interested in the bipartisan control of Pennsylvania. I had been voting for a few years before that and was a member of the county committee; but in 1910 the late Senator Penrose, with his organization, took indirect control of our State convention and nominated a stooge as the Democratic candidate for Governor. A third ticket was organized and came within 15,000 or 18,000 votes of victory. The same thing occurred again in 1918 and in 1926.

At the present time the Democrats of Pennsylvania, and not the Republicans, control the Democratic Party; but during the time to which I have referred it was chiefly because of the large financial contributions to which the Republicans had access that they were able, with a bipartisan county control and a bipartisan control of the city of Philadelphia, to accomplish this purpose.

In 1834 the first steel man took an active part in national politics. I refer to B. F. Jones, who was chairman of the Blaine and Logan campaign committee. Prior to that time the railroads and the Standard Oil group had controlled the politics of the State. As the steel industry expanded and grew those connected with it became much more active in politics, and it is common knowledge in Pittsburgh that in 1896 Mr. Frick furnished the sinews of war that secured the Presidential nomination for William McKinley, of Ohio, from the late Speaker Thomas B. Reed, of Maine.

From the time when the steel corporation was formed it was quite apparent that the president of that corporation, the late Charles M. Schwab, took charge of financing the Republican organization in Pennsylvania. He was in my office on February 15, 1938, trying to assist a W. P. A. project in his native county of Cambria, Pa. While he was there, for an hour and a half or 2 hours, he reminisced a great deal and gave me much interesting information. It was in no way confidential, because there were in the office two other persons whom he had never met until that day.

He said, "Senator, I used frequently to come to Washington. I never received a telegram from the late Senator Penrose without dropping everything and coming to Washington. He never asked for less than $250,000 on each visit, and sometimes more. It reached the maximum in one Presidential campaign when I raised the sum of $8,000,000; and, as Max Leslie, the former city leader in Pennsylvania, would say, most of that was free money." By "free money" in Pennsylvania, I presume as elsewhere, is meant money that does not have to be accounted for.

We know now, from the people the Republican National Committee has put in charge, that the money for this campaign is going to be raised by the same steel and oil group. With Joe Pew, of Pennsylvania, and Ernest Weir, of Pittsburgh, and Moe Annenburg with access to all the corrupt funds of the system of gambling, and Joe Grundy's manufacturers' organization, we know what to expect this fall; and there will be more "free money" available than ever in the history of our State and Nation.

The passage of this bill is going to stop the small contributions, as the junior Senator from Indiana [Mr. MINTON] said yesterday, and prevent the "two-bit" and the $2 contributions. The result will be that the only financial assistance anybody will get in either of the large parties will be from those who wish to secure something. Of course, we all know why the steel people have contributed so much in the past. It was entirely due to the high protective tariff; but I fear for the State and the Nation when these men get going.

I voted against the first Hatch bill when it was before the Senate, and tried to bring it back on the Senate floor; but the author of the bill, with some indignation—possibly rightly so—thought I took advantage of his absence in obtaining permission to recall the bill. I later yielded, much to my regret, to the position he took. He kept faith with me, however, in what he promised to do. I think this is going to be the most destructive piece of legislation for the two-party system of government—in which I am a thorough believer—that has ever been put on the legislative books of our country.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield. I desire to yield the floor.

Mr. HATCH. I wish to ask a question, but I did not want to disturb the Senator during his remarks. Why does the Senator say that the passage of the bill will prevent $2 contributions? Will he elaborate upon that subject? How is it going to destroy the two-party system?

Mr. GUFFEY. We had the original measure in effect last summer, and it did stop the small contributions. The persons who ordinarily would have made them were afraid to contribute. They were afraid to contribute either in their own names, or, in some cases, even in the names of any members of their families. I am talking from the experience of one campaign.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. GUFFEY. I yield.

Mr. HATCH. The Senator understands that under the bill which was in effect last fall, to which he refers, the only persons prohibited were persons actually receiving relief.

Mr. GUFFEY. I know that; but their fear of the bill affecting them caused them to refuse and decline to contribute. I do not say they were solicited, but a distinct falling off took place in every classification.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. GUFFEY. Yes.

Mr. HATCH. I hope the Senator does not refer to the workers on relief when he refers to contributions.

Mr. GUFFEY. I did not refer to the workers on relief in any sense of the word.

Mr. CHAVEZ. Mr. President, we have been discussing the pending bill for some time, and I feel quite certain that every Member of the body knows exactly what he is going to do when the vote comes on the passage of the measure.

Irrespective of that, it seems to me the question which should be settled now is whether or not the bill should pass. I am going to vote against the amendment of the Senator from Michigan [Mr. BROWN] in order to be consistent. I think every Member of the body knows that I was against the original Hatch bill, and I am against this one; but it seems to me the Senate has sufficient information on the measure to take action upon it.

I have always been against including additional groups in the provisions of the so-called Hatch bill, and that is the reason why I am against the amendment submitted by the Senator from Michigan. Irrespective of our desires, however, irrespective of what we think of the pending measure, it seems to me the time has arrived when we should vote "Yes" or "No."

I hope that after the Senate disposes of the amendment of the Senator from Michigan, without trying to prohibit any other Senator from submitting any amendment going

to the vitals of the legislation, we may have a vote on the bill.

Mr. THOMAS of Utah. Mr. President, I intend to vote against the pending amendment. My primary reason for voting against it needs some explanation, because some thoughtless person might assume that a vote against this amendment would be a vote condoning the large donations of persons connected with great and powerful corporations. The real reason why I am opposing the amendment is the fact that I have presented an amendment to the Hatch bill, which lies on the table, to be called up at the proper time; but an explanation of that amendment seems to me to be the very best argument which can be offered at this time against the pending amendment, so that I shall make the explanation now.

I wish to make it clear in the beginning that I have supported the Senator from New Mexico [Mr. HATCH] in his ever-difficult fight for reform in the relations between elections and patronage, and that I have resisted with him every effort to destroy or to weaken the Hatch Act. Unless my amendment is to be a contribution in the same direction as the Hatch Act and on the same plane, I do not want it to be considered even at the proper time.

President Cleveland in his first inaugural address said in better words than I could command that which I would say today in support of broadening the Hatch Act. President Cleveland on that occasion stated:

> Our citizens have the right to protection from the incompetency of public employees who hold the office solely as the reward of partisan service, and from the corrupting influence of those who promise—

And this is the point I should like to emphasize—

> and the vicious methods of those who expect such rewards, and those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subservience or the surrender of honest political beliefs.

Mr. President, I should like to say at this point to those who are interested in the various reforms attempting to overcome what is termed "pernicious political activity" that if they will read the speeches which have been made in this body against those reforms from time to time they will realize that everything that has been said against the Hatch bill here is merely a reiteration and a repetition of that which has heretofore been said. It is now about a hundred years since the spoils system was at its most rampant stage in the history of our country. It is now over half a century since Senator George Washington Plunkett said what was later said by the Supreme Court of the United States in regard to the gold clause, that civil service means the end of the Constitution of the United States; that civil service means the end of the Declaration of Independence, and therefore every American who thinks well of his country is opposed to this innovation and this supposedly reform act.

Because of these things, consequently, we have witnessed the development of civil service affecting the old-line departments; we have seen opportunities for corruption in elections taken away from corrupt candidates and bosses bit by bit, and have passed the Hatch Act, which was to begin a new era in politics and government as enacted in the beginning, and as it is to be extended within the next few years—few hours, I hope—all of which mark the beginning of the end of a long period during which men have been able to perpetuate themselves in office merely by keeping obedient machines under their control.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. HATCH. I like the Senator's expression "mark the beginning," for he understands, I am sure, that I have never contended that the act did anything except make a beginning.

Mr. MINTON. Mr. President, inasmuch as the Senator has been interrupted, will he permit another interruption?

Mr. THOMAS of Utah. I am glad to yield.

Mr. MINTON. The Senator said something about political machines perpetuating themselves in power simply because they are machines controlling State machinery and Federal machinery at the same time. But the Senator must know that the Democratic machine in Pennsylvania was defeated in the last election. They held the State offices in Pennsylvania and they had the Federal offices. The Senator must also know that the Democrats lost in Ohio, that the Democratic organization had control of all of the offices in the State of Ohio, and had control of the Federal offices, yet the Democratic Party was turned out.

In my judgment, two things entered into the result, but chiefly it was the money that was spent in Ohio—and we all know about it, because we read about it in the reports of campaign expenditures and the money that was spent in Pennsylvania. We know that money was the thing which controlled those elections, and that it is the thing which is the corrupting influence in politics in this country. It is not the little fellow who holds a piddling job somewhere that is threatening clean politics. That which, in my judgment, threatens politics is money, and I desire to ask the Senator whether he does not think that the results in Ohio and Pennsylvania were inconsistent with the statement he just made, that the machines perpetuate themselves in power merely because they have control of the offices.

Mr. THOMAS of Utah. Mr. President, the answer of course can be yes or no. When the Senator from Indiana asks me to call attention to pernicious activities other than those mentioned in the bill, it would not be hard to go into the whole story. The use of money is extremely bad. In answer to his illustrations, I say yes, the use of money can always be defeated in the United States of America if we are able to get to the people, and I feel that I am qualified to testify to the fact that men can fight against odds and can succeed against odds which seem utterly insurmountable even to all of his own associates in his own party, if he is able to go out and get in front of the people.

The question which the Senator from Indiana propounds has no bearing at all upon the merits or demerits of the pending bill, because the Hatch bill is not a catch-all to overcome and destroy every pernicious activity that is resorted to in politics. It is very specific in its nature, and it is because it is specific in its nature that the simple amendment which I intend to offer will be a contribution to it, and wholly within its spirit, for the Hatch bill does in its practical aspects operate against political parties. My amendment would make it possible to make the Hatch bill in its practice, regardless of the way in which it is worded, operate against wrongdoers, whether they represent the party in power or whether they represent the party attempting to gain power.

Mr. MINTON. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I am glad to yield.

Mr. MINTON. My interruption a moment ago was prompted by the Senator's statement that the people who are in charge of political organizations perpetuate themselves in power by their control of the political jobs in their States. I merely wanted to call his attention to the fact that they did not perpetuate themselves in power in Ohio and in Pennsylvania.

Mr. THOMAS of Utah. The best answer to that would be for the Senator merely to get the financial statistics of the two major parties in 1936. The Republican Party spent nearly twice as much as the Democratic Party spent, and it had to its credit 2 States, while the Democratic Party had to its credit 46 States. That should be a lesson to anyone. It should be the type of lesson which would make the American people feel happy to realize that, after all, they cannot be bought and they will not be bought, and the American people will not be moved by money in great abundance if the candidates representing the people of the United States are able to get before the people. That is my only point.

Everyone knows that there is an opportunity for abuse under the present system, and the Hatch bill is an attempt to foreclose that opportunity. The address made yesterday by the Senator from West Virginia [Mr. NEELY] gave proof of the kind of thing that is done, which actually can be

remedied, and the sort of thing which no one in this body likes and upon which no one wants to be dependent. I would not like, and I know the Senator from Indiana would not like, to have to announce to the people of the United States that he or I was a beneficiary of the sort of thing which was made open here by the speech of the Senator from West Virginia last evening.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. MINTON. Would not the Senator dislike to be the beneficiary of the things the Senator from Michigan [Mr. BROWN] exposed?

Mr. THOMAS of Utah. Certainly I would.

Mr. MINTON. We will, of course, grant that both of them are bad; but which, in the judgment of the fair and able Senator from Utah, is worse?

Mr. THOMAS of Utah. That which the Senator from Michigan [Mr. BROWN] exposed yesterday is damnable. That which was exposed by the Senator from West Virginia [Mr. NEELY] was bad. Do I make my degree plain?

Mr. HOLT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. THOMAS of Utah. I yield.

Mr. HOLT. The argument of the Senator from Indiana is to the effect that if one thief is loose we should open the jail and let all the thieves loose.

Mr. THOMAS of Utah. Mr. President, I congratulate the Senator from New Mexico [Mr. HATCH] for his courage and persistence. I share his views.

There is an invisible enemy to good government which still remains. That enemy operates in the field in which the Senator from New Mexico is attempting to bring about certain corrections, and attempting to bring about certain political habits which, when once adopted, the people would like. That is why I have brought into the picture the statement of Senator George Washington Plunkett—not a United States Senator, but New York State Senator George Washington Plunkett—probably the most picturesque man in the history of the United States, who opposed any kind of civil service, and opposed it in the most picturesque way. Any student of politics would love to spend an evening over the little book which is attributed to Senator Plunkett. The point is that every reform which is brought about is, in its conclusion, merely habit-forming. It does not overcome actual abuse, and it may drive abuses deeper. I doubt very much whether there is any way to correct the evil will or actions of a group of men who want to gain unjust political advantage in the Government of the United States. They will find a way in time, if that is their idea. But at the same time habit-forming acts, such as the Hatch Act, do lay down a standard to which honest men adhere, and which earnest men are willing to accept.

There is at least in every political campaign an army of opportunists who seek to get into a position to dispense patronage, and the larger army of opportunists who wish to jockey themselves into position to accept it. These groups are delighted with the Hatch Act because in it they see those entrenched in office hamstrung, those not entrenched free to use any device known to carry elections, except to promise openly an office as a reward for a campaign, and in the presence of adverse witnesses, for I know, as other Senators do, that it is written into the statute books that candidates may not promise patronage as a reward for services. It is difficult to be caught at making promises in violation of the statute—a statute which will be of much more worth if my amendment is considered favorably.

The groups who are not in office, the outs, or call them what you will, are delighted with the Hatch Act. This time they happen to be the Republicans. They are delighted with the Hatch Act, and the consistent way in which they support or have supported the Hatch Act so far shows just how delighted they are. I wonder if they will express as much delight when the time comes to vote on my amendment. If the Republican Party lines up for my amendment, as it has lined up for most of the Hatch Act so far, then we shall have the honest answer of a sincere endeavor on the part of a great political party to bring about a reform even to its own disadvantage. That will be unique in the history of the United States and unique in the history of politics and probably unique in the history of politicians in this body.

The groups which represent the outs are delighted with the Hatch Act, not because they are interested in keeping men from building corrupt machines, for they themselves are building corrupt machines, as was shown by the remarks and the amendment of the Senator from Michigan [Mr. BROWN], and as was shown by the actions of that very party in the kind of appointments it makes. Being not a part of government, they are not controlled by the Hatch Act. They are only potentials. And may I emphasize that word "potentials," because a potential office seeker has probably just as bad an influence on the body politic as has an actual office seeker.

There is nothing to prevent their covering a whole State of the Nation, making speeches, sitting on platforms, handing out literature, raising money, and planning for the day and the hour when they may take over in a body. While a lawyer speaks, hoping thereby to become United States district attorney, the United States district attorney himself is silent, afraid of the penal provisions of the Hatch Act, afraid of the disgrace of being a law violator by contributing his talents to his beliefs and party principles. I believe he should stay on the job, prosecuting his cases in the name of the Government, and let those who do not have a monetary and personal interest in the result do the work for the campaign of his party. By the same token, so should the lawyer who hopes to become district attorney by making a speech for a candidate for President, a candidate for Senator, or a candidate for the House of Representatives. We have muzzled the United States marshal and all his staff. By the same token, campaigns of others should be carried on without the valiant and selfish efforts of those whose sole interest in the outcome is to succeed them in their jobs.

Let me read my amendment. It is short:

SEC. —. (a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken an active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

(b) The provisions of this section shall not apply to persons appointed to the Cabinet or to persons appointed to the office of Ambassador or other public minister.

Is it not evident that this is the other half of the Hatch Act; that the Hatch Act, important as it is, is half an act, and this is its natural corollary?

I shall not take time to trace the history of the merit system, or the shocking election scandals of a prior generation, leading to such extreme measures as expulsion from the United States Senate. I am convinced that as representatives of good government we are gradually getting better, and as the Senator from New Mexico said yesterday we must never turn back; we must never turn our faces in the wrong direction; and I do not believe we shall. The Hatch Act and the amendments of the Senator from New Mexico to his own act of today are here to stay. They may be improved upon; they may be broadened; but America will not turn back; the United States Government, having achieved something fine, will not cheapen herself with repeals and nullifications.

No party should lose an election because of patronage. No party should ever win an election because of patronage. The Senator from New Mexico was nauseated over some aspects of the report of the committee of the Senator from Texas, as was I, yet they were not so tarnishing as the stained record of an older generation. It is to the credit of this body that, despite the fact that its predecessors never seemed to be able or willing to do anything about it, this Congress did most earnestly attack the problem of elections, under the leadership of the Senator from New Mexico; and at a great per-

sonal sacrifice, were he to become again a candidate, the President of the United States happily affixed his signature and praised the act.

The Hatch Act standing alone protects employees of the United States Government, and, as proposed to be amended, those who are employed by their States but paid in part with Federal funds, from being compelled to engage in political activities, and denies to them any form of substantial political activity. It does not, however, confer upon them any civil-service status and does not protect them from any change in administration. They remain patronage employees, just as they were, with the added feature that they may not be compelled to do anything, and they are not permitted to do much. Their tenure of office depends upon the success of their party at successive elections. Every fair-minded person recognizes this to be so.

It is not sportsmanlike, however, that those who want to deprive them off their jobs should be able to tour the country, raise and spend money, attack their records, prepare and publish newspaper articles, and choke the radio waves with oratory for the sole purpose of succeeding the Hatch mutes in office. It may be argued that any attempt legally to control them as private citizens would be unconstitutional. But no one will argue that to set qualifications for office, one of which is that one may not be appointed who has taken part in political activity such as is denied officeholders under the Hatch Act, is unconstitutional. The Secretary of Agriculture has made a rule differentiating between members of the bar from grade A schools and members of the bar of equal standing before the bar from grade B schools. This is setting up standards of employment in his department, and it will take an act of Congress to make it otherwise. Will anyone argue that Congress may not here and now set up standards of employment, one of which is that a person must not have dedicated his political activities toward pointing for the job? Of course, the Civil Service Commission has gone farther than either of these illustrations.

Potentials are as important as actuals. Tomorrow's official must be as pure as today's. If it is wrong to preserve one's self in office, it is wrong to seek the office. Let all parties and all candidates, incumbent or otherwise, be equally high-minded. If the only persons who are privileged to work for the Democratic Party in the coming campaign are to be those who do not hold office and are interested only from the standpoint of good citizenship, then it follows that the only persons privileged to work for the other parties should be those who have no interest in acquiring office, and whose only interest is in good citizenship. Let us make the Hatch Act equitable.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN], as modified, to the amendment reported by the committee.

Mr. McNARY. Mr. President, am I to understand that the Senator from Utah has been discussing the pending amendment, or has he offered an amendment to the Brown amendment?

Mr. THOMAS of Utah. As I explained in the opening of my remarks, my amendment has been lying on the table for some days. It will be offered at the proper time. I explain it now because it is an argument in favor of the way in which I shall vote upon the amendment offered by the Senator from Michigan.

Mr. McNARY. Does the Senator's amendment meet the approval of the distinguished Senator from New Mexico [Mr. HATCH]?

Mr. THOMAS of Utah. I think the Senator from New Mexico has not, as yet, considered the amendment. I do not know.

Mr. ADAMS. Mr. President, I wish to make an inquiry of the Senator from Michigan in reference to his amendment. Are there any exemptions or exceptions in his amendment? I have in mind the fact that both the original Hatch Act and the pending measure except certain executive officials, such as Governors. Are there any exceptions in the amendment offered by the Senator from Michigan?

Mr. BROWN. Mr. President, my amendment does not change the Hatch Act or the Hatch bill in any manner whatever, with regard to the exceptions.

Mr. ADAMS. If one of the enumerated high officials should happen to be the holder of 10 shares of stock in a corporation which enjoyed tariff protection, would not he be prevented from taking part in any political campaign?

Mr. BROWN. Yes; he would.

Mr. ADAMS. Regardless of whether he held the office of President, Secretary of State, or any other such office?

Mr. BROWN. The Senator is correct. I had hoped that the Senator from New Mexico would apply himself to that amendment, and take care of the matters referred to by the Senator from Colorado.

Mr. MINTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Holt	Pepper
Andrews	Donahey	Hughes	Pittman
Ashurst	Downey	Johnson, Calif.	Reed
Austin	Ellender	Johnson, Colo.	Reynolds
Bailey	Frazier	La Follette	Russell
Bankhead	George	Lee	Schwartz
Barbour	Gerry	Lodge	Schwellenbach
Barkley	Gibson	Lucas	Shipstead
Bilbo	Gillette	McCarran	Smith
Brown	Glass	McKellar	Stewart
Bulow	Green	McNary	Thomas, Idaho
Byrd	Guffey	Mead	Thomas, Okla.
Byrnes	Gurney	Miller	Thomas, Utah
Capper	Hale	Minton	Truman
Chandler	Harrison	Murray	Tydings
Chavez	Hatch	Neely	Vandenberg
Clark, Idaho	Hayden	Norris	Van Nuys
Clark, Mo.	Herring	Nye	Walsh
Connally	Hill	O'Mahoney	Wheeler
Danaher	Holman	Overton	White

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum is present.

EARNINGS OF INDUSTRY

Mr. SCHWELLENBACH. Mr. President, I wish to read a brief statement into the RECORD.

Last Monday night I was privileged to engage in a debate with the Senator from Ohio [Mr. TAFT] with reference to the accomplishments of the Roosevelt administration. I gave certain figures with reference to corporate earnings, but at that time I was unable to obtain figures concerning the year 1939.

Yesterday I received through the mail from Mr. Robert Vanderpoel, who is financial editor of the Chicago American, a copy of an article which was published in the Chicago American on March 6. Because of the fact that it deals very definitely with this question, and because I think it is of interest to the Members of this body, I wish to read the article into the RECORD.

Mr. Vanderpoel is financial editor of a newspaper which is not friendly to the present administration. Nevertheless, he is a very independent gentleman and is recognized as one of the outstanding authorities in the United States upon financial matters.

The article reads as follows:

INDUSTRY EARNED AVERAGE RATE OF 8.4 PERCENT IN 1939

(By Robert P. Vanderpoel, financial editor)

The first 960 representative manufacturing corporations to report 1939 incomes showed that they earned an average net profit, after all charges, including depreciation, interest, taxes, and reserves, equivalent to 8.4 percent on net worth, according to a compilation of the National City Bank of New York.

These corporations last year earned an aggregate net profit of $1,281,479,000. The total net worth on January 1, 1939, was $15,181,145,000.

Within the various groups earnings ranged from 19.2 percent down to 2.4 percent. The range of the individual corporations, of course, would be larger.

A LUCRATIVE RETURN

Once more these earnings figures prove definitely that despite the high burden of taxation, despite certain other difficulties, the large

American manufacturing corporations have been able to earn very lucrative returns on invested capital.

It is true that this compilation takes in only a relatively few corporations, but it should be emphasized that these corporations comprise approximately one-half of the industrial wealth and earning power of the Nation. Consequently, while they are not representative of the smaller corporations, they are representative of industry as it exists in the United States today.

FOUR-YEAR AVERAGE EIGHT AND ONE-THIRD PERCENT

This profit of 8.4 percent on net worth contrasts with 4.2 percent in the preceding year for these same corporations, or a previously reported 4.4 percent for a slightly larger group, and with an average of 8.3 percent for the 3 years 1936, 1937, and 1938, inclusive.

In other words, for the last 4 years American industry, as represented by the upper half, has earned an average net return of slightly more than 8⅓ percent.

These figures, compiled by the National City Bank of New York, definitely disprove the assertion so frequently encountered that capital has not gone into productive enterprise because of lack of profit opportunities. Almost never in the history of this country has there been a period of 4 consecutive years in which industry has earned as lucrative a return as this.

CAPITAL SHOULD RUSH

As contrasted with the low interest rates prevailing and the enormous quantities of idle capital drawing no return at all, this profit return exceeds anything ever before witnessed.

Under the classical theory of economics, capital should have rushed into industry during this period. Industrial leaders, we believe, should explain why this has not taken place. The American system of private, competitive enterprise falls down when it does not function according to this classical theory.

Organizations such as the United States Chamber of Commerce, the National Association of Manufacturers, and others, should be concentrating their efforts on finding why excess capital has not flown into profitable endeavor.

Concerns engaged in the drug business last year, for example, earned 19.2 percent on their invested capital. Why has there not been a rush of stagnant capital into this business?

IN HIGH BRACKETS

Concerns manufacturing household equipment earned an average of 16.7 percent. Automobile manufacturers earned an average of 16.5 percent; producers of soft drinks, 17.9; brewers, 16.9; distillers, 13.7; chemical companies, 13.8 percent.

The American banks have billions of idle funds which they are anxious to loan at rates of 2, 3, and 4 percent. Why has not some of this money been absorbed by industries able to make profits at the rate of 13 to 19 percent?

American investors have more billions which they have been putting into life insurance, trusts, savings banks, and what not, earning from 1 to around 3 percent. Why does this money not flow into industry capable of earning an average return of 8⅓ percent over the last 4 years?

I hope that the facts contained in this article will dispel some of the fears which have been so widely spread during the course of the last 4 years.

Mr. THOMAS of Utah. Mr. President, if the Senator will permit me to answer the question raised, I will say that the answer is simply that the American people have more trust in the Government of the United States than in any other thing in the world.

Mr. SCHWELLENBACH. I thank the Senator.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. TYDINGS. Mr. President, I should like to have the attention of the Senator from New Mexico because I intend to ask him a question at the end of a very brief statement.

No Senator in this Chamber has struggled against greater odds to accomplish a fine purpose than has the Senator from New Mexico. There is need for the legislation which he has espoused; and he has fought a good fight against great difficulties to accomplish the desired result. I have voted with the Senator and do not intend to desert him, and I am addressing him, therefore, on this occasion as one who has at heart the interest of the proposal he has advocated.

I have voted with the Senator sometimes under great misgivings that we were approaching this problem in the right way. If the Senator will bear with me for a moment further, I will try to show him what I mean. In a desire to end pernicious political activities and unfair political practices in campaigns we have, to a large extent, excluded certain persons from taking a part in campaigns rather than making the improper practices themselves illegal and criminal, if you please. In other words, in order to accomplish a reform which is needed and desirable, I am saying, as one who has been with the Senator in his fight, that I feel we have gone far afield in some respects by excluding American citizens from their civilian rights to a degree which is unnecessary, and that, if we would define the undesirable practices on the part of governmental officials in all branches of the Government, excluding not even the Senate or the President of the United States or members of the Cabinet, we would more likely accomplish what I know is close to the Senator's heart.

I do not want to go back over past history, but let me say to the Senator that the employees whom we have eliminated from political activities have not been the main offenders. They have, in some cases, been offenders, but, in my judgment, without making any concrete illustration, the pernicious activities, or I should rather say what I consider to be unfair and improper political activities, came to a large extent from sources which are not covered by the pending bill. I believe the Senator would be well advised, if he would take my words in the good faith in which I offer them and try to meet the problem on a broader front than it is met by this bill.

Naturally the Senator is concerned, and properly so, that if this measure should be delayed in any way it might be "lost in the shuffle," and that is a proper concern. He also can take the ground that, if we pass it, perhaps in another body some of the objections which I have just voiced may be eliminated. But I am of the opinion that the good of the country would be served and the Senator would accomplish his objective with more ease, if the other side who claim they want to revise this bill are in good faith, if he would consent to recommit it with a definite understanding in advance that it would be reported and taken up on some day in the future, so that the fears of the Senator, which would be justifiable in the absence of such an agreement, could be allayed and eliminated.

I am asking the Senator not to sabotage his effort and, of course, I am not trying to "shoot him in the back"; I am talking as one who has stood by him and has thought somewhat of the wisdom and philosophy of what we are doing, and am suggesting that if he could secure an agreement to recommit the bill, have it rewritten in line with what I hope would be a broader bill, going further than his bill goes so far as the elimination of unfair activities is concerned, and have it reported here at a definite date, I do not believe he would lose any advantage. If, however, the Senator should be unable to secure such an agreement, then I should not think he would be meeting from the opposition that degree of good faith which my suggestion implies.

Mr. HATCH. Mr. President, in reply to the Senator from Maryland, I first wish to say that I appreciate the good faith of the Senator from Maryland and the spirit which prompts his suggestion. However, I cannot agree to the suggestion, in part, because of some of the things he himself has mentioned. The time is getting short. Furthermore, realizing what transpired on a previous occasion in the case of similar legislation, if this bill were recommitted to the committee, even for a short length of time, and then brought back on the floor a stronger and better measure, which I should like very much to have, I am entirely certain that the same opposition we have today would meet that bill, and probably would be greatly increased.

My reason for that statement is that the bill we are now considering is about the mildest bill which could be presented to the Senate, and if a bill of this nature evokes the bitterness and the opposition which have developed here, I can see no hope of strengthening the bill and getting anything easier, although I should very much like to do it.

I want to say to the Senate that daily there comes to my attention things which ought to be corrected that we do not think of today. That is the reason why I said to the Senator from Utah [Mr. THOMAS] that this measure is just a beginning. I know that each succeeding session of the Congress will present new problems. For instance, yesterday I learned that one of the departments in Washington is using Government money to broadcast over the Nation appeals in behalf of certain legislation. I do not believe in that.

Mr. TYDINGS. Mr. President, the Senator knows, of course, as I know, that the elimination of employees of the Government in the categories he has expressed, while perhaps the price we will pay of taking away their civil rights is a great one, may conduce to a result which to some extent will make elections fairer. The Senator likewise knows, as I have heard him say, that the big sources from which this influence usually comes are untouched by the bill. I can appreciate that the Senator realizes the difficulty of approaching this question, and that he took the avenue he did because of that fact.

Mr. HATCH. Yes; it is a most difficult task.

Mr. TYDINGS. But in our effort to cure the defect we have left the activities themselves untouched by the legislation.

Mr. HATCH. Some of the activities.

Mr. TYDINGS. And we have simply excluded the employees in certain lines.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes.

Mr. HATCH. The bill we passed at the last session reached some of the activities themselves.

Mr. TYDINGS. Let me finish the thought. After having put in some study on this problem I have the very definite feeling that the Senator will render the country a service even greater than that which he has already rendered if he will define what any person, Senator or executive, may or may not do with, say, P. W. A. funds, W. P. A. funds, agricultural funds, or any other moneys of the Federal Government, and not confine the bill to the smaller employees. I think the opponents have pretty good ground there, in that they say we are only excluding a few of the persons who occupy the smaller positions, and are letting the heads escape.

While I am with the Senator, I am trying to accomplish one purpose, and that is this:

If those in opposition to the Senator's proposal are acting in good faith—and I assume they are—it seems to me an agreement could be reached to rewrite the bill and make it encompass the whole group of Senators, Representatives, and everybody else, and bring it here on the floor with an understanding that it would be reported and there would be a vote on it on a definite day, so that there would be no chance at all of its being lost in the shuffle. In that case we should have a code applying to everybody, rather than segregating these employees, State and National, and what not.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HATCH. I have a proposal to make which will not interfere with anything. Let the pending bill pass, I say to the opposition. It will go to the other Chamber, and manifestly it cannot and will not be reached for action over there for several weeks; and if the opposition will appoint any group of men—I do not care whether they are from this side or the other side or both sides of the Chamber—I will work with them to bring about the kind of a bill the Senator is talking about, get a report as quickly as possible, bring it here to the Senate, and pass it if we can; and I will go with the Senator to the Representatives on the other side of the Capitol and say, "Take this bill and throw the one we passed today into the wastebasket." I should be glad to do that. Then nobody would lose anything.

Mr. TYDINGS. I am sure the Senator would do just what he means to do; but I have the feeling that if we should adopt the alternative he suggests the bill would be pretty much as it is now, only not so good, probably, and it would be whittled down so that there would be nothing but discriminations in it, and the great improprieties against which the Senator is so valiantly contesting would still remain.

In my opinion, the chance to write a law of this kind will not soon come again. I believe a majority of this body now are for the kind of law the Senator would like to have—a law that deals with practices rather than with persons. I have the feeling that we can secure the cooperation of both the opposition and the proponents of the pending bill in bringing a revised measure to the floor, and getting a vote on it long before this session is over, so that the body at the other end of the Capitol can act on it. If we will do that, I think we will have done a better job for the country than the present bill.

Mr. HATCH. Mr. President, in answer to the Senator I desire to say that nothing would give me greater pleasure and greater delight than to work out such a bill, and I shall be glad to do so along the lines I have suggested; but why tie the effort we have made so far with this bill to something that may not come about? I should be perfectly willing to take the steps I have suggested; and we all know as a practical matter that it would be 2 weeks or 30 days before there could be any action on the bill in the House, and in 1 week's time or less we could work out a bill such as the Senator suggests.

Mr. TYDINGS. Mr. President, of course, sometimes, we all have to vote for things we do not completely like, because we like a large part of them. That is an unavoidable situation, but as a general rule, I feel that it is bad policy to pass a bill with which we are not pretty well satisfied when we are really for what the bill seeks to attain. A number of men who are in the opposition—at least, two or three to whom I have talked—would vote for such a bill as I have suggested, but they cannot bring themselves to vote for the pending bill. I think the Senator would whittle away some of the opposition, and lose none of his support, if the plan I have suggested could be adopted.

I have made that suggestion with no idea of sabotaging the legislation of the Senator, but in the hope that it would lead to the Senator getting what I know is close to his heart.

LAND AND NATIONAL SECURITY

Mr. LEE. Mr. President, our Government has in the past turned to the land as a means of taking care of the unemployed who periodically accumulate. Every time there was a depression the Government would open a new frontier for settlement and drain off the disinherited; but today there are no new frontiers to open. Therefore our Government must provide means of helping the family farmer to purchase and pay for a farm of his own.

At the present time big-scale farming is sweeping the family farmer from the land and sending him to town to seek employment on the relief rolls. Big landowners are discharging their tenants and farming their land with power machinery, but the family farmer who farms only a small unit cannot do this. The size of his farm will not justify power machinery. Therefore he either goes broke and moves to town or else he buys power machinery and rents the farms of his neighbors and they go to town. In either case the present tendency is for the family farmer to be crowded off the land and start his trek down the highway with the sharecroppers.

This threatens the very security of our Nation. Today 42 percent of all the farms in the United States are farmed by tenants. In Oklahoma, Arkansas, Texas, and the deep South the percentage is almost two-thirds; that is, two-thirds of the land is farmed by tenants. But the most alarming fact about it is that tenantry in the United States is increasing.

I am convinced that the Government can solve this problem, first, by reducing the farm-benefit payments to the big-scale operator and correspondingly increasing them to the small-unit farmer; second, by giving the tenant farmer a chance to own the land he tills.

By insuring the mortgage, the Government can give these tenant farmers an opportunity to buy farms of their own. This can be done without taking money out of the Treasury, but by simply extending the Government's credit to the farmer in the same manner that it is now being extended to the city dweller through Federal housing. Give the farmer easy terms, so that he can make the farm purchase itself.

Such a measure has already passed the Senate and is now pending on the House Calendar. Such a program as this offers permanent relief from unemployment. Place a family on the farm with the hope of becoming the owner of the farm, and you have started a self-sustaining program.

Such a program would increase our national security. Put people on pavement and they will starve, but put them on the land and they will live. The best way to help a man is to help him help himself. This program will do just that.

We must not only find jobs for unemployed men but we must rehabilitate the men themselves. We can do that only

by giving them an incentive. There is nothing that will rekindle the fires of hope as will the opportunity to own land.

In the past we have been wasting the two greatest assets in America—men and soil. One is indispensable to the other. The erosion of the soil and the erosion of character are simultaneous processes. With the washing away of the fertile virgin soil of America, we have also suffered tremendous erosion in human character. A great nation cannot be maintained on eroded, unfertile land. Neither can the fertility of the soil be conserved when it does not belong to the man who runs the plow.

A great nation cannot be maintained when the majority of the people own no property. Many of our farm tenants and sharecroppers have already lost hope, and are now in a fit mood to listen to the dangerous doctrine of "isms." There is no fall so dangerous as the fall of those invisible towers of faith. The answer is to make possible a farm for every farmer and a home for every family.

William C. Bullitt, former Ambassador to Russia, tells this story: A few years back he attended a dinner in Moscow with some of the old Bolsheviks who subsequently were purged. They were talking about the early days of bolshevism, when Communist Russia was struggling for its existence. They were conferring with Lenin about the menacing drive of the White Russian armies when he surprised them by saying that he believed the peasants ought to be allowed to own their farms, just as they did in capitalistic countries. Several of the old Bolsheviks present replied, "Oh, no. We couldn't vote for that. It would be contrary to orthodox Marxism."

Whereupon Lenin retorted, "You fools; don't you understand? Let the peasants feel the land, hold it, run it through their hands. Then they will fight for it against the returning landlords and win. Afterward we can take it away from them and communize it."

Which is just what Lenin did. The peasants, fighting for their own land, put up a magnificent battle. The "Whites" were stopped, and Russia became a great power, whereupon the farms were collectivized.

Today the Finnish-Russian War presents a parallel. The Finns are fighting for their own land. But the Russians are fighting for their collectives, and, consequently, fighting with a remarkable lack of zeal.

The love of Americans for the land is one of our great national traits.

There is something inspiring and majestic about the feel of ownership. As a man walks on his own soil and gets the feeling that there is something firm and substantial under him, it makes him a better man, willing to die, if need be, for that small plot of earth, but, which is even more important, it makes him willing to live, work, suffer, and sacrifice in order that he may continue to own that land.

This desire to own land is one of the most powerful motivating influences inherent in humanity. Because of it, America was settled in an unbelievably short time. This urge to own land pushed our frontier farther and farther west in the face of the dangers and hardships of frontier life.

Fifty years ago teeming thousands of land-hungry people awaited the signal on the Kansas-Oklahoma border. They awaited the signal which would open new land to settlement in the Territory of Oklahoma. Every one of these new settlers had dreams of an empire, and that empire was 160 acres of land, and the ruler of that empire was the settler himself.

As these settlers became homesteaders, the feeling of ownership was strong upon them. They became rooted to the soil. They became a part of the community. They lived on little and did without much. Their sacrifice was cheerfully made because of the hope of full and complete ownership of that tract of land. No matter whether the soil was rich, fertile bottom land, or whether it was thin, unproductive hill country, that pride of ownership, that feeling of possession, was the same.

But many of these farms have been deserted. The families have moved to town to get on W. P. A., and the farms have been taken over by big-scale operators who farm them with power machinery. The trees in the small family orchards have died. The yard and garden fences have been moved to make way for the tractor. Only a few landmarks tell the story of a farmer who once made a home there for his family and farmed that land with the help of his family, but finally was forced to leave the land because of economic conditions over which he had no control.

We must make it possible for the real dirt farmers to own the land which they till. Then these deserted homesteads will be rehabilitated. Once more the family orchards will become snowy white with blossoms in the springtime, and hang low with a burden of fruit in the harvesttime. Once more the farmer's children will sing and whistle as they go about their chores, and we will have rekindled the fires of patriotism in the hearts of men.

The best answer America can give to communism is home ownership. We must launch a Nation-wide back-to-the-land program. The family farmer is the bone and sinew of America. We must save him in order to save ourselves.

It is when the great mass of our people own no property that we are in danger. It is only in misery and distress that people turn to communism. Consider our tenant farmers, who move from one place to another. Consider our sharecroppers, who drift along the highways without food, raiment, or shelter. How much patriotism could we expect of them? They camp on some plot tonight, but they have no loyalty for the land on which they camp because they move on tomorrow; but give them a chance to own a small plot of that land and see what a miracle it will work.

If we want our people to sing, "My country, 'tis of thee; I love thy rocks and rills," then let them own some of those rocks and rills. When a man tills his own soil he is twice fed by it. In addition to the fruit it produces there is a spiritual manna that feeds his soul and inspires him to noble deeds. When a man leans up against the forks of his own apple tree you cannot persuade him to plan the destruction of his own country.

Mr. President, I suggest that two things are necessary in order to keep the family farmer on the land. One is to decrease the Government benefit payments to the big-scale operator, and correspondingly increase the payments to the small-unit farmer. Three years ago the Senate adopted an amendment to the farm bill placing a ceiling on the amount of payments which could be made to any one farmer. As I remember, that ceiling was $300, the payments then graduated above that. The House adopted an amendment placing a ceiling of $10,000 on the amount which any one farmer could receive. In conference that amendment was accepted. Since that time the House has adopted an amendment—I believe it is House bill 3800—placing the ceiling at $5,000 for all farmers except those landlords who have tenants, and graduating the payments above $1,000, that is, allowing the first thousand dollars to be paid, and then above that the payments reduced by 25 percent, then placing a ceiling of $5,000 on the amount which any farmer could receive, except that those landlords who have a number of tenants would be allowed to receive their proportionate share of the payments without any ceiling at all. This in effect would repeal the law which we now have on the books, and allow payments to go on up to those unreasonable sums which we were paying to big-scale farmers, big-scale operators, and big landlords.

I have presented an amendment which would retain the over-all ceiling of $10,000 we now have, regardless of whether the amount is paid to tenants, or in what form it is paid. I think that is too much, but if we could get that enacted into law, we would, to that extent, help the small farmer.

I am told that last week an article appeared in the New York Times telling how the biggest farmers—and the insurance companies are the biggest farmers—were receiving, according to my informant, up to $200,000 payments from the Government as Government benefit payments.

The purpose of our farm legislation is to help the man who needs help. I contend that such a program is not helping the man who needs help. Most of these insurance companies are unwilling owners of the land. I have no criticism of them. They made loans upon farms or they purchased farm

mortgages, and they found themselves the unintentional and unwilling owners of a number of farms.

One life-insurance company is the biggest farmer in the United States. One life-insurance company owns three-tenths of 1 percent of all the farms in the whole Nation. One life-insurance company owns over 7,000 farms. Now, then, add and cumulate the amount of payments of like character to the one made to this one "farmer," so to speak, and it will be found that out of our Treasury we are paying hundreds of thousands of dollars to these big-scale operators.

I say we ought to limit those payments. Ten thousand dollars is a certain sum of money, and I think we should certainly not go beyond that. I think we should limit the payment to $300.

Three years ago, when I had the figures at the tip of my tongue, 96 percent of the farmers received less than $100 each. Ninety-six percent of all the farmers of the United States received less than $100 each in Government payments, benefit payments, and in the other group of 4 percent we found the big-scale operators, some of whom received over $200,000 in Government payments.

If the amendment to House bill 3800, which passed the House, is adopted by the Senate, we will again take off the ceiling. Under the guise of lowering the ceiling, it will again take the ceiling off the payments, and so long as those landlords who are operating their big plantations can get families to pose under the guise of sharecroppers or tenants they can collect their payments and the payments will continue to be made.

Mr. McKELLAR. What is that amendment, Mr. President?

Mr. LEE. It is a separate amendment to House bill 3800, which is now before a subcommittee of the Committee on Agriculture, the chairman of which is the Senator from Mississippi [Mr. BILBO].

Mr. President, I believe we ought to reduce the payments below $5,000. Perhaps that is as far as we can go. The Department of Agriculture has defended these big payments on the ground that if they do not pay to the big-scale operator on the same basis that they pay to the small-family farmer the big-scale operator will not cooperate with the reduction program but will increase the production and upset the apple cart so far as the farm-reduction goal is concerned. I suppose that is to some extent true, but I do not grant that it is entirely true. I am inclined to think he would continue to cooperate if we put a ceiling on payments.

Mr. President, that simply proves what I have advocated ever since I became a Member of this body, and before, that fundamentally we must shift our agricultural program from one of controlling the acreage, and thereby the output, in order to raise the price, over to the domestic-allotment plan, which would guarantee simply a fair price on each farmer's share of the domestic market. I have been hoping that the Democratic Party would advocate that program.

Yesterday I read to the Senate the farm program advocated by Thomas Dewey, one of the candidates for President on the Republican ticket. The eight points set out by him are simply a rehearsal of the farm plan we now have, and which has been in operation for some time.

Another candidate for President on the Republican ticket, the Senator from Ohio [Mr. TAFT], one of our own colleagues, has, in effect, advocated about the same thing.

I should say that another of our colleagues, the Senator from Michigan [Mr. VANDENBERG], has, however, indicated that he would be very friendly and receptive to the domestic-allotment plan for a farm program. In his speech of February 13——

Mr. McNARY. Mr. President, that speech was made at St. Paul.

Mr. LEE. Yes. I thank the Senator. In the speech the Senator from Michigan made at St. Paul, he advocated a program of guaranteeing the American market to the American farmer at a price level equal to the American standard of living. He also referred to the old McNary-Haugen bill, which in my opinion was also a sound approach to the farm problem.

I should like to see my own party advocate a program for the farmer which is sound and can be defended. I have supported our farm program, and I am still supporting our farm program on the ground that it is all the program we have; that it has saved the farmer from bankruptcy, and that it has much more good in it than that portion with which I do not agree. Nevertheless, I do not believe it is sound to reduce the American production enough so as to raise the world price level. We do not produce all the farm commodities in the world. We produce only a portion of them. That program is based on the principle of reducing that portion which we produce enough to raise the level of the whole world price. That is like trying to raise the water level in a lock without cutting it off from the main body of water. It is not fundamentally sound. But if we separate that which we want to raise from the world production and the world market, then we can raise the price level. The domestic-allotment proposal is that we allot to each farmer his share of the domestic market and for that share guarantee him a parity price.

We cannot be sure of any market except the domestic market. The only market of which we can be absolutely certain is the domestic market, and in view of the fact that we can be sure of it, I think we would be on safe ground if we were to say to each farmer, "We will guarantee you your share of the domestic market."

As it stands, the Senate Committee on Appropriations has just favorably reported the Department of Agricultural appropriation bill, and they have, I am glad to say, included an appropriation of $212,000,000 for parity payments. Two hundred and twelve million dollars will not pay full parity payments. We have been talking about parity payments, but each year it would be two-thirds of parity payments, or three-fourths of parity payments, or a portion of parity payments. The farmer has done his part, but we never have paid him parity for any portion of his crop. We could place his program on such a basis that we could guarantee full parity, but the only way to do that is to separate the domestic market from the world market, and have a two-price system guaranteeing him a parity on that portion of his commodity which we consume in this country and allowing him to sell above that all he wants to, but place him on notice that what he raises above his domestic allotment he will have to sell on the world market, or else keep it; put him on notice there will be no Government loans on it to cause it to stack up in warehouses and become an embarrassing surplus to the Government. If we will launch a program such as that we can guarantee the full parity.

In my opinion, a farmer, except on rare occasions, has never enjoyed parity. Cotton at 16½ cents a pound is not parity, because cotton has always been a crop which is produced by low-priced and low-paid labor, and it has always been below parity. Colonel Westbrook, of the Work Projects Administration, has figured out that it takes 1 man-hour of labor to produce 1 pound of lint cotton. If we put the the cotton farmer on the same basis that we put the industrial worker, then we would put a value of 25 cents a pound on every pound of cotton we consume in this country; we then would be willing to guarantee him the same justice that we guarantee the industrial worker in our wage-hour law, limiting wages to 25 cents an hour.

If we should guarantee the farmer 25 cents a pound for the cotton we consume in this country, we could close up every relief roll and every W. P. A. program in the cotton-raising districts of the country, and we should have a surge of prosperity which would be surprising.

The domestic-allotment plan is found in Senate bill 2787. It is a self-financing program. Secretary Wallace has been trying to "sell" the committees on the income-certificate plan. I would support that plan, because it, too, is a self-sustaining program. But I understand he is having trouble, because the Treasury Department says it is an invasion of the functions of the Treasury Department. I am not quoting the Treasury officials, but in effect it is their opinion that it is an invasion of the function of the Treasury Department, because the income-certificate plan would work in this way: Each farmer

would be given so many income certificates, and the income certificates would be purchased by the manufacturer as a sort of license for doing business. They would be sold by the Agricultural Department. The money would go into a pool, and out of the pool the Agricultural Department would pay the benefit payments, which would cause the Agricultural Department to perform a function intended to be performed by the Treasury Department—namely, the collection of revenues of the Government and the paying out of funds of the Government. Therefore the income-certificate plan has run into trouble.

We should not have that trouble with the proposal I am discussing. It would be a self-financing plan. The manufacturer of cotton goods for use in the United States is faced with a choice. He must either pay a tax equal to parity, or he must buy from the Commodity Credit Corporation or through the Commodity Credit Corporation the cotton which he manufactures for domestic use, using the Commodity Credit Corporation as a kind of clearing house. If he buys through the Commodity Credit Corporation he is given credit for 99 percent of the tax levied upon him. Consequently, he would buy through the Commodity Credit Corporation and be given a credit of 99 percent of the tax. The Commodity Credit Corporation would sell him the cotton at parity price, and in turn pass that on to the farmer, who previously had sold his cotton to or through the Commodity Credit Corporation, leaving 1 percent tax collected.

The purpose is twofold. One is that the manufacturer would have to keep books. The other is that the plan would provide a little fund to pay for the administration of the act. In that way we should have a self-financing program without invading the function of the Treasury Department. We should have a program which would finance itself, and hold up the price without direct price fixing. We should have a self-operating, automatic farm program, an all-weather farm program, which would stand on its own feet.

The way matters are today, if we take our hands away from the program it falls over, with the result that every year we have to come back and sweat, beg, plead, and work in order to obtain a partial parity payment, because we depend upon the system of appropriating and paying out, which would not be necessary with a self-financing program such as the one I am describing.

I shall try to explain the domestic-allotment plan. In the first place, each farm would be given a production base. That production base would be based on scientific agricultural data which the Department of Agriculture now has. Such a program would support our soil-conservation program.

For example, let us consider three farms—A, B, and C. The soil-conservation officials and the officials of the Department of Agriculture know that farm A has 80 acres, and that under good farm management farm A should have 40 acres in pasture. That leaves 40 acres for cultivation. Twenty acres should be used to raise feed and food. That leaves 20 acres to be put in a cash crop. According to good, sound farm management those 20 acres may be devoted to crops year after year without depleting the fertility of the farm. Therefore, we have 20 acres of that farm which may be devoted to soil-depleting crops. Cotton is a soil-depleting crop. If the average production of cotton in the vicinity is half a bale to the acre, the production base of that farm would be 10 bales of cotton. In other words, on a sound farm management basis, with balanced agriculture, that farm could produce 10 bales of cotton year after year without depleting the soil. That record would be written down in the county office at the county seat. The farm production base is 10 bales of cotton.

Let us say farm B is a farm of 160 acres. Sixty acres should be in pasture. One hundred acres may be in crops. Let us say 40 acres may be in soil-depleting crops. Let us say that the yield in that community is one-fourth of a bale to the acre. That would mean that that farmer would also have a production base of 10 bales. But if the yield were half a bale to the acre, he would have a production base of 20 bales, which would be recorded in the county office.

Farm C is a farm of 200 acres. One hundred acres may be put in cotton. It is a fertile farm. Let us say 1 bale to the acre can be raised. If the farmer had 100 acres in cotton he would have 100 bales. However, there are other considerations. He might have a big family. Perhaps he himself could farm the land, but more than likely he would have a number of tenants on the farm. Then each tenant would receive an allotment on the same basis as that applied to the other 2 farms.

Suppose that the total amount of cotton the United States can produce year after year is 12,000,000 bales. We can produce 12,000,000 bales every year without depleting the fertility of our soil. The fact is recorded in Washington as the cotton-production base.

Suppose that at the beginning of a crop year the Secretary of Agriculture announces that we need 6,000,000 bales of cotton for domestic consumption. Then the Secretary will announce that 50 percent of the cotton-production base of the United States will be needed for domestic use that year. Every farmer can figure out his own allotment without a group of people coming to his farm, measuring his land, and in other ways disturbing the farmer. Farmer A will know that half of his production base, which is 10 bales, is 5 bales. He will know that he has a domestic allotment of 5 bales of cotton. Farmer B, who has a production base of 20 bales, will know that his domestic allotment for that year is 10 bales of cotton.

According to the bill, there is a floor of 20 cents a pound under domestic cotton. I did not have quite enough courage to go all the way and put the farmer on the same basis as the industrial worker and put a floor of 25 cents under cotton, because it takes a man-hour of labor to produce a pound of lint cotton. I should have done so, but I did not. But even if he receives 20 cents a pound, Farmer A will know that he will receive $500 for his 5 bales of domestic cotton. Farmer B will know that he will receive $1,000 for his 10 bales of domestic cotton. Farmer A and Farmer B may raise all the cotton they wish above their allotments with certain limitations.

The soil-conservation program is a limitation on the amount of cotton that may be produced, or the amount of soil-depleting crops that may be planted. We have considerable control under the soil-conservation program. However, within the limits of the soil-conservation program Farmers A and B may raise as much cotton as they wish; but they are put on notice that all the cotton they raise above their allotment will have to be sold on the world market, and that there will be no Government loan with respect to the amount above the allotment. Therefore Farmer A says to himself, "The world price has gone to 6 cents a pound." He will say, "Well, I might have a bad year; I might be better off by raising my full quota." So he plants more than it would normally take to make his quota of 5 bales of cotton. Let us say he has a good year and raises 10 bales of cotton. Very well. He has a choice then of taking the surplus 5 bales to town and selling it on the world market, or he can store it in his shed and the next year he can turn it in as his domestic allotment, if he wants to do so, and get parity payment for it, or 20 cents a pound; or, if the war should continue and cotton should go up to 10 cents a pound, he could go to his shed and take his bale of cotton, carry it to town, and sell it. He would get $50 for that bale of cotton. He might sell it all or he might sell part of it, but if he keeps it it is better than a bank account, because when the next year comes around he can sell it at the Government price of 20 cents a pound. He cannot spend it until that year comes around.

Now let us see how it would work with respect to the 5 bales allotted to him. The county agent will give Farmer A a 5-bale certificate and Farmer B a 10-bale certificate. Today the Commodity Credit Corporation operates in this way: The Commodity Credit Corporation in the little town of Pottsville, let us say, goes to the banker and makes arrangements with the banker. It says, "Whenever a farmer brings you in his cotton and he has the ginner's certificate showing the poundage, make him a Government loan at a certain price on that cotton." That loan amounts to a sale; it

amounts to a purchase today, because the loan price is a little higher than the world price. The banker makes that arrangement. The Commodity Credit Corporation does not have an agent located in the town, and it simply makes arrangements with the local banker to attend to the transaction.

Under this proposed plan, the procedure would be the same. The Commodity Credit Corporation would simply make arrangements with the local banker or the local cotton buyer or finance group to do that which they are already doing. So Farmer A would take his bale of cotton, the ginner's figure showing its weight, and his bale certificate, and go to the banker, or whomever had been designated to represent the Commodity Credit Corporation, and the banker would make him a price of 20 cents a pound, or whatever price was fixed as the domestic price for that cotton.

That would be the end of it so far as the farmer and the Government are concerned. That cotton would then flow in the channels of trade just like it flows today. There would be no change at all. It would go to the warehouses just as it does today, and manufacturers of cotton and millers would have a chance to have their buyers at certain spots to buy the different kinds of cotton they want. The cotton would go to the warehouse and be cataloged. Farmer B would follow the same course as that pursued by farmer A.

Some asked, Suppose the manufacturers want some cotton which has not been brought to the market with the tags? That is a good question, because sometimes cotton manufacturers want the whole field from which to choose. Under the provisions of this measure, just so they made their purchases through the Commodity Credit Corporation, they could purchase any cotton. The cotton, in other words, on which the domestic price is paid would not necessarily be earmarked. The miller would have the whole crop from which to choose. The bill simply uses the Commodity Credit Corporation as a kind of clearing house, and that would make it possible for the manufacturer to have the whole field from which to choose his cotton for manufacture for domestic use.

Let me point out why the manufacturer then would be willing, through the Commodity Credit Corporation, to pay 20 cents a pound. If he did not, if he brought on the world market at 6 cents a pound, then he would have to pay a tax equal to the domestic price, which would be 20 cents, and, therefore, he would have to pay 26 cents a pound for the cotton which he manufactured for domestic use. Of course, he would not do that; he would buy through the Commodity Credit Corporation and pay the domestic price for all of that which he manufactured for consumption in this country.

Another question asked is, How would you keep books on it in order to prevent the manufacturers bootlegging? In the first place, the Commodity Credit Corporation is the bottleneck through which the cotton flows, and there would be a check on it there. Then the inspector would go to the manufacturer and the miller and say, "Let me see your books." Remember, he has to pay a 1-percent tax on all that he manufactures for domestic use, and that causes him to keep books. The inspector says, "Let me see your books; how much have you manufactured for domestic use?" On this side of the ledger is the amount that the manufacturer has manufactured for domestic use. Then the inspector would say, "Let me see your bale certificates." If they correspond to the amount of cotton which the manufacturer was manufacturing for domestic use, his books then balance. If he is short certificates, then it shows that he has undertaken to manufacture for domestic use some cotton which he purchased at the world price. With that device there could be kept, in my opinion, a better check on it even than it was possible to keep under the processing taxes, which most people said were a success. There would be little or no opportunity for bootlegging. Let me say, to the credit of the manufacturers, it is my experience that the bigger the manufacturer the more sincerely he tries to carry out the law of the Nation. So I anticipate no trouble on that score.

The bill provides that the manufacturer may purchase in the world market cotton for the export trade, or, if he sells abroad some cotton for which he originally paid the domestic price, the bill allows a rebate or a readjustment, so that he will be protected in his competition abroad.

With a device such as this we would have a farm program that would continue. We would not have to take action in Congress in order to make it succeed. On the contrary, the Congress would have to take an aggressive attitude and perform an overt act in order to keep it from succeeding.

At present, whenever Congress fails to appropriate sufficient money from the Treasury to meet the parity payments, the whole program falls. I want a self-sustaining and self-financing program that it will take an act of Congress to keep from working. Then we will have a greater guaranty through the hard years that the farmers will have a program.

The question is raised, "If you do this, if you raise cotton to 20 cents a pound, will it not also raise the price of cotton goods the farmer has to buy?" Yes; to some extent, but not greatly, because the raw product does not constitute a large part of the cost of the commodity. For example, as nearly as I can ascertain, on a pair of overalls that now cost, say, $1.25, the increase in the price of cotton would increase the cost of the overalls 12 cents a pair, which is not unreasonable. Of course, there might be those who would try to use it as an excuse to "jack up" their prices and increase the spread between the raw and finished product, but we have the Sherman antitrust law to take care of that and to give protection on that score. The price of the finished product would not be greatly increased, but the farmer would be vastly helped and his purchasing power would be so much increased that he could buy the things which he needs today.

Every farmer needs something on his farm. I dare say that today every farmer needs an extra hired hand. I have a farm. I need some new barbed wire; I need some metal roofing; I need harness; I need a new cream separator; I need a tractor; I need other farm machinery; I need all the farm equipment replaced; and if the income from the farm justified it I would purchase all those things. I would put on another hired hand; I would have him repair the barn; I would assign another to painting the house, which would cause me to buy paint. That would increase the market in this country. But the farm income does not justify such expenditures.

This plan embodied in this particular bill applies only to wheat and cotton, because they are the two heavy export crops. It is possible it could be applied to some other crops, but I have made a special study of the two particular crops, because they are the ones that now cause us the most trouble. They are our heavy export crops, and our export market has dwindled. We have lost much of our foreign trade in cotton and some in wheat.

If our Government would adopt a program of domestic allotment it would not cause, as some fear, a great and unholy increase in farm production, as I propose to show. In the first place, the farmer is no fool. He does not like to do hard toil at a loss. But always in the past he has had to increase his production whenever the price went down because he has certain fixed charges which he must meet, and in order to meet those fixed charges, instead of being able to reduce his production with the hope of running prices up, he has always increased his production because he had to. He has to meet his taxes. They must be met in cash, and that is an expenditure that does not vary up and down.

He has had to meet his interest charge. That is in cash, and it does not vary up or down. Consequently he has increased his production when the price was low.

Now, let us see what this plan would do:

Farmer A, with as low an allotment as five bales, would know that he would have a cash income of $500 for his share of the domestic market. If he wanted to sell two or three additional bales on the world market, and get $30 a bale for them, he would have that choice. He could do it, but I do not believe he would deliberately plant and raise cotton to sell at 6 cents a pound when he knows that that is below the cost of production. Therefore he would just allow enough for a margin. He would not increase his production when he had an opportunity to reduce it voluntarily. This plan would give him

that opportunity because, on the basis of $500, most 80-acre farmers in my part of the country would have more income than they have had since the World War. Five hundred dollars would be heaven on earth for them.

Mr. MILLER. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Oklahoma yield to the Senator from Arkansas?

Mr. LEE. I yield.

Mr. MILLER. Assume that the enactment of the measure advocated by the Senator would increase production. That, of itself, is not an argument against the passage of the bill. Let me submit this thought to the Senator:

Regardless of the amount of production of cotton by the farmers of this Nation, it would not interfere with the amount of domestic consumption. That income would be fixed, and the economics of this Government or our people would not be interfered with whether we produced 25,000,000 bales or whether we produced 15,000,000 bales. The surplus would move on the world market for whatever it was worth, and would be governed by the world price. Therefore, even if production would be increased, that is not an argument against the enactment of this measure.

Mr. LEE. That statement is absolutely correct. I never could understand the fear expressed by those who oppose this legislation that the farmer is going to produce too much. As I say, this statement applies to wheat also.

Doctor Seiberling, who was in the Department of Agriculture, made a survey of the United States; and, as a result of that survey, he reported that if every family of the United States were on a balanced menu—a class B menu, so to speak—42,000,000 more acres in cultivation would be required to supply the necessary food for the families in the United States. The greatest opportunity for a market is here in the United States.

Suppose a farmer of Class A raised twice his allotment. What would he do with it? He would either have to keep it or sell it on the world market. If he sold it on the world market, America would be regaining her place in the sun so far as being an exporter of cotton is concerned. If he kept it, it would be his. Every time he passed it, he would say, "That is my part of the surplus." Do you think he then would deliberately increase and increase his part of the surplus, when he would know all the time that the only part for which he would receive the domestic price would be his allotted quota, and he would know that on every fair scale that would be his share of the American market?

So far as I can see, there is no legitimate objection to allowing the farmer the right to produce what he wants to produce. Incidentally, it would restore to him the feeling that he is lord of all he surveys. Why is the farmer out there scratching the face of the earth? Because he is an individualist, and he is about the last individualist left; because he wants to be the boss of his land; because he does not want to be regimented; because he wants to farm his farm as he wants to farm it. Give him that opportunity, and I say you will rehabilitate him, make him feel better, and make him a better American.

Thomas Jefferson once said, "If we are told from Washington when to sow and when to reap, we shall soon want bread." Apparently that day has come.

I say, give the farmer his chance. Give him his share of the American market. Tell him, "For that we will give you an American price which is in line with the price of the things you have to buy."

Take the Montgomery Ward catalog today; take the Montgomery Ward catalog of 1913; lay them down one by the side of the other, and see the difference in the prices of the articles the farmer has to buy. Then compare the price the farmer received for his commodity in 1913 with the price today, and you will see what has happened to the American farmer. You will see what a licking, what a beating he is taking. Then you will understand why there is the present exodus from the farm.

Then you will know what has happened to the family farmer who uses 160 acres of land, more or less, to raise a family. He farms it with his family and for his family. He educates his family there. He is the bone and sinew of America. What has happened to him today? He has been swept off that farm. He has been moved to town, and has gone on the W. P. A. rolls. He cannot help it. He has joined the trek on the highway with his sharecroppers, and they are a pitiful group, too.

Can we build patriotism in the hearts of men who have no hope? Patriotism itself is the hope of home and security of life. Patriotism cannot be stimulated in the heart of a man who camps here today and moves on tomorrow.

There are two things that are absolutely necessary if we are to save agriculture. One is a more permanent farm population—and that means home ownership of the land—and the other is better farm prices. We are not going to attain those results in this piecemeal way, appropriating a little dab every time we deal with the matter. We shall have to appropriate enough money out of the Treasury to pay the farmer parity. I doubt if we can do it. That is not the proper method in which to do it, anyway. I say give the farmer a tariff. For 150 years the manufacturer has had a tariff, and he has waxed rich and wealthy on account of it. Do you find any millionaires on the farm? Do you find any millionaires in the ranks of labor? Do you find any millionaires among those who produce the wealth of the country?

There is a difference between producing wealth and accumulating wealth. We have plenty of wealth in America—more than any other nation has. This is a wealthy Nation, but the wealth is not property distributed. We have it here, but it is in lumps. We shall have to level it out. We shall have to take it from the big lumps and put it down in the valleys if we are to have buying power; and we shall never have security in this country until we do.

The land—Mother Earth herself—is the foundation of every nation. National security is based on the soil. If we separate men from the soil, we shall not have men who will fight for the soil. Let a man own a piece of land, and he becomes rooted to it. He wants to live there. He wants to raise a family there. We see the churches improve. We see the schools improve. Show me a community where people do not own the property and I will show you a community that is run down at the heel. Show me a community of home owners and landowners and I will show you a community of men who will fight for their land.

Give us home owners. They are better citizens in times of peace. They have more to live for. Give us landowners. They make better soldiers in times of war. They have more to fight for. We shall have to start at the grass roots, and that means the family farmer.

A great and prosperous nation cannot be built without being based on the family farmer, the man who tills the soil, the man who runs the plow; and we shall have to bring about that condition in this country.

I am tired of our piecemealing along. It is like trying to cure a case of smallpox by putting a plaster on each pimple, one at a time. We shall have to get at the scurce of the thing, and that is the farm population. Get buying power in the hands of 130,000,000 people in this country at one time and watch that buying power come to town. When the farmer comes to town with money, the merchant sells; and then the merchant buys from the factory, and the factory sells; and the wheels turn, and the hitchhikers commence to get back their jobs, and the country is back on the road to prosperity.

We have enough wealth in this country. There are five spokes to the wheel of prosperity:

One is the producer of the raw product, the farmer.

Another is the laborer who develops the product.

Then there is the consumer.

Then there is capital.

Then there is management.

In the past where have the profits of industry gone? They have gone to the last two named. Capital has drawn too much and management has drawn too much. The investigations reveal that men like Mr. Grace, president of the Bethlehem Steel Co., are drawing unconscionable sums for salary

and then unconscionable sums for bonuses. A vice president, the lowest-paid one, received $34,000, and he drew a quarter of a million dollars bonus, thereby hiding the profits of his industry.

I say those profits should be distributed to the producer of the raw product; they ought to be distributed back to the laborer, the man who performs the toil. Has he gotten rich? Show me a laboring man who ever accumulated a fortune. But the interests, the fellow who has loaned money and drawn high dividends, has gotten rich. I am not trying to punish them; I merely would like to see justice done in this country.

We can start out together a young man and $10,000—which is what the Government said during the war one man was worth—start $10,000 and a young man out together, let this young man toil every day for 30 years, until the best of his substance is gone, and let that $10,000 run on current interest for 30 years, and at the end of that time what will you have? You will have a man whose health usually is impaired; you will find a man who does not have enough rations to run him a week. On the other hand, you will find that the $10,000 has grown into a veritable fortune. It is a certainty against an uncertainty, and the high rates of interest the farmers have had to pay on their mortgages are ridiculous.

We finally transferred the Farm Credit Administration to the Department of Agriculture, so that they could humanize it. I am glad to see it moved over into the Department of Agriculture; and if they do not humanize it, I will favor moving it again.

Farmers have been paying high interest rates. Some years ago I was in Omaha, Nebr. There I talked to a very fine young man, a Mr. Clark, president of one of the biggest banks in the whole country. I said, "Mr. Clark, for what rate will you lend money to the Swift Packing Co. of Omaha?" He said, "One and a quarter percent." I said, "How much will you charge a farmer, a good-risk farmer, for money?" He said, "Six percent." I said, "What is the difference?" He said, "One is a surety, the other is a gamble. One is slow, the other is quick."

Mr. President, that may well be. A while back gamblers on the stock market could borrow call money with which to gamble on the market at less than 1 percent.

But can a farmer get money for that? We have been trying to get the farmer's interest rate down to 3 percent, and the 7 years of the New Deal have made 3 percent pretty good interest. I am glad to say we are trying to get it down to 3 percent, and yet in the Committee on Agriculture of the House of Representatives they have jacked it up another percent, and made the rate in the farm benefit bill 4 percent, on the ground that the farmer has to get it.

Tell me where you can get 4 percent today on anything that is better security than is offered by a farmer in the way of a mortgage, a first lien, on the very foundation of this country. You cannot find it. Where can you get even 3 percent for over $1,000? The Government will give you 2 percent on postal savings, and Government borrows money at less than 2 percent. But when it comes to the farmer, we have to raise the interest rate.

Mr. President, we must increase the farmer's income, and we have to make the farmer more secure on his farm. We have to give him a chance to buy it back.

Fifty years ago thousands of land-hungry men and women assembled on the northern border of a Territory called Oklahoma. They had assembled from all through the States. As a result of increasing labor-saving devices they were the disinherited. They were seeking land; they lined up along that border waiting for the signal which would give them a chance for a home in the West. At 12 o'clock noon a United States cavalry trooper lifted his watch and looked at it; he lifted his pistol and fired a shot heard round the world, a cannon flamed, and thousands of land-hungry people swept down across a new State and staked out farms. That night the savory odor of frying bacon rose from every quarter section in that Territory. That night those homesteaders dreamed dreams of a future. There they were, willing to pit flesh and bone against all the hazards of a pioneer life.

I saw them dig into the ground. We lived in a dugout. I saw them live on alkali water. We had "gyp" water so strong you could hardly sink an ax in it. I saw them live on white gravy. In the East I have seen people live in log cabins where there was timber. In the West I saw them pick up the sod behind the plow and build sod shanties and live in them.

Then they started the fight against the drought and flood, against windstorm and duststorm, against heat, against cold, I saw them endure the hardships of pioneer life in order that they might have a little plot of earth on the face of this terrestial globe which they could call their own.

Then the years passed. I saw these pioneers as they plowed up a little bit of ground and sowed a few seed in the sod. The first few years were kind to us. Mother Nature was good. The rains came, and the virgin fertility of the soil, which had not been depleted, was good to us. Then came the drought. The hot winds swept up from the south and the southwest. The little orchards we had set out died one after another.

I saw those people as the interest rates overtook them, good years and bad, but the interest rate of 8 percent marched on. In some places there was a limit of 10 percent. Above that was legal usury. The homesteads were taken away from the farmers. They lost the farms because of four things. First, because of the high interest rate. We are beating that down. Again, they lost their farms because of low-priced farm commodities. We are trying to jack them up. Again, they lost those farms because of depleted yield or lost fertility. We are fighting back with the greatest soil-conservation program that has ever been launched. Again, they lost the farms because they could not meet the homestead tax, and some States are curing that situation. Our own State has passed a farmstead tax-exemption law fixing the limit at $1,000; Texas has a $3,000 State tax exemption, not local; Wisconsin has an exemption above $3,000, I believe, on State taxes and local, thereby making more secure the homsteads. We must rehabilitate these people.

Our Government has never faced the problem of unemployment. We have always postponed the solution by the land-opening method—merely by opening up a new frontier and draining off the unemployed. We are going to have increasing unemployment in this country as long as we have science, and I hope we will always have advancement in science. Science continues to give us labor-saving devices. Those labor-saving devices put men out of employment. I think it is progress when we can invent a mechanical robot which will lift the load from the back of humanity, and I favor it, but every time we do that it puts on the doorstep of the Government another problem for solution; that is, finding jobs for the unemployed of this country.

We have had the problem before, but we have never solved it. We have always postponed it by opening up a new frontier, as Oklahoma was opened up, and letting all the unemployed go out and seek a territory, and every time we would have another such problem we would open up another territory. Finally, we settled America from the Atlantic to the Pacific, and met ourselves coming back. Now we have no new territory to open. Therefore we have to stop and solve the problem of unemployment in some other way.

We are trying to do that. We passed a wage and hour law to cut down the number of hours of labor. We adopted a youth program to cut off on one end and an old-age-pension program to cut off on the other end. We have set up a works program to give employment to those who still could not find employment. Now we have to go a little further and do something permanent; that is, set up a farm-ownership program and a family ownership program which will give the farmer who farms the soil a chance to own the soil he farms. When we do that we will be getting somewhere.

I voted for the relief programs, and I intend to keep on doing so until we get something for the idle people to do. I know it is not good for a man, I know we bring about erosion of character, when we put a man on relief, but we cannot let these people starve. Under this program we feed a man a year, and at the end of the year he is still hungry, the money is gone, and he is not a dollar closer to self-support than he

was before; indeed, he is further away, because he has learned to lean on the Government. I know that. I voted for that program merely because there was an emergency, and we could not put off meeting it. Men cannot go hungry very long without dying of starvation. But I think the time has come now for us to level off on some program which will bring about permanency of relief, and one solution would be to give the people who have been pushed off the land a chance to get back on the land and to own it.

No matter what we do under the farm-tenant program, no matter how many people we rehabilitate on the farm, unless we give them a program which will hold farm prices up, they are going to lose the farms again. Therefore we have to get some other farm program than one which depends upon appropriations year after year out of the Treasury of the United States. The fairest way to solve the problem would be through a plan based on the domestic allotment, which will be a self-financing plan, and will raise the price of what people consume everywhere.

Is there anyone in this country who does not want to pay the farmer at least the cost of production of what they consume? Ours are fair-minded people. One thing of which America boasts is sportsmanship. We do not want to eat the food and wear the clothes produced from raw materials raised by the farmer without paying him a fair price for them. All that is necessary is for us to get the device, to set up the machinery which will bring about the result, and we can do that if we are willing to.

The domestic allotment on a self-financing plan which would cause the consumer to pay the domestic price for the farm commodities which are used in this country would do just that for the farmer; and whenever we do, whenever we allot to each farmer his share of the wheat market and say to him, "Your share of wheat will be 1,500 bushels; that will be your part of the domestic wheat market next year, and on that we will guarantee you $1.25 a bushel, which is a fair price for wheat," the farmer would know what he would have to depend on.

The way we would help the little family farmer by a program like this would be through the allotment plan, when we allotted a farmer above a certain amount what was estimated to be fair to the family sized farm, then above that put a ceiling on which he gradually cuts down so that the big-scale operator will not be getting the advantage of all the domestic market. We would not be taking anything away from the big-scale operator. He has the world price. He still could have the world price. He could raise all he wanted to and sell on the world market. We could then be in an economic position to compete with the low-price labor of the rest of the world if we wanted to. We would regain our world markets.

I do not want to see us go backward. I believe in a long-sighted policy. Eventually, when the seas again become safe so we can do so, I want us to carry American products in American ships and take them to other countries, climb up their stairs, and sell our American products to the people of other countries. I want us to have an exportable surplus which we can send to other countries, and I want those countries to send to us the commodities we do not have in this country which we have to buy in other countries. We want to exchange commodities with them.

Mr. President, to me the most fundamental thing in our economic perplexities today is the farm problem. In my honest opinion, if we will simply guarantee the farmer his fair share of the American market today, and American price, and then let him raise above that all he wants to, and put him on notice that he will not get a parity or bounty on it, he will not get a loan on it, we will have solved the farm problem on those farm commodities to which this system would fit; and it fits wheat and cotton perfectly, which are the commodities that are causing us the most trouble now, because they are the heavy export commodities.

A hundred years ago this thing started. It was argued then that the manufacturers wanted a tariff. They said, "If we are to compete with the manufacturers of old countries we will have to be protected." And it was argued, with good logic, that we should protect our American manufacturers with a tariff system until they got on their feet, with the belief among some that when they got on their feet these tariff walls would be reduced.

But just the opposite happened. The higher the tariff wall went the stronger grew the industrial group. The stronger the industrial group grew the higher the tariff wall went. All the time out there the farmer was paying the bill. The farmer was buying on a protected market and selling on an unprotected market. All the time the tariff wall was going still higher. What the farmer produced brought less, and what he purchased cost more.

The ever-widening gulf between the raw and finished product began to make a pauper out of him. The furnace fires of the East dazzled Congress to the extent that the farmer occasionally was handed a sop, but all the time the industrial group was making itself stronger by virtue of this tariff protection.

Today the tariff system is so interwoven with our economic fabric, it seems unwise to start out to tear it entirely down. I do not advocate that. On the contrary, I advocate putting the farmer upon economic stilts so he will be on a level, on a parity with the agricultural group. In other words, give the farmer a tariff. That is all it needs. It is just the reverse of the present situation. It just means turning upside down the tariff which has for 150 years made millionaires in industry and paupers in agriculture.

I am asking the Senate to consider the proposition that, without appropriation out of the Treasury, we adopt a farm program that will be a self-financing, self-operating, automatic thing that will work as automatically for agriculture as the tariff has worked for industry, and give the farmer his share of the American market.

Mr. President, we have a two-price system for industry. The manufacturers of automobiles, I am told—and I do not doubt it—sell automobiles abroad cheaper than we can buy them at home. I once saw the figures to the effect that the manufacturers of farm implements were selling mowing machines in Australia cheaper than we could buy them in Oklahoma. I have seen the statement that manufacturers would sell their surplus abroad at less than they received at home. If that is good for the manufacturer, why is it not good for the farmer?

Let us give the farmer a tariff guaranteeing to him his fair share of the American market, and let that fair share be determined by the ability of his farm to produce. That is scientific. That is based on soil preservation, on saving the fertility of the soil.

We can have experts go to a farm and say, "This farm can produce a certain amount of soil-depleting crops year after year under sound management." Then they have given us the basis for determining the amount of that farmer's allotment, determined on the ability of the soil itself to produce, and when that has been determined, then that becomes the production base for that farm. That is filed in the permanent record in the county and in Washington, and then of the total amount we can produce of wheat and cotton in this country, whatever percent we use in this country will be the percent of that farmer's domestic base. The same percent of the farmer's base will be his allotted quota. If we use 85 or 90 percent of the wheat we produce, then 90 percent of his production base of wheat will be his allotment, and he can figure it out himself. In that way we get away from all the friction that has resulted from our farm program.

Again I say it is not my intention in any sense to be found in the position of fighting our farm program today, only I believe this proposal is superior to it, and is in addition to it. Our farm program today has done much, in fact, it has saved the farmer from ruin, but I believe fundamentally we are on the wrong track when we undertake to reduce our production with the idea of raising the price level of the production of the whole world. I do not think that is sound. Neither do I think we should be afraid that the farmer is going to produce more than he ought to under this plan. What would happen if a farmer were given a quota of 5 bales, and sup-

pose he produced 20 bales, what harm would the production of the other 15 bales do? The farmer can do with it whatever he wants. He can keep it or sell it. If he sold it at 4 cents a pound, that would be his headache. And if he kept it, it would still be his. What harm would that do? We would simply regain our world trade.

Two years ago the opposition that came with respect to that from certain persons in this administration was that it might cause dumping, and that might cause retaliation on the part of other countries. Since that time we have been paying to dump. We have been subsidizing exports. Therefore that argument does not hold any more.

Forty-two percent of our farmers do not own the land that they farm. Sixty-one and two-tenths percent of the farmers in Oklahoma do not own the farms they farm, in a young State which was settled almost in my memory, which ought to be fertile today, but we have been prodigal with that land. Some of our fertile soil has been washed away. We have been hillside farmers. It would take 3 acres of that land to raise an umbrella. Down South in Oklahoma, occasionally, the cotton boll weevil hits us and eats up everything but the mortgage. They never get that. Nevertheless there we are. Sixty-one and two-tenths percent of the people of the State are tenant farmers, and are moving away.

Mr. President, I have not read the book, The Grapes of Wrath. In self-defense perhaps I shall read it. But I am told it is the story of what the ownership of land means to men. I am told that the book tells the story of what happens to men when they cannot keep their land. It tells the story of the character erosion that comes to men when they become separated from the land. Land is fundamental to society. It has everything to do with our social and economic life.

At one time Palestine itself was a flourishing country of trees and grass. Today it is a waste land. The Bible refers to the arbors and the forests and the cedars of Lebanon, and refers to the Israelites as a pastoral people who followed the grass. But they pastured it too close, and they cut down too many of the trees. Today what kind of a country is Palestine? What society is there? Very little grows.

Mr. President, show me the type of farm country, and I can guess quite close at the type of economy existing in that country.

When our people lose possession of the land, they lose interest in the country. You cannot generate patriotism in their hearts then. The sharecroppers are a pitiful group. They go along the highway; I have seen families of them, the father carrying some bundles, the mother carrying a babe in arms. The rest of the family—and they are usually a large family—follow along behind. I say to myself, "I wonder what they will eat for the next meal." I say to myself, "I wonder what they ate for their last meal. I wonder where they will stay tonight."

Our Nation is young. We cannot build a great nation on a shifting population any more than we can build a great building on a shifting foundation of sand. It is a danger signal when our people become uprooted and the masses start marching.

You say, "Must we take from one to give to another?" I say, "Yes." You say, "Why should I pay taxes to help another fellow?" I say, "To keep his fall from pulling you down."

We must save the family farmer in order to save ourselves. Look at the Russians. What a lack of zeal there is in their fight against Finland. Their farms have been taken away from them and collectivized; but the Finnish patriots are fighting for a homeland. It makes all the difference in the world. The long fight of life to own a little plot of ground makes all the difference in the world.

It has been said that the difference between a Communist and a patriot is a job. Perhaps it is; or perhaps it is the ownership of a bit of land.

Farmers cannot own the land unless they receive adequate prices for what they produce. We have been eating their commodities, but not paying our debts. I hear those who criticize our effort to restore parity payments. They talk about it as a bonus. It is not a bonus. It is the payment of a debt past due for what we have already consumed, and are consuming, of what the farmer produces. It is not charity. It has been charity on the part of the farmer to feed us all these years and receive only partial payment for what he has been giving us. As a result, he is losing the farm from under his feet and the roof from over his head in order to feed us below the cost of production.

We are trying to restore a pittance in the agricultural appropriation bill. If we get the full amount of $212,000,000 for parity payments which the committee has reported, we still will not pay the farmer parity, but only partial parity. We still will not be out of debt to him.

The farmer feeds the Nation today. At the long banquet table there sits the banker; there sits the lawyer; there sits the businessman; there sits the school teacher; there sit the professional people; and at the head sits the host—the farmer. He feeds us all. We ought to be willing to pay our debt to him. I have no patience with those who say we are giving the farmer charity in parity payments when we are paying him only the debt we owe him.

Parity payments are only a temporary expedient. We must set up an all-weather program that will stand the repercussions of the post-war swing-back which we shall have. There is no use in deceiving ourselves. The temporary upturn in business is due to the war. When the soldiers in Europe and Asia stop fighting and go to farming, what will our farmers do if we have no farm program to fall back on, one which will guarantee them their share of the American market? What will our wage earners do if they have no unemployment program to fall back on? Let us not relax and decide that things are all hunky-dory now simply because a war in Europe is producing a temporary upswing in business.

The very foundation of it all is the land—the farm. Mother Earth is good to her children. When they wander from her bosom they get into trouble. When they come back to Mother Earth they are coming back to fundamentals. We must return to the land. I should like to see us make a start. We could start a crusade back to the land by passing the domestic-allotment plan, guaranteeing each farmer his share of the American market at an American price. It is sound, it is logical, and it is simple. The simplicity of administration argues in its favor. It works automatically. It avoids appropriations out of the Treasury. Business would be improved because of the great upswing in purchasing power of the greatest spenders and the best circulators of money we can find—the farmers. The farmer does not hoard. He spends. He expands. He increases his efficiency and lowers the cost of production as he sells his commodities when prices justify it.

We do not need markets abroad if we will develop the ones we have at home. Just think how many farms in this country ought to have electric lights; how many farms ought to have bathrooms and bathroom fixtures. Think how much business such improvements would create for the manufacturers, the retailers, and the laborers.

What good will it do to build power projects and extend rural-electrification lines if the farmer is still selling his cotton below what it costs him? If he cannot pay the electric rates, what good will it do the farmer? If he is selling his product for less than the cost of production he is gradually going into debt. Does anyone think that a man who does not own a farm will invest anything in rural electrification in order to provide electric lights?

We are a modern Nation? Every family ought to have modern conveniences. Think what it would mean throughout the length and breadth of America if in every domicile we had a bathroom with bathroom fixtures. Think what a tremendous increase in business it would produce in this country. Then add to that electrical equipment, with electric power, to light up the dark rooms and dark corners, to turn the mill to grind the farmer's feed, to turn the jack to raise his hay into the loft, to grind his ax, to pump his water, and to saw his wood. The manufacturers of electrical appliances would have a tremendous increase in business, and there would be a tremendous demand for electricity.

Inventions sometimes lead to other results. The Rust brothers, of Memphis, Tenn., have invented a cotton picker. Some day it will be perfected. When it is perfected and put on the market it will throw out of employment 3,000,000 people who depend upon cotton picking for their seasonal employment. What shall we do with those 3,000,000 people?

If we had our system of farm tenancy and fair prices, those 3,000,000 people would go back to their landlords, buy little plots of land, and start homes. They would take root in the soil. Pretty soon the little old shanty would change from a shanty which today is an outrage into something more habitable. Sharecroppers live in sheds that are not fit to house the stock they work. But if the fellow who is today a tenant without hope, a sharecropper without ambition, were converted into even a potential owner, he would be a different man. We should thus not only rehabilitate the farm but also rehabilitate the man. Pretty soon we should see the little shed being worked over. Then it would not surprise me if some day the farmer took a bucket of paint and painted the little shed. Soon screens would be put on. There are no screens now. The cracks in the wall would be nailed up, and there might be attractive paper on the wall inside. Perhaps, as years go by, if he receives the domestic price for the cotton he raises, he might even add a bathroom, and his children would grow up in the atmosphere of an American home instead of the atmosphere pictured in the book, The Grapes of Wrath.

What kind of a citizen can we grow in that atmosphere? I do not admit that all that atmosphere is found in any one family. No doubt the author concentrated all the scrapings into one book to call attention to them. However, the fact remains that too much of such an atmosphere exists among that type of people.

Suppose such a family were given an opportunity to buy a corner of the landlord's farm. It would be given such an opportunity if we should give a little advantage in making the allotments of the American share of the market to the small farmer, with a ceiling on the amount we allot to the landlord. Pretty soon some of the landlord's land will be for sale at a fair price. Much of it is now for sale. The tenant will then come back. He will buy a little corner of land under the provisions of our farm-tenancy bill which I hope the House will pass.

As time goes on, his interest in that home will increase with his equity in it, and his family will grow up in the proper atmosphere. His children will be sent to school. They will join the 4–H Club or the Future Farmers of America. They will learn to farm. They will learn how to apply modern methods; and the family, as well as the farm, will be rehabilitated. Pretty soon, instead of the ragged bunch of nondescript chickens which do not produce and do not lay, we shall see a better breed of chickens. Pretty soon the old dilapidated fence, which has begun to rot and decay, will be straightened up; and soon the family orchard, which long ago has quit bearing, will be replanted with young trees. One day we shall see a purebred animal in the lot. We shall see a milk cow that pays for her board. Instead of keeping a milk cow, the family will finally learn enough, through the 4–H Club and the Future Farmers organization work, to get a cow that will help to keep the family.

So gradually the whole farm will be rehabilitated. Instead of putting all their land into one big 13-month cotton crop, which means poverty to the family, they will begin to raise a nice little family vegetable garden, because the boys and girls in the 4–H Club and in the Future Farmers organization will learn what it means to raise food and feed first. Then, the first thing we know, one of the boys of the family will have a prize pig. He will have learned how to raise hogs and make it pay. He will become ambitious and learn how to raise hogs profitably, for sale as well as for home consumption. That family that today is picking cotton, the worst drudgery in the world, in order to buy salt pork, will be raising its own hogs, and, instead of having sow belly, they will have something that is of a better flavor; they will have ham and sausage and spareribs and backbone and other good things to eat, because they will raise their own hogs, do their own butchering and their own preserving. They will have a vegetable garden and raise all kinds of vegetables grown in the particular section; their orchards will begin to bear; the wife will get a pressure cooker, and they will have a little private cannery of their own. They will raise all they can eat and can all they cannot eat, and will really make themselves secure. They could not be induced to go on relief because they would be supporting themselves; they would have made Americans out of themselves. Something must be done to arrest the downhill tendency, the down-the-road tendency of the sharecropper and of the tenant farmer who has lost hope and lost ambition and has lost patriotism.

I am not in a position to judge him nor to condemn him, for it is only because of the conditions in which they find themselves that the disease germ of communism can grow. No one can talk communism to a family such as the one I have pictured; no one can talk communism to a man who has a stake in the country; but let him lose hope and the situation changes. In the sharecroppers' camps—if they have anything which can be called a camp—communism, nazi-ism, fascism, and all the other "isms" of the world may take root, because those people are desperate and are grasping for a straw.

The best answer to communism is to remove the cause that brings on communism. Communism is like the tuberculosis germ in that it only strikes its victim when he is in a run-down condition; but, like the tuberculosis germ, turn the sunlight of prosperity on communism and it dies, just as the tuberculosis germ dies when the sun's rays are turned on it.

I say remove communism by removing its cause. Remove the danger of all the other "isms" by getting at the root of the evil conditions and uprooting it there. The germ of communism will not find lodgment in a family such as I have described, whose members are self-respecting and self-supporting, whose children go to school wearing clothes which are fit to wear to school. In the hearings down in Texas a poor old farmer came in in rags.

He was out at the knees; his trousers had been patched several times; in fact all his garments were patched; he was out at the elbows. He had on jeans; he did not have on wool. He said, "I and my family have raised enough cotton to make a wide belt of cotton that would girdle the globe, and yet I do not have decent clothes to wear—not even those made out of cotton." He could not help it. This body can help it. Give those people an incentive to want to live; give them an incentive to want to be Americans. This is the greatest nation on the face of the earth, and the spirit of the American people has made it that. I do not want to see any erosion of that American spirit. The farmer has held onto his individualism, but when he starts the trek down the road in an old ramshackle car that will not hold together, or else afoot, he has lost his hope; and unless he shall be rehabilitated soon he is going to turn to some of the vile "isms" as a cure for the disease; and then he is lost.

The "Okies," as they are called, migrating from Oklahoma to California, or at least some of them, could be rehabilitated. I realize that not everyone could be rehabilitated, but some of them could be. Strike the spark of hope in their hearts and you will see them respond.

Give them a chance to own a piece of land and insure them a price for that part of their crop consumed in this country, or their share of it, and we will rehabilitate them.

There are several laws that never change. One is the law of gravity. Another law which does not change is that of the tendency of money to accumulate in the hands of a few. I am not saying this in a radical or a caustic way; it is merely true. It is just as natural for money to gravitate toward the hands of a few as it is for water to run downstream. Tonight, if we divided all the money in the United States equally, tomorrow night some people would be rich and many others would be poor.

The second night the rich would be richer and fewer in number and the poor would be poorer and more numerous.

This would continue on and on, and, if the condition were not arrested, it would lead to the inevitable, which is a crack-up. A few governments have ignored the danger signals until a crack-up occurred. I am not alarmed that our Government will do it, but the danger signals are now appearing. When communism begins to thrive, it is time for us to take steps to remove the cause.

The best place to hand out communistic propaganda is in the camps of some of the "Okies" who go to California and in the soup lines and charitable institutions in this country. That is where communism takes root. Let a man have an incentive to own a piece of property, let him feel that he is the potential owner of property, and he will not have any time for communism or any of the other "isms."

Our soil-conservation program is failing on some of the tenant-operated farms and succeeding on others. Why? Because the tenant says to himself, "I will not be here next year, I suppose, and why should I endeavor to preserve the fertility of this land? I will get all I can out of it and then move on." But let him be the potential owner of that piece of land and the fertility of the soil has a different meaning to him. Home ownership, ownership of the land, is the last block in the jigsaw puzzle we are trying to put together in a pattern that will spell prosperity.

Yes; communism is showing signs of life in this country that I do not like. We can root it out, but we cannot root it out when two-thirds of our farmers do not own the land they farm. We must rehabilitate them. The Senate has already passed a bill that will go a long way in that direction, provided we will raise farm prices. We will not do it even if we adopt the parity program calling for $212,000,000.

We still will be very far short of parity. That amount will not be sufficient to provide an income for the farmer which would enable him to purchase a farm or to begin purchasing a farm. We have got to go further and put him on full parity. Why should he get only a partial parity? Why should he not have full parity? We can provide it by the simple device of saying to the manufacturer, "You must pay the farmers a domestic price equal to parity for that portion of the goods consumed in this country which you manufacture for domestic consumption." It can be done; it could be done now, this year. Then we would remove any cause, so far as I know, for the inroads of communism. That is one of the "isms" I do not fear, though I do not like it. It is antigod, antichrist, antipatriotic, and anti-everything-else, the vilest and the most cruel form of despotism that is known. But I do not fear it, because all we need to do is to expose it and remove the cause. When a man is earning a living for himself and his children you cannot talk communism to him, but let his children tug at his coat, begging for bread and asking him to give them something to eat and he has nothing to give them, then he begins to turn to the "isms."

The farm program is about to come before the Senate—I do not know just when—and so far as I know it is the only thing we can get right now. I hope we can pass it. I should like to increase the amount to be provided. Perhaps we cannot do that, but at best it is merely another temporary means of meeting this problem; certainly it is not means of solving it.

How much longer the farmers will be patient, I do not know. Many of the farms in western Oklahoma have changed hands. Today the insurance companies are the largest farmers in the United States. I am not saying that critically. They did not intend to be the owners of farms when they loaned on them or bought the mortgages. They simply had to take them over in order to protect themselves. Those farms would be for sale at a fair price, and we can establish the machinery to bring about the sale. We can give the farmer a low rate of interest which he can afford to pay, because what would be greater security than the fertile soil of America that produces wealth, that really creates wealth? There are other forms which are accumulative or have a tendency to accumulate. What can the Government do to prevent money from accumulating in the hands of a few? Do Senators believe that the Government should prevent money from accumulating in the hands of a few? What happens when it accumulates? There are two blood streams in the body. One carries the blood to the heart and the other carries the blood from the heart. When those two blood streams are equal the body usually is healthy. When one blood stream is greater than the other the result is congestion, and, if the condition is not relieved, the result is death.

That is just as true in the two blood streams of finance—the blood stream that goes from "grass roots" into the financial center and the blood stream that comes from the financial center back to the "grass roots." If those two are not equal, there is disaster. They are not equal today, and they have not been for years; and that is the reason why we have come to the present impasse. That is the reason why in 1931 and 1932 we came to the impasse which then existed, because the financial resources had accumulated in the financial East. The prices we paid for the things we bought were too great in proportion to the prices we received for the things we produced. There was too much difference in the blood streams. America was suffering from a financial blood clot at the heart. There was only one remedy; that was to break up the congestion and set up circulation.

There had been a fast game of "hull gull," and the big boys had all the chestnuts. If the game was to go on, there were only two remedies—either to bring new chestnuts into the game, which was inflation, or else to distribute the chestnuts that already were there. We chose the latter method. By the process of taxing from those most able to pay and giving jobs to those least able to buy we again attempted to equalize the flow of money going out with the flow of money coming in. To a certain extent that can be done. There are, however, limitations on it.

The Government is the only power that can set up automatic machinery that will serve to equalize the blood streams of finance, that will serve constantly to redistribute the national income in order to continue the purchasing power of the weaker class. Otherwise we have another cycle of accumulation of wealth and unemployment and have to start all over again. Personally, I do not believe it is inevitable.

I believe it can be prevented by setting up for the farmer the same type of automatic machinery that now accelerates the accumulation of wealth in the hands of a few. The tariff walls accelerated the accumulation of wealth in the hands of industry. I say, give the farmer a tariff that will serve in a mechanical and automatic way to offset the accumulation of wealth in the hands of industry, and to that extent it would then be unnecessary to take money out of the Treasury and distribute it back to the poorest corners of the earth. To that extent we should have Government machinery serving automatically to do what otherwise we should have to do by appropriation and expenditure.

Mr. President, I never was more serious about anything in my life than I am about the farm problem today. The farmer is the bone and sinew of America. We are an agricultural Nation. In Oklahoma we are an agricultural State. We have oil. Nature has been good to us. It has placed in our State hidden pools of wealth. I have seen oil volcanoes spout up and darken the sky, but our greatest wealth in Oklahoma is in the first 6 inches of soil. In the same year in which we produced our greatest mineral wealth we produced $250,000,000 more in agricultural wealth than in mineral wealth.

America is by nature an agricultural country. I want to say, in credit to the Senators and Representatives who represent industrial States, that I have always found them perfectly willing and glad to listen to Senators and Representatives who represent agricultural States, and to go along with them in an effort really to solve the problem of agriculture, because they realize that when the farmer suffers the city suffers.

This is indeed a national question. It is not going to be solved by piecemeal legislation. It is not going to be solved by appropriations out of the Treasury. It must be solved by setting up a system—a system that will work—and that is the domestic-allotment system.

Is it not sound to say that since we can be sure of only one market, and that is the American market, on that market we will guarantee the farmer a fair price? Is not that fair?

Is not that sound? We cannot raise the whole world price level. If we reduce, other nations increase. That is what happened during the past few years, with the result that we have lost much of our foreign trade, particularly in cotton. This other plan, however, is sound. It is on a firm basis. It is American. The American standard itself is on a high plane. Our wage earners receive more than the wage earners in any other nation in the world. Why should not our farmers receive more than any other farmers in the world? But they do not. What they receive is the same price that the lowest-paid pauper labor in the world receives. Why should we not put up their prices on an artificial basis?

We must do one of two things. We are at the crossroads. We must either repeal all tariff law—which, in my opinion, would be wrong—and put all prices on the world-price basis, or we must artifically stimulate the price level of agricultural products so far as the American market is concerned.

That proposition is so fundamental that I do not understand why anyone can fail to see it. Every rule of logic argues for it. Every rule of justice and fairness argues for it. If we will do that, we can thereby open a new frontier for the unemployed.

Today I suppose there are 15,000,000 unemployed persons in this country. It would take a mighty big public-works program to put all of them to work, and yet everybody you talk to admits that they must be put to work. We have cut down the hours of labor about as much as most persons think we ought to. We have gone about as far as our Treasury can stand in the way of public-works appropriations. We have taken a long step toward the employment of youth to take it out of competition with the breadwinner. We have gone a long way toward furnishing a subsistence income to old age in order to take it out of competition with the breadwinner. What is our next step? To get the farm people back on the land, and give them a chance to own it, and let them become self-sustaining and self-sufficient. It will teach them to produce their own food and their own feed.

Put people on pavement and they starve to death. Put them on the land and they live, and communism is answered at the same time.

When a man tills his own soil, he is twice paid by it. There is a spiritual manna that permeates his being and makes of him a better man. When the farmer who once was a sharecropper walking the highways and a fit subject for "isms," becomes the owner of land, go out to his farm some day when he is working in the orchard; find him leaning up against an apple tree in full bloom, his own apple tree, and try to talk communism to him, and see how far you get.

Mr. President, I do not wish to detain the Senate further. At this time our farm program is coming up. I give notice that I am going to do everything I can for the farmer that the committee has recommended, and I should like to do more; but, at the same time, that is not the domestic-allotment plan, and before we solve this problem we are going to come to that plan.

Mr. President, I thank you.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Brown	Connally	Gibson
Andrews	Bulow	Danaher	Gillette
Ashurst	Byrd	Davis	Glass
Austin	Byrnes	Donahey	Green
Bailey	Capper	Downey	Guffey
Bankhead	Chandler	Ellender	Gurney
Barbour	Chavez	Frazier	Hale
Barkley	Clark, Idaho	George	Harrison
Bilbo	Clark, Mo.	Gerry	Hatch
Hayden	Lucas	O'Mahoney	Stewart
Herring	McCarran	Overton	Thomas, Idaho
Hill	McKellar	Pepper	Thomas, Okla.
Holman	McNary	Pittman	Thomas, Utah
Holt	Mead	Reed	Truman
Hughes	Miller	Reynolds	Tydings
Johnson, Calif.	Minton	Russell	Vandenberg
Johnson, Colo.	Murray	Schwartz	Van Nuys
La Follette	Neely	Schwellenbach	Walsh
Lee	Norris	Shipstead	Wheeler
Lodge	Nye	Smith	White

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. JOHNSON of Colorado. Mr. President, I send an amendment to the desk and ask to have it read, printed, and lie on the table.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert in the proper place the following amendment:

Amend section 9 by striking out the period at the end of subsection (b) and adding *"Provided,* That the provisions of this section shall not apply to officers or employees of the Federal Government residing and voting in any State where State laws do not forbid the officials and employees of the State or local agencies of the general class above described from taking any active part in political management or political campaigns."

Amend section 12 (a) by striking out the period at the end of line 6, page 5, inserting a colon, and adding *"Provided,* That the provisions of this section shall not apply to officers or employees of any State or local agency where State laws do not forbid other officers and employees of the State or local agencies of the general class above described from taking any active part in political management or political campaigns."

The PRESIDING OFFICER. Without objection, the amendment will be printed and lie on the table.

The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN], as modified, to the committee amendment.

OPERATIONS OF THE AMERICAN INDUSTRIAL PLANT

Mr. PEPPER. Mr. President, I was very much interested in the data which the Senator from Washington [Mr. SCHWELLENBACH] had inserted in the CONGRESSIONAL RECORD showing that business enterprise has not been throttled in the United States during the last 7 years. I thought it might be pertinent, in connection with the data, to refer to a remark made a few days ago by Mr. Thomas Dewey, prosecuting attorney in the city of New York, I believe, who has served in that jurisdiction ably and well for several years and, no doubt, can be counted upon to continue to render valuable service to the people of his city in the years to come.

In the course of some remarks a few days ago that very estimable gentleman made the statement that the American productive plant was running down at the heel at the rate of a billion dollars a year. From the newspaper account which I observed, it seemed that Mr. Dewey did not take the trouble to indicate the source of his authority for that rather startling statement, so, of course, we are not able to verify the figures which were given so as to determine whether he made a mistake in the quotation of the figures, or whether he might, perhaps, in the haste of departure for some speaking engagement, have really missed the point which his advisers intended to relay to him.

At any rate, I thought it might be pertinent to refer to pages 40 to 48 of a volume called National Income and Capital Formation for the period between 1919 and 1925, on page 2 of the bulletin entitled "Capital Flow and Capital Formation," published by the National Bureau of Economic Research, and call attention to the following figures, which seem to be contrary to the announcement made by Mr. Dewey.

Gross capital formation declined from $11,489,000,000 in 1929, to $2,987,000,000 in 1933, or 74 percent. That was in Mr. Hoover's day, if I may interpolate.

Net capital formation declined from plus $4,355,000,000 in 1929 to minus $1,904,000,000 in 1933.

By 1937 gross capital formation had recovered to $9,383,000,000, a rise of 214 percent. That was under Roosevelt, if I may interpolate.

Net capital formation, then, has been transformed from a negative figure in 1933 to a positive figure of $3,148,000,000, in 1937.

In the period 1933 to 1938, inclusive, net capital formation was not a negative figure of $7,000,000,000, as Mr. Dewey would have us believe, but a positive figure of three and one-half billion dollars, a trifling error of $10,000,000,000 in Mr. Dewey's statement; and the positive figure occurred under the Roosevelt Democratic administration.

Steel-ingot capacity increased from seventy and two-tenths million gross tons at the end of 1932 to seventy-three and one-tenth million gross tons at the end of 1938. The percentage increases in capacity for the more important of these products between the end of 1932 and the end of 1937 were as follows:

Seamless pipe and tube, 17.7 percent; tin plate, 27.3 percent; sheet, 35.7 percent.

These figures were compiled by the American Iron and Steel Institute.

According to the Wall Street Journal of February 16, the steel industry expects to spend $140,000,000 for new equipment this year, which will bring the total spent, or to be spent, for new equipment since 1934 to about $1,000,000,000.

Petroleum refining capacity increased from 3,890,000 barrels per day at the end of 1932 to 4,509,000 barrels per day at the end of 1938.

Paper and paper board capacity increased from thirteen and seven-tenths million tons per year at the end of 1932 to sixteen and two-tenths million tons at the end of 1938. The gross during 1938 exceeded the gross during any previous year on record.

Electric power generating capacity increased from thirty-three and nine-tenths million kilowatts at the end of 1932 to thirty-seven and five-tenths million kilowatts at the end of 1939. The industry predicts that the increase during 1940 will be the greatest in 10 years. Everybody knows that American farm capacity has steadily increased since 1932. In fact, in 1937 expenditures for new farm machinery and equipment greatly exceeded any previous years of expenditures since 1920, and has remained at a high level since.

Not only has our manufacturing machine not run down at the heels in the last 6 years; it has steadily increased in efficiency. The National Research Project made a most careful study of this question. Their analysis of 59 manufacturing industries show the output per man-hour increased each year since 1932 up to 1936. In that year, 1936, production per man-hour was 18.1 percent greater than in 1932, an average gain of 4.3 percent per year. Checks on recent data indicate that manufacturing output per man-hour today is 25 to 30 percent higher than in 1932, 30 to 35 percent higher than in 1929.

It is estimated from the best statistics I have been able to obtain that every year 500,000 men and women are thrown cut of employment by reason of technological improvements. It has never been denied, to my knowledge, that we have an industrial plant in this country capable of providing goods worth $90,000,000,000 a year in value, whereas the output of our industrial machine is actually now only $70,000,000,000 a year.

Mr. President, I wanted to give those figures and the sources of those figures in rebuttal of the statement which Mr. Dewey made, that our industrial plant was running down at the heel. The tragedy of it, as well as the good fortune for the country, is that the plant is becoming more efficient every year, and its growing efficiency makes it more and more difficult for people to find an opportunity to work, in spite of the expanding volume and quantity of the output of our industrial machine.

ALLOTMENT OF FEDERAL RELIEF FUNDS

Mr. HILL. Mr. President, in the issue of February 18, 1940, of the Montgomery Advertiser, Montgomery, Ala., appeared an article, the main headline of which was:

Slim Share of United States Aid Given Dixie.

Then follows the subheadline:

South's relief total per capita revealed far under North, East.

Another subheadline:

Fifty-eight dollars spent where $94 or $100 was spent in other sections, check-up shows.

This article in the Montgomery Advertiser was based on the table of figures inserted in the Appendix of the CONGRESSIONAL RECORD, at pages 818 and 819, by the senior Senator from North Carolina [Mr. BAILEY]. The table was captioned:

Allotment of Federal funds among three regions of the United States.

Mr. President, this table details in three columns, by States, the following information:

First. Population by State and region, based on Bureau of the Census 1937 statistics.

Second. Total emergency-relief expenditures from August 8, 1935, to December 31, 1939, by State and region, based on the President's report to Congress of January 15, 1940.

Third. Emergency-relief expenditures for the fiscal year 1939, by State and region, based on the President's report to Congress of January 15, 1940.

The table is concerned with funds expended from the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939. Analysis by States discloses that from these relief funds only the 13 Southern States received $58 per capita during the 3½-year period, while 7 Eastern States received $100 per capita.

The article omitted a statement to the effect that the E. R. A. acts have provided funds principally for industrial relief through the W. P. A. and N. Y. A., and that only a small portion of the total was expended for agricultural relief. Such agricultural relief was disbursed through the Farm Security Administration.

Congress has made additional annual appropriations for agricultural relief and industrial recovery, but such appropriations have not been classified as relief. They include the funds allocated to the Agricultural Adjustment Administration, Commodity Credit Corporation, Civilian Conservation Corps, Public Works Administration, farm-tenant purchases, and the like. For example, the A. A. A. disbursed $3,698,490 in New York State during 1939, and $21,965,155 in North Carolina. These expenditures do not appear in the article. On a per capita basis, this amounts to 29 cents in New York State, and to $6.29 in North Carolina. This one item alone, if included, would raise North Carolina's per capita share of Federal funds in 1939 from $9.08 to $15.37, while New York's per capita share would increase only from $19.84 to $20.13.

The Agricultural Adjustment Administration is but one agency out of several which disburse more funds in agricultural areas than in industrial areas. A complete report showing the distribution of Federal funds by States during the fiscal year 1939 has been prepared by the Office of Government Reports. This report lists all Federal loans and expenditures obtainable on a State basis. Included in its columns are the funds quoted by the Senator from North Carolina from the E. R. A. acts. In addition, it includes every large Federal relief, work-relief, industrial, and agricultural loan or payment. It excludes only the expenditures of the regular departments and agencies, which, in general, are administrative, and the expenditures for national defense. Such expenditures are not obtainable on a State basis.

This over-all report shows that during the fiscal year 1939 the 13 Southern States received Federal funds amounting to $36.36 per capita, while the 7 Eastern States received $34.71 per capita, and the 12 Central States received $44.57 per capita. What is more, these per capita figures do not include the Federal loans. The disparity is occasioned mainly by the difference in the cost of living in the 3 sections of the country, and by the difference in the number of unemployed in the 3 areas.

Moreover, the continued drought in six of the Midwestern States have made enormous demands upon the Federal Treasury for both sustenance and rehabilitation. However, the disparity between expenditures in the Southern States and in the Eastern States is found to have been approximately $2 per person, and not $11 per person, in 1939.

The Senator from North Carolina [Mr. BAILEY] acknowledges his indebtedness to Mr. Voit Gilmore for the table inserted in the RECORD. In the explanatory notes accompanying the table there are listed, not three columns of figures but four. The fourth column purports to show "Total Federal expenditures for the fiscal year 1939, by State and region, based on the Consolidated State Report of the Office of Government Reports."

For the benefit of the Congress and the country, I ask unanimous consent to insert the fourth column in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Total Federal loans and expenditures available on a State basis, fiscal year 1939

State	Population	Loans		Expenditures	
		Amount	Per capita	Amount	Per capita
SOUTHERN					
1. Maryland	1,679,000	$9,590,000	$5.71	$49,558,000	$29.52
2. Virginia	2,706,000	10,130,000	3.74	71,504,000	26.42
3. North Carolina	3,492,000	23,296,000	6.67	92,125,000	26.38
4. South Carolina	1,875,000	19,222,000	10.25	78,585,000	41.91
5. Georgia	3,085,000	44,714,000	14.49	105,386,000	34.16
6. Florida	1,670,000	19,825,000	11.87	67,218,000	40.25
7. Alabama	2,895,000	37,179,000	12.84	102,067,000	35.26
8. Mississippi	2,023,000	58,509,000	28.92	98,794,000	48.83
9. Louisiana	2,132,000	32,727,000	15.35	99,740,000	46.78
10. Texas	6,172,000	121,874,000	19.75	253,304,000	41.04
11. Arkansas	2,048,000	54,606,000	26.66	94,116,000	45.95
12. Tennessee	2,893,000	40,050,000	13.84	87,066,000	30.09
13. Kentucky	2,920,000	17,455,000	5.98	94,644,000	32.41
Total	35,590,000	489,178,000		1,294,107,000	
Amount per person			13.74		36.36
CENTRAL					
1. Ohio	6,733,000	32,709,000	4.86	324,974,000	48.26
2. Indiana	3,474,000	26,722,000	7.69	138,823,000	39.96
3. Illinois	7,878,000	108,082,000	13.72	322,951,000	40.99
4. Michigan	4,830,000	28,424,000	5.88	210,439,000	43.57
5. Wisconsin	2,926,000	21,892,000	7.48	127,706,000	43.64
6. Minnesota	2,652,000	36,134,000	13.62	127,340,000	48.02
7. Iowa	2,552,000	98,315,000	38.52	98,318,000	38.53
8. Mississippi	3,989,000	31,645,000	7.93	164,941,000	41.35
9. North Dakota	706,000	11,985,000	16.97	48,619,000	68.86
10. South Dakota	692,000	14,744,000	21.31	49,987,000	72.24
11. Nebraska	1,364,000	40,306,000	29.55	71,440,000	52.37
12. Kansas	1,864,000	22,911,000	12.29	82,026,000	44.00
Total	39,660,000	473,869,000		1,767,555,000	
Amount per person			11.95		44.57
EASTERN					
1. Massachusetts	4,426,000	22,948,000	5.18	187,532,000	42.37
2. Connecticut	1,741,000	5,680,000	3.26	53,738,000	30.87
3. Rhode Island	681,000	3,056,000	4.50	26,527,000	38.95
4. New York	12,959,000	77,319,000	5.97	440,012,000	33.95
5. New Jersey	4,343,000	31,082,000	7.16	136,616,000	31.46
6. Pennsylvania	10,176,000	35,636,000	3.50	346,612,000	34.06
7. Delaware	261,000	471,000	1.80	9,716,000	37.23
Total	34,587,000	176,202,000		1,200,753,000	
Amount per person			5.09		34.71

Source: Report No. 9—1939, Consolidated State Report of Federal Expenditures, fiscal year 1939. Prepared by the Office of Government Reports.

AGREEMENT TO VOTE ON SO-CALLED BROWN AMENDMENT

During the delivery of Mr. HILL's speech,

Mr. BARKLEY. Mr. President, will the Senator yield so that I may make a unanimous-consent request?

Mr. HILL. I yield.

Mr. BARKLEY. I ask unanimous consent that the Senate proceed to vote on the pending amendment, the Brown amendment, not later than 2 o'clock p. m. on Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. Mr. President, that is agreeable to the Republican Members of the Senate.

The PRESIDING OFFICER. Without objection, the order is made.

After the conclusion of Mr. HILL's speech,

REPORT BY FEDERAL COMMUNICATIONS COMMISSION

Mr. WHITE. Mr. President, I ask unanimous consent for the present consideration of House bill 7863, which merely extends the time within which the Federal Communications Commission may file a report previously requested by the Congress. The Commission found it impossible to complete the report in the time fixed by the existing law, and House bill 7863 simply extends the time within which the report may be made.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. McKELLAR. How long is it proposed to extend the time?

Mr. WHITE. The House bill provides that the report shall be filed as soon as possible, but not later than January 1941.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. BARKLEY. Mr. President, I have conferred with the Senator from Maine, and have examined the bill. I have no objection to its present consideration.

There being no objection, the bill (H. R. 7863) to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 602 (e) of the Communications Act of 1934, as amended (50 Stat. 197; U. S. C., 1934 ed., Supp. IV, title 47, sec. 602), is hereby amended by striking out the words "not later than December 31, 1939", and inserting in lieu thereof the words "as soon as practicable but not later than January 1, 1941."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

BUREAU OF INTERNAL REVENUE

The legislative clerk read the nomination of Jonas W. Graber to be Assistant to the Commissioner of Internal Revenue.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The legislative clerk read the nomination of Paul R. Leake to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nominations in the Public Health Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc

LYNN M'GRAW MOSES, POSTMASTER, ALTOONA, PA.

Mr. DAVIS. Mr. President, at the time of the recess yesterday the able Senator from Kentucky [Mr. CHANDLER] was in the chair, and the Senate was in executive session. Immediately after the confirmation of the nominations of postmasters on the calendar I tried to obtain recognition so that I might enter a motion to reconsider the vote by which the

nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa., was rejected on the 5th instant. Yesterday was the last opportunity I had to enter the motion.

I now ask unanimous consent that the President be requested to return to the Senate the resolution of rejection of the nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa.

Mr. GUFFEY. I object.

The PRESIDING OFFICER. In that connection the Chair wishes to make a statement. The present occupant of the chair was in the chair yesterday. As is always the case when the Senate proceeds to consider executive business, Senators proceeded to talk, crowd around, and cause confusion. Immediately after the recess the Senator from Pennsylvania [Mr. DAVIS] informed the present occupant of the chair that he had tried to obtain recognition. The Chair did not hear the Senator and did not see him. If the Chair had seen him, he would have recognized him. The Chair regrets that he did not see the Senator in time to recognize him. For that reason the Chair did not give the Senator an opportunity yesterday.

Mr. GUFFEY. Mr. President, is unanimous consent required?

The PRESIDING OFFICER. Does the Senator from Pennsylvania object?

Mr. GUFFEY. I do.

The PRESIDING OFFICER. Objection is heard.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate took a recess until Monday, March 11, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9 (legislative day of March 4), 1940

BUREAU OF INTERNAL REVENUE

Jonas W. Graber to be Assistant to the Commissioner of Internal Revenue.

COLLECTOR OF CUSTOMS

Paul R. Leake to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif.

UNITED STATES PUBLIC HEALTH SERVICE

Thomas Parran to be Surgeon General of the Public Health Service.

TO BE MEDICAL DIRECTORS

Knox E. Miller
Charles V. Akin
Clifford E. Waller
John H. Linson
Newton E. Wayson

TO BE SENIOR SURGEONS

Russell R. Tomlin
Marion R. King
Egbert M. Townsend

TO BE PASSED ASSISTANT SURGEONS

Walter E. Sharpe, Jr.
Edgar E. Findlay

TO BE SENIOR DENTAL SURGEONS

Alfe E. Nannestad
Robert C. Stewart
Robert L. Robinson
William T. Wright, Jr.

POSTMASTERS

KENTUCKY

Emmett C. Crider, Fredonia.

MONTANA

Donald W. Cameron, Belgrade.

PENNSYLVANIA

William L. Rothermel, Millersburg.

SENATE

MONDAY, MARCH 11, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who hatest nothing that Thou hast made and dost forgive the sins of all those who are penitent, create and make in us new and contrite hearts that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of Thee, the God of all mercy, perfect remission and forgiveness. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, March 9, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Russell
Andrews	Donahey	King	Schwartz
Ashurst	Ellender	La Follette	Schwellenbach
Austin	Frazier	Lee	Sheppard
Bailey	George	Lodge	Shipstead
Bankhead	Gerry	Lucas	Smith
Barbour	Gibson	McCarran	Stewart
Barkley	Gillette	McKellar	Taft
Bilbo	Glass	McNary	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrd	Hale	Murray	Truman
Byrnes	Harrison	Neely	Tydings
Capper	Hatch	Norris	Vandenberg
Caraway	Hayden	Nye	Van Nuys
Chandler	Herring	O'Mahoney	Wagner
Chavez	Hill	Overton	Walsh
Clark, Idaho	Holman	Pepper	Wheeler
Clark, Mo.	Holt	Pittman	White
Connally	Hughes	Reed	
Danaher	Johnson, Calif.	Reynolds	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from Connecticut [Mr. MALONEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 5, 1940:

S. 2868. An act to facilitate the procurement of aircraft for the national defense.

On March 9, 1940:

S. 643. An act authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington.

BENEFITS ADMINISTERED BY VETERANS' ADMINISTRATION

The Vice President laid before the Senate a letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to provide for uniform apportionment of benefits payable under laws administered by the Veterans' Administration, which, with the accompanying paper, was referred to the Committee on Finance.

REPORT OF FEDERAL PRISON INDUSTRIES, INC.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Federal Prison Industries, Inc., transmitting, pursuant to law, the Annual Report of the Board of Directors of Federal Prison Industries, Inc., for the fiscal year 1939, which, with the accompanying papers, was referred to the Committee on the Judiciary.

NORTH PACIFIC GRAIN GROWERS, INC. (S. DOC. NO. 163)

The VICE PRESIDENT laid before the Senate a certified copy of the findings of fact and conclusions of the Court of Claims in the case of North Pacific Grain Growers, Inc., against the United States, which was referred to the Committee on Claims and ordered to be printed.

SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, INC. (S. DOC. NO. 162)

The VICE PRESIDENT laid before the Senate a certified copy of the findings of fact and conclusions of the Court of Claims in the case of South Dakota Wheat Growers Association, Inc., against the United States, which was referred to the Committee on Claims and ordered to be printed.

GEORGE S. WOLBERT, RECEIVER OF NEAFIE & LEVY SHIP & ENGINE BUILDING CO. (S. DOC. 161)

The VICE PRESIDENT laid before the Senate a certified copy of the findings of fact of the Court of Claims in the case of George S. Wolbert, receiver of the Neafie & Levy Ship & Engine Building Co., against the United States, which was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of New York, which was referred to the Committee on Commerce:

Whereas a bitter controversy arose in the First Constitutional Convention of the United States, in that the representatives of the smaller States as a rule claimed that the vote, and so the influence of the States in the proposed Government should be equal, and the representatives of the larger States as a rule claimed that their greater population and wealth were entitled to recognition; and

Whereas the controversy ended in the creation of a bicameral legislature; in the lower branch, the House of Representatives, the claim of the larger States found recognition, while in the upper branch, the Senate, the claim of the smaller States found recognition and each State having two votes; and

Whereas since the House of Representatives' seats were to be distributed in proportion to the population, the Convention, foreseeing the rapid changes of population, ordained an enumeration of the inhabitants and a redistribution or reapportionment of seats in the House of Representatives every 10 years; and

Whereas the Federal census began in 1790 and has been taken every 10 years since, under mandate contained in the Constitution of the United States; and

Whereas the classifications for statistical information have increased in number from one census to another, so that it has now reached a point where the underlying purpose of the census has become secondary, and that some of the questions required to be answered in the present census are of a very personal nature; and

Whereas the Congress has also decreed that a criminal penalty be imposed upon persons refusing to answer said questions or who give false information: Now, therefore, be it

Resolved (*if the assembly concur*), That the Congress of the United States be, and it hereby is, memorialized to amend this legislation so that the personal questions may be eliminated from the questionnaire, and the criminal penalty abolished; and be it further

Resolved (*if the assembly concur*), That copies of this resolution be immediately transmitted to the President and to each United States Senator and each Member of the House of Representatives of the United States elected from the State of New York, and to the Clerk of the House of Representatives and the Secretary of the Senate at Washington, D. C.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the convention of the National Cotton Council of America, at New Orleans, La., protesting against the taxation of margarine made exclusively of domestic oils and fats, which was referred to the Committee on Finance.

He also laid before the Senate a resolution of the Civic Council of San Pedro, Calif., favoring the enactment of legislation to authorize the Secretary of War, in the interest of the national defense, to make a survey of the proposed "T" tunnel as a means of communication between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif., which was referred to the Committee on Military Affairs.

He also laid before the Senate a telegram in the nature of a petition from the president and secretary of the Panama Canal Clubs of Southern California, assembled at Los Angeles, Calif., praying for the enactment of the so-called Pepper bill, being the bill (S. 1162) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. CAPPER presented a letter from the Kansas Bankers' Association, Topeka, Kans., signed by Fred M. Bowman, secretary, enclosing copy of a resolution adopted by the bank management commission of the association, favoring the enactment of legislation exempting the banking business from the provisions of the Fair Labor Standards Act of 1938, which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented a letter in the nature of a memorial from E. W. Brown, Jr., and other citizens of Orange, Tex., remonstrating against the enactment of the bill (S. 1650) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government, which was ordered to lie on the table.

Mr. WALSH presented a resolution of the Women's Republican Club of Cambridge, Mass., favoring the elimination of certain personal questions from the 1940 census questionnaire, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Citizens' Union Conference in the State of Massachusetts, favoring the enactment of certain legislation pertaining to civil rights, education, recreation, labor, unemployment, and social security, and housing, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Finnish-American Club, of Greater Boston, Mass., protesting against the shipment of war supplies to Russia and the buying of Russian gold by the United States, which was referred to the Committee on Foreign Relations.

PINK BOLLWORM

Mr. BILBO. Mr. President, I have before me a concurrent resolution passed unanimously by the Mississippi Legislature, asking the Congress to increase the appropriation for the campaign against the pink bollworm. I am happy to say that the Appropriations Committee in its report to the Senate has increased this appropriation $382,808. The bill includes the name of a mysterious weevil. However, I understand this weevil has already been done away with, but there is some money to be used to further protect the farmers against this insect. The Legislature of Mississippi voices the sentiment of all the cotton producers in the South in the fight against the pink bollworm, and I ask that the resolution lie on the table and be printed in the RECORD as part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The resolution was ordered to lie on the table as follows:

House Concurrent Resolution 31

House concurrent resolution memorializing Congress to appropriate funds to the Department of Agriculture to prevent further spread of the pink bollworm

Whereas the pink bollworm, recognized as the most destructive pest of cotton, is now spreading into Texas at an alarming rate and threatens to become established over the entire Cotton Belt unless checked; and

Whereas the general infestation of the Cotton Belt by the pink bollworm would be disastrous to the cotton industry and have a demoralizing effect on agriculture in all part of the United States: Therefore be it

Resolved by the house of representatives (the senate concurring therein), That the Congress of the United States be requested to make an adequate appropriation to the Department of Agriculture to prevent the further spread of this destructive pest; be it further

Resolved, That copies of this resolution be sent to the following: President Franklin D. Roosevelt, the Director of the Budget, the Secretary of Agriculture, the subcommittees on agricultural appropriations in both House and Senate, and to the Mississippi Senators and Representatives in Congress.

REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the bill (S. 3097) for the relief of Katherine M. Drier, reported it without amendment and submitted a report (No. 1300) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 3440) to amend the Locomotive Inspection Act of February 17, 1911, as amended, so as to change the title of the chief inspector and assistant chief inspectors of locomotive boilers, reported it without amendment and submitted a report (No. 1301) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 240) further continuing Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of railroad financing and certain other matters (submitted by Mr. WHEELER on March 5, 1940), reported it without amendment and submitted a report (No. 1302) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them each without amendment:

S. Res. 213. Resolution authorizing the Committee on Enrolled Bills to employ a temporary assistant clerk (submitted by Mrs. CARAWAY on January 10, 1940); and

S. Res. 218. Resolution to pay a gratuity to Audrey Jones (submitted by Mr. NEELY on January 18, 1940).

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, 18 lists of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 3552. A bill to authorize the construction of works for flood control and other purposes on Autauga Creek at Prattville, Ala.; to the Committee on Commerce.

S. 3553. A bill authorizing bestowal upon the unknown unidentified American buried in the Memorial Amphitheater of the National Cemetery at Arlington, Va., the decoration of the Purple Heart; to the Committee on Military Affairs.

By Mr. DAVIS:

S. 3554. A bill to amend subsection (a) of section 60 of the Bankruptcy Act; to the Committee on the Judiciary.

By Mr. MEAD:

S. 3555. A bill for the relief of Walter Chwalek;

S. 3556. A bill for the relief of Guy T. Morris; and

S. 3557. A bill for the relief of James Morris; to the Committee on Claims.

By Mr. SMITH:

S. 3558. A bill for the relief of John Rutledge Holcombe; to the Committee on Claims.

By Mr. BYRNES:

S. 3559. A bill to authorize the Secretary of War to lease public property for periods not in excess of 20 years in certain cases where he is now authorized to lease such property for periods not in excess of 5 years; to the Committee on Military Affairs.

(Mr. O'MAHONEY introduced Senate bill 3560, which was ordered to lie on the table, and appears under a separate heading.)

By Mr. MINTON:

S. 3561. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind.; to the Committee on Commerce.

By Mr. HILL:

S. J. Res. 227. Joint resolution authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship; to the Committee on Education and Labor.

By Mr. PITTMAN:

S. J. Res. 228. Joint resolution providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that committee; to the Committee on Foreign Relations.

CHANGE OF REFERENCE

Mr. WAGNER. Mr. President, last week a number of Senators introduced a bill dealing with the Farm Credit Administration Act, Senate bill 3480, to provide for the establishment of the Farm Credit Administration as an independent agency of the Government, and for other purposes. The bill was referred to the Select Committee on Government Organization. It deals substantively with the Farm Credit Administration Act, measures concerning which have always been considered by the Committee on Banking and Currency, from the inception of the act itself. Therefore, with the consent of the chairman of the Select Committee on Government Organization and the consent of the sponsors of the bill, I ask that the Select Committee on Government Organization be discharged from the further consideration of the bill and that it be referred to the Committee on Banking and Currency.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENT

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which was ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. AUSTIN submitted an amendment intended to be proposed by him to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

On page 40, line 19, to strike out the period and insert a colon and add the following: "*Provided further*, That there is hereby reappropriated for the fiscal year ending June 30, 1941, for the same purpose as originally appropriated any balance of the appropriation, 'National forest protection and management,' contained in the First Deficiency Appropriation Act, fiscal year 1939 (Public, No. 7, 76th Cong.), which remains unobligated on June 30, 1940."

HEARINGS BEFORE THE FINANCE COMMITTEE ON EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

Mr. HARRISON submitted the following resolution (S. Res. 242), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed for its use 400 additional copies of the hearings held before said committee during the current session on the resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

ADDRESS BY SENATOR BARKLEY ON ACCOMPLISHMENTS OF THE ROOSEVELT ADMINISTRATION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Senator BARKLEY on the American Forum of the Air, at the National Press Club Auditorium, March 3, 1940, on the accomplishments of the Roosevelt administration, which appears in the Appendix.]

ADDRESS BY SENATOR REYNOLDS TO BETA CLUBS OF NORTH CAROLINA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an address entitled "Looking Forward," delivered by him at the annual banquet of the members of the North Carolina Beta Clubs, at Raleigh, N. C., on March 9, 1940, which appears in the Appendix.]

ADDRESS BY POSTMASTER GENERAL FARLEY ON THE FARM AND CITY PARTNERSHIP

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address on the subject The Farm and City Partnership, delivered by Postmaster General Farley on the occasion of the Anniversary Farm Dinners, on Friday, March 8, 1940, which appears in the Appendix.]

FARM BENEFIT PAYMENTS AND FARM OPERATION BY BANKERS AND INSURANCE COMPANIES

[Mr. LEE asked and obtained leave to have printed in the RECORD an article from the New York Times of Tuesday, March 5, relative to insurance companies which are beneficiaries of farm-benefit payments, an article from the Washington Post of March 10, 1940, under the heading "Banker beats pen into plowshare," and an article from the Washington News of February 17, under the heading "Life-insurance firm biggest United States farmer," which appear in the Appendix.]

ADDRESS BY JOHN TEMPLE GRAVES 2D ON THE LATE HENRY W. GRADY

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address delivered by John Temple Graves 2d to the Atlanta Historical Society on the fiftieth anniversary of the death of Henry W. Grady, which appears in the Appendix.]

COOPERATION BY WYOMING RANCHERS AND FARMERS WITH FARM PROGRAM

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a letter and a tax table from Mr. Leroy Moore, of Ross, Wyo., chairman, Wyoming A. A. A. State committee, relative to the cooperation by Wyoming ranchers and farmers with general farm program in 1939, and in some activities during the years 1936–39, which appear in the Appendix.]

N. Y. A. WORK AND ASSISTANCE IN WYOMING

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a communication from Ernest P. Marschall, State administrator of the National Youth Administration for Wyoming, and a tabulation accompanying the communication, showing the amount and character of work performed by Wyoming young people eligible for N. Y. A. work and assistance, which appear in the Appendix.]

LOANS TO WYOMING FARMERS AND RANCHERS BY FARM SECURITY ADMINISTRATION

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a communication from C. B. Baldwin, Acting Administrator of the Farm Security Administration, giving the status of loans made to farmers and ranchers in Wyoming by the Farm Security Administration, which appears in the Appendix.]

RECIPROCAL-TRADE AGREEMENTS

[Mr. BILBO asked and obtained leave to have printed in the RECORD a letter to Senator HARRISON from Hon. E. P. Thomas, president of the National Foreign Trade Counsel, which appears in the Appendix.]

RAILROAD LAND GRANTS

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a letter to him by T. C. Elliott, of Washington, D. C., on the subject of railroad land grants, which appears in the Appendix.]

ARTICLES BY RAYMOND CLAPPER AND STATEMENTS BY ERNEST T. WEIR

[Mr. DAVIS asked and obtained leave to have printed in the RECORD two articles by Raymond Clapper and two replies thereto by Ernest T. Weir, published in the Scripps-Howard newspapers of February 27, February 29, March 2, and March 4, 1940, which appear in the Appendix.]

REVENUE AND GOVERNMENTAL COSTS IN WEST VIRGINIA

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter written by him relative to revenue collected and governmental costs in West Virginia, which appears in the Appendix.]

SALE OF NEWLY ISSUED RAILROAD BONDS BELOW PAR

Mr. MINTON. Mr. President, a short time ago the junior Senator from Missouri [Mr. TRUMAN], on the floor of the Senate, directed the attention of the Senate to the fact that an issue of bonds being floated by the Louisville & Nashville Railroad had been bid on by a bond house for the full par value of the bonds; but, notwithstanding that fact, the railroad company proposed to and, I believe, did sell the issue of bonds to its banking connection in New York for less than par, and for less than an offer it already had in good faith.

There has been called to my attention another circumstance of similar import. It seems that the Elgin, Joliet & Eastern Railway are offering an issue of $20,000,000 of their bonds. They likewise have been offered par for the bonds; but, notwithstanding the fact that they have been offered par for the bonds, they propose to accept 99½ from their bankers in Wall Street.

Mr. President, so long as the railroads of the country are asking the Government of the United States to help them solve their problem—and they have a problem—it seems to me they should be doing something about putting their own house in order. It seems to me the least they should do is to try to get for the bonds they sell all that they can get and not be favoring some Wall Street banker by means of a cut on their bond issues.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified, offered by the Senator from Michigan [Mr. BROWN] to the committee amendment.

Mr. BROWN. Mr. President, I desire to take a portion of the time between now and the hour at which the vote is to be had in a discussion of the amendment, and particularly a discussion of the application of the Hatch bill to certain classes of our citizens. I desire briefly to point out some of the things my pending amendment does and some of the things it does not do; the latter particularly, because so much has been said over the week end about the prohibition of the amendment.

In the first place, it does not prohibit anyone from political activity, or from making political contributions, or from engaging in political management. Every man has the right so to conduct himself that he may be excepted from the provisions of the amendment by divesting himself of interest in a governmental financial benefit, just as every Government employee, if he desires to resign, may except himself from the provisions of the Hatch Act. The requirement of the amendment is that if a man's profits depend upon Government tariffs, if he desires to continue a contract he has with the Government, or to borrow from it, he may not, by pernicious political activity, attempt to influence the Government.

If someone says it is not pernicious political activity for a man to engage in the task of attempting to persuade others to join his political party or to vote for his particular candidate, then I reply that the Senator from New Mexico has made it pernicious political activity for a Government employee to engage in any manner, no matter how legitimate that engagement may be, in political activity. Under my amendment, if a man deals with his Government or has a controversy with his Government, such as an application for a tax refund, during the period for which he is so engaged but for no longer, he must not, because of his possible financial interest in the outcome, become a political manager for a candidate, become a member of a political committee or be a cash contributor or a cash collector, or be active politically.

Mr. President, this is not a new idea. On the same day that I submitted my amendment, the Senator from Vir-

ginia [Mr. BYRD], without any knowledge upon my part that he was doing it, and, of course, without any knowledge upon his part that I was submitting an amendment, proposed the following:

No person, firm, or corporation entering into any contract with the United States or any department or agency thereof, or performing any work or services for the United States or any department or agency thereof, or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such work, services, material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance or furnishing of, such contract, work, services, material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person, firm, or corporation for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 5 years.

That is one of the things I intended to cover in my amendment, but perhaps is expressed in a better manner than I have expressed it in my amendment.

Not only is that proposition not new, but the Senator from New Mexico [Mr. HATCH] some time ago proposed, with the Senator from Virginia [Mr. BYRD], a similar prohibition.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I think this is the proposal submitted before, almost in the exact language.

Mr. BROWN. It may be. I desire to compliment the Senator from New Mexico on joining with the Senator from Virginia in that respect.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Maryland.

Mr. TYDINGS. I was wondering whether the Senator proposed to offer that amendment as a separate amendment.

Mr. BROWN. That amendment, in substance, is contained in my amendment. My amendment of course goes further, and includes the beneficiaries from the tariff; it includes those who borrow from the Government, and so forth. I do not intend to offer this amendment as a substitute for mine.

The Senator from New Mexico [Mr. HATCH] and the Senator from Utah [Mr. THOMAS], who, I believe, are experts on this subject, said upon the floor of the Senate that the evil which the Senator from New Mexico sought to reach by the amendment he proposed some years ago, and the evil which I seek to reach now, is far more to be condemned than the evil which he seeks to reach by the pending Hatch bill. The Senator from Utah, upon being questioned about the matter, made a statement which I desire to read. I refer to page 2596 of the CONGRESSIONAL RECORD of March 9, when the Senator from Indiana [Mr. MINTON] asked which was worse, contributions by State employees or contributions by great corporations seeking public favor.

The Senator from Utah replied:

That which the Senator from Michigan [Mr. BROWN] exposed yesterday is damnable. That which was exposed by the Senator from West Virginia [Mr. NEELY] was bad.

In other words, the evil which I point out—the contributions and political activity of tariff beneficiaries and others—and which I think is a part of the same general proposition about which we are legislating today—is considered by the very acute and able Senator from Utah to be much more to be condemned than are these petty contributions from Government and State employees.

The Senator from Utah proposes an amendment; and again I see in the amendment the idea which seems to permeate those who are favoring the pending Hatch measure. The Senator from Utah, I think very logically, proposes that no person who engages in political activity on the side of what we might call, for lack of a better term, the "outs," shall be appointed to any public office for a period of 2 years after the success of those whom he supported. But again, for some reason which I cannot fathom—though I can see a practical reason, possibly, for it—he excepts members of the Cabinet and excepts Ambassadors to foreign countries.

I say to fair-minded men if we are to enact a provision covering the political manager who is active in a minor capacity, in a county or in a State, to prohibit him from taking any appointive office from the successful candidate in an election because he participated in politics in an entirely legitimate way—not in an illegitimate way, but in a proper way—if we are to prevent him from being appointed to office, why should we exempt the great contributors who contribute tens of thousands of dollars instead of $10? Why should we not prohibit them from having positions as ambassadors or places in the Cabinet? I cannot understand why men who have studied this problem, as have the Senator from New Mexico and the Senator from Utah, exempt the "big shots" and continually legislate against the little fellow.

In this connection I desire to call attention to another matter. I have been a great admirer of the newspapers of Washington. It is rather surprising that newspaper owners who have the ideas entertained by Mr. Meyer or the owners of the Star should permit their columns to be used by a liberal, a sometimes extreme—I might even say radical—columnist. But they do it. They have been entirely fair in that respect. The Washington Post does not agree with Mr. Lindley's views, but they publish Mr. Lindley's views. The News does not always agree with Mr. Clapper's views, but they publish Mr. Clapper's views. The Star certainly does not agree with the somewhat radical views which are often expressed by Jay Franklin, but they publish Mr. Franklin's views; and probably all these gentlemen are paid for their contributions. Therefore in what I am about to say I do not mean to intimate that I criticize or that I have any idea of penalizing by legislation the newspapers either of Washington or of any other place.

I do not smart under criticism, but I think that the editorial in this morning's Washington Post condemning me for attempting to sabotage the Hatch amendment, now proposed, is picking on one who cast one of the two vital votes, which, if they had been changed, would have resulted in the adoption of the Miller amendment, which would have entirely eliminated from section 9 of the Hatch Act the prohibition against all political activity. If I had wanted to sabotage the Hatch bill or the present Hatch Act, I would have joined with those who I think had considerable ground for voting as they did against the provision in the law which condemns all legitimate political activity on the part of officers. But I did not do that.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. LEE. I do not agree with the Senator that everyone who voted for the Miller amendment or the Adams amendment had in mind sabotaging the entire Hatch bill.

Mr. BROWN. I think that if the Senator will read what I have stated he will find that I did not make such a statement.

Mr. LEE. I listened very carefully. The implication was rather strong.

Mr. BROWN. Certainly if I gave that impression, I did not mean to imply, because I am rapidly coming to the point where I believe that I would now vote for a proposal which would eliminate the ban against all political activity as it is included in the original Hatch Act, if it is necessary to eliminate such a ban in the application of the Hatch bill to State employees, as to whom I contend we have no right to legislate at all under the framework of the American Constitution.

Mr. President, I stayed with the proponents of the Hatch bill when it was not easy to do so, when those with whom I am usually associated were urging upon me to vote the other way, because I hoped that we could leave the present law as it is, and not attempt to place upon the officers of the State of Michigan and of the other States of the Union what I conceive to be an entirely unfair provision, a provision which

while not unconstitutional, insofar as section 12 of the bill is concerned, under the letter of the Constitution, I think is completely against the spirit and framework of the Constitution.

Mr. President, while I am on that subject I wish to read a part of this editorial:

> Because of the commendable purpose of the bill few Senators have attacked it directly. Most of its opponents, like Senator BROWN, prefer to saddle the measure with absurd amendments that would make its enactment unfeasible. * * *
>
> To be consistent the Senator should have included all farmers drawing benefits from the A. A. A. and veterans entitled to Federal aid.

I did not include either of those classes, and I do not think they should be included. I certainly would not include the class I am about to mention, but it was suggested to me by more than one Member of the Senate and more than one Member of the House that we might also include the newspapers of the United States, and prevent them from political activity, because of the fact that they are using the mails of the United States, and there is plenty of authority for that view, from the decision in the case of *Lewis Publishing Co.* v. *Morgan* (229 U. S. 288).

Mr. President, I do not care to go that far. There is no Member of the Senate who will fight more vigorously for the liberty of the press or for freedom of speech than I will. But we are tending in the direction suggested.

People talk about the Constitution preventing a "denial" of freedom of the press and a "denial" of freedom of speech. I have heard that word used many times. The Constitution does not say any such thing. The Constitution provides that the Congress shall make no law "abridging" the freedom of speech or "abridging" the freedom of the press, the word "abridging" being quite different from the word "denial." It means that we cannot chisel away, bit by bit, statute by statute enacted here, freedom of speech or freedom of the press. It means that we cannot condense, contract, curtail, diminish in extent. We have to leave the freedom of speech complete. That is what it means.

Mr. President, when we do what we did in the original Hatch Act, and what we are asking to do in the pending amendment, we apply an abridgement of the right of free speech, not as applied to all the citizens of the United States, but as applied to a certain class of citizens of the United States. How powerful is that attempt?

Take the case of a teacher in the University of Minnesota, which operates under the Morrill Land Grant Act, who has a position at, say, $5,000 a year as a college professor, and has no other income. The only way he can live, support his family, and maintain himself, is by hanging onto his job as a teacher in the university, because if he resigns to run for office, for example, he cannot get a job in any other university. He would be subject to the same penalty elsewhere. His life and his profession are that of teaching. We say to him that he cannot speak upon a political subject; that he cannot engage in any political activity.

The Senator from New Mexico admitted last Tuesday that under the provisions of his law that teacher could not even take part in an election upon a proposition to bond his community for the purpose of erecting a schoolhouse, or fire hall, or any other public building. If that is not in substance and in fact a denial of the right of the freedom of speech, an abridgement of freedom of speech, I do not know what those words mean.

We do not in this measure attempt to deny or abridge the freedom of speech of all citizens. We again enter into class legislation, and, Mr. President, how many people would be affected by the measure?

When we went into the public salary tax bill we found that there were in the neighborhood of 1,200,000 Federal employees, and we found that there were 2,600,000 State employees. So we would be taking about 4,000,000 citizens entirely out of circulation for engaging, not in pernicious political activity, but in legitimate political activity—the making of speeches for a candidate, the contribution of sums of money to carry out the idea a man may possess as to what should be the politics and the political trend of his country.

Mr. MINTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. BROWN. I yield.

Mr. MINTON. I think the Senator from New Mexico [Mr. HATCH] takes the position that it would not be denying anyone his constitutional right of free speech or otherwise, but would merely be enacting into law the terms upon which he might be employed. In other words, a man could either quit making speeches for those in whom he believed, and for the cause in which he believed, or starve. He would have the choice of one or the other—giving up his right of free speech, or losing his employment.

Mr. BROWN. Yes; which, in the case of the university professor, is an absolute prohibition, unless he is a man of great wealth.

How far are we going in this matter, Mr. President? I call the Senate's attention to an editorial, or at least a statement, contained on the editorial page of the largest weekly magazine in the United States, the Saturday Evening Post, of March 9, the current issue. On its editorial page appears the heading:

> We see by the papers.

And under that the following:

> A special committee on economic conditions of the San Diego County, Calif., grand jury finding that relief is "fast becoming an intolerable burden to taxpayers"—

And they reached this conclusion:

> "Seeking any measure to divorce politics from relief, we suggest"—

And they say with considerable hesitation—and I want to commend them for that hesitation—

> "that the simplest and quickest way be to suspend the voting power of the relief client for the period of relief."

I am not saying that that is the view of the Saturday Evening Post, but they seem to quote it as a matter of news worthy to be placed upon their editorial page.

Mr. MINTON. Mr. President, will the Senator again yield?

Mr. BROWN. I yield.

Mr. MINTON. If I understand correctly the position of the Senator from Michigan with reference to the proposed legislation, it is that we have approached the solution of the problem from the wrong angle; that we are out fishing for the minnows while the sharks and the barracudas are left at large?

Mr. BROWN. Absolutely. I agree with the Senator from Indiana.

If we carry the ideas of the Senator from New Mexico to their logical conclusion, we can do a great many things we should not do. We can say to the able dean of the Senate that unless South Carolina entirely prevents lynching within the limits of the State of South Carolina, for the next ensuing fiscal year we willl not give the cotton farmers of South Carolina a cent of cotton benefits, or benefits of any other kind. If we start on this course, there is no limitation whatsoever upon us except the attitude, which ought to be sensible, of the Senators themselves—the brakes which they would put upon it. There is absolutely nothing to prevent the attempt being made to cajole or coerce a State legislature to do anything the United States Congress wants it to do, regardless of its own views, by a threat of withdrawal of Federal money. It does not need to be connected with the purpose for which the moneys are granted, although there is some remote connection in the present instance.

Mr. President, I was in discussion a few days ago with a very distinguished political scientist of the University of Minnesota. Without any solicitation from me—he came to me last Saturday morning and said, "I want to point out to you the effect of this Hatch amendment upon a considerable class of our citizens," and I think so much of what he said that with a few changes I am going to give to the Senate the substance of what he said to me.

The bill to extend the provisions of the Hatch Act to certain officers and employees of the State, taken up for

consideration on March 4, would in all probability extend to professors, instructors, teachers, officers, and all employees of any educational institution receiving grants from the Federal Government for educational purposes. Certainly the bill would include all professors and employees of the 69 land-grant colleges throughout the country.

I take it that the Senator from Utah [Mr. THOMAS] who, as we all know, was a distinguished professor in the University of Utah—I believe he was when he was elected to the Senate of the United States—would not be here today if the Hatch law had been in effect in 1932. He would have been prohibited from engaging in political activity, assuming that the University of Utah receives money under the Morrill Land Grant Act.

The Senator says that it does not. Well, one of the great schools of my State of Michigan, Michigan State College, receives such money, and sixty-nine-odd universities throughout the country receive it.

I do not know whether or not Princeton University comes within the Morrill land-grant group. But if it does, Mr. President, Woodrow Wilson could not have been elected Governor of New Jersey, and all the splendid men we have taken from various colleges throughout the country would not be here in Washington today. There would not be any "brain trust" for the Republicans to talk about, because all those gentlemen would be ineligible. Am I right or wrong?

SEVERAL SENATORS. Right.

Mr. BROWN. When the Senator from New Mexico was questioned by the junior Senator from Connecticut [Mr. DANAHER], on March 5 he was asked:

> Would a professor in a land-grant university or college, for instance, be included within the prohibition of this measure?

The Senator from New Mexico replied:

> Yes; he would be. I think he should be.

The fact that the pending measure will extend to the land-grant colleges and universities was taken for granted by another Senator during the course of the debate. The Senator from South Carolina [Mr. BYRNES] on the same day contemplated the possibility that the Civil Service Commission might, under some circumstances, take action to withhold some of the funds of a land-grant university or college. It would be difficult to say how many educational institutions in the country would be affected by this bill in addition to the land-grant schools. If the institutions receiving grants under the Morrill Act would be affected, then it would appear that all schools receiving grants under the Smith-Lever Act of 1914, the Smith-Hughes Act of 1917, and other similar acts relating to instruction and research in agricultural and technical subjects, would be equally affected.

During the first day of the debate in the Senate the Senator from South Carolina assumed that the bill applied to teachers in institutions receiving grants for vocational education. In the debate, on March 7, the Senator from Florida [Mr. PEPPER], and the Senator from Kentucky [Mr. BARKLEY] seemed to hold that all teachers serving in schools partially supported from Federal public funds would come within the scope of the bill.

The proposed law uses the words "any person employed in any administrative position." These words might be held to exclude teachers in universities and other educational institutions of all grades, just as I supposed there was a distinction between, I think it is, section 3 of the bill and section 9 of the bill.

But section 12 (a) of the pending bill extends the scope of the act by the use of language which is much broader and more inclusive. This section begins with the words:

> SEC. 12. (a) No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No such officer or employee shall take any active part in political management or in political campaigns.

Not pernicious political activity, but any legitimate political activity, as heretofore understood.

These words are certainly sufficiently broad to include university teachers, professors, and other teachers throughout the country, including professors in State universities and other State-supported educational institutions.

I am now reading or using in part the words of the gentleman whose name I shall give later:

> Professors in State universities and other State-supported educational institutions do not ordinarily think of themselves as officers and employees of the State. They regard themselves, rather, as members of a profession with a high standard of public service.

Certainly they have maintained that position.

> They think of themselves as members of the community of scholars, owing allegiance first to their colleagues and the university hierarchy. Yet they are undoubtedly mere State employees, and are thus included in the present bill. They receive their salaries from the general funds of the State, under warrant of the State treasurer. They profited until 1940 from the general exemption of State employees from the Federal income tax.
>
> The Federal funds paid to the land-grant universities and colleges under the Morrill Act in aid of agricultural education are paid into the general funds of the institution. They are, of course, budgeted as belonging to the departments for which the grants were made, but there is no practical way to segregate the funds in order to say that the salaries of only certain professors, or the activities of only certain departments, are in part financed out of Federal funds. The whole institution and all the professors and employees may be regarded as in receipt of Federal funds.

If those assumptions are correct—and I take it from the statements made by the Senator from New Mexico [Mr. HATCH] that they are—all teachers and employees in the land-grant universities and colleges, the numerous State experiment stations, the State departments of education, and in practically all the secondary schools in the country, would be restricted in their right to participate in politics.

Perhaps the members of local school boards, trustees, and regents of the land-grant colleges would be included. According to the language of the bill they would be prohibited from using their official authority or influence for the purpose of interfering with an election or affecting the results thereof. By the amendment offered the other day by the Senator from Missouri [Mr. CLARK] and accepted by the Senator from New Mexico [Mr. HATCH], no appointed regent of a State land-grant college could run for office to succeed himself. Under the original proposal of the Senator from New Mexico [Mr. HATCH] they might possibly have been excluded; but under the Clark amendment every one of them is included. The amendment would not apply in my State, because we elect the regents of the University of Michigan, and we elect the State board of agriculture, which runs the Michigan State College. Those are large institutions, Mr. President. One of them has 12,000 students, and the other has approximately 6,000 students. None of those regents could be a candidate to succeed himself, because he would be engaged in politics—legitimate politics, I say. The Senator's bill makes them guilty of engaging in pernicious political activity.

By the language of the proposed law such teachers, college professors, and so forth, would further be prohibited from taking any part in political management. Many university and other teachers have long regarded such activities as legitimately belonging to them as intellectual leaders in the communities in which they live. Many professors have served with distinction as officers of political parties, members of party committees, and delegates to conventions. Probably one of the greatest engineers in the United States is the dean emeritus of the College of Engineering of the University of Michigan, Mortimer E. Cooley, a well-known man who has done much at the request of this administration. In 1930 Dean Cooley was a candidate on the Democratic ticket for the office of United States Senator. Dean Cooley could not have been a candidate for office if the provisions of the Hatch bill had been in effect. We are excluding from participation in politics the very highest class of our citizens; men who perhaps ought to interest themselves more in government than they now do.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Montana.

Mr. MURRAY. If the teachers and professors to whom the Senator has been referring were excluded from political activities, would we not be excluding practically the only persons in the various States who would be competent to discuss educational problems or problems with reference to bond issues for schools, and so forth?

Mr. BROWN. Yes. The Senator makes a telling point along that line.

The entire Department of Health of the State of Michigan is obtained from the department of medicine in the University of Michigan. If the present bill, as amended, is passed, the Governor of my State may not take a professor from the State university and put him into office as the head of the board of health and have him thereafter say anything whatever in favor of the Governor who chose him.

At times professors have rendered valuable public service as members of committees to advise political parties on matters of policy by giving educational lectures to assemblies on party measures. I do not understand that Mr. Frank now has any connection with the University of Wisconsin; but he is chairman of the policy-forming committee of the Republican Party, and it is a mere accident that he is not now president of the university. As president of the university he would be prevented from engaging in that kind of political activity by the provisions of the pending bill.

The scholar in politics is not as common a figure in America as in certain other countries, but there have been outstanding examples, such as Woodrow Wilson, and the revered Senator from Utah [Mr. THOMAS]. Many Members of the House and Senate have seen service in the teaching profession.

There are always some members of the teaching profession who value highly the right to participate in politics. They see no inconsistency between sincere partisanship in politics and impartiality in scientific judgment. There is in fact no contradiction between the two things.

The most inclusive organization of teachers in the higher schools, the American Association of University Professors, fully recognizes, in its statement of principles adopted in 1938, that the teacher has certain rights as a citizen which are essential to his professional achievement.

The college or university teacher is a citizen—

This association has declared—

a member of a learned profession, an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations.

While the association has never made an official declaration covering the specific issue raised by the proposed legislation, it is plain from the foregoing that scholars value highly their right to their own political ideas and hope to preserve the right to express and advocate those ideas in every way consistent with democratic principles.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Along the line suggested by the Senator from Michigan, let me say to the Senator that our State university is a land-grant college. We have two normal schools in our State which are land-grant colleges. Our school of mines is a State land-grant college. Our school for the deaf and blind is a land-grant college.

Mr. BROWN. The Senator's colleague states that all of them are subject to the provisions of the bill.

To note a specific example, a political scientist, as a part of a legitimate research program, might wish to serve as a watcher at the polls. Projects of this character have actually been conducted, in which both teachers and students have participated, with excellent results in exposing electoral malpractice. Again, a political scientist, in a genuine desire to assist his chosen party as well as to lend a touch of reality to his teaching and writing, might wish to offer his services for a time to the party headquarters.

Social scientists might, in genuine public spirit, feel disposed to offer their services in the research and educational activities which our political parties are beginning to sponsor. Some, if not all, of these perfectly legitimate enterprises would, under the proposed legislation, result in the end of the professional careers of those concerned.

In other words, under the Senator's bill, they could quit their jobs if they wanted to, but they must quit them if they desire to express their opinions where they will do some good in a political campaign. Certainly, as I said a while ago, Mr. President, that is an abridgement of the right of free speech.

The most important objection to the proposed legislation from the point of view of the teaching profession does not, however, arise from a desire to preserve the freedom of action of teachers in extra-mural affairs. The possible effect upon academic freedom within the classroom is much more important. Teachers—and I call particular attention to this—would be in constant fear that their remarks might be interpreted as advocacy of a particular party or candidate. Historians and political scientists would have to trim close in their discussions of political campaigns and party platforms.

Teachers in Michigan, for example, would be subject to the possible danger of having the Civil Service Commission come into the State of Michigan, and say that Professor So-and-So in November or October of 1940 expressed an opinion to his classes, some of the members of which may be voters, in which he indicated that one of the principles in the Democratic platform was right. Therefore, because he had done this, the long arm of the Federal Government would reach down and say to the college or university, "If you want to continue to get money from the United States you have got to discharge that college professor; he cannot teach there any longer." Who does that? A bureau here in Washington, the Civil Service Commission, that has no connection whatsoever with the University of Michigan. That, Senators, as nearly as I can recollect, is the most extreme proposal for intrusion of bureaucracy in the affairs of a State that I have ever seen seriously contemplated in a legislative body.

Since anyone can complain of an alleged violation to the enforcing authority, there would be danger of the development in every university and college of a system of espionage comparable to that which developed in the German universities after the national socialists came into power.

In other words, if the Civil Service Commission should do its full duty, that is, enforce the law, then it ought to have another group such as Edgar Hoover's operatives, to go to the University of Michigan and attend the classes conducted by professors who might be suspected of expressing political opinions in their classrooms.

Every disgruntled student, suffering, perhaps, a supposed unjust grade on an examination or essay, would be sorely tempted to tell tales out of school. The proposal has appalling prospects of promoting wholesale corruption of student morals and character assassination of teachers.

Mr. LUCAS. Mr. President——

Mr. BROWN. I yield to the Senator from Illinois.

Mr. LUCAS. Does the Senator from Michigan care to make any observation or express any opinion as to what he believes might happen to a political scientist in universities under this bill?

Mr. BROWN. It is my judgment that Prof. Charles E. Merriam, who headed the political science department of the University of Chicago, would have been pretty seriously handicapped in his campaign for mayor of the city of Chicago. I see no basis upon which any teachers of political science could express their own convictions. The great authority on the tariff, Professor Taussig, of Harvard, for years in Harvard University preached the doctrine of low tariffs and pointed out the danger of high protective tariffs to his classes and in his lectures outside the university and in all his works. If he, after this bill was enacted, protested against what he thought was a pernicious protective tariff, he could be condemned; he could not hold his job in Harvard, that is, assum-

ing that Harvard is a university which is assisted by the United States Government.

Mr. LUCAS. Mr. President——

Mr. BROWN. I yield.

Mr. LUCAS. I will say to the Senator that I had the latter question in mind rather than the former. In other words, I think the teacher in a political science department would certainly be curtailed, if this bill should become a law, in expressing any opinion to those to whom he was teaching a certain type of political philosophy.

Mr. BROWN. Absolutely; the Senator is correct; and that is the main burden of my remarks.

Quite apart from the possible effects upon individuals, the proposed law contains an ominous provision for educational institutions. The prospect of the Civil Service Commission sitting in judgment over some great State university, with power to withhold some or all of the Federal funds provided by law, is not an inspiring one, to say the least. The university might be called upon to answer for the actions, perhaps, of some irresponsible underling. The institution—and, indeed, the whole people of the State—might be made to suffer because of the curtailment of funds. Moreover, the Civil Service Commission would have power to order the discharge of the professor or employee involved. This would be regarded by all concerned as an unwarranted invasion of the right of a university to control its own affairs. To discharge a professor because of political activity would be a violation of the long-settled rules and practices of academic tenure. If a university should accede to such a demand of the Civil Service Commission, it would be faced with bitter protests from its own faculty and would, undoubtedly, be "blacklisted" by the American Association of University Professors. The author of this measure probably did not perceive its probable ill effects upon educational institutions and the teaching profession.

Mr. President, much, in fact, most, of these remarks are the views of a well-known educator, Prof. Joseph R. Starr, department of political science of the University of Minnesota.

I wish to conclude with two observations: First, the activities of Government employees and of State employees, which we ought to condemn—and we, as the legislature of the United States, ought not to take such action in the case of State employees—is just what the title of the bill condemns—namely, pernicious political activities.

I think the author of the bill, in the interim which I hope is coming before we finally vote on the measure again, ought to search his mind and ask himself if he is not condemning an entire class of a million and a quarter Government employees, and possibly 2,600,000 State employees, because of the bad political activity of some few State employees? Everything that is pernicious in political activity is now specifically condemned under the laws of the United States. Most of such activities are specifically condemned by the Hatch Act, which was passed last August. But now the Senator goes way beyond that and throws out a great dragnet in which he seeks to gather every Government official, no matter how legitimate his interest in politics may be.

Mr. STEWART. Mr. President——

Mr. BROWN. I yield to the Senator from Tennessee.

Mr. STEWART. The Senator has been discussing an important phase of this measure with regard to its effect on land-grant colleges. I should like to call the Senator's attention to a bill which has been pending in the Congress since last July, Senate bill 2510, which has been introduced for the purpose of authorizing the appropriation of a certain amount of money to be paid to the various States of the Union for the purpose, as provided in the bill, of assisting the States to maintain kindergarten schools. The bill provides that when the money is put into the treasury of each State it is to be managed and controlled entirely by the State board of education.

I do not know whether the Senator has given any thought to the bill to which I have referred, but I am wondering whether or not, if the pending bill should pass, the entire school systems of every State in the Union might be included under the Hatch bill, that is, at least the teachers who are employed in these schools and who are State employees might be drawn under the provisions of the bill.

Mr. BROWN. Certainly, I will say to the Senator from Tennessee that under the general theory of this bill, if pursued to its logical conclusion, the teachers to whom the Senator is referring would be included within the provisions of the bill.

Mr. STEWART. I am interested in the kindergarten bill because I have had a great many communications from my State and, as a matter of fact, letters from a few other States about it. There seems to be a rather widespread interest in the measure, and it is on the Calendar of the Senate at this session. I was, of course, thinking of the extent to which the bill would go, if it should become a law, with reference to money being paid by the United States Government into the educational fund of a State, or into a State treasury, to be disbursed and handled by the State board of education without control of any sort on the part of the Federal Government—money that is placed in the fund out of which the high schools and grammar schools of the State are already being maintained and operated.

We may have a very far-reaching thing ahead of us in this respect. If every school teacher in every State of the Union is to be affected by this measure, I think it certainly is entitled to even more serious consideration than it has received, because the same argument which the Senator has made with respect to teachers in land-grant colleges would apply to teachers in the public schools of the States if the bill should be enacted.

Mr. BROWN. I thank the Senator from Tennessee.

Let me read into the RECORD for consideration a proposed amendment, and then I will send it up and ask that it be printed and lie on the table for future consideration.

Particularly referring to the matters I have been discussing, I propose, following section 15, to add a section to be known as section 16, as follows:

> Nothing in this act shall be construed as in any way affecting educational, religious, eleemosynary, philanthropic, or cultural institutions, establishments, and agencies, together with the officers and employees thereof.

That would adequately take care, I think, of the group to which I have been referring.

Mr. President, like the amendment I proposed last Friday, this amendment is proposed in the event we enact—and just think of the Democratic Party being responsible for enacting—a measure which will invade the rights of all the 48 States of the Union, and legislate respecting the tenure of office of their employees and their conduct. I should not have submitted the amendment I submitted last Friday if I had not thought it was a logical extension of the principle upon which the pending Hatch bill is based. I think there should be no Hatch bill. I think that if we could do so we ought to eliminate the prohibition contained in the present law against legitimate political activity. But if we are going to have this amendatory measure, then I say to you that we ought to cover all other classes of persons such as contributors to political campaign committees which I discussed last Friday.

Mr. CHANDLER. Mr. President——

Mr. BROWN. I yield to the Senator from Kentucky.

Mr. CHANDLER. It seems to me the Senator has been arguing from the standpoint of the bill being a sword, and has been missing the point of its being a shield.

For several years I have been the chairman of the board of trustees of a land-grant college of one of the universities of the country. Not only are 98 percent, I should say, of the professors of the university desirous of being relieved of the feeling that they have to be on one side or the other in political campaigns, but if the Senator has ever had the experience of having a political circular get into the hands of one of these professors, and having him complain and take it forthwith to the newspapers and show what one side or the other was trying to make him do against his wishes and against his

will, it is my observation that the Senator has not heard any squalling such as he would hear if he tried to get one of them to contribute to a political campaign on one side or the other. [Laughter.]

I think the Senator misses the point, to this extent: I do not agree with him that under this measure, if the Governor of a State wanted to bar a tax collector from the professorship of a university, as we do in Kentucky, and have him administer the tax laws of the State, that would be in violation of the Hatch Act.

Mr. BROWN. Let the Senator understand what I was talking about. I said that if the Thomas amendment were adopted—and the Thomas amendment is a logical extension of the Hatch Act to the class of politicians who are on the outside trying to get in—and a university professor had in any way participated in politics within 2 years before the election, the Governor could not take him from the university and put him in charge of tax collections.

Mr. CHANDLER. I understand. I believe, however, the people of the country would like to know whether the professors and the school teachers are going to be professors and school teachers or whether they are going to be politicians. I think that is an important question when we consider that the Congress appropriates money for the land-grant colleges under the Smith-Hughes Act, the Lever Act, and the other acts which the Senator has mentioned. When the Congress appropriates money to professors to be spent for the education of the young men and young women of America, it is my feeling that the people of the country want that money to be contributed without any requirement that the persons receiving it shall play politics in order to keep their jobs.

Mr. BROWN. Does the Senator find in the law any requirement that they shall play politics?

Mr. CHANDLER. No; but——

Mr. BROWN. That seems to be the burden of the Senator's remarks. We are talking about their liberties, their right to do things they want to do, and the restriction upon those rights.

Mr. CHANDLER. Does the Senator construe section 12 to limit the right of a man to vote for one side or the other in a political campaign?

Mr. BROWN. Not at all; but it does limit his right to be a candidate for office.

Mr. CHANDLER. He has to make a choice whether he is going to be a professor or a candidate for political office, and he ought to make that choice.

Mr. BROWN. Yes; and he has to give up his job on the doubtful chance of being elected to office. Suppose he were a Republican candidate in the Senator's State of Kentucky. The Senator knows that he would not stand much chance of being elected; but before he could be a Republican candidate he would have to give up his job. He would have to resign.

Mr. CHANDLER. On such a hopeless prospect for a job in the future, he ought to be required to give up his job. There is no question about that. [Laughter.]

The point I want to make, however, is that 98 percent of the professors and school teachers want to stay out of politics. They have taken a profession for life. They receive money from the Federal Government and from the State. They want to teach school. The Senator views this measure as a sword, while I view it as a shield. I think it is a protection to such persons.

Mr. BROWN. I will say to the Senator that I do not know much about the University of Kentucky, although I have met the dean of the medical school of that university, who happens to summer on the Straits of Mackinac, where I live; but there is nothing in the bill which compels such persons to engage in politics. We in Michigan, so far as I know—and I am fairly familiar with the situation—have never passed the hat among the professors of the University of Michigan or of Michigan State College. We do not do that. What I am saying is that if such a man wants to make a political speech in a campaign, or if he wants to contribute to a campaign, he has a right to do it. We do not compel him to do anything.

Mr. CHANDLER. The act says "official authority." Does the Senator construe that to mean official authority or political influence?

Mr. BROWN. Oh, no; I have not the slightest objection to anything the Senator has in his bill respecting the use of official authority. I am talking about the provision of the bill which says that all political activity is condemned on the part of any State official—not the use of official authority, but the use of his time when he is not working for the State when he is off duty.

Mr. CHANDLER. I will say to the Senator from Michigan that I am certain that the people of the country are watching what we do in regard to this bill. It is my opinion that they are watching to see—and, to my mind, that is the real issue involved—whether we are going to continue to appropriate money for public health and public schools and public charities, and say to those who receive it, "You must contribute to political campaigns," or "You must play politics."

Mr. BROWN. The Senator does not mean that at the present time there is anything in the law or in the practice which makes professors in universities contribute to political campaigns?

Mr. CHANDLER. No; but many of them feel an urge to do so which they will not feel if this measure is passed.

Mr. BROWN. They do not in Michigan.

Mr. CHANDLER. The Senator argues from the standpoint of the measure being a sword, while I argue that it is a shield; that it gives these persons protection and also guarantees that in the future the money of the people of the United States will not be used for politics, but will be used for the purposes for which Congress appropriates the money.

Mr. BROWN. Let us lay aside the matter of political contributions. Does the Senator think the teachers in the University of Kentucky desire to be muzzled because they happen to hold positions as teachers in the university?

Mr. CHANDLER. This bill does not muzzle them, and the Hatch Act does not muzzle them.

Mr. BROWN. Oh, yes; the bill does. It says they may not engage in political activity; they may not engage in a political campaign; they may not make political speeches in a campaign; they may not make contributions to political campaigns.

Mr. CHANDLER. They do not want to make contributions to political campaigns.

Mr. BROWN. That may be so; but certainly they do not want their liberty of speech taken away from them. I think the Senator entirely misconstrues the measure.

Mr. CHANDLER. The Senator from Utah [Mr. THOMAS] will agree that whenever we find a professor in a college who is taking part in politics, or someone connected with a school like the man who gave the Senator the information he has just given to us, he is a man who ought to be in some other business than a professorship in one of the colleges of America.

Mr. BROWN. That is not very complimentary to the Senator from Utah. He came directly from the University of Utah to the Senate of the United States, and we are all very happy to have him here. I do not believe that could have happened if the Hatch bill had been on the statute books.

Mr. CHANDLER. The Senator from Utah said he was not a professor in a land-grant college.

Mr. BROWN. But he was a professor in a college which undoubtedly is gaining some benefits from the Treasury of the United States, and I do not want to make it doubtful whether or not the Senator from Utah could have come here. I do not wish to put him under a cloud by saying that what he did away back there was pernicious political activity. That is just what we are asked to do by passing the Hatch bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had

disagreed to the amendments of the Senate to the bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the judiciary, for the fiscal year ending June 30, 1941, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McANDREWS, Mr. RABAUT, Mr. CALDWELL, Mr. KERR, Mr. HARE, Mr. CARTER, Mr. STEFAN, and Mr. WHITE were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1449. An act for the relief of Robert Stockman;

S. 1998. An act for the relief of Ernestine Huber Neuheller;

S. 2284. An act to amend the Act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service; and

H. R. 7863. An act to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. HATCH obtained the floor.

Mr. THOMAS of Utah. Mr. President, will the Senator yield in order that I may suggest the absence of a quorum?

Mr. HATCH. I yield.

Mr. THOMAS of Utah. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Russell
Andrews	Donahey	King	Schwartz
Ashurst	Ellender	La Follette	Schwellenbach
Austin	Frazier	Lee	Sheppard
Bailey	George	Lodge	Shipstead
Bankhead	Gerry	Lucas	Smith
Barbour	Gibson	McCarran	Stewart
Barkley	Gillette	McKellar	Taft
Bilbo	Glass	McNary	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrd	Hale	Murray	Truman
Byrnes	Harrison	Neely	Tydings
Capper	Hatch	Norris	Vandenberg
Caraway	Hayden	Nye	Van Nuys
Chandler	Herring	O'Mahoney	Wagner
Chavez	Hill	Overton	Walsh
Clark, Idaho	Holman	Pepper	Wheeler
Clark, Mo.	Holt	Pittman	White
Connally	Hughes	Reed	
Danaher	Johnson, Calif.	Reynolds	

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Eighty-six Senators having answered to their names, a quorum is present.

Mr. BROWN. Mr. President, will the Senator from New Mexico yield to me a moment?

Mr. HATCH. I yield.

Mr. BROWN. I ask unanimous consent that I may modify the pending amendment by inserting in line 3, page 1, after the word "stockholder," the words, "having an interest worth over $25,000", and inserting the same words in line 5, page 2, after the word "stockholders."

The PRESIDING OFFICER. Without objection, the amendment will be modified as requested.

Mr. HATCH. Mr. President, the discussion which has gone forward during the past several days, in my opinion, concerns things which are not included in the pending bill, and were never intended to be included in it, and the bill will have none of the effects about which Senators have manifested so much concern. I wish to speak briefly today about some of the things which are not included in the bill, but which Senators repeatedly declare are prohibited by the bill.

The argument which was made this morning, and those which have been made throughout the week, as to the curtailment or abridgment of the constitutional right of freedom of speech, has been answered over and over again, not by me—my word might not be important in construing constitutional provisions—but they have been answered in words such as those I quoted last week from Oliver Wendell Holmes, a man whose ability and whose liberal views I am sure no one will doubt, whose words dispute any idea that this class of legislation curtails the right of freedom of speech.

More than that, Mr. President, to make assurance double sure at the last session that no such right should be curtailed, in the bill we then passed we expressly provided that all persons should have the right to express their opinions on all political subjects, and the word "privately," which appears in the civil-service rule, was deliberately stricken out, and the President of the United States, in commenting on that fact in his message, pointed out that there was involved in the legislation no curtailment or abridgment of the right of freedom of speech.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. There is no doubt that anyone coming within the provisions of the proposed law could not go out in a political campaign and make political speeches, is there?

Mr. HATCH. The Senator is quite correct.

Mr. MINTON. To that extent there is a curtailment of the right of freedom of speech, although it may be, as the Senator has stated, a constitutional curtailment.

Mr. HATCH. It is a waiver of his right when he accepts the conditions attached to his employment. As I have stated, those words are not my words; they are the words of Justice Holmes.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I will yield only once more, because I have very little time.

Mr. MINTON. It merely comes down to this, that a man can give up his right of free speech and hold his job; in other words, he can starve or speak.

Mr. HATCH. Not at all. No such statement was made, and no such interpretation can logically be placed on the bill. It is just as extreme as the statement that all political activities are banned, which statement has been made, and was made by the Senator from Michigan just now, and I think the Senator from Indiana has made the statement—though I am not sure he has—that all political activity is banned by the bill.

Repeatedly the provisions of the bill have been made clear; again I say, not by my words but by interpretations, instructions, and rulings which have already been made with respect to the act. I said last year, and I said in explaining the pending bill, and I have said time and time again, that the language prohibiting political activity and management of political campaigns was adopted and used simply because that language has been in effect in this country for more than 50 years. It has been construed and interpreted over that period of time as it affected the vast majority of Federal employees. I did not want to use different language, which would cause different interpretations, but I wanted to use the same language, and it has not been difficult to apply. I have in my hand the printed rules and interpretations which have been made with respect to that language over this period of years.

Mr. BROWN. Will the Senator put them in the RECORD?

Mr. HATCH. They have been put in the RECORD time and time again. However, I will place them in the RECORD again when I conclude my remarks.

I want to come now to the subject of political contributions. The ruling on that subject has been mailed to practically all Federal employees in the United States in order that they may know what it is. It is as follows:

Voluntary contributions to campaign committees and organizations are permitted. An employee may not solicit, collect, or receive contributions. Contributions by persons receiving remuneration from funds appropriated for relief are prohibited.

That is a clear-cut statement, an interpretation of the civil-service rule which has been in effect for more than 50 years, construing language identical with that contained in the pending measure. But that is not all.

Mr. BROWN. Mr. President, will the Senator yield at that point?

Mr. HATCH. I yield.

Mr. BROWN. That, of course, is what the Civil Service Commission says the law means. That is not the construction of any district court, circuit court, or of the Supreme Court.

Mr. HATCH. Of course, I understand that, and that is what bothers me sometimes. People talk about this terrible, awful law as though there were some criminal penalty imposed. The only penalty is the administrative one of loss of job; and listen to what is said by the departments which enforce that provision, and the ones which would be compelled to execute it, which have ruled as the Civil Service Commission has ruled and have told their employees that it is not against the law to make voluntary contributions.

Mr. MINTON. Mr. President, will the Senator again yield?

Mr. HATCH. I yield.

Mr. MINTON. The Senator from Connecticut has offered an amendment which provides that an appeal can be taken to the courts. Even though we concede that the Senator from New Mexico has correctly quoted for the RECORD the rules and the construction put upon the law by the Civil Service Commission, it does not follow that that is the construction which must be placed on the pending measure.

Mr. HATCH. Does the Senator want me to give a bond or guaranty? I cannot do that. But I can tell the Senate what the Attorney General of the United States has to say about it.

Mr. MINTON. That would be an opinion.

Mr. HATCH. Yes; but it is the opinion of the highest legal officer of the Government. Yet it seems it should not be persuasive in argument or debate.

Let us see what is said by the Department of Agriculture, which is one of the departments charged with the duty of enforcing the proposed amendment to the law, one of the departments which would discharge an employee if he made an illegal contribution.

> Voluntary political contributions or payments by officers and employees, if not made to others employed by the Government or to incumbent Members of Congress, are not unlawful.

They are talking about the present act. That is what they said about it. Does the Senator from Indiana think that someone in the Department of Agriculture is going to lose his job simply because he makes a voluntary contribution, when his own superior tells him he can do so? Such an argument would be ridiculous, just as most of the arguments which have been made along this line have been ridiculous.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. I think, if the Senator pleases, the present law would prevent such an employee from contributing to the campaign fund of an officer who is running for office.

Mr. HATCH. That is the reason the Department made that exception, pointing out that they cannot contribute to other employees or those running for office. One Federal employee cannot contribute to another Federal employee. The Department points out that that would be unlawful. But otherwise voluntary contributions are not prohibited. All the argument that the Senator from New Mexico is trying to get the $2 man is absolutely absurd.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BANKHEAD. I should like to know why the Senator is bringing the $2 man under this law if he is not intending to punish him.

Mr. HATCH. I intend to keep him out of pernicious political activity, but not legitimate political activity.

Mr. BANKHEAD. The Senator must recognize that there is a very broad distinction, and also the question of who is the judge. If a Republican is passing on the question, as a superior officer, and the little $2 fellow is a Democrat, or vice versa, who knows the correctness of the political decision which may be rendered?

Mr. HATCH. The Senator, as a lawyer, knows that when language has been interpreted over the years, as this language has been, certain definite standards and meanings are set up, and when it is said by the Congress of the United States and on the floor, and in the reports, that that language is used because it has been so interpreted, there is every reason in the world to believe that the courts, if the question ever got there, would give that self-same interpretation.

Mr. BANKHEAD. I hope the Senator will go back and make a little clearer answer to me as to why he wants to bring the little $2 man under the penal provisions of this measure if he has no intention of subduing him, oppressing him, and intimidating him, or permitting his superiors to do so.

Mr. HATCH. I have spoken on this subject many times.

Mr. BANKHEAD. The Senator has not spoken on that particular point.

Mr. HATCH. I have spoken on that point many times. I read to the Senate what Grover Cleveland said on the subject, and what Thomas Jefferson said on the subject, and what Woodrow Wilson and Abraham Lincoln said on the subject, and what practically every Democratic platform that has ever been written has said on this subject.

Mr. BANKHEAD. I have never heard any of the gentlemen quoted as dealing with the point I am talking about, because I do not think any effort has ever been made before to apply a penal law to the little man such as this seems to me to be. I have heard quotations made about corruption in elections, and we all agree to what they said, but the application of the law here is the problem involved.

Mr. HATCH. Thomas Jefferson issued an Executive order prohibiting the employees of the executive branch of the Government from participating in elections, declaring that it was a denial of the constitutional processes for them so to do, and that it threatened to smother the elective processes under the enormous power of the Federal patronage, and he provided as a penalty the removal of the person or employee who did so.

The first bill along this line was introduced in the Senate over a hundred years ago and provided much more stringent penalties than the pending bill does. I appreciate the good faith of the Senator from Alabama, but I say to him that he has not fully studied this subject. If he had, he would not have made the statement which he has just made. He apparently has not studied the platforms of the Democratic Party in which we pledged ourselves to do the very things which this bill seeks to do, not once, but many times. Always, however, I am sad to say, those pledges were made when the Republican Party was in power, and we were condemning the Republicans for doing that thing. Now that we are in power, I regret that it is Democratic Members of the Senate who are not backing this measure. The Senator from Michigan [Mr. BROWN] said, "Think of the Democratic Party sponsoring this."

Mr. President, after listening to the remarks of the Senator from West Virginia [Mr. NEELY] the other day—and I wish the Senator from Alabama would read them, and draw from them the scenes from that State which he brought before the Senate—I cannot see how any Democrat who values the principles of his party, and the things we have been declaring for time and again, can fight this mild gesture, for that is all this bill is, against the sort of thing the Senator from West Virginia brought before us the other day.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BANKHEAD. I did not have the pleasure of hearing the Senator from West Virginia [Mr. NEELY], but I am sure the Senator will agree that the first eight sections of his original bill cover everything he is condemning on the floor.

Mr. HATCH. Mr. President, not so. The ninth section is required to complete that measure, and that section is required today to carry it on. Then, after that, much more

legislation and stronger legislation is required to do the thing I want to do.

Mr. President, I was amazed at the argument made by the Senator from Michigan against the invasion, as he says, of State rights, after he had offered his amendment to this bill, which he said the other day he offered in all good faith. I question not that good faith. I ask how anyone who holds the views which he holds could propose the amendment he did? I do not know how he has modified it. It may reach what I am talking about now.

Mr. BROWN. I have modified it, I will say to the Senator, by confining it to stockholders having a $25,000 interest.

Mr. HATCH. The amendment is now confined to stockholders having a $25,000 interest, so the Senator says. But that only changes the degree. If a person owned a $25,000 interest in the Ford Motor Co., we will say, in the Senator's own State, and the Ford Motor Co. happened to have a contract to sell the Government some trucks, and pending that contract, if this one little stockholder happened to participate actively in politics, would he lose his job, under the provisions of the Senator's amendment as originally offered by him?

No. He would be guilty of a criminal offense, and would be subject to fine and imprisonment.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WALSH. To me the issue in this bill which bears the Senator's name is a very simple one. I should like to ask the Senator a few questions, the answers to which may clarify the intentions and review our past effort for clean politics.

Mr. HATCH. Certainly.

Mr. WALSH. First of all, each time we have had a Senatorial election contest we have discovered that our corrupt-practice laws were limited, and they have been amended. Since the large expenditure of money by the Federal Government in recent years for relief work we discovered that attempts were made to exploit persons on relief for political purposes; and legislation has been enacted to prevent such attempts. Is that correct?

Mr. HATCH. That is correct.

Mr. WALSH. Last year the Senator from New Mexico was the promoter of a measure to go a step further and place restrictions and limitations upon political activities of employees of the Federal Government paid from the Federal Treasury. That was the basis of the legislation known as the Hatch Act. Is that correct?

Mr. HATCH. That is correct.

Mr. WALSH. As I understand, all the Senator is now asking for, stripped of all amendments and attempts to confuse and divert the issue, is that the error or the wrong—if there be one—in the diversion of Federal funds to individuals for what we may think are improper political activities be corrected. It is clear that when a Federal employee receives his money from the Federal Treasury we have such power, and we have already declared that he shall keep his hands off certain kinds of political practices. The proposal now before the Senate is to apply to the State employee who receives some or all of his money from the Federal Treasury the same limitations and restrictions that are applied to Federal officeholders who receive all their money from the Federal Treasury. Is not that the sole issue involved?

Mr. HATCH. That is entirely correct.

Mr. WALSH. Is not the question whether we wish to limit election activities to those who receive all their money from the Public Treasury, or whether we wish to apply the same principles and the same limitations and restrictions to persons in State employment who receive some or part of their money from the Public Treasury?

Mr. HATCH. The Senator is entirely correct.

Mr. WALSH. Is any other issue involved?

Mr. HATCH. I think not.

Mr. WALSH. Is not the Senator's sole purpose to amend the original law so as to make applicable to those who receive employment from the Federal Government through State governments by way of a contribution in whole or in part from the Federal Government the principles and restrictions imposed in the original act?

Mr. HATCH. The Senator is entirely correct.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. I regret that I cannot yield now.

I wish to say, in line with what the Senator from Massachusetts has said, that, stripped of everything else, the bill, instead of invading States rights, protects the rights of the States. We merely say that the funds contributed by the Federal Government shall not be used for political purposes. That is all we say. We do not say to the States, "Your employees may not function as you wish." The States have the full right to do whatever they desire. We merely indicate to the States that we do not want our funds used to build up political machines, and that we wish to apply to certain State employees the same penalties now applied to Federal employees, which penalties amount to almost nothing. That is the sum and substance of the whole matter.

Mr. WALSH. I thank the Senator.

Mr. President, briefly stated, the pending bill and the various amendments which have been offered to it all relate, it seems to me, to a proposition which at heart is exceedingly simple. It is a proposition which bears very directly upon the basic principles of democratic government. It is the question whether elections shall be the free expression of the will and the sentiments of the voters or shall be colored, and perhaps controlled, by an army of officeholders and the beneficiaries of governmental bounties.

Experience in the 1936 and 1938 elections clearly revealed inadequacies in the Federal Corrupt Practices Act as it then stood and the need for additional legislation. A review of the hearings and the report of the Sheppard committee of 1938, of which I was a member, will furnish abundant evidence to support the pending Hatch bill.

Congress at the last session enacted a bill which bore the name of the senior Senator from New Mexico, and which sought to ban political activity by Federal Government employees and at the same time to protect recipients of unemployment relief and other Federal aid from political exploitation.

I strongly favored the original Hatch bill, and I similarly favor the amendment to the present law contained in the pending bill as reported to the Senate.

The bill now before us prescribes no new policy. It is not drastic. The principle involved has been well established. It proposes only to forbid political activity by State employees paid wholly or in part with Federal money. In practical effect, it seeks to deny the use of Federal funds for the support of State political machines. What the States themselves should do or may do with respect to circumscribing the political activities of their own employees paid entirely with State funds is a State affair, and not properly within the province of the Federal Congress. But certainly sound public policy requires that all persons whose salaries are paid either in whole or in part out of the Federal Treasury should be on the same footing, whether they be directly employed by the Federal Government or indirectly employed through the States with Federal funds.

The pending amendment, offered by the junior Senator from Michigan [Mr. BROWN], goes far afield, and in my judgment is not in harmony with the purpose of the Hatch bill. I deplore the other amendatory proposals, which, it seems to me, were intended either to impede the passage of the pending bill or to make the bill a vehicle for destroying the effective provisions of the present law. I believe we should proceed without delay to a final vote on the pending bill.

Mr. HATCH. Mr. President, the Senator from Michigan [Mr. BROWN] wished to ask a question. I now yield to him.

Mr. BROWN. Mr. President, I wish to point out to the Senator from Massachusetts that he expresses almost entirely my own view when he refers to the politics that should be condemned by the bill as "improper political activities."

If the Senator from New Mexico had such a provision in his bill, outside of my objection on the ground of invasion of State's rights, I should not seriously object to it. However, the Senator condemns proper political activity when he condemns all political activity; and that is what a great many of us object to.

Mr. HATCH. I repeat, we do not condemn all political activity, and we never have done so.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WALSH. Let me make another suggestion: Is not the theory behind the bill that Democrats and Republicans, rich and poor—people of every standard in life—contribute to the salaries of administrative officers of this Government, and they ought not to participate in elections but ought to keep aloof from political activities? Likewise, officials in States who receive money from the Federal taxpayers ought to keep out of politics—at least, improper politics—and mind their own business and let the public, and not political officeholders, run elections. Let the people, and not officeholders, manager, direct, and decide elections.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BROWN. The Senator from Massachusetts cannot express himself without using the expression "improper politics." That is what we are complaining about. However, the bill prohibits any political activity.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Georgia.

Mr. GEORGE. I ask the Senator from New Mexico how are we to prohibit improper political activity unless we prohibit all political activity on the part of officeholders?

Mr. BROWN. Mr. President, I feel that the Senator's estimate of the American people must be pretty low——

Mr. GEORGE. I am not talking about the American people.

Mr. BROWN. The Senator's estimate of the American people must be pretty low if he thinks a Government official or a State official may not engage in legitimate political activity. Does not the Senator engage in legitimate political activity when he assists in his own reelection to the Senate? He engages in a political activity which is prohibited on the part of an executive officer of the Government.

Mr. GEORGE. Mr. President, I do not wish to take up the Senator's time.

Mr. HATCH. I shall be very happy to have the Senator do so.

Mr. GEORGE. We are merely quibbling when we talk about permitting "proper political activity" on the part of a great body of Government employees, and stopping "improper political activity." Those who control the salaries of employees who must depend upon the Government pay rolls will see to it that the political activity is proper; but it will be proper to vote for those in power. It always has been so, and always will be.

Mr. BROWN. The Senator believes that he and I can be proper in our political activities, but that Government clerks downtown cannot be. I think their consciences are just as good as mine.

Mr. HATCH. A Government clerk does not have any choice.

Mr. GEORGE. He has no choice. The bill is intended to prevent the coercion of persons who cannot assert themselves.

Mr. BROWN. If the Senator will write "coercion" into the bill, I shall be satisfied.

Mr. GEORGE. That is what the bill is intended to do.

Mr. HATCH. Mr. President——

Mr. MINTON. No amendment has sought to destroy such provisions.

Mr. HATCH. Mr. President, I cannot yield further. What the Senator from Georgia has just said is absolutely true. We talk about the freedom of employees in the highway departments. It is laughable when we think about it. Every man who has been in a political campaign will laugh at such a suggestion.

Mr. BROWN. I did not smile at the Senator.

Mr. HATCH. The Senator should smile at such an argument. We know what is done. We know what every man who is forced by the circumstances of his lot as an employee does when he is ordered to go out and work as his boss wants him to work, or lose his job. What is he to do? He will do what is necessary to hold his job.

Am I exaggerating? Mr. President, I have not wanted to put into the RECORD the things which the Senator from West Virginia [Mr. NEELY] put into the RECORD on Saturday, but I have them. I have them right here in my hand, from States represented by Senators who are taking an active part in opposition to the bill. I have before me a page from the Sheppard report, disclosing how 450 highway employees in one precinct in one State were put on the pay roll in order to go out and do political work just before election—a primary election, if you please—and were fired the next day after the primary.

We talk about protecting the electorate, and about invading the rights of the States. What chance has the individual citizen, the man who holds no political job and wants none, and seeks only to have his party do that which is best for his country. What chance has he in a convention or a primary in which tactics such as have been described are employed? As Professor Beard states in the article which I put into the RECORD, he is elbowed aside by the job holders, and the job holders run the election.

We hear much about a great interest in the rights of the people. I am thinking about the people, those who want only decent and honest government in this country. There are millions and millions of them. If my party does not take a stand against such methods and do everything it can to prevent them I am fearful that my party may find that millions of citizens do not approve of tactics which would defeat only a gesture against such things. That is all the bill is. It is only a gesture.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Does not the Senator condemn those who, without any coercion, voluntarily desire to take a part in politics?

Mr. HATCH. I would draw the line if it could be drawn; but I defy the Senator from Indiana, or anybody else, to draw that line. As a Justice of the Supreme Court of the United States said in an opinion put into the RECORD by the Senator from Illinois [Mr. LUCAS]—the majority opinion, not the minority opinion—the power to solicit contributions carries with it the threat of compelling contributions.

Mr. MINTON. The Senator is not striking at that threat.

Mr. HATCH. I am not striking at it in this bill; but I hope to strike at it some day in the not-too-distant future.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the question is on the amendment of the Senator from Michigan, as modified, to the amendment reported by the committee.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark, Mo.	Hayden	Miller
Andrews	Connally	Herring	Minton
Austin	Danaher	Hill	Murray
Bailey	Davis	Holman	Neely
Bankhead	Donahey	Holt	Norris
Barbour	Ellender	Hughes	Nye
Barkley	Frazier	Johnson, Calif.	O'Mahoney
Bilbo	George	Johnson, Colo.	Overton
Brown	Gerry	La Follette	Pepper
Bulow	Gibson	Lee	Pittman
Burke	Gillette	Lodge	Reed
Byrd	Glass	Lucas	Reynolds
Byrnes	Green	Lundeen	Russell
Capper	Guffey	McCarran	Schwartz
Caraway	Gurney	McKellar	Schwellenbach
Chandler	Hale	McNary	Sheppard
Chavez	Harrison	Maloney	Shipstead
Clark, Idaho	Hatch	Mead	Smith

Stewart	Thomas, Utah	Van Nuys	White
Taft	Townsend	Wagner	Wheeler
Thomas, Idaho	Truman	Walsh	
Thomas, Okla.	Vandenberg		

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present. Under the agreement heretofore entered into by the Senate to vote at 2 o'clock, the Chair would like to state the parliamentary situation. The question before the Senate is upon agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN], as modified, to the committee amendment. The amendment having been twice modified, without objection, the Chair will have the clerk restate the amendment.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I inquire if the Senate has heretofore ordered the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have heretofore been ordered. The clerk will state the amendment offered by the Senator from Michigan [Mr. BROWN], as modified.

The CHIEF CLERK. In the committee amendment on page 4, line 21, after the word "employee", it is proposed to strike out the remainder of the sentence and substitute in lieu thereof the following:

(2) And no person who is a stockholder, having an interest worth over $25,000, or officer of a corporation benefiting in any manner whatsoever (a) by any tariff, excise tax, or quota limiting imports into the United States, imposed by the United States; (b) by a loan from the Reconstruction Finance Corporation or any other governmental agency; (c) by a contract with the United States, or any of its agencies or with any State, municipality, or other governmental subdivision which is financed in whole or in part by loans or grants made by the United States or by any Federal agency; (3) and no person who is a stockholder having an interest worth over $25,000 or officer of a corporation which has pending an application for refund of Federal income taxes, or a claim against the United States before either the Court of Claims or the Congress; and (4) no person who is employed as a lobbyist or legislative representative or whose principal business is that of appearing before the executive or legislative departments of the United States, shall take any active part in political management or in political campaigns. No such person shall solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever. Any person violating any provision of this section relating to persons other than officers and employees of a State or local agency shall be subject to the penalties provided in section 8 of said act of August 2, 1939.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from New Jersey [Mr. SMATHERS]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from New Jersey would vote "yea."

Mr. McNARY. The junior Senator from Wisconsin [Mr. WILEY] is necessarily absent. If he were present, he would vote "nay."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. DOWNEY], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are detained on important public business.

I am advised that if present and voting the Senator from Utah would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that if present he would vote as I am about to do. I am therefore at liberty to vote, and vote "nay."

The result was announced—yeas 31, nays 53, as follows:

YEAS—31

Bankhead	Byrnes	Glass	Hill
Bilbo	Caraway	Guffey	Hughes
Brown	Connally	Harrison	Johnson, Colo.
Bulow	Donahey	Hayden	La Follette
Byrd	Ellender	Herring	Lee
Lucas	Minton	Pittman	Stewart
McKellar	Murray	Schwartz	Thomas, Okla.
Miller	Pepper	Schwellenbach	

NAYS—53

Adams	George	McNary	Taft
Andrews	Gerry	Maloney	Thomas, Idaho
Austin	Gibson	Mead	Thomas, Utah
Barbour	Gillette	Neely	Townsend
Barkley	Green	Norris	Truman
Burke	Gurney	Nye	Vandenberg
Capper	Hale	O'Mahoney	Van Nuys
Chandler	Hatch	Overton	Wagner
Chavez	Holman	Reed	Walsh
Clark, Idaho	Holt	Reynolds	Wheeler
Clark, Mo.	Johnson, Calif.	Russell	White
Danaher	Lodge	Sheppard	
Davis	Lundeen	Shipstead	
Frazier	McCarran	Smith	

NOT VOTING—12

Ashurst	Bridges	Radcliffe	Tobey
Bailey	Downey	Slattery	Tydings
Bone	King	Smathers	Wiley

So Mr. BROWN's amendment, as modified, to the committee amendment was rejected.

Mr. RUSSELL obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. I understand that the Senator from Georgia has risen for the purpose of moving that the Senate proceed to the consideration of the agricultural appropriation bill.

Mr. RUSSELL. I may say that I hope to obtain unanimous consent for its consideration.

Mr. BARKLEY. I wish to state to the Senator from Georgia and to other Senators that I understand there are not many more amendments to the pending bill, and I hope we may proceed with it and dispose of it today. I had thought of asking unanimous consent for a vote on the bill and all amendments to it at an hour not later than 6 o'clock this afternoon. I understand that if such an arrangement can be entered into, the Senator from Georgia will be agreeable to it.

Mr. RUSSELL. It will be perfectly agreeable to me if such a unanimous-consent agreement can be obtained. My appraisal of the situation has led me to think that it probably cannot be obtained.

Mr. BARKLEY. There is no harm in attempting to obtain it.

Mr. RUSSELL. Not at all. I am very glad to have the effort made.

Mr. BARKLEY. I ask unanimous consent that at an hour not later than 6 o'clock p. m. today the Senate proceed to vote, without further debate, on the pending bill and all amendments thereto.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS of Oklahoma. Mr. President, I have pending on the Vice President's desk an amendment. On former occasions I have sat silently by and let unanimous-consent agreements be made, and at the last moment I have found myself unable to secure time even to explain my amendments. So unless I can have an agreement that my amendment will come up when reasonable time can be afforded for its discussion, I shall be forced to object.

Mr. BARKLEY. Of course, the Senator from Oklahoma realizes that I have no desire to cut him off, or any other Senator. So far as I am concerned, I am perfectly willing that the Senator's amendment shall be offered first, and that he shall be allowed to discuss it; but that is not a matter over which I have control. I will say to the Senator, however, that I will cooperate with him to the fullest extent of my ability to assure him time in which to discuss his amendment.

Mr. THOMAS of Oklahoma. Mr. President, from my viewpoint my amendment should be adopted without debate and without discussion; but oftentimes amendments which seem to me to have that status are the ones which provoke the most discussion. If the author of the bill will accept the amendment, there will be no occasion for discussing it.

Mr. BARKLEY. I do not know what the amendment is.

Mr. THOMAS of Oklahoma. If I may have just a moment, I will explain what the amendment is.

Mr. RUSSELL. Mr. President, I believe I have the floor. I yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. The original Hatch Act provides a code of procedure for Federal employees. It exempts the President, Members of the Congress, and certain officials who have so-called policymaking powers. The original act did not refer to the District of Columbia. This bill places District of Columbia officials under the law and makes an exception of the Commissioners.

Mr. President, there is another official of the District government who is appointed by the President and confirmed by the Senate. I refer to the official known as the recorder of deeds. For a good many years, whatever political party has been in power has conceded this position to the colored race; and, as a result of that policy, some member of that race has held the office during many past years.

The occupant of the office is appointed by the President and confirmed by the Senate. The official holding the office is regarded by the colored people as their liaison or contact man with the National Government. He assumes to go out and speak to the colored people, to tell them what is being done, and to advise them as to what he thinks should be done. If this position is placed under the ban of this law, that official, appointed by the President and confirmed by the Senate, will be denied any further activity along that line. So my amendment proposes to exempt the position of recorder of deeds of the District of Columbia.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from New Mexico.

Mr. HATCH. Of course, I have no authority to accept an amendment. I am not familiar with the duties of this particular office; but, as the Senator has explained them, so far as I am personally concerned I should have no objection to the amendment being adopted, taking it to conference if there should be a conference, and endeavoring in good faith to work out something along the lines of the amendment.

Mr. THOMAS of Oklahoma. Mr. President, at this time I will call up the amendment, so that it may be stated; and in support of the amendment I desire to have printed, immediately following the amendment, a letter from the present recorder of deeds, Dr. William J. Thompkins, of Kansas City.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, line 24, after the word "commissioners" and before the word "of", it is proposed to insert the words "and the recorder of deeds."

Mr. THOMAS of Oklahoma. Mr. President, I desire to state that the amendment is offered jointly by the Senator from Missouri [Mr. TRUMAN] and myself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Oklahoma has asked unanimous consent to have printed at this point in the RECORD a letter referring to the amendment. Without objection that may be done.

The letter is as follows:

RECORDER OF DEEDS, DISTRICT OF COLUMBIA,
Washington, March 4, 1940.

Hon. ELMER THOMAS,
Senator from Oklahoma,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Permit me to call your attention to S. 3046, an amendment to the Hatch Act to prevent pernicious political activities, designed to include in the provisions of the act all employees of the District of Columbia except the District Commissioners.

The amendment to the act would likewise extend the provisions of the Hatch Act to State employees, except certain elective officials appointed by the Governor and confirmed by the State legislature.

The fact that the amendment exempts from its provisions officials of States appointed by Governors and confirmed by legislatures and neglects to afford this same exemption for officials of the District of Columbia appointed by the President and confirmed by the Senate makes the provision discriminatory.

It is my opinion that this is simply an oversight and should be corrected when S. 3046 comes up for consideration by the Senate.

In the District of Columbia Government the only officials appointed by the President and confirmed by the Senate, with the exception of judges, are the District Commissioners and the recorder of deeds. Section 13, on page 7, exempts the Commissioners but not the recorder of deeds. It is respectfully suggested that S. 3046 be amended as follows:

In section 13, page 7, line 24, after the word "Commissioners", insert the following, "and the recorder of deeds."

I should appreciate your letting me have your opinion on this amendment and whatever support you may give it.

Respectfully yours,

WILLIAM J. THOMPKINS,
Recorder of Deeds, District of Columbia.

Mr. JOHNSON of Colorado. Mr. President——

Mr. RUSSELL. I have yielded to the Senator from Kentucky, who, I understand, has submitted a proposed unanimous-consent agreement.

Mr. BARKLEY. Yes; I have.

Mr. MINTON. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MINTON. Reserving the right to object, I am not sure the Senator from Kentucky is well advised when he says there are only a few amendments remaining to be disposed of. I will say to the Senator that there are several important amendments yet to be offered to the bill, and we could not possibly dispose of them this afternoon. For that reason I should have to object.

Mr. BARKLEY. Mr. President, will the Senator from Georgia further yield to me?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. I ask unanimous consent that at an hour not later than 5 o'clock p. m. tomorrow the Senate proceed to vote without further debate on the Hatch bill and all amendments thereto.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, I wish to state that I have a very important amendment to the bill which will require at least 2 hours of discussion; and unless I can be assured that my amendment will have at least 2 hours of discussion I shall have to object to the request.

Mr. BARKLEY. I will say to the Senator that I think from every standpoint it will be desirable to conclude this bill before we take up other bills, if such action will not unduly delay the bill in which the Senator from Georgia is interested. In conferring with him, I understood that if he could be assured that the pending legislation could be concluded even tomorrow, he would not object to withholding his motion for that purpose. I am willing to meet at 11 o'clock tomorrow, if the Senate is willing, of course, in order to give ample time for debate. That will give 6 hours for debate tomorrow.

While I realize that no one can guarantee that any Senator may speak for 2 hours unless he gets the floor, in which event he may speak all day, I will cooperate with the Senator from Colorado to get as much time as possible for him on his amendment. I do not know what it is, but I am sure it will be adequately discussed if we can enter into this arrangement.

Mr. JOHNSON of Colorado. Mr. President, I appreciate the Senator's willingness to cooperate; but I shall have to have more assurance than that, because I have a very important amendment. I myself do not wish to take 2 hours in its discussion; but I feel that it is of such great and grave importance that 2 hours will be almost too short a time in which to discuss it properly.

Mr. BARKLEY. I do not know any further guarantee that I can give the Senator, except that by unanimous-consent agreement the Senator from Colorado might be recognized. Of course, if we enter into this agreement, we shall have all the remainder of today and until 5 o'clock tomorrow to discuss his amendment. I do not know what other amendments there are that will require any considerable debate. I have no desire to shut off amendments; but I do think from every standpoint it will be better, if we can do so, to dispose of the pending measure before taking up the other bill, if thereby no unreasonable delay will be incurred.

Mr. RUSSELL. Mr. President, of course, it is most unusual to defer the consideration of appropriation bills when the committee is prepared to proceed with them. They are given priority under the rules; but if there is no objection to the request of the Senator from Kentucky from any other source I shall not object, and I shall be willing to defer consideration of the appropriation bill until after the pending business shall have been concluded.

Mr. LEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LEE. Reserving the right to object, it seems to me the request of the majority leader is a reasonable one. It seems that from now until 5 o'clock tomorrow will be sufficient time for debate. No Senator, I think, is more interested than I am in farm legislation.

I believe it would be better to conclude the consideration of the pending bill. We passed the Hatch Act last year and covered some of the Federal employees. This is an effort to cover the others. It is in line with the President's request in his message, in which he approved the former Hatch Act. I hope the request of the Senator may be agreed to.

The PRESIDENT pro tempore. Is there objection?

Mr. ADAMS. Mr. President, there is on the table a deficiency appropriation bill, which I have not sought to call up because of the debate on the pending bill and because there might be some misunderstanding of the reason for calling it up. But there are emergency matters in the deficiency bill, and I am wondering whether it is possible to make some provision for calling up that bill. It involves salaries and other matters of an emergency nature. It is not a bill which will take any great length of time, and if a definite limit is fixed on time for debate which is entirely consumed by the debate, I might be denied an opportunity which I had hoped might develop to take up this emergency deficiency bill.

Mr. BARKLEY. Mr. President, let me ask the Senator from Colorado on what date the salaries to which he refers will actually expire.

Mr. ADAMS. They begin to expire on the 15th of this month. There will be involved, perhaps, a conference and other legislative processes.

Mr. BARKLEY. I have no doubt—and I have assured the Senator from Colorado privately that I have no doubt—that we can find an opportunity within the next day or so to take up the bill to which he refers. I do not think it will require any considerable time. Usually deficiency bills of this type do not involve much discussion. I shall be glad to cooperate with the Senator in any way I can.

Mr. ADAMS. Can the Senator arrange to take it up today?

Mr. BARKLEY. I would not have any objection, if this agreement shall be entered into, to laying aside the pending bill later on in the day temporarily so as to take up the deficiency bill. I think it will take but a few minutes to dispose of it.

Mr. HARRISON. Mr. President, reserving the right to object for a moment only, I hope some agreement will be made; but I do not want to have any slip, so that if a Senator desired to make a motion to recommit the Hatch bill, he would be precluded from making such a motion. I have no desire to do it——

Mr. BARKLEY. The request I am submitting would not preclude an opportunity to have the bill recommitted.

Mr. HARRISON. I should like to say further that we are waiting with a bill of a good deal of importance, involving the expiration of a law on June 12, and I had expected, just as soon as the agricultural appropriation bill had been gotten out of the way, to move to take up the reciprocal trade agreements bill.

Mr. BARKLEY. I am interested in that bill, as the Senator knows——

Mr. HARRISON. I know the Senator is.

Mr. BARKLEY. And I want to facilitate its consideration. In connection with my request I will say to the Senator from Colorado that, if it is entered into, I shall then be glad to ask unanimous consent that the Senator from Colorado be permitted to offer his amendment, and that a vote be taken on his amendment at not later than 4:30 p. m. today if that is satisfactory.

Mr. JOHNSON of Colorado. Will the Senator make that part of his original request?

Mr. BARKLEY. I am willing to modify my request to that extent, that is, that at not later than 5 o'clock p. m. tomorrow, the Senate proceed to vote on all amendments and motions with respect to the pending bill, and that the Senator from Colorado be permitted, upon the consummation of the agreement, to offer his amendment, and that at not later than 4:30 p. m. today the Senate proceed to vote on it and any amendment which may be offered to it.

Mr. McNARY. Mr. President, I have steadfastly opposed granting special privileges to individual Senators. I think the request on behalf of the Senator from Colorado comes within that category. I think we should all have equal opportunity for discussion and presentation of matters, and for votes on such matters. For this reason I shall object to that phase of the unanimous-consent request.

Mr. BARKLEY. Mr. President, I may say to the Senator from Oregon that if the request were granted it would not mean that other phases of the bill might not be discussed between now and 4:30 o'clock. It would merely mean that at 4:30 o'clock we would vote on the amendment of the Senator from Colorado.

Mr. McNARY. Mr. President, the objection I have particularly is to the effort to recognize one Senator over another. If the Senator from Colorado is willing to take his chances on getting the floor and presenting his matter, taking the usual course of debate, very well, but I shall object to any request at any time which involves the granting to any Senator of the right to have the floor, or the right to a vote on a particular amendment. That has been the procedure I have followed here for a great many years.

Mr. BARKLEY. Would the Senator from Colorado be willing to forego any agreement with respect to his amendment until the other agreement is entered into, with the understanding that he can offer his amendment immediately, and that I will then, or he may, submit a unanimous-consent request that the amendment be voted on at 4:30 o'clock this afternoon?

Mr. JOHNSON of Colorado. Mr. President, the Senator from Oregon has stated very plainly that he will object to that sort of request.

Mr. BARKLEY. No; he objects to it as a part of the request I have made.

Mr. McNARY. I object to it as a part of a general request for the conduct of debate. If the Senator is able to get the floor, through recognition by the Chair, and seek to have specified a time at which he may desire to have a vote taken, I will have no objection to that.

Mr. JOHNSON of Colorado. So far as my own time is concerned, I do not anticipate taking more than 10 or 15 or 20 minutes, but I rather expect the amendment will provoke considerable debate in the Senate, and I think it should. I think it is of such importance that a reasonable time should be given to it. Will the Senator from Kentucky permit me to make a motion now, or to ask now that my amendment be placed before the Senate?

The PRESIDENT pro tempore. The Senator from Georgia [Mr. RUSSELL] has the floor.

Mr. RUSSELL. Mr. President, I have the floor. I have tried to be as courteous as possible in connection with all the various requests, but I yielded and one amendment has already been considered, and since the amendment of the Senator from Colorado will undoubtedly take considerable time, I could not permit it to be offered in my time.

Mr. BARKLEY. Mr. President, if the Senator will yield, there is no amendment to the committee amendment now pending. We have just voted on an amendment to the amendment, and no other amendment has been offered, as I understand.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. BARKLEY. Yes, but I mean that there are not now pending any amendments to the amendment. We have just voted on the last one offered, one offered by the Senator from Oklahoma.

Without including it in my agreement, I express the hope that the Chair will recognize the Senator from Colorado to offer his amendment, if the agreement which I have proposed shall be entered into. I am sure that would assure the Senator the opportunity he seeks. I do not like to ask the Chair to indicate whom he would recognize, but under the circumstances I think it might be justified. I will say to the Senator from Colorado that if I have any influence with the Chair, I will exercise it to see that he is recognized to offer his amendment.

Mr. JOHNSON of Colorado. I thank the Senator. That will be entirely satisfactory.

The PRESIDENT pro tempore. Will not the Senator from Kentucky again state his request?

Mr. BARKLEY. I ask unanimous consent that at not later than 5 o'clock p. m. tomorrow the Senate proceed to vote on all amendments and all motions pertaining to the bill now pending, without further debate, and upon the pending bill.

Mr. McNARY. That contemplates a vote on the final passage of the bill?

Mr. BARKLEY. Yes; on the bill and all amendments.

Mr. McNARY. Under the rule, that would require the calling of a quorum.

Mr. BARKLEY. I ask unanimous consent that that requirement be waived.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent that the requirement of the calling of a quorum be waived. Is there objection?

Mr. MALONEY. I object.

Mr. BARKLEY. In order that I may make further effort to have an agreement reached, I suggest the absence of a quorum, with the view to making a request.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	Reed
Andrews	Donahey	Johnson, Colo.	Reynolds
Austin	Ellender	La Follette	Russell
Bailey	Frazier	Lee	Schwartz
Bankhead	George	Lodge	Schwellenbach
Barbour	Gerry	Lucas	Sheppard
Barkley	Gibson	McCarran	Shipstead
Bilbo	Gillette	McKellar	Smith
Brown	Glass	McNary	Stewart
Bulow	Green	Maloney	Taft
Burke	Guffey	Mead	Thomas, Idaho
Byrd	Gurney	Miller	Thomas, Okla.
Byrnes	Hale	Minton	Thomas, Utah
Capper	Harrison	Murray	Townsend
Caraway	Hatch	Neely	Truman
Chandler	Hayden	Norris	Vandenberg
Chavez	Herring	Nye	Van Nuys
Clark, Idaho	Hill	O'Mahoney	Wagner
Clark, Mo.	Holman	Overton	Walsh
Connally	Holt	Pepper	Wheeler
Danaher	Hughes	Pittman	White

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

The Senator from Kentucky [Mr. BARKLEY] has made a unanimous-consent request. Will the Senator please state it once more?

Mr. BARKLEY. Mr. President, in order that the Senate may understand the request which I have made, I shall repeat it.

I ask unanimous consent that at not later than 5 o'clock p. m. tomorrow the Senate proceed to vote on all amendments and motions with respect to the pending bill, and on the final passage of the bill itself.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. Mr. President, just a word as to the procedure that is to be followed. If unanimous consent is obtained, of course the bill before us will remain the unfinished business until 5 o'clock tomorrow, unless displaced by a motion or by a unanimous-consent agreement to take up another bill for consideration. I wish to propound a question to the Senator from Georgia [Mr. RUSSELL]. Is it his intention, if the unanimous-consent request is agreed to, to move to displace the pending bill and to take up for consideration the agricultural-appropriation measure?

Mr. RUSSELL. If the unanimous-consent request is agreed to I should be inclined to defer making the request for consideration of the appropriation bill until after the period specified in the unanimous-consent request.

Mr. McNARY. It would not, then, be the desire of the Senator from Georgia to have his measure considered until after 5 o'clock tomorrow?

Mr. RUSSELL. It would not be my purpose to attempt to have my measure taken up until after 5 o'clock tomorrow.

Mr. ADAMS. Mr. President, in connection with unanimous-consent agreements fixing a time limit for discussion, I have always been disturbed by one thing, which is that when the final hour is reached amendments may be submitted without a chance to explain the amendments or a chance to ask what they may be. That has happened once or twice. Is it possible for the Senator from Kentucky to protect the situation so that we may have an explanation of amendments which may be submitted at 5 o'clock tomorrow? Otherwise Senators would not have a chance even to ask what the amendments were.

Mr. BARKLEY. I appreciate that situation, Mr. President, but I will say to the Senator that it is hardly fair to bar the introduction of amendments at 5 o'clock. I do not feel I should make such a request. But that situation could be facilitated if Members of the Senate would, before that hour, offer the amendments they contemplate offering so they might be read for the information of the Senate.

Mr. ADAMS. Would it be possible to make some arrangement with respect to amendments offered close to the expiration of the time limit so that 5 minutes or 10 minutes would be allowed for explanation of the amendments? I do not mean to make that proposal in order to cause delay, but merely in order that the Senate may have an understanding of the amendments.

Mr. BARKLEY. I do not think it is advisable to include such a provision as part of my unanimous-consent request now, but if the agreement is entered into I shall attempt to work out some plan by which amendments offered at 5 o'clock tomorrow may be explained.

Mr. ADAMS. I shall not object at this time, but in the future I shall consistently object to fixing a time limit for debate unless some such provision is made, because an unfair situation may develop.

Mr. BARKLEY. I will try to work out something by tomorrow, if possible, if the unanimous-consent request is agreed to.

Mr. BAILEY. Mr. President, I shall object to the request for unanimous consent in its present form or in any other form. I intend to see this thing debated as it ought to be. I consider the proposed legislation to be most objectionable and in some of its aspects, without intending to reflect upon anybody, to be vicious. So I object.

The PRESIDENT pro tempore. Objection is made.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. RUSSELL. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8202, the general appropriation bill for the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection?

Mr. HARRISON. Reserving the right to object, I will ask the Senator why he does not move that the pending business be laid aside? I do not want to find myself in the position after a while, when I know there is a very slim majority for the trade-agreements measure, to be obliged to move that the measure be considered and have a contest on the matter. I would rather see the contest come on the agricultural ap-

propriation bill. So I should like to have the Senator from Georgia make the motion.

Mr. RUSSELL. The statement of the Senator from Mississippi is most commendably frank. Of course, the Senator has the right to force me to make a motion. I followed the custom of the Senate in asking unanimous consent that the pending bill be laid aside and that the Senate consider the other measure.

Mr. HARRISON. I shall have to object, though, not because I love the farmers less.

Mr. RUSSELL. Does the Senator from Mississippi object?

Mr. HARRISON. Yes.

Mr. RUSSELL. Mr. President, I move that the pending business be temporarily laid aside and that the Senate proceed to the consideration of House bill 8202.

Mr. BARKLEY. I wish to suggest to the Senator from Georgia that under the rules of the Senate the only motion that is in order now is a motion to proceed to consider the agricultural appropriation bill. A motion temporarily to lay aside a pending bill for the consideration of another bill is not in order.

The PRESIDENT pro tempore. That is correct. The Chair was about to make that announcement.

Mr. RUSSELL. Is that the ruling of the Chair?

The PRESIDENT pro tempore. It is.

Mr. RUSSELL. Mr. President, I move that the Senate proceed to the consideration of House bill 8202.

Mr. CLARK of Missouri. Mr. President, that motion is debatable, is it not?

The PRESIDENT pro tempore. It is debatable.

Mr. CLARK of Missouri. Mr. President I desire to detain the Senate for only a few moments not for the purpose of opposing the motion of the Senator from Georgia who has a matter which he desires to bring before the Senate which is of transcendent importance, a measure in which I am greatly interested and which I very much favor, and certainly not for the purpose of opposing anything that the Senator from Georgia may desire to do about this matter, although I intend to vote against his motion. He has been a supporter of the Hatch bill at every stage of the proceedings for the last week, during this filibuster, and he has shown in the matter of trying to reach an agreement a most generous and commendable spirit toward the Hatch bill.

I desire to detain the Senator for merely a few moments to make a few observations which I did not desire to make prior to this time for the reason that I did not wish to help out in the effort to delay the consideration of the Hatch bill.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. SCHWELLENBACH. May I inquire of the Senator why he is talking about a filibuster? I have been present during the discussion of the measure during the past week, and I failed to see any filibuster.

Mr. CLARK of Missouri. The Senator was not present Saturday afternoon, perhaps.

Mr. SCHWELLENBACH. The Senator does not consider the fact that it was necessary to hold a session on Saturday as evidence that there is something in the nature of a filibuster?

Mr. CLARK of Missouri. The Senator from Washington may conclude that there has been no filibuster. My opinion, based upon long observation in such matters, is that there has been a filibuster, and that filibuster is still in progress so far as the Hatch bill is concerned.

Mr. President, during the course of this debate I have been very much intrigued by the argument which has been presented here in behalf of States rights—an argument presented by some Senators and from some quarters outside of the Senate, by men who participated in the N. R. A.—to the effect that there is no difference between interstate and intrastate commerce in all of the other steps over a period of years, particularly in the last 7 years, tending to break down every vestige of States rights.

And so it is only at this hour, when a measure is brought in here for the purpose of applying to the disposition of Federal funds in States precisely the same rule which we have already by legal enactment applied to the disposition of Federal funds by the Federal Government itself, that the cry of States' rights is once more raised and raised for the purpose of defeating this reform.

Mr. President, I have been particularly interested, almost moved to tears, by the piteous eloquence of those who have insisted upon the inalienable right of charwomen to be mulcted of 2 percent of their meager pay, or who have insisted on the right of even the humblest employee paid out of Federal funds by a State machine to contribute 1 percent, or 1½ percent, or 2 percent, or some other percent, voluntarily to a fund to maintain the State machine. When I have listened to this piteous eloquence, Mr. President, I have been very much reminded of a story which I once heard told, a personal experience, by former Gov. John Lind, of Minnesota, who, in the unhappy days of the Huerta regime in Mexico—when the Huerta regime had not been recognized by the American Government—was sent to Mexico as the personal representative of President Wilson. Governor Lind said that one morning he came out of the American legation and looked down the road and saw about the sorriest looking lot of scarecrows he had ever seen in his life trudging down the street, all of them barefooted, all of them ragged, some of them bloodstained, one a one-legged man, each man in the file with a rope around his neck, extending back to the man behind him, tied to his neck, and extending on down the file, all roped together. Alongside was riding a troop of Mexican cavalry, with their lances jabbing these men, and with a few Mexicans walking alongside, with blacksnake whips cracking every once in a while at these men trudging down the road. Governor Lind turned to Nelson O'Shaughnessy, who was American chargé d'affaires, and said, "What in the name of heaven is this?" O'Shaughnessy said, "Why, they are volunteers for Huerta's army." [Laughter.]

And so I say that charwomen who are to be mulcted of a portion of their meager pay and the poor devil earning a small salary, whose check the Senator from West Virginia [Mr. NEELY] produced here on the floor of the Senate the other day, who was compelled to contribute $2.02 every month, are pictured here as volunteers, and it is said that it is an invasion of their inalienable right to prohibit anybody to make them pay that 2 percent or 1½ percent or 3 percent.

Oh, but it is said that they do it voluntarily. They all just happen accidentally to hit on the sum of 2 percent, or 1 percent, or 1½ percent as the contribution that they desire to make to the fund.

In one of his debates with Douglas, Abraham Lincoln said that there might have been no prearrangement about the Dred Scott Decision, as Douglas was contending, but that if a man were going through a great forest and saw in one part of the forest a man by the name of James, in another part of the forest a man by the name of Roger, in another part of the forest a man by the name of Franklin, and in another part of the forest a man by the name of Stephen, working apparently separately and entirely unconnected with each other, hewing out timbers for a house, and when the timbers were all assembled it was found that the timbers hewn in various parts of the forest fitted perfectly and formed a perfect structure, reasonable people would conclude that James, Roger, Franklin, and Stephen had all been acting in pursuance of some prearranged program.

So when "volunteers" all happen to send in 2 percent, 1½ percent, or 1 percent, or 3 percent, as the case may be, of their normal salaries, reasonable persons will conclude that somebody told them that that was about the proper ante, and they were afraid that if they did not send it in they would lose their jobs.

Mr. President, I submit that there is nothing whatever in this legislation which infringes upon the right of any State

whatever. Under the proposed law every State government—unless the State itself has had enough sense and self-respect to pass legislation to prohibit such practices—will still have the right to assess the guards in the penitentiary 1½ or 2 percent. Several years ago I stated in a public address in the capitol of my home State on the night before the primary that so many guards and penitentiary officials had been sent home for political purposes that if there were a prison uprising on election day the whole city would be at the mercy of the convicts.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Tennessee.

Mr. STEWART. I understand that it was stated on the floor of the Senate on Saturday that the bill does not prohibit contributions.

Mr. CLARK of Missouri. That is my understanding.

Mr. STEWART. The Senator was discussing contributions. I thought perhaps his conclusion was that the bill would prohibit contributions.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HATCH. The bill does prohibit any official within the classes named from soliciting contributions.

Mr. CLARK of Missouri. It does not prohibit direct contributions.

Mr. STEWART. Then it would not reach the point discussed by the Senator.

Mr. CLARK of Missouri. The Senator interrupted me. I was about to speak of the rights of the States. I say that the right of any State administration to assess charwomen in the State eleemosynary institutions, or guards in the penitentiary, will not be interfered with by this legislation in any particular; and a Governor, if he so chooses, may call in the members of the State public-service commission, with their great power of almost life and death over the utilities of the State, and make them members of his inner political council; or he may make members of the State tax commission members of his inner council, and use them for political purposes. He may threaten members of the highway police. Those rights of the States are not interfered with at all. All the bill is designed to do, and all it does, is to say to certain State officials, "You shall not use funds supplied by the Federal Government for political purposes. So far as funds supplied by the Federal Government are concerned, you shall comply with the same rules that are laid down for the expenditure of Federal funds by the Federal Government itself."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Kentucky.

Mr. BARKLEY. Can the Senator conceive of any actual or theoretical right on the part of any State or any State government, or any State officer, to siphon the money which the taxpayers have paid into the Treasury of the United States out of that Treasury into the pockets of those who desire to use those funds for political purposes?

Mr. CLARK of Missouri. I cannot conceive of any such right, Mr. President. In some activities of the Government the Federal Government supplies and expends through the States three times as much as the States themselves contribute to the particular activity or purpose. That is true of the Public Health Service. In other cases, such as the unemployment insurance service, 100 percent of all the administrative expenses is supplied by the Federal Government. How can it possibly be conceived to be an invasion of the rights of any State to say to the State officials, "When you spend Federal funds you shall be subjected to precisely the same requirements that Federal officials directly spending Federal funds are compelled to meet"?

Mr. STEWART. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I shall be glad to yield to the Senator in a moment.

Until a couple of years ago the unemployment service in the various States was under, and directly administered by, the Federal Government itself. That service has now been transferred to the direction of the States, but the funds are supplied to the extent of 100 percent by the Federal Government. If that service were still under the direct administration of the Federal Government, it would be subject to the provisions of the Hatch Act passed last year. Why should State officials, using 100 percent of Federal money for the purpose of contacting poor devils who want jobs or who want unemployment insurance, be permitted to proceed in any different fashion, so far as using the money for political purposes is concerned, than the Federal officials who formerly manned the offices, under the terms of the original Hatch Act?

I now yield to the Senator from Tennessee.

Mr. STEWART. Mr. President, I am sure that the purpose in the mind of the Senator from Missouri is the same as the purpose in my mind. I am as anxious as is any other Senator to see laws passed which will rectify and correct certain conditions which we all believe to exist in this country at times of election, and to purify politics, if I may again use that hackneyed phrase. I will go as far as the Senator from Missouri or anyone else will go in the passage of a law to prevent intimidation, coercion, and abuses of that character.

My belief about the bill is that when it provides, as it does in section 12, that—

> No such officer or employee shall take any active part in political management or in political campaigns.

That is an absolute invasion of States rights, in this particular: It is not confined, restricted, or limited to the election of Members of this body or of the House, but it prevents State officers from participating in the election of members of the school board in remote counties in my State of Tennessee. It prevents them from participating in the election of a mayor in the smallest municipality in the State of Tennessee. It prevents them from taking part in any political campaign. I do not believe that a class of people who are competent and qualified and able to hold such jobs as teaching school or performing other public duties should be taken out of the political arena, or that we should be deprived of the benefit of their advice, their ideas, and their suggestions.

I will go as far as any Member of this body will go in undertaking to correct such evils; but I think we are overdoing matters when we say that State officers may not engage in political activities in any sense. That is reaching far beyond the purpose most of us have in our minds.

Mr. CLARK of Missouri. With great respect for the opinion of the Senator from Tennessee, let me say that the provisions which have been complained about as to prohibition of political activity on the part of the workers are inserted for the protection of the workers themselves, and not as any penalty against them. They are inserted so that when the Governor of a State says, "I am for John Jones for secretary of state," or "I am for Sam Brown for auditor," or "I am for somebody else for something else," or "I want to run for office myself, and you fellows get out and get busy," he will not be able to terrorize the fellows holding the small jobs by saying to them, "You get out and get busy, or you will lose your jobs."

I say that the whole purpose of the bill is not in any sense an invasion of State rights, but simply, so far as Federal funds and Federal funds alone are concerned, to apply to funds expended through the States the same rule that applies to funds expended directly by the Federal Government.

Mr. President, yesterday I picked up a newspaper and read an account of an official of a State, a man who among other activities had under his charge the State highway department, who had committed suicide. It seemed that in addition to his official duties he was the man who was required to receive contributions from State highway officials, highway employees, contractors, and others, and that at one time he had had in his possession as much as $700,000. When the Federal income-tax authorities came around and began to

quiz him about his activities the man committed suicide. I say that if the Hatch Act, as proposed to be amended, had been in effect, that man would probably be alive today.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. LUCAS. I do not want to interrupt the Senator, but he is talking on a very delicate subject. He has made the assertion that when the income-tax authorities investigated the man to whom he refers, who undoubtedly is the late F. Lynden Smith, of Illinois, he committed suicide. The Senator is so wrong in his premise in the first place, and in his conclusion in the second, that I think the Senator should be very careful in making a statement of that kind.

Mr. CLARK of Missouri. I certainly desire to do an injustive to no one. I merely repeated what has been carried in the public press of the United States. If that statement be incorrect, then I apologize.

This much is undoubtedly correct, and I take it the Senator from Illinois is in agreement with it:

This gentlemen—and he was a splendid gentleman—I, myself, was acquainted with him—had under his control, in a public capacity, the highway department and other public works.

Mr. LUCAS. That is true.

Mr. CLARK of Missouri. He also was the treasurer or handler of the various campaign funds raised from employees, both State and Federal, and from contractors and various other persons; and he did commit suicide, unfortunately, which I very much regret.

That much is indubitably true, is it not?

Mr. LUCAS. No; the Senator is trying to explain a situation in another State which may or may not concern him.

Mr. CLARK of Missouri. It is merely an example which concerns the whole country, so far as the legislation we now have before us is concerned.

Mr. LUCAS. Mr. President, if the Senator will yield——

Mr. CLARK of Missouri. I am glad to yield.

Mr. LUCAS. The Senator from Missouri is touching upon a subject matter involving an individual who was reported in the newspapers as having committed suicide. But there are a number of angles the Senator does not touch upon at all in connection with the physical and mental breakdown of the individual who was my friend and who was my fraternity brother in college. I cannot permit the Senator to leave the impression in the Senate, and let it go to the United States at large, that because of the activities of tax investigators in connection with the funds Mr. Smith collected as 1936 campaign manager for Henry Horner—the greatest Governor Illinois ever produced—and as manager for the campaign of 1938, he committed suicide. I am informed that he received voluntary contributions from men on the pay roll and from men who voluntarily contributed thousands of dollars to see a man like Henry Horner reelected, but the inference that he took his life because of an income-tax investigation regarding this fund is entirely erroneous.

Mr. CLARK of Missouri. Let me say to the Senator from Illinois that I had no intention——

Mr. LUCAS. That is the impression which was left.

Mr. CLARK of Missouri. I had no intention whatever of leaving such an inference, and if I left such an inference as that I am very glad to apologize, for I do not think it has ever been suggested from any quarter that this gentleman, himself, had profited as much as 1 penny from that business so far as his own income was concerned. But, as a matter of fact, he was the treasurer of that fund; that was a matter of public notoriety which everybody knew. The point I am making is that in his official capacity, if he had not been charged with that duty, I have no right to say that he would still be alive; but I mean that is a circumstance which points a lesson in connection with such a fund as that.

Now, I repeat what I said in the beginning, that there is nothing whatever in this bill that in any way invades legitimate States' rights.

Mr. MINTON. Mr. President, during the short time I have been in the Senate no piece of legislation which has come before it has been more earnestly and sincerely and genuinely debated than has the measure now pending. So when we hear the Senator from Missouri talking about filibusters we cannot be much impressed with his objection, if such it be, or with his slighting remarks, if such they were, about the opposition to this bill, for we all know the Senator from Missouri himself is not averse to taking advantage of a parliamentary situation.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Indiana yield to the Senator from Missouri?

Mr. MINTON. I yield.

Mr. CLARK of Missouri. I agree entirely with the Senator from Indiana; I have engaged in filibusters, and I probably will engage in more of them during the time that I am in the Senate—if I do not die. That is the reason I know one when I see one, and when I organize one or engage in one I do not beat about the bushes.

Mr. MINTON. And when I am engaging in one, I do not get up, like the Senator from Missouri, and wrap the mantle of holiness about me and claim that I am not filibustering. The Senator from Missouri may deny that this bill has been legitimately debated; but, of course, his confession could not be other than it was about filibusters, because the RECORD is full of his tactics. Only a few days ago the Senator from Missouri, for some reason sufficient unto himself, did not want to see the beer interests compelled to keep their advertising off the radio. I do not know why the Senator was interested particularly in that bill or why he wanted to defeat it and why he wanted to filibuster against it, but the Senator from Missouri had reason sufficient unto himself to be against the bill that would prevent the radio from invading homes and talking about that character-building beer. [Laughter.] So the Senator, in order to accomplish his purpose of delay, very promptly offered as an amendment to that bill the antilynching bill, which he knew would provoke and bring on a filibuster.

So I am not much impressed by the Senator's holier-than-thou attitude toward a filibuster. I am not much impressed, either, with the purity pleas of some people. All those who are for the Hatch bill are pure, and all of us who are against it are impure.

When this proposed legislation first came out of the committee the story was carried to the country by some of the newspapers that there were merely two or three "smelly" fellows here by the names of LUCAS, MINTON, and STEWART who were against this bill. Now we have had a week or more of conscientious, serious, earnest debate about the bill; on one of the most fundamental amendments offered to the bill the vote was 44 to 41, and some of the most distinguished men who have ever honored the Senate with their presence and membership voted with the 41. So, Mr. President, when I look about me and see Senators putting on this holier-than-thou act about being for the Hatch Act, I know they are for the Hatch Act because they have a fight in their States with the Governor or the road commissioner who might run against them. That is how holy they are. They want to use the Hatch Act to play the kind of politics they desire to play.

Mr. CHAVEZ. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. MINTON. I yield.

Mr. CHAVEZ. With the indulgence of the Senator from Indiana, I am willing to make this statement before this body: The Hatch law was in existence at the time appointments under the Census Bureau were made in my State, and every appointee of the Census Bureau was made through the clearance of the State Democratic committee.

Mr. MINTON. So, Mr. President, whether or not one is holy in his position on this bill stems from whether or

not he has a political fight of a different complexion in his own State.

We have seen that illustrated on all sides in this debate. So we who are making a determined opposition to this bill are not going to sit idly by and have Senators rise and shout in our faces about their holy attitude in politics. No; we know the kind of politics they want to play and the kind they hope to get out of this species of legislation.

Mr. President, the other day I picked up a newspaper that circulates in southern Indiana from Louisville, Ky.—the Courier Journal—and there I read a streamer across the top of the Courier Journal, 8 columns wide, carrying this legend: "Republicans in Indiana Believe the Passage of the Hatch Act Will Help Them." Yet Senators rise and talk about "purity in politics." Senators on the other side are playing smart politics, walking up and toeing the line and casting 20 votes, 21 votes, 23 votes for the Hatch bill like a bunch of rubber stamps. [Laughter.]

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. MINTON. I yield.

Mr. JOHNSON of Colorado. I was wondering if the Senator from Indiana happened to note in yesterday's Sunday newspapers the report of a little meeting held in Chicago, wherein the Governor of South Dakota was reported to have condemned the principles involved in the Hatch Act as invading State rights? The particular Governor, as the newspaper stated, is reported to be a candidate for Vice President of the United States.

Mr. MINTON. I saw something about that. I say that Senators view the Hatch bill in the direction in which it helps them. So we have the spectacle here not of purity on the part of our friends over there but of practical politics, smart politics, Hatch Act politics. [Laughter.] They want to "Hatchet" the Democratic Party out of Washington. That is what they want to do with the Hatch Act. They do not want to purify politics. They are the direct descendants and heirs at law and next of kin to Warren Harding, Harry Dougherty, Forbes, Miller, Denby, and Albert B. Fall. They are not pure. [Laughter.]

I know whence this opposition comes. It comes from "pure politics" with emphasis on the word "pure." I should think the Senators over there should be commended, however, for their silence. Their votes speak volumes but they are "plenty smart" when it comes to getting up to say anything they are as silent as Cal Coolidge himself [laughter] who once reigned over the odorous empire of the Republican Party. They sit silently over there in order to benefit by the kind of politics that is being played with the Hatch bill.

So, Mr. President, we are going to try to debate this bill to its ultimate conclusion on its merits, and I hope we will not be diverted. I hope the leadership of the Senate will not try to divert us from legitimate debate upon the bill. I am willing to meet this bill eventually, and I am willing to "go to the mat" on it, because if we debate it a few hours longer I believe the people of the country will see that what we have been doing is fishing around for minnows while the sharks and the barracudas run wild in the pool.

I know that my good friend from New Mexico [Mr. HATCH] is wrapped up in this legislation. Bless his heart. It is his own child. It is the child of his heart, and his whole life is wrapped up in it. I want to say to my friend from New Mexico that he has worked long and hard on this kind of legislation. He has given a great deal of intelligent consideration to the question of impure politics. I commend him for all his efforts; and I say in all sincerity that there is not a cleaner, finer, more conscientious man in public life today than the senior Senator from New Mexico. I just think he is cockeyed; that is all. [Laughter.]

The Senator from New Mexico is just off on the wrong trail. He reminds me of an old coon dog we used to have down in southern Indiana. We boys had a good coon dog. He was a good treeing dog. He would run to cover any animal he got scent of that had fur on its back. He was a marvelous treeing hound. He would run a coon or a 'possum or a skunk to the tree every time. Now, do not tell me that skunks do not go up trees. They do not; but we always called running them to the ground "treeing" them, just the same. So this hound was a good treer. If he got on the trail, he would run down any of these animals; but if that darned dog went out at night across a cornfield and sniffed a field mouse, he would hunt field mice all night.

That is what my friend from New Mexico has been doing. He has been hunting for field mice. He is all right; he means well; and once on the right track, he will go to his objective as unerringly as the martin to its gourd; but he is on the wrong track. He is shooting at the two-bit fellows out on the highway with a sickle in their hands cutting the weeds, and letting Joe Pew and the Du Ponts and the Annenbergs and the Ernest Weirs and all of the big-boodle boys get away. So I say that what we ought to be doing is to be directing our attention first and primarily to the important thing. Do not let the Senator from New Mexico come here and say, "Ah! We will get these little fellows out there with the sickle, and then we will come around and get Joe Pew and Moe Annenberg and Ernest Weir." You will not get those gents if you do not tie them in with the little fellows. You will have to make that combination if you want to get the big boys; and, for my part, I want to get the big boys.

Mr. President, I am proud of the Democratic organization in my State. I know the men and women who do the work day and night in my State, and what is the work that they do? What does a precinct committeeman have to do? At night—not when he is working out on the highway, but when he comes home at night—he goes through his precinct ringing doorbells and calling people to the door, and asking them, "How are you going to vote this year? What do you think about the program of my party this year? Are you going to support the party ticket?"—polling his precinct, finding out what his people are thinking, carrying the message to headquarters, canvassing the situation, and then going back and trying to talk to John Doe and Richard Roe and Billy Jones and find out why they are off the party, if they are off, and what he can do to get them back on to the party ticket again. That is what he is doing; and then, when election day comes, he must see that his precinct is all registered, if it has a registration law, and he must know where his vote is, and he must get his vote out to the polls and into the ballot box in order that his party may be successful at the polls.

Is that pernicious? That is the work of the precinct committeeman; that is what these men are out doing; and, lo and behold, along comes this law and says, "You are engaged in pernicious political activity. You, who all your life have been a Democrat or a Republican, and took pride in the fact that you had fought the party battles for years and years, and when your party gets into power you have a little piddling job offered you out on the highway as a mower of weeds or a patrolman, and you go out and do your work for 10 hours a day—when you come in at night you cannot go down in the precinct and talk a little politics to your neighbors. You cannot go down there and work for the party that has given you bread and meat, if you please." Ah, he has worked his 8 or 9 hours out on the highway. He has done the things he is hired to do, but now you will not let him do the things he wants to do, on his own time, and in his own way. You want to make him an outlaw. You want to brand him as pernicious. You want to say he shall not do these things.

The Senator from New Mexico says his bill does not outlaw all political activity. No; he will let a man vote. He has not gone that far, but that is about all the man can do. If the window curtains were all pulled down, and the doors closed, and all the cracks closed up, I think he might be able to tell his wife that he thinks she ought to vote the Democratic or Republican ticket the next day, but if he goes further than that he will be engaged in a pernicious political activity.

So, Mr. President, I am not ashamed of these men and women in the political organization of Indiana. On the contrary, I am proud of them. A finer, cleaner, better set of men and women never walked in shoe leather in this country. I am here on the floor of the Senate today battling against this legislation which would seek to brand the people of Indiana who go out in a humble way, as free American citizens, and take part in politics, as doing something unworthy, and something to be penalized.

So, Mr. President, we are fighting this fight because we believe just as sincerely that we are fighting the fight of the little fellow, that we are fighting the fight of the American citizen, that we are fighting the fight of democracy, as anybody on the opposite side can believe that he is engaged in a fight for pure politics. I think it is pure politics. There is always a brand of politics mixed up in it. I am not ashamed of politics. I am proud of politics. I do not want to drive people out of politics. I want to invite them into politics. I want them to take part in politics. I do not want to coerce them. I do not want to threaten them. I do not want to oppress them, but I want to say to every man jack of them, "As long as you voluntarily want to work for the election of your friends to office, for the election of your party's candidates, or to take part in a local election involving your schools or your municipal affairs, if you want to do that voluntarily, without coercion, intimidation, or oppression, you have a God-given American right to do that sort of thing"; and Heaven help this country whenever the time comes that we shall outlaw that kind of activity.

Instead of branding these people as undesirable and pernicious, we should be encouraging more people to take part in politics, because, after all, it is politics by which we all live. I pause long enough for any Senator or any number of Senators who got here without the aid of politics to stand and be counted. There are quite a few of you here, and I do not see anybody standing up. You all got here because of politics. There is nothing unholy about politics as such. I am for clean politics, and I think all of you are for clean politics. I think every Senator here is for clean politics.

We play a little politics with legislation as we think it may help or hurt us. I am not finding fault with anybody about that, because I know you have all lived by politics so long that it will not do to try to wean you now. You are all politicians, or you would not be here.

So, Mr. President, let us have no more pointing of the finger of the holier-than-thou people. Let us have no more of the smugness that sometimes characterizes remarks on the floor of the Senate, directed at persons with whom we do not agree.

As I said in the beginning, I am satisfied that my friend from New Mexico is as honorable, as honest, and as sincere as any man ever could be; but I think he is mistaken; I think he is woefully mistaken. So, Mr. President, we are going to continue in good faith the opposition to this bill. I hope we can defeat it, and that we can direct the attention of the Senator from New Mexico away from the field mice, and get it back on the right trail.

Mr. HATCH. Mr. President, I rise merely to return the compliment of the Senator from Indiana. Everything he has said as to my intentions and purposes I can say about him. I have never questioned the purpose of any Senator. I have never questioned the motive of any Senator. I have never assumed any holier-than-thou attitude in connection with this or any other proposed legislation. I have accorded to every Senator the right to make up his mind on every piece of legislation, and to vote the way he thinks is right, and best for his country. I have asked that that and that alone be the rule as to the particular bill now before us. Only last week I stood here and asked that we have a vote; that is all. I did not indicate how I thought any Senator should vote. I contended that those of use who believe in the principles of the pending bill, who believe that they are right, and who believe it is to the advantage and welfare of this country that this bill be enacted, should have the right to express our belief by our votes in the Senate of the United States. That is all I ask at this moment.

Mr. President, that brings me to the pending motion, and causes me to say what I regret very much to say, for, as the Senator from Missouri has said, the Senator from Georgia [Mr. RUSSELL] has supported faithfully the pending bill, and I think all other measures of this kind. He has been a valiant fighter in behalf of this character of legislation. I should like very much to say to him that I am glad to agree to his proposal that we take up the agricultural appropriation bill, not only because the Senator from Georgia is in charge of that bill, but also because it is a farm bill, because it provides the annual appropriation for agriculture; and I shall support the Senator from Georgia in his bill, and in all his committee amendments, I am quite sure. I have always done so.

I dislike to take any position or attitude which might be construed as being in opposition to the welfare of the agricultural interests of the country. Nevertheless, I cannot agree to the proposal of the Senator from Georgia, and I hope his motion will be voted down. It is true that we have had debate on the pending bill. Whether there has been a filibuster or not makes no difference at all. The whole subject has been debated pro and con. If anyone can think of a word that has not already been said on this bill and the various amendments, in the arguments which have been made, I shall be greatly surprised. We are already saying over and over again the things which have already been argued.

Because the bill has been debated, and because it should take but little time to finish its consideration, if we confine ourselves to legitimate argument and debate, I do not want the bill laid aside, and I believe we can take sufficient time to debate legitimately every amendment which has been offered and yet be through by 5 o'clock tomorrow afternoon, as the majority floor leader has suggested.

But even if we are not through by 5 o'clock tomorrow afternoon, I know full well that if we lay the bill aside and take up the agricultural appropriation bill, which may take several days, and then in turn take up the reciprocal trade agreements program, which may take weeks—and I intend to support that program also; both measures are very dear to me, and I probably shall participate in the debate on both measures—I know that if we lay aside the pending bill and drag out for weeks and weeks, even if it does come back a month or 6 weeks hence, it will be dead, it will be killed for this session, and we will not have a chance to cast the vote which the Senator from Indiana wants us to cast.

He wants to face the issue. So do we. Therefore why not face it now? Why not vote yea or nay, and pass the legislation if it is good, and kill it if it is bad? I ask nothing more than that.

Mr. President, I hope the motion of the Senator from Georgia will be defeated.

Mr. NORRIS. Mr. President, after all, the question now presented to the Senate is, Shall we lay aside the pending bill and take up another one after we have devoted more than a week to the discussion of the bill, at a time when it looks as though we were about through with the discussion, and would reach a conclusion upon the bill and the amendments?

If we followed that kind of procedure in the Senate with regard to all pending legislation as to which there was a nearly equal division of sentiment on its merits, and gave way to appropriation bills, which everyone concedes are extremely important, which must be passed in some form in order that the Government may continue its activities—if we adopted that procedure generally, it would happen almost universally that any proposed legislation upon which Senators were nearly equally divided would fail, because we would lay aside one bill and take up another if we thought the other was of greater importance. The agricultural appropriation bill is of extreme importance, but I do not know of any reason why it has to be passed today, or this week, or next week. It would not go into effect until the 1st of July.

We have argued the pending bill for a week and should vote on it. Let me call attention to another thing, which has

already been said by the Senator from New Mexico, that if the pending bill shall be laid aside and another one taken up, followed by another bill which the Senator mentioned, nearly as important as the agricultural appropriation bill, and followed by other appropriation bills which will be coming in, even if we take the pending bill up again, in all probability it will be weeks before that can occur if we lay it aside for all these important matters. That has already been stated, but let me call attention to the fact that this is probably the last session of this Congress. If this parliamentary condition had existed at the last session, it could have been said, and truthfully said, "Even though we do not get the bill through during this session, we can take it up at the next session just where we leave off." But if the bill fails of passage at this session, all the work that has been done, and all the time that has been spent, will have been wasted, because the proposal will be dead; it will be the end of the Congress, and we will have to commence again at the very beginning.

Mr. President, everyone knows that all the appropriation bills must be enacted before the 30th of June, and there is no doubt that they will be, even though they remain in conference for a long time. But if we pass the pending bill now, undoubtedly after the House acts on it it will be sent to conference, and there will very likely be a bitter contest in conference, and probably much more time spent by the conferees than has been spent by the Senate in discussing the bill. So I say to the friends of the bill that if we agree to the motion made by the Senator from Georgia there is danger that it will mean the death of this particular kind of legislation at this session of Congress.

I do not blame Senators who are opposed to the proposed legislation for voting for the motion. If I were opposed to it, I would vote for it. It is a legitimate method of parliamentary procedure. I challenge no man's motives. I assume all men have motives which to them, whether they are for or against a particular bill, are sufficient to satisfy their own consciences; but, after all, when we follow legislation to the end, a majority in each House must favor particular legislation or it cannot become the law.

I do not see any question of bad motives here. I do not see any question involving a holier-than-thou attitude. I do not know of any criticism made against anyone who is opposed to the proposed legislation. I would not criticize anyone for voting in favor of amendments which he thought would kill the bill. That is a legitimate method of legislating. It is one pursued here and pursued in every legislative assembly of which I know anything.

Mr. President, it seems to me no reason exists for charging bad faith to anyone. An honest disagreement exists. I concede that ground for honest disagreement exists. The weight of the argument is not all on one side. But as a friend of the bill, as one who wants to see it enacted into law, I challenge anyone to question my motives in taking the attitude I have, since I believe in the need for the passage of the measure, or to challenge the motives of anyone else who takes the same attitude.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. GLASS. No one in the Senate or out of the Senate would presume to challenge the motives of the Senator from Nebraska, but in this debate those of us who are opposed to the pending measure have been classified as spoilsmen, in contrast with those who are in favor of it.

Mr. NORRIS. Mr. President, I distinctly wish to disavow any such argument by anyone.

Mr. GLASS. Well, it has been made.

Mr. NORRIS. I cannot help that, of course. I think the same argument has been made in the present debate with respect to those who take a different attitude. In view of the nature of the debate which has taken place, and the character of the pending legislation before us, I do not believe it worthy of any Senator to make such a charge either way.

Mr. President, I favor the bill which the Senator from Georgia [Mr. RUSSELL] has moved to consider. I realize how earnestly, how faithfully, the Senator from Georgia has worked to get the bill in its present shape. I have tried to follow his work in the committee. I commend him for what he has done. So far as I know, I favor every one of the amendments which have been agreed to by the committee, with perhaps one exception. I would not want that bill killed under any circumstances. I think it involves some appropriations which are vital to the continued happiness and prosperity of the country. It contains some appropriations which probably will be contested. I expect to be one of those Senators who, in a humble way, will stand behind the Senator from Georgia, and help him in his work and in his endeavor to get the bill before the Senate.

So, Mr. President, I do not want it understood that my vote against taking up that bill now means that I am opposed to it. I am as much in favor of it as is the Senator from Georgia. But, in my opinion, we shall get nowhere if we start in with legislation, work halfway through it, or two-thirds of the way through it, and then stop and take up something else. It seems to me that we are not justified in taking such action unless we are opposed to the legislation under consideration. Of course, in that event, we would be justified in voting to kill the legislation at any point or stage.

Mr. President, I wanted to make that statement, and have the Senator from Georgia understand, and also the country understand, as well as the Senate in general, that neither directly nor indirectly can it be said of those who are going to vote against the motion of the Senator from Georgia that they are opposed to the legislation proposed, but, under all the circumstances, they think it is the wise thing and the right thing to keep on with the pending legislation until we finish it, whether the result goes against us or in our favor.

Mr. BANKHEAD. Mr. President, I wish to make a comment in a brief way concerning the pending motion. Before doing so I ask unanimous consent to present an amendment which I ask to have published in the RECORD, and printed and lie on the table awaiting its proper presentation. The purpose of the amendment is to limit the contributions by corporations when Federal officials are to be elected, including the President of the United States, to $1,000. I shall discuss that matter at the appropriate time.

Mr. President, it has been suggested that the amendment be read at the desk. Therefore, I ask that the amendment be now read, because I believe it to be of great importance. Of course, I do not ask for action on the amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following section:

SEC. —.

(a) Excessive financial aid to any candidate or expenditures by any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal. The President of the United States for the purpose of this act is declared to be an elective officer.

(b) Excessive financial aid to any political committee engaged in furthering, advancing, or advocating the election of any candidate for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity and is hereby declared to be illegal.

(c) Any amount expended, contributed, furnished, or advanced by one person or corporation directly or indirectly in excess of $1,000 is hereby declared to be excessive financial aid.

(d) Any person or the officers of any corporation who directly or indirectly contributes more than $1,000 during any calendar year or for use in any one campaign or election in violation of the provisions of this section is guilty of pernicious political activity, and on conviction shall be fined not less than $5,000 and also sentenced to the penitentiary for not less than 5 years. It shall be the duty of the court to increase the fine in accordance with the amount contributed and with defendant's ability to pay.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama [Mr. BANKHEAD] will be printed, and lie on the table.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CLARK of Missouri. Would the Senator be willing to accept an amendment to his amendment to limit the price of Democratic dinners to $2.50?

Mr. BANKHEAD. I should like to know if the Senator has been paying any more than that. [Laughter.]

Mr. President, recurring to the pending motion, which is the motion of the Senator from Georgia, it seems to me we should not permit partisanship—and I do not mean to use that word to signify political partisanship, but I mean as partisans with respect to the Hatch measure, to actuate us in deciding what action we shall take. We should view this problem from the standpoint of good procedure, looking to the advancement of probably the most important bill now pending in Congress, and we should vote on this motion regardless of our position in opposition to or in favor of the Hatch bill.

I have never made any denial of engaging in filibustering when I thought it was necessary and the situation called for it. I do not, however, have any desire to filibuster with respect to the Hatch bill. If I had I would say so, because I have often admitted on this floor that I was participating in a filibuster, just as the Senator from Missouri [Mr. CLARK] has done, and I commend him for his courage and candor. But the question of filibustering and the effect of a filibuster on the Hatch bill should not control action on the motion of the Senator from Georgia.

Mr. President, there are good reasons, which should appeal to our judgment, why the agricultural appropriation bill should now be considered and speeded on its way. We all know that there are probably more changes in the pending agricultural bill than have ever been presented in an appropriation bill in the history of the Government. We have all read in the newspapers about the countless number of changes made by the House with respect to the various appropriation items. The Senate committee has been diligently at work, led and headed by the junior Senator from Georgia, who is always faithful to the cause of agriculture, and at the same time is fair to the taxpayers and to the Members of the Senate. The committee has been diligently engaged in the consideration of this long, tedious bill.

I do not think it would take any great time, considering the length of the bill and its importance, for it to be acted on by the Senate. But, Mr. President, we must not lose sight of the fact that after it is passed by the Senate, the real struggle will begin. When the Senate conferees are appointed they will meet a group of determined conferees from the body at the other side of the Capitol, who will enter the conference with the determination to uphold the action of the House on each of these numerous items. I have been in conference committees of that sort. I was a member of the conference committee on the agricultural appropriation bill at the last session of the Congress, and I know the struggle that took place there. I know the discussions and arguments that were necessary.

Then, if perchance we reach an agreement, the bill must go back to the House for debate, and on numerous items there must be a separate vote in the House. So much time will be required before the bill can be sent to the White House. Let me say to the friends of the farmer that in my judgment it is important to get this bill to the White House before some other appropriation bills reach there. Those who are really interested in proper and adequate appropriations for the cause of agriculture should take that thought home.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. McKELLAR. That is especially true insofar as the parity-payment provision of the bill is concerned, which provision was inserted by the Senate committee.

Mr. BANKHEAD. Yes; in my judgment that is the most important provision in the entire bill.

Mr. McKELLAR. Of course.

Mr. BANKHEAD. Let me say this to the advocates of the Hatch bill: I am against it, as Senators know. Without having said so, practically all Senators know why I am against it. Principles are involved with regard to which Senators know my views. I have taken no time on the floor. I had not intended to participate in any deliberate filibuster. I think a full discussion of so important a subject is certainly appropriate. Except for possibly Saturday afternoon—and I am not entirely familiar with that situation—every Member of the Senate knows that the debate during the past week was on a high plane, and was devoted to a discussion of principles and issues. Saturday afternoon, in the absence of many Members, there were reasons why action should not have been taken; and it was thought by many that the determination of the majority leader to force an unusual Saturday session was due to undue pressure and coercion to expedite and hurry the bill. I do not know whether or not that is true. I do not charge it. However, I am stating some of the motives which may have prompted some speeches on Saturday afternoon which otherwise might not have been made.

These controversies nearly always have two sides to them, as practical politicians and experienced businessmen know. Why should not the advocates of the Hatch bill—and I include, I am sorry, the Senator from New Mexico [Mr. HATCH]—agree to the present consideration of the agricultural appropriation bill?

The Senator from New Mexico knows that I love him. If there is any one cause of reluctance on my part to oppose the pending bill, it is my great respect and affection for CARL HATCH. He knows I love him. We have been associated together in many matters. However, I submit to him and to the majority leader, and to other Senators who will vote on the pending motion, that the agricultural appropriation bill is of greater general interest and importance to the people of the country than a corrupt-practices bill, however important it may be to those who are interested in it.

Further, I wish to say that when the agricultural appropriation bill shall have been disposed of—which may be within a very few days—and started on its way across the Capitol, the Senator from New Mexico, having the full support of the majority leader, may obtain recognition, or the majority leader in his own right may make a motion to resume consideration of the Hatch bill. Evidently there is a majority of the Senate to force such a motion. So what is the common sense in shying away and being afraid that if agriculture is given prior consideration the Hatch bill, if displaced at all, will go to its grave?

That attitude can be the result of but one line of reasoning, and that is that the leaders in support of the Hatch bill are afraid of a little delay. It cannot be anything else. In every vote we have had thus far, the supporters of the Hatch bill have had a majority. They have the leadership. They have the right-of-way. They may meet, adjourn, move to take up, and do everything that is necessary to obtain action upon the Hatch bill after the agricultural appropriation bill shall have been disposed of.

So I again appeal to the leaders to dispense for the present with their active partisanship on this particular subject, and let us get down to some legislative work in which the country is vitally interested and on which it is waiting with anxiety. Let us get down to the consideration of a measure in the interest and welfare of a great unorganized mass of voters and people in this country, more numerous—if numbers are important—than the road workers, the W. P. A. workers, and the bosses covered by the Hatch bill.

The farmers are not economically interested in the Hatch bill. The subject is a political one, as was stated by the Senator from Indiana [Mr. MINTON]. The Hatch bill may be brought up if a majority wants it brought up. If a majority does not want it brought up, it ought not to be brought up. No one will dispute that statement. The supporters of the bill have the power to bring it up just as soon as we pass the agricultural appropriation bill. No one knows how long the supposed and alleged filibuster on the Hatch bill will last. I do not know. I have seen filibusters run for 6 weeks. I can prove that statement by the Senator from New York [Mr. WAGNER].

Mr. SMITH. The Senator can prove it by many others.

Mr. BANKHEAD. I do not know what Senators have in their blood on the subject of endurance. As I frankly stated, I myself have no desire to go into a filibuster on the measure, earnestly as I am opposed to it. I am not asking anyone not to conduct a filibuster. If one is conducted, frankly, I shall go along with it.

Suppose we have a filibuster, as it is charged we now have. I have not heard anyone deny the charge. I do not know what is meant by the word "filibuster." Some use it in an offensive sense—a pernicious sense. Others use it as an exercise of inalienable rights. I have heard that line of argument in connection with the Hatch bill.

As I say, I do not know how long the alleged filibuster will last. Evidently the necessary manpower is present, evidently the ability is present, and apparently the determination is present, to debate the subject until the people of the country understand the motive behind some of the support and the effect of the bill upon millions of people of the country.

That is the way the matter stands. If we hold up the agricultural appropriation bill indefinitely, we shall not accomplish anything except to endanger the agricultural appropriation bill. To be frank about it, in the event enough other appropriation bills are passed to endanger the debt limit, we shall endanger the agricultural appropriation bill.

Let us go on and finish this bill; and then, if it is desired again to take up the Hatch bill, its supporters have the power to do so, and they know it.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. The statement which the Senator has just made is exactly all we have asked. Let us go on and finish the bill.

Mr. BANKHEAD. I am referring to the agricultural appropriation bill.

Mr. HATCH. I am referring to the Hatch bill.

Mr. BANKHEAD. We may have an indefinite filibuster, and the Senator knows it.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. BANKHEAD. I have told the Senator that the filibuster is not coming from me, and he knows it.

Mr. HATCH. I am quite sure the Senator will not engage in a filibuster; and from the remarks of the Senator from Indiana [Mr. MINTON] a few moments ago, I judge that all that is desired is to have legitimate debate and then a vote on the bill. I am perfectly willing to have that.

Mr. BANKHEAD. If the Senator has a majority—and he thinks he has, and I think he has—does not the Senator admit that as soon as we finish the agricultural appropriation bill a motion may be made to make the Hatch bill the unfinished business?

Mr. HATCH. I am not at all sure that that could happen.

Mr. BANKHEAD. Why? Let the Senator be frank. I am trying to be frank. Let us be frank with each other.

Mr. HATCH. What I anticipate will happen is that a motion will be made to take up the reciprocal trade agreements measure as soon as the agricultural appropriations bill is finished, and that measure may require weeks and weeks of debate.

Mr. BANKHEAD. I do not think that is likely. A majority would be required to consider that measure.

Mr. HATCH. If a motion is made to take up the Hatch bill, we shall have another debatable motion.

Mr. BANKHEAD. If the Senator gets into all those difficulties, he has not a sincere, genuine majority for his bill. He has a political vote which makes a majority.

Mr. HATCH. I am perfectly confident that we have debated the bill from every angle, and that Senators have made up their minds how they will vote on the amendments and on the bill. All I ask is that they have the opportunity to vote. I do not question the motives of any Senator, no matter how he may vote.

Mr. BANKHEAD. I have heard the same argument for weeks and weeks on other measures. That is a legitimate statement. However, those who do not want a vote do not say, "Yes; let us vote." The Senator knows that. I think he will find that the opposition will not permit unanimous consent for a quick vote. That is the reason why I urge with earnestness that we should not make the Hatch bill paramount to all other legislative considerations. If the Senator insists upon going ahead with the Hatch bill, he will be subordinating the cause of agriculture to the corrupt-practices bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BARKLEY. I have no intention of provoking or being provoked into an argument with the Senator from Alabama.

Mr. BANKHEAD. I have not tried to provoke the Senator.

Mr. BARKLEY. I understand that. A while ago the Senator referred to the session on last Saturday——

Mr. BANKHEAD. I did not refer to it in any critical spirit. I wanted to hold such a session.

Mr. BARKLEY. I thank the Senator.

Mr. BANKHEAD. What I said was not in criticism; but I said that from what I had heard from other sources there was resentment, on the theory that the majority leader was trying to drive to a vote on the Hatch bill.

Mr. BARKLEY. No. I will say to the Senator frankly that the reason that up to now we have had very few Saturday sessions, though we have had one or two, has grown out of the fact that the Senate has had no business to transact. It has been the practice of the Senate from time immemorial that when it had business to justify a Saturday session such a session would be held, and I felt that to hold a session on Saturday might gain some time in the final vote on the bill.

Mr. BANKHEAD. If I have differed at any time with the Senator about having Saturday sessions, it has been because we did not hold them.

Mr. BARKLEY. That may be true, and I thank the Senator.

Mr. BANKHEAD. I favor Saturday sessions when we have unfinished business just as I favor sessions on every other working day.

Mr. BARKLEY. I agree substantially with the statement made by the senior Senator from Nebraska [Mr. NORRIS] a while ago. It has been my understanding, and I have conferred freely and frankly with the Senator from Georgia about the agricultural appropriation bill, and have felt that that bill could be passed in about 2 days, and perhaps not that much time would be required.

Mr. BANKHEAD. Frankly, I do not think it would take that long.

Mr. BARKLEY. The bill provides annual appropriations for the fiscal year 1941, which begins on July 1, 1940, aside from some items which may be made available before the 1st of July. In a morning newspaper I read that the Senator from Georgia had been quoted as saying—whether he was correctly quoted I do not know—that if the parity payments provided in the bill should be adopted finally as a part of the legislation the money would not be actually paid out until the fall of 1941.

Mr. BANKHEAD. That is correct.

Mr. BARKLEY. And that if the prices of farm commodities in the meantime advanced sufficiently there would be no requirement at all for the use of the parity funds.

Mr. BANKHEAD. But there is a requirement for the commitment and the appropriation so as to have the money available, because compliance with next year's program is dependent upon that.

Mr. BARKLEY. I understand that, of course, there would be no parity payments unless the money were appropriated for that purpose.

In facilitating the passage of the bill I want to cooperate to the fullest extent of my ability with the Senator from Georgia, who has done yeoman work in the preparation of this bill and who is always sincere and active and frank in his handling of agricultural bills.

We have been in session 2 months and 10 days, and, in all probability, we will still be in session at least that much longer before there is a final adjournment of the present session of the Congress.

Mr. BANKHEAD. That would be ample time within which to call up the Hatch bill, would it not?

Mr. BARKLEY. The same suggestion would apply to the agricultural bill. The agricultural bill, if it shall be passed in 2 or 3 days, will go to conferees, and the conferees will have more than 2 months, in all likelihood, in which to adjust the differences between the House and the Senate. In view of that fact, I myself do not see how any damage or injury could come to the cause of agriculture by finishing the bill that is under consideration which, with legitimate debate—and I have never accused anybody in connection with it of indulging in anything but legitimate debate—could likewise be disposed of in 2 or 3 days. I believe that it could have been disposed of by tomorrow night if we had devoted ourselves today to it and voted on it when we finished the debate tomorrow night. But even if it took a day or two longer than that, it will not take substantially any longer, in my judgment, to finish that bill than it will to dispose entirely of the agricultural bill, which will go to conference, and there would be, as I said, about 2 months for the conferees to work on it. I myself do not see the urgency, so far as it affects agriculture, in undertaking to say that we have got to pass the agricultural bill within the next 2 or 3 days or within this week. I have no fear of the result, so far as the agricultural bill is concerned, whether it is passed this week or not, because we have a good deal of time yet before we finish the work of the session. In view of that, speaking only in my own individual capacity as a Senator, under the circumstances, I do not feel justified at this time in voting to supplant the pending legislation by adopting the motion of the Senator from Georgia.

Mr. BANKHEAD. Mr. President, let me ask the Senator a question. Is he interested in the passage of the parity-payment provision? I have seen a statement indicating that he was not.

Mr. BARKLEY. I do not know to what the Senator refers. I have always been for parity payments.

Mr. BANKHEAD. I know the Senator has.

Mr. BARKLEY. Frankly, I have been disturbed as the Senator from Alabama and all other Senators know, over the possibility of having to pass a tax bill at this session or increasing the debt limit; and I am still disturbed. I do not want to have to vote to increase the debt limit, because I think whenever we have done it the country will immediately come to the conclusion that we are going to approach it again; that there may be one step after another increasing the debt limit. I do not want the Congress to have to do that if it is humanly possible to avoid it. There is no secrecy about my fears on that subject, and I have been hoping that we might work out economies in all the appropriations sufficient to justify parity payments without in any way endangering the ceiling of the debt limit or without making necessary the passage of a tax bill.

Mr. BANKHEAD. I am not going into that.

Mr. BARKLEY. I am not going into it, either.

Mr. BANKHEAD. I was merely anxious to find out whether the Senator was interested in bringing about the passage or reluctant to have passed provision for parity payments.

Mr. BARKLEY. What I have mentioned probably gave rise to the statement attributed to me that I was not in sympathy with parity payments.

Mr. BANKHEAD. I merely read it in the newspapers. The Senator, doubtless, saw the item. It said he was doubtful about it passing.

Mr. BARKLEY. If the Senator is referring to a statement of today, I said I thought finally it would pass here and that the House would agree to it.

Mr. BANKHEAD. I have not seen that statement.

Mr. BARKLEY. Frequently we are quoted as saying things we do not say.

Mr. BANKHEAD. I realize that.

Mr. BARKLEY. I am certainly interested and I have been interested from the very beginning of the agricultural adjustment program in parity payments to all farmers entitled to them, and I certainly hope to be able to support that program now.

Mr. RUSSELL. Mr. President——

Mr. BANKHEAD. I yield to the Senator in charge of the agricultural appropriation bill.

Mr. RUSSELL. Mr. President, I do not desire to delay a vote on the pending motion, but I do wish to comment very briefly before the vote shall be taken.

There is certainly nothing unusual in making a motion to proceed to the consideration of any general appropriation bill at any stage of the proceedings on pending legislation. Such a motion is expressly provided for in the rules of the Senate, and during my service in this body I have never before seen objection expressed to laying aside any piece of general legislation, however important it might be, in order that the Senate might proceed to the consideration of a general appropriation bill. That rule does not apply only to appropriations for the activities of the Department of Agriculture, but I have seen measures of great importance, national in their scope, laid aside for the consideration of deficiency appropriation bills, for the consideration of naval supply bills, and for the consideration of War Department supply bills. I hope that this new order of objection to the consideration of a general appropriation bill is not the result of any of the heat and personal feeling which may have been engendered by the discussion of the legislation proposed by the Senator from New Mexico.

Mr. President, for myself, to use an expression now going the rounds, "I ain't mad with nobody" about the Hatch bill. I have been supporting the proposal of the Senator from New Mexico, but I certainly do not think that bill is any reason for breaking a custom that has obtained in the Senate at least for the 7 years I have been a Member of this body, of giving the general appropriation bills the right-of-way. I have done all in my power to protect the rights of the Senator from New Mexico in securing consideration of his bill. I asked unanimous consent temporarily to lay aside the pending business, but objection was entered, a matter over which I had no control.

Mr. President, there is a substantial reason for giving priority to general appropriation bills. There are a number of items in the agricultural bill containing appropriations which are made immediately available. I refer specifically to the appropriation to supplement section 32 funds in connection with which the committee has suggested an appropriation of $85,000,000 and the appropriation to provide for the surplus-removal program, for the so-called stamp plan in various cities of the country, a program which is now under way all over the United States. Those funds are to be made immediately available by the bill.

It is a very complicated measure. It contains a large number of items. Last year the bill was in conference for several weeks. It reached the desk of the President of the United States for his signature only on the last day of the fiscal year, the 30th day of June. I felt that the bill should be brought up and considered just as all other appropriation bills have been considered during my service in this body, without regard to the interest that might be evinced in any of the legislation that is pending when the appropriation bill is brought in by the committee for the Senate to take action upon. There certainly can be no reason in this case for violating the intent of the rules of the Senate and the custom that has obtained here for so long by not proceeding with the consideration of the agricultural appropriation bill.

We all hope we shall have an early adjournment; and, as one who in the normal course of events would be one of the conferees to deal with the other body on this matter, I do not wish to have Members of the Senate coming to me to find out why the conferees cannot agree, and have an adjournment of the present Congress held up when matters

of great importance which the Senate has approved will be at difference with the other body.

It certainly is not my purpose to strike down and defeat the bill of the Senator from New Mexico. I have voted for each of the bills the Senator has brought in, and have stood with him here on the consideration of various amendments which have been offered to this body; but it has been the custom of the Senate, at least for the past 7 years to my certain knowledge, to give right-of-way to general appropriation bills. I see no reason why the pending legislation, which would be temporarily displaced by this motion, is of such great and paramount importance that we should set a new rule in the Senate, and overthrow all the precedents which heretofore have obtained in this body.

In accord with what I deem to be my duty to the farmers of the country, who are vitally interested in the agricultural bill, as well as the Committee on Appropriations, I have moved to consider this bill. I hope the Senate will adopt the motion.

Mr. LEE. Mr. President, I shall vote to take up the agricultural bill. I wish, however, to state that I shall give my efforts to have the Hatch bill considered at a later date.

I want to see this second edition of the Hatch bill passed. I have hoped that it could be amended along the line of the Miller amendment and along the line of the Adams amendment, because I felt that in its present form it has a tendency to stifle democratic processes. I supported the Brown amendment because I thought, and I still feel, that if the bill is good for the little fellow, it is good for the big fellow.

It is possible that in the delay that will follow some amendments of this kind may be worked out that will be acceptable to a sufficient number of Senators to amend the Hatch bill accordingly; but, whether or not such amendments are worked out, I shall help to bring up the Hatch bill at a later date and shall support it in passage, on the theory that if we cover part of the Federal employees we should extend the legislation to the others who are covered by this amendment to the original Hatch Act.

Mr. WALSH. Mr. President, I shall be very brief.

There are two groups—principally on this side of the Chamber—viewing the Hatch bill from different point of view, directly opposite points of view, as I see the situation. One group feels that the time has come to strengthen the existing Hatch Act by extending its provisions to State employees who benefit from Federal funds. They apparently feel that the same standards, so far as participating in elections is concerned, which are now applied to Federal employees, should apply to State employees who are paid from funds which the taxpayers of the country, regardless of party, contribute. Some of those who have taken that position feel that we are dealing with a primary, fundamental democratic problem in government—free elections, untrammeled elections, the right of those who do not hold public office to be free from the direction and management and control of those who are in administrative public office so far as voting and conducting elections are concerned.

To some of us, that is more important than the distribution of public funds to carry on various activities of the Government, especially when we think the matter goes to the very root of free government. There is nothing more precious or valuable than the right to vote. There is nothing more valuable than the right to have a free vote, and the right to vote as one's conscience dictates, without influence or control. It has taken years, many and long political battles, to obtain a free ballot and protect the citizen from improper influences at the ballot box.

Long ago we drove to the wall all private employers who sought to control the votes of private citizens; and now we are hesitating about driving out of election booths paid government officials who seek to control the votes of the free men and women of this country.

There is another group here—a group who believe that the issue of States' rights is involved. Their pretended position is, "We are not going to permit this bill to pass until this bill is thoroughly discussed and argued." They place great stress upon the fact that the solemn, serious question of States' rights is involved.

It seems to me, Mr. President, the orderly way to proceed would be for both these groups to go on and fight out these issues, have the various amendments presented, vote upon them, and an effort made to reach a decision which represents the views of the majority of this body. That, it seems to me, is the course we ought to pursue, and the exact issue that is now before us is whether or not we shall so proceed.

The other side of the picture is that there are apparently in this body some who say, "We are not going to permit a vote on the Hatch bill anyway. We are going to filibuster. We are not willing to go ahead and see if the amendments can be discussed in an orderly manner, and a sound solution obtained, and have vote after vote taken as to how we shall perfect the legislation. We intend, if not openly and directly but by indirection, to kill the bill."

Are we who represent the group here who believe that the time has come, after hearings and favorable report by the Committee on Privileges and Elections, and discussions in the Senate for days, to go forward in improving our election machinery to help assure a free ballot; or are we going to surrender under the threat that, "If you do not substitute another bill now, we will prolong this discussion; we will filibuster, and we will nullify and make useless the majority favorable to this bill"?

Those who want to surrender great fundamental principles under those circumstances may do so. I, for one, am unwilling to surrender under any such threat, and I believe many other Senators entertain the same determination. Let us be not affrighted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate proceed to the consideration of the agricultural appropriation bill.

Mr. HATCH and other Senators called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. DOWNEY], the Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are detained on important public business.

The Senator from Utah [Mr. KING] is paired with the Senator from Maryland [Mr. TYDINGS]. I am advised that if present and voting, the Senator from Utah would vote "yea," and the Senator from Maryland would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that, if present and voting, he would vote as I shall do. I vote "nay."

Mr. AUSTIN. I announce the following pairs:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from New Jersey [Mr. SMATHERS]. If present, the Senator from New Hampshire would vote "nay," and the Senator from New Jersey would vote "yea."

The Senator from Wisconsin [Mr. WILEY] with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from Wisconsin would vote "nay," and the Senator from Illinois would vote "yea."

I also announce the unavoidable absence of the Senator from New Hampshire [Mr. BRIDGES] and the absence of the Senator from Wisconsin [Mr. WILEY] because of illness.

The result was announced—yeas 36, nays 47, as follows:

YEAS—36

Adams	Bulow	Clark, Idaho	Guffey
Bailey	Byrd	Conally	Harrison
Bankhead	Byrnes	Donahey	Hayden
Bilbo	Caraway	Ellender	Herring
Brown	Chavez	Glass	Hill

Hughes	McKellar	Pittman	Sheppard
Lee	Miller	Russell	Smith
Lucas	Minton	Schwartz	Stewart
Lundeen	Murray	Schwellenbach	Thomas, Okla.

NAYS—47

Austin	Gibson	McCarran	Taft
Barbour	Gillette	McNary	Thomas, Idaho
Barkley	Green	Maloney	Thomas, Utah
Burke	Gurney	Mead	Townsend
Capper	Hale	Neely	Truman
Chandler	Hatch	Norris	Vandenberg
Clark, Mo.	Holman	Nye	Van Nuys
Danaher	Holt	O'Mahoney	Wagner
Davis	Johnson, Calif.	Overton	Walsh
Frazier	Johnson, Colo.	Reed	Wheeler
George	La Follette	Reynolds	White
Gerry	Lodge	Shipstead	

NOT VOTING—13

Andrews	Downey	Radcliffe	Tobey
Ashurst	King	Slattery	Tydings
Bone	Pepper	Smathers	Wiley
Bridges			

So Mr. RUSSELL's motion was rejected.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, COMMERCE, JUSTICE, AND FOR THE JUDICIARY

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the Judiciary, for the fiscal year ending June 30, 1941, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McKELLAR. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. RUSSELL, Mr. McCARRAN, Mr. BANKHEAD, Mr. PITTMAN, Mr. LODGE, and Mr. BRIDGES conferees on the part of the Senate.

FIRST DEFICIENCY APPROPRIATIONS

Mr. ADAMS. Mr. President, I desire to inquire of the Senator from Kentucky and the Senator from New Mexico whether this would not be a propitious time to suggest taking up the deficiency bill.

Mr. BARKLEY. Mr. President, in view of the fact that it is nearly 4:30 o'clock, and I suppose no Senator would care to proceed to speak on the Hatch bill, it is agreeable to me, if it is to the Senator from New Mexico, that the deficiency bill be taken up.

Mr. HATCH. Mr. President, I have understood from the Senator from Colorado that this is really an emergency matter, that it covers salaries which will expire on the 15th of this month, and that it will take only a short time to dispose of the bill; so I have no objection.

Mr. BARKLEY. If the Senator from Colorado wishes to ask unanimous consent that the pending bill be temporarily laid aside in order that we may proceed with the consideration of the deficiency bill, I have no objection.

Mr. ADAMS. Mr. President, I ask unanimous consent that the pending bill be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8641, the first deficiency appropriation bill.

Mr. McNARY. Mr. President, I wish to know a little more about the bill. What is the bill?

Mr. ADAMS. It is a deficiency appropriation bill, which has been on the table for some days.

Mr. McNARY. I have no objection.

Mr. HATCH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. I think it is the practice, under unanimous-consent agreements such as that proposed by the Senator from Colorado, for the pending business to be temporarily laid aside, and automatically to become the pending business at the conclusion of the consideration of the bill brought forward.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate proceeded to consider the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ADAMS. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be considered for amendment, and that committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk will proceed to state the amendments of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General Appropriations—Legislative," on page 3, after line 14, to insert:

EXECUTIVE OFFICE OF THE PRESIDENT

Portrait of former President Herbert Hoover: For the procurement of an oil painting of former President Herbert Hoover in accordance with Public Resolution No. 42 of the Seventy-sixth Congress, approved August 5, 1939, fiscal year 1940, $2,500, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Independent Establishments," on page 7, after line 5, to insert:

TEMPORARY NATIONAL ECONOMIC COMMITTEE

For an additional amount for carrying out the purposes of the joint resolution creating the Temporary National Economic Committee, approved June 16, 1938, to be available only for allocation to the departments and agencies represented on the committee for the necessary expenses thereof, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1938, $90,000, fiscal year 1940, to remain available until the expiration of the Seventy-sixth Congress.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture—Bureau of Entomology and Plant Quarantine," on page 9, line 24, after the numerals "1940", to strike out "$2,000,000" and insert "$3,000,000"; so as to read:

Control of incipient and emergency outbreaks of insect pests and plant diseases: To enable the Secretary of Agriculture to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (52 Stat. 344), fiscal year 1940, $3,000,000, to remain available until June 30, 1941.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior—Bureau of Reclamation," on page 11, after line 9, to insert:

Colorado-Big Thompson project, Colorado: For continuation of construction, $1,000,000, from the reclamation fund, special fund, fiscal year 1940, to remain available until expended.

The amendment was agreed to:

The next amendment was, under the heading "Department of Justice—United States courts", on page 15, line 2, after the numerals "1937", to strike out "$40,000" and insert "$70,000", so as to read:

Conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation commissioners, United States courts, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, $70,000.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department—Office of Secretary of the Navy", on page 16, line 9, after the word "in", to insert "Senate Document Numbered 154, and", and in line 11, after the name "Congress", to strike out "$2,789.78" and insert "$3,040.78", so as to read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 23, 1922, as fully set forth in Senate Document No. 154, and House Document No. 625, Seventy-sixth Congress, $3,040.78.

The amendment was agreed to.

The next amendment was, under the heading "Department of State—Office of Secretary of State", on page 16,

line 22, after the numerals "1940", to strike out "$23,000" and insert "$47,000", so as to read:

Salaries: For an additional amount for salaries, office of the Secretary of State, fiscal year 1940, subject to the limitations specified under this head in the Department of State Appropriation Act, 1940, $47,000.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department—Bureau of the Mint," on page 21, line 9, after the numerals "1940", to strike out "$256,000" and insert "$356,000", so as to read:

Salaries and expenses, mints and assay offices: For an additional amount for salaries and expenses, mints and assay offices, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, $356,000, of which not to exceed $675 may be transferred to the appropriation "Contingent expenses, Office of Director of the Mint, 1940."

The amendment was agreed to.

The next amendment was, under the heading "War Department—Civil Functions—Corps of Engineers", on page 22, line 11, after the word "in", to insert "Senate Document Numbered 153, and", and in line 13, after the name "Congress", to strike out "$649.78" and insert "$2,119.89", so as to read:

Claims for damages, rivers and harbors: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document No. 153, and House Document No. 620, Seventy-sixth Congress, $2,119.89.

The amendment was agreed to.

The next amendment was, under the heading "Title II—Judgments and authorized claims—Property damage claims", on page 23, line 4, after "Sec. 201.", to insert "(a)", so as to read "Sec. 201. (a)", and so forth.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding $1,000 in any one case," approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document No. 152 of the Seventy-sixth Congress, as follows:

Civil Aeronautics Authority, $1,327.08;
Federal Works Agency—Work Projects Administration, $2,516.33;
Department of Agriculture, $374.99;
Department of the Interior, $111.15;
Navy Department, $1,031.03;
War Department, $1,344.70;
In all, $6,705.28.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, United States courts", on page 25, line 5, after the word "in", to insert "Senate Document Numbered 158, and"; in line 11, after the name "Navy Department", to strike out "$2,166.96" and insert "$2,390.39"; after line 11, to insert "Post Office Department, $1,808.09"; and in line 14, after the words "In all", to strike out "$12,724.80" and insert "$14,756.32", so as to read:

SEC. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in Senate Document No. 158 and House Document No. 613 under the following establishment and departments:

Federal Works Agency, $4,933.37;
Department of Commerce, $28.34;
Department of Labor, $2,073;
Navy Department, $2,390.39;
Post Office Department, $1,808.09;
War Department, $3,523.13;
In all, $14,756.32, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

The amendment was agreed to.

The next amendment was, on page 26, line 1, after the word "in", to insert "Senate Document Numbered 156, and"; in line 2, after the word "the", to strike out "War Department, $5,370.65; together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law" and insert the words "following departments"; after line 5, to insert "Treasury Department, $8,093.68"; after line 6, to insert "War Department, $5,370.65"; and after line 7, to insert:

In all, $13,464.33, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

So as to read:

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C. 781–789), certified to the Seventy-sixth Congress in Senate Document No. 156 and House Document No. 617 under the following departments:

Treasury Department, $8,093.68;
War Department, $5,370.65;
In all, $13,464.33, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, Court of Claims", on page 27, line 6, after the word "in", to insert "Senate Document Numbered 155, and"; in line 7, after the word "following", to insert "establishment and"; after line 8, to insert "Veterans' Administration, $71,069.65"; after line 9, to insert "Department of Agriculture, $6,773.56"; in line 12, after the words "Navy Department", to strike out "$4,613.02" and insert "$7,804.22"; after line 12, to insert "Post Office, $222,825.96"; in line 15, after the name "War Department", to strike out "$89,799.93" and insert "$124,951.33"; and in line 16, after the words "In all", to strike out "$111,413" and insert "$450,424.72", so as to read:

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document No. 155 and House Document No. 614 under the following establishment and departments, namely:

Veterans' Administration, $71,069.65;
Department of Agriculture, $6,773.56;
Department of Labor, $15,000;
Navy Department, $7,804.22;
Post Office Department, $222,825.96;
Treasury Department, $2,000;
War Department, $124,951.33;
In all, $450,424.72, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert:

(b) For the payment of judgment No. 44629 rendered by the Court of Claims in favor of William W. Brunswick, covering retirement pay withheld from the plaintiff by the Comptroller General, $4,233.65, to be paid from the Foreign Service retirement and disability fund.

The amendment was agreed to.

The next amendment was, on page 27, line 24, before the word "None", to strike out "(b)" and insert "(c)", so as to read:

(c) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

The amendment was agreed to.

The next amendment was, under the subhead "Audited claims", on page 28, line 6, after "Sec. 204.", to insert "(a)", so as to read "Sec. 204. (a)", and so forth.

The amendment was agreed to.

The next amendment was, on page 48, after line 15, to insert:

(b) For the payment of the following claims, certified to be due by the General Accounting Office, under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2

of the act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document No. 157, Seventy-sixth Congress, there is appropriated as follows:

Independent offices: For Thomas Jefferson Memorial Commission, $64.65.

For operations under Mineral Act of October 5, 1918, $4,161.24.

For medical and hospital services, Veterans' Bureau, $29.40.

For vocational rehabilitation, Veterans' Bureau, 40 cents.

For salaries and expenses, Veterans' Administration, $1,890.73.

Federal Security Agency: For pay of personnel and maintenance of hospitals, Public Health Service, $33.41.

For medical and hospital services, penal institutions (Justice, transfer to Treasury, Public Health Service, act March 22, 1935), 70 cents.

Federal Works Agency: For National Industrial Recovery, Federal Emergency Administration of Public Works, $16.25.

For repairs, preservation, and equipment, public buildings, Procurement Division, 50 cents.

Department of Agriculture: For salaries and expenses, Forest Service, $173.74.

For salaries and expenses, Bureau of Animal Industry, $37.22.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, $1,196.79.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), $1,568.80.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), $15.25.

For emergency conservation fund (transfer from War to Agriculture, act June 19, 1934), $1,681.46.

For National Industrial Recovery, Agricultural Adjustment Administration, $46.72.

Department of Commerce: For salaries and expenses, Bureau of Marine Inspection and Navigation, $49.25.

For testing, inspection, and information service, National Bureau of Standards, $495.

Department of the Interior: For National Industrial Recovery, Interior, oil regulation, $23.06.

For operations under Mineral Act of October 5, 1918, $58.88.

For Indian school support, $10.26.

For conservation of health among Indians, $19.50.

For emergency conservation work (transfer to Interior, Indians, act February 9, 1937), $177.38.

Department of Justice: For fees of jurors and witnesses, United States courts, $7.80.

For salaries, fees, and expenses of marshals, United States courts, $457.76.

For salaries and expenses, Division of Investigation, $168.76.

Department of Labor: For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), $15.43.

Navy Department: For transportation, Bureau of Navigation, $140.40.

For pay, subsistence, and transportation, Navy, $11.83.

For maintenance, Bureau of Supplies and Accounts, $125.93.

For aviation, Navy, $47.25.

For pay, Marine Corps, $104.61.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), $187.01.

For increase of the Navy, emergency construction, $32,613.23.

For care of the dead, Bureau of Medicine and Surgery, $25.

For organizing the Naval Reserve, $3.60.

Department of State: For transportation of Foreign Service officers, $690.11.

For salaries, Foreign Service officers, $953.16.

For office and living quarters, Foreign Service, $45.83.

Treasury Department: For salaries, lighthouse vessels, $7.59.

For general expenses, Lighthouse Service, $3.85.

For collecting the internal revenue, $128.42.

For salaries and expenses, Bureau of Narcotics, 86 cents.

For collecting the revenue from customs, 50 cents.

War Department: For general appropriations, Quartermaster Corps, $8,345.46.

For pay, etc., of the Army, $1,873.04.

For Air Corps, Army, $152.57.

For increase of compensation, Military Establishment, $147.22.

For pay of the Army, $8,478.97.

For travel of the Army, $256.67.

For Engineer Service, $1.70.

For National Guard, $230.40.

For Organized Reserves, $6.43.

For library, Surgeon General's Office, $1.06.

For supplies, services, and transportation, Quartermaster Corps, $2.94.

For Reserve Officers' Training Corps, $43.79.

For clothing and equipage, Army, $13.63.

For Army transportation, $33.75.

For ordnance service and supplies, Army, $289.61.

For Chemical Warfare Service, Army, $4.99.

For subsistence of the Army, $33.64.

For cemeterial expenses, War Department, $1.53.

For emergency conservation fund (transfer to War, act March 31, 1933), $2.57.

For emergency conservation fund (transfer to War, act June 19, 1934), $208.21.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, act June 19, 1934), $94.13.

For emergency conservation work (transfer to War, act June 22, 1936), $261.53.

For emergency conservation work (transfer to War, act February 9, 1937), $111.82.

Emergency Relief: For emergency relief, Agriculture, Biological Survey, flood control and other conservation, $9.50.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, $615.

For emergency relief, Agriculture, Soil Conservation Service, $23.57.

For emergency relief, Agriculture, administrative expenses, $16.10.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), $538.74.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), $3,059.69.

For emergency relief, emergency conservation work, Interior, Indians, miscellaneous projects, Indian reservations, $8.40.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), $343.72.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), $15.60.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, $350.

For emergency relief, Treasury, Public Health Service, assistance for educational, professional, and clerical persons (certified claims), $3.81.

For emergency relief, Treasury, administrative expenses, $1.07.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, $284.83.

For emergency relief, War, Corps of Engineers, flood control, and other conservation (non-Federal projects), $103.25.

For emergency relief, Works Progress Administration, National Youth Administration (non-Federal projects), $51.50.

For emergency relief, Works Progress Administration, grants to States, and so forth, $943.94.

For emergency relief, Works Progress Administration (non-Federal projects, approved prior to June 22, 1936), $427.57.

For emergency relief, Works Progress Administration, highways, roads, and streets, $44.52.

For emergency relief, Works Progress Administration, public buildings, $25.75.

For emergency relief, Works Progress Administration, public utilities, and so forth, $18.40.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), $36.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, $2.25.

For emergency relief, Works Progress Administration, administrative expenses, 41 cents.

Post Office Department—Postal Service (out of the postal revenues): For foreign mail transportation, $20,456.83.

For transportation of equipment and supplies, $30.06.

For operating supplies for public buildings, Post Office Department, $162.81.

For rent, light, and fuel, $115.

Total, audited claims, section 204 (b), $95,773.50, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 56, line 14, after the word "in", to insert "Senate Document Numbered 159, and", and in line 16, after the name "Congress", to strike out "$201.60" and insert "$247.20", so as to read:

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document No. 159, and House Document No. 624, Seventy-sixth Congress, $247.20.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment. The President sent to the Congress a Budget estimate, which is document No. 600 of the Seventy-sixth Congress, third session. The amendment is carried in the Budget estimate. It has to do with the payment of the expenses of our delegates to a so-called Indian conference to be held in Mexico next month, April 1940.

In connection with the amendment, the President sent a statement to the Congress, and in order that the amendment and statement may appear in the RECORD, I ask that the amendment propcsed by me and the complete statement of the President accompanying the amendment be printed at this point in connection with my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the amendment and statement were ordered to be printed in the RECORD, as follows:

First Inter-American Conference of Experts on Indian Life in the Americas, Patzcuaro, Mexico, 1940 ..... $8,000

"For the expenses of participation by the United States in the First Inter-American Conference of Experts on Indian Life in the Americas, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; cost of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941, $8,000 (convention February 20, 1928; 53 Stat. 1290)."

Section 6 of article 6 of the Pan American Union Convention provides, in general, that the Governing Board of the Union may promote and arrange international conferences of experts to study problems of a technical character of common interest to the Americas, and, to this end, may request the governments concerned to appoint experts to represent them at these conferences. The governments represented at the Eighth International Conference of American States, held at Lima, Peru, in December 1938, adopted a resolution approving the holding of a conference of experts on Indian life in the Americas at La Paz, Bolivia, in August 1939. Due to unsettled conditions in Bolivia, the place for holding this conference was changed to Patzcuaro, Mexico, and the date of the conference fixed at April 14–24, 1940. The Mexican Ambassador at Washington has extended an invitation to this Government to be represented at the conference.

The purpose of the conference is to study the desirability of creating an Inter-American Indian Institute; to explore generally problems which are common to all American Indians, including that of land tenure and land use; and to promote mutually the growing friendship and good will of the American states.

This estimate is for the expenses of the American delegation attending the conference.

HAROLD D. SMITH,
Director of the Bureau of the Budget.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment to the amendment sent to the Senate by the President. On page 3 of the Budget estimate we find the conditions under which these delegates shall be paid.

The proposed conference originated in other conferences. During the past several years a number of conferences have been held in South America, and at those conferences the desirability of another conference was suggested, and the conference now proposed is the culmination of those suggestions.

A number of delegates are to be appointed to this conference by nations having large Indian populations. Canada has a large Indian population, and so Canada is preparing to participate in the conference. The United States has 300,000 Indian citizens, so the United States desires to participate in the conference.

This conference is limited to the Western Hemisphere, and on the Western Hemisphere there are in the neighborhood of 30,000,000 Indian citizens of the several countries located in North America, Central America, and South America. Therefore, at the end of the amendment submitted by the President I desire to add the following language as a modification of my amendment:

Provided, That in the selection of official delegates to such conference due representation shall be accorded actual Indian citizens of the United States.

In the committee it was pointed out that the conference did not of necessity have to be made up of Indian citizens, which would make it possible for the delegates from the United States to be persons of non-Indian blood. I therefore desire to have it provided that in appointing delegates to the conference from this country due regard shall be given to our Indian population, to the end that they may participate.

I am advised by those in authority in the Department of the Interior that it is contemplated that if the conference is held, a number of Indians of the several tribes of the United States shall be appointed delegates, and they will go to the conference, which is to be held close to Mexico City, with credentials from the Government of the United States.

These conferences are called and held under general law. The coming conference has developed to the present point under general law. The House refused the appropriation. In the Senate Committee on Appropriations it was likewise refused. It seems to be the opinion that no such conferences as the one now proposed should be hereafter held unless the money shall have been appropriated in advance and the conference shall have been authorized in advance.

Mr. President, so far as we have general law permitting the calling of conferences without money being specifically appropriated for that purpose, I see no way of avoiding the payment of the expenses now sought to be met unless we repeal the existing law and provide, by precedent, at least, that no future conference shall be held unless it shall have been authorized in advance and the money appropriated in advance.

Inasmuch as the general law provides for this particular conference, and inasmuch as a number of South American conferences have agreed, and, we might say, have called this conference, and because of the fact that Mr. Collier, the present Commissioner of Indian Affairs, has been designated to perform a very important function at the conference, it is up to Mr. Collier to see that the Indians of North America, at least, are represented there. Mr. Collier tells me that our Government is preparing to participate in the conference, and that the South American and Central American republics are preparing to participate.

If that be true, I think it would be very unfortunate if an Indian conference should be held in Mexico, practically at our border, and the United States, the sponsor of the conference, should be denied representation. The item calls for a sum of only $8,000. So I offer the amendment based upon the Budget estimate, with an amendment to the amendment, so as to provide that in calling the conference due representation shall be given our Indian citizens in attendance on behalf of the United States.

I ask that the amendment as modified be read.

The PRESIDING OFFICER. The amendment as modified will be read as suggested by the Senator from Oklahoma.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert:

For the expenses of participation by the United States in the First Inter-American Conference of Experts on Indian Life in the Americas, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; cost of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941, $8,000 (convention February 20, 1928; 53 Stat. 1290): *Provided*, That in the selection of official delegates to such conference due representation shall be accorded actual Indian citizens of the United States.

Mr. CHAVEZ. Mr. President, I hope the Members of the Senate will listen to me very briefly. I shall vote for the first part of the amendment submitted by the Senator from Oklahoma. I believe it is in order for the Indians of North America to get together and discuss their problems. But there is one particular point I want to call to the attention of the Senate. It is perfectly proper to have a committee of persons from the United States go to Mexico City and meet with the delegates or the representatives of the Indians from south of the border. However, I have a different idea as to who should be the representatives to go from the United States. I do not believe that the second part of the amendment submitted by the Senator from Oklahoma covers

what I have in mind. If Indians are going to meet in Mexico City, or elsewhere, it appears to me that there should be a delegation of Indians from the United States. We have Indians within the United States who are as able to present their desires and their wishes as are white persons living within the United States. I do not believe it would be proper to leave to Washington the discretion as to the selection of the Indians or Indian representatives. If representatives from the United States are to go to the city of Mexico or elsewhere they should be Indians and not representatives of the Indian Office. I make that statement very seriously. I want the Indians to be taken care of, but I want the Indians to decide for themselves as to who should represent them in a particular meeting.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK of Missouri. Speaking of international meetings, the Senate, after rather extended debate and a record vote the other day, voted not to make an appropriation for the American delegates to the Interparliamentary Union, a delegation which would have been composed of Members of the House and Senate. Does the Senator know any reason why a gang of job holders from the Interior Department should be appropriated for and sent down to Mexico?

Mr. CHAVEZ. That is the point I wanted to make.

Mr. CLARK of Missouri. They ought to take at least one Indian along with them as an exhibit.

Mr. CHAVEZ. Yes. I want an Indian to represent the United States in the meeting to be held in Mexico, and not a representative of the Department of the Interior. That is why I do not want to have the discretion left to anyone.

I wish to mention the name of one Indian from the State of Oklahoma. He is a real Indian, and not a bureau Indian. His name is Will Durant, of the State of Oklahoma, former member of the State legislature.

I mention the name of another Indian, Mr. Wade Crawford, of the State of Oregon, the State which sends our worthy minority leader to the Senate.

I mention the name of another Indian, Mrs. R. L. Jamison, a Seneca and Cherokee Indian from the State of New York, an Indian, not a bureau representative.

If we are to discuss Indian affairs why not let the Indians decide once in a while what is good for them.

I shall nominate a Navajo Indian, a real honest-to-goodness Navajo from my State, J. C. Morgan, of the city of Farmington.

So I submit an amendment, Mr. President, providing that the selection of the Indian delegates shall not be left to the Indian Office, or to the Department of the Interior, but to the Indians themselves.

At the proper time, to be inserted at the proper place in the bill, I wish to submit the names of Will Durant, of the State of Oklahoma; J. C. Morgan, a Navajo of Farmington, N. Mex.; Wade Crawford, of Klamath, Oreg.; and Mrs. R. L. Jamison, a Seneca and Cherokee Indian from New York.

Mr. THOMAS of Oklahoma. Mr. President, I happen to know each of the persons mentioned by the Senator from New Mexico, and, to my personal knowledge, they would be a credit to any conference, and I shall be glad, so far as I can, to accept the amendment. Then I shall ask the Senator from Colorado [Mr. ADAMS], in charge of the bill, this question: The Senator from New Mexico has suggested the names of four Indians he would like to see named as delegates; would it be agreeable to accept his amendment to my amendment and let the whole item then go to conference to be worked out in conference?

Mr. ADAMS. May I ask a legal question of the Senator, whether or not in legislation we can name Indians? That is a matter of appointment.

Mr. THOMAS of Oklahoma. That can be worked out in conference.

Mr. WHEELER. There are many Indians in Montana, and I should like to name some to this delegation.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CHAVEZ. I have no objection to a real Indian from Montana being appointed on the delegation. Inasmuch as I wanted real Indians to go as representatives, I submitted the names of some of those I knew.

Mr. WHEELER. Mr. President, I want real Indians to go as delegates. I do not want bureaucrats to go down there. I agree with the Senator in that respect. I think it is a rather dangerous policy to name Indians in the legislation, however, because every Indian in my State, if he is not named in this bill, will feel slighted. It seems to me what we should do is to let the Indians in each particular State select their own representative as delegate.

Mr. CHAVEZ. Does the Senator think that will be done if it is left to the discretion of the Bureau?

Mr. WHEELER. Not if it is left to the discretion of the Bureau to pick them out. Let the Indians themselves select the delegates. Do not let the Bureau pick them out, but let the Indians themselves do so. However, they cannot be named in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. THOMAS], as modified.

Mr. CHAVEZ. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHAVEZ. Does agreeing to the amendment of the Senator from Oklahoma mean agreeing to the suggestion made by the Senator from New Mexico?

The PRESIDING OFFICER. It does.

Mr. WHEELER. May we have the amendment again read?

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

For the expenses of participation by the United States in the First Inter-American Conference of Experts on Indian Life in the Americas, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; cost of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941, $8,000 (convention February 20, 1928; 53 Stat. 1290): *Provided*, That in the selection of official delegates to such conference due representation shall be accorded actual Indian citizens of the United States; and that the following persons be included in the list of delegates: Will Durant, of Oklahoma; J. C. Morgan, of New Mexico; Wade Crawford, of Oregon; Mrs. R. L. Jamison, of New York; and Eugene Little Coyott, of Montana.

Mr. CLARK of Missouri. Mr. President, I should like to inquire of the Senator who offered the amendment whether or not the amendment is pure legislation on an appropriation bill. As I understood the reading of it from the desk, it provides for disregarding certain provisions of existing law, and is therefore clearly legislation.

The PRESIDING OFFICER. Does the Senator from Missouri make the point of order?

Mr. CLARK of Missouri. I am merely making an inquiry of the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, in answer to the inquiry, I ask that the clerk may read the lines in the Budget estimate immediately following the amendment.

Mr. CLARK of Missouri. The Budget estimate does not authorize changes in existing law.

The PRESIDING OFFICER. Without objection, the matter referred to will be read.

The legislative clerk read as follows:

Section 6 of article 6 of the Pan American Union Convention provides, in general, that the Governing Board of the Union may promote and arrange international conferences of experts to study problems of a technical character of common interest to the Americas, and, to this end, may request the governments concerned to appoint experts to represent them at these conferences. The governments represented at the Eighth International Conference of American States, held at Lima, Peru, in December 1938, adopted a resolution approving the holding of a conference of experts on Indian life in the Americas at La Paz, Bolivia, in August 1939. Due to unsettled conditions in Bolivia, the place for holding this conference was changed to Patzcuaro, Mexico, and the date of the conference fixed at April 14–24, 1940. The Mexican Ambassador at Washington has extended an invitation to this Government to be represented at the conference.

The purpose of the conference is to study the desirability of creating an Inter-American Indian Institute; to explore generally problems which are common to all American Indians, including that of land tenure and land use; and to promote mutually the growing friendship and good will of the American States.

This estimate is for the expenses of the American delegation attending the conference.

Mr. CLARK of Missouri. Mr. President, I ask the Senator from Oklahoma what provision of the existing law it is proposed to disregard.

Mr. THOMAS of Oklahoma. Mr. President, the President sent the estimate to Congress and he gave the authority on which he based the estimate. If that is not good in law, the item is out of order.

Mr. CLARK of Missouri. There is a provision for disregarding some section of the statutes. All I am trying to find out is what section of the statutes is to be disregarded.

Mr. HAYDEN. Mr. President, there is a provision of law, for example, requiring advertising for bids in connection with stenographic expenses. There are other emergent matters of that kind. The amount of money is very small.

Mr. CLARK of Missouri. How much is involved?

Mr. HAYDEN. $8,000.

Mr. CLARK of Missouri. What was the amount in connection with the Interparliamentary Union?

Mr. BYRNES. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri [Mr. CLARK] has the floor.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BYRNES. I wish to call attention to the fact that the estimate submitted by the Bureau of the Budget shows that section 3709, if not repealed, is certainly disregarded in at least two different places. I do not know exactly what it is proposed to disregard. The language of the amendment covers the purchase of supplies without regard to the existing law, the payment of expenses without regard to the existing law, and the appointment of personnel without regard to the Classification Act. There are really three changes in existing law. So, as offered, the amendment is legislation.

Mr. HAYDEN. If the amendment is to prevail at all, it is necessary to waive those requirements. It is impossible to hold a civil-service examination between now and the 14th of next April, when the meeting is to take place.

Mr. BYRNES. The Senator will agree that the amendment is legislation, will he not?

Mr. HAYDEN. If the amendment violates any law, it also violates common sense not to include a provision of this kind. Who would want to limit the delegation to Mexico City to civil-service employees? That is exactly what the Senator from New Mexico [Mr. CHAVEZ] is trying to avoid.

Mr. CLARK of Missouri. Mr. President, the amendment provides for including travel expenses, local transportation, transportation of things, the purchase of necessary books, documents, newspapers, and periodicals, and so forth. I do not know what section 3709 of the Revised Statutes is. I do not carry it in my head and do not pretend to do so. However, it seems to me that after the Senate has declared its policy in the matter of the Interparliamentary Union, it is bad practice to authorize ignoring a statute, whatever it may be, with regard to travel expenses without any consideration.

Let me ask the Senator from Colorado [Mr. ADAMS] if I am correct in my impression that the Senate committee rejected this amendment?

Mr. ADAMS. It was rejected by the full committee, I think on a tie vote.

Mr. CLARK of Missouri. Mr. President, I feel constrained to make the point of order.

The PRESIDING OFFICER. The point of order is well taken. The bill is still before the Senate and open to amendment.

Mr. FRAZIER. Mr. President, I offer an amendment which has been printed, and which lies on the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 20, after line 9, it is proposed to insert the following:

BUREAU OF INTERNAL REVENUE

The funds continued available (by the Treasury and Post Office Departments Appropriation Act, 1941) during the fiscal year 1941 for refunds of processing and related taxes shall be available during such fiscal year for the payment, hereby authorized under such regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to any person who raised or produced and marketed hogs for slaughter on which there was levied, collected, or paid a processing tax under the provisions of the Agricultural Adjustment Act (of 1933), or his legal representative, of so much of such tax as was in fact borne by such person: *Provided*, That the amount of such tax borne by such person with respect to any particular quantity of hogs shall be deemed to be an amount equal to the processing tax payable upon an equal quantity of hogs at the time such particular quantity of hogs was marketed minus any amount by which the spread between the average hog product value at Chicago of such particular quantity of hogs during the month in which they were marketed and the average hog price at Chicago of such particular quantity of hogs during such month was less than the amount of such processing tax plus 65 cents for each hundredweight of such particular quantity of hogs: *Provided further*, That the rate of processing tax levied, collected, or paid with respect to any particular quantity of hogs marketed by a claimant under the provisions of this paragraph shall be deemed to be the rate prevailing on the day following the day upon which such hogs were marketed by such claimant: *Provided further*, That any claim for payment under the provisions of this paragraph shall be filed with the Commissioner of Internal Revenue after the date of enactment of this act and prior to July 1, 1941, and proof upon such claim must be submitted prior to December 31, 1941: *Provided further*, That the allowance or disallowance by the Commissioner of Internal Revenue of any claim filed under the provisions of this paragraph shall be reviewable in the same manner and to the same extent that the allowance or disallowance of a claim filed under the provisions of title VII of the Revenue Act of 1936 is reviewable under section 906 of such act: *Provided further*, That account sales kept by a vendor, or a vendee, or by an agent of either, with respect to a particular quantity of hogs shall be accepted as proof of a claim for payment under the provisions of this paragraph with respect to such quantity of hogs: *Provided further*, That no part of any payment made under this paragraph in excess of 10 percent thereof shall be paid to or received by any agent or attorney on account of services rendered in connection with obtaining such payment, and the same shall be unlawful, any contract to the contrary notwithstanding; and any person violating the provisions of this proviso shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding $1,000.

Mr. BYRNES. Mr. President, I make the point of order that this amendment proposes legislation on an appropriation bill.

Mr. FRAZIER. Mr. President, in the first session of the present Congress I introduced a bill to provide for the refund to farmers of the processing tax on hogs paid when that law was in effect in cases in which they could prove that the processing tax had been paid by the farmer himself in a lower price of hogs. The bill was similar to a measure which was passed for the cotton growers, to refund to them their cotton-processing taxes. The same situation exists with regard to hogs today.

This measure passed the Senate on a former occasion, but was referred to the Committee on Agriculture in the House; and there it has been held up, just as the bill was held up to provide for a refund of the processing tax on cotton. That bill was held up in the other body of Congress; and an amendment similar to this one was attached to a deficiency appropriation bill to provide for the refund of the processing tax on cotton out of a fund which was carried over.

This amendment provides for making these payments out of a fund of $31,000,000 carried in the Treasury Department appropriation bill for refund of processing taxes. No new money is appropriated. The money already appropriated will be used for this purpose. The farmers sold their hogs at that time at a lower price than they otherwise would have sold them for; and the Department of Agriculture admitted that the processing tax on hogs was largely paid by the farmer himself in lower prices for those products.

We believe that the farmers are entitled to the refund of these processing taxes just as much as the cotton growers were, just as much as the factories were that were paid under previous acts. As you will note, it is provided in the amendment that the farmer has to prove his case before any consideration will be given him. In my opinion, farmers who can prove their cases are entitled to refunds just as much as the cotton growers were, just as much as the manufacturers or processors were who have had refunds paid to them.

So I hope the Senator from South Carolina will not press his point of order on the amendment. A technical point of order may lie against the amendment. I do not know; but, at any rate, the situation is similar to the one that existed in the case of the cotton bill, and the hog farmers are just as much entitled to refunds as the cotton growers were.

After the act was declared unconstitutional we voted for the payment of refunds to the cotton growers and the processors who paid processing taxes. The hog growers are entitled to it, too, if they can prove that they themselves paid the processing tax in the form of a lower price for their hogs. Many of them can do so; and I urge the Senator from South Carolina in all fairness to withdraw his point of order on this amendment and let it go into the bill and go to conference.

Mr. BYRNES. Mr. President, I know nothing about the merits of the amendment which has been offered to this bill. If the Senator from North Dakota will offer the amendent and have it considered by the committee, the committee may conclude that it is equitable and should be recommended for adoption by the Senate; but, reading it now, it is impossible for me even to know what is in the amendment. It is subject to a point of order, and I must insist upon it.

If the Senator will give the committee time to consider the amendment, it may be offered to the agricultural appropriation bill or to some other bill; but until I know more about it, and know what the Department has to say with reference to it, and what the charge on the Treasury would be, I shall have to insist upon the point of order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. FRAZIER. Mr. President, this amendment follows the precedent set in the case of the cotton bill; and this matter was also taken care of by the Senate in a vote on the bill to provide a refund of the processing tax to hog farmers.

Mr. BYRNES. When the Senator a while ago made the statement that the amendment is in accord with the policy adopted as to cotton I was greatly impressed by it. I desire, however, to read the language of the amendment to see whether or not it is and whether or not any reason is urged by the Department of Agriculture or the Treasury Department in opposition to the bill.

The Senator is a member of the Committee on Agriculture and Forestry. If this amendment in the form of a bill has been pending before that committee, why has not the committee reported it?

Mr. FRAZIER. It has not been pending before the Committee on Agriculture and Forestry.

Mr. BYRNES. Before what committee has it been pending?

Mr. FRAZIER. I introduced it on Friday. I had planned to have it referred to the Appropriations Committee, which was considering the deficiency bill, but got word that the deficiency bill had been closed that morning, and that it had been reported to the Senate, so the only thing to do was to have the amendment printed and take it up when the deficiency bill came up.

Mr. BYRNES. Has any report been made as to how much the amendment would cost?

Mr. FRAZIER. The amount of $31,000,000 is carried over in the fund, so it could not cost more than that.

Mr. BYRNES. If the amendment involves an expenditure of $31,000,000, I think some committee should have an opportunity to consider it.

Mr. FRAZIER. No new money is appropriated. It is money that is carried over for the purpose of paying refunds of processing taxes.

Mr. BYRNES. It must involve payment out of the Treasury of the $31,000,000 if it is to be of any help to the farmers.

Mr. FRAZIER. I say, though, that no new money is appropriated. It is in the fund which is carried over in the Treasury Department appropriation bill.

Mr. BYRNES. It is to refund processing taxes paid several years ago?

Mr. FRAZIER. That is correct.

Mr. GURNEY. Mr. President, will the Senator from South Carolina yield to me?

Mr. BYRNES. I have not the floor. I make the point of order.

Mr. O'MAHONEY. I call for the regular order.

Mr. GURNEY. Mr. President, I wish to say that a bill authorizing this refund passed the Senate on August 2, 1939. The bill was on the calendar at that time and had been through committee, so the Senate has already acted on it; but the measure is held up in the House. This is the same provision to which the Senate has already given its approval.

Mr. BYRNES. I have already suggested that the Appropriations Committee has had no chance at all to consider the amendment. It may be offered to the agricultural appropriation bill, and it will be just as effective on that bill as on this one. That bill will be considered by the Senate within the next week, and within that time we shall have an opportunity to determine whether or not the amendment should be adopted.

Mr. GURNEY. I inquire if the Chair has ruled on the point of order.

The PRESIDING OFFICER. The Chair has ruled. The point of order has been sustained.

The bill is still before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. BILBO. Mr. President, I hope the chairman of the committee will permit the bill to go over until tomorrow morning. The bill was reported on the 8th of March. It reached the Senate in printed form last Saturday and was not put on the desks of Senators until today.

I do not like the idea of passing in so short a time a bill involving over $90,000,000. I have some correspondence from constituents about some items in the bill, and I should like to have an opportunity to read it. I have not had a chance to do so. I do not want to be put in the attitude of trying to stop the legislation. I hope the chairman of the committee will agree to let it go over until the morning. Of course, if he cannot agree to that, I will ask for the regular order, which is the consideration of the Hatch bill.

The PRESIDING OFFICER. That is correct. The Chair lays the Hatch bill before the Senate.

Mr. ADAMS. Mr. President, just a minute. Am I to understand that when a bill has passed its third reading, it may then be sent back to the Calendar on a demand for the regular order?

The PRESIDING OFFICER. At any time before passage, if the regular order is called for, the Senator who makes the point is in order, and the bill goes back to the Calendar.

Mr. ADAMS. I simply want to make the comment that this is a bill made up of a very considerable number of items. It is not a regular appropriation bill for the next fiscal year. It is made up of emergency items, salaries which are required to be paid at this time, and so forth.

If the bill drags along employees in some of the departments will be let out of the service. One that occurs to me is the State Department. A number of persons—not a great number, but some—were put on the rolls in order to meet the situation caused by the war in Europe. The funds for their payment have been expended. There is not a thing in the bill of great importance other than a $60,000,000 item for the benefit of the farmers, that is, to make available immediately parity payments in order to release the same amount out of the annual agricultural appropriation bill, of which the Senator from Georgia is in charge.

Of course, the Senator from Mississippi has a perfect right to have the bill go over, and we are quite helpless. The employees affected, of course, will have to leave the service and perhaps go on relief. The Hatch bill, about which the Senator is not enthusiastic, will be before the Senate tomorrow. It may not be possible to bring this deficiency bill back before the Senate. The Senator will accomplish some things which are dear to his heart, but he will not be helping the departments of this Government, nor will it be helping in his opposition to the Hatch bill.

Mr. BILBO. Mr. President, in response to the observations of the Senator from Colorado, I merely wish to say that a little while ago I realized that 30,000,000 people had their eyes on the Senate, looking for the passage of the agricultural appropriation bill. The farmers of this country are anxious to know just what Congress is going to do about parity payments, and what it is going to do about the surplus commodity question. There are many things in the bill in which the farmers are keenly interested. They are now making out their budgets. They are now hitching up the old mare and starting on the way to the field to begin plowing for another crop. They are anxious to know what is going to take place. They are not anxious to know whether we are going to hatch out a Hatch bill, for the benefit of the Republicans, as it seems, since they are so unanimous in its support, although they are not really so much interested in that as in the legislation carried in the agricultural bill. If it is not necessary to be expeditious in the passage of the legislation in which 30,000,000 people are interested, I cannot see that a delay of 18 hours on this deficiency bill will be seriously objected to by anyone.

I have no doubt the bill will be taken up in the morning when the Senate meets and will be passed. I do not know whether there is a line in it or a dollar of appropriation to which I would object, but, as a Senator representing my constituents, I have a right to know what is in a $92,000,000 appropriation bill before it passes the Senate, because I have a responsibility equal to that of other Senators. I have not had an opportunity to read the bill, and I do not like to have a $90,000,000 appropriation bill taken up and passed in 5 minutes, especially before anyone has had a chance to read it. I dare say not five Senators in this body, outside of the committee, know what is in the bill.

Mr. ADAMS. And the same thing will be true tomorrow.

Mr. BILBO. Possibly they do not care, but I do. I want to have an opportunity to read the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BILBO. In just a moment. I notice that in the bill there is the sum of $42,500,000 for salaries for one branch of the Government, and $600,000 for communications.

Mr. ADAMS. I think the Senator is demonstrating the fact that he has not read the bill.

Mr. BILBO. I read the first page.

Mr. ADAMS. The Senator has not read that page, because that is not an appropriation he is reading.

Mr. BILBO. If the remainder of it is like this perhaps I had better wait and read it all. There is $4,200,000 for travel. I should like to know something about that. It is all set out, and there is a report. All I am requesting is an opportunity to read the bill. It means a delay of only 18 hours.

I yield to the Senator from Kentucky.

Mr. BARKLEY. I was about to suggest to both the Senator from Mississippi and the Senator from Colorado that of course this is a deficiency bill; it is brought in in the usual way, and the effort to pass it is the usual way of passing an urgent deficiency bill. But, at the same time, if the Senator from Mississippi insists on calling for the regular order, of course we will get nowhere this afternoon in the passage of the deficiency bill, and I suggest to the Senator from Colorado that if the Senator from Mississippi will withdraw his request for the regular order, the Senator from Colorado let the bill go over until tomorrow morning.

Mr. BILBO. I will be glad to agree to that. I have no doubt that I may be willing to let the bill pass without amendment or without any comment, but I take the position that, as a Senator, I have a right to read the bill, and I have not yet had an opportunity to read it. It involves $92,000,000, and I do not care to have my constituents know that I am sitting here with my hands folded letting a bill go through Congress appropriating $92,000,000 without any attention being paid to it.

Mr. ADAMS. I would not have that appear in the RECORD for anything. The Senator is the one calling attention to it.

Mr. BILBO. If there is something in the bill about which my constituents have written me and I let the bill go through without looking into the matter, I would not feel that I had done my duty as a Senator.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. BYRNES. I suggest to the Senator from Colorado that the Senator from Mississippi advises me that he will make it his business to read the bill tonight——

Mr. BILBO. I always follow that course.

Mr. BYRNES. And that in the morning we will be able to dispose of the bill in a very few minutes.

Mr. ADAMS. Mr. President, in an attempt to make a virtue of my necessity, as I always try to do, if the Senator will withdraw his request, and wants the bill to go over until tomorrow to give him an opportunity to keep himself right with his constituents, I shall have no objection.

Mr. BILBO. That is all I ask, and I only resorted to the demand for the regular order in order to secure my right. I withdraw the request with that understanding.

The PRESIDING OFFICER. The Senator withdraws the request for the regular order.

INVITATION TO ATTEND SHOWING OF LAND OF LIBERTY

Mr. WAGNER. Mr. President, some time ago the United States New York World's Fair Commission extended an invitation to all the Members of Congress to attend on Thursday the showing of the picture called Land of Liberty. I desire to supplement the invitation and to express the hope that every Senator will attend and see the picture. It was exhibited at the New York World's Fair and was one of the most popular exhibits at the fair. It presents the documentary history of the United States in picture form. I hope every Senator will be present to witness the showing of the picture in the auditorium of the Department of Labor on Thursday evening at 8:30 p. m.

REDUCTION OF TAXES FOR EMPLOYERS OF HAND LABOR

Mr. O'MAHONEY. Mr. President, I regret very much to delay the Senate at this late hour in the afternoon, but I refrained from taking the floor earlier in the day because of my desire not to participate in any debate which might be interpreted by anyone as being intended to delay consideration of the pending business.

I gave notice Saturday of my intention to introduce the bill which I am now about to introduce, a bill designed to reduce unemployment, and there has already been a very great demand for copies of the measure. Therefore, I feel

under obligation to trespass upon the time of the Senate for a few moments. I shall make my remarks as brief as possible.

Mr. President, believing that there can be no solution of the economic problem until the country finds a permanent solution of unemployment, I am introducing, for the purposes of study and discussion, a bill which is intended to enable industry itself to provide work for the millions who are now without it.

The problem of farm surpluses, the problem of Government debt and of Budget balancing, as well as the problem of work relief, financed by Government borrowing, all have their roots in the fact that private industry is not supplying opportunities for work to all who want to work.

It seems to me clear that the only way to reduce unemployment is to stimulate private industry. Our experience has demonstrated that Government cannot provide the jobs that are needed to restore prosperity.

The bill which I am introducing is designed to make it profitable for every employer of labor to use the largest possible number of workers. It is made self-supporting by a system of tax credits and contributions computed on the basis of the present income-tax structure.

REWARDS TO EMPLOYERS OF LABOR

Rewards, in the form of tax reductions or even wage subsidies, are held out not only to those who create new opportunities for employment, but, indeed, to all employers of labor, and the program would be financed, not by Government borrowing, but by a labor differential tax to be assessed against profits which arise as a result of factors by which labor costs are disproportionately reduced.

The measure is intended to effect an alliance between men and machines that would insure the maximum use of both. It is based upon the fundamental concept that there can be no permanent prosperity even for the most highly mechanized industry unless the masses of the people are able to buy the products of the machine.

It rewards the employer of labor by giving him a tax credit based upon the amount of wages paid. Every employer would receive this credit, and it would become a cash payment when the employer's wage account was sufficiently large in proportion to the mark-up of the goods produced or services rendered.

On the other hand, however, in cases where the mark-up, that is to say, the difference between gross income and costs, is excessively large as compared with total wage payments, a tax would be paid by the employer.

The bill here offered is drafted in tentative form, but contains, I believe, the formula for the long-awaited permanent cure of unemployment. I ask that it may be printed in full in the RECORD so that it may be available for criticism to all who are interested in incentive taxation.

The tax credit or reward for which provision is made in the bill is assessed at a rate to be fixed on the total allowable wage account. This includes all wages or salaries up to $3,000 paid during the taxable year.

The tax payment provided for in the bill is measured by the difference between gross income and the total cost of materials, supplies, and wages. It will be determined by an assessment on this difference at a rate to be fixed after hearings. Since the bill provides for a wage credit in every case, a tax would be paid only in those industries in which the direct cost of labor is less than average.

The effect of the bill would be to stimulate the employment of men by making machines pay their way in terms of human production and of social value. The tax would not penalize the use of machines because even in the most highly mechanized industry the labor credit would be allowed.

WILL TEND TO CREATE NEW MARKETS

If the employer who uses machines chiefly imagines that this formula would be a deterrent, I remind him that the greatest possible deterrent is the ever-narrowing market for his products caused by unemployment, and that even those industries which are making profits have an interest in the public debt. Taxes for debt retirement or even for interest on the public debt do not tend to expand markets or create more customers for the products of either men or machines.

Taxes, such as provided in this bill, which stimulate employment, create new markets because they stimulate buying power through reduction of unemployment. And buying power is precisely what the country most needs.

The appalling fact is that the profits of industry are increasing, but that employment is not keeping pace with the increase of production.

The statistics of the Federal Reserve Board indicate that the index of manufacturing production is now two points above the index of 1929, before the crash, but that although there is a net gain of 600,000 persons annually in the number of available workers, the average of manufacturing employment today is less than it was in 1929. In other words, the trend of production is up and the trend of employment down.

This trend cannot be permitted to go on without eventual disaster.

CORPORATE PROFITS CLIMBING RAPIDLY

A compilation of the profits reports of 669 large corporations made by Standard Statistics Co. shows that in 1939 their profits had increased 83.1 percent over 1938. Profits for these companies, which include all the principal industrials, railroads and utilities amounted to $697,548,000 in 1938 and, during the next 12 months, increased at such a rate that the total for 1939 was $579,000,000 greater, or $1,236,983,000. Obviously, these profits will not continue if we have to increase taxes to balance the Budget, or if we cut off farm relief and work relief by cutting Government expenditures, and thus destroy the already poor purchasing power of the beneficiaries of those expenditures.

The only way out is to enable industry to finance itself, support itself, save itself. All of these industries which made such large profits in 1939 and which also made profits in 1938 are mechanized industries. Every one of them spends large sums to advertise and sell its products.

Why should they not be willing to contribute to the creation of new markets for their own products? That is precisely what they would be doing under this bill. They would be paying a tax for their own benefit. They would be paying a tax the proceeds of which would be used for only one purpose, the creation of buying power through the abolition of unemployment.

This, I believe, is the way to take the unemployment problem and the farm problem off the back of Government; to stop deficit spending; to stop piling up the public debt; and to make possible the full utilization of all our resources of men, money, materials, and machines.

GOVERNMENT CANNOT FURNISH EMPLOYMENT

No one industry can act alone to end unemployment because every industry is under constant pressure to reduce labor costs. When industry lays workers off, the Government perforce must take care of them. But Government cannot do it effectively because Government cannot furnish employment for all who are idle or pay the wages which modern civilization demands to those whom it does employ on work relief. The machine age has created a high standard of living, but that standard can be maintained only if the people are able to buy all of the goods and services which the machine age produces.

Since no one industry can solve the problem alone, it is necessary for the Government of all the people to act for all. I present the method outlined in this bill in the hope that it is the means by which Government can help industry to help itself, by which it can foster and encourage little business, provide opportunities for all in private enterprise and at the same time preserve our cherished democratic institutions.

The details of the proposal are set forth at length in an article by Mr. Karl Karsten which is to appear in the Journal of Electrical Workers and Operators to be published tomorrow.

Mr. President, the article is too long to be read at this time, but I ask unanimous consent to have printed in the RECORD as part of my remarks an extract from that article, together with a table showing the profits of 669 of the leading corporations of the country, as prepared by Standard Statistics Company.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The truth is that the Daggett proposal proposes a universal collection from all producers for the purpose of financing rewards to all who employ labor, because, by the employment they give, and the purchasing power they spread through wages, all employers provide customers and markets for all producers.

Seen in this light, a slight differential collection from the highly mechanized producer is not a destructive penalty, but, on the contrary, somewhat like an insurance premium, is a productive investment, insuring and protecting one's own markets and volume of sales.

4. DETAILS OF THE PROPOSAL

In the light of these facts, we are ready to look upon the proposal in detail.

"Who does what, and how"—to make this proposal work?

Administration of the Daggett proposal for job protection calls for no new or extensive Government agencies. The proposal can be administered by the present income-tax bureau in the course of collecting income taxes.

The amount of "differential collection" from each producer and the amount of "differential payment" claimable by each employer can be computed and shown upon the income-tax blanks in very little additional space. The former can be added to the amount of income taxes payable, the latter deducted, and in the comparatively infrequent cases when the "differential payment" exceeds both the "differential collection" and the income tax payable, the difference can be shown and made the basis of Government payments to the individual.

It is suggested that the computation of the following items on each personal and corporate income-tax report would effectuate the purposes of the Daggett proposal:

(1) Gross income, from all sources except compensation received for personal services but including the full amount of imputed wages received by self-employers.

(2) Total costs of deductible materials and supplies purchased.

(3) Total of claimable pay rolls paid including claimable portion of imputed wages of self-employers.

(4) Excess, if any, of the first item over the second item, which may here be called total mark-up or value added.

(5) Excess, if any, of the fourth item over the third, which excess may here be called nonlabor mark-up.

(6) Amount of differential collection found by multiplying the fifth item by the rate of collections established by Congress.

(7) Amount of differential payment found by multiplying the third item by the rate of payment established by Congress.

(8) Difference between the sixth and seventh items, which will be an addition to or a deduction from the income tax payable, and in the case of a differential payment greater than differential collection and income tax combined, will leave a balance payable by the Government to the taxpayer.

Provision should be made to limit the amount of wages or salaries or other fees and compensation for personal services, including imputed wages of self-employers, to any individual on the pay roll, which can be included in the total of claimable pay rolls for this purpose, to some moderate limit, such as three, four, or five thousand dollars, on the ground that larger salaries do not so greatly need protection and also in order to prevent undue evasion through bookkeeping procedures. By reason of such limits, the total claimable pay rolls here used may and usually will differ from the total of pay rolls used elsewhere in the income-tax report.

For the items which are to be included as income and as deductible materials and supplies, there should be detailed and perhaps to some extent arbitrary definitions. These definitions should have for their purpose a separation of items already subjected to a differential payment and differential collection by other taxpayers, in order to avoid multiple payment and collection, without defeating the underlying intent of the proposal which is to levy upon all values not created by direct labor and reward values created by direct labor. Accounting concepts should be shaped to that end.

Examples of these computations are shown for various industries and occupations in the exhibits.

Legislation to effectuate the proposal need only take the form of a bill setting forth the differential collection rates and the differential payment rates for job-protection purposes, and including the collection and payment thereof in the work of the Bureau of Internal Revenue, in conjunection with its administration of income taxes.

Net incomes of leading corporations for 1938 and 1939

Industry	Number of corporations	1938	1939	Percent of increase, 1939 versus 1938
Aircraft	8	$378,000	$3,397,000	798.7
Automobiles and parts	28	112,266,000	232,131,000	106.8
Auto tires, rubber goods, etc	10	22,795,000	33,978,000	49.1
Beverages (alcoholic and soft drinks)	17	13,873,000	15,221,000	9.7
Chemicals and drugs [1]	19	51,563,000	87,641,000	70.0
Electrical equipment and radio	12	3,587,000	7,264,000	102.5
Finance companies	16	24,997,000	24,691,000	[2] 1.2
Food products	27	45,294,000	48,838,000	7.9
Household furnishings	18	[2] 1,439,000	6,092,000	
Leather and shoes	12	4,009,000	11,560,000	188.4
Machinery (industrial and agricultural)	45	24,632,000	27,807,000	12.9
Meat packing	10	[2] 11,876,000	19,146,000	
Metal mining and fabricating	14	23,119,000	27,822,000	20.3
Motion pictures and amusements	4	11,328,000	12,775,000	12.8
Oil producing and refining	16	13,137,000	14,515,000	10.5
Paper and paper products	20	4,435,000	7,776,000	75.3
Railroad equipment	11	[2] 2,378,000	7,051,000	
Retail trade	34	63,000,000	79,543,000	26.3
Shipping and shipbuilding	6	[2] 363,000	434,000	
Steel and iron	29	[2] 7,066,000	106,861,000	
Sugar producing and refining	8	[2] 13,000	2,914,000	
Textiles and apparel	46	[2] 3,200,000	23,547,000	
Tobacco and tobacco products	11	54,200,000	57,652,000	6.4
Miscellaneous	93	52,345,000	77,883,000	48.7
Total industrials	514	498,623,000	936,589,000	87.8
Railroads	52	[2] 100,150,000	11,661,000	
Utilities	103	259,075,000	288,733,000	11.4
Total corporations	669	657,548,000	1,236,983,000	83.1

[1] Excluding du Pont de Nemours & Co. income from its investment in General Motors Corporation.
[2] Deficit.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Massachusetts.

Mr. WALSH. I am very much interested in the statement made by the Senator from Wyoming, and I wish to commend him for giving his attention and consideration to finding some possible additional solution to our unemployment problem. I agree with him that unemployment is perhaps the most important problem before the people of the country today and will remain so until it is solved. I gather that the Senator believes it may be possible to solve that problem, in part at least, by some method of taxing? What is the Senator's proposal?

Mr. O'MAHONEY. Mr. President, as I endeavored briefly and hastily because of the late hour to outline, the purpose of the bill is to provide a tax credit computed on the basis of the income-tax structure——

Mr. WALSH. For machinery.

Mr. O'MAHONEY. For those employers of labor who use more than the average of human labor. This credit or payment is to be financed not by government borrowing but by a tax assessed upon employers who use less than the average of human labor.

Mr. WALSH. That was my understanding, from what the Senator said and what I read in the press today. I think the Senator from Wyoming has directed attention to a phase of this subject which is entitled to great and serious study and consideration, and I hope the Senator will push this matter so it may be thoroughly heard and, if possible, some legislation be enacted along that line.

BILL CONTAINS WORKABLE FORMULA

Mr. O'MAHONEY. Mr. President, I am greatly encouraged that the senior Senator from Massachusetts should display such interest in this measure. I know that a great many Members of Congress, both Senators and Representatives, have been studying this problem. Numerous suggestions have been made from time to time. I believe there is embodied in this bill a formula which has a chance to work.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. CLARK of Missouri. I have not had an opportunity to read the bill which the Senator has introduced, but I am glad he has introduced it, because it deals with a subject in which I am greatly interested, and I hope it will be referred to a committee which will give it appropriate study.

As I understand, it is a revenue matter and, therefore, must be put in a bill which originates in the House, but, nevertheless, a study may be made of it by a Senate committee.

I may say in that connection that when a revenue bill was under consideration in the Senate I introduced an amendment directing the Secretary of the Treasury to collect and furnish to the next session of Congress information looking to the imposition—I took the dilemma by the other horn—of a tax on labor-saving machinery. That amendment was included in the tax bill in the Senate, but was deleted in conference. That amendment of mine—and I take it the same thing is true of the bill of the Senator from Wyoming—was suggested to me by the fact that in the Unemployment Committee, of which I was a member for a period of nearly 2 years, we discovered that in some cases labor had been supplanted by machinery in the ratio of as high in one case, in the oil industry, as 2,000 to 1; in other words, 2,000 laborers had been displaced by a machine which it took only one laborer to operate.

With the development of labor-saving machinery, which we all hope will be progressive, it seems to me that the labor-saving machinery and the manufacturers who use such machinery must certainly be expected to pay a portion of the cost of taking care of unemployment and of the situations which grow out of unemployment.

Therefore I hope very much that the measure introduced by the Senator from Wyoming may receive the fullest consideration in this body, with the view to appropriate legislation when a bill comes over from the House to which it may be attached.

Mr. O'MAHONEY. Mr. President, it is most gratifying to find such distinguished Members as the Senator from Massachusetts [Mr. WALSH] and the Senator from Missouri [Mr. CLARK] express their sympathies with the purposes of this measure.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WAGNER. The Senator speaking is a less distinguished Senator.

Mr. O'MAHONEY. It would be difficult to find a Senator more distinguished than is the Senator from New York.

Mr. WAGNER. I know that the Senator, in the course of his chairmanship of the so-called Monopoly Committee, had placed before him a great deal of evidence on the subject of labor-saving devices, and I wonder whether I am reasonably accurate in stating that to produce an equal amount 3,000,000 less workers are employed today than were employed in 1929?

Mr. O'MAHONEY. That statement has been made, but the figures which have come to me from the Federal Reserve Board indicate that the index of production has increased from 119 in 1929 to 121 in 1939, and that the number of persons employed in manufacturing has been reduced from about 8,370,000 in 1929 to about 8,215,000 in 1939. The unemployment problem is made more difficult by reason of the fact that there are added to the employables every year between 500,000 and 600,000 persons.

Mr. WAGNER. I understand that.

Mr. O'MAHONEY. So that the proportion of employment to production is much smaller now than it was 10 years ago.

Mr. WAGNER. I looked into the figures somewhat. Perhaps I have a larger sum; but my very strong impression is that some statisticians and economists who have been working on the question figured that the total employment today for the same amount of production as in 1929 is three million less than it was at that time.

Mr. O'MAHONEY. Some experts make that statement.

Mr. WAGNER. Even if that is only an approximation, the seriousness of the technological unemployment problem is obvious.

NO OBSTACLE TO TECHNOLOGICAL IMPROVEMENT

Mr. O'MAHONEY. The remark of the Senator from Missouri [Mr. CLARK] prompts me to add this observation: Suggestions for taxes upon machines have in the past not been acted upon because of the fear that to tax machines as such would be to raise obstacles to technological development. There can be no doubt that new machines make new industries. We see evidences of that everywhere. On the other hand, there can be no doubt that machines have the effect of the immediate displacement of particular persons.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am glad to yield.

Mr. CLARK of Missouri. Is it not also true that, while ultimately, by creating new industries, the introduction of machines may create a greater aggregate of employment, as to the people who are thrown out of employment in which they have been skilled all their lives, it is very rare that they ever obtain any job that is nearly as good as the one they had, and usually they do not obtain any employment at all?

Mr. O'MAHONEY. That is exactly correct. Those are the persons who are completely displaced, and whose livelihood is taken away from them. The senior Senator from Pennsylvania [Mr. DAVIS], former Secretary of Labor, spoke to me earlier in the day, having read in the newspapers this morning that I intended to introduce this bill, and likewise expressed his general approval of the principle upon which the measure is based. He said that he had frequently discussed the matter when he was Secretary of Labor, and had made suggestions of this kind in his reports at various times. So, I find everywhere a general sympathy with the purpose. The doubts are as to whether or not a formula has been developed which will preserve the value of the machine while at the same time preventing the destruction of jobs. My personal belief is that we come pretty close to that formula in this bill.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be very glad to yield.

Mr. WAGNER. Of course, this is a tremendous subject. I wish to call to the Senator's attention one experience I had while traveling in Europe. I was interested in the subject of unemployment. The experience to which I refer shows that we have not yet taken the really constructive steps we should take to see that the individual worker who loses his trade because of a labor-saving machine is rehabilitated. We have done nothing to rehabilitate the particular worker, whereas in some of the European countries, perhaps because of economic necessity, schools for the purpose have actually been established. I saw one of those schools. I saw a number of workers in a shop in connection with the employment exchange in one of the German cities; and when I inquired what work was being done I was informed that the men had lost their trade in an industry because of an invention and that they were young enough to be rehabilitated and retrained for the aircraft industry, a new industry which was growing up at that time. So an effort is being made to save those particular workmen from a drop in their standard of living and wages by teaching them other trades, so as to keep up their standard of living and also help to solve the question of unemployment.

The PRESIDING OFFICER. Does the Senator from Wyoming desire to introduce the bill at this time?

Mr. O'MAHONEY. I have introduced it. I ask that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. AUSTIN. Mr. President, what is the nature of the request?

The PRESIDING OFFICER. The Senator from Wyoming wishes to introduce the bill and to have it referred to the Committee on Finance.

Mr. AUSTIN. Mr. President, I think it would be well to let it lie on the table and be printed.

Mr. O'MAHONEY. That is my request that it be introduced and referred to the Committee on Finance.

Mr. BARKLEY. Mr. President, it will be printed.

Mr. AUSTIN. Mr. President, I think we might as well not take any action tonight. I shall object to unanimous consent to do anything of this kind.

Mr. O'MAHONEY. Mr. President, I am sure the Senator from Vermont does not know what has transpired. The request of the Senator from Wyoming when he rose—now perhaps almost a half-hour ago—was to introduce a bill. I thought the bill had been introduced. In any event——

Mr. AUSTIN. Perhaps the Senator from Wyoming is correct. However, assuming that that is so, my objection stands, for exactly the same reason I previously stated.

Mr. O'MAHONEY. May I ask the Senator from Vermont to what he is objecting?

Mr. AUSTIN. I am objecting to the unanimous-consent request of the Senator from Wyoming.

Mr. O'MAHONEY. To do what?

Mr. AUSTIN. To introduce his bill.

The PRESIDING OFFICER. Objection is heard.

Mr. O'MAHONEY. Mr. President, in order that there may be no doubt that this bill shall appear in the RECORD, I am forced, in the circumstances, to read it:

Be it enacted, etc., That part I of subchapter B of chapter I of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"SEC. 16. Labor differential tax:

"(a) Rate of tax: In addition to other taxes there shall be levied, collected, and paid for each taxable year upon the labor differential income of every producer a tax of — percent of the amount of the labor differential income.

"(b) Definitions: 'Labor differential income' means the gross income defined in section 22 (a), less the deductions allowed by subsection (c). 'Producer' means an individual, partnership, company, corporation, joint-stock association, or organization, producing goods or services.

"(c) Deductions from gross income: In computing labor differential income there shall be allowed as deductions:

"(1) The total cost of materials and supplies purchased and used during the taxable year in carrying on any trade or business producing goods or services; and

"(2) The total amount of remuneration paid as salary, wages, or other compensation for personal services, but not including that part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by a producer with respect to such services during any taxable year, is paid to such individual by such producer with respect to such services during such taxable year.

"(d) The provisions of this section shall not be applicable (1) to any producer for any taxable year for which such producer had no taxable income under this chapter, or (2) to any producer exempt from income tax under section 101."

SEC. 2. Part III of such subchapter B is amended by adding at the end thereof the following new section:

"SEC. 34. Labor differential credit:

"(a) Credit against labor differential tax: There shall be allowed as a credit against the labor differential tax imposed by section 16 (a) an amount equal to — percent of the total amount of remuneration paid during the taxable year as salary, wages, or other compensation for personal services, but not including that part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by a producer with respect to such services during such taxable year, is paid to such individual by such producer with respect to such services during such taxable year.

"(b) Labor differential payment: In the case of any producer whose labor differential credit for any taxable year exceeds the tax imposed by section 16 (a), the amount of such excess shall be paid to such producer by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated. In the case of any producer who, for any taxable year, is not liable for the tax imposed by section 16 (a) because such producer had no taxable income under this chapter for such year, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to such producer an amount equal to — percent of the total amount of remuneration paid during the taxable year as salary, wages, or other compensation for personal services, but not including that part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by a producer with respect to such services during such taxable year, is paid to such individual by such producer with respect to such services during such taxable year."

SEC. 3. The amendments made by this act shall apply with respect to taxable years beginning after December 31, 1940.

Mr. President, I am really at a loss to understand why the Senator from Vermont does not permit this measure to go through the regular order so that it may be printed and lie on the table for Senators to see in readable form.

Mr. AUSTIN. Mr. President, I have stated my position. I do not know, but I think there is a misunderstanding.

Mr. O'MAHONEY. I was quite sure the Senator misunderstood what I was asking.

Mr. AUSTIN. If the Senator is willing to allow the regular order to take place, and to allow his bill to lie on the table and be printed——

Mr. O'MAHONEY. That is all I was asking.

Mr. AUSTIN. He will save much energy, although we are always charmed with the voice of the Senator from Wyoming.

Mr. O'MAHONEY. The Senator certainly misunderstood me. I did not ask anything but the introduction and printing of the bill and its reference to the Finance Committee.

Mr. AUSTIN. Mr. President, I do not want any action taken tonight.

Mr. O'MAHONEY. I am not asking for any action.

Mr. AUSTIN. I have no objection to the bill going into the RECORD or being printed.

Mr. O'MAHONEY. Mr. President, it is my understanding, then, that the bill has been introduced.

Mr. AUSTIN. Mr. President, I cannot see how the Senator could infer that.

Mr. O'MAHONEY. Mr. President, I know of no way to present a bill for consideration, to be printed, and to lie on the table, except to introduce it.

Mr. AUSTIN. Very well, if the Senator thinks that is the only way it may be done. I suppose that on my objection to the unanimous-consent request to set aside the pending business for that purpose it could not be done.

Mr. O'MAHONEY. Mr. President, I have no desire, of course, to set aside the pending business, if that is what the objection means.

Mr. AUSTIN. Yes.

Mr. O'MAHONEY. So the bill may lie on the table.

The bill (S. 3560) to reduce unemployment, was read twice by its title, and ordered to lie on the table.

Mr. NORRIS. Mr. President, I should like to have the attention of the Senator from Wyoming (Mr. O'MAHONEY). It seems perfectly clear to me, if I correctly understand the situation, that the Senator's bill—which, as I understand, will appear in the RECORD and be printed in regular bill form—relates to a subject of which, under the Constitution of the United States, the Senate has no original jurisdiction.

Mr. O'MAHONEY. Mr. President, the Senator is quite correct in that understanding. Although I have asked to have the bill referred to the Finance Committee, it is my intention to ask the Ways and Means Committee of the House to hold a hearing on the measure. Of course, it would be possible from a parliamentary point of view to attach the bill as a rider to any other tax bill that might come over from the House; but I will say to the Senator from Nebraska that that is not my intention. I have no desire to present this measure as a rider upon any other bill. My purpose in introducing it now is merely to have it printed and available and open to discussion, study, and criticism.

Mr. NORRIS. Mr. President, the Senator's purpose is commendable, even though it may unnecessarily take up some of the time of a committee of the Senate.

I was moved to make the suggestion I have made about the Senate having no jurisdiction because this very day I wrote a letter to a constituent who represents a very large organization, one of the largest in the State. He had called my attention to an error in a law on the statute books from which the organization suffered, which I think would be very readily changed if the Senate had the right to proceed with it.

I wrote him that legislation to correct the error must originate in the House of Representatives, and that the Senate had no right to pass legislation of that kind, although they could put on such an amendment if the House sent to the Senate a revenue bill; but I also had to tell him that, in my judgment, the House of Representatives had no intention of

passing a revenue bill at this session, so that however meritorious the legislation was, and however little change was necessary to bring it about, from a practical standpoint, it would probably be an impossibility. I did not want my constituent to read the RECORD and see that the Senate had received a proposition which was clearly beyond their jurisdiction, and, so far as the RECORD showed, were ready to proceed with its passage as soon as they could get to it.

I should like also to say that while I have no objection to the study of the bill, though I have not read it, in reading what the newspapers said about it this morning and listening to the Senator's argument it seemed to me that however worthy the purpose of the bill may be, attention ought to be called to the fact that the effect of the bill would be, as I see it, to put a tax upon human progress, and that it would act as a preventive of all technological inventions that would improve anything now in existence.

As I see the matter, the history of civilization is simply the story of technological inventions that have been made and put into use. I dislike to hear so many Senators speaking in commendation of the Senator's bill, all of whom have been highly complimented by the Senator from Wyoming, and to run the risk that I may receive not only not a compliment but a rebuke from the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I never could do anything but compliment the senior Senator from Nebraska.

Mr. NORRIS. But, I say, it seems to me that we ought to hesitate long—I think forever, unless there is a real compulsion under conditions that we cannot resist—before we try to put a stop sign on the road of human progress, or to levy a tax upon the improvement of any machinery now in existence which will bring about a happier and a more prosperous people; and I am afraid that is what the Senator's bill would have a tendency to do.

I know that technological inventions have resulted in huge unemployment, that there are many people out of employment because of such inventions; but if there had been no technological inventions, we would be in a state of barbarism today. It seems to me clear that the leaders of human progress should look with commendation and favor upon any invention which reduces the labor of human beings.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. I desire merely to say to the Senator that I agree with everything he has said. I would be the last person to attempt to raise a stop sign on the road of technological improvement. No one recognizes more readily than do I, and no one is more prepared to acknowledge, that the development of the machine has been the cause of most of our improvement. I stated earlier in the discussion—perhaps the Senator did not hear the statement—that one of the reasons why measures of this kind, which have been suggested heretofore on numerous occasions, have not ripened into legislation was the very fear the Senator expresses, but I believe that this measure contains a formula which will make it possible for us to balance men and machines, and to get the best possible result out of both.

Mr. NORRIS. At least, I will say to the Senator, I welcome any study of the subject which may be made, no matter what point of view the student may have to begin with, or what his outlook may be.

While I am speaking of the bill which the Senator has introduced, I should like to say that the technological improvement of machinery in this country has long held my close attention. I have become a firm believer that we should welcome all technological inventions which reduce human labor, and that to meet the unemployment situation which must follow from the application of such machinery to human industry we should reduce the hours of labor of human beings.

I have thought, and I believe now, that we never will settle the unemployment question until we do reduce the hours of human labor. It would dislocate things a little to start with and bring about some inconveniences, but in the long run it would bring about an improvement of living conditions and would bring more happiness and more contentment and more prosperity to the human race.

We should reduce as much as we can the hours of labor of all human beings. We should welcome at any time the production of a mechanical instrument of any kind, and we should put it into application if it will reduce the necessary labor of human beings. It seems to me that one of the things we should do, and one of the things we will have to do, will be to reduce drastically much more than we have provided for by statute up to this time, the hours of labor of our people without reducing the wages, and in the end such action on the part of the Congress to meet the situation, so far as they have jurisdiction under the Constitution, while it would not bring about entirely the relief we seek of unemployment, it would reduce unemployment of men and women to a very great extent, so much so that it would go a great way toward solving the unemployment problem and bringing about prosperity.

Mr. President, I do not believe we can fully meet the situation until we have done something such as I have briefly outlined, or its equivalent, to meet the unemployment problem.

ADDRESS BY SENATOR PITTMAN ON WORLD AFFAIRS

Mr. PITTMAN. Mr. President, I find it necessary to call attention to an error in a newspaper quotation from a very short speech which I made on Saturday night, which was broadcast. I very rarely pay any attention to errors in quotations. However, I could not be committed to this error, because it is quite material in its effect.

On Saturday night I delivered before my fraternity a very brief address on the subject of World Affairs. It was broadcast. Mimeographed copies were made of it. I find in the Washington (D. C.) Sunday Star of March 10 a report of that address, and I find this statement by the reporter:

> He—
>
> Meaning me—
>
> characterized the mission of Under Secretary of State Welles as a "splendid undertaking on the part of the President," and said Mr. Welles had been sent abroad to "make further efforts to bring about a cessation of war and an adjustment of the controversies that are the cause of war."

Certainly I never stated that. I never stated that Mr. Welles was sent abroad for the purpose of trying to bring about a cessation of war. I did use in my address the language quoted, but in a very different context and at a very different place.

What I said was this:

> The President has sent to Europe Mr. Sumner Welles, the Under Secretary of State, to ascertain confidentially the attitude of the governments of the warring powers, their objectives, and, if possible, to ascertain some possible formula that might be the foundation at the proper time for the United States to make further efforts to bring about a cessation of war and an adjustment of the controversies that are the causes of the war.
>
> It was a splendid undertaking upon the part of the President. There was some fear expressed at the time that the mission of Mr. Welles was announced by the President. Some thought that Mr. Welles might unfortunately be led into the controversies. His actions in Italy, Germany, and France have proven conclusively that he has made no such mistakes and will make no such mistakes, that he is only seeking information in confidence that may be of value to our country in the future. It appears that he has won the confidence of the various high officers of the governments with whom he has conferred. Never by word or action has he violated that confidence. Some said that the President could obtain the same information through his ambassadors. Ambassadors cannot be the recipients of the same confidence of foreign governments as a special envoy, because ambassadors frequently in their efforts to better the position of their own governments in the eyes of the world talk too much. Mr. Welles has not talked at all.

I ask leave to have the entire speech published in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address is as follows:

> Mr. Toastmaster; Dr. Brown, eminent supreme archon; members of the Supreme Council, Washington City Rho Chapter; and members of the Sigma Alpha Epsilon fraternity: I deeply appreciate your invitation to address you this evening on the subject of

World Affairs. There was never in the history of the world a subject that so vitally affects the lives of people and, in fact, civilization. In addressing my fraternity tonight, I am speaking to a cross-section of men who hold high positions in every profession and industry in the United States. It is well that in this period when humanity has imposed upon it suffering beyond expression that those who believe in brotherly love should give consideration to the sad condition of the world.

Great races of people, dominated by the brute instincts of greed and fear, have abandoned the teachings of Christ, the natural laws of humanity and justice. The efforts of powerful governments with mass control of their peoples are bent upon the unrestrained destruction of human life—soldiers, civilians, women, and children. In their madness they have closed their minds and souls to the dictates of reason. Czechoslovakia, an ideal democratic state composed of a high-class citizenry has been destroyed. Poland, which through the ages has been fighting for its independence, has had its people slaughtered and its government wiped out of existence. Finland—loyal, patriotic, honest Finland—has been invaded without excuse by Russia, a country a hundred times as powerful as Finland. The Finnish people are dying for the love of their country and for the honor of their people. China, with its 400,000,000 of peaceful, energetic, and honorable people, without legitimate cause or excuse, is being destroyed and its men, women, and children tortured and exterminated with barbarity never exceeded. Denmark, Norway, and Sweden, who have lived by peace and who even remained neutral during the first Great World War, are now threatened with extermination from two powerful sources. Rumania, who desires neutrality alone, is being forced into an untenable position by the Allies on one hand and by Germany upon the other hand. In fact, all the Balkan states are trembling today in fear of conquest by Germany and Russia.

When this war reaches the apex of its intensity and destruction, its results, as far as destruction of life and civilization are concerned, will be as a mountain to a molehill by comparison with the last war. The instruments of destruction in the air and under the water have been developed to a degree that they may carry their destruction many times further and with far greater destructive powers.

And what is the hope of stopping this catastrophe? Our Government, through the passage and the administration of the Neutrality Act, is strictly maintaining its neutrality as between the warring powers and has prevented the destruction of our ships and the lives of our sailors by restraining commerce with warring powers and by keeping our ships out of the war zones; and yet, while this act and its administration has very probably eliminated our people from the destruction of their lives and property, nevertheless, we cannot escape the dire effects of the destruction of the lives of the best people in the world and the chaos that must follow.

Our Government did everything in its power to induce the great governments of Europe who were threatening war to desist and to reach a reasonable peaceful understanding. The madness of Europe was too great. Our sincere efforts failed.

The President has sent to Europe Mr. Sumner Welles, the Under Secretary of State, to ascertain confidentially the attitude of the governments of the warring powers, their objectives, and, if possible, to ascertain some possible formula that might be the foundation at the proper time for the United States to make further efforts to bring about a cessation of war and an adjustment of the controversies that are the causes of the war. It was a splendid undertaking upon the part of the President. There was some fear expressed at the time that the mission of Mr. Welles was announced by the President. Some thought that Mr. Welles might unfortunately be led into the controversies. His actions in Italy, Germany, and France have proven conclusively that he has made no such mistakes, and will make no such mistakes—that he is only seeking information in confidence that may be of value to our country in the future. It appears that he has won the confidence of the various high officers of the governments with whom he has conferred. Never, by word or action, has he violated that confidence. Some said the President could obtain the same information through his ambassadors. Ambassadors cannot be the recipients of the same confidence of foreign governments as a special envoy because ambassadors frequently in their efforts to better the position of their own governments in the eyes of the world talk too much. Mr. Welles has not talked at all.

The situation in Asia is improving. It has become apparent to the Japanese Government that they cannot conquer China. The cost of their invasion already has been almost destructive of the monetary and economic systems of Japan. In this situation there is hope that a satisfactory adjustment between China and Japan will be worked out eventually.

Both Germany and Great Britain realize more fully now the cost in life, money, and materials of this great war if it continues to its end. And yet the madness still prevails to such an extent that rulers see no way yet except to continue this war of destruction. Each of the warring powers has laid down conditions of peace which anticipate the destruction of the economic life of the other. Certainly this is unnecessary. It is unreasonable. It is impossible. The entry of Russia into the war through its invasion of Poland and Finland and its alliance with Germany has greatly complicated the efforts for peace. Italy may be forced into the war on Germany's side and yet the Italian people will never favor an alliance with communistic Russia. Italy would not be happy at the conquest of the Balkan states by Germany and Russia. When Italy and the Balkans are drawn into this war, peace will be long deferred. If there is not an armistice before the summer commences, the chances are that the war will continue to its finish.

Now is the time for neutral countries to constantly hammer for the thought of peace. Possibly if an armistice could be induced for 30 days and fear could be allayed during that period of time, then maybe the neutral powers could offer their services. It is inconceivable that the warring powers should refuse an armistice to permit of calm discussion of the alleged causes of war and the objectives of such war. To refuse such an undertaking is to carelessly and selfishly pronounce the doom of civilization. We realize, of course, the difficulty of neutrals approaching warring powers in the intense heat of war. We are aware, of course, that unless such good services are welcomed by the warring powers, they can accomplish no good. And yet, sad as the picture appears, our citizens should be well satisfied with the high and patriotic position taken by their own Government. They should be happy to such extent as may be, considering the suffering of the world, that their sons will not be destroyed in this foreign war, that their Government and their civilization will not be threatened with destruction, and that their Government is maintaining a position that will enable it to render valuable services in bringing about peace, and if not peace then to maintain the seeds of civilization to reestablish it after the war in the devastated areas of the world.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting several nominations in the Army, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the executive calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc. That completes the executive calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 12, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received March 11 (legislative day of March 4), 1940

APPOINTMENTS IN THE REGULAR ARMY

TO BE ASSISTANTS TO THE QUARTERMASTER GENERAL, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE

Col. Clifford Lee Corbin, Quartermaster Corps, from April 1, 1940, vice Brig. Gen. Augustus B. Warfield, assistant to the Quartermaster General, whose term of office expires March 31, 1940.

Col. Joseph Edward Barzynski, Quartermaster Corps, from August 1, 1940, vice Brig. Gen. Richard H. Jordan, assistant to the Quartermaster General, whose term of office expires July 31, 1940.

Col. Charles Dudley Hartman, Quartermaster Corps, from August 1, 1940, vice Brig. Gen. A. Owen Seaman, assistant to the Quartermaster General, to be retired July 31, 1940.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Raymond Hartwell Fleming, Louisiana National Guard, to be brigadier general, National Guard of the United States, from March 8, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11 (legislative day of March 4), 1940

POSTMASTERS

ARIZONA

Vivian E. Dodge, Cavecreek.
John W. Lawson, Oracle.
Jesse L. Boyce, Williams.
William H. Daley, Window Rock.

DISTRICT OF COLUMBIA

Vincent C. Burke, Washington.

GEORGIA

John J. Story, Ashburn.
Walter E. Schilling, Marietta.

MASSACHUSETTS

John F. Larnard, Amesbury.
George G. Henry, Ashfield.
Paul E. Haley, Chester.
Richard F. Pender, Dalton.
Frances B. Stevens, East Falmouth.
Charles E. Morrison, Falmouth.
J. Francis Megley, Holbrook.
Martin J. Healey, Hubbardston.
James E. Harte, Lee.
Regina C. West, Littleton Common.
James Connaughton, North Grafton.
Wilfred J. Tancrell, North Uxbridge.
William F. Eggo, Pinehurst.
Francis G. Fanning, South Lee.
John C. Donnelly, Walpole.

NORTH DAKOTA

Clair M. Christensen, Kensal.
Edward H. Berheide, St. Michael.

VIRGIN ISLANDS

Adele Berg, Frederiksted.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 11, 1940

The House met at 12 o'clock noon.

The Chaplain Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, behind all changes Thou dost ever abide in eternal constancy. As Thou hast counseled us in our unwisdom to ask of Thee, we beseech Thee to bestow upon us now and evermore the wisdom of righteous living. We thank Thee for the light that reveals unto us the divine estimate of human life, that lifts the veil of mystery from struggle and sacrifice. As humanity is growing weary in its tramp down the ages, as evil roars through the world, awaken intellect and character to banish its sin and shame and let us understand that nothing built on the crumbling rock of wrong can finally last. O may we learn to know Thee in the world about us and in the secret places of our own hearts. Blessed be Thy holy name. Thou wilt speak to us when we are in trouble, guide our footsteps when we have lost our way, and renew our courage when we have become disheartened. Today let us hear Thy voice saying, Peace be unto thee; be strong, be strong." In the Redeemer's name. Amen.

The Journal of the proceedings of Thursday, March 7, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7863. An act to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3209. An act granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage in the State of Mississippi; and

S. J. Res. 226. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1449. An act for the relief of Robert Stockman;

S. 1998. An act for the relief of Ernestine Huber Neuheller; and

S. 2284. An act to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a joint resolution of the House of the following title:

On March 9, 1940:

H. J. Res. 424. Joint resolution to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla.

STATE, COMMERCE, JUSTICE, AND JUDICIARY APPROPRIATION BILL, 1941—APPOINTMENT OF CONFEREES

Mr. McANDREWS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the Judiciary, for the fiscal year ending June 30, 1941, and for other purposes, with Senate amendments, disagree to the amendments of the Senate and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and appoints the following conferees:

Messrs. McANDREWS, RABAUT, CALDWELL, KERR, HARE, CARTER, STEFAN, and WHITE of Ohio.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain excerpts in connection therewith.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject of the American merchant marine, and to include therein an editorial recently appearing in the Journal of Commerce.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I also ask unanimous consent to extend my own remarks on the subject of the War Department civil functions appropriation bill relating to labor in the Canal Zone and to include therein excerpts from reports made by the Governor of the Panama Canal, other official reports, and a copy of a letter from the Acting Secretary of War to me with enclosures.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FORD of Mississippi and Mr. FERNANDEZ asked and were given permission to extend their own remarks in the RECORD.

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement appearing in the magazine The Nation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein messages that were received by the annual conference for the protection of the foreign-born.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in three particulars:

First, on the subject of the Metropolitan Opera House, New York.

Second. By inserting on the subject of the fiscal policy of the United States addresses by Senator JOSH LEE, of Oklahoma, and our colleague the gentleman from Pennsylvania [Mr. RICH], and others.

Third. To include an address by the Secretary of War on the subject United We Stand. It is a brief address.

The SPEAKER. Without objection, the requests of the gentleman from New York will be granted.

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative business for the day on Wednesday next I may address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that on today at the conclusion of the special orders heretofore made I may address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on two subjects—to include in one a brief article from the Poultry Tribune and in the other to insert a short summary of a speech by Milo Perkins.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PINK BOLL WORM

Mr. RANKIN. Mr. Speaker, I submit a concurrent resolution from the Legislature of the State of Mississippi memorializing Congress to appropriate funds to the Department of Agriculture to prevent further spread of the pink boll worm.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Appendix of the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE FARM CREDIT ADMINISTRATION

Mr. PIERCE. Mr. Speaker, the speech I am putting in the Appendix is a discussion of bills now pending which are very important to the farmers of the Nation, bills dealing with the Farm Credit Administration. One bill now pending before the House Committee on Agriculture builds constructively for the future, in the interests of the farmer. Another bill, introduced by several Senators, would reinstate the Farm Credit Administration as an independent agency, closely allied to Wall Street bankers. The real issue is not only whether the Farm Credit Administration shall remain as it is now under the Department of Agriculture or whether it shall be reestablished as a separate agency, but in whose interests it shall be administered. I am asking my colleagues in the House to read my remarks which will be found in the RECORD tomorrow morning.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SMITH of Washington asked and was given permission to extend his own remarks in the RECORD.

Mr. SCHWERT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include two resolutions pertaining to the St. Lawrence waterway.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SCHWERT]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TABER. Mr. Speaker, I ask unanimous consent that at the conclusion of any special orders heretofore granted I may address the House for 15 minutes this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

RESOLUTION REQUESTING STATEMENT OF GOVERNMENT EMPLOYEES

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

Mr. TABER. Mr. Speaker, I have just introduced a resolution requiring the different departments and agencies of the Government to file with the Congress not later than April 1, a statement of the name of each employee and all his expenses who has been to Florida at Government expense since November 15, 1939. My information is that we will find a lot of high-toned bureaucrats enjoying a vacation at Government expense.

[Here the gavel fell.]

CENSUS QUESTIONS

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. O'BRIEN]?

There was no objection.

Mr. O'BRIEN. Mr. Speaker, ladies and gentlemen of the House, anything that I might say at this time perhaps is not informative, enlightening, or even sensational. Members on both sides of the aisle I know will agree with me when I say I want to call your attention to the numerous letters I have been receiving showing the displeasure of many people on account of the personal questions that have been asked, or will be asked, in connection with the taking of the census.

On March 8 there was sent to me a resolution introduced in the senate of the State of New York, and this was concurred in by the assembly March 6, 1940. Many of these questions, in my humble opinion, are somewhat personal; many of these questions are of a most personal nature. I have read the questions which have proved so objectionable, and I must agree with those whose objections I have received.

I consider the forthcoming census is an inquisition instead of an interrogation. I heartily sympathize with those individuals who I am positive will have their displeasure incurred. I thoroughly agree with Senator TOBEY, and I will vote for the Tobey resolution if it comes before the House; and let us hope that it does come before this body

so that we might correct the unjustifiable, un-American course proposed by the Bureau of the Census.

STATE OF NEW YORK, IN SENATE,
Albany, March 5, 1940.

(By Mr. Mahoney)

Whereas a bitter controversy arose in the First Constitutional Convention of the United States, in that the representatives of the smaller States as a rule claimed that the vote, and so the influence of the States in the proposed government, should be equal and the representatives of the larger States as a rule claimed that their greater population and wealth were entitled to recognition; and

Whereas the controversy ended in the creation of a bicameral legislature; in the lower branch, the House of Representatives, the claim of the larger States found recognition, while in the upper branch, the Senate, the claim of the smaller States found recognition, and each State having two votes; and

Whereas since the House of Representatives' seats were to be distributed in proportion to the population, the Convention, foreseeing the rapid changes of population, ordained an enumeration of the inhabitants and a redistribution or reapportionment of seats in the House of Representatives every 10 years; and

Whereas the Federal Census began in 1790 and has been taken every 10 years since, under mandate contained in the Constitution of the United States; and

Whereas the classifications for statistical information have increased in number from one census to another, so that it has now reached a point where the underlying purpose of the census has become secondary, and that some of the questions required to be answered in the present census are of a very personal nature; and

Whereas the Congress has also decreed that a criminal penalty be imposed upon persons refusing to answer said questions or who give false information: Now, therefore, be it

Resolved (if the assembly concur), That the Congress of the United States be, and it hereby is, memorialized to amend this legislation so that the personal questions may be eliminated from the questionnaire and the criminal penalty abolished; and be it further.

Resolved (if the assembly concur), That copies of this resolution be immediately transmitted to the President and to each United States Senator and each Member of the House of Representatives of the United States elected from the State of New York, and to the Clerk of the House of Representatives and the Secretary of the Senate at Washington, D. C.

By order of the senate.

WILLIAM S. KING, *Clerk.*

In assembly, March 6, 1940: Concurred in without amendment.
By order of the assembly.

ANSLEY B. BORKOWSKI, *Clerk.*

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and to include therein the resolution referred to.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. O'BRIEN]?

Mr. RANKIN. Mr. Speaker, reserving the right to object, that is a resolution passed by the Legislature of the State of New York with reference to the taking of the census?

Mr. O'BRIEN. No. It objects to some of the personal questions.

Mr. RANKIN. Just the Senate of the State of New York passed it?

Mr. O'BRIEN. Yes.

Mr. RANKIN. That is a Republican Senate?

Mr. O'BRIEN. Yes.

Mr. RANKIN. I do not object to your inserting anything they might say; it will not affect anything.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. O'BRIEN]?

There was no objection.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an excerpt from the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

UNITED AMERICA, PART 5

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, in article I, section 8, of the Constitution specific powers are granted to Congress in these words, "Congress shall have the power to," and the power is then stated.

In section 9 specific powers are denied Congress with the word "no" or the words "shall not," which are entirely restrictive, and then the restrictions are stated.

In section 10 restrictions of powers of the States are expressed in the words "No State shall," followed by explicit statements as to matters prohibited.

It follows, therefore, that article I, sections 8, 9, and 10, are written into the Constitution to clarify all powers granted or denied by the Constitution to Congress and to the States for the common defense and the general welfare of the United States.

Article I, section 9, of which I shall now quote one paragraph, deals entirely with restrictions imposed upon Congress by all the United States in order to protect the rights of the State:

No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The founders of our country, foreseeing problems which might confront our Nation, wisely incorporated this provision in the Constitution. Why was this stipulation made? It was made in order to furnish pertinent information to the public as to expenditures and the purpose of such expenditures, not only of money appropriated by Congress but of all moneys appropriated, earned, or collected by the Federal Government, its departments, bureaus, and the many new Federal-owned corporations over which Congress unfortunately has no control except in appropriation of money.

This provision of the Constitution has been and is being violated by Congress, by the executive department, and by the extraconstitutional Federal corporations which have been created by special acts of Congress, and for which there is no legal authority.

The question should be asked: Are appropriations for these Federal-owned corporations made according to law? And the answer is "No," for these corporations are, as I have said, extraconstitutional, and therefore illegal. The Constitution provides that a regular statement and account of receipts and expenditures of all public money shall be published from time to time; the purpose of this is to give those who furnish the money, namely, the taxpayers of the United States, an opportunity to be informed as to what the Government is doing with their money.

Congress alone is responsible for the glaring violations of the Constitution that have resulted in the chaotic condition in which we find our Nation today. But when I say that Congress alone is responsible, I do not absolve the public, for it is the people who elect these incompetent officials to office. The people should therefore take care that Members represent the wishes of the people and not the wishes of a political machine.

I shall now, to bring home the pernicious evil of political power, quote from the Gold Reserve Act, section 3699, section 10B:

To enable the Secretary of the Treasury to carry out the provisions of this section there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under section 7 hereof, the sum of $2,000,000,000, which sum when available shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the fund) under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States.

Did Congress conform to the Constitution when it set aside $2,000,000,000 in gold and said that this money should be "under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not subject to review by any other officer of the United States"? Certainly not! Congress did not give the

Constitution the slightest consideration, and neither did the Supreme Court when it upheld this act.

It is acts of this sort—and do not forget that there are many of them—which are now causing disintegration of industries and business. How can this be corrected? It can only be corrected when the Members in both Houses of Congress adhere to their obligation "to preserve, to protect, and defend" the rights of the people, as set forth in the Constitution of the United States.

Let us now proceed to consider article I, section 10. In this section the 48 United States deny certain rights to each State exactly in the same manner and with the same intent as the 48 States reserve the rights to themselves and to the people of this great Nation to regulate their own affairs.

It is not my desire to dwell too long on section 10, but allow me to call your attention to a part of paragraph 1:

> No State shall * * * coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts.

Did Congress adhere to this paragraph in section 10 when the Gold Reserve Act was passed? It did not, for the people were not only deprived of gold and gold-secured investments, but Congress made it a criminal offense for the people, for you and me, to be secured by gold, which is not only our own property but is even more valuable and useful than real estate, as it represents a standard value in every country in the world.

What are we using for money today? We are using inflated currency or the so-called commodity or managed dollar with less inherent value than the wampum used by the Indians a thousand years ago. This is not all, for the people in the United States have been degraded to the point where they are now compelled to use blue and yellow checks for money to obtain the necessities of life, and this in the richest country in the world.

The present chaotic state is not due to the obsolescence of the Constitution, but is instead entirely due to the fact that our own Government does not adhere to it.

Members of Congress should read article I, sections 8, 9, and 10, for these sections clearly state, as I have already said, the powers delegated to Congress, the powers denied to Congress, and the powers which the States have denied to themselves. We, the Members of Congress should, for the common defense and the general welfare of the United States, be honorable enough not to betray this trust which the people have placed in us.

The 1940 election is now coming up and the people should, in their own interest, give consideration to the future of our Nation. To protect their own rights they should insist that every Member elected to Congress make a solemn promise that he will repeal all unconstitutional legislation now enacted into law, and that he will repeal all the extra-constitutional powers granted to the President of the United States, so that he may conform to article II. The people should also insist that the candidates elected for office promise to impeach all public officials who do not adhere to their oath of obligation in the true meaning of the oath. It is only in this manner that the Government can be cleaned of the rot which is infiltrating every Federal department. If this is done, we will restore the fundamental principles of this Republic as set forth in the Constitution of the United States. What does this mean? It means nothing less than that industries will operate, furnishing employment to those who are now idle, with gradual rehabilitation, recovery, and prosperity to our people.

The opportunity to clean Congress of dead timber comes up every 2 years, and it is a public duty to remove this "for the common defense and the general welfare of the United States."

WHAT ARE THE RIGHTS OF THE STATE?

It is the right of the State to be administered by a government elected by its own citizens according to the State constitution.

It is a further right of the State to be represented in the Senate of the United States by 2 Senators, who, in conjunction with 94 Senators from the other 47 States, are the Government of the United States of America. Each State is a sovereign Commonwealth within itself, operating under its own laws within its own borders. The Federal Government, or the Government of the United States, is composed of 2 representatives from each of the 48 Commonwealths, whose power is no greater than that granted in articles I, II, and III. It is, however, well to bear in mind that the people have not only reserved the unwritten power in the Constitution to the States and to themselves, but they have in addition to that reserved all written power to the States and to themselves which are not clearly delegated to the Government in the Constitution of the United States. I quote amendments 9 and 10:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.
>
> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It should be clear from this that the only power assigned to Congress is that set forth in the Constitution of the United States. This power is clearly defined in article I, section 8, restricted in article I, section 9, and further clarified in article I, section 10, until it should be sufficiently clear even for Members of Congress to understand.

Congressional meddling within the States is clearly limited in article I, section 8, paragraph 3:

> Congress shall have the power to regulate commerce * * * among the several States.

It should be clear from this that the only power assigned to Congress is to regulate commerce among the several States, which must be confined to establishing such measures as will protect passengers, crew, and freight. Let it be understood, however, that the Constitution does not give power to Congress to enact legislation that in any sense interferes with or restricts the private capital structure of business within the State. It is therefore clearly within the right of the State to regulate its own business entirely free from all Federal interference and meddling. The State may provide laws for banking and operate banks under the laws of the State. The Constitution makes it imperative that nothing but gold and silver shall be used in payment of debts, and when Congress deprived the State of this right it betrayed the people. All these rights must be restored for the general welfare of our own people and for the security of our Nation.

I may say at this point that article I, section 8, provides that Congress shall have the power "to coin money, regulate the value thereof, and of foreign coin." Let me say further that Congress still retains the power to coin money, but can no longer regulate value since the Gold Reserve Act was adopted in 1934. What Members of Congress fail to understand is that the people reserve the right to the States and to themselves to own and operate banks and to own and use gold for money. This is no more than right, because it is only by the use of stabilized and secured currency that investments may be protected. Industries and businesses cannot operate successfully without universally recognized sound currency. When industry and business are deprived of this medium of protection we can only expect unemployment. It is for this reason that each State must own banks and have the use of internationally standardized money. The very life of this Republic depends upon 48 independent State governments, directing the Government of the United States in its foreign relationships and among the several States.

This arrangement was not only just, but it was indeed wise, for that administration of State governments becomes a training school for those who eventually must assume their positions in the Government of the United States. In maintaining State rights and the freedom of the State government to administer the affairs of the State, Federal cost is reduced in direct proportion to the efficiency of the 48 States. It is therefore possible, under efficient State governments, that the Federal Government will only be required to administrate the United States Government in foreign relationships and to adjust differences when such arise among the several States.

Under the present system we are not only faced with an ever-increasing cost in State governments but we are also

submerged by an unwarrantable increase in costs of Federal administration, all of which are responsible for closed factories, stagnant business, and industrial unemployment.

It is we, the people, that pay the expenses of the Government, and when the cost reaches such proportions that it can no longer be controlled, nothing but national bankruptcy can be expected.

Mr. Speaker, in previous remarks I have discussed parts of articles IV, V, VI, and VII, so I shall refrain from entering into an extensive discussion at this time. However, it is my desire to call attention to article IV, section 3, from which I quote:

> That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

I have taken the liberty of quoting this paragraph because the Philippine Islands are to receive their independence in 1946.

It is my desire to say at this point that Congress has no power to dispose of these islands and set up a foreign state without obtaining the consent of the United States. Each and every State in our Union owns a forty-eighth interest in the Philippine Islands, and the consent of the States must, therefore, be obtained first, before Congress can dispose of this property.

Since the adoption of the seventeenth amendment, the State government cannot give such consent, but it must, instead, be obtained from the majority of the electorate in the State, the same people that elect the Senators and Representatives to office. It is true that previous to the adoption of the seventeenth amendment, the State legislature could have given such approval to its United States Senators, but this condition no longer exists, for the State has lost its representation in the Senate of the United States.

What is the people's interest in territories? The people's interest may be found in the fact that they pay the expenses of the Federal Government, and they are paying for the Spanish-American War, and should, for that reason, if no other, be consulted before being deprived of their own property.

The point I wish to make is that the Philippine Islands could become a very productive colony under the proper management. If the Philippine Islands were administered like other colonies, the islands would pay not only for their own protection, but actual dividends from business, and a greater dividend as protection to the west coast of the United States.

We cannot, however, expect any colonies to be operated successfully when under supervision of political parties. It can only end like all other things which are under political supervision; namely, in a complete and dismal failure.

The people have been entirely too dilatory in asserting their rights and must, for their own protection, insist, as I have already said, that Congress adhere to its obligations as set forth in the Constitution.

It is high time that all Federal branches and departments take notice that the people of this Nation are still the supreme power, and when important issues arise the people must be consulted before drastic changes are made. We are indeed in a deplorable state, which, I believe, the people are beginning to realize. We must have a change, and it should be based upon the rights and protection the people have reserved to themselves in the ninth and tenth amendments.

Our Nation cannot be rehabilitated by the constitutional saboteurs now employed in many Government branches and departments. Our Nation will not be rehabilitated by those in society, for many of them are internationalists. It is up to us, the so-called common or middle class, to set this Nation right, so let us join hands and, shoulder to shoulder, unite for the return of sound constitutional government.

ECONOMY—WHERE HAS IT GONE?

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and I further ask unanimous consent to revise and extend my remarks and include therein House Resolution 28 of the Seventy-third Congress with regard to the Economy Committee, as well as an excerpt from the message of the President of the United States appearing in the RECORD of March 10, 1933.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, who wrote that resolution?

Mr. RICH. The Democratic administration in power at that time.

Mr. RANKIN. Does the gentleman mean he is going to insert a resolution of a previous Congress?

Mr. RICH. It is about 2 inches long, and it is in regard to the Economy Committee. Where is it? Where has it gone? We want to find the Democratic Economy Committee.

Mr. RANKIN. It is one of the resolutions passed back in 1933?

Mr. RICH. It was passed by the House in 1933. It is called House Resolution 28, and takes up about 2 inches of the RECORD.

Mr. RANKIN. It is already in the RECORD?

Mr. RICH. It is in the RECORD of March 10, 1933, and it deals with what is called the Economy Committee. I am trying to find any economy in this administration. I am unable to do it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

House Resolution 28

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a select committee of five Members of the House of Representatives to be known as the Economy Committee, for the purpose of considering and reporting upon the subject matter contained in the message of the President of the United States of March 10, 1933. The said committee is hereby empowered to sit and act during the session or recess of Congress or of either House thereof. Said Economy Committee is hereby authorized to report to the House at any time, by bill or otherwise, its recommendations upon any matters covered by this resolution; and any bills so reported shall be placed upon the calendar and have a privileged status.

Mr. RICH. What happened to the Economy Committee? Now, Members of the House, let me place here the statement of F. D. Roosevelt, President of the United States, to Congress March 10, 1933, and I quote:

ECONOMY IN GOVERNMENT

For 3 long years the Federal Government has been on the road toward bankruptcy.

For the fiscal year 1931 the deficit was $462,000,000.

For the fiscal year 1932 it was $2,472,000,000.

For the fiscal year 1933 it will probably exceed $1,200,000,000.

For the fiscal year 1934, based on the appropriation bills passed by the last Congress and the estimated revenues, the deficit will probably exceed $1,000,000,000 unless immediate action is taken.

Thus we shall have piled up an accumulated deficit of $5,000,000,000.

With the utmost seriousness I point out to the Congress the profound effect of this upon our national economy. It has contributed to the recent collapse of our banking structure. It has accentuated the stagnation of the economic life of our people. It has added to the ranks of the unemployed. Our Government's house is not in order, and for many reasons no effective action has been taken to restore it to order.

Upon the unimpaired credit of the United States Government rests the safety of deposits, the security of insurance policies, the activity of industrial enterprises, the value of our agricultural products, and the availability of employment. The credit of the United States Government definitely affects these fundamental human values. It therefore becomes our first concern to make secure the foundation. National recovery depends upon it.

Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.

It is too late for a leisurely approach to this problem. We must not wait to act several months hence. The emergency is accentuated by the necessity of meeting great refunding operations this spring.

We must move with a direct and resolute purpose now. The Members of Congress and I are pledged to immediate economy.

Oh, how he repudiated these promises. Oh, where is the Economy Committee set-up? Where, oh where, has it gone? Mr. Speaker, I wish to call attention to the fact that this Economy Committee ought to be functioning. Why not bring it back to life again? I also wish to call attention to the fact

that in the President's message he made this memorable statement:

For 3 long years the Federal Government has been on the road toward bankruptcy.

I want to show you that today the administration has taken you for 7 long years on the road to bankruptcy, and that the Economy Committee has not functioned as it should. Today you are $2,689,000,000 more in the red since the 1st of July, last. You will be close to four billion before July 1, next, and that is near the deficit in the 3 long years the President referred to. Why does not the President do as he said he would do? Why did he completely change? Why the somersault? In the 7 long years in which the President has been handling the affairs of the Nation he has had a great deficit each year. He has been the greatest spender and squanderer of public money the world has ever known. This administration has been carrying the Nation to the brink of the abyss, and we will soon go over. Where are you going to get the money? Where is this administration's economy? [Applause.]

[Here the gavel fell.]

EXPAND THE CURRENCY AND RESTORE PROSPERITY

Mr. RANKIN. Mr. Speaker, the gentleman from Pennsylvania reminds me of the drunk fellows who paddled all night long trying to cross the Tennessee River, only to find the next morning that they had never untied their boat from the bank.

You will never balance this Budget on the present price levels. You never will get prosperity restored in this country until you restore the prices of farm commodities. You will never do it by borrowing from the rich and giving to the poor. You will never do it until you reverse the present monetary policy, and take some of that gold out of the ground and issue currency against it and put it into circulation, without paying interest on it. We should issue our own money, and issue enough of it to bring farm prices back to 20-cent cotton and $2 wheat. Until you do that you will never restore prosperity in this country. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an article that recently appeared in the New York Sun.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein resolutions adopted by the United States Live Stock Association.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

NATIONAL LABOR RELATIONS ACT

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I asked for this time in order to ask unanimous consent to print in the RECORD in connection with my remarks at this point in parallel columns the present N. L. R. A., the amendments proposed to that act by the Smith committee, and the bill H. R. 4990, introduced on March 13, 1939.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, does not the gentleman think it ought to be printed in the Appendix and not in the body of the RECORD?

Mr. HOFFMAN. It is immaterial to me. The point I wish to call to the attention of the House is that such material will exceed the regular limitation if the material is printed in the Appendix in the way I have requested, because there will be blank spaces in the RECORD that will take more space than it would take if inserted in the usual manner.

Mr. RANKIN. If the gentleman will modify his request so that the matter will appear in the Appendix of the RECORD, I shall not object.

Mr. HOFFMAN. That is all right with me, but I want the House to know that this will cost more than the regular amount; that is all. I do not need to get an estimate if I put the material in the body of the RECORD, but if you put it in the Appendix you do. I have the estimate.

[Here the gavel fell.]

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very brief editorial from the Washington News.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by Postmaster General Farley, with an introductory statement by the Governor of Maryland.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that this afternoon, at the conclusion of the legislative program of the day and following the last special order heretofore entered, which is that of the gentleman from New York [Mr. TABER], I may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REFUND OF PROCESSING TAX

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MUNDT. Mr. Speaker, I take this time to call the attention of the House to the fact that I have today placed on the Speaker's table discharge petition No. 25, which would discharge the Committee on Agriculture from further consideration of Senate Joint Resolution 66, and bring it before us for immediate action.

As most of you know, this resolution provides for the refund of the processing tax on hogs marketed for slaughter by the raisers and producers while they were paying this tax, which was later declared to be unconstitutional. The average claim due to the farmers of America who have a claim before the Government is $433.

This resolution has been before the Committee on Agriculture since August 5, and I think it is time we gave justice to these farmers by paying back to them the unjust taxes which they have paid the Federal Government. I urge all Members to sign this discharge petition so that this Government may keep faith with the American farmer. I shall have more to say on this subject at a later date and I expect to provide this House with ample evidence to demonstrate the justice and equity of refunding these taxes which were illegally collected from the farmers of America.

[Here the gavel fell.]

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend in the RECORD at this point Senate Joint Resolution 66, so the Members may be fully informed about the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The joint resolution is as follows:

Joint resolution making provisions for the refund of the processing tax on hogs marketed for slaughter by the raisers and producers who in fact bore all or part of the burden of such tax

Whereas the Agricultural Adjustment Act, levying a processing tax, has been held unconstitutional and said processing tax as previously assessed on hogs marketed for slaughter was in fact charged to the raisers and producers and was deducted from the market price of such hogs paid to such raisers and producers; and

Whereas provisions were made under title VII of the Revenue Act of 1936 for the refund to the processors of such part of the tax only, which they in fact bore and did not shift to the consumers or the raisers and producers; and

Whereas neither title VII of the Revenue Act of 1936 nor any other act made provision for a refund of such processing tax to the raisers and producers of hogs, who in fact bore the burden of such tax on hogs marketed for slaughter: Therefore be it

Resolved, etc., That any person who raised or produced and marketed hogs for slaughter on which there was levied, collected, or paid a processing tax, under the provisions of the Agricultural Adjustment Act, prior to the time that such act was held unconstitutional, or his legal representative, may have such tax, or part thereof, refunded to him, if it is shown to the satisfaction of the Commissioner, in accordance with regulations to be prescribed by the Commissioner with the approval of the Secretary, or to the satisfaction of the Board of Review, or the trial court, as the case may be, under provisions of title VII of the Revenue Act of 1936, insofar as such title may be applicable, that all or part of the burden of such processing tax was in fact charged to and borne by such person and was in fact deducted from the market price of such hogs. The amount of refund of such processing tax to which any claimant shall be entitled with respect to any particular quantity of hogs marketed shall be an amount equal to the processing tax payable upon the processing of an equal quantity of hogs at the time such particular quantity of hogs was marketed minus any amount by which the spread between the average hog-product value at Chicago of such particular quantity of hogs during the month in which they were marketed and the average hog price at Chicago of such particular quantity of hogs during the month in which they were marketed was less than the amount of such processing tax plus 65 cents. The account sales kept by the vendor, or by the vendee, or by an agent of either, shall be accepted as proof when properly identified. Any claimant may prove his claim under the provisions of title VII of the Revenue Act of 1936, insofar as such title may be applicable, and shall be entitled to all the rights and benefits, including the right of review and appeal, provided for by title VII of the Revenue Act of 1936 insofar as such title may be applicable: *Provided, however*, That such claim, if not previously filed, must be filed with the Commissioner at Washington, D. C., within 1 year from the date of enactment of this act, and proof must be submitted on any and all claims within 18 months from such date in accordance with regulations to be prescribed by the Commissioner. No fees shall be charged for filing any such claim. It shall not be necessary that the claimant be represented by an attorney.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Speaker, I have filed with the Clerk of the House today two petitions, one signed by Mr. James Logan and 29 others and one by Zoe Thompson and 30 others, all residents of my district, petitioning the Seventy-sixth Congress to enact the General Welfare Act, H. R. 5620, for the purpose of relieving the suffering of our needy citizens over 60 years of age and providing prosperity for America.

This proposed law, known as the General Welfare Act, is supported by a large group of citizens, and many members of this House have signed the petition to bring the measure upon the floor.

It is practically conceded by all that unemployment is the major economic problem confronting us as a Nation. We have not solved it. It is closely allied with old-age assistance and with the farm problem. The farmers raise the food which the old people and the unemployed need to sustain themselves and their families but which they cannot buy by reason of unemployment. Employment gives jobs; jobs give purchasing power; purchasing power gives markets; markets give prosperity to the farmer. The farmers make up 25 percent of our population and yet they get only 11 percent of our national income. The Bureau of Labor Statistics, the Bureau of Home Economics, and the National Resources Committee recently made a study of incomes in the United States during 1935 and 1936. It covered 126,000,000 people, consisting of 29,400,000 families and 10,000,000 single persons. The report of this study shows that 4,000,000 families, or 14 percent, had an average income of $312 a year. Eight million families, or 27.5 percent, had an average income of $758 per year. Seven million families, or 23 percent, had an average income of $1,224. Thus, nearly two-thirds of our families had incomes of less than $1,500 and the average was only $826 a year, or $69 a month for a whole family.

This is less than half of the requirements for a minimum standard of living. These studies further disclose that the 14 percent of these families with the lowest income, namely, $312 on the average, are spending approximately $1 per person for food per week to keep body and soul together. Those in the next group with an average income of $758 spend 62 percent more for food and those with an average income of $1,224 spend 118 percent more for food per week than those in the lowest-income group. These studies show the close interrelationship between assistance for our old people, employment of those out of work, and markets for farmers. Industry has discarded workers over 60 years of age and very few of them are self-supporting.

The Supreme Court recently said:

> Congress did not improvise a judgment when it found that an award of old-age benefits would be conducive to the general welfare. * * * The plight of men and women at so low as 40 is hard, almost hopeless, when they are driven to seek for reemployment. Statistics are in the brief. A few illustrations will be chosen from many there collected. In 1930, out of 224 American factories investigated, 71 or almost one-third, had fixed maximum hiring age limits; in 4 plants the limit was under 40; in 41 it was under 46; in the other 153 plants there were no fixed limits, but in practice few were hired if they were over 50 years of age. With the loss of savings inevitable in periods of idleness, the fate of workers over 65, when thrown out of work, is little less than desperate. A recent study of the Social Security Board informs us that one-fifth of the aged in the United States were receiving old-age assistance, emergency relief, institutional care, or private funds; two-fifths to one-half were dependent on friends and relatives; one-eighth had some income from earnings; and possibly one-sixth had some savings or property. Approximately 3 out of 4 persons 65 or over were probably dependent wholly or partially on others for support.

Many students of these perplexing problems have come to the conclusion that the solution to the economic and social problems which are keeping America down is:

First. To provide a Nation-wide program for assistance to our old people, which will give them purchasing power as well as the means to sustain themselves.

Second. To put back on private pay rolls the 10 or 12 million unemployed, and

Third. To provide a market and parity prices for farmers.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and to include therein a short article on the wool situation in my district.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I desire to submit two requests.

Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein a letter to me from the Academic and Civil Rights Council of California, and my reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, my second request is to extend my remarks in the RECORD and to include therein a recent brief address by Philip Bancroft, of California.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE LATE EDWARD W. PATTERSON

Mr. WINTER. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WINTER. Mr. Speaker, it is my sad and solemn duty to announce that on the 7th day of this month the Grim Reaper struck from the rolls of the living, Edward W. Patterson, of Pittsburg, Kans., former Member of the House of Representatives.

Mr. Patterson, or "Pat," as he was affectionately known to those who were intimately acquainted with him, was an outstanding Democrat in Kansas. He served as prosecuting attorney of Crawford County, Kans., and from 1935 to 1939 represented the Third Congressional District of Kansas in Congress, being the only Democrat to represent the Third District of Kansas in the past 36 years. Those of you who associated with him in the Seventy-fourth Congress and Seventy-fifth Congress will recall his integrity, his sincerity of purpose, and his loyal devotion to his party and his friends. Those who knew him personally have lost a friend.

To his good wife and family our hearts go out in sympathy.

EXTENSION OF REMARKS

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an address given by Senator STYLES BRIDGES in Phoenix, Ariz., on February 21, 1940.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, an address by whom?

Mr. CHIPERFIELD. Senator STYLES BRIDGES.

Mr. RANKIN. Is he a State senator in the Arizona Legislature or a United States Senator?

Mr. CHIPERFIELD. Senator STYLES BRIDGES, of New Hampshire.

Mr. RANKIN. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter addressed to the Secretary of State, Hon. Cordell Hull, concerning the St. Lawrence seaway project.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and to include therein a short article from the Milwaukee Sentinel regarding milk prices.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject Have We Helped the Wheat Farmer?

The SPEAKER. Is there objection?

There was no objection.

CONTESTED-ELECTION CASE—SWANSON AGAINST HARRINGTON

Mr. THOMAS of Texas. Mr. Speaker, by direction of the Committee on Elections No. 3, I present the following privileged resolution, which I send to the desk and ask to have considered at this time. The report is unanimous.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 419

Resolved, That Albert F. Swanson is not entitled to a seat in the House of Representatives in the Seventy-sixth Congress from the Ninth Congressional District of Iowa.

Resolved, That Vincent F. Harrington is entitled to a seat in the House of Representatives in the Seventy-sixth Congress from the Ninth Congressional District of Iowa.

The SPEAKER. The resolution will be referred to the House Calendar and ordered printed. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a report of the Sedgwick County, Kans., Medical Association on a plan for medical care.

The SPEAKER. Is there objection?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter received from the councilor of the Polish Embassy, to which is attached a copy of a letter addressed to the chairman of the Committee on Foreign Affairs relative to the present Polish relief situation.

The SPEAKER. Is there objection?

There was no objection.

Mr. LESINSKI. Also, Mr. Speaker, I ask unanimous consent to have placed in the RECORD a resolution of the Polish Army Veterans Association of America.

The SPEAKER. Is there objection?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I also ask unanimous consent to have placed in the Appendix of the RECORD a resolution regarding the condemnation and execution of the mayor of the city of Warsaw, Poland.

The SPEAKER. Is there objection?

There was no objection.

Mr. LESINSKI. Also, Mr. Speaker, I ask unanimous consent to have placed in the RECORD a letter written by the United Dairy Workers, signed by Kenneth L. Vardon, with two copies of letters, if the gentleman who has written them will consent to have them placed in the RECORD; that is, the gentleman from Michigan [Mr. HOFFMAN].

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I reserve the right to object, because I would like to see what the letters are.

Mr. LESINSKI. It is a letter written by the gentleman from Michigan to George McLean, recording secretary of the United Dairy Workers, and a reply to Mr. HOFFMAN by Kenneth L. Vardon.

Mr. HOFFMAN. Mr. Speaker, I wish the privilege of looking them over first, because I do not know what they are.

Mr. LESINSKI. Mr. Speaker, I withdraw that last request temporarily.

INTERNATIONAL TECHNICAL COMMITTEE, AERIAL LEGAL EXPERTS

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that Public Resolution No. 254, approved August 7, 1935 (49 Stat. 540), be amended by repealing section 2 of the resolution which terminates the provisions of the resolution as of June 30, 1941; so as to provide an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts and for participation in the meetings of the committee and the commissions established by that committee.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 8, 1940.*

AMERICAN YOUTH CONGRESS

Mr. MAY. Mr. Speaker, I present herewith a privileged resolution, House Resolution 402, together with a report thereon from the Committee on Military Affairs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 402

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the House of Representatives all such information as he may possess, or which may be available in the War Department and which will show, or tend to show—

(a) Whether at any time 3 days prior to or 3 days after the 10th day of February 1940 the War Department furnished lodging, transportation, or sustenance to any person who represented himself to be, or was represented by some other person to be, a member of the organization known as the American Youth Congress, or to any person who was in Washington in attendance at any of the meetings held by the American Youth Congress.

(b) If lodging, transportation, or sustenance was furnished to any such person or persons, the number of such persons to whom it was furnished, and a statement of what was furnished such persons.

(c) The name of the person or persons at whose request such lodging, transportation, or sustenance was furnished.

(d) Whether the War Department has been reimbursed for the cost of such lodging, transportation, or sustenance.

(e) To what account the cost of such lodging, transportation, or sustenance was charged.

(f) Under what authority or by virtue of what law such lodging, transportation, or sustenance was furnished.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the report of the committee on the resolution be also read.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Report to accompany House Resolution 402

The Committee on Military Affairs, to whom was referred House Resolution 402, requesting that information be furnished concerning accommodations furnished certain members of the American Youth Congress during the recent meeting held in Washington, D. C., having considered the same, submit the following report thereon, with the recommendation that it do not pass:

The action of the committee is based upon a letter from the Secretary of War of date of March 11, 1940. Other information on file in the rooms of the Committee on Military Affairs for examination by Members of Congress shows that the War Department was at no expense in connection therewith.

Attached hereto and made a part hereof is a letter from the War Department:

WAR DEPARTMENT,
Washington, March 11, 1940.

Hon. ANDREW J. MAY,
Chairman, Committee on Military Affairs,
House of Representatives, Washington, D. C.

DEAR MR. MAY: This is in response to your request, dated March 6, 1940, for information in connection with House Resolution No. 402, concerning accommodations furnished certain members of the American Youth Congress during the recent meetings held in Washington.

A careful search of the records of the War Department has resulted in failure to disclose any record of the receipt of any request from this organization. However, inquiry of the commanding officer at Fort Myer, Va., elicits the following:

It appears that on the night of Saturday, February 10, 1940, an appeal was made directly to Fort Myer from the White House that certain members of this youth organization be permitted to sleep there, no previous arrangements having been made for their housing. It was a cold, rainy night; War Department offices were closed; and in view of the emergency conditions, some 95 or 100 persons were permitted to occupy cots in the riding hall at Fort Myer, each cot being supplied with 2 blankets. The following night, Sunday, 6 were furnished similar accommodations in the local guardhouse.

The authorities at Fort Myer advised me that reimbursement has been made of all funds expended and that every item of Government property used has been properly accounted for to them. This being the case, no charge is outstanding against any account.

The action taken at Fort Myer was by virtue of the authority reposing in any military commander to relieve distress in cases of emergency.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

Mr. MAY. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. LESINSKI. Mr. Speaker, the gentleman from Michigan [Mr. HOFFMAN] stated to me that he has no objection to placing his letters in the Appendix of the RECORD. I therefore renew my request that I may place in the Appendix of the RECORD a letter written by the United Dairy Workers and two letters attached.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, I simply wish to state that I have no objection.

There was no objection.

DISTRICT OF COLUMBIA LEGISLATION

The SPEAKER. This is District of Columbia day. The Chair recognizes the acting chairman of the Committee on the District of Columbia, the gentleman from Indiana [Mr. SCHULTE].

COMMITTEE ON INAUGURAL CEREMONIES

Mr. SCHULTE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the joint resolution (H. J. Res. 465) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes, and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. RICH. Mr. Speaker, reserving the right to object, I know that will be perfectly satisfactory on this side to make preparation for that inauguration, because we will have a Republican as sure as the sun rises tomorrow morning. [Laughter and applause.]

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior, and such other officers of the District of Columbia and the United States as control any public lands in the District of Columbia, are hereby authorized to grant permits, under such restrictions as they may deem necessary, to the Committee on Inaugural Ceremonies to be appointed with the approval of the President-elect for the use of any reservations or other public spaces in the District of Columbia under their control on the occasion of the inauguration of the President-elect in January 1941: *Provided*, That in their opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes, on the occasion aforesaid, such streets, avenues, and sidewalks in said District of Columbia under their control as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public space, as aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the said supervision of the said inaugural committee, and no stand shall be built on the sidewalk, streets, parks, and public grounds of the District of Columbia, not including the area on the south side of Pennsylvania Avenue directly in front of the White House, except such as are approved by the inaugural committee, the building inspector of the District of Columbia, and the Secretary of the Interior: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall, after the inauguration, be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the appropriate agency of the Government for any damages of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That, if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical currents after January 24, 1941, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said District of Columbia on or before January 31, 1941: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, or such other officials as may have jurisdiction in the premises, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the

said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, etc., belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the loan of the said hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, etc., to said committee shall not take place prior to the 11th of January, and they shall be returned by the 25th day of January 1941: *Provided further*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as, in his judgment, may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia and the Secretary of the Interior be, and they are hereby, authorized to permit telegraph, telephone, and radio-broadcasting companies to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

Mr. SCHULTE. Mr. Speaker, I offer three amendments.

The Clerk read as follows:

Committee amendment: Page 1, line 3, after the word "That", strike out "the Secretary of the Interior" and insert in lieu thereof "the Administrator of the Federal Works Agency."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 19, after the word "and", strike out "Secretary of the Interior" and insert "Administrator of the Federal Works Agency."

Mr. KNUTSON. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, whoever prepared this resolution and report labored under a delusion, as witness this language:

To maintain public order and protect life and property in the District of Columbia from January 15 to January 26, both inclusive.

That phraseology——

Mr. SCHULTE. May I say to the gentleman that he has the wrong report.

Mr. KNUTSON. I am reading from House Joint Resolution 466.

Mr. SCHULTE. House Joint Resolution 465 is the resolution under consideration.

Mr. KNUTSON. Is this not for the inauguration?

Mr. SCHULTE. House Joint Resolution 465 is the resolution under consideration.

Mr. KNUTSON. Well, I will go on. Of course, if this were going to be a New Deal inauguration you would probably need $25,000 and more to maintain law and order and to protect life and property, but let me say to the distinguished chairman that this will be a Republican inauguration. [Applause.] We are not going to need a dollar to maintain law and order because the people are going to come here with hearts full of thankfulness because on that day we will strike the shackles of the New Deal from their hands and feet, and liberate them just like Abraham Lincoln liberated the colored man back in 1862. [Applause.]

Of course, I am for the resolution but I want to see the money spent in celebrating that great event, not in repressing a natural feeling of joy and exaltation over the end of 8 long and expensive years.

Mr. SCHULTE. Mr. Speaker, I will say that if the trend continues as it is, we will need more than the appropriation that is asked for, in view of the fact that everybody in the United States wants to come here to Washington to see President Roosevelt be inaugurated for a third term. [Applause.]

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 17, after the word "and", strike out "Secretary of the Interior" and insert in lieu thereof "Administrator of the Federal Works Agency."

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRESIDENTIAL INAUGURAL CEREMONIES, 1941

Mr. SCHULTE. Mr. Speaker, I call up the joint resolution (H. J. Res. 466) to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941, and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the resolution as follows:

Resolved, etc., That $25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from January 15 to January 26, 1941, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating streetcar loading platforms; for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths, during the period aforesaid, and other incidental expenses in the discretion of the Commissioners. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

SEC. 2. Such regulations and licenses shall be in force 1 week prior to said inauguration, during said inauguration, and 1 week subsequent therto, and shall be published in one or more of the daily newspapers published in the District of Columbia and in such other manner as the Commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until 5 days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine of not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING ACT TO REGULATE ADOPTION PROCEEDINGS IN THE DISTRICT OF COLUMBIA

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 7084) to amend the act entitled "An act to regulate proceedings in adoption in the District of Columbia," approved August 25, 1937, and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to regulate proceeding in adoption in the District of Columbia" be amended by adding thereto the following new sentence: "If the birth occurred outside of the District of Columbia, the clerk of the court shall, upon petition by the adopter, furnish him with a certified copy of the final decree of adoption."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAMSBURG LANE

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 8639) to change the name of a portion of Twenty-fourth Street NW. to Williamsburg Lane, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the name of that portion of the street in the District of Columbia now known as Twenty-fourth Street NW., which begins at Porter Street and extends one block in a northerly direction to Rock Creek Park, is hereby changed to Williamsburg Lane.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRESSIONAL AUTOMOBILE TAGS

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 7114) to amend paragraph (c) of section 6 of the District of Columbia Traffic Act, as amended by act approved February 27, 1931, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill:

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso of paragraph (c), section 6, of the District of Columbia Traffic Acts, as amended by the act approved February 27, 1931, be, and the same is hereby, further amended by adding thereto the following: "*Provided further*, That such congressional tags shall be valid only for the session of Congress in which such tags are so issued, and it shall be unlawful to display such congressional tags for a period longer than sixty days after the expiration of the session in which such congressional tags are issued.

"At the expiration of the said sixty-day period it shall be unlawful to display such tags and the Commissioners shall be authorized and empowered to order removal of any such tags from any motor vehicle so displayed.

"Any person violating this section shall be fined not more than $300 or imprisoned not more than 90 days, or both."

With the following committee amendments:

Page 1, line 8, strike out the words "session of."

Page 2, line 1, strike out the word "sixty" and insert the word "fifteen."

Page 2, line 1, strike out the word "expiration."

Page 2, line 2, before the word "of", insert the word "opening."

Page 2, lines 2 and 3, strike out the words "session in which such congressional tags are issued" and insert in lieu thereof "next Congress."

Page 2, line 4, strike out the words "sixty-day" and insert in lieu thereof "fifteen-day."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 8694) to amend an act of Congress entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

Mr. CELLER. Mr. Speaker, reserving the right to object, and I shall not, I want to compliment the Committee on the District of Columbia for reporting out this bill which will enable us in the Nation's Capital to see some very fine dramas we have been precluded from seeing because of present legislation which prevents children from acting in any place in the city of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 8470) to amend section 6 of the District of Columbia Alcoholic Beverage Control Act, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

Mr. SHAFER of Michigan. Mr. Speaker, reserving the right to object, and I shall not, I want the RECORD to show that this bill provides an appeal to the Alcoholic Beverage Control Board of those dealers refused a license. Is that true?

Mr. SCHULTE. That is correct. It provides for an appeal to the Commissioners.

Mr. SHAFER of Michigan. That is what I mean, an appeal to the Commissioners from the District Alcoholic Beverage Control Board.

Mr. SCHULTE. That is right.

Mr. SHAFER of Michigan. Is any plan under consideration whereby an appeal may be taken by those protesting the issuance of a license?

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. SHAFER of Michigan. I yield.

Mr. NICHOLS. I may say to my friend from Michigan that the matter was called to the attention of the committee this morning. It was pointed out that no provision had been made for an appeal by protestants to the issuance of licenses. It was the consensus of the committee's opinion that probably there might be some merit to the amendment, but since the bill was already on the calendar and since it would have necessitated the offering of an amendment from the floor, which amendment would be rather long, the committee felt that perhaps it would be better to pass the bill in its present form allowing the amendment to be put on in the Senate.

I will say to the gentleman that I know of no opposition in the committee to the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That section 6 of the act of Congress entitled "An act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia," approved January 24, 1934, be, and the same is hereby, amended to read as follows:

"SEC. 6. The right, power, and jurisdiction to issue, transfer, revoke, and suspend all licenses under this act shall be vested solely in the Board, and the action of the Board on any question of fact shall be final and conclusive; except that, in case an application for a license is denied to one who has previously held a license of the same class for the same premises as applied for in said application, or, in case a license is revoked, or is suspended by the Board, the applicant or licensee may, within 10 days after the order of denial, or the order of revocation, or the order of suspension is entered appeal in writing to the Commissioners to review said action of the Board, the hearings on said appeal to be submitted either orally or in writing at the discretion of the Commissioners, and the Commissioners shall not be required to take evidence, either oral, written, or documentary. The decision of the Commissioners on any question of fact involved in such appeal shall be final and conclusive. Pending such appeal from an order of revocation or suspension, the license shall stand suspended unless the Commissioners shall otherwise order.

"That the right and power be vested in the Board, for good cause shown, to issue permits for the sales of stocks of beverages located in the District of Columbia by individuals, corporations, or associations, partnerships, executors, administrators, being owners thereof, receivers or other representatives of a court, to persons licensed under this act.

"Said Board shall have such other authority and perform such other duties as the Commissioners may, by regulation, prescribe."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. In the event of the absence of the Speaker for the next 3 legislative days, the Chair designates the gentleman from Texas [Mr. RAYBURN] as the Speaker pro tempore.

EMPLOYMENT OF MINORS IN DISTRICT OF COLUMBIA

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 8694) to amend an act of Congress, entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928, and I move that the House

resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said bill. Pending that motion, I ask unanimous consent that debate may be limited to 1 hour, 30 minutes to be controlled by the gentleman from Illinois [Mr. DIRKSEN] and 30 minutes by me.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Obviously there is not a quorum present.

Mr. SCHULTE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Arnold	Douglas	Johnson, Lyndon	Sheridan
Barton	Drewry	Kerr	Simpson
Bates, Ky.	Evans	Lea	Smith, Ill.
Bates, Mass.	Fay	Lemke	Smith, Maine
Bell	Ferguson	McArdle	Starnes, Ala.
Bender	Ford, Leland M.	Maciejewski	Steagall
Boland	Fulmer	Magnuson	Stearns, N. H.
Bradley, Mich.	Gamble	Mansfield	Sullivan
Buckley, N. Y.	Garrett	Marshall	Sweeney
Burdick	Gehrmann	Martin, Ill.	Taylor
Burgin	Gibbs	Merritt	Vincent, Ky.
Byron	Grant, Ind.	Murdock, Ariz.	Vinson, Ga.
Casey, Mass.	Hall, Leonard W.	Myers	Wallgren
Clark	Halleck	Osmers	Ward
Clason	Hart	O'Toole	Weaver
Cluett	Harter, N. Y.	Patman	Wheat
Coffee, Wash.	Hendricks	Polk	Whelchel
Creal	Izac	Powers	White, Idaho
Crowther	Jarman	Risk	Williams, Del.
Darrow	Jarrett	Sabath	Youngdahl
DeRouen	Jeffries	Secrest	
Dies	Jenks, N. H.	Seger	

The SPEAKER. On the roll call 340 Members have answered to ther names. A quorum is present.

On motion of Mr. SCHULTE, further proceedings under the call were dispensed with.

EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA

The SPEAKER. Will the gentleman from Indiana repeat his unanimous consent with reference to the time of debate?

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that debate be limited to 1 hour, one-half to be controlled by the gentleman from Illinois [Mr. DIRKSEN], and one-half by me.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. SCHULTE].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8694, with Mr. CELLER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. SCHULTE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I feel I should take a few minutes at this time to explain the purposes of the pending legislation, as I believe there may be a misunderstanding among some of the Members as to just what it contains. Let me say at this time that this bill was reported out of the District of Columbia Committee 2 weeks ago by a unanimous vote of the membership present and may I say further, I am confident not one of those Members would think of voting for a measure which would be harmful to children or which would in any way break down the child laws now on the statute books.

The opposition to this bill will tell you that what a great many are trying to do is take children out of the homes and place them at hard labor, but this is not true. The only thing we are trying to do is allow these children to go on the stages and show their ability and they can only do this when they have received permission from the school authorities.

The purpose of the bill is to authorize the Board of Education of the District of Columbia to issue a work permit to any minor so that such minor may appear on the stage of a duly licensed theater in the District of Columbia in any professional traveling theatrical production or in a musical recital or concert providing the minor shall not appear after 11 p. m. nor more than 4 hours in 1 day. The Board of Education must see that the production is not offensive to public decency and that the parent or guardian has made provision for adequate educational instruction and for the safeguarding of the child's health and morals.

I might emphasize at this point that the bill states:

on the stage of a duly licensed theater in any professional traveling theatrical production or in a musical recital or concert.

It would in no way allow children to appear in night clubs, cabarets, or any other places which might be objectionable. Also, the bill requires a permit from the Board of Education before any minor can appear, and gives the Board the right to refuse such permit if, in its opinion, it would be harmful to the child to issue it.

We all know that there have been many splendid theatrical productions which required the appearance of a child in some scene or other. Just as an example I might mention The American Way, which ran for many months in New York last year, and which in my mind every American should see.

However, under existing law, this and many others could not be brought to Washington because of the minors who took part. As a result, the people of Washington who can afford it travel to Baltimore, New York, and other points to see these productions which they do not want to miss. I do not believe it is fair to our local theatergoers or theater owners to prohibit them from having these productions at home.

I hope the Members of this House will consider the bill on its merits and know that your committee has given it very careful consideration from every angle. We feel it should be passed.

I also might mention here that we have in our body a very distinguished colleague, a friend of practically everyone here, who grew up as a child in the theater, and, I might say, was raised in a trunk backstage. No one will deny the fact that he is a great success in life.

I refer to my good friend the gentleman from New York, SOL BLOOM. I know of no man in this House who has more genuine friends or is better thought of or more respected than our colleague. I am mighty proud to number him among my very intimate friends, and I hope it will last so long as one or the other of us are on this earth. There are several other Members who were in the theatrical business during their childhood, and certainly no one will deny that they have been a success in life. Some of the greatest actors we have on the stage and screen today were practically born on the stage, and, in the parlance of the stage, were raised in a trunk. Certainly no one will deny that they are a success. I hope this bill will pass.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to my good friend and distinguished colleague.

Mr. BLOOM. Is it not a fact that under this bill no child will appear after 11 o'clock?

Mr. SCHULTE. The gentleman is correct.

Mr. BLOOM. Furthermore, the manuscript of the play must be submitted with the application so the School Board may be shown what kind of a play it is in which the child will appear?

Mr. SCHULTE. That is right. It is similar to the situation that applies to the plays the children appear in today that are fostered by the teachers in the various schools and by various church organizations.

Mr. BLOOM. Without this legislation a child cannot appear either in concert as a pianist or violinist or on the radio or the stage?

Mr. SCHULTE. No; they cannot.

Mr. BLOOM. Under this bill must the children be 14 years of age?

Mr. SCHULTE. No; they may be of any age.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we have a very restrictive child-labor act in the District of Columbia. As a matter of fact, under existing law children under 18 who play professional concerts or recitals for gain cannot perform in the District of Columbia. This has been settled law, and it is rather rigidly enforced.

Some years ago the first effort was made to relax the restrictions and requirements of the existing act to make it possible for children to appear on the stage. I believe I fought shoulder to shoulder with some of the Members of the House at that time. We engaged in hefty rhetorical battle all afternoon, with the result that the bill was defeated. Now it is back here, and I find myself approaching this measure with rather mixed emotions.

I have a daughter 11 years old. I can imagine how much she would give and how far she would go to see Shirley Temple on the stage in person. But Shirley Temple cannot come to Washington, D. C., if she is under contract, because she is a performer for gain, and it would be a violation of the District Child Labor Act. I have wondered, therefore, at time, whether those whose names are household words in the theater profession might not by some device be brought around, because I think it has both cultural and informative value for the children of the country.

I did not share in the drawing of this bill but I do want to tell you how the matter was approached. Before child actors can perform there are certain requirements that must be met. They must make application to the school board or to an agency designated by the school board. The school board may require that a copy be submitted of the script that is to be used in connection with the performance or presentation of such child. I believe the "may require" is one of the weaknesses of the bill. The word "may" should be changed to the word "shall."

As I read this language, the school board can without cause deny the granting of a license or a permit to perform, and so there is reposed in a local body made up of local citizens certain rights of guardianship and stewardship. If there are any abuses, obviously it is to be expected that the Board would be responsive to the dictates and to the influences of the good mothers of the District of Columbia. I therefore regard that as something of a safeguard.

I do suggest, however, that on page 2, in line 12, the word "may" be changed to "shall" so that instead of letting it be permissive it is a mandatory requirement that the script must be submitted so that local citizens may take a look and see whether any abuses may be created.

Mr. SCHULTE. If the gentleman will yield, I may say there will be no objection to that amendment.

Mr. BLOOM. It was in the original bill.

Mr. DIRKSEN. Probably some opposition comes up on this bill because no hearings were held. The bill has been in the Committee on the District of Columbia for a long time. The committee reported it out. Unfortunately, I was not in the committee session at the time, because of attendance in the House Appropriations Committee.

A great many leaders of civic groups and other organizations appeared before the committee this morning and indicated or expressed the hope that the bill might be returned to the committee for hearings. Of course, the answer of those who are proposing the bill is that it will have hearings over on the Senate side starting, perhaps, this week. So you may take your choice—there is the situation, with a local agency designated to issue the permits, the requirement that the manuscript must be submitted and authority to issue or deny a permit without any cause whatsoever. So there is at least some safeguarding in the pending measure which we did not find in the bill that came to us several years ago.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. Does not this put Congress on record as favoring child labor? I have listened attentively to the speeches that both the gentlemen have made and I have not heard any positive argument why we should vote for this bill. The gentleman states that Shirley Temple might not come here and we might miss her. But Temple does not make personal appearances, I am told. The first gentleman said that men born and brought up on the stage have achieved success and have become Congressmen, but perhaps the men you mention might have become Presidents instead of Congressmen if they had not been forced as children to work in the theater. I see nothing positive in this bill that is going to benefit children.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself an additional 5 minutes and yield to the very distinguished gentleman from New York.

Mr. BLOOM. I would like to state that the wage and hour bill does not apply to stage or film children. So this has no effect upon that measure at all. The wage and hour bill specifically excludes them.

Mr. DIRKSEN. I must say to our charming colleague from Illinois, as I stated, this measure does not affect the existing restrictions in the District child-labor provision.

Miss SUMNER of Illinois. Will the gentleman permit me to say that this is a new subject to me, not having been informed until yesterday that such a bill was coming up. I am simply trying to bring to the attention of the House the fact that I have received numerous telephone calls from leading women in the District, women lawyers and welfare workers, who believe they should have the right to present their case because some of us, including myself, have not the experience, perhaps, that they have had.

Mr. DIRKSEN. I stated in the interest of absolute fairness that no hearings were held on this bill and that they preferred a request this morning to the committee that it be recommitted to the subcommittee for further hearings.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to my colleague from Indiana.

Mr. SCHULTE. There were hearings held on a bill identical to this measure in 1932, also in 1935, and the objections at that particular time are the same as those that are being offered today, and those particular groups represent themselves as self-appointed dictators in the District of Columbia and object to practically every piece of legislation that is presented to the Congress. They are professional objectors, I may say.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman, in my opinion, is one of the ablest legislators in this House——

Mr. DIRKSEN. I thank the gentleman.

Mr. MARCANTONIO. And I want his opinion on whether or not the section to have the Board of Education look over the script, supervise the morals, and supervise the working conditions of the child is really enforcable as a practical proposition, placing an additional duty on the Board of Education when the Board of Education has to do the job in every single case.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I asked the question of the gentleman from Illinois.

Mr. DIRKSEN. I shall yield and then I shall make an observation on that.

Mr. BLOOM. The gentleman may make his observation and then yield to me.

Mr. DIRKSEN. I will say that there has been probably some reluctance on the part of the Board of Education, although it has not been indicated to me officially, and they are not too anxious to take on the additional burden of examining scripts and examining, as a matter of fact, theaters and the surroundings, and so forth, for the purpose of qualifying such a place as one where a child may perform or may make a presentation.

I rather fancy that they are not anxious to have that additional responsibility, and whether or not it can be enforced depends on the number of applications and the amount of work that may be thrown on the Board. If there were a large number, I would say that it probably would give the Board some cause for real concern in administering the provisions of such a measure.

Mr. BLOOM. I am frank to say to the gentleman that it is practically the same as the laws throughout our country for handling these matters. If we had a mayor in the city of Washington, the mayor would designate somebody. In New York City it is the Children's Society.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Let me finish my statement. The mayor is the one who can permit such a thing in the city of New York. He has the right to say either yes or no. Practically most of the shows when they come to Washington do so after having been produced in New York City, and the people here know what kind of shows they are. The shows that come here are not shows that are fly-by-night shows, or that pass out of existence very easily. These are tried-out shows, and the mayors or the administrators in the different cities have the same jurisdiction over the matter, just as the School Board here does.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. MARCANTONIO. May I say that in the city of New York the mayor has consistently refused to sign permits, except in a very few cases. He has been turning them down, and the city of New York will not permit any child acting or exploitation of children by theatrical agencies, and now they are trying to get the other cities of this country to do what cannot be done in New York City.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. DIRKSEN. Mr. Chairman, I yield myself an additional 5 minutes. We have no mayor in the city of Washington. We have no administrative head other than the Board of Commissioners, and when the Child Labor Act was up some 8 or 10 years ago this responsibility was vested in the School Board, so that all other provisions in the Child Labor Act in the District of Columbia relating to the employment of newsboys, the employment of minors in certain permitted occupations are administered by the School Board today on the basis of hearing and permit.

Miss SUMNER of Illinois. And may I point out that this does not apply to itinerant productions, but affects all productions.

Mr. DIRKSEN. Very definitely.

Miss SUMNER of Illinois. And also may I say that it is not the enlightened policy in handling child problems today to submit them to politically appointed bodies. Such questions as this should be given over to welfare workers, as they are in such rural counties as those from which I come. It seems to me a very sad thing that Congress should turn such a question as this over to a politically appointed body.

Mr. DIRKSEN. If that refers to the appointment of the School Board, it occurs to me that, inasmuch as we entrust to them the laying of foundations for the future lives of children, and as they act as stewards in the care of the child, that responsibility is not misplaced in the District of Columbia.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. MASON. Having issued some thousands of these work certificates as an agent of a school board, I am curious to know how the School Board in Washington is selected or elected. How do they secure their positions on the School Board?

Mr. KENNEDY of Maryland. They are appointed by the judges.

Mr. DIRKSEN. That is correct.

Mr. MASON. Then it is an appointive office rather than an elective one.

Mr. DIRKSEN. Yes.

Mr. MASON. It seems to me that the question raised here by our colleague the gentlewoman from Illinois [Miss SUMNER] is a very pertinent one and that it indicates a certain danger.

Mr. DIRKSEN. Let me add to that the observation that there is no suffrage in the District of Columbia. Consequently you have no body, no common council, where that responsibility could be lodged in the hands of a group that is directly responsive to the citizens, so you must pick out an agency to administer it. It might be the School Board or the Board of Public Welfare, but they are following the precedent set in 1928 when the administration of the Child Labor Act in respect to permission to employ minors was first lodged in the School Board. Apparently, and insofar as my knowledge extends, the matter has been rather satisfactorily handled, so it is only natural that you make no departure from the established set-up, and if you are going to expand existing law, enforcement of the law should be lodged in the hands of the same agency.

Mr. MASON. I have no criticism upon where the authority is lodged, because in the State of Illinois it is lodged in the school boards all over the State by State law. That is not the point. The point is that you are placing upon that School Board this additional responsibility, which they have no feasible means and no qualifications particularly for investigating, and therefore there is great possibility of harm being done.

Mr. DIRKSEN. I cannot agree that they do not have facilities for investigating, because they have a personnel and they can designate its own group in the School Board to examine, for instance, a licensed theater and determine what the atmosphere might be and also examine a manuscript that would be submitted in connection with the performance, and I would say that they are qualified.

Mr. MASON. But you will have to admit that the School Board of the District of Columbia is limited for funds today and cannot run the schools as they would like to do it today, and this is placing more work and more expenditure upon them.

Mr. DIRKSEN. Oh, I will say to my friend that his logic goes off at a tangent at that point, because there would be no quarrel with the administrative body. That quarrel, of course, would be with the Congress for appropriating an inadequate sum in order to do the work.

[Here the gavel fell.]

Mr. DIRKSEN. I yield myself 5 additional minutes, Mr. Chairman.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. SCHAFER of Wisconsin. I gather from the debate so far that the School Board is opposed to this legislation. Is that a fact?

Mr. DIRKSEN. I cannot say that it is a fact that they are opposed to the legislation. I understand they have indicated their reluctance to take on this additional responsibility, but it has not been officially indicated to me.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MARCANTONIO. Would it not be proper to hold hearings to find out just how the School Board feels about it, because that is the body that administers this law.

Mr. DIRKSEN. I think everybody in this body will agree that I made it clear that there had been no hearings on this bill since 1935.

Mr. SCHAFER of Wisconsin. If that be so, as the gentleman has stated, and we charge the School Board with taking care of the welfare of our children, would not the proper procedure be to send this bill back to the committee to hold hearings and ask the School Board for a report for or against the legislation?

Mr. DIRKSEN. Let me answer the gentleman by indirection and say that because of absence from the committee on account of attendance at another committee at the time this

bill was reported, I do not accept that responsibility, to suggest that perhaps hearings must be held, but I must abide by the wisdom of the committee.

Mr. GEYER of California. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. GEYER of California. From what groups does the demand for this legislation come to exploit these young people and take them out of our schools?

Mr. DIRKSEN. That is difficult for me to answer, because this bill was introduced by the gentleman from West Virginia [Mr. RANDOLPH], chairman of the Committee on the District of Columbia. I cannot say that one group or another has sponsored the legislation or asked for it.

Mr. GEYER of California. Can the gentleman name some of the sponsors of it?

Mr. DIRKSEN. I am sorry that I must say I cannot name a single group that may have sponsored the legislation.

Mr. SCHULTE. Will the gentleman yield?

Mr. DIRKSEN. I will say to my good friend that this bill was introduced by the chairman of the Committee on the District of Columbia at the request of the Commissioners of the District of Columbia.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to my fine old friend, who was born in the same town in Illinois as myself.

Mr. BLOOM. There are only two "Pekin-ese" in the House. [Laughter.]

Mr. DIRKSEN. That is right.

Mr. BLOOM. I would like to say in answer to the gentleman that there are very few cases that will come up in the District of Columbia when it comes to dramatic performances. I will venture to say that 50 percent of the cases asking for permits will come from artists, pianists, soloists, and when it comes to finding out whether we should allow a pianist to play, there is no question about it. They simply engage Constitution Hall or some other large hall and give a concert or play with a symphony orchestra. There is no question about it. The number of plays that would come to Washington during a season, where children are employed, would not amount to over seven or eight, in my opinion. Let me answer the gentleman from New York [Mr. MARCANTONIO]. The applications must be made by the parent or guardian of the child.

Mr. DIRKSEN. That is true.

Mr. BLOOM. And not through any theatrical agency or any other agency who wants to promote a child. The application must come direct from the parent or guardian.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MARCANTONIO. That is it exactly. These agencies present beautiful pictures to the parents, and they have the parents make application down at the city hall, and then after the situation is explained to the parents and they realize what kind of exploitation these children are being placed under, many times the applications are withdrawn. Certainly the parents are just as much hornswoggled by these agencies as are the children.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. BLOOM. Will the gentleman yield further?

Mr. DIRKSEN. I yield to my friend.

Mr. BLOOM. I would like to answer the gentleman from New York [Mr. MARCANTONIO] with reference to the agencies. That does not apply here, because when a child comes to Washington he is coming here with a successful play. He is not coming here to be promoted. The play is already booked throughout the country. There is no promotion in this thing. It is already a successful play.

Mr. DIRKSEN. I would say, with respect to that observation, it does not prevent the presentation from starting in Washington and then moving elsewhere in the country before it becomes an accepted play with a long run.

Mr. MARCANTONIO. And this bill does not limit the performances to a play; it opens the door for all kinds of entertainment.

Mr. DIRKSEN. Yes; the language of the bill—and we ought to be exact and precise—is this:

> In any professional, traveling, theatrical production, or in a musical recital or concert.

I yield to my friend from Massachusetts.

Mr. GIFFORD. I take it from this bill that if you are 17 years old and have talent you must keep out of Washington to receive theatrical training. Is it possible that in a concert a 17-year-old musician could not take part for gain?

Mr. DIRKSEN. No, indeed. A minor cannot perform in the District of Columbia for gain. One of the things that has disturbed me a good deal about the restrictions of existing law is that a child prodigy, let us say phenomenal on the violin or the cello, could not play for gain in the District of Columbia. To make sure that I had read the statute correctly, I talked with the corporation counsel this morning in the District Committee. I wanted to be real sure that I had interpreted the statute correctly, and that is the answer he made.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Miss SUMNER of Illinois. It would be relatively easy if we recommitted this bill for the committee to bring out a bill that would cover child prodigies and still not include babes in arms that parents wish to hire out to the theater.

Mr. DIRKSEN. I would say to my distinguished colleague that that is a matter that reposes within the discretion and the bosom of the Committee of the Whole.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. GIFFORD. When you recommit it, suggest that they keep all children away from the theater if they are 17 or 18.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. DONDERO. I think the test here is whether or not the committee found any other body within the District of Columbia more suitable to administer this law than the Board of Education.

Mr. DIRKSEN. My own opinion, borne out by experience and familiarity with the operation, in some degree at least, of the Board of Education here is that they can be just as well entrusted with this responsibility as any other agency in the District.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VOORHIS of California. Would not this bill make the District of Columbia stand out as having much more lax provisions with regard to this than a great many States in the Union?

Mr. DIRKSEN. I admit that there probably are States that go infinitely further.

Mr. VOORHIS of California. And there are many that do not go nearly as far.

Mr. DIRKSEN. That is correct. One might argue very persuasively on either side.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MARCANTONIO. Is it not a fact that under existing law boys under 16 and girls under 18 are not permitted to appear after 7 p. m.?

Mr. DIRKSEN. That is right.

Mr. MARCANTONIO. And boys from 16 to 18 may not appear after 10 p. m. Is that correct?

Mr. DIRKSEN. The gentleman is correct.

Mr. MARCANTONIO. And children 14 years of age and over may appear on the stage in afternoon performances only.

Mr. DIRKSEN. In afternoon performances but not in evening performances; and the gentleman will notice that the limitation in this bill is 11 o'clock at night.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. FITZPATRICK. Under this bill a child of even 4 or 5 years of age could appear on the stage if a permit were granted.

Mr. DIRKSEN. Yes; there is no limitation there.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Certainly.

Mr. ALEXANDER. It seems to me the bill is a little ambiguous as to whether or not its provisions apply to radio performances.

Mr. DIRKSEN. The gentleman will notice that the locale is described as a licensed theater, and that it embraces any professional traveling performance or presentation, theatrical production, or any musical recital or concert. The gentleman's interpretation is probably as good as mine as to what might be embraced within the term "professional traveling theatrical production."

Mr. ALEXANDER. The meaning does not seem to be clear.

Mr. DIRKSEN. There is no interdiction on a radio performance that I can see.

Mr. ALEXANDER. I think the intent of the sponsors of this bill is to take care of some of the injustices that are being perpetrated under the child labor laws in the District. Is that the intent of the sponsors of this bill?

Mr. DIRKSEN. Over a period of years let me say it has been my privilege to have attended concerts in which some child star performed on the violin or piano and was actually under contract and receiving pay.

Now, it is a very superb performance, and sometimes I doubt the wisdom of withholding that from the public, thinking in terms of a child of my own.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. THOMAS F. FORD. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from California.

Mr. THOMAS F. FORD. My friend will not admit it, but I think what he is trying to do is get in behind the child-labor laws through the back door. The argument he makes about a child being permitted to work under contract is similar to the argument made on women's protective laws in industry. They said she was being denied her rights as an American citizen, and you are doing this to the children by this bill here.

Mr. DIRKSEN. May I answer the gentleman by saying I think he ought to modify his remarks when he said, "You are trying to get in behind the back door."

Mr. THOMAS F. FORD. I will modify it so far as the gentleman is concerned. I mean this bill.

Mr. DIRKSEN. I am not trying to get in the back door anywhere at any time on any act. I have tried to set the thing out as accurately and as fairly as I could so the members of the committee may be informed with reference to the issue before them. I am not completely sold on the bill. I think you may argue persuasively on both sides of the bill. All I am interested in at this time is to have the whole factual situation presented to the House.

Mr. PATRICK. Will the gentleman yield?

Mr. DIRKSEN. I yield to my good friend and debater from Birmingham.

Mr. PATRICK. I desire to ask just a short question, so help me. Will the gentleman from Illinois state who are the civic bodies, groups, and organizations in Washington that have promoted the bill and will he state the position they take in doing so?

Mr. DIRKSEN. I stated that a moment ago.

Mr. PATRICK. I missed it.

Mr. DIRKSEN. In response to a question asked by the gentleman from California [Mr. GEYER] I stated that I am not informed of a single organization that is sponsoring the bill. All I know is the bill was introduced by the chairman of the District Committee. I do know, however, that spokesmen for 18 organizations appeared this morning and requested that action be deferred until hearings could be held by the House committee.

Mr. BLOOM. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. BLOOM. Is the gentleman in favor of this bill the way it is written?

Mr. DIRKSEN. With one change in it, namely, a change from "may" to "shall" on page 2, line 12, I rather fancy I can support the bill.

Mr. BLOOM. The bill will be supported by the gentleman?

Mr. DIRKSEN. I want it clearly understood that I concede the argument on the other side, but I may go along with the bill.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman feels, however, that hearings should be held on this bill?

Mr. DIRKSEN. I may say that, as a general proposition, hearings ought to be held on all bills so that every angle and every aspect may be thoroughly explored.

Mr. RICH. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I notice from the committee report that, under the child-labor laws of the District of Columbia, no child under the age of 14 may be employed. In Pennsylvania it is 18 years of age. It was seen fit to protect child labor in both instances. Now, what is the purpose of this particular bill, insofar as permitting children to go on the stage, even though the department of education of the District may say a certain child is permitted to appear on a program for a short time? With the politics I have seen played since I have been in Washington——

Mr. DIRKSEN. They do not play politics here.

Mr. RICH. Certain people in the District could go out and influence the Board of Education to give permission to a particular child because the father or mother might want to get all the money they could out of that particular child because it is able to do something on the radio to entertain the people.

If the child-labor law is good for the District of Columbia in keeping them out under 14 years of age, and if it is good in my State, and keeps them out under 18 years of age, does not the gentleman think we should wait awhile until we have hearings on the bill and find out whether there are not going to be some people opposed to opening the doors again? We have closed them once. Now, why open them up again?

[Here the gavel fell.]

Mr. SCHULTE. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DIRKSEN. Mr. Chairman, I must apologize for trespassing on the patience of the House, but here are the mechanics of the thing. Let us assume they wanted to bring Shirley Temple to Washington. The parent or guardian must first go to the Board of Education and there make a written application for a permit. If the Board desires and so requires, a script must be submitted, then the Board or agency designated by the Board can either grant or withhold the permit. If it is granted, then within the limitations cited in this bill, namely, a maximum of 28 hours a week, and at no time beyond 11 o'clock at night, the child can perform. That is the long and short of it.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Illinois.

Mr. MASON. That is the long and short of it as far as importing Shirley Temple or someone else in the theater is concerned, but that is not the long and short of it as far as taking a local child out of the local school system and giving him a permit to work for hire in the evenings in the theaters of Washington is concerned.

Mr. DIRKSEN. The gentleman is definitely correct.

Mr. MASON. That is the point about it entirely.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. MARCANTONIO. The Board of Education is the body that will administer this bill?

Mr. DIRKSEN. Correct.

Mr. MARCANTONIO. We are going to vote on this bill without knowing the views of the Board of Education, which will administer this bill. Where does the Board of Education stand on this bill? Does the Board of Education want these additional duties? Is anybody ready to answer these questions?

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Indiana.

Mr. SCHULTE. Will the gentleman from New York vote for the bill if the Board of Education say they would administer it?

Mr. MARCANTONIO. That does not make any difference. My opposition to this bill is basic, because this bill will permit a further exploitation of children, who should be in school, by chiselers up in the city of New York who have been running a racket on these children. They cannot get away with it in New York City, and now they are trying to put it over in other towns. This bill opens the door to flagrant evasion of the child-labor law in the District of Columbia.

I am also opposed to the bill because the administering body under this bill has not told this Congress and has not been given an opportunity to tell this Congress whether it wants this duty or not, and how it feels about this bill. How can we vote on the bill without knowing whether the administrative body under the bill is for the bill or against it, or is ready to undertake the duties, whether it can administer it, and what its views are?

Mr. DONDERO. If the gentleman will yield, does this House ever ask an administrative body whether or not it wants to administer the duties under a new bill?

Mr. DIRKSEN. I am afraid we have not in the past.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from California.

Mr. GEYER of California. Here we are passing a rather special brand of legislation and are doing it without hearings. Can the gentleman inform me whether or not there are on this committee any men who are specialists in the field of education?

Mr. DIRKSEN. I would have to comb the list in my mind and then seek to estimate their respective backgrounds. Offhand, I doubt very much that I can tell the gentleman whether there are any experts or specialists in pedagogy on the committee.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Alabama.

Mr. PATRICK. Does not every Member of Congress join in saying that every single Member elected by the people of his district is selected as a man who is expert on the subject of education?

Mr. DIRKSEN. Definitely, when one becomes a Member of this body there is compounded in him all the wizardry that is extant on every subject under the sun.

Mr. MARCANTONIO. Does not the gentleman feel we ought to find out what the Board of Education can do under this bill? Should not we have their views?

Mr. DIRKSEN. Inasmuch as there were no hearings, obviously there could not be officially before the committee the opinion of the school board with respect to certain administrative features. Whether they want to administer it, or whether they see difficulties there, certainly it is not officially before the committee.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I should like to point out that it is not just a question of what the school board thinks, it is a question of welfare policy and whether this is for the good of the health of children in general, not some exceptional child like the one that has been mentioned. I should also like to remind the Members that the general policy of all people who do welfare work with children is against extension of child labor.

Mr. DIRKSEN. May I remind my genial colleague that the question is more important than that, it is a question of what the Congress thinks, not the school board.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In view of the fact that no hearings have been held on this bill, would it not be in the interest of the children of the District of Columbia to send the bill back to the committee for hearings and a report, and not waste any more time considering it on the floor today? We could then take up the Schulte milk bill and break up the milk monopoly in the District of Columbia which is robbing the people of the District of Columbia and charging 14 cents a quart for milk which the children of the District of Columbia need.

Mr. DIRKSEN. I would say to my good colleague from Wisconsin that he ought to submit his question to the Chair at the proper time in the proceedings.

I have taken enough time now. I hope, however, that the issue is squarely before the Committee. [Applause.]

[Here the gavel fell.]

Mr. SCHULTE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, may I say to the members of the committee that there have been very exhaustive hearings on these bills for years. I hold in my hand a record of the hearings which were held in the Seventieth Congress, which went into this subject most exhaustively. This bill and bills in prior Congresses were the result of the deliberations of President Hoover's White House Conference on Child Health and Protection. These bills have had the unanimous support of dignitaries of the Catholic Church of the District of Columbia, as well as those of the Hebrew faith, and among other supporters have been the Central Labor Union of the District of Columbia, the Stagehands' Union, the Musicians' Protective Union, the Rev. James Shera Montgomery, of the Methodist Church, now chaplain of this House, who was himself a child actor; the Washington Board of Trade, the Merchants and Manufacturers' Association of the District of Columbia, the chamber of commerce, the Mid-City Citizens' Association, the Northeast Citizens' Association, and last but not least, the most important of all as far as thespians are concerned, the Actors' Equity Association, which has a very heavy stake in a bill of this character.

Washington is deprived of seeing many good plays. Producers are concerned because they cannot produce here at the Nation's Capital plays where one, or more, of the thespians are children.

The drama is supposed to hold the mirror up to nature. It is indeed a poor reflection if children are omitted. The stage presents human problems. Human problems require the presence of children.

The New York stage would become moribund if it had restrictions that now obtain in the District of Columbia.

It is true that in New York the law puts a limitation upon the discretionary power of the authorities. It would have been better if the bill before us contained a limitation as to the age of the child actors, below which the Board of Education of the District could not exercise discretionary power and grant a permit to the child actor.

The instant bill allows entire discretion to reside in the Board of Education of the District, regardless of age. The parent or guardian of the minor simply requests the Board to permit the child to act, regardless of its age.

A suitable amendment could be offered even today to correct this situation. The bill does not involve any break-down of general child-labor restrictions. It is not a case of permitting children in factories or sweatshops.

Time was when there were upward of three theaters for the legitimate drama in Washington. There is only one today. The movies made tremendous inroads into the legitimate drama. Strange to relate, the movies permit child actors. There are Shirley Temple, Jane Withers, Deanna Durbin, and formerly Jackie Coogan.

Put the drama upon a parity with the movies as far as child actors are concerned. That is all this bill does.

Helen Hayes, who was a famous child actress and now is one of our foremost character actresses on the American stage, has said this about child actors:

From my own observation I can truly say that the stage child is as well, and in many cases better, safeguarded in the way of health, education, and morals than the children of well-to-do homes. I have always felt that in a very large measure I owe my position on the stage today to the experience and training that I gained as a child actress. It is grossly unfair that the theater, already staggering under so many handicaps, should suffer a further hardship by the exclusion in certain towns and States of plays requiring a child in the cast.

The Actors' Equity Association furnishes a partial list of famous personages who were child actors—that is, Helen Hayes, Ina Claire, Ruth Chatterton, Mary Eaton, Kate Smith, Edith Taliaferro, Mabel Taliaferro, Ernest Truex, Joseph Santley, Fred Santley, Effie Elisler, Ann Thomas, Della Fox, Minnie Maddern Fiske, little Corinne Lotta, Viola Dana, Mary Pickford, William H. Crane, Anna Laughlin, Maude Adams, William Jefferson, Wallace Eddinger, Frank Craven, Willie Howard, George Jessel, Harry Mestayer, Phoebe Foster, Mary Miles Minter, Queenie Smith, Elsie Leslie, Millie James, Florence Bindley, Lila Lee, Georgie Price, George M. Cohan.

There is a play in New York called Life With Father, a most estimable play. It is a so-called Broadway hit at the Empire Theater. It could not be brought to the District of Columbia because it has four or five child actors therein. Under the present situation obtaining in the District of Columbia you could not produce King John, of Shakespeare; you could not produce Richard III; you could not produce plays like Peter Pan, Mrs. Wiggs of the Cabbage Patch, or Pollyanna, because all of them have child—important child parts. Only after Herculean efforts were they able to produce Green Pastures a few years ago.

I remember in my earlier days seeing Minnie Maddern Fiske in some very estimable productions. She was a child actress, and had she not been a child actress you never would have seen her in such superb performances as Tess of the D'Urbervilles or Becky Sharp. Under present conditions you cannot produce here Booth Tarkington's Penrod, which must have child actors. You could not produce Mark Twain's Tom Sawyer; you could not produce Peter Pan; you could not produce Dear Brutus; you could not produce Porgy or Alias Jimmie Valentine, Rebecca of Sunnybrook Farm, Peter Ibbetson, Roar China, Alice Sit By the Fire, Blue Bird, Littlest Rebel, Good Little Devil—all would be tabu. David Warfield could not revive his great productions The Return of Peter Grimm or The Grand Army Man.

Just think of the anomalous situation! Most sections of the country can see these glorious plays with child actors and actresses, but the Nation's Capital, the hub of the Nation, must be deprived of such treasured pleasure and education. I think it is nothing less than utter ridiculousness that keeps us in such a situation. Cut loose these restrictions that shackle Washington; that make of the District a laughingstock of the Nation.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Miss SUMNER of Illinois. Before the gentleman breaks our hearts, may I remind him that Shakespeare's plays for years and years were produced without women, and one of the greatest child actors in America was Mary Pickford.

Mr. CELLER. Well, there were no restrictions against male child actors even in the old days. However that may be, Mary Pickford could not work in Washington in the old days when she was a child prodigy.

Miss SUMNER of Illinois. She was over 18 years of age when she was appearing in those plays.

Mr. CELLER. The statement has been made that men and women can play the child parts. Let me answer that. Youth might play old age, but age cannot play youth. Only children can play child parts. Otherwise all illusion of the stage is destroyed.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. GEYER of California. I wish the gentleman would point out that the RECORD from which he has been reading there is yellow with age. It is at least 12 years old.

Mr. CELLER. Oh, no, indeed; I have given you productions that were not taken from this RECORD. I speak of my own knowledge as being interested in and a student of the current American drama. I see plays frequently in New York. I have seen them and studied them for years. I have given you the benefit of my own experience.

Mr. GEYER of California. The gentleman misunderstands me. I am speaking of the endorsements he has given for this bill.

Mr. CELLER. I am informed that the endorsements that were given for the bill in that Congress are from the same organizations that are endorsing this bill.

Mr. GEYER of California. Without hearings.

Mr. CELLER. You have had hearings and sufficient hearings. The hearings I read from were held in 1932.

Mr. GEYER of California. Eight years ago.

Mr. CELLER. The principle does not change, even in 8 years. Pass this bill and let us have the plays with child actors like Booth Tarkington's Penrod, Mark Twain's Tom Sawyer, Barrie's Dear Brutus and Peter Pan.

I herewith set forth two wires received:

NEW YORK, N. Y., *March 8, 1940.*

Hon. EMANUEL CELLER,
House of Representatives:

Urgently request your support of H. R. 6991, amending District of Columbia child-labor law. This law needs amending for the benefit of producers presenting plays in Washington. Frequently we have been obliged to change casts or even cancel bookings because of it. Just now we would book William Saroyan's new play, Love's Old Sweet Song, there but cannot because of restrictions applying to children in the company.

THEATRE GUILD, INC.

NEW YORK, N. Y., *March 7, 1940.*

Hon. EMANUEL CELLER,
House of Representatives.

DEAR CONGRESSMAN: Although we may differ regarding the ticket code, may we bespeak your support of bill H. R. 6991, which will alleviate the rather onerous conditions regarding stage children in Washington?

Regards.

JAMES F. REILLY,
Executive Secretary, The League of New York Theatres, Inc.

Mr. SCHULTE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I claim to be one of the original child-labor advocates. When I came to Congress in 1922 that was one of my campaign issues, but I have learned to my sorrow that the 18-years-of-age limitation is a little too much to suit most people to apply to a so-called child-labor amendment. The amendment was proposed in my own district and in my own State and overwhelmingly defeated because these restrictions applied to so-called children up to 18 years of age.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. SECCOMBE. Can the gentleman tell me, as a matter of record, how many States have a law of this kind?

Mr. GIFFORD. I cannot. I have felt that I was one of those people who were supposed to legislate for the Federal city of Washington. I hope to continue. We have had a real hearing today. We are supposed to tell the School Board what to do. We do not necessarily ask them. I have grandchildren that I wish to send to the movies occasionally. I cannot send them. There are so few suitable pictures for them. I wish there were a few more Shirley Temples and other children doing things in pictures. I want to protect child labor as much as anybody, I think, but I have learned that at 16 to 18, these days, they are children no more. They seem to know more than we do. They go places now that we do not. [Laughter.] If we should carry this out to its logical conclusion we should restrict, in a multitude of ways, the places where children between 16 and 18 should go. But times have changed. He took the 17-year-old young lady home. It was after 12 o'clock and he said to her, "What will your Mama say, keeping you out so late?" "Oh," she

said, "we might as well sit down here and wait until Mama comes home." [Laughter.]

The situation has changed greatly. When I read this bill and found that in the realm of music even, that is, in a concert attraction, in this city, a young person 17 years of age, and almost 18, would not be permitted to perform for pay, I was very much surprised. My feeling is that the bill is surrounded by sufficient safeguards. I have made up my mind that I must be reasonable inasmuch as I was so unreasonable 18 years ago. We killed the child-labor bill, because we insisted on 18 years of age, which was not really child labor. That is why it has not been ratified. I am congratulating myself that I am a little more reasonable in my demands and enthusiasm. [Applause.]

Mr. SCHULTE. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, I understand that someone in a few moments will move to recommit this bill to the committee for further consideration. I hope that that will not be done. Insofar as hearings on this bill are concerned, this bill had lengthy hearings in 1933 and in 1932. The bill has been discussed both in public and executive session by your Committee on the District of Columbia. This is not an involved question, one that would require long hearings. Only one question is involved. Will children be permitted to appear on stage or in other productions in the District of Columbia for pay? That is the only question involved. Hearings can only say, on the one hand, we believe that they should, and, on the other hand, we believe that they should not. A very interesting thing was related to the committee the other day at what I thought was more or less of a hearing. Many of the good ladies of the District of Columbia were heard to protest the passage of the bill, and I am sure that they were conscientious and sincere. After they had finished, the local director of the National Broadcasting Co., WJSV, pointed out to the committee a very interesting case. There is a girl in Virginia who has very remarkable talent. There is a sponsor for her to sing over WJSV at a salary of $25 a week. She was to be permitted to sing, and her schedule was so arranged that she could do it outside of school hours. They found they could not let her do that because of the law that now exists in the District of Columbia, but he pointed out that that girl or a girl of that same age, under the child-labor law in the District of Columbia, could be permitted to work in a 5-and-10 store in the District of Columbia to stand on her feet for 8 hours a day, for six or seven or eight or nine dollars a week. I ask the Members of this House to hold up the hands of this committee. I have been on the committee 6 years. We members of the committee are hard-working people, whether you believe it or not, and we are conscientious, and no one can justly be heard to say that people are denied hearings before this committee. Every Monday morning, including this Monday morning, that committee sits, and citizens of the District of Columbia come before it, and I have yet to see the first one denied the right to be heard on any subject they want to talk about.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. FITZPATRICK. Take the girl to whom the gentleman referred who was not permitted to sing. Could she get a permit in the District of Columbia to work during the hours the gentleman stated?

Mr. NICHOLS. Oh, yes.

Mr. FITZPATRICK. The same girl?

Mr. NICHOLS. It was so stated by the witness, that under the law in the District of Columbia she could. Here is the safeguard in this bill. No child can appear on the stage or in any production in the District of Columbia if this bill passes, unless that child first gets permission of whom? The School Board of the District of Columbia, who are the specialists on youth, made up of men who devote their lives presumably to the protection of youth, and no child can appear until that body, under this law, in each particular, individual case gives its sanction. Is that an ample safeguard? I say that it is, if your School Board is good, and if the School Board is not good, then get one that is qualified to pass on whether or not children should be permitted to earn that kind of salary.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SCHULTE. Mr. Chairman, I yield myself 2 minutes. This matter has been referred to here repeatedly, as a matter pertaining to labor. The artists who are appearing on the stage, screen, and radio throughout the United States say themselves that they are not laborers in the sense that we think of labor, but they are artists in every degree. What we are trying to do here, so that my good friend, the lady from Illinois [Miss SUMNER], will not get all excited about it, is this. If this was strictly a labor bill, a matter of protecting little children, who are put to work, such as on farms or in households, I would say to my friend that I would stand up and fight to the last ditch to stop it.

Every mother and father through the United States who have children want to see that child or children a success in life, and thousands upon thousands of parents prefer the stage, screen, or radio. Why, right today, thousands of families are sending their children to dancing schools; they are sending them to vocal schools so that they may prepare themselves to display their talents. This is not labor. This is a pleasure enjoyed by the children. They are all proud of the fact that they can sing or dance, play a violin or a piano. So I want to correct the erroneous impression that is going around that a great many of us want to take children and actually place them at hard work. We do not want to do that. I had the pleasure of being in the show business and I know how happy those children are on the stage. There is not a child in America that is getting a better education today than the children in pictures and the children on the stage. They enjoy every minute of their work. Every minute of it is a pleasure to them, working and marking time so that they may go on and display that talent to the plaudits of the people.

Now, it is not labor in any sense. I again make the statement that if it was labor to work these children 1 minute, in the sense that the lady from Illinois spoke of, I would oppose it with every ounce of energy at my command.

[Here the gavel fell.]

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928, be, and the same is hereby, amended by adding after section 7 a new section to read as follows:

"SEC. 7a. Notwithstanding the provisions of this act, the Board of Education of the District of Columbia, or a duly authorized agent thereof, is authorized to issue a work permit to any minor under 18 years of age, said permit authorizing and permitting the appearance of such minor on the stage of a duly licensed theater within the District of Columbia in any professional traveling theatrical production or in a musical recital or concert: *Provided*, That such minor shall not appear on said stage after the hour of 11 o'clock in the evening of any day, nor more than 4 fours in 1 day, nor more than 28 hours in 1 week. Application for such permit shall be made by the parent or guardian of such minor to the Board of Education of the District of Columbia, or a duly authorized agent thereof, and, before considering such application, the Board, or its duly authorized agent, may require that it or such agent shall be furnished a copy of the manuscript of such theatrical production or a program of such musical recital or concert. The Board or its agent may issue a permit when satisfied that such theatrical production, musical recital, or concert is not offensive to public decency and that the parent or guardian of such minor has made provision for adequate educational instruction of such minor and for the safeguarding of the health and morals of such minor."

Mr. SCHULTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Page 2, line 12, after the word "agent", strike out the word "may" and insert "shall."

The amendment was agreed to.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word.

I rise at this time, Mr. Chairman, to point out one or two features with respect to this bill that somehow or other have been overlooked.

The first thing we should bear in mind is that irrespective of the age of the child, and that means all the way below 14 years of age, the child may work on the stage 4 hours a day and 7 days a week. There is no denial of that.

Second, despite the hearings which the gentleman from New York [Mr. CELLER] mentioned and which incidentally took place in 1932, this bill—practically the same identical bill—was overwhelmingly defeated by this House in 1935.

The third point which I want to mention and which I could not make clear in the form of asking questions, is this: I do not contend that we must ask whether the Board of Education is in favor of this bill or not. That is not my contention at all. If this Congress thinks this bill is good, irrespective of what the Board of Education may feel, we should pass the bill. But my point is this: We provide in the bill that the Board of Education will issue these permits. The Board is going to read the scripts. The Board will supervise the working conditions. I think it is only reasonable for us to have the representatives of the Board of Education before us and inquire of them whether or not they can carry on this work; whether it is feasible and practical for them to carry on this work. Here we are being asked to vote on this bill despite the fact that there is no evidence before Congress to the effect that the Board of Education has been questioned as to the feasibility and as to the practicability of administering the various functions that this bill confers on the Board of Education.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. SCHAFER of Wisconsin. Is it not a fact that under the provisions of this bill a young minor might be able to obtain a permit to appear on the Gayety burlesque stage in the District of Columbia?

Mr. MARCANTONIO. Is it a licensed theater?

Mr. SCHAFER of Wisconsin. It is.

Mr. MARCANTONIO. If the Board of Education thinks that the script is not offensive and all of the other requirements of the bill are fulfilled, he may.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Miss SUMNER of Illinois. Does not the gentleman know that the work of acting is more nerve-racking and more injurious to the health of children than exercise ever can be?

Mr. MARCANTONIO. I am coming to that. I am very certain and confident that if you had before this Committee the leading educators of this country on this subject of child acting, you will find that the overwhelming opinion of the leading educators of all faiths and denominations, public schools and private schools, is opposed to having children work commercially on the stage except in very rare instances.

The mayor of the city of New York has refused consistently, except where there is a case of a child genius on the violin or something like that, to grant this permission.

Now, let us analyze the arguments for this bill. They say to you that you are depriving the people of Washington of seeing Shirley Temple, although she could appear in the afternoon performance under existing law. They say we are depriving the city of Washington of seeing certain plays where child actors are required. If you want to provide that the people of the city of Washington can see geniuses, say so in your bill. Set up a board. Set up some kind of an organization that will make that permissible. But what are you doing? For the sake of one or two or three people, or one or two or three shows, you are opening the door wide open to what? To what is one of the most pernicious rackets in existence. I am glad to expose it on this occasion. It is this: The chiseling agencies go into the poor communities of the city of New York, and they encourage many of those children who they think have talent that can be exploited, some who jig, some who sing, and they go to the father and mother and they sign them up with a contract, and then ship these kids out; because they cannot exploit them in New York, they ship them out to towns where it is permissible.

They are subjecting these children to nerve-racking strain, children who should be in school, who should be at home, who should grow up as normal boys and girls. They are sent out under abnormal conditions. Let me add further that the parents get very very few dollars in return. The child's health is impaired, the child's nerves become unstrung. Who profits? The chiseling gang that is behind the movement; they profit. Now, if you want to open the door to this kind of practice in Washington, then support the bill. [Applause.]

The Clerk concluded the reading of the bill.

Mr. SCHULTE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. RAYBURN, having resumed the chair, Mr. CELLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 8694) to amend an act of Congress entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928, directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. SCHULTE. Mr. Speaker, I move the previous question on the bill and the amendments to final passage.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BOLLES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOLLES. I am.

The SPEAKER pro tempore. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOLLES moves to recommit the bill H. R. 8694 to the Committee on the District of Columbia.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 83, noes 53.

Mr. SCHULTE. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. Obviously there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 186, nays 135, not voting 108, as follows:

[Roll No. 42]

YEAS—186

Allen, Ill.	Clevenger	Ford, Thomas F.	Hope
Allen, La.	Cluett	Fries	Horton
Andersen, H. Carl	Coffee, Wash.	Gartner	Hull
Anderson, Calif.	Colmer	Gerlach	Izac
Andresen, A. H.	Connery	Geyer, Calif.	Jeffries
Andrews	Corbett	Gilchrist	Jenkins, Ohio
Angell	Crawford	Gillie	Jennings
Arends	Crosser	Gore	Jensen
Austin	Crowther	Graham	Johns
Beam	Culkin	Griffith	Johnson, Ill.
Blackney	Curtis	Gross	Johnson, Ind.
Boehne	D'Alesandro	Guyer, Kans.	Johnson, LutherA.
Bolles	Dempsey	Gwynne	Johnson, W. Va.
Bolton	Dingell	Hall, Edwin A.	Jones, Ohio
Brewster	Ditter	Hancock	Jones, Tex.
Brooks	Dunn	Harness	Jonkman
Brown, Ohio	Dworshak	Havenner	Kean
Bryson	Eaton	Hawks	Keller
Byrns, Tenn.	Elliott	Healey	Kelly
Carlson	Elston	Hess	Kinzer
Carter	Englebright	Hill	Kirwan
Case, S. Dak.	Fenton	Hinshaw	Kleberg
Chiperfield	Fish	Hoffman	Kocialkowski
Church	Fitzpatrick	Holmes	Kunkel
Clason	Flannagan	Hook	Lambertson

Landis	Michener	Robsion, Ky.	Taber
Larrabee	Miller	Rockefeller	Talle
Leavy	Mills, La.	Rodgers, Pa.	Tenerowicz
LeCompte	Monkiewicz	Rogers, Mass.	Thill
Lemke	Mundt	Routzohn	Thomas, N. J.
Lesinski	Murdock, Utah	Rutherford	Thorkelson
Lewis, Ohio	Murray	Ryan	Tibbott
Luce	Nelson	Schafer, Wis.	Tolan
Ludlow	O'Brien	Schiffler	Treadway
McDowell	O'Connor	Seccombe	Van Zandt
McGregor	O'Day	Shanley	Voorhis, Calif.
McKeough	Oliver	Shannon	Vorys, Ohio
McLean	Pearson	Short	Walter
McLeod	Pittenger	Smith, Conn.	Welch
McMillan, Clara G.	Plumley	Smith, Ill.	White, Ohio
Magnuson	Rabaut	Smith, Maine	Wigglesworth
Mahon	Reece, Tenn.	Smith, Wash.	Winter
Maloney	Reed, Ill.	Springer	Wolfenden, Pa.
Marcantonio	Reed, N. Y.	Stefan	Wolverton, N. J.
Martin, Iowa	Rees, Kans.	Sumner, Ill.	Woodruff, Mich.
Martin, Mass.	Rich	Sumners, Tex.	
Mason	Richards	Sutphin	

NAYS—135

Alexander	Delaney	Kitchens	Robertson
Anderson, Mo.	Dirksen	Knutson	Robinson, Utah
Ball	Disney	Kramer	Rogers, Okla.
Barnes	Dondero	Lanham	Romjue
Beckworth	Doughton	Lea	Sandager
Bland	Doxey	Lewis, Colo.	Sasscer
Bloom	Drewry	McCormack	Satterfield
Boren	Duncan	McGehee	Schaefer, Ill.
Brown, Ga.	Durham	McLaughlin	Schuetz
Buck	Eberharter	McMillan, John L.	Schulte
Buckler, Minn.	Ellis	Massingale	Schwert
Burch	Faddis	May	Scrugham
Byrne, N. Y.	Flaherty	Mills, Ark.	Shafer, Mich.
Caldwell	Flannery	Mitchell	Smith, Ohio
Camp	Folger	Monroney	Snyder
Cannon, Fla.	Ford, Miss.	Moser	South
Cannon, Mo.	Gathings	Mott	Sparkman
Cartwright	Gearhart	Murdock, Ariz.	Spence
Celler	Gifford	Nichols	Terry
Chapman	Gossett	Norrell	Thomas, Tex.
Claypool	Grant, Ala.	Norton	Thomason
Cochran	Green	O'Neal	Vinson, Ga.
Coffee, Nebr.	Gregory	Pace	Vreeland
Cole, Md.	Harrington	Parsons	Wadsworth
Cole, N. Y.	Harter, Ohio	Patman	Ward
Collins	Hennings	Patrick	Warren
Cooper	Hobbs	Patton	Weaver
Costello	Hunter	Peterson, Fla.	West
Courtney	Jarman	Peterson, Ga.	White, Idaho
Cox	Johnson, Okla.	Pierce	Whittington
Cravens	Kefauver	Poage	Williams, Mo.
Crowe	Kennedy, Md.	Ramspeck	Woodrum, Va.
Darden	Kilburn	Rankin	Zimmerman
Davis	Kilday	Rayburn	

NOT VOTING—108

Allen, Pa.	Dies	Jenks, N. H.	Risk
Arnold	Douglas	Johnson, Lyndon	Sabath
Barden	Edelstein	Kee	Sacks
Barry	Edmiston	Keefe	Secrest
Barton	Engel	Kennedy, Martin	Seger
Bates, Ky.	Evans	Kennedy, Michael	Sheppard
Bates, Mass.	Fay	Keogh	Sheridan
Bell	Ferguson	Kerr	Simpson
Bender	Fernandez	Lynch	Smith, Va.
Boland	Ford, Leland M.	McAndrews	Smith, W. Va.
Boykin	Fulmer	McArdle	Somers, N. Y.
Bradley, Mich.	Gamble	McGranery	Starnes, Ala.
Bradley, Pa.	Garrett	Maas	Steagall
Buckley, N. Y.	Gavagan	Maciejewski	Stearns, N. H.
Bulwinkle	Gehrmann	Mansfield	Sullivan
Burdick	Gibbs	Marshall	Sweeney
Burgin	Grant, Ind.	Martin, Ill.	Tarver
Byron	Hall, Leonard W.	Merritt	Taylor
Casey, Mass.	Halleck	Mouton	Tinkham
Clark	Hare	Myers	Vincent, Ky.
Cooley	Hart	O'Leary	Wallgren
Creal	Harter, N. Y.	Osmers	Wheat
Cullen	Hartley	O'Toole	Whelchel
Cummings	Hendricks	Pfeifer	Williams, Del.
Darrow	Houston	Polk	Wolcott
DeRouen	Jacobsen	Powers	Wood
Dickstein	Jarrett	Randolph	Youngdahl

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Cullen with Mr. Darrow.
Mr. McAndrews with Mr. Barton.
Mr. Smith of Virginia with Mr. Douglas.
Mr. Starnes of Alabama with Mr. Youngdahl.
Mr. Cooley with Mr. Osmers.
Mr. Lyndon B. Johnson with Mr. Marshall.
Mr. Hendricks with Mr. Keefe.
Mr. Hare with Mr. Jarrett.
Mr. Gibbs with Mr. Wolcott.
Mr. Fulmer with Mr. Engel.
Mr. Steagall with Mr. Leonard W. Hall.
Mr. Tarver with Mr. Seger.
Mr. Mansfield with Mr. Harter of New York.
Mr. Mouton with Mr. Bender.
Mr. Ferguson with Mr. Tinkham.
Mr. Dies with Mr. Halleck.
Mr. Bulwinkle with Mr. Powers.
Mr. Boland with Mr. Stearns of New Hampshire.
Mr. Pfeifer with Mr. Gamble.
Mr. Cummings with Mr. Wheat.
Mr. Gavagan with Mr. Smith of West Virginia.
Mr. Whelchel with Mr. Williams of Delaware.
Mr. Vincent of Kentucky with Mr. Hartley.
Mr. Randolph with Mr. Risk.
Mr. Sullivan with Mr. Simpson.
Mr. Fernandez with Mr. Maas.
Mr. Martin J. Kennedy with Mr. Jenks of New Hampshire.
Mr. Garrett with Mr. Grant of Indiana.
Mr. Keogh with Mr. Bates of Massachusetts.
Mr. Kerr with Mr. Leland M. Ford.
Mr. Creal with Mr. Burdick.
Mr. Clark with Mr. Gehrmann.
Mr. Boykin with Mr. Bradley of Michigan.
Mr. O'Toole with Mr. Casey of Massachusetts.
Mr. Wood with Mr. O'Leary.
Mr. Allen of Pennsylvania with Mr. Somers of New York.
Mr. Lynch with Mr. Kee.
Mr. Wallgren with Mr. Edmiston.
Mr. Dickstein with Mr. Sheridan.
Mr. Polk with Mr. DeRouen.
Mr. Burgin with Mr. Sheppard.
Mr. Taylor with Mr. Merritt.
Mr. Myers with Mr. Byron.
Mr. Fay with Mr. McArdle.
Mr. Barden with Mr. Secrest.
Mr. Sabath with Mr. Hart.
Mr. Edelstein with Mr. Sweeney.
Mr. Houston with Mr. Evans.
Mr. Barry with Mr. Sacks.
Mr. Bates of Kentucky with Mr. Maciejewski.
Mr. Bell with Mr. Michael J. Kennedy.
Mr. Buckley of New York with Mr. Bradley of Pennsylvania.

Mr. DUNN changed his vote from "present" to "yea."

Mr. MCDOWELL changed his vote from "nay" to "yea."

Mr. DOUGHTON changed his vote from "yea" to "nay."

Mr. ALLEN of Louisiana changed his vote from "nay" to "yea."

The doors were opened.

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the RECORD a resolution of the Pomono Grange of Tioga County, Pa.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. MOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made by my colleague, the gentleman from New Hampshire [Mr. JENKS] before the Textile Square Club of New York, on March 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. MOTT]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of business on the Speaker's table and at the conclusion of the legislative business in order for the day and any special orders previously entered, I may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. MITCHELL]?

There was no objection.

EXTENSION OF REMARKS

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from a Boston newspaper.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey [Mrs. NORTON]?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief article from the Poultry Tribune.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. COFFEE]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain correspondence with reference to the information I sought to gather by resolution, which was acted on this morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. CHIPERFIELD asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein two articles, one appearing in the Washington Post and the other appearing in the New York Times.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut [Mr. SHANLEY]?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ELLIOTT] is recognized for 30 minutes.

Mr. ELLIOTT. Mr. Speaker, there has been much controversy and publicity on the migrant situation. I wish to speak on this subject at this time and to set forth facts and data showing how this migration is affecting not only the country as a whole but particularly the State of California and my district, the Tenth Congressional District. I dwell especially on California because that State receives a great portion of the migrant population.

About a year ago the California delegation met in regard to the migration of people to California and after we had studied the problem some, a letter was drafted and sent to President Roosevelt suggesting that migrant camps be built, but in other places than California. At that time I protested against any more migrant camps in California.

But due to the fact I was chairman of that committee, I signed the letter which was sent to the President. As each day passes, the situation is becoming more acute and distressing. It has come to such a point because the remedies used in aiding these migrants have been toward relieving the immediate needs of indigents, thereby placing an additional burden in the way of relief, hospitals, school facilities, employment, and housing on the citizens of States who receive the migrants. It is conceded that interstate migration is not confined to just one or two States in the Union; therefore the problem carries a more serious outlook, for, if it affected only a small community or one State, the problem could be solved, but, insomuch as it has a national aspect, it deserves consideration and attention upon that basis.

The problem not only affects those States receiving the migrants but also those who contribute the migrants, for, if the ratio of evacuation continues at the high figure it now is, soon there will be States whose population will be practically extinct, and therefore result in other States having a capacity population, and being unable to supply sufficient employment, housing, hospital, and school facilities. The Farm Security Administration has been providing housing facilities by way of migratory-labor camps. I grant that the intentions of the Farm Security Administration have been humanitarian and sincere; however, these migratory-labor camps in the State of California are now established to such an extent that, as the years pass by, each town and city in California will have an accompanying migratory camp. Therefore you see that this situation cannot go on and on indefinitely. Even at this time the residents and citizens of these receiving States are aroused and belligerent to some extent, for the burden of taxation is becoming exorbitant.

If the Farm Security Administration continues its policy of placing upon relief all those who cross the border to California, and thus aid them in establishing a residence, it is difficult to see how the State can maintain itself through the years to come. The migratory-labor camp serves only as a temporary lodging place, and during the past years, at the termination of 1 year, those migrants have been thrown upon the taxpayers of the county and State; but, 2 weeks ago, the California Legislature passed an act whereby the period of time has been raised to 3 years instead of 1 year, and, therefore, the migrants will have to be taken care of by the Federal Government for an additional 2 years. The construction of migratory-labor camps serves as an invitation for more migrants to come to California, and are a clearing house for additional relief upon the community.

I have been speaking in generalities, but now let me place before you figures that will bear up my statements—cold, exacting figures, which do not lie.

However, before making any comparisons, I wish to explain that, in using the various scales of payment of the States I shall mention, I assure you that no offense is intended, as the figures are merely stated as comparative. I have always had the utmost respect and admiration for the Members representing those States and the people they represent.

I shall use in my comparison of figures the States of Texas, Arkansas, Oklahoma, and Missouri, as compared with California and the average of the United States. I want each and every one of the Members from those States to know that I am doing this only to show the trend and explain why people have drifted to California.

Since 1930 it is estimated that California's population has increased 1,500,000. Most of this increase has taken place in the last 5 years. The exact population increases are as follows:

Kern County, in the Tenth Congressional District, 70 percent since 1930 and 48 percent since 1935.

Madera County, in the Ninth Congressional District, 52 percent, all since 1935, and 35 percent between 1936 and 1938.

Tulare County, in the Tenth Congressional District, 54 percent since 1930 and 46 percent since 1935.

Kings County, in the Ninth Congressional District, 44 percent since 1930 and 35 percent since 1935.

Fresno County, in the Ninth Congressional District, 26 percent, practically all in the last 2 or 3 years.

Causes for continued heavy migration are given as follows:

Unemployment; displacement of farm operators, tenants, and workers by machinery; inadequate local relief; ill health; and increased moving due to automobiles.

Where do they come from? The Farm Security Relief rolls in 1938 showed the origin of the migrants as follows:

Oklahoma contributed 42 percent, Texas 16 percent, Arkansas 11 percent, and Missouri 7 percent. Between 75 and 80 percent of the migrants come to California from these four States.

SCHOOLS

In Tulare County alone, the total elementary school enrollment has increased on an average of 1,100 to 1,200 each year for the past 4 years. This increase would not result in a serious problem if it were spread throughout the schools of the State. However, the fact is that the migrants are concentrated in labor camps in a few sections, and the schools in those sections receive the brunt of the increased enrollment through the migrant influx.

There is a migratory-labor camp near Visalia, Calif., in the so-called Union School District. This district has a taxable valuation of $1,051,825, and the school tax per $100 has increased from 79 cents in 1935 to $1.12 in 1939. In addition, it was necessary for the county Board of Education to supply $27,560 from the unapportioned fund. This has been appropriated during the past 2 years, and if the amount had been raised by taxation over a 2-year period, it would have meant an additional rate of $1.40 per year. Other school districts affected by the influx of migrants are as follows:

Farmersville—valuation, $376,135; school tax in 1935, 68 cents; in 1939, $1.11.

Woodville—valuation, $707,160; school tax 54 cents in 1935; and in 1939, school tax, $2.22.

Pleasant View district—valuation, $796,400; school tax in 1935, 61 cents; in 1939, school tax, $1.

Similar conditions exist in other counties in California, and, I ask you, Is it any wonder that the taxpayers in those districts are greatly opposed to the construction of migrant camps and the concentration of migrants?

In Tulare County, during the past 5 years, there has been considerable construction to meet the need placed upon the schools by the influx of migrants. Eight entirely new

school plants have been constructed; two of these are attended by migrants' children only.

The county and district tax levies for schools have increased in the past 5 years, as follows:

	Percent
Kings County	282
Tulare County	270
Kern County	186
Madera County	144
Fresno County	134

The average daily attendance in schools has increased as much as 100 to 150 percent in this period, one district showing an increase of 300 percent.

HEALTH EXPENSES, ALSO CORRECTION AND CHARITIES INCREASED

In 5 years, health and sanitation expenses have increased:

	Percent
In Kern County	97
In Kings County	77
In Madera County	66
In Fresno County	37
In Tulare County	30

SOCIAL-WELFARE COST OF OPERATION

The social-welfare cost of operation has also increased, and during the past 3 years this is proven by the following figures:

	Percent
Tulare County	85
Kings County	102
Kern County	159
Madera County	155
Fresno County	66

RELIEF, CASE LOADS, AID TO CHILDREN

Now, let us ccmpare the case load of relief, as between Oklahoma, Arkansas, and United States average, and California. Compiled by Government and State agencies:

Oklahoma has been paying $3.50 per case load per month; Arkansas averaging $4.68; United States average, $23.45; and California, $31.10, or six to nine times that of Oklahoma and Arkansas.

For old-age relief, Arkansas pays $5.96 per month per case. Oklahcma pays $17.61 per month per case. United States average is $19.36. California pays $32.45 per month per case.

However, since January 1, California is paying an additional $5 per month.

Right here may I pause to ask if this does not show that the United States should have uniform aged-relief payments? No matter whether you live in Florida, Oklahoma, Ohio, or in California, every aged person throughout the United States should receive the same just amount of money.

For aid to children, Arkansas pays $8.09 per month per family; Oklahoma pays $12.08 per month per family; United States average is $31.35; California pays $42.23 per month per family for aid to children.

For aid to the blind, Oklahoma pays $14.86 per month, while California pays $48.06 per month.

WAGE-SCALE COMPARISONS

Since it has been stated that the majority of migrants in California went there with the purpose of seeking employment, let us consider and compare the wage scales of Arkansas, Texas, Oklahoma, the United States average, and California.

In Arkansas farm laborers, per day, without board, are paid $1.05; in Texas the farm laborer is paid $1.30 per day; Oklahoma pays its farm laborers $1.55; and the United States average for farm laborers is given to be $1.59; but the State of California pays its laborers $2.80 per day.

But, regardless of the amount paid to farm laborers by any State, it is unfortunate that these people must migrate 1,500 miles or more to seek employment. Self-preservation is the first thought in every man's mind, and therefore we cannot condemn the action of these people.

Nevertheless, by their migration to the laboring and farming centers of California, they have brought hardships, not only upon themselves but also upon the local resident workers, for the migrants have the willingness to work for lower prices, and thereby throw local residents on relief.

On September 19, 1938, the California State Federation of Labor, in regular convention, adopted a resolution petitioning all agencies of the Federal Government to provide adequate and immediate relief for these unfortunate people in their own home communities, and further resolved that the Federal Government aid and encourage these idle thousands to return to their respective States, and that they be given proper aid and assistance by the Government. The State Federation of Labor wrote in their resolution as follows:

The Farm Security Administration is soliciting and encouraging hundreds of indigent families to migrate to our State for the purpose of eking out an existence in our agricultural districts; and

This same Farm Security Administration extends immediate relief to these thousands of families under the supposition that there will be work available for them in the agricultural districts.

The State Federation of Labor's resolution also reads:

These refugees have been and are unable to secure sufficient employment in the farming belt, and are now raiding the craft industry to work for any wage and under any condition the employer may impose, and thereby destroying the wage structures of our organized workers by taking the jobs of thousands of men and women of the State Federation of Labor.

QUESTION OF LARGE FARMS AND FRUIT RANCHES

There has been much misinformation about big business controlling the agricultural lands of California. The figures in that connection are enlightening. There are 1,864 apricot orchards in California; 1,345 of them are 10 acres or under, and includes 46 percent of the entire apricot area.

Three hundred and seventy-seven orchards from 10 to 20 acres make 26 percent of the whole; 114 orchards are from 20 to 40 acres, or 15 percent of the whole. This list accounts for 90 percent of the total acreage devoted to the growing of apricots.

Those figures that have to do with small farms will, of course, attract attention. Twenty-two percent of the ground tilled by farmers is made up of 10-acre lots, 17 percent from 10 to 20 acres, 25 percent from 20 to 50 acres, 11 percent from 100 to 175 acres, 3 percent from 175 to 260 acres, and 4 percent from 260 to 500 acres, which makes about 92 percent of all the land devoted to farming in the State of California, leaving less than 7 percent in the hands of big business.

MIGRANT CAMPS IN CALIFORNIA

The Tenth Congressional District of California has at the present time three migratory camps, and with the building of the proposed camp near Woodville, Calif., will make a total of four migratory camps in my congressional district.

Other congressional district in California having migratory camps are as follows:

	Camps
Twentieth Congressional District	1
Ninth Congressional District	2
First Congressional District	2
Nineteenth Congressional District	1
Third Congressional District	2
Second Congressional District	1

This makes a total of 12 migratory camps in the State of California.

I have received from individuals and organizations many letters and resolutions protesting the establishment of additional migratory-labor camps.

Such resolutions have been received from the Tulare County Board of Supervisors; Lemon Cove Chamber of Commerce; Tulare Center Farm Bureau; Visalia Chamber of Commerce; Orosi Farm Bureau; Exeter Kiwanis Club; Porterville Farm Bureau; Exeter Chamber of Commerce; Tulare Grange, No. 198; Exeter Lions Club; Tipton Lions Club; the American Legion, Department of California; the American Legion Posts of Tulare, Kings, and Mono Counties; Alta Post, American Legion, Dinuba; Pomona Grange, No. 5; Parent-Teachers' Association, Porterville.

I will not read any of the resolutions at this time, but I will ask the Clerk to read the resolution received from the American Legion, whose administration includes parts of three congressional districts.

At this point I ask unanimous consent to have the Clerk read the following letter.

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

THE AMERICAN LEGION,
DEPARTMENT OF CALIFORNIA,
Tulare, Calif., February 27, 1940.

Hon. ALFRED J. ELLIOTT,
Member of Congress,
Washington, D. C.

DEAR ALFRED: In accordance with instructions of the delegates to the fifteenth district of the American Legion, Department of California, in a meeting held in Tulare, Calif., February 25, 1940, below is a resolution approved by the delegates. The fifteenth district of the American Legion consists of the legion posts in Tulare, Kings, and Mono Counties.

"Whereas the Farm Security Administration of the Federal Government have built a number of camps for migratory workers in the southern San Joaquin Valley; and

"Whereas there is now in existence more than sufficient housing for all the migratory labor needed in agriculture in the counties of Kern and Tulare and there is a large concentration of surplus labor that cannot be used by agriculture or industry, has been maintained here at public expense, and is a constant menace to the well-being of our communities: Therefore, be it

"*Resolved*, That we, the fifteenth district of American Legion, Department of California, at meeting assembled at Tulare, February 25, 1940, protest the building of further camp or housing facilities for labor by the Federal Government, and we request the Farm Security Administration to advise those seeking employment throughout the Nation that there are no opportunities for them to secure work in agriculture or industry in California. That they spend what money they have available to rehabilitate those unfortunate people in communities where their distress has originated. That they return these thousands of idle people to a place where they can find opportunity for work. We call upon the California delegation in the Congress of the United States to urge these views upon the Federal Government and that copies of this resolution be forwarded to the Administrator of the Farm Security Administration, Washington, D. C., and the Administrator of Farm Security Administration for the State of California, and to the Members of the House of Representatives and the Senators of the United States from the State of California."

Your consideration of this resolution will be appreciated.

F. C. SCHUREMAN,
Fifteenth District Adjutant, American Legion, Department of California.

Mr. ELLIOTT. Mr. Speaker, the question is simply one of whether or not the Federal Government should expand and increase the migrant camps, and thus invite new migrants to a State already unfairly burdened with indigents it cannot usefully employ.

Certainly the Federal Government should not offer further inducements for more to come.

I reaffirm my stand made in 1937 on the policy that the Government should rehabilitate these indigents into their home States, starting immediately reclamation and land-conservation programs.

Where the people of one's district or one's home county appeal to the Federal Government that no more migrant camps be built there, and by showing definitely that the tax burden is too great for the people at home to carry, and the Federal Government refuses to cooperate with them in taking that tremendous load off their shoulders, I am wondering what Members of Congress would think of such a situation. I wonder how many of you realize the seriousness of this problem in the congressional districts which are so affected. I want to be fair, but I think it is time that the Members of Congress start operating some of these agencies of Government themselves, and not leave it to one person appointed under an administrative measure. I will read at this time from a letter of Colonel Harrington, dated Washington, D. C., March 15, 1939, addressed to President Roosevelt. He suggested legislation which should provide for Nation-wide planning, that might take the form of authorized action along the following lines:

(a) The resettlement of migrants who are now in California and other destination States, and who can become self-supporting there.

(b) The return of those migrants who are willing to resume residence in their State of origin and giving assistance in establishing them there.

(c) The resettlement of other migrants in those areas where employment suited to their ability is most likely to be found.

I, myself, feel that we will have to care for these people undoubtedly as we are at the present time, but why not work out a program such as we work in the State of California. Let us provide something for these people to do in their respective States.

If their soil no longer serves to produce a crop, let us put those people back in their respective States, provide them with a home there, and reclaim the soil to the point where they will produce crops again. Then we will be doing two things at once instead of spending funds and not accomplishing anything.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. KITCHENS. I suppose the gentleman saw in the paper a few days ago where some 20,000 of these migrants were scattered up and down along the Atlantic coast. Does the gentleman realize that this situation will become more and more serious; these migrants will continue to seek out the places where there are no discriminations? You know that under our present system of freight rates Oklahoma, Texas, and Arkansas have the highest freight rates of any section of the United States, which requires the people there to pay higher freight rates, requires the workingmen to pay higher rates for the things they consume and produce, and they do not manufacture one single thing down there that they wear or one single thing that they have in their homes. Then we are prevented from having any industry down there because in the first place we are discriminated against by these discriminatory freight rates, and we are required to pay the same minimum wage as is paid in the highly industrialized cities. Therefore it is reasonable to believe, and we know that these people are going to seek the higher prices that are paid in the North and the East and in California. They will go away from these discriminatory freight rates. They will get away from these discriminations and go to sections of this country where they are not discriminated against. I say to you that the people who have gone from Oklahoma, Arkansas, and Texas to California are pure-blooded Americans, and they are seeking to better themselves and to avoid the discriminations that this Congress has imposed upon them or permitted to be imposed upon them, and that the Federal Government, the Secretary of Agriculture, cannot replace those people down there and enable many of them to make a living or to sustain themselves on the American standard of living.

Mr. ELLIOTT. That is quite true.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. ALEXANDER. I think the statement of the gentleman from Arkansas [Mr. KITCHENS] is quite true, but I think he should include in his statement the exorbitant and unjust freight rates of the Northwest section, including Minnesota, the Dakotas, and Nebraska, because I do not believe the freight rates in Arkansas are any more unjust or any higher or any more out of line than are ours. Does the gentleman have a freight rate of more than 15 cents per bushel on wheat for a distance of 400 miles?

Mr. KITCHENS. We have the highest freight rate in the Southwestern zones in the United States. That is, Arkansas, East Texas, and Oklahoma.

Mr. ALEXANDER. Will the gentleman yield further?

Mr. ELLIOTT. I yield.

Mr. ALEXANDER. I think this is a vital subject, and a point that is well worthy of the consideration of this House.

[Here the gavel fell.]

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that the gentleman be allowed 5 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Will the gentleman yield further?

Mr. ELLIOTT. I yield.

Mr. ALEXANDER. You cannot expect anything else than that these people from these inland sections, these land-locked sections, will go to the coast where living conditions are lower, freight rates are lower, under this rule that we have

operated under, imposed by the Interstate Commerce Commission for so many years.

Mr. ELLIOTT. I thank the gentleman.

Mr. ANDERSON of California. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. ANDERSON of California. The gentleman has given an excellent description of the most serious situation confronting the State of California today. The gentleman represents an agricultural district, and I understand is a farmer himself. I wonder if he agrees with the statement made in New York City the other night by Carey McWilliams, California commissioner of immigration and housing, in a radio address over Town Hall of the Air, when he said as follows:

Grapes of Wrath—

Speaking of the book written by John Steinbeck—

which, incidentally, is an accurate account of the living conditions of migratory labor in California.

I want to ask the gentleman if he agrees that that book is an accurate description of the living conditions that confront migratory labor in California in general? We will admit that there are exceptions where these people are placed under extremely ill-housed conditions, but is that a true picture of the general situation as it exists in California today?

Mr. ELLIOTT. It is not; and I will say further to my colleague from California: I perhaps know the San Joaquin Valley, my congressional district, as well as any man who lives in California. I know more about it than the man who wrote the book, Grapes of Wrath. I think that is the most damnable book that ever was permitted to be printed and put out for the public to read.

Statements are made in that book that women and children should never read. I could take any Member of this House of Representatives to places here in Washington that are just as much a disgrace with regard to living conditions as any spot in the Tenth Congressional District or the State of California. I can take you across the street from the Senate Office Building and I can show you large families living in brick structures with just one door and a small window. I will admit that people do live in tents in California in the harvest season; but, my God, they certainly have got fresh air, and that is more than I can say for some of these slums I have seen in the District of Columbia and various other places in the eastern cities.

Why pick out a State and start dumping them there, as in California, when the figures I gave the House of Representatives show what the American people in that State are doing for these helpless ones? I feel sorry for these people, just as sorry as anybody in the United States. I have some employed at the present time, paying them $3 a day; and I am happy to do so. I do not believe there is a problem confronting the American people today so great as the one about which I am now talking. We spend hours debating little bills, yet here we are confronted with the great problem of finding a place for these people to live and of providing them with jobs and thereby saving the waste of Federal funds. I maintain that building Federal migrant camps is not solving the problem at all. You provide a place for them to live temporarily but do you provide anything for them to do? They are there in such great numbers that there are 7 people for every job. To put 1,500 or 1,600 people in a camp without giving them some means of earning a living is no real help at all.

Mr. NORRELL. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. NORRELL. The gentleman has made a very fine statement. Personally I know that the people who have gone out to his State from Arkansas have been well cared for. In addition to what has been said with regard to the cause of the migration, does the gentleman not believe that another factor has been the Federal policy of old-age assistance whereby the National Government pays into a State an amount of money equal only to what the State itself pays out in old-age pensions, that this causes people to migrate from States which have no pension system, or a small one, to those which pay greater pensions?

Mr. ELLIOTT. I thank the gentleman very much for his contribution. Let me say further along that line that I believe that before this Congress adjourns, it should approve uniform pensions for the aged people of the United States regardless of where they live, with a policy under which they would receive the same amount of pension; those people would not migrate from States which pay $7 or $8 a month pension to a State like California, where they receive $40. This is no longer a local matter, no longer a State matter, it is national in character and must be dealt with as such.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. ANDERSON of California. I know the gentleman agrees with me in the statement that California has done everything possible to meet this situation, but we must have national help or the State of California is going to go bankrupt. Is that correct?

Mr. ELLIOTT. The gentleman's statement is correct.

Mr. Speaker, we have heard statements made that the farmers of California are against these migrating people. I do not agree with these statements at all. The farmers in my State, particularly in my district with which I am so familiar, go out of their way to assist these needy people. Many of the migrants reach California sick and in ill health. The interest of the people of California is amply demonstrated by the fact that counties have increased their hospital staffs, and built new buildings. Tubercular sanitariums have been increased to several times their original size. Why? To care for these people who have come to the State. Who is paying the bill? The taxpayers of California.

Instead of running around trying to find or stir up a quarrel between laborers in agricultural areas and the farmers we should do everything in our power to unite those groups, because one depends upon the other, employer and employee are mutually dependent regardless of the business, whether it be farming or industry. Cooperation is the keystone.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. O'CONNOR. I believe that another factor causing people to migrate into the gentleman's State is the fact that many of the farmers have been droughted out in what is known as the Great Plains area. When they are droughted out they go into the States of Washington, Oregon, and California looking for a place to live. We find many economy-minded Members of the House voting against reclamation appropriations whereas, as a matter of fact, if we provided that money, which is always paid back into the Treasury, we could keep those people on the farms in the Great Plains States and save California, Washington, and Oregon much of the trouble they now have as a result of our not building up the land and water resources in the Great Plains area. Am I not correct?

Mr. ELLIOTT. The gentleman is entirely correct. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a recent article by Hubert Kay on the accomplishments of our distinguished minority leader, the gentleman from Massachusetts [Mr. MARTIN].

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to place in the RECORD at this point a letter addressed to a newspaper in my district concerning this problem.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

The matter referred to follows:

[From the Antelope Valley Ledger-Gazette, Lancaster, Calif.]

"OKIE" GIRL HITS "GRAPES OF WRATH"; FINDS CALIFORNIA FAIR

(Editor's note: The following letter is printed through the permission of the Tulare Times, to which it was written as an unsolicited refutation of accusations hurled in such books as Grapes

of Wrath against the people of California for their treatment of migrants. It was written by a young mother from Oklahoma, orphaned at an early age, who arrived in California less than a year ago. This letter, since its first publication last week, has been widely quoted and has brought much attention.)

DEAR TULARE TIMES: I have just finished reading a story about "migrant horde." It sure did make me mad the way people run down California. Lies—dirty mean lies * * * and this letter is not from a Californian but an Oklahoman.

I don't believe the things I read in that story because people are not as mean in California like the stories that you read and hear about; and, believe me, I am not writing this just for fun, or that I don't know what I am talking about, because I am not one of those girls that had an easy life. My mother died when I was born and I had to work hard for my living and I liked it. I did not find people mean to me. The world treated me O. K.

DEAR CALIFORNIA: I think it's a dirty shame the way these migrant stories are printed so the world can read them. I came to California nearly a year ago and I am not one bit sorry. California treats me swell.

My husband had a friend here in California who wrote us a letter to come to California and he would help him get work—so we came to California.

Back in Oklahoma my husband worked hard for $30 a month. We had to walk a mile for water that was fit to drink and burned a stinking oil lamp at night. Yes; and go hungry sometimes. Here in California we got a job, $60 a month, just driving tractor; lights in the house, water right in the kitchen, and all the good tested cow's milk we want.

It makes me tired to hear people around me whining what they were used to back home. I could write a story about what they were used to back home. They make me feel ashamed how they abuse this State. I am not blind. I see plenty.

If they would stop whining, "Taint fair; it ain't fair," they would see for themselves the hard work it took to make this county around Tulare and all around what it is today.

I have seen the bosses work hard all day and all night while the hired man had a good night's sleep. And it's not "Good morning, boss," he hears but, "Taint fair." "Back home it was like this, or like that." Why don't they go back home to what they were used to. Oh, yeah, I could tell a few of them what they were used to. Some people want a lot for nothing.

I've seen people who loved to be on relief and I have heard this saying many times, "Let's go to California and get on relief." I've heard them planning what to say and hide, so the relief wouldn't be wise. Back home, I've seen stock die because people were too busy talking about California relief to care for them.

I saw a poor cow die having a calf one day. I asked the man, "Why don't you help that poor cow. I know a little help will save her." He just looked up at me and said, "Oh, it's too much trouble. We are planning to go to California. I hear relief is pretty good there." And so that man and his family came to California.

That's what's wrong, too many on relief. It gives them too much time to sit around and breed trouble. And it gives them too much time to have more babies for California relief to keep.

It's a funny thing, we could always find work. I guess it's because we wanted it. Please forgive me if I talk too plain for some people, but it's the truth and the truth hurts, and I am in the mood right now to write it.

It's a funny thing that some people are not satisfied no matter where they live. I've seen them come back to Oklahoma for a visit from California, driving a beautiful car and bragging what they made since leaving Oklahoma. I notice they don't stay back home, and when they get back to California it's, "Taint fair."

When we arrived in California, the pal, an Okie that is not a pal any more, was driving a beautiful new car and living in filth and nearly starving to death. They had to sit on old boxes to eat what they had, just because they were trying to be a big shot on the outside. Yes; and those folks were on relief one time. They tried to get my husband to get on relief. "Tell them this, and tell them that. Put a hard-luck story to them. You got to act to put it over on them." That's the way the Oakies talk about California, who have all they can do to look after their own.

Well, California, here is one Okie that's for you, and, believe me, I mean every word of it.

I notice the Oklahoma people don't help one another here. The pal that wrote us to come to California treated us so mean that one morning I left his place. I sat under a tree nearly a day, waiting for my husband to come back from looking for work.

Across the road lived some of my own people from Oklahoma. They did not ask me in, but it was a California family that noticed me and my baby. They stopped and asked me what was wrong. I told them my story, and those people took me home, gave me my supper, and that dear woman of the house bathed my baby for me. And that's not all. They kept us for a week and found my husband a good job. They are my best friends today.

A California bus driver paid our way from a small town to Visalia. He noticed we didn't get on the bus and asked us, "What's the trouble?" We told him we were broke. He put his hands in his pockets and said, "Pay me back some day when you can," and he paid for our coffee and doughnuts. He, too, is a Californian.

Another thing that gets in my hair is the things you read about poor girls who had to go wrong after they got to California. The story I was reading told of a poor girl who ended up with a hobo, with tears in her eyes, after she got to California. Well, let me tell poor Betty, she did not have to end up with a hobo.

I was up against it one time when I lost my job. Like I told you before, my mother died when I was born and I had no one. But that did not make me go the wrong way. Oh, no; there's too many kind people in the world.

I went to the police and told them my story. They sure were swell to me. They found me a good place to stay for the night, and I didn't end up with a hobo or rich man. I soon found myself another job doing housework, all the good food I wanted, and bedroom, in a district attorney's home.

Some girls I knew were shocked to think I went to the police and told them I was broke. They would do this and that before they would sink so low. They were too proud.

I am proud myself, but I would not do the things they would do when down and out.

There are too many homes that want girls to help with the work for a girl to go wrong, and I mean good, kind homes.

It's the ones who were shiftless and lazy in Oklahoma who are out here in California trying to get something for nothing, complaining "'Tain't fair."

Again I say, the "Migrant Horde" is a pack of dirty lies. California people are as fine as any in the world and are willing to help anyone that wants to make an honest living.

—From an Oklahoma Girl, 23 years old.

P. S.—Mr. Editor, I am not well educated enough to word this letter the way I would like, but it will please me very much if you print every word of it, if you wish, and I hope you do. Thank you.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein an article by Mr. Frank J. Taylor that appeared in the Forum magazine of last November, dealing with the California migrant situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. GEARHART]?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from California [Mr. VOORHIS] is recognized for 30 minutes.

Mr. VOORHIS of California. Mr. Speaker, the problem that has been discussed here this afternoon is one I started to talk about 4 years ago. No one else talked about it then. The first time I got up on the floor of this House and said I felt it was important that steps be taken for the rehabilitation of people in the areas from which this migration was coming, I received very little response from anywhere.

WE NEED MORE WORK ON THE MIGRANT PROBLEM—NOT LESS

Since then the situation has changed. It has changed rather tragically on the whole. In the first place, may I say that the gentleman who just preceded me has, in my judgment, made a most eloquent and forceful appeal for a greater amount of work by the Federal Government concerning this problem and not less.

The burden of his argument is a very forceful one for the establishment of a uniform and general system of old-age pensions in this country which will apply to all sections of the country equally and leave less inducement for people to migrate from States where low pensions are paid to States with higher ones. His argument has brought before the House the magnitude of a situation which has two great major factors in it: First, the unemployment situation in American industry, and, second, the problem of American agriculture, which is bottomed on inadequate returns to the farmer, exhaustion of our soil and natural resources, and a number of other factors. I am unable to see how objection to a program of trying to give clean, decent places to some of these people to pitch their tents is in accord with the positive approach to its solution. I know that people naturally do not welcome a great and sudden influx of people into the area where they live, where they pay taxes, and where are located their school districts. I wish that some program could be worked out so that the location of these particular camps might be in places where there would not be objection.

I also realize how difficult that would be, and certainly I am not going to advocate the cutting down of any of the constructive work being done either in California or elsewhere on this problem. It seems to me what California has a right to ask and what California ought to ask with all the vigor at her command is that in view of the fact that she is carrying a large part of the burden of human need in this Nation, because of the fact these people come

from all parts of the country to our State, therefore we have a right to call this a Federal problem and to insist that the burden of dealing with it shall be borne in major part by the Federal Government. In this connection may I say it would be entirely just for the school district which is burdened beyond capacity, I have no doubt, by the increase in the child population due to the migration of these people, to expect grants in aid to enable that school district to deal with the problem of education. I also agree with the gentleman from California [Mr. ANDERSON] that our people have made a very great effort to meet this problem and are laboring under a great difficulty. There is one school district in Los Angeles County, in my district, where the school population of that district has tripled in the past 3 years.

AN AGE-OLD PROBLEM AND THE ONE MEANS OF REALLY SOLVING IT

Mr. Speaker, may I point out furthermore that this is no passing matter. This is a part of an old American tradition. Ever since this country was founded people have been moving west. They have been moving on in search of a solution to their problem some place else if they could not solve it where they were. Now, however, the frontier is gone and we are up against a situation where there is only one kind of expansion remaining to the American Nation, only one way in which mass production can be made possible, only one way in which we can reemploy the people now unemployed, only one way that we can over a long period of time make for prosperity of agriculture, not only in California, not only in Kansas, Oklahoma, and Texas, but every place else, and that is by making possible mass consumption to accord with mass production; by raising the standard of living of the American people and by an earnest effort to discover the sound and proper manner in which to reflect an increase in production due to mass industry in a corresponding increase in mass consumption on the part of the people.

We are not going to solve this problem, California is not going to solve the problem, and no one else will solve the problem until this central thing is done. I am not going to talk today about the things that I think ought to be done. I have spoken on that subject many times.

PRODUCTION AND CONSUMPTION MUST BE BALANCED

I believe our method of bringing into circulation the medium of exchange should be in accord with the Constitution. I think when this Nation as a whole needs an additional volume of money to transact business because the production of wealth is increased, it is up to the National Government to put it into circulation without increasing the national debt. I believe we need a general system of old-age pensions in this country. It costs industry and agriculture all the income that they pay out to produce the goods and crops which they turn out.

The total national income is equal at all times to the cost of producing the goods that agriculture and industry turn out. If that be true, then agriculture and industry must get back at least that much if they are going to proceed with profitable operations, but if, as is true, 15 percent of our national income is today saved, if it is true that 15 percent is neither spent nor promptly invested in new capital goods and new capital equipment, then obviously you cannot employ all the people nor even continue to produce as much as before. The problem of producing enough, the age-old problem of mankind, is solved.

We are confronted with a brand new problem and we do not know it, namely, the problem of enabling our country to consume what it produces.

So the things we have been talking about here today—such as the migrant camps—are things that affect only the immediate attempts to mitigate a problem, a problem the real solution of which lies along some of the lines that I have just mentioned.

CALIFORNIA'S HOPE LIES IN GREATER WELL-BEING IN REGION FROM WHICH PEOPLE MIGRATE

The gentleman who preceded me said that we ought to provide in the region from which these folks come the means of enabling them to remain there. Oh, yes; I agree thoroughly with that, but that means it is going to cost money. It means in many cases you will have to have a program of soil conservation, that you will have to have a means of enabling more of those farm folks to earn a little money on the side through means like that.

It means you are going to have to be in earnest about the proposition of seeing to it that the farmer secures his fair share of the national income. It means, to me, anyway, that I, as a Californian, have to have a very deep and profound interest in the work of the Tennessee Valley Authority, for example, in raising the standard of living and enabling the people to get along better in that section; that I have to have a profound interest, yes, in parity payments to the farmers, even though not one penny of it goes into my district; and that I must have an interest in the rehabilitation of the people in all the United States, because, after all, unless that is done you cannot stem this migration. It means that we must work for reclamation—for lands where some of these people can go and start out on their own again.

Now California is up against a great problem.

I do not find any evidence whatever that the Farm Security Administration has encouraged this migration. On the contrary, they have spent $134,000,000 in loans to people in other States to attempt to enable them to stay where they were and make a go of things, but they have spent only $6,000,000 altogether in California.

The 12 camps that have been built in California have a total capacity of 7,200 people. The persons who know anything about California agriculture know what an infinitesimal drop in the bucket that is compared to the number of people that are needed at certain seasons to harvest California's crops.

In addition to the number to whom grants have been made in such States as Oklahoma, Arkansas, Texas, and other States to the north, 119,000 families have applied for loans but could not get them. These loans made to people because they did not have security, not because they did have, are today 80 percent current, and yet we threw a $25,000,000 item out of the agricultural appropriation bill for farm-tenant loans, which would have been secured loans, because we thought we were balancing the Budget. Those loans have been gilt-edged from the very beginning. They were not farm-security loans, even.

If you want to solve this California problem you have to face up to the problem of unemployment, to the problem of agricultural welfare in the States where these people come from. As a matter of actual fact, the total volume of migration to California has varied sharply in recent years. In 1937 it was the largest, when 90,000 people came into our State in immediate need of manual labor.

That was when there were 5 camps in the State, and today there are 12. In 1939 there were 64,000 people, far too many, but not as many as before. I do not believe the construction of camps is the cause of their coming. Indeed, we find that 45 percent of all this migration into California has come to the county I have the honor to represent in part, namely, Los Angeles County, where there are no camps at all.

When those people have come there, it is true that in many cases the result has been that they have gotten jobs that formerly went to people who worked for higher wages. That happened. In other words, the State of California is today up against very largely the same problem as the whole United States was up against when we had large-scale immigration into the country.

In my judgment, the solution of the problem lies not in the direction of curtailing Federal activity, which is helpful in meeting this problem and in bringing about a more decent method of handling it, but rather in an extension of those things which, as I say, I believe we have the right to expect.

FEDERAL GOVERNMENT SHOULD BEAR COST OF RELIEF

The one thing that seems to me most clear as a first step in this matter is this: I ask you to imagine yourself a resident of a California community where seasonal labor is

required. I ask you to imagine that you find that there are a large number of homeless people, people with no other place to go, who have moved in there and work as much as they can find work, but for whom after awhile there is no work left any more. Those folks have been following the setting sun to greater opportunity. They have been doing exactly what Americans have always done. As the gentleman from Arkansas has said, by and large they are the salt of the earth. They are of old American stock, deeply religious folks, most of them, too.

On the other hand, persons who have little homes, who have their community built, who have their school districts organized are naturally concerned; they are worried; they are distressed. We have tried to maintain high standards in various ways, in old-age pensions, for example, and matters like that. We have not done so very well ourselves, but we have done better than some other States have been able to do. This has been partly due to the greater amount of wealth in our State, I am free to admit.

Here is all the stuff of possible social conflict. My appeal primarily is that it be recognized once and for all that the problem of interstate migration is due to national problems, due to national unemployment, and due to national distress of agriculture, and so on, and that it be recognized as a Federal problem and not a local one to be dealt with as best it may by the States that are the recipients of migration.

Therefore we should pass legislation here in this House to provide that whenever there is need for medical attention, whenever there is need for relief of people who are not citizens of a certain State to which they have moved, the Federal Government should bear the expenses, but it should be administered locally. Oh, this will help a little bit, but, fundamentally, the things I spoke about a few moments ago are the only things that will help; and, fundamentally, the thing that California wants more than anything else is to have legislation that will enable people to live and live decently in other parts of the country so they will not need to move; and if you really mean this then we must work upon not only the members of our delegation, but of all the delegations to see to it that we push forward with a solution of the unemployment problem, to see that we push forward with a solution of the problem of agricultural distress. Much has been done to this end, but we cannot rest. We cannot wait for an election year to pass. We cannot wait a single week or a single month without giving to these problems the most earnest and the most continuous attention that can possibly be given to them.

I have hoped that out of this great problem there will be a great gain. I have hoped that it will teach us all, those of us who come from California and those of us who come from other parts of the country, that this great Nation is all one Nation and that the problems that affect the people of one part of the country inevitably react upon the people in other parts of the country; that one part cannot be prosperous without all the other parts being prosperous; and if one suffers, all others must suffer, too. I have hopes that, having discovered this, we will likewise begin to realize that never can any nation be prosperous if it attempts to leave behind in its forward march one-fifth or one-sixth of its population. I have hopes that we will understand that to try to economize at any point, largely at the expense of human need, is always wrong, and that there has to be a better answer than that, a more fundamental answer.

Some way that will not unbalance the Budget? Yes; some better way to do it—all right—but until you find that better way it is necessary that you see to it that you do not make the same mistakes that have been made before. It is necessary that you see to it that as your people produce, so they must consume, and that we find ways in which we can either solve that problem of excess savings and a lack of consumer buying power or else we find a way to compensate for it in order that we may have not only a continuous and steady production in this country and a continuous and steady income to our Federal Government, but also a Budget balanced on a decent and fair basis. [Applause.]

I have another speech here, but I know that there are many Members of the House who are rather anxious to get on with other business. I thank you very much for listening to me, and I assure you that there is a complete speech here on the subject of unemployment that I did not deliver this afternoon. I thank you very much.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life, character, and public service of our late friend and former colleague, Hon. Royal C. Johnson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TABER. Mr. Speaker, on behalf of the gentleman from New York [Mr. CROWTHER] I ask unanimous consent that he may extend his remarks in the RECORD and include therein a joint statement by a group of distinguished Democrats, dealing with the question of tariff making by the Executive.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, on behalf of myself I ask unanimous consent to extend in the RECORD a statement by the Chamber of Commerce of the State of New York on the foreign purchases of silver.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under an order previously made, the Chair recognizes the gentleman from New York [Mr. TABER] for 15 minutes.

INCREASE IN FEDERAL EXPENDITURES

Mr. TABER. Mr. Speaker, it has become increasingly evident as this session progressed that Federal expenditures day by day are steadily increasing and that notwithstanding the efforts that are being made to avoid increasing the national debt by shifting the borrowing to the Reconstruction Finance Corporation instead of direct borrowing through the Treasury, that the debt situation of the United States is more and more becoming a bar to economic recovery. Until we get to the point where we are balancing our Budget and where we are permitting industry to employ our people, the condition of the United States is continually becoming worse.

An agricultural appropriation bill has been reported to the Senate carrying increases over the amount carried in the House totaling approximately $300,000,000. This is made up of:

Surplus Commodities Corporation, approximately	$90,000,000
So-called parity payments, approximately	212,000,000

As to the surplus-commodity payments, I call attention to a quotation from the Saturday Evening Post of last week, as follows:

> BENTONVILLE, ARK.—The Federal Surplus Commodities Corporation shipped 3 carlots of Washington relief apples here. Benton is one of the first five apple-producing counties in America, with 30 carlots now in cold storage here for a lack of a market, and more than half a million bearing apple trees.

This is just one of many instances of the way our money is being wasted by this organization. Its officers have that supreme qualification which has been a requisite for appointment to administrative positions all through the Roosevelt administration—total incompetence. This is not an isolated case but is one that can be duplicated thousands of times. This appropriation should be watched very carefully, and the House should make every effort to either do away with it or reduce it very substantially. If there is any alleged need, that need should be carefully covered and the item not just included without any basis whatever.

The proposal to continue so-called parity payments has a much less valid basis than the other item. At the present time wheat is selling in Chicago for a little over $1 a bushel. Its producers are being paid 9 cents a bushel on account of soil conservation and 10 cents on account of parity payments. Dollar wheat in Chicago permits a farmer to operate successfully. There can be no excuse for additional payments

to farmers either on soil conservation or on parity payments when we have dollar wheat. With dollar wheat and these payments, farmers are receiving $1.19 per bushel.

With reference to cotton—cotton is 11 cents a pound in New York. The market on the farm is certainly 9 cents. With the cotton farmer receiving 9 cents on the farm, 1.6 cents for conservation payments, and 1.55 cents for parity payments, it makes a total of 12.15 cents per pound. My understanding is that cotton farmers who can get 9 cents for their cotton are pretty well taken care of. That is, with modern machinery and modern handling, that 9 cents lets them grow cotton and make a profit. Why we should hand them 3.15 cents is beyond me.

Corn at Chicago is about 57 cents. Soil-conservation payments of 10 cents are provided and 5 cents parity payments, making a total of 72 cents. During our best years, if a farmer got 60 cents for his corn he did not do so bad.

I am putting this out in tabular form, indicating what the farmer is now getting and what he will get in 1941 if the parity payments are continued and if the $212,000,000 is appropriated for parity payments and if the market price stays the same:

	1940				1941			
	Price	Soil Conservation payment	Parity payment	Total	Price	Soil Conservation payment	Parity payment	Total
Wheat	$1.00	$0.09	$0.10	$1.19	$1.00	$0.09	$0.09	$1.18
Corn	.57	.10	.05	.72	.57	.10	.05	.72
Cotton	.09	.016	.0155	.1215	.09	.016	.0155	.1215

The result of the soil-conservation payments has been to crowd farmers out of wheat, cotton, and corn and into dairy products and into other agricultural products which are facing the same kind of a situation. To put it another way, the total cash farm income in 1939 was $8,518,046,000. The total income of farmers from corn, wheat, and cotton was $1,331,521,000. This means that we are paying to farmers who contribute 15.6 percent toward the total agricultural income a bonus amounting to approximately $800,000,000 this year, and the result of that operation is to reduce the price of other farm products such as fruits, vegetables, dairy products, poultry, and livestock, so that the producers of these commodities will not fare so well.

When the promoters of the so-called parity proposition came before Congress, with wheat at 60 cents, corn at 40 cents, and cotton at 6 or 7 cents, they had a right to say that the price was below a fair one; when they come to us at a time when the price is high enough to yield a moderate return, and we have already provided $500,000,000 for soil-conservation payments to continue, are we not in a situation of some of those people who would deceive the farmer for political purposes, crying "Thief, thief!" when there is no thief?

At this time and with the situation that appears to be confronting the country there is absolutely no excuse for continuing the so-called parity payments in 1941.

I am not going to say what is a fair price on the farm; it depends on the farmer's method of production; it depends upon the price of farm labor; it depends upon the taxes the farmer has to pay; and the general average price of the things he has to use. I am going to say that you cannot determine that price by what the price was 25 years ago and be fair. I am going to say this: That you cannot continue such large payments to farmers for so-called parity payments when the market prices are what they are today and when the soil-conservation payments are being used to destroy the 84 percent of agriculture which does not receive much of the soil-conservation payments and none of the parity payments.

Continually the debt is growing larger. Continually it is getting to be more and more a bar to the return of prosperity. I ask the agricultural representatives to stand four-square against these parity payments at this time so that we may have an opportunity of keeping down the appropriations to a moderately reasonable figure and preventing such a large deficit as to totally prevent recovery and the employment of our people.

The SPEAKER pro tempore. Under an order of the House heretofore made, the gentleman from Indiana [Mr. LUDLOW] is recognized for 20 minutes.

THE APPROPRIATION TO COMBAT VENEREAL DISEASES

Mr. LUDLOW. Mr. Speaker, in a few days the House of Representatives will be face to face with the question as to whether the warfare against venereal diseases in the United States shall go on with zeal and effectiveness or whether it is to be starved by a lack of the necessary funds to a point where it is certain to be disorganized, disintegrated, and in many places entirely abandoned.

This is an issue that ought to challenge the attention of the American people.

I am posed here today in what for me is a very unusual role. As a member of the Appropriations Committee, I have helped to cut innumerable items, but in my 9 years of service on the committee the times when I have advocated the raising of Budget estimates could be enumerated on the fingers of one hand, with one or two fingers to spare. This is one of those rare occasions. The Budget Bureau is a man-controlled instrumentality, and, being human, it is not infallible. It is likely to err, just as we are all likely to err. In my opinion its general tendency, especially in recent years, when zeal for recovery has been a strong impelling force, and experimentation has been the order of the day, has been to recommend excessive appropriations, which have not always harmonized with sound economics and the national welfare, but in this matter of an appropriation to fight venereal diseases I think the Budget has cut too low.

It was my privilege last year to lead the fight in the committee and the House which resulted in the Budget item of $3,000,000 for this purpose being increased to $5,000,000, which is the amount available for the current fiscal year—1940. There is a statutory authorization for $7,000,000 to carry on the antivenereal campaign during the fiscal year 1941, but the Budget Bureau has recommended that the amount be cut back to $3,000,000, the sum appropriated for the first year of the 3-year program. The Budget's action has created no end of sadness and disappointment among the sincere people who have thrown all of their energies and resourcefulness into the war on this devastating scourge, as they see in it the virtual collapse of all their plans.

BILLIONS FOR WAR PURPOSES, THOUSANDS FOR HEALTH

We are spending astronomical sums, the magnitude of which no human mind can conceive, for preparedness against wars which are not likely ever to happen, which, pray God, never will happen, and which I do not think ever will come, if we keep out of world meddling and attend to our own affairs, and in our zealousness in that direction we seem to overlook the fact that we are up to our necks in another war, a war not of the future but of the present, a real war and not one of the imagination—a war against insidious and malignant disease in our own country. The number of persons killed and disabled by syphilis every year in the United States would make the American casualties in the World War seem small in comparison. Every year there are 500,000 new cases of syphilis in the United States and at the very minimum twice that many new cases of gonorrhea—an appalling picture.

It would challenge the descriptive ability of a Victor Hugo or a Dickens to portray the tragedies that have been brought into countless thousands of the homes of our land by the stealthy antisocial diseases which this appropriation is set up to combat. Along with their other terrible effects, syphilis and gonorrhea are responsible for a conspicuous proportion of blindness in this country. Current studies of the National Society for the Prevention of Blindness reveal that more than

25,000 blind men, women, and children in the United States—approximately one-sixth of the entire blind population—lost their sight as the result of syphilis or gonorrhea.

Do not these poor mortals, groping in eternal darkness, touch our heartstrings? Even if they did not, even if we were to forget all humanitarian considerations in our thought of these pitiful unfortunates, the fact remains that the cost of educating and otherwise assisting sightless persons throughout their lifetime is a notable item in the public budget. Up-to-date records of schools for the blind in all sections of the country show that about 12 percent of the blind children lost their sight through syphilitic infection and about 8 percent through gonorrheal infection—a total of 20 percent whose blindness can be traced directly to venereal diseases. Scarcely less despairing are the statistics relating to the adult blind. At least 13 percent of the blind adults in the United States are sightless as a result of syphilitic infection and at least 4 percent as the result of gonorrheal infection. The pity of it is that most of these tragedies are needless.

It is a proven fact that prospective mothers who are infected with syphilis can bear healthy children if prenatal antisyphilitic treatment is administered in time. If all cases of syphilis among expectant mothers could be discovered, which is possible through blood tests, and followed up with early treatment, their babies might be born into the world without being doomed to blindness. Oh, there are many things to be done to curb this awful infliction on the human race, and the campaign, so full of hope and promise, has only fairly begun! Let us not starve it by withholding the necessary funds.

COLLAPSE OF ANTIVENEREAL CAMPAIGN FEARED

Let us consider for a moment the disastrous effects that would result if this appropriation should be reduced, as proposed by the Budget. That, I think, would be nothing less than a major blow to humanity. I do not know how better to describe the certain and inevitable effect in a word or two than to say that it would take all of the heart out of the antivenereal campaign. It would knock the props out from under all that has been so well builded up to date. It would mean the virtual collapse of the antivenereal campaign on the widespread scale of efficiency on which it has been projected and carefully thought out.

After years of efforts the interest of the States has at last been aroused to a high pitch and the program is now going ahead with the utmost degree of harmonious coordination and cooperation. Taking away Federal funds will mean that the plan of combating venereal diseases which has been so carefully devised will be tremendously affected, abandoned entirely in some places and in other places drastically curtailed, and the sufferers will be the millions of victims, actual and potential, of this dreadful disease, who should be the objects of our tenderest solicitude. The States which are now cooperating splendidly with the Federal Government would lose interest and spirit. It is not an overdrawn picture to say that in some States the work would be completely wrecked and in even the most prosperous States progress would be halted and retarded.

If we think of that gloomy prospect and then contemplate the hopeful prophecy of Dr. William F. Snow, of New York, one of the world's greatest authorities on venereal diseases, I doubt whether there will be any sentiment for reducing the appropriation. In a letter to me Dr. Snow makes this statement:

I would say that, to my mind, there is no doubt whatever, of our ability eventually to stamp out venereal diseases in this country if we can go forward uninterruptedly with the appropriations for Federal assistance to the States envisaged in the Venereal Disease Control Act of May 24, 1938.

STATES DOING THEIR PART

I have stated that under the stimulus of this Federal appropriation the States, counties, and cities are showing themselves alive to their responsibilities and are doing their part willingly and with alacrity in this antivenereal campaign, and I wish I had time to cite illustrations of cooperation to prove this undeniable fact. It has been understood from the beginning that no payments of Federal money were to be used to replace existing State or local appropriations for venereal activities. Congress distinctly had in mind aiding States to expand and perfect their facilities and personnel for conquering syphilis and gonorrhea. There was no thought of assuming responsibility for either administration or costs in the several States and Territories. With this understanding the States have risen nobly to their obligations.

In the present fiscal year 1940, for which Congress appropriated $5,000,000, the States and their subdivisions have appropriated upwards of $7,000,000, and current data indicate that from all sources to date approximately $2 of State and local funds are available for each Federal dollar. By the close of 1939 every State, the Territories, and the District of Columbia had established bureaus or subdivisions for administration of the venereal disease control program. In 1938 such units existed in only 27 of these 53 areas. Every State now employs case finding and case workers.

Meanwhile, under the aegis of this program, important scientific research projects in problems relating to diagnosis and treatment of syphilis and gonorrhea are making substantial headway.

Special training courses for physicians and public-health administrators have produced more and better trained personnel. One of the most hopeful signs is the change in the public's attitude. No longer is the word syphilis spoken with bated breath. The new view is that syphilis is a great evil, not to be hid under a bushel and ignored but to be sought out and eradicated. There is no longer any doubt about the general public's understanding and support of the program, or the appreciation of the services by sick people in need of diagnosis and treatment for these diseases.

TESTIMONY OF STATE HEALTH OFFICERS

I wish I might read letters that have come to my attention from scores of State health officers attesting to the progress that is being made toward stamping out venereal diseases in their States under this program. In a letter expressing his appreciation of this Federal aid, Dr. Verne K. Harvey, director of the State Board of Health of my home state, Indiana, says:

There is much to be done yet in syphilis control. We have only begun to scratch the surface.

Dr. George W. Bowman, an eminent expert, who has been appointed to head the division of venereal diseases in Indiana, is in complete agreement with Dr. Harvey in regard to the value of this Federal appropriation.

Dr. C. D. Bowdoin, of the Department of Health of the State of Georgia, writes:

We now have approximately 100 clinics established in the State of Georgia and a number of our older clinics have been reorganized. Drugs are now furnished free to clinics and private physicians for all patients. Our organized health counties are showing greater activity than ever and we are very much encouraged over prospects. Allotments of Federal money for venereal disease purposes have made possible a program which undoubtedly will be of inestimable value to our future generations.

Dr. W. B. Grayson, State health officer for Arkansas, writes:

I believe all of the States can make better use of their allotments for the fiscal year 1941 than they did for the first year, due to the fact that they now have some plans and programs operating, and the service is very popular and in demand.

Dr. F. P. Helm, of the Kansas State Board of Health, writes:

We would deplore any future reduction in our allotment, or the authorized appropriation. It would be disastrous for us to get the thing going well and then not have the funds to carry on.

Dr. Harry F. Parker, State health commissioner of Missouri, says:

To begin a new program, it was necessarily delayed in securing and training of personnel, and for that reason we were unable to complete our plans. We hope during the coming year to have all our funds budgeted to widen the scope of the work.

Dr. Fred S. Kent, for the Department of Public Health of Vermont, writes:

The funds available the last 2 years have meant a greatly expanded program for Vermont. We have operated on a five-point program. Federal funds have made this possible.

And so on, over and over again, in a hundred different ways, the State health officers from all of the States, who are in close touch with the venereal problem, express their faith in the Federal program and testify that the Federal investment has already meant restored health and employment for thousands of people who have been successfully treated for syphilis and gonorrhea, who would not have had such treatment if the Government had not taken the initiative in offering Federal assistance to the States in launching this Nation-wide campaign against the venereal diseases.

NATIONAL-DEFENSE PHASE

There is one other phase of this problem I should like to discuss briefly. It perhaps is not the most important phase and yet it is really important. I refer to the national antivenereal campaign in its relation to national defense. In a warring world our thought and attention are being centered as never before in national defense. It is well when we think of preparedness to bear in mind that we cannot fight a war with an army that is lowered in morale and weakened in endurance by disease. We have heard a great deal about where our first line of defense is and I think I know where it is located. I think our first line of defense is in the fine, healthy, vigorous manhood of America. I would like for some expert to tell me how we can expect to win wars with men whose morale is broken and whose bodies are weakened by disease.

In this connection I wish to read to the House a letter I have just received from Gen. John J. Pershing, who commanded the American Expeditionary Force in France and who is now the highest ranking officer in the American Army. When I thought of this venereal-disease problem in its relation to national defense I thought of General Pershing as the highest authority whom I could consult. I sent to him the following letter:

JANUARY 31, 1940.

Gen. JOHN J. PERSHING,
Tucson, Arizona.

DEAR GENERAL PERSHING: There is now pending before the Committee on Appropriations of the House of Representatives an estimate for an appropriation to the Public Health Service to provide funds for grants to the States to combat the venereal diseases. The appropriation is in response to the La Follette-Bulwinkle bill, passed on the same subject several years ago.

The same matter was before the House last year and at that time I took occasion to make some study of it and became interested in it. My studies led me to statements made by yourself during the war on the importance to the military forces of the control of these scourges. At this time when the country is aware of the necessity for preparedness, it seems to me that this matter is of unusual importance. I write to respectfully suggest that you send to me a short statement of your views on the subject so that I may present them to the committee.

We shall all be interested in your opinion on the matter, as we are in your continued good health.

Very sincerely,

LOUIS LUDLOW.

GEN. PERSHING'S WISE ADMONITION

Writing from his winter home in Arizona he sends me the following reply:

TUCSON, ARIZ., *February 17, 1940.*

Congressman LOUIS LUDLOW,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: In your letter of January 31 you request a statement of my views on the question of social diseases.

Upon our entry into the World War it was well known that these diseases had always been a serious handicap to the effectiveness of armies. At the outset, therefore, we instituted regulations by which we were able to keep the incidence of venereal diseases at a lower rate than ever before known in our own or any other army. A very different and appalling national situation is presented by statistics today. As military preparedness depends largely upon the health of our Nation, the prevalence of these diseases would be a serious problem in a national emergency. Moreover, we owe it to posterity to do something about it.

The Public Health Service has undertaken to solve this problem, and I am gratified to know that you and the Appropriations Committee are interested in its importance.

Sincerely yours,

JOHN J. PERSHING.

This is not an ordinary testimonal. It is a testimonial from the head of the Military Establishment, the general of the Army, who know all about the subject. When he says that military preparedness depends largely upon the health of our Nation and that the prevalence of these diseases would be a serious problem in a national emergency, he speaks an almighty truth that cannot be controverted.

LET US SPEND A FRACTION OF OUR WAR COSTS TO RELIEVE HUMAN SUFFERING

We are spending for national defense this year $2,000,000,000 and next year the appropriations for that purpose will be around $1,800,000,000. I do not have the slightest doubt that this proposed small appropriation of $7,000,000 to stamp out venereal diseases would be worth more to the cause of national defense than a battleship, yet the amount proposed to fight venereal diseases is not more than one-fifteenth of the cost of a modern battleship and a mere bagatelle compared with the total national-defense appropriations. I believe in adequate national defense, but I do not think that such an overwhelming preponderance of our national expenditures should be for the destruction of life. Let us think a little more about saving life and allaying misery. The difference between the authorization and the amount provided for in this estimate for the antivenereal campaign would mean many more clinics, many more treatments, and many more cures in the warfare against this awful disease, and the cost would be a very small fraction compared with the money we are spending for preparations to destroy life. This campaign against syphilis is a going campaign; it is a well-organized and well-directed campaign; and let us not do anything to stop it just when it is becoming effective. The smallest naval unit costs more to construct than this proposed appropriation to build up the health and hope and happiness of mankind. But dismissing entirely the national defense value of the appropriation and directing my plea, for whatever it may be worth, to the humanities, I would like to leave in the minds of Members this thought:

When we are pouring out such colossal sums for the instruments of death and destruction should not we, as representatives of a Christian Nation, appropriate this relatively insignificant amount, not to destroy lives and wreck worlds, but to relieve human suffering and save and conserve life and health in our beloved land?

I leave that question with you and I thank you for your kind attention. [Applause.]

I present for the thoughtful consideration of the House certain illuminating documents which I have received, including letters from Dr. William F. Snow and Dr. Thomas Parran and a statement by Mr. Alan Johnstone, as follows:

THE AMERICAN SOCIAL HYGIENE ASSOCIATION, INC.,
Washington, D. C., March 2, 1940.

Honorable LOUIS LUDLOW,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN LUDLOW: I wrote you in my preliminary acknowledgment of your letter of February 26 that I would bring to your office today some data and material relating to your very pertinent questions regarding progress made under the Federal appropriations for control of venereal diseases. The attached correspondence and tabulation convincingly show, I think, that real progrers has been made and that Congress should appropriate the authorized $7,000,000 for the fiscal year 1940–41 in order to avoid any danger of this program lapsing, or losing the enthusiasm and practical benefit of uninterrupted public support and local as well as State activities.

You ask, first, "What kind of a set-up has been established under the appropriations?"

(a) The United States Public Health Service has organized its Venereal Disease Division with regional offices so as to give the most helpful personnel advice, and assistance to the States and their subdivisions in developing the most effective venereal disease control and treatment activities.

(b) In addition, the Public Health Service has provided a limited number of experienced consultants on syphilis, gonorrhea, and administration of venereal disease control measures, who are available for consultation and field assistance on unsettled and difficult problems in relation to these diseases.

(c) The Public Health Service is making available to State health officers mobile diagnosis and treatment units and other facilities for demonstration purposes where demonstrations will accelerate the understanding and launching of more effective methods.

(d) Similarly, the Service is providing important assistance in adequate record keeping and particularly in prompt tabulating of data, for current use in health departments not yet equipped with modern mechanical devices for such purposes.

(e) In many other ways, such as providing source material for public-information programs of the States and communities and in developing research with particular reference to more effectively applying existing knowledge in diagnosis, treatment, and public-health control, the Public Health Service Division of Venereal

Diseases is operating to cut the costs and increase the effectiveness of existing State and local programs for dealing with the venereal diseases.

The Federal set-up sketched above has been very important in relation to interpreting to States and communities the purposes of Congress in providing the venereal disease Federal grants-in-aid, and in arriving at mutually acceptable conditions for allotting and expending these grants without centralizing control with the Federal Government or handicapping the freedom of planning and carrying out the work to be done in the several States.

(f) On the basis of this Federal set-up, every State has already established a venereal-disease division with a director of venereal disease control work. These divisions or bureaus have made remarkable progress in the 2 years of operation of this act. The Surgeon General's reports are convincing on this point.

Without going into detail, it may be said that the objectives of these bureaus and their cooperative relations with county and city health-department staffs and citizen groups have been concerned with (1) finding existing cases of syphilis and gonorrhea; (2) getting these persons (especially the early infectious cases) under adequate treatment promptly; (3) building up nursing and social-service follow-up activities to prevent these cases from infecting others; (4) informing and educating selected groups of the population in ways and means of safeguarding themselves from infection.

(g) In carrying out the above State and local programs, the following facilities have been concentrated upon in these first 2 years: (1) Providing dependable and accessible laboratory diagnostic aids and securing the cooperation of physicians in utilizing these laboratory facilities to the best advantage in controlling syphilis and gonorrhea; (2) distribution of drugs to clinics, institutions, and medical practitioners for use in cases particularly where provision of free drugs is important; (3) provision of medical consultant services in centers of greatest prevalence of these diseases; (4) similar provisions of special nursing and social-work consultants.

The reading of letters and statements in which the several State health officers have described their activities provides most interesting and encouraging evidence of the setting up of practical administrative procedures for putting at work the joint Federal-State funds for venereal-disease control.

2. "To what extent will that set-up and its capacity for effective service be diminished or destroyed if the appropriation for the fiscal year 1940-41 is reduced to $3,000,000?"

(a) Correspondence and testimony last year indicated how damaging health officers and informed citizens throughout the entire country viewed the possibility of a reduction to $3,000,000 for the current year. The steady growth of State and local activities since that time, on the basis of the $5,000,000 appropriated substantiates the wisdom of the congressional decision to appropriate the $5,0000,000 authorized for the fiscal year 1939-40.

(b) The reduction at this time of the expected $7,000,000 to $3,000,000 would, in the judgment of health officers and citizens who have observed this work most closely, result in completely wrecking the work in a large number of States, and would stop progress even in the most prosperous States of the Union.

(c) Probably, however, the most damaging influence would be the loss of enthusiasm and confidence on the part of everyone concerned. It should be kept in mind that during the present fiscal year, only three or four State legislatures are in session, and the State and local medical and public-health authorities cannot look to their legislatures to provide any emergency funds even if the States could afford to provide them to take the place of the expected allotments for Federal assistance for the last 6 months of the year 1940. It should also be kept in mind that it will be that same period between July and December 1940; that State legislators and citizens everywhere will be considering State, county, and city budgets for consideration and adoption, beginning January 1941. If Congress now considers the money situation so difficult that $7,000,000 confidently counted upon for Federal participation in this program must be cut to $3,000,000, both the quality and the quantity of good work which is now being done will suffer to a much greater degree than is represented by the approximate 60-percent reduction in money.

The reading of letters received from State and local health officers indicates in specific terms what the actual losses would be, and on this basis it is conservative to express the opinion that the syphilis germ will regain most of the ground it has lost in the last 2 years if this reduction to $3,000,000 takes place.

3. "What plans have been made for the future?"

(a) The reports of the Surgeon General of the Public Health Service and the several State health officers show that definite plans have been made for perfecting the administrative and technical facilities to provide fully satisfactory laboratory and diagnostic services within the next few years in all the States and Territories.

In this connection, one of the greatest factors is competent personnel; and the continued growth of adequate training facilities for the required personnel constitutes one of the important items in plans for the future.

(b) The encouragement of steady growth of active participation of the medical, nursing, and social work professional groups is another vital factor in rapid progress toward the control of syphilis and gonorrhea. The appropriation of the $7,000,000 will enable the Federal, State, and local authorities to include in their programs effective cooperation in this direction.

(c) The constant objective, of course, is to get beyond the immediate program of finding and treating of more and more cases to the real preventive measures program of increasing the number of people who are not exposed and who can be taught how to avoid exposure. It is perfectly sound administration to concentrate in these early years upon finding cases and getting them under treatment, both for their own sakes and for the benefit of communities through rendering such cases promptly noninfectious. But as in other diseases which have been controlled, it is important to have in mind the great mass of people who have not yet been infected and who may be safeguarded from infection by knowledge, by protection of their environment, and by additional measures which may from time to time apply to them as individuals or groups. In these directions, the steady development of public information and education regarding the venereal diseases is important. For the same reasons, it is important that men and women planning marriage should be particularly examined and protected from infecting each other and the families they are founding. Similarly, it is important to protect children by requiring prenatal examinations for syphilis and by other types of group examinations, carefully worked out and tactfully applied.

Once the big job has been done of finding and getting under treatment all the syphilis and gonorrhea cases which have accumulated in past years because of secrecy and lack of action, this whole field of new and effective measures for prevention can be tackled. When this point is reached, results may be expected in a rapid decline of new cases of these diseases because their nature and difficulties of spread are such that they will yield ground rapidly under a determined and continued preventive medicine program in which not only health authorities, physicians, and the allied professions but the general public as well are engaged.

In your letter of February 26, you state that you are "impressed with the great importance of this anti-venereal-disease campaign." I join you heartily in this viewpoint. General Pershing recently said, as chairman of the American Social Hygiene Association's Anti-Syphilis Committee, that he had accepted that chairmanship because of his "desire to help this body of distinguished and representative men and women stimulate voluntary support of the health authorities and arouse local leadership in all parts of the United States. If this can be accomplished; and if these groups of our people, both individually and collectively, will take hold of this problem and stick to it, there is no doubt whatever of our ability eventually to stamp out venereal disease in this country. Let us go forward from this social hygiene day with courage, and with confidence in our ability to accomplish this great task than which there is nothing more important in our national life."

Applying General Pershing's view not only to the importance of the general public's participation but to the continued participation of Congress in this program, I would say that to my mind there is "no doubt whatever of our ability eventually to stamp out venereal diseases in this country," if we can go forward uninterruptedly with the appropriations for Federal assistance to the States envisaged in the Venereal Disease Control Act of May 24, 1938.

Very sincerely yours,

WILLIAM F. SNOW, *M. D.*

DEAR MR. LUDLOW: I have not made any mention of the present limited emergency or national defense, because the vital importance of this venereal disease control work should be considered on the basis of its value to people in civil life and to their children, irrespective of any necessity for military and naval forces or other personnel for national defense.

However, everything which is done now in this matter for the sake of civilians will immediately benefit and reduce the cost of medical care and preservation of high standards of health among the military and naval personnel now in training or being selected for future service.

In this sense, the entire $7,000,000 asked as an appropriation might be counted as a wise and most profitable national-defense expenditure.

W. F. S.

By unanimous consent, Mr. LUDLOW was granted leave to include in his remarks three letters and a brief statement.

FEDERAL SECURITY AGENCY,
UNITED STATES PUBLIC HEALTH SERVICE,
Washington, February 29, 1940.

MY DEAR MR. LUDLOW: Your letter of February 26 has been received, and it is very encouraging to know of your continued interest in the venereal disease control campaign and your desire to continue this work in the most effective manner.

Replying to your question as to what amount was asked for venereal disease control work for the fiscal year 1941, I wish to report that when the original budget estimates for the fiscal year 1941 were prepared, the Public Health Service asked that the full $7,000,000 authorized in the act of May 24, 1938, be appropriated. The Federal Security Agency reduced this estimate from $7,000,000 to $5,000,000. The Federal Security Administrator advised us that the reason for the reduction of our estimate was his stated policy for this year of not asking for an increase in appropriations for 1941 over 1940, except when made necessary by new legislation or new or enlarged facilities. Subsequently, the estimates as submitted to the Congress contained an item of only $3,000,000 for the control of the venereal diseases by the Public Health Service in the fiscal year 1941. The reasons for the latter decrease were not given.

Replying further to your inquiry of February 26, I wish to state that the proposed $2,000,000 reduction in the appropriation for the control of the venereal diseases represents almost one-fifth of the

total amounts being expended by Federal, State, and local governments for this purpose. During the last fiscal year, as well as the fiscal year 1940, there has been considerable expansion in the diagnostic, treatment, and case-finding work pertaining to the control of the venereal diseases and this expansion has been stimulated largely by the Federal grants-in-aid for the purpose. It is obvious that if the total governmental funds employed for the provision of fundamental venereal disease control services are decreased by almost 20 percent, the services themselves must be correspondingly decreased. If State and local governments become discouraged through failure of the Federal Government to provide funds in accordance with the authorization contained in the act of May 24, 1938, the extent to which services may be reduced will be even greater should the State and local governments follow the example and make reduced appropriations themselves.

Very sincerely yours,

THOMAS PARRAN,
Surgeon General.

Hon. LOUIS LUDLOW, M. C.,
House of Representatives,
Washington, D. C.

STATEMENT BY MR. ALAN JOHNSTONE PREPARED FOR CONGRESSMAN LUDLOW

Syphilis is more expensive than dollars. At this time when this Nation is giving its attention to military preparedness it should recognize the enemy within its gates as well as think about its enemies abroad. Public enemy No. 1 in times of war and in times of peace is syphilis. It kills and maims more soldiers and sailors and more men, women, and children than any known disease. The late Sir William Osler, one of the founders of the Johns Hopkins Hospital, said that 10 percent of the population of American cities had syphilis either in an active or dormant stage.

At the Second Battle of the Marne, the French Army had more soldiers in hospitals from venereal infection than from battle wounds. In the draft army of 4,000,000 men recruited in America in the World War the percentage of those called under the Selective Service Act who had a venereal infection ranged from 0.4 percent in the State of Oregon to 12 percent in the State of Mississippi. The program inaugurated by the United States Army, United States Navy, and the Public Health Service during the World War period to reduce that rate of infection was the most remarkable achievement in sanitary science in this generation. It was conceived and prosecuted by a modest patriot whose name is Dr. William Freeman Snow, who has appeared and urged the necessity for this current appropriation. He worked first with that great sanitarian, William C. Gorgas, then Surgeon General of the United States Army, and Major General Ireland (retired), former Surgeon General of the United States Army. If Dr. Gorgas were living today he would say that no appropriation before this Congress is more important than this one. General Ireland, who is living today, says just that.

When I addressed the Congress on this subject last year, I had occasion to quote the statement made to Lord Milnor, the Secretary of War of Great Britain. General Pershing, after an extended and bitter experience with this baffling problem on the Mexican border, reached and expressed the conclusion that venereal disease is the most powerful enemy an army has to face.

The La Follette-Bulwinkle bill declares war on these diseases. It proposed an initial appropriation of $3,000,000 for the fiscal year of 1939, $5,000,000 for 1940, and $7,000,000 for 1941, and thereafter such appropriations as the Congress deemed appropriate for so long a period as is necessary to conquer this curse. The Congress appropriated $3,000,000 in 1939, $5,000,000 in 1940, and the question is, Will the Congress appropriate $7,000,000 for the year 1941?

Fine progress has already been made. These funds are to be used by the Surgeon General of the United States Public Health Service as grants-in-aid for health authorities for the several States of the Union. For every dollar invested by the United States in this campaign more than $1 is supplied from local revenue. For every recruit mobilized in the national campaign against these conditions, many recruits join the local forces. A statement of the results achieved to date from the appropriations already authorized is handed me by the Surgeon General of the United States Public Health Service. Let me brief it for you:

In 1939, 5,600,000 blood tests for syphilis were made, as compared with 3,600,000 in 1938. The number of persons seeking treatment showed proportional gains. Almost 60 percent more persons were brought under treatment for the first time in the fiscal year 1938–39 (315,000) than in 1937–38 (197,000).

Clinics have increased. In 1939, 2,405 venereal-disease clinics reported to the Public Health Service an increase of 37.7 percent over 1938 and an increase of 287 percent over 1930, when only 659 clinics reported. Treatments administered in these clinics increased from 5,200,000 in 1938 to 8,000,000 in 1939. Free drugs distributed to private physicians and clinics for treatment of indigents rose from 2,800,000 doses in 1938 to 4,700,000 in 1939.

As a result, during the fiscal year 1938–39, 103,000 persons were discharged from clinics as cured or with syphilis arrested. In 1937–38 the figure was 25,000 less, or 78,000.

Progress in prenatal and premarital detection of syphilis has been achieved. Nineteen States now require examinations including blood tests for syphilis of all applicants for marriage licenses, and 17 States require physicians to perform blood tests for syphilis on expectant mothers.

The medical statesmen of this country favor this appropriation in full, as well as the sanitarians—both national and local—yet the sinews of war get encouragement from war. The mothers of this country who know the terrible toll in death and pain that they and their daughters might suffer from these scourges favor this appropriation. The great religious leaders are for it. The soldiers of this country, both past and future, favor this appropriation. Young men and women—the future fathers and mothers of the citizens of the United States—favor this appropriation. It is not unreasonable to hope that since we know the danger of these diseases; that since the doctors know how to fight it; that since we are making progress in the fight and since the overwhelming body of informed opinion is behind the fight giving force and weight and rigidity to the cutting edges of our weapon, that the Congress of the United States in the interest of all people and for their protection will vote their money to do their work.

CALENDAR WEDNESDAY BUSINESS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week may be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio address which I delivered the other evening.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. GIBBS, for one week, on account of official business in his district.

To Mr. BEVERLEY M. VINCENT, for today, on account of official business.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule, referred as follows:

S. 3209. An act granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 226. Joint resolution providing for the filing of a vacancy in the Board of Regents to the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7863. An act to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1449. An act for the relief of Robert Stockman;

S. 1998. An act for the relief of Ernestine Huber Neuheller;

S. 2284. An act to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 7863. An act to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.), the House adjourned until tomorrow, Tuesday, March 12, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 o'clock a. m. on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 o'clock a. m. on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 o'clock a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 13, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, March 13, 1940, at 10:30 a. m., for the consideration of H. J. Res. 334, H. R. 5918, H. R. 7833, and S. 2609.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, March 15, 1940, for the consideration of H. R. 7615 and H. R. 8511.

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Monday, March 18, 1940, for the consideration of H. R. 6939 and H. R. 7633, the identical titles of both bills being "Prescribing tools to be paid for the use of locks on all rivers of the United States."

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 19, 1940, at 10 a. m., for the consideration of H. R. 8239, "Creating the Puerto Rico Water Resources Authority, and for other purposes."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1435. A letter from the Secretary of War, transmitting an interim report dated February 27, 1940, from the Chief of Engineers, United States Army, on reexamination of Connecticut River and tributaries, Connecticut, Massachusetts, New Hampshire, and Vermont, requested by resolution of the Committee on Flood Control, House of Representatives, adopted June 16, 1938, together with accompanying papers (H. Doc. No. 653); to the Committee on Flood Control and ordered to be printed.

1436. A letter from the Postmaster General, transmitting a draft of a proposed bill designed to give the Inspection Service of the Post Office Department authority to serve warrants and subpenas in connection with violations of the postal laws and also to authorize them to make arrests without warrants where there is danger that a person believed, upon reasonable grounds, to have been guilty of a postal felony may escape before a warrant can be obtained for his arrest; to the Committee on the Judiciary.

1437. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report of the organization covering its operations for the fourth quarter of 1939, and for the period from the organization of the Corporation on February 2, 1932, to December 31, 1939, inclusive (H. Doc. No. 654); to the Committee on Banking and Currency and ordered to be printed.

1438. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 5, 1939, submitting a report, together with accompanying papers and an illustration on reexamination of Fall River and Beaver Creek, S. Dak., requested by resolution

of the Committee on Flood Control, House of Representatives, adopted August 18, 1937 (H. Doc. No. 655); to the Committee on Flood Control and ordered to be printed with an illustration.

1439. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of Winooski River, Vt., and Dog River, Vt., authorized by the Flood Control Act approved June 22, 1936 (H. Doc. No. 656); to the Committee on Flood Control and ordered to be printed with an illustration.

1440. A letter from the Administrator of Veterans' Affairs, transmitting a draft of a proposed bill to provide uniform apportionment of benefits payable under laws administered by the Veterans' Administration; to the Committee on World War Veterans' Legislation.

1441. A letter from the Secretary, Prison Industries, transmitting the annual report of the directors of Federal Prison Industries, Inc., for the fiscal year 1939; to the Committee on the Judiciary.

1442. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting an interim report, together with accompanying papers and an illustration, on reexamination of Alabama-Coosa branch of the Mobile River system, Georgia and Alabama, requested by resolutions of the Committee on Rivers and Harbors, adopted April 1, 1936, and April 28, 1936, and the Committee on Commerce, United States Senate, adopted January 18, 1939 (H. Doc. No. 657); to the Committee on Flood Control and ordered to be printed with an illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8470. A bill to amend section 6 of the District of Columbia Alcoholic Beverage Control Act; without amendment (Rept. No. 1720). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8639. A bill to change the name of a portion of Twenty-fourth Street NW., to Williamsburg Lane; without amendment (Rept. No. 1721). Referred to the House Calendar.

Mr. THOMAS of Texas: Committee on Elections No. 3. House Resolution 419. Resolution providing for the seating of Vincent F. Harrington in the House of Representatives for the Seventy-sixth Congress; without amendment (Rept. No. 1722). Referred to the House Calendar.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 2176. A bill to amend subsection 10 of section 4 of the act of June 29, 1906 (34 Stat. 596; U. S. C., title 8, sec. 377); without amendment (Rept. No. 1724). Referred to the House Calendar.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 8753. A bill to amend subsection (d) of section 4 of the act of Congress approved May 26, 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes", without amendment (Rept. No. 1725). Referred to the House Calendar.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 8537. A bill to provide for the enlargement of the Coast Guard depot at Seattle, Wash., and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tenn.; with amendment (Rept. No. 1726). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMISTON: Committee on Military Affairs. S. 134. An act providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes; with amendment (Rept. No. 1727). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1728. Report on the disposition of records in the Federal Works Agency. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1729. Report on the disposition of records in the Navy Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1730. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1731. Report on the disposition of records in the Federal Trade Commission. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1732. Report on the disposition of records in the Commerce Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1733. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1734. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1735. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1736. Report on the disposition of records in the Department of Agriculture. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1737. Report on the disposition of records in the Home Owners' Loan Corporation. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1738. Report on the disposition of records in the Navy Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1739. Report on the disposition of records in the Federal Communications Commission. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1740. Report on the disposition of records in the United States Civil Service Commission. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1741. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1742. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1743. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1744. Report on the disposition of records in the Department of Labor. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1745. Report on the disposition of records in the Department of Agriculture. Ordered to be printed.

Mr. SPRINGER: Committee on the Judiciary. H. R. 7421. A bill to provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville; with amendment (Rept. No. 1746). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 8702. A bill to amend the Judicial Code with respect to the continuation of grand juries to finish investigations; without amendment (Rept. No. 1747). Referred to the House Calendar.

Mr. ELLIOTT: Committee on the Public Lands. H. R. 1788. A bill to confirm title to certain railroad grant lands located in the county of Kern, State of California; with amendment (Rept. No. 1748). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. House Resolution 402. Resolution requesting certain information from the Secretary of War (Rept. No. 1723). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8189) for the relief of Alice W. Farnell, widow of Daniel N. Farnell, deceased; Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 8829) granting an increase of pension to Raymond E. Daniels; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 8836. A bill for a preliminary examination and survey of the southwest side of the Rappahannock River in the vicinity of Bowlers Wharf, Essex County, Va.; to the Committee on Rivers and Harbors.

By Mr. BREWSTER:

H. R. 8837. A bill to provide for the establishment of the Farm Credit Administration as an independent agency of the Government, and for other purposes; to the Select Committee on Government Organization.

By Mr. BURDICK:

H. R. 8838. A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in wheat, providing for the orderly marketing of wheat at fair prices in interstate and foreign commerce, insuring to wheat producers a parity income from wheat based upon parity price or cost of production, whichever is the higher, and for other purposes; to the Committee on Agriculture.

By Mr. CASE of South Dakota:

H. R. 8839. A bill for a relief of 60 days to certain purchasers of, and entrymen upon, opened lands of certain Indian reservations; to the Committee on Indian Affairs.

By Mr. HINSHAW:

H. R. 8840. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, as amended; to the Committee on Flood Control.

H. R. 8841. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, as amended; to the Committee on Flood Control.

By Mr. MARTIN of Iowa:

H. R. 8842. A bill to provide for the payment of pensions to widows and minor children of persons who served 70 or more days in the Army, Navy, or Marine Corps of the United States during the War with Spain, the Philippine Insurrection, or the China relief expedition; to the Committee on Pensions.

By Mr. O'CONNOR:

H. R. 8843. A bill authorizing the restoration to tribal ownership of certain lands upon the Crow Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. SUMNERS of Texas:

H. R. 8844. A bill to provide for the punishment of persons conspiring to violate the laws relating to counterfeiting, and certain other laws; to the Committee on the Judiciary.

H. R. 8845. A bill to amend the United States Code to empower post-office inspectors appointed by the Postmaster General to serve warrants and subpenas, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHULTE:

H. R. 8846. A bill to provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. PIERCE:

H. R. 8847. A bill to authorize a preliminary examination and survey of the Silvies River and its tributaries in the State of Oregon for flood control, for run-off and waterflow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

H. R. 8848. A bill to facilitate a more adequate program of forest land acquisition by the United States by authorization of the issuance of bonds in payment therefor, and for other purposes; to the Committee on Ways and Means.

By Mr. VREELAND:

H. R. 8849. A bill to remedy certain preexisting inequities in taxation, and for other purposes; to the Committee on Ways and Means.

H. R. 8850. A bill to remedy certain preexisting inequities in taxation, and for other purposes; to the Committee on Ways and Means.

By Mr. COCHRAN:

H. R. 8851. A bill to permit the Secretary of State to authorize disbursements of appropriated funds under a "State account of advances"; to the Committee on Expenditures in the Executive Departments.

By Mr. GOSSETT:

H. R. 8852. A bill to extend the time for filing of claims for refund of amounts paid or collected as tax under the Agricultural Adjustment Act; to the Committee on Ways and Means.

By Mr. SUMNERS of Texas:

H. R. 8853. A bill to make unlawful the transportation of convict-made goods in interstate and foreign commerce; to the Committee on the Judiciary.

By Mr. BOEHNE:

H. R. 8854. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind.: to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H. R. 8855. A bill to admit the American-owned steamship *Port Saunders* and steamship *Hawk* to American registry and to permit their use in coastwise and fisheries trade; to the Committee on Merchant Marine and Fisheries.

By Mr. O'LEARY:

H. R. 8856. A bill relating to the retirement of certain commissioned and warrant officers of the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. ALEXANDER:

H. R. 8857. A bill to amend the Social Security Act wherein repayment may be required from recipients of old-age assistance and to prevent requiring the same or so-called homestead liens; to the Committee on Ways and Means.

By Mr. BURCH:

H. R. 8858. A bill to reduce internal-revenue taxes on tobacco products; to the Committee on Ways and Means.

By Mr. GREEN:

H. R. 8859. A bill to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the city of Gainesville, county of Alachua, Fla., as may be necessary for the location of a post-office and Federal courthouse building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. CANNON of Missouri:

H. J. Res. 485. Joint resolution establishing and legalizing farm day; to the Committee on the Judiciary.

By Mr. SHANLEY:

H. J. Res. 486. Joint resolution authorizing the acceptance of the invitation of the Government of Italy to participate in the Rome Universal Exhibition to be held at Rome, Italy, in 1942; to the Committee on Foreign Affairs.

By Mr. THOMAS of Texas:

H. Res. 419. Resolution providing for the seating of Vincent F. Harrington in the House of Representatives for the Seventy-sixth Congress; to the Committee on Elections No. 3.

By Mr. PETERSON of Florida:

H. Res. 420. Resolution creating a select committee to investigate the sugar situation; to the Committee on Rules.

By Mr. TABER:

H. Res. 421. Resolution to obtain information with reference to trips to Florida at Government expense upon the part of officers and employees of the departments and agencies of the Government; to the Committee on Expenditures in the Executive Departments.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to consider their resolution with reference to census legislation; to the Committee on the Census.

Also, a memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to consider their assembly resolution with reference to the elections of Presidents of the United States of America; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 8860. A bill for the relief of Owen Ewart Smith; to the Committee on Naval Affairs.

By Mr. DARDEN:

H. R. 8861. A bill granting an increase of pension to Alice W. Farnell; to the Committee on Invalid Pensions.

By Mr. DONDERO:

H. R. 8862. A bill for the relief of Charles Joseph Nahid and Angela Nahid; to the Committee on Immigration and Naturalization.

By Mr. ELSTON:

H. R. 8863. A bill granting an increase of pension to Mary Sheridan; to the Committee on Pensions.

By Mr. GEHRMANN:

H. R. 8864. A bill for the relief of Elizabeth Silas; to the Committee on World War Veterans' Legislation.

By Mr. GERLACH:

H. R. 8865. A bill for the relief of the Allentown Airport Corporation; to the Committee on Claims.

By Mr. GIFFORD:

H. R. 8866. A bill for the relief of Jordan Hospital and others; to the Committee on Claims.

By Mr. GWYNNE:

H. R. 8867. A bill granting an increase of pension to Anna H. Chapman; to the Committee on Invalid Pensions.

By Mr. HARTLEY:

H. R. 8868. A bill conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc.; to the Committee on Claims.

By Mr. KEFAUVER:

H. R. 8869. A bill for the relief of Mrs. C. A. Lee; to the Committee on Claims.

By Mr. MAAS:

H. R. 8870. A bill for the relief of Seward A. Dean; to the Committee on Claims.

By Mr. NICHOLS:

H. R. 8871. A bill for the relief of Felix Eli; to the Committee on Claims.

H. R. 8872. A bill for the relief of Arthur King; to the Committee on World War Veterans' Legislation.

By Mr. O'LEARY:

H. R. 8873. A bill for the relief of Dorothy Silva; to the Committee on Claims.

By Mr. PATRICK:

H. R. 8874. A bill for the relief of William E. Thomas; to the Committee on Claims.

By Mr. PETERSON of Florida:

H. R. 8875. A bill for the relief of O. M. Davis; to the Committee on Claims.

By Mr. ROBINSON of Utah:

H. R. 8876. A bill for the relief of Margaret S. Holton; to the Committee on Claims.

By Mr. ROBSION of Kentucky:

H. R. 8877. A bill granting a pension to May K. Jones; to the Committee on Pensions.

By Mr. SPRINGER:

H. R. 8878. A bill granting a pension to Charles Smith; to the Committee on Invalid Pensions.

H. R. 8879. A bill granting a pension to Peter Henry Eikenberry; to the Committee on Invalid Pensions.

H. R. 8880. A bill granting a pension to Zack Pool; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6836. By Mr. ANGELL: Petition of Zoe Thompson, of Portland, Oreg., and others, asking for the enactment of House bill 5620; to the Committee on Ways and Means.

6837. Also, petition of Jas Logan, of Portland, Oreg., and others, asking for the enactment of House bill 5620; to the Committee on Ways and Means.

6838. By Mr. CARLSON: Petition of B. E. Bridges and 105 other citizens of Sherman, Rawlins, and Thomas Counties, Kans., urging enactment of House bill 1, the Patman chain-store bill; to the Committee on Ways and Means.

6839. By Mr. COLLINS: Concurrent resolution of the Mississippi House of Representatives, memorializing Congress to appropriate funds to the Department of Agriculture to prevent further spread of the pink bollworm; to the Committee on Agriculture.

6840. By Mr. CULKIN: Petition of the Senate of the State of New York, urging the Congress of the United States to amend census legislation so that the personal questions may be eliminated from the questionnaire, and the criminal penalty abolished; to the Committee on the Census.

6341. By Mr. ENGLEBRIGHT: Joint Resolution No. 6 of the California State Senate, relative to memorializing the President and the Congress of the United States to enact Senate bill 2212, relating to the development of marketing

and marketing services for farm commodities; to the Committee on Agriculture.

6842. By Mr. FITZPATRICK: Petition of the Bronx County Bakers' Board of Trade, Inc., Bronx, N. Y., and others, petitioning consideration of their resolution with reference to the imposition of new processing taxes, especially on bread; to the Committee on Ways and Means.

6843. By Mr. HARTER of New York: Petition of the Common Council of the city of Buffalo, N. Y., opposing the questionnaire to be used in taking the forthcoming census; to the Committee on the Census.

6844. Also, petition of Seyburn-Liscum Camp, No. 12, United Spanish War Veterans, Buffalo, N. Y., opposing the personal question to be asked in the taking of the forthcoming census; to the Committee on the Census.

6845. Also, petition of the Erie County (N. Y.) Board of Supervisors, opposing the personal questions contemplated to be asked during the taking of the coming census; to the Committee on the Census.

6846. Also, petition of the Erie County Assessors Association, Erie County, N. Y., opposing the St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

6847. Also, petition of the Buffalo Stereotypers Union, No. 25, Buffalo, N. Y., opposing the St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

6848. Also, petition of the New York State Assembly, favoring amending the census questionnaire so that all personal questions may be eliminated from the questionnaire and the criminal penalty abolished; to the Committee on the Census.

6849. Also, petition of the Niagara Frontier Planning Board, favoring adoption of the resolutions introduced by Congressmen MARTIN J. KENNEDY and J. FRANCIS HARTER, which resolutions call for a survey and hearings on the proposed St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

6850. By Mr. HOUSTON: Petition of Mrs. James N. Myers, of Wichita, Kans., and 17 others, urging enactment of Senate bill 280, a bill to prohibit "compulsory block-booking" by motion-picture distributors; to the Committee on Interstate and Foreign Commerce.

6851. By Mr. MARTIN J. KENNEDY: Petition of the Montana Engineering Experiment Station, Montana State College, Bozeman, Mont., urging support of House bill 8260, engineering experiment station bill; to the Committee on Interstate and Foreign Commerce.

6852. Also, petition of the Sons of the Revolution in the State of New York, New York City, urging that immediate steps be taken by legislation and by appropriate executive action to provide proper and suitable measures of preparedness; to the Committee on Military Affairs.

6853. By Mr. SCHIFFLER: Petition of the Fairmont Board of Commerce, Fairmont, W. Va., protesting against the construction of proposed navigation-power dams on the Ohio River near Letart, W. Va., and Greenup, Ky., and that hydroelectric generating equipment be installed at the existing Gallipolis Navigation Dam near Hogsett, W. Va.; to the Committee on Interstate and Foreign Commerce.

6854. By Mr. JARRETT: Petition of Mollie F. Watterson and other residents of Oil City, Pa., urging embargo on materials to Japan; to the Committee on Foreign Affairs.

6855. Also petition of Fritz J. Johnson, secretary, Swedish Evangelical Mission Church, Ridgway, Pa., urging embargo on shipments of certain materials abroad; to the Committee on Foreign Affairs.

6856. By Mr. KEOGH: Petition of the National Concrete Masonry Association of Chicago, Ill., concerning Senate bill 591; to the Committee on Labor.

6857. Also, memorial of the Legislature of the State of New York, memorializing Congress to amend the census legislation; to the Committee on the Census.

6858. Also, petition of the Chamber of Commerce of the State of New York, concerning foreign silver purchases by the United States Government; to the Committee on Foreign Affairs.

6859. Also, petition of the Harbor Carriers of the Port of New York, concerning pending sugar legislation; to the Committee on Agriculture.

6860. Also, petition of the Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio, favoring the Harrington amendment to the omnibus transportation bill (S. 2009); to the Committee on Interstate and Foreign Commerce.

6861. Also, petition of the Polish Army Veterans' Association of America, Inc., favoring financial aid to the Republic of Poland; to the Committee on Foreign Affairs.

6862. By Mr. KRAMER: Resolution of the City Council of the City of Long Beach, Calif., relative to flood-control authorization; to the Committee on Flood Control.

6863. Also, resolution of the Los Angeles Traffic Managers' Conference, relative to discrimination in steamship service and freight rates between New York and Los Angeles to the Panama Canal Zone; to the Committee on Interstate and Foreign Commerce.

6864. Also, resolution of the Board of Water Commissioners of the City of Long Beach, relative to the construction of the proposed Whittier Narrows Dam, etc.; to the Committee on Flood Control.

6865. By Mr. LUCE: Petition of sundry residents of the Ninth Massachusetts Congressional District, urging action on House bill 5620, designated as the general welfare bill; to the Committee on Ways and Means.

6866. By Mr. PFEIFER: Petition of the Harbor Carriers of the Port of New York, urging continuation of the present Sugar Act; to the Committee on Foreign Affairs.

6867. Also, petition of the Grand Lodge, the Brotherhood of Railroad Trainmen, Cleveland, Ohio, urging enactment of the railroad reorganization bill (S. 1869), and defeat of the omnibus transportation bill (S. 2009); to the Committee on Interstate and Foreign Commerce.

6868. Also, petition of the Senate and Assembly of the State of New York, Albany, N. Y., urging the amendment of census legislation so that all personal questions may be eliminated from the questionnaire and the criminal penalty abolished; to the Committee on the Census.

6869. By Mr. RANKIN: Petition of the State of Mississippi, petitioning consideration of their resolution with reference to appropriation to the Department of Agriculture to prevent spread of the pink bollworm; to the Committee on Agriculture.

6870. By Mr. REED of Illinois: Petition of E. J. Vogel and 100 signers, protesting against the imposition of new processing taxes, especially on bread; to the Committee on Ways and Means.

6871. By Mr. SCHWERT: Resolutions of the Uniformed Firemen's Association of Buffalo, N. Y., Inc.; Erie County Assessors Association, Cheektowaga, N. Y.; Buffalo Stereotypers Union, No. 25, Buffalo, N. Y.; Buffalo Local, Journeymen Stone Cutters Association of North America, Buffalo, N. Y., opposing the St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

6872. By Mr. SMITH of West Virginia: Resolution of the West Virginia Association of Retail Grocers, recommending passage of sugar legislation to assist the depressed cane-sugar refining industry of the United States; to the Committee on Ways and Means.

6873. By the SPEAKER: Petition of the Committee on Niagara Frontier Planning Board, County of Niagara, State of New York, petitioning consideration of their resolution with reference to the St. Lawrence seaway and power treaty between the United States and the Dominion of Canada; to the Committee on Foreign Affairs.

6874. Also, petition of the United Association of Plumbers and Steam Fitters, Los Angeles, Calif., petitioning consideration of their resolution with reference to Senate bill 591, concerning the United States Housing Authority; to the Committee on Banking and Currency.

6875. Also, petition of the National Concrete Masonry Association, Chicago, Ill., petitioning consideration of their resolution with reference to United States Housing Act; to the Committee on Banking and Currency.

6876. Also, petition of the American Federation of Labor, Washington, D. C., petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

6877. Also, petition of the Brotherhood of Railway Agents, Telegraphers, and Signal Operators, Oakland, Calif., petitioning consideration of their resolution with reference to conducting a diligent investigation of labor union's camouflaged capitalistic enterprises; to the Committee on the Judiciary.

6878. Also, petition of the Brotherhood of Railway Agents, Telegraphers, and Signal Operators, Oakland, Calif., petitioning consideration of their resolution with reference to civil liberties and economic freedom; to the Committee on Labor.

6879. Also, petition of the Brotherhood of Railway Agents, Telegraphers, and Signal Operators, Oakland, Calif., petitioning consideration of their resolution with reference to an investigation of acts of violence, sabotage, and incendiarism; to the Committee on Rules.

6880. Also, petition of the National Cotton Council of America, Memphis, Tenn., petitioning consideration of their resolution with reference to trade barriers of the cotton South; to the Committee on Agriculture.

6881. Also, petition of the San Pedro Civic Council, San Pedro, Calif., petitioning consideration of their resolution with reference to House 7447, a bill providing for Federal aid in the construction of the T-tunnel project at San Pedro Harbor; to the Committee on Military Affairs.

6882. Also, petition of the United Association of Journeymen Plumbers and Steam Fitters, Pasadena, Calif., petitioning consideration of their resolution with reference to Senate bill 591, concerning the United States Housing Authority; to the Committee on Banking and Currency.

SENATE

TUESDAY, MARCH 12, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Blessed Son of God, who in the days of Thy flesh didst oft repair to the secret place for communion with Thy Father: Grant that as we come into Thy presence we may find it a sanctuary, secure from the clamor of the world, where no controversy penetrates, where no rivalries can live within its gates of peace. Here may we step out of the shallows of impetuosity into the clear depths of love; here may we unlearn the passion that worketh ill to our neighbor and find our futile questionings lost in a certainty deeper than our inquiring minds. And, as we turn again to respond to the call of the world's great need, toiling feverishly and often beyond our strength, when the evening bell still tarries and our work is still undone, do Thou open then the crystal fountains whence the healing waters flow, that again we may walk with Thee in the garden in the cool of the day. In Thy name, O blest Redeemer, do we offer up our prayer. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 11, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Austin	Barbour	Brown
Andrews	Bailey	Barkley	Bulow
Ashurst	Bankhead	Bilbo	Burke
Byrd	Green	McKellar	Sheppard
Byrnes	Guffey	McNary	Shipstead
Capper	Gurney	Maloney	Smathers
Caraway	Hale	Mead	Smith
Chandler	Harrison	Miller	Stewart
Chavez	Hatch	Minton	Taft
Clark, Idaho	Hayden	Murray	Thomas, Idaho
Clark, Mo.	Herring	Neely	Thomas, Okla.
Connally	Hill	Norris	Thomas, Utah
Danaher	Holman	Nye	Townsend
Davis	Holt	O'Mahoney	Truman
Donahey	Hughes	Overton	Tydings
Ellender	Johnson, Calif.	Pepper	Vandenberg
Frazier	Johnson, Colo.	Pittman	Van Nuys
George	La Follette	Reed	Wagner
Gerry	Lee	Reynolds	Walsh
Gibson	Lodge	Russell	Wheeler
Gillette	Lundeen	Schwartz	White
Glass	McCarran	Schwellenbach	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Illinois [Mr. LUCAS] is unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Bradbury Heights Citizens' Association of Washington, D. C., favoring an appropriation for the purchase of a site for elementary-school purposes within Bradbury Heights in the vicinity of the intersection of Alabama Avenue and H Streets SE., in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. WALSH presented a petition of sundry citizens of the State of Massachusetts, praying for the adoption of the so-called Tobey resolution, being the resolution (S. Res. 231) favoring the deletion from the Sixteenth Census population schedule of inquiries numbered 32 and 33, relating to compensation received, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. CLARK of Missouri, from the Committee on Commerce, to which was referred the bill (S. 3231) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo., reported it without amendment and submitted a report (No. 1303) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 224) authorizing and directing an investigation of alleged wire tapping and installation of listening or recording devices (submitted by Mr. GREEN on February 1, 1940), reported it with an amendment and submitted a report (No. 1304) thereon, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 11, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 1449. An act for the relief of Robert Stockman;

S. 1998. An act for the relief of Ernestine Huber Neuheller; and

S. 2284. An act to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

S. 3562. A bill to provide for a maximum interest rate of 3 percent on loans secured by United States Government life-insurance policies; to the Committee on Finance.

By Mr. TAFT:

S. 3563. A bill for the relief of Roche, Connell & Laub Construction Co.; to the Committee on Claims.

By Mr. BAILEY:

S. 3564. A bill to provide for a study relating to the promotion of the sale and use in South America and Central America of tobacco produced in the United States; to the Committee on Agriculture and Forestry.

By Mr. BANKHEAD:

S. 3565. A bill for the relief of Erich Hecht, Grete J. L. Hecht, and Erich F. Hecht, Jr.; to the Committee on Immigration.

By Mr. SHEPPARD:

S. 3566. A bill to provide pay to Air Corps Reserve officers for risks incurred in authorized training flights when not on active duty; to the Committee on Military Affairs.

By Mr. McNARY:

S. 3567. A bill relating to lands of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians; to the Committee on Indian Affairs.

By Mr. REYNOLDS:

S. 3568. A bill for the relief of A. Natalie Graham; to the Committee on Finance.

By Mr. McKELLAR:

S. J. Res. 229. Joint resolution determining the exterior material and finish of public buildings to be erected in the northwest triangle; to the Committee on Public Buildings and Grounds.

CHANGE OF REFERENCE

On motion by Mr. REYNOLDS, the Committee on Finance was discharged from the further consideration of the bill (S. 3378) granting an increase of pension to Gus Hughes, and it was referred to the Committee on Pensions.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. FRAZIER submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

At the proper place in the bill insert the following:

"BUREAU OF INTERNAL REVENUE

"The funds continued available (by the Treasury and Post Office Departments Appropriation Act, 1941) during the fiscal year 1941 for refunds of processing and related taxes shall be available during such fiscal year for the payment, hereby authorized under such regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to any person who raised or produced and marketed hogs for slaughter on which there was levied, collected, or paid a processing tax under the provisions of the Agricultural Adjustment Act (of 1933), or his legal representatives, of so much of such tax as was in fact borne by such person: *Provided*, That the amount of such tax borne by such person with respect to any particular quantity of hogs shall be deemed to be an amount equal to the processing tax payable upon an equal quantity of hogs at the time such particular quantity of hogs was marketed minus any amount by which the spread between the average hog-product value at Chicago of such particular quantity of hogs during the month in which they were marketed and the average hog price at Chicago of such particular quantity of hogs during such month was less than the amount of such processing tax plus 65 cents for each hundredweight of such particular quantity of hogs: *Provided further*, That the rate of processing tax levied, collected, or paid with respect to any particular quantity of hogs marketed by a claimant under the provisions of this paragraph shall be deemed to be the rate prevailing on the day following the day upon which such hogs were marketed by such claimant: *Provided further*, That any claim for payment under the provisions of this paragraph shall be filed with the Commissioner of Internal Revenue after the date of enactment of this act and prior to July 1, 1941, and proof upon such claim must be submitted prior to December 31, 1941: *Provided further*, That the allowance or disallowance by the Commissioner of Internal Revenue of any claim filed under the provisions of this paragraph shall be reviewable in the same manner and to the same extent that the allowance or disallowance of a claim filed under the provisions of title VII of the Revenue Act of 1936 is reviewable under section 906 of such act: *Provided further*, That account sales kept by a vendor, or a vendee, or by an agent of either, with respect to a particular quantity of hogs shall be accepted as proof of a claim for payment under the provisions of this paragraph with respect to such quantity of hogs: *Provided further*, That no part of any payment made under this paragraph in excess of 10 percent thereof shall be paid to or received by any agent or attorney on account of services rendered in connection with obtaining such payment, and the same shall be unlawful, any contract to the contrary notwithstanding; and any person violating the provisions of this proviso shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding $1,000."

Mr. FRAZIER submitted an amendment intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed. (For text of amendment referred to, see the foregoing notice.)

REDUCTION OF CAPITAL FUNDS OF CERTAIN CREDIT CORPORATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that I may offer a resolution, not for immediate consideration, but to be considered in accordance with the rules of the Senate, and for the information of the Senate I ask that the clerk read the resolution.

The VICE PRESIDENT. The clerk will state the resolution.

The Chief Clerk read the resolution (S. Res. 243), as follows:

Whereas the President, in his Budget message of January 3, 1940, estimated that it would be feasible to reduce by $700,000,000 the capital funds of certain credit corporations established by the Government at various times as emergencies have arisen; and

Whereas the credit corporations referred to in such message were not specifically enumerated, and repeated requests to have the Director of the Bureau of the Budget identify or enumerate such corporations have been denied; and

Whereas it is essential, in the public interest, that full information with respect to the reduction of the capital funds of such corporations be furnished to the Senate: Therefore be it

Resolved, That the Director of the Bureau of the Budget is hereby requested to submit to the Senate immediately a list of the credit corporations whose capital funds are proposed to be reduced, in accordance with the Budget message of the President of January 3, 1940, and the amount of the proposed reduction of capital funds in the case of each such corporation.

Mr. BYRD. Mr. President, I should like to make a brief statement regarding the subject matter of the resolution I have just sent forward.

On January 12 I wrote to the Director of the Budget, Mr. Smith, requesting detailed information with respect to the $700,000,000 it is proposed to divert from credit corporations to be placed into the General Treasury to avoid the necessity of asking Congress to increase the Federal debt limit of $45,000,000,000.

The Director of the Budget replied on January 17 that he was not prepared to furnish this information. On February 28 I wrote him again. Today I received a personal visit from Mr. Smith, at which time he stated that the information was not yet available, and that at least several weeks would elapse before Congress could be informed as to the details of this diversion of $700,000,000.

This detailed information should have been included in the Budget when it was submitted on January 3. I am astonished to know that the information is still incomplete.

This is a vital question, as it directly affects the appropriations now being made by Congress and an increase in the debt limit. I therefore felt it incumbent upon me to offer a resolution calling upon the Director of the Budget to furnish immediately this information to Congress.

No device should be adopted by the administration to evade by subterfuge the legal debt limit.

It is possible, and probable, that these diversions will not meet with the approval of Congress, and the Members should know this before pending appropriation bills are enacted which, unless the diversion is made, will necessitate exceeding the legal debt limit.

The VICE PRESIDENT. The resolution will lie over under the rule.

ARTICLE BY SENATOR BARBOUR ON OUR FARM POLICY

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD an article entitled "Nonsensical Conflicts in Our Farm Policy," written by Senator BARBOUR and published in the New Jersey Farm and Garden for March 1940, which appears in the Appendix.]

ARTICLE BY DAVID C. COYLE ON BACK TO THE LAND

[Mr. LEE asked and obtained leave to have printed in the RECORD an article entitled "Back to the Land," written by

David Cushman Coyle and published in the February issue of the Survey Graphic, which appears in the Appendix.]

LETTER BY PROFESSOR BORCHARD ON THE "ALTMARK" CASE

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a letter written by Prof. Edwin Borchard, of Harvard University, in regard to the *Altmark* case, which appears in the Appendix.]

EDITORIAL FROM TIMES-HERALD ON HEIRS OF THE BRITISH EMPIRE

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial from the Times-Herald of the issue of Monday, March 11, 1940, entitled "Heirs of the British Empire," which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7084. An act to amend the act entitled "An act to regulate proceedings in adoption in the District of Columbia," approved August 25, 1937;

H. R. 7114. An act to amend paragraph (c) of section 6 of the District of Columbia Traffic Act, as amended by act approved February 27, 1931;

H. R. 8470. An act to amend section 6 of the District of Columbia Alcoholic Beverage Control Act;

H. R. 8639. An act to change the name of a portion of Twenty-fourth Street NW. to Williamsburg Lane;

H. J. Res. 465. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes; and

H. J. Res. 466. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, or ordered to be placed on the calendar, as follows:

H. R. 7084. An act to amend the act entitled "An act to regulate proceedings in adoption in the District of Columbia," approved August 25, 1937;

H. R. 7114. An act to amend paragraph (c) of section 6 of the District of Columbia Traffic Act, as amended by act approved February 27, 1931; and

H. R. 8470. An act to amend section 6 of the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

H. R. 8639. An act to change the name of a portion of Twenty-fourth Street NW. to Williamsburg Lane;

H. J. Res. 465. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes; and

H. J. Res. 466. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941; to the calendar.

PERSONAL EXPLANATION

Mr. GUFFEY. Mr. President, in a speech in the Senate on July 29, 1939, I referred to an article appearing in the St. Louis Post-Dispatch, written by Mr. Marquis W. Childs, its Washington correspondent, concerning a trip I made to Mexico in 1937. The implications of the story were to the effect that I had improperly used my position as a Senator to further some foreign oil deal, which was entirely untrue. The wrong impression about me given by the article was due more to its implications than to the actual wording of it.

The facts stated in the article were substantially correct, but the interpretation put upon them was entirely wrong, and I resented it.

I had been informed by a source which I then considered to be responsible and reliable that the writer of the article, Mr. Childs, had received compensation from someone other than his employer for writing that story; and I made that statement on the floor of the Senate on July 29, 1939.

The person from whom I received my information has been unable or unwilling to substantiate the statement he made to me.

I now believe that the statement I made on the floor of the Senate, that Mr. Marquis W. Childs received compensation from someone other than his regular employer, was not true; and I deeply regret the incident, and ask permission to withdraw the statement.

I am doing this voluntarily. I have not discussed it with Mr. Childs or his counsel, and I have no arrangement with them whatsoever.

I merely want to correct what I think was an injustice to Mr. Childs.

FIRST DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Let the Chair state to the Senator from Oklahoma and the Senate that the bill has reached such a stage in its passage through the Senate that unanimous consent will be required for the Senator to offer the amendment.

Mr. THOMAS of Oklahoma. Mr. President, I was advised last night that the regular order had been demanded prior to the passage of the bill.

The VICE PRESIDENT. That is correct; but the bill was on its passage. The Senator may pursue either one of two methods: For the purpose of offering his amendment he may move to reconsider the vote by which the bill was ordered to be read a third time, or he may ask unanimous consent to offer the amendment.

Mr. THOMAS of Oklahoma. Mr. President, I will make a brief statement prior to my request. On yesterday I submitted an amendment providing an expenditure of $8,000 to defray the expenses of delegates to an Indian conference to be held in Mexico. The amendment contained legislation. A point of order was made against the amendment, and the Chair held the point of order good. Since that time the State Department has drawn a new amendment hoping, trying, and seeking to eliminate legislation. I desire to offer that amendment. It carries the same amount of money, but, as I understand, is not contrary to existing policy. It is not legislation.

I now ask unanimous consent that the vote by which the bill was advanced to its third reading be reconsidered, to the end that I may offer such an amendment.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma to reconsider the vote by which the bill was carried to its third reading? The Chair hears none. The amendment offered by the Senator from Oklahoma will be stated.

The legislative clerk read as follows:

On page 18, after line 5, it is proposed to insert the following:

"FIRST INTER-AMERICAN CONGRESS ON INDIAN LIFE

"For the expenses of participation by the United States in the first Inter-American Congress on Indian Life, to be held at Patzcuaro, Mex., in 1940, including personal services in the District of Columbia or elsewhere; stenographic reporting, translating, and other services by contract if deemed necessary; rent; travel expense; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; costs of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to

remain available until June 30, 1941 (convention on the Pan American Union, adopted at Habana, Cuba, February 1928, ratified by the President March 6, 1931; Resolution XCIII, adopted at Montevideo, December 24, 1933; Resolution XIII, adopted at Lima, Peru, December 31, 1938), $8,000."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

Mr. FRAZIER. Mr. President, yesterday, when the bill was before the Senate, the junior Senator from New Mexico [Mr. CHAVEZ] offered an amendment similar to this one. He is not now on the floor.

Mr. THOMAS of Oklahoma. Mr. President, in reply to the suggestion of the Senator from North Dakota, I may suggest that it is a well-established principle that the President cannot be dictated to in making appointments, and he will make these appointments; so I suggest that if a provision of that kind should be placed in the amendment it would have to go out in conference, or else the whole item probably would have to go out in conference. I am sure it is the intent of the State Department to have a liberal representation of Indians in attendance upon this conference. I make that statement authoritatively.

Mr. FRAZIER. Under this amendment, the President will make the appointments?

Mr. THOMAS of Oklahoma. That is correct.

Mr. FRAZIER. I have no objection, but I thought perhaps the Senator from New Mexico might want to offer another amendment. However, he is not present.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

The amendment was agreed to.

The additional amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. JOHNSON of Colorado. Mr. President, I desire to call up an amendment which I have on the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following new section:

SEC. —. Amend section 9 by striking out the period at end of subsection (b) and adding the following *"Provided,* That the provisions of this section shall not apply to officers or employees of the Federal Government residing and voting in any State where State laws do not forbid the officials and employees of the State or local agencies of the general class above described from taking any active part in political management or political campaigns."

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The question is on agreeing to the amendment offered by the Senator from Colorado.

Mr. JOHNSON of Colorado. Mr. President, I desire to make one correction in the amendment. Instead of reading "at the proper place in the bill", it should read "after the period in line 18, add the following."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. JOHNSON of Colorado. Mr. President, before I proceed to explain the amendment I wish to make a statement.

Regardless of whether or not my amendment is agreed to, I expect to support the pending bill. I sincerely hope my amendment will be agreed to. I believe it should be agreed to; but if it shall not be agreed to, I will support the pending legislation so long as section 9 of the original Hatch Act remains upon our statute books.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. JOHNSON of Colorado. Gladly.

Mr. HATCH. I am trying to ascertain the exact place where this amendment comes in the pending bill. The copy of the amendment I have reads:

After the period in line 18, add the following—

On what page, may I ask the Senator?

The PRESIDING OFFICER. The Chair understands the amendment comes at the end of the committee amendment, on page 7, after line 18.

Mr. JOHNSON of Colorado. Mr. President, the legislation contemplated by the Hatch bill runs into the difficulty of enacting laws for our dual form of government.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Gladly.

Mr. NEELY. I inquire of the able Senator from Colorado if I am correct in believing that his amendment is based upon the theory that the Congress should not tie the hands of Federal employees to a greater extent than the hands of similar employees of the various State governments are also tied.

Mr. JOHNSON of Colorado. That is exactly the purpose of the amendment.

Mr. SCHWELLENBACH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHWELLENBACH. I should like to inquire whether or not this amendment is one which is subject to division.

The PRESIDING OFFICER. The amendment is not subject to division.

Mr. JOHNSON of Colorado. The Senator from Colorado is not willing to have the amendment divided, he may say to the Senator from Washington, because, unless the first section of the amendment is adopted and agreed to, the Senator from Colorado will vote against the adoption of the second section.

The able Senator from West Virginia [Mr. NEELY] has stated the situation exactly. The purpose of the amendment is to bring about cooperation between State laws and Federal laws instead of coercion, as is the case now, under the original Hatch Act. Cooperation is substituted for coercion.

As I stated a moment ago, so long as section 9 remains in the original Hatch Act I believe that the Congress is under obligation to the people of this country to change that law. The provisions of section 9 in their effect upon the welfare of this country are not at all wholesome. That act does not contribute to the purity of politics in any degree; it does exactly the opposite; and that is why I have offered my amendment, in the hope that section 9 may be modified.

As was stated a few days ago by the able Senator from Arkansas [Mr. MILLER], the eight sections of the original Hatch Act are entirely separate. I do not believe there is a Senator on either side of the aisle who is not in favor of the first eight sections of the Hatch Act. According to the newspapers, and according to some of the debate which has been carried on in the Senate, any effort to amend or change or modify section 9 is an effort to scuttle the Hatch Act. I do not hold to that opinion at all. I hold to the opposite opinion. I do not believe that section 9 is the heart of the Hatch Act. I think that section 9, instead of being the heart of the Hatch Act, is a cancerous growth upon the Hatch Act, and that it should be modified or removed.

I desire to read from section 9 so that Senators may understand exactly what are the provisions of the section to which I refer:

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election.

I skip some of the language and go to some of the exceptions, which are found several lines below the language I have just read:

For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments.

In other words, the exemptions are to the statement "for the purpose of interfering with an election," so that section 9 makes it perfectly lawful for the President and Vice President of the United States to use their official authority or influence for the purpose of interfering with an election. The same applies to the heads and assistant heads of executive departments and to the officers in the Diplomatic Service.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. HATCH. The Senator does not mean that under the law as a whole the officials he has mentioned are at liberty to use their official influence or authority for the purpose of interfering with an election, does he?

Mr. JOHNSON of Colorado. That is the way the law reads.

Mr. HATCH. That is the way the section reads; I referred to the law as a whole.

Mr. JOHNSON of Colorado. The law as a whole does not apply to the particular officers mentioned.

Mr. HATCH. Will the Senator read section 2 of the act, and tell us why it does not apply to those particular officers?

Mr. JOHNSON of Colorado. As I have said, I am in complete accord with everything in section 2, and everything that is in sections 1, 3, 4, 5, 6, 7, and 8; but we are talking about section 9.

Mr. HATCH. I prefaced my statement with the words "the law as a whole," and the Senator is seeking to create the impression—and I do not mean wrongfully—that the Congress of the United States has left the President and other officials at liberty to use their official authority to interfere with elections.

Mr. JOHNSON of Colorado. It has not left them to do that; it has directed them to do so.

Mr. HATCH. I call the Senator's attention to section 2, where what he is mentioning is made a criminal offense; and in that section there are no exceptions whatever. The Senator may then continue in his line of argument.

Mr. JOHNSON of Colorado. Section 9 directs them to do that very thing; I am talking about section 9, and section 9 is the part of the law which I wish to have modified. It is the only part of the law which I do wish to have modified. It is the only part of the law in which I wish to have changes made. I am in complete accord with all the other sections. As I have said, section 9 is not in the interest of pure politics, it is in the interest, as I see it, of impure politics, and I believe the Senate should very seriously consider the provisions which appear in section 9.

The point which should be kept in mind is that an attempt is being made by the proposed legislation to do something about elections which are not held in Washington, but which are held in the States.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Gladly.

Mr. BARKLEY. If I understand the effect of the Senator's amendment, it would be not only to make the pending bill, if enacted, ineffective in any State where no State law had been enacted on the subject, but it would also apply to section 9 of the present law, so that the present statute would not be effective in any State unless and until the State adopted a similar law with respect to its employees. Is that true?

Mr. JOHNSON of Colorado. That is true as to section 9 only. Section 9 would not be effective in any State unless the State passed a law to make its provisions apply to their employees and officers.

Mr. BARKLEY. Section 9 is regarded by many people as really the heart of the present Hatch Act.

Mr. JOHNSON of Colorado. It is not so regarded by the Senator from Colorado. The Senator from Colorado regards section 9 as a cancerous part of the Hatch Act and not the heart of it at all.

Mr. BARKLEY. There is a difference of opinion as to that. I ask the Senator whether he knows of any other Federal law denouncing certain things as unlawful the enforcement and application of which is made dependent upon the act of the legislature of a State in passing a similar statute?

Mr. JOHNSON of Colorado. Yes; I think amendment 21 to the Constitution of the United States does that very thing. That amendment makes certain things unlawful. It sets up and prescribes what the States shall do and what the Federal Government shall do in regard to prohibition, and it states that certain things are unlawful.

Mr. BARKLEY. That is based, possibly, upon the theory of the commerce clause of the Constitution in regard to the transportation of liquor from one State to another, and so forth, as affecting the laws of a State which has adopted prohibition. But we might say the same thing might apply to our automobile statute. There is a statute on the books making it a Federal crime to steal an automobile and transport it into another State. There is also a law making kidnaping a Federal offense. It seems to me that the Federal Government cannot pass a criminal statute, or a penal statute of any sort, and make such law applicable only in a State whose legislature passes a similar law pertaining to its own employees or any other group of citizens.

In other words, the universality of a Federal statute denouncing anything as unlawful should not depend upon the whims of any legislature, or of any State authority, and particularly is that true where the statute which the Senator seeks to amend applies only to Federal employees. We undoubtedly have the right to regulate the conduct of Federal employees, and such regulation, it seems to me, should be universal. If we should say that while we have the right to regulate Federal employees and their conduct in elections or otherwise, such regulation shall not apply in any State unless the legislature has placed the same regulation and restriction upon its own employees, there would be lacking the universal application of the law which there should be. There would be a spotted application.

Mr. JOHNSON of Colorado. Under the provision of my amendment the Hatch Act might apply in the State of Kentucky and not apply in the State of Ohio. It would all depend upon the citizens of the State of Kentucky and the citizens of the State of Ohio. In other words, we should have learned from the prohibition experiment that it is not possible to purify to a greater degree than the people of a State desire. There is no use trying to purify a State from Washington if the State does not want to be pure. We have to leave it to the people of the States.

Mr. BARKLEY. Will the Senator yield again?

Mr. JOHNSON of Colorado. I wish to cite another example, if the Senator will permit me. The Senator asked me a question a moment ago as to whether we had any law along this line. We do have such a law. The Congress adopted a formula in 1935, as I recall, in connection with unemployment-compensation insurance. The Congress passed a law assessing a tax upon employers and employees. Then it provided in that law that if any State passed an unemployment-compensation law, the employers and employees of such State could get 90-percent credit on the taxes they owed to the Federal Government.

Mr. BARKLEY. That is true, but it was not a penal statute; it was not a criminal statute. It was merely a statute based upon the theory that the Federal Government was putting up a certain amount of money, which was to be either matched or substantially increased by the taxes that would be levied by local legislation.

Our cooperative statutes have been based largely on the theory that they offered an inducement to the States to take similar action, such as our contributions to highways, which have to be matched by the States, and our contributions to old-age pensions, which have to be matched by the States.

Mr. JOHNSON of Colorado. Yes; and if a State does not do certain things, the Federal law is not operative in the State.

Mr. BARKLEY. No; it is not operative in the State under those circumstances.

Mr. JOHNSON of Colorado. That is the principle of this measure.

Mr. BARKLEY. I do not agree with the Senator that the same principle applies, because if a State is not willing

to make its contributions to old-age pensions, and to unemployment, and to highways, the Federal Government does not under that law feel obligated to go in itself and contribute money with which to build highways.

Mr. JOHNSON of Colorado. I say that if a State is not willing to clean up its politics, the Federal Government may go in and clean up a small part of its politics.

Mr. BARKLEY. Of course, that is a perfectly sincere opinion entertained by the Senator from Colorado. Sincerity characterizes all his opinions, and I respect him for his opinion, because I know his sincerity. But we are not dealing with a contribution made in order to induce a State to make a similar contribution to carry out a certain purpose. We are undertaking to deal with certain Federal employees, and the pending amendment, I think, would apply to State employees paid out of the Federal Treasury.

Mr. JOHNSON of Colorado. That is correct.

Mr. BARKLEY. But would it not be equally as logical to pass a law to limit the application of our statutes against counterfeiting unless a State also passed a counterfeiting law? Would not the same principle apply in that case?

Mr. JOHNSON of Colorado. I greatly respect the opinion of the Senator from Kentucky, as he well knows, but it seems to me that he is demonstrating the fanaticism with which this whole legislation is looked upon by some Senators and by the people of the country, when participation in a little caucus in one's own community is compared with the crime of counterfeiting and the crime of kidnaping.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BROWN. Long ago we made the distinction which the Senator from Colorado is pointing out. When we refer to murder, to robbery, to counterfeiting, or crimes of similar character, we have in mind what the Senator from Kentucky well knows come within the Latin term "malum in se"—wrong in itself. But the kind of crime the Senator from Kentucky referred to is one which is a crime merely because it is prohibited.

There is not anything fundamentally wrong about one attending a caucus. There is not anything fundamentally wrong about being a delegate to a county convention. As a lawyer, the Senator from Kentucky knows there is nothing in the nature of crime in such an action. We are not talking about crime. We are talking about a prohibition against a legitimate political activity. When we come to the question of an illegitimate, or pernicious, or unlawful political activity, we are not talking about anything that is prohibited in the section to which the Senator from Colorado is referring.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. BROWN. I yield.

Mr. BARKLEY. I do not, of course, claim to be as good a lawyer as is the Senator from Michigan——

Mr. BROWN. I admit that the Senator is a much better lawyer than I am, so he does not need to claim it.

Mr. BARKLEY. I recognize the difference between things which are offenses because they are prohibited by some statute and things which are bad within themselves. It may be—that I concede—there is nothing fundamentally wrong or immoral or bad in attending a caucus or a convention. If there were, then I would be a notorious criminal.

Mr. BROWN. The Senator would be in jail for a long time.

Mr. BARKLEY. I have attended many of them. But there is a vast difference between going to a caucus or a convention of your own accord, when you have been chosen by those who have power to choose, and the thing which I think is malum in se, so far as this particular legislation is concerned, and which is the objective of the bill introduced by the Senator from New Mexico originally, and the bill introduced by him now; that is, the power of someone to influence or coerce, either by domination or by threat, the exercise of the right of suffrage.

Mr. BROWN. Mr. President, will the Senator yield at that point?

Mr. BARKLEY. I will yield in a moment. I do not think that the stealing of an automobile and its transportation from one State to another can have so damaging an effect upon our political institutions and upon organized society as the power of some man to say, "Unless you vote as I tell you to vote, or unless you make a contribution to some campaign you cannot hold a position under organized society." I do not believe that I am exaggerating the effect and the evil results of this sort of a situation, and it cannot be minimized merely by comparing it to voluntary attendance at a caucus held in a courthouse, or voluntary attendance as a delegate at some function.

Mr. BROWN. Mr. President, the Senator from Kentucky, like the Senator from Massachusetts and the Senator from Georgia, whenever he discusses the question of prohibiting political activity, gets into a discussion of political activity which is illegitimate, which is pernicious, which is wrong. I do not believe there is any Senator present who is not willing, by statutory action, to condemn that kind of political activity, although, to make myself perfectly clear, there is a good deal of objection to having it done in the States by the Federal Government. But, as the Senator in the latter part of his remarks pointed out, in attempting to prevent iniquitous practices on the part of some officials who might be guilty of improper or pernicious political activity, the Senator from New Mexico and the Senator from Kentucky attempt to condemn all political activity.

Perhaps the term "all" is a little too inclusive, but they certainly condemn many political activities which are entirely proper.

It can be conceived that a collector of internal revenue whom the Senator from Kentucky has recommended to the President, and who has been appointed to office, would of his own volition desire to attend a political convention. It is conceivable that the United States district attorney at Grand Rapids, Mich., who was confirmed upon my recommendation by the Senate day before yesterday, might want to make a political speech in behalf of the Democratic Party. It is my contention that the effort to bring all persons connected with the Government within this prohibition does more injury and damage than good.

I think, as the Senator from Maryland [Mr. TYDINGS] well said the other day—and it was somewhat along the line of my own thought—that the Senator from New Mexico should take advantage of the opportunity of deferring this matter for a few days, or a couple of weeks, in order that he might attempt to define the iniquitous, the pernicious, the improper activities which are always referred to by Senators when they discuss this situation.

The Senator from Colorado and myself and others are talking about political activities which have for 150 years been considered entirely legitimate, which it is now proposed to strike down because some persons perhaps have used their powers improperly.

Mr. BARKLEY. I do not wish to take the time of the Senator from Colorado——

Mr. BROWN. I think he is willing to have the Senator take all the time he wants to take.

Mr. BARKLEY. I wish to observe that it is difficult to define by language in a statute even the word "pernicious" as applied to politics, and we all know that "pernicious political activity" is a flexible term, and its interpretation depends upon the facts of each case.

We have thousands upon thousands of rural mail carriers all over the United States; and once in a while one of them who is naturally politically inclined gets into trouble because he has been charged with talking to the patrons on his rural route about some candidate for office, and someone makes a charge against him of pernicious political activities. An inspector is sent out to examine the facts and make a report to the Civil Service Commission and to the Post Office Department. In every case of that sort the "perniciosity," if I may coin such a word, depends upon the facts as they are found in the particular case. So it is utterly impossible in a statute to define "pernicious political activity."

If my collector of internal revenue and the Senator's collector of internal revenue are to be allowed under the law to go as delegates to a convention, why not allow their deputies also to go? They are American citizens, and they hold only a minor office under the collector of internal revenue. If the deputy is allowed to go because the collector is allowed to go, how much influence ought the collector to be allowed to exert over his deputy as a delegate to the convention? The deputy may not happen to favor the candidate favored by the collector; and if the collector desires to put on pressure under threat that "unless you vote as I want you to, for my candidate, your job will be terminated tomorrow or at some other time," how are we to control the distinction between the right or the obligation and the moral question? I think a moral question is involved. I am not dogmatic on the subject, but it seems to me that a moral question is involved. Where are we to draw the line between the collector and the deputy collector, or between the United States marshal and the deputy marshal, or between the district attorney and the assistant district attorney? If we cannot draw a line of distinction between them, how can we draw the line as between any of the others who are subject to appointment?

Mr. BROWN. Mr. President, I wish to bring one point to the Senator's attention, and then I shall subside.

Mr. JOHNSON of Colorado. Mr. President——

Mr. BROWN. The Senator from Colorado has the floor.

Mr. JOHNSON of Colorado. I wish to reply to the argument submitted by the Senator from Kentucky. I am in favor of letting the people decide the question. If they want to send an internal-revenue collector or his deputy to a convention, I am willing for them to decide the question. I do not think we ought to decide it in Washington.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BROWN. I think the Senator has made a very good reply.

I call the attention of the Senator from New Mexico [Mr. HATCH] to the fact that he has drawn the line in his bill. He would permit the Senator from Kentucky, ALBEN W. BARKLEY, to go to a convention, but he draws a definite line of distinction between him and the collector of internal revenue whom the Senator from Kentucky may have recommended for appointment. In my own consideration of this matter I cannot see why we should condemn the collector of internal revenue, whom the Senator has recommended for appointment, and not condemn the Senator himself. The Senator is just as likely to be guilty of that type of politics as is the collector. Of course, I am only using the Senator as an example.

Mr. BARKLEY. I understand that. I am probably subject to the same temptation. If the collector happened to be a delegate, and I wanted to "put the screws" to him in order to compel him to vote my way in the convention—

Mr. BROWN. I do not think the Senator would do that.

Mr. BARKLEY. No; but I could do it, and I would be subject to the same sort of temptation.

However, there is another difference, if the Senator will permit me to restate it. It has been stated over and over again. I think we are consistent in the attitude that we not only have a right but we owe a duty to the people to present to the people their cause, and the manner in which we have performed our duties.

That is a duty which we owe to the people, because they choose us. But they do not choose the collector or the deputy collector; and if the collector, the deputy collector, and all the others are to be permitted to exercise political influence and take part in politics, why not repeal the law which prevents rural mail carriers from engaging in political activity? I dare say the average rural-mail carrier has more influence on his route than have all the politicians in the State.

Mr. BROWN. How about the sheriff of the county? He is in exactly the same position; but his is an elective office.

Mr. BARKLEY. We are not dealing with the sheriff of the county.

Mr. BROWN. Oh, yes.

Mr. BARKLEY. No; we are not attempting to deal with the sheriff of the county.

Mr. BROWN. If he were an executive officer the law would apply to him. Perhaps it would not apply to the sheriff, but it would apply to the county engineer, who is elected.

Mr. BARKLEY. Not in most cases.

Mr. BROWN. That happens to be true in my State.

Mr. BARKLEY. In my State county engineers are appointed.

Mr. BROWN. Mr. President, I do not wish to take any more time.

Mr. JOHNSON of Colorado. Mr. President, I thank both Senators for the contributions they have made to the debate. I wish to get away from legalistic questions. I am not competent to debate them in a chamber full of constitutional lawyers. I know very little about the law; but I do know something about the farm, and I know something about how natural laws apply.

My home county in Colorado is away out in the sagebrush, but we have grain fields. We have prairie dogs, and we have coyotes. The prairie dogs eat the grain, and the coyotes eat the prairie dogs. Normally the coyotes eat enough of the prairie dogs so that there are not enough prairie dogs to do much harm to the grain. That is the way it used to work.

Then the ladies decided that they wanted to wear pretty furs—imitation mink and other furs made of coyote hides—and the hunters, trappers, and coyote poisoners went into that section and killed off most of the coyotes. When they did that the prairie dogs increased and destroyed the crops, and the people had to move out of the region. The hunters destroyed the even balance which nature had provided. Nature has provided that kind of balance in many ways. We are destroying that balance by legislation of this character. We have city machines, State machines, and Federal machines, or are supposed to have them; but when we destroy the Federal machine we make the city machine or the State machine more powerful, and do not purify politics at all. We simply change the power from the Federal machine to the municipal machine or the State machine.

Last week a Senator gave me a good illustration of how such a thing works. The particular Senator to whom I refer is one of the most able Senators in this body, a very distinguished Senator and a man of unquestioned integrity and honesty. He has fine ideals and the courage to state those ideals in many ways and on many occasions. It is not necessary to mention the name of the Senator, and it is not necessary to name the State from whence he comes, except that I will say that the State is not Colorado.

This is the story the Senator told me: He said he was running for renomination in a Democratic primary which was to be held in September. In his State was a very large city presided over by a mayor who belonged to his party. This mayor, like many mayors, was ambitious and wanted to control more than merely his little municipality. He wanted to control the whole State. He wanted to have in Washington the kind of Senator who suited his purposes. He had no fault to find with the integrity of the Senator who was serving in Washington. He could not find any fault with him or his ability to represent his State well, because the Senator was doing a splendid job. However, the mayor did not like him, because he was not a cog in his little municipal political machine, and he wanted to replace him by one of his own henchmen. So he set about to defeat the Senator and unseat him in the Democratic primary.

The Senator sent word to the mayor. He said, "I understand you are about to declare war. That is perfectly all right. Perhaps war should be declared. However, I want you to understand that in this war, if it is declared, there will be two battles. The first battle will occur in September at the Democratic primary, and the second battle will occur next spring when the city in which you live nominates and elects its next mayor. You have a powerful machine. It is recognized, and I recognize it. Perhaps you can win the battle against me in September; but I want you to understand that in the second battle I shall have a machine.

While I do not now have a machine, I shall start out and organize a machine of Federal employees—and there are many of them in your city—and in the second battle you will have to look after yourself."

The mayor was a pretty smart politician. He could see the point well enough. So he said, "All right; we will not have any war," and the Senator did not have to organize a machine to fight a machine.

That is the kind of situation we are up against in connection with the proposed legislation. We talk about destroying a Federal machine; but when we destroy the Federal machine we make the city machine or the State machine that much stronger. We do not get away from machine politics by such action. We simply transfer the machine from one unit of government to another. That is the whole difficulty with this kind of legislation; and that is the very thing that the amendment I have offered seeks to correct.

If I were writing the Hatch bill, which we have before us, I think I could reduce it to one paragraph of four or five lines. This is all I should put in it:

> It shall be unlawful for any branch of the Federal Government to allocate any Federal funds to any State or any agency of any State unless and until that State by law shall adopt all the provisions of the original Hatch Act.

That is the way I should write the second Hatch Act. Coercion? Of course it would be coercion. It would be the same kind of coercion that the Congress of the United States wrote into the Unemployment Compensation Act. It would be the same kind of coercion that is written into the second Hatch measure—a little more extensive, a little more effective, but exactly the same principle of coercion. If we are to coerce the States, why not coerce them effectively? If we want to get rid of machine politics, why not coerce the States to get rid of machine politics, instead of following the line of the present Hatch Act?

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I gladly yield to my colleague.

Mr. ADAMS. I am wondering if the Senator's amendment may not have been suggested by the statement made by the majority leader a few days ago. The majority leader made this statement on the floor:

> Mr. President, I am for this bill. I am for it because it undertakes to place on the same footing all employees who draw their salaries from the Government of the United States. I do not think it is fair to tie every Federal employee to a tree and allow every State employee who draws his pay from Washington to roam at large over the woodlot, play politics, exercise his influence, and bring about intimidation or ccercion in State highway departments, among old-age pensioners, or among those who are unemployed and who are looking to Washington and their State capitals for relief from unemployment.

As I understand, the Senator's amendment is an effort to carry out the suggestion of the Senator from Kentucky that there should not be a rule applied to Federal employees which does not apply to State employees. The Senator from Colorado is reaching it simply by a different method. He is saying in a negative way that the Federal employees shall not be tied to a tree if the State employees are not also tied. The Senator from Kentucky says, "Well, we will tie the Federal employees"—and they are tied—"and then we will penalize the State if an employee violates the provision as to State employees."

I merely wondered if that is not the purpose. I am thoroughly in accord with the views of the Senators from Kentucky, one of whom seems to be missing, that we should eliminate pernicious activities in politics, and I will say that I look to the Senators from Kentucky for wisdom and for learning and for experience——

Mr. JOHNSON of Colorado. And especially experience.

Mr. ADAMS. Because in my State we have not had such conditions. When I ran for the Senate at the last election there was not even a complaint filed with the committee investigating the election as to the conduct of affairs in Colorado. Apparently in Kentucky the Senators there and others realized how terrible it was to have State and Federal employees taking part in politics. I know it was said openly; I know what the report shows. So I yield to the experience of the Senators from Kentucky, willing to follow them and only ask them to go the whole way, and say that we will apply the same rule to the State employees as to the Federal employees. It is quite as iniquitous for a State employee to go to a political convention as for a Federal employee to go. I am not debating the bill. Probably I shall follow my colleague in voting on the bill, and I desire, as I say, to follow the wisdom and the experience and the recommendations of the Senators from Kentucky.

Mr. CHANDLER. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I thank my colleague for what he has said, because he has stated the case exactly and precisely. I now yield to the junior Senator from Kentucky.

Mr. CHANDLER. I thank the Senator very much. Since my name has been mentioned in the debate, as has also the name of my colleague, who is temporarily absent from the Chamber.

Mr. ADAMS. I trust the Senator realizes that I said nothing other than in the most complimentary way.

Mr. CHANDLER. I thank the Senator. He only mentions his fellow Senators in complimentary terms, for which I am very much pleased.

I can answer for myself that during 1938 many complaints came to the attention of the people not only in my State but all over the country. On both sides accusations were made of playing politics and the use of Federal and State employees in the election.

I think the original Hatch bill proceeded on the assumption that employees of the Federal Government had a job to do, and one of the jobs was not to take part in pernicious politics. "Pernicious politics," of course, I can explain to the Senator, is when the fellow on the other side does something to you.

Mr. JOHNSON of Colorado. No; "pernicious politics" is when an employee attends a caucus.

Mr. CHANDLER. In the ordinary acceptance of the term as employed by politicians of the country, a fellow on the Federal pay roll who is for you may be doing a great service for the country and may be highly meritorious, but if he helps your opponent, that is "pernicious politics."

Mr. JOHNSON of Colorado. I am talking about the definitions appearing in the Hatch bill, the matter we have under discussion here, and "pernicious politics" is attending a caucus among your neighbors, attending a convention——

Mr. CHANDLER. I doubt if it goes that far.

Mr. JOHNSON of Colorado. Attending a convention and running for office. That is what "pernicious politics" is.

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSON of Colorado. I have yielded to the Senator from Kentucky, and when he concludes I will then yield to the Senator from New Mexico.

Mr. CHANDLER. The view I have—and I think that view is also shared by my colleague—is that when the Federal employees are knee deep in politics at the special instance and request—and I might go further and say at the direction of many of those who are at the head of bureaus and boards and commissions in the city of Washington—they are engaged in pernicious political activity. I was asked why I did not complain when one of my fellow citizens was proposed for a position in the Cabinet of the President of the United States, and I said, "Why should I complain about this man because when he was asked, 'Did your boys play politics in Kentucky,' he said, 'Why, when they set in on us we caved in.'" That was as good an answer as anybody on earth could give to the charge that he had been playing politics.

When someone came to Kentucky and asked me if State employees were helping me, I said I thought so. He said, "Is everyone helping you?" I said, "Everyone I know anything about." I was honest and straight about it; I did not deny that all the State employees in Kentucky were doing everything they could in my behalf. I think they were.

Mr. JOHNSON of Colorado. If they were not, the Senator would have discharged them, would he not?

Mr. CHANDLER. I would have considered it. I do not say I would but I certainly would have considered it. [Laughter.]

The official in Washington who has charge of a great governmental agency said when the politicians sat in on his organization his organization caved in; that is, they played politics, and in playing politics they were spending the money of the people of the United States, the taxpayers of the United States, appropriated by the Congress of the United States in order to give work to men and women who had no jobs and who were hungry. We had a right to protest that, and it was protested not only in Kentucky but all over the United States.

I did not know then, I will say to the Senator from New Mexico, that I would ever be a Member of the United States Senate, but I have no right to become a Member of the Senate of the United States and say to the Federal employees, "You are employed and are paid from the money appropriated by Congress and obtained from the taxpayers of the country to do a job for the people of America, and you cannot belong to political organizations and contribute 2 percent or some other percentage of your money in order to elect somebody to public office in the United States," and then say to State employees who are paid in whole or in part by the Federal Government that they may do as they please. I have no fear about my present situation in my State; the Governor of my State is my very good friend. He served for years as Lieutenant Governor. I sponsored him in his campaign; I stood by him and urged his election and said to the people that if he was elected I felt that he would make them a great Governor; and I am glad to say he is making them a great Governor. But I have no right now to say that I want Federal employees, as my colleague said, muzzled and tied to a tree and that I want everybody else free. I am for this bill on a broader ground; and I think some of my colleagues have missed the broader ground——

Mr. JOHNSON of Colorado. I want to broaden the ground a little.

Mr. CHANDLER. And that is that the people of the United States, in general, I will say to the Senator, are weary of spending the money of the people of the United States for politics—pernicious politics—to perpetuate men or systems or machines in office. I read an article in a home newspaper this morning which said, "If the Hatch bill passes it will virtually eliminate the playing of politics not only by the employees of the Federal Government but by employees of the States who are paid in whole or in part by the Federal Government"; and the article also said the passage of the Hatch bill would free 16,000 workers who would like to go about their business and not feel that they were compelled to contribute or required to be present at political meetings. They will still be for you if they are for you; but the people are sincerely desirous, in my opinion, of bringing about a condition in the politics of the country. The Senator from Michigan yesterday said the bill is a sword; I say it is a shield. I say that the elections in the future—the people of the several States and of the whole country would like to have the elections returned to them, so that they may decide them, without the expenditure of billions of dollars of money of the people of the United States to influence and control elections.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I will yield as soon as I finish an observation. I am in wholehearted accord with what the Senator from Kentucky has said, and the purpose of my amendment is to broaden this measure, to get rid of political machines. The Senator from Kentucky says he is not afraid of the machine in Kentucky, for his friend operates it.

Mr. CHANDLER. That is not the reason, I will say, why I am for the bill. I did not assign that as the reason.

Mr. JOHNSON of Colorado. The Senator misunderstood me. I understood the Senator to say he did not want to broaden it.

Mr. CHANDLER. I want to broaden it, so as to cover municipalities and everybody that shares in the distribution of Federal funds. Of course the Senator from New Mexico is not going to go so far as that; a practical proposition, for if he included the heads of departments and Cabinet members he might have the President against his bill. The Senator wants to pass his bill. I am willing to vote them all in except the President, and I said the other day that in 1938 I would have been willing to vote to put him in; but now I am not willing to go that far. I would, however, go far enough to put in everybody else who spends the money of the people of the United States for politics and in order to perpetuate himself in office.

Personally, I do not have to be in office. I have had all the offices my people have to give to one man; and I want to try to cast my vote so that I will protect our vanishing money. We have already spent more money than we have, and none of us knows where to find the money to pay our bills. We cannot continue to spend it just to elect people to office.

Mr. JOHNSON of Colorado. How about the State employees in the Senator's State?

Mr. CHANDLER. After this bill passes there will be no State employees of any consequence left.

Mr. JOHNSON of Colorado. There will not be any State machine?

Mr. CHANDLER. There will not be any effective political State machine in my State if this bill is passed. It will take the highway department, it will take the old-age pension department, it will take the unemployment-compensation department, and there will be virtually nothing left.

I make the prediction that if this bill is passed—and it ought to pass—the States will immediately put all of their people in the same position. You are asking them in advance to do something, but they will do it. The law sponsored by the Senator from New Mexico was a vision. I believe the Senator from New Mexico saw in advance, sooner than any of the others of his fellows, what the people had in mind and how weary they had grown because of the bad treatment they had received. If this bill passes—and it ought to pass—as soon as the legislatures of the several States can get to it, they will make it just as effective in regard to the people who are left.

Mr. JOHNSON of Colorado. That is the very thing the Senator from Colorado wants to do. The Senator from Colorado favors the passage of the pending Hatch bill.

Mr. SMATHERS, Mr. ADAMS, and Mr. HATCH addressed the Chair.

Mr. JOHNSON of Colorado. I yield first to the Senator from New Jersey.

Mr. SMATHERS. Mr. President, I should like to ask the Senator from Kentucky a question. If both of the distinguished Senators from the State of Kentucky are as powerful in the State of Kentucky as I believe they are, and both are now friends of the present Governor, and they want a Hatch Act in the State of Kentucky, why do they not go to the Legislature of the State of Kentucky and ask to have it enacted by that august body, which can very properly write a Hatch Act for the State of Kentucky, instead of coming to the Congress of the United States and asking us to legislate for the State of Kentucky?

Mr. HATCH. Mr. President——

Mr. JOHNSON of Colorado. I now yield to the Senator from New Mexico.

Mr. HATCH. There were two or three things I had in mind when I asked the Senator to yield.

First, he said that an employee could not attend a caucus of his neighbors. I wonder where the Senator gets the authority for that statement.

Mr. JOHNSON of Colorado. It is in the Hatch Act, as I read it.

Mr. HATCH. Has the Senator read the opinions of the Attorney General covering the act?

Mr. JOHNSON of Colorado. I have read the opinions of the Attorney General, but I go to higher authority than that. I go to the Hatch Act itself.

Mr. HATCH. The Attorney General of the United States is reasonably good authority for interpreting a provision

which will be applied by the different departments, and by them alone.

Mr. GUFFEY. It is a good provision, is it not, until the Supreme Court passes on it?

Mr. HATCH. I will answer the Senator from Pennsylvania in a moment if I have time.

Mr. JOHNSON of Colorado. I do not want to argue these legalistic opinions.

Mr. HATCH. The rulings of the Civil Service Commission over a period of 50 years, interpreting exactly the same language, ought to be reasonably good authority.

Mr. JOHNSON of Colorado. Does the Senator contend that under the Hatch Act an employee of the Federal Government may run for office?

Mr. HATCH. No, sir; that was not what I asked the Senator. He may not do so, and he should not do so; but the Senator made the statement that he could not attend a caucus of his neighbors. Such extreme statements have been made on the floor that I want to tie down some of them.

Mr. JOHNSON of Colorado. I think that is a true statement. From my reading of the act, if I were a Federal employee you would never get me into any caucus.

Mr. HATCH. Has the Senator read the rulings of the Civil Service Commission?

Mr. JOHNSON of Colorado. Yes.

Mr. HATCH. If the Senator had done so, he would have found in them their permission, given to all employees in the classified civil service, to attend.

Mr. JOHNSON of Colorado. The Civil Service Commission does not pass the laws of Congress.

Mr. HATCH. I am referring to a law of Congress, in exactly the same language, passed in 1873, and interpreted by the Civil Service Commission. Senators should not beg the question. They know that is a reasonable interpretation; but there is something more that has been said here to which I wish to call attention.

On yesterday a great deal of argument was made——

Mr. JOHNSON of Colorado. I object to the Senator replying to everybody on the floor of the Senate in my time.

Mr. HATCH. Very well; I will wait and discuss the matter in my own time.

Mr. JOHNSON of Colorado. That is fine. I want to get through.

Mr. HATCH. But I do want to mention these extreme statements.

Mr. JOHNSON of Colorado. I now yield to the Senator from Colorado.

Mr. ADAMS. Mr. President, while we are mentioning the Civil Service Commission I think the Senator perhaps has overlooked the reasonableness of the discrimination of the Civil Service Commission. They provide that employees are prohibited from organizing political parades, but they may march in the parades. [Laughter.] That is subdivision 12 of this pamphlet.

I just wanted to add a word along the line of the Senator from Kentucky.

Mr. MINTON. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Indiana.

Mr. MINTON. There is another provision of the rulings of the Civil Service Commission that will permit employees to attend meetings as a spectator, but that is all they may do.

Mr. ADAMS. That ought not to be allowed.

Mr. President, the junior Senator from Kentucky [Mr. CHANDLER] as well as the senior Senator from Kentucky [Mr. BARKLEY] commented upon the demand which had swept through the country to eliminate officials from control of activity in politics.

Mr. CHANDLER. Officials who spend the money of the people.

Mr. ADAMS. In the Hatch bill we are talking not about spending money but about political activity. That perhaps has something to do with spending money, but more probably it has not. In other words, if the street sweeper in the city who happens to be brought within this measure wants to become a candidate to a convention, and wants to go to a political meeting and make a speech on his own time in the evening, under this situation he is prohibited from doing so. That does not involve spending money. What we are reaching out for under this measure is to prohibit any influence, any activity, any participation in the actual management of politics or the conduct of political campaigns by persons who hold public positions.

What I am coming to in my further acceptance of the views of the Senator from Kentucky is recognizing, as he declares, that the public feel that the elimination of officeholders from political activities is a thing which they wish. Whether it be right or wrong, the Senator feels that that is the desire. If that is the desire in Kentucky, and if it is the desire in other States, I think we may trust the legislatures to do the thing that the people want. What the junior Senator from Colorado is trying to do is to carry forward this movement—reform if it be—at one time; to carry it forward fairly; to take out the Federal employees, take out the State employees, take out the municipal employees, take them all out at the same time, and to say that you may not take out one group of these employees and leave the others free to go.

In my State the present supplement to the Hatch Act will take out some State employees. It will not take out others. I have assumed that if, as a matter of statute, funds were given to a department of the State we could not turn over to a commission the authority to take money back from them. In other words, we prescribe by statute a statutory formula for the apportionment of highway moneys. I do not believe we can turn over to the Civil Service Commission authority to take back, as a penalty, moneys which we have given by statute. In other words, it would perhaps leave free the great highway organizations, and perhaps others.

The cities are practically not brought in by this amendment to the Hatch Act. In other words, it is limited to such employees as are exercising functions in connection with some agency financed by the Federal Government. That includes a very small part of the city group. I do not like to draw invidious comparisons; but, if there is any rating, the city organizations will not rate at the top from the standpoint of a test for political purity, and yet the city organizations will be left freer from control than any other. It is proposed to take out all of the Federal Government and a part of the State, but practically none of the city. I think that is inverting the situation rather than improving it; but I come back to the one thing.

Mr. JOHNSON of Colorado. And when we destroy the Federal so-called machine, do we not at the same moment increase the size and the power of the city machine?

Mr. ADAMS. I will say to the Senator from Colorado that I think the Hatch bill as it stands today means turning over to the great cities of the United States the domination of the United States, the nomination of candidates for President, the nomination of candidates for Governor, the control of politics in all the States which have great cities. I think that is the inevitable result. Now, that may be desirable. I am merely pointing it out as what I think is a fact.

Mr. JOHNSON of Colorado. That is exactly in line with my thinking, too.

Mr. O'MAHONEY and Mr. CHANDLER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and if so, to whom?

Mr. JOHNSON of Colorado. I yield first to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, if I may have the attention of the Senator from Colorado and of the Senator from New Mexico, I should like to explain in a few words, if I can, what seems to me to be the underlying difficulty in this whole controversy.

Perhaps it will not be inappropriate for me to begin my statement by recalling that when the Senator from New Mexico offered his first amendment, the so-called Hatch

amendment, to control W. P. A. expenditures, he had no more unreserved supporter than the Senator from Wyoming.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. HATCH. I can certainly corroborate what the Senator has said; he not only supported the amendment unreservedly, but, I may add, enthusiastically, and very helpfully.

Mr. O'MAHONEY. Exactly; I am glad to have the Senator say that, because there never was the slightest doubt in my mind that the funds appropriated by the Federal Government for the relief of the unemployed and of the distressed should not be diverted in any possible way for political purposes. It was for that reason that I gave my enthusiastic support to the Senator from New Mexico in the attempt, at that memorable session of Congress in 1938, to secure the adoption of that safeguarding provision.

On the other hand, when the Senator from Arkansas [Mr. MILLER] offered his amendment to eliminate section 9 from the Hatch law, I supported it, and I know that the Senator from New Mexico could not understand at the time why I supported that amendment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HATCH. I may say to the Senator from Wyoming that which I say to every other Senator on the floor; I may not understand why a Senator votes the way he does vote, but I know that every Senator, and especially the Senator from Wyoming, had what he believed to be ample and sufficient reason for casting the vote he did cast.

Mr. O'MAHONEY. I appreciate the Senator's kind remarks. Now I say to the Senator from Colorado [Mr. JOHNSON] that I cannot see my way clear to support his amendment.

Mr. JOHNSON of Colorado. That is a very great disappointment.

Mr. O'MAHONEY. The very reason which actuated me in voting for the Miller amendment is the reason why I cannot vote for the amendment of the Senator from Colorado.

I am inclined to believe that frequently we take the will for the deed. There is no question that the purpose of the sponsor of the original Hatch bill is a high and noble purpose, and one which should be carried out. The question is, however, does the language here effectuate the purpose which the Senator has in mind? I will explain why I think it does not.

The Senator from Colorado would release from the provisions of section 9 of the present Hatch law all Federal employees in States which do not have a similar law. What are the provisions of section 9? There are, in section 9, two separate provisions, and they are debated as though they were one. There are two prohibitions, and all who are discussing this question seem to imagine that there is only one prohibition in section 9. This law has been advertised all over the Nation as the "clean politics" law, in the assumption that it would prevent abuses. Let us read the first sentence of section 9 of the present law, to see if it would have that effect:

> It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

Mr. President, I do not think anyone can deny that that is a sound provision. No public servant should use his official authority for the purpose of influencing an election. Public office is a public trust, as one great Democrat once said. It is not a partisan trust. Public officers owe their first allegiance to all the people.

Mr. JOHNSON of Colorado. I should like to have the Senator read section 2.

Mr. O'MAHONEY. I shall read it in just a moment.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. JOHNSON of Colorado. The Senator from Colorado has the floor, and the Senator from Colorado yields to the Senator from Connecticut.

Mr. MALONEY. I merely wish to say at this point that I am in hearty accord with the statement just made by the Senator from Wyoming, and I have been anxious to have a chance to say this, because in the discussion of an amendment which I offered a day or two ago I stated that my purpose, in part, was to defeat the Hatch bill. Lest there be any misunderstanding, I have been anxious to have this opportunity of saying that I do approve that part of the Hatch law, and subscribe entirely to the statement just made by the Senator from Wyoming.

Mr. JOHNSON of Colorado. I desire to say also that if section 9 went that far and then stopped, the junior Senator from Colorado would also agree with it; but unfortunately it does not do that.

Mr. O'MAHONEY. Mr. President, if I may trespass a little further on the generosity of the Senator——

Mr. ADAMS. Mr. President, may I intrude to make a suggestion?

The PRESIDING OFFICER. Does the junior Senator from Colorado yield to his colleague?

Mr. JOHNSON of Colorado. I yield.

Mr. ADAMS. The Senator could reconcile the situation if the amendment of the Senator from Colorado were limited so that the provisions of the second sentence of this section should not apply.

Mr. O'MAHONEY. The Senator anticipates exactly the point I am seeking to make. I want to make it clear that there are two prohibitions contained in section 9. The first is a prohibition against the use of official authority.

Mr. President, no person who is elected to any public office should for one moment be permitted to use his "official" authority or influence for the purpose of affecting the outcome of any political campaign, whether that political campaign is a Federal campaign, or a State campaign, or a county or a city campaign. When a public official uses his official authority, he is using the power that is vested in him by the law of the land for the service of all the people, and that power should never be prostituted for any partisan purpose.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. JOHNSON of Colorado. I yield.

Mr. SMITH. I am glad to hear the Senator from Wyoming voice such an emphatic denunciation of the use of a political office for the purpose of determining an election. I should like to have the Senator from New Mexico give his definition of pernicious political activity.

Mr. O'MAHONEY. Mr. President, may I finish my thought?

Mr. SMITH. I merely want to interject at this point that I knew a President who went into a homogeneous Democratic State and denounced a Member of this body as being an apostate to all the doctrines of democracy, despite the fact that that Senator held the endorsement of his people to the seat he occupied. That President went into other States and used his tremendous official power, the power of the office, the power of his prestige, the power which attends the Chief Executive of the Nation, and personally denounced members of our party, and indicated whom he would like to have to represent those States.

What is the use of our standing here and attempting to curtail the little fellow out in the country, a mere appointee, and say that he shall be removed from office, but leave out the greatest political office we are capable of giving a man, the Presidency of the United States, when a President uses his tremendous power to discredit a faithful member of the party to which that President allegedly belongs?

I know this does not interest some who may hear me, because I am getting to the crucial point of this whole matter. Why do we not incorporate a prohibition as to all officials, from highest to lowest? Why do we not condemn the Chief Executive of the United States who rides ruthlessly and roughshod over a lesser one politically—yes; get my meaning—a lesser one in office? Why, during a debate lasting for days, do we not hear a man on the floor mention the disgraceful

proceeding to which I have referred, the Chief Executive not only attempting to bring the Supreme Court to the point where he could dictate to them, but going into my sister State and denouncing one of the worthiest Members of this body as being an apostate to the doctrines of his country?

Why should we leave the President or his Cabinet out of this matter? If we are to curtail—abridge, as the Constitution says—the rights of citizens, let us not start on the poor fellow who cannot help himself, but let us go to the throne and say, "You shall not do it." If we are to be men and have clean politics, let us have a clean President and a clean Cabinet.

I know that it will be charged that I was one on whom the attempt was made; but that was not nearly so bad as in the case of the attack made on my colleague in Georgia. I am not making this statement because I feel strongly toward the person. It is the practice which I dread and fear. He is not the only one who ever did it. De mortuis nil nisi bonum. The other man is dead, but he did identically the same thing in my State—the great statesman, Woodrow Wilson. The evidence is documentary.

Let us be brave men. Let us clean house where the cleaning should be done.

I wished to refrain from calling attention to this matter, but I thought it was my duty as an American citizen to do so, believing in equal rights to all and special privileges to none, as the fundamental doctrine we are to live under if we continue to live. I was much intrigued by the vehemence of the Senator from Wyoming when he declared that all elected officers who indulge in pernicious political activity should be put under the same restraint as the ordinary little fellow.

Mr. O'MAHONEY. Mr. President, the Senator misinterprets the remarks of the Senator from Wyoming.

Mr. SMITH. Oh, yes, Mr. President. I thought the Senator from Wyoming would run. I thought he would. I see the Senator from Wyoming is beginning to hunt an alibi now. He does not want his restriction as to elected officers to apply to the Chief Executive.

Mr. O'MAHONEY. Mr. President, I think the Senator from South Carolina knows very well that the Senator from Wyoming never yet hunted an alibi.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield; and if so, to whom?

Mr. HATCH. Mr. President, the Senator from South Carolina directed a question to me, calling me by name, and I desire to answer his question.

Mr. JOHNSON of Colorado. I yield to the Senator from New Mexico.

Mr. SMITH. What does the Senator denominate as pernicious political activity?

Mr. HATCH. The Senator from South Carolina has heretofore related somewhat at length certain conditions existing in this country, and he has praised the language of the law which forbids official interference with elections of all kinds, and I wish to say to the Senator from South Carolina that the language of the law to which he refers is my language. I wrote it. That language applies to the President of the United States, and it should apply to the President of the United States, no matter who he is or to what party he belongs. It was so intended. It applies to the Senator from South Carolina, and to me, and to every other Senator or official of the United States of America. It is made a criminal offense to violate that section of the statute. And more than that, the Senator from New Mexico has endeavored throughout the year to make it impossible for any President—I do not care whether it is the present President or one to be elected next time—to go into the Senator's State or the State of the Senator from Georgia and use the enormous patronage of his office to elect someone simply because he has that patronage and that influence. I want the people of South Carolina and the people of Georgia to choose their own representatives in this body and elsewhere. That is part of the purposes of the legislation, and the Senator from South Carolina believes in such legislation.

Mr. SMITH. Of course, I believe in it if we are to have any at all.

Mr. HATCH. The proposed legislation is intended to do exactly the same thing. I have answered the question of the Senator from South Carolina, and have answered it directly, that I do not approve of coercion of the voters in a State by the President of the United States or anyone else. Now let the Senator ask that question of some of those who are opposing this legislation.

Mr. SMITH. Mr. President, I certainly feel that I have done a service to the United States by getting that frank expression from the author of the bill.

Mr. HATCH. I have said it many times on the floor of the Senate.

Mr. SMITH. I know the Senator has.

Mr. HATCH. And my actions carry out my words.

Mr. SMITH. Now, I wonder if the Senator from Colorado will allow me to interrupt him? I should like to hear the Senator from Wyoming give his reason why the statement that brought me to my feet did not include the President of the United States.

Mr. O'MAHONEY. Mr. President, I did not say that.

Mr. SMITH. Oh, I thought——

Mr. O'MAHONEY. Oh, no; the Senator was putting words in my mouth which I did not utter. I may remark that the Senator arose to his feet to make his comment while I was endeavoring to explain to the Senate the difference between the two activities which are prohibited by section 9, but which are confused as though they were one.

If the Senator will bear with me for a moment, I think that I shall be able to make my view clear and I shall then allow the Senator from Colorado to return to his own argument without further interruption from me.

I was saying, when I was so graciously interrupted by the Senator from South Carolina, that the first sentence of section 9 makes it unlawful for any person employed in the executive branch of the Government to use his "official" authority or influence, and I was stating my complete agreement with the prohibition.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I cannot yield until I have set forth the two objectives with which the section under discussion deals.

Mr. President, the second sentence of section 9 embodies a prohibition altogether distinct from that which is banned by the first sentence. It provides that no officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

It seems to me to be perfectly clear that a person in office may take part in a political campaign without using his official authority.

There is nothing wrong in managing a political campaign nor in participating in one. Political campaigns are a necessity in a democratic government, and a public officer has as much right to take part in a campaign as any private citizen so long as he does not use his official authority or influence to affect elections. There may be good reasons why public officers should not be permitted to take an active part in campaigns. One of these is the concept upon which the civil-service rule is based, namely, that a person who has been granted a position in the public service which is without term and is not dependent upon elections should not undertake to influence such elections.

However, the distinction between the use of official authority and participation in political campaigns has been clearly recognized; and I will say, since I see the Senator from Maryland upon the floor, that this very question arose in the Committee on Campaign Expenditures during the campaign of 1938 in connection with an incident that occurred in the State of Maryland.

Complaint was made to the committee that a collector of internal revenue had summoned his employees into his of-

fice and had instructed those employees as to what he wanted them to do. The Committee on Campaign Expenditures denounced that as an invasion not only of ethics but of the rules laid down by the Department of the Treasury and laid down by the Civil Service Commission. That, Mr. President, was the use of official authority for the purpose of interfering in an election, because that man brought into his office the employees of the Federal Government, who were under him, who perhaps owed their employment to him, certainly who had to look to him for any recommendation for promotions or for assignment work. And so when that official called those employees into his office and told them what he wanted he was violating this fundamental principle which prohibits the use of official authority.

Mr. President, it would have been an utterly and completely different thing if, after the office were closed, when the working day was over, that same collector of internal revenue had gone to a political meeting and stood upon the platform and made an argument for or against a candidate, because then he would not have been using his office time or his official authority.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado [Mr. JOHNSON] yield to the Senator from Maryland?

Mr. JOHNSON of Colorado. I have already yielded to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, let me finish the sentence. These two concepts are mentioned in the two opening sentences of section 9. First, official authority shall not be used. Second, no employee shall engage in any active political work.

Then comes the closing sentence, which was properly described, I think, by the Senator from Arkansas [Mr. MILLER] as an escape clause:

> For the purposes of this section the term "officer" or "employee" shall not be construed to include—

What?

> the President and Vice President • • • persons whose compensation is paid from the appropriation for the office of President; heads and assistant heads of executive departments; officers who are appointed by the President by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

I have no doubt from what the Senator from New Mexico has just said that it was not his purpose to exempt any public official from the prohibition against the use of official authority, but it was his purpose to grant to the President, the Vice President, and the Cabinet members and the others named an exemption from the prohibition against participation in campaigns. The law is so drawn, however, that it grants an exemption from both prohibitions, and this defect is not cured by the amendment of the Senator from Colorado [Mr. JOHNSON].

Mr. TYDINGS, Mr. HATCH, and Mr. BARBOUR rose.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and if so, to whom? The Chair has previously stated that the Senator from Colorado has the floor, but certain Senators seem to disregard that fact.

Mr. TYDINGS. Mr. President, will the Senator yield to the Senator from Maryland for a brief comment?

The PRESIDING OFFICER. Does the Senator from Colorado yield, and if so, to whom?

Mr. JOHNSON of Colorado. I shall be glad to yield in a moment.

The PRESIDING OFFICER. The Senator from Colorado declines to yield at present.

Mr. JOHNSON of Colorado. I will yield in a moment.

Mr. TYDINGS. I will wait.

Mr. JOHNSON of Colorado. I think the Senator from Wyoming [Mr. O'MAHONEY] has made a very constructive contribution in his analysis of section 9, and I wish to perfect my amendment in line with his suggestion, so that the first section of my amendment will read——

The PRESIDING OFFICER. Let the Chair suggest to the Senator from Colorado that only one portion of the printed amendment has been read. The amendment of the Senator from Colorado apparently comprises two separate amendments on two different questions, and therefore cannot be offered as one amendment.

Mr. JOHNSON of Colorado. The Senator from Colorado begs to differ with the Chair. It has already been ruled that this amendment is not divisible.

The PRESIDING OFFICER. The Chair is advised that the only ruling which has been made was as to the portion of the amendment which has been stated, which is the portion appearing in lines 1 to 8 on page 1 of the printed amendment.

Mr. JOHNSON of Colorado. It is all one amendment.

The PRESIDING OFFICER. The Chair is constrained to rule that there are two amendments, to different sections of the bill, and therefore they cannot be offered at the same time. The Chair does not think there is any question about the parliamentary status.

Mr. ADAMS. Mr. President, what the Senator is asking is to modify his own amendment, regardless of that question.

Mr. JOHNSON of Colorado. I wish to modify my own amendment.

The PRESIDING OFFICER. The Chair was calling the attention of the Senator from Colorado to the fact that only the first amendment has been stated.

Mr. JOHNSON of Colorado. Mr. President, we will not argue that point now. I wish to go ahead and perfect my amendment.

Mr. TYDINGS. Mr. President, while the Senator is looking at that——

Mr. JOHNSON of Colorado. I have it all before me now, and I wish to read it at this point. My amendment will now read, in line with the suggestion of the able Senator from Wyoming [Mr. O'MAHONEY]——

Mr. O'MAHONEY. In line with the argument of the Senator from Wyoming. I do not want to be responsible for an amendment or change which I have not yet seen.

Mr. JOHNSON of Colorado. I accept that amendment, too. This is the way the amendment reads, as perfected by the Senator from Colorado:

> SEC. —. Section 9 of said act of August 2, 1939, is amended by striking out the period at the end of subsection (b) and adding the following: *"Provided,* That other provisions of this section except the first sentence shall not apply to officers or employees of the Federal Government—"

And so forth. Does the clerk have that language?

Mr. BARBOUR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. JOHNSON of Colorado. I wish first to yield to the Senator from Maryland [Mr. TYDINGS]. I am in complete accord with what the Senator from Wyoming [Mr. O'MAHONEY] has said about the first sentence, and I am in complete accord with what the Senator from New Mexico said about that sentence. I wish to preserve that sentence. What I have heretofore said about section 9 does not apply to the first sentence in section 9.

I now yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I merely wish to keep the record straight. The comment of the Senator from Wyoming was most accurate as far as it went; but, in order that it may be completed, let it be said that after the Senate committee pointed out that the action of the collector of internal revenue in Maryland in calling in his entire office force of about a hundred men and in effect telling them to vote for one of the two candidates then running was in violation of the law and the rules of the Treasury Department. The Treasury Department said that according to its construction that was well within the collector's right.

In order to keep the record straight, let me also call the attention of the Senator to the fact that that collector is still in office. I do not want to bother him. He is welcome to stay there. But when high-sounding messages come from high authority it would be a good idea to back them up with some sincerity rather than merely utter a lot of pious words.

Furthermore, not only was the collector of internal revenue called to Washington, but the collector of customs over there was called to Washington, and they were told for whom to vote. They came to me with tears running down their cheeks telling me that they would have to vote for a certain opponent.

I should like to ask this question, and then I shall finish: Would it be a violation of political ethics to go into a State in the midst of a heated contest and there, in the presence of the other candidate, say that a bridge is to be built across a certain stream, even before the engineers have passed upon it, and that it must be started right away—as if the other candidate were doing it—and then, after the election goes the other way, for those who made those statements to require dynamite under them to get them to build the bridge?

My point is that all the fine words about making the people responsive in elections to their rights as defined by the Constitution are just so much finger snapping. If we want good elections, some corrections ought to be made as a result of the 1938 elections. We did not need such a law to make corrections. Some of those who are now so pious and on such a high pedestal had best look into their own actions, without telling others on a lower level how they should conduct themselves in an election contest.

Mr. JOHNSON of Colorado. I thank the Senator from Maryland for his contribution. I now yield to the Senator from New Jersey.

Mr. BARBOUR. The Senator from Colorado has changed his amendment. None of us on this side of the Chamber heard the changes. I ask that the clerk read the amendment.

Mr. JOHNSON of Colorado. I think the suggestion is a good one. I ask that the clerk read the perfected amendment.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The amendment, as modified, will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to add the following section:

SEC. —. Section 9 of said act of August 2, 1939, is amended by striking out the period at the end of subsection (b) and adding the following: ": *Provided*, That other provisions of this section except the first sentence shall not apply to officers or employees of the Federal Government residing and voting in any State where State laws do not forbid the officials and employees of the State or local agencies of the general class above described from taking any active part in political management or political campaigns."

Mr. JOHNSON of Colorado. Mr. President, I thank the Senator from Wyoming [Mr. O'MAHONEY] for making his very constructive suggestion. I believe he has greatly improved the amendment I have offered.

Mr. O'MAHONEY. Mr. President, I have not improved the amendment.

Mr. JOHNSON of Colorado. No; I have. I take the glory and the honor. However, the Senator gave me the suggestion. His analysis was the basis for the improvement which I made.

Mr. O'MAHONEY. I thank the Senator.

Mr. JOHNSON of Colorado. I was quite interested in the debate which took place in regard to the purge. I was interested in what the Senator from South Carolina [Mr. SMITH] had to say about it, and what the Senator from Maryland [Mr. TYDINGS] had to say. I wish to say to those distinguished Senators that I claim the honor of being the first victim of the purge attempted by this administration. That was back in 1934. I did not have to wait until 1938 to read in the newspapers about what was happening in Georgia. I did not have to read the newspapers about what was happening in South Carolina, in Maryland, or in New York City. I knew, because I had some experience in 1934 which I wish to relate to the Senator from South Carolina.

I was a candidate for reelection as Governor on the Democratic ticket. A very fine lady opposed me, which she had a perfect right to do. So far as I know, she has never been in any Democratic caucus or any Democratic convention, or any other place where Democrats gather. Therefore, I suppose that, politically speaking, she was very pure. However, in 1934 this very estimable lady was invited to the White House in Washington. She made a trip by air from Denver to Washington to attend a social function to which she had been specifically invited. From the White House she announced her candidacy at that social function.

Her campaign manager in that election was a very high official, an Assistant Secretary of the Interior, Mr. Oscar L. Chapman. He still holds the position. The lieutenants in her campaign were other Federal employees, and they carried on a very active campaign in my State.

When the election was over, and the votes were counted, it was found that she had carried only 1 county. I carried the other 62. The day after the election she came to Washington and was made Assistant Secretary of the Treasury.

So I claim the honor—if it be an honor—of having been the first victim of the attempted purges which took place in this country. It seems to me that the administration leaders might have learned a lesson from what happened in Colorado, but they did not seem to. I do not fear such things. I do not object to them at all, because the people will take care of them. We can leave such questions to the people in Colorado, and to the people in South Carolina, Maryland, Georgia, and all the other States.

In New York something else happened. It did not happen on account of the Federal machine in New York. That was not the factor which changed the result in New York as against the results in other States. What happened in New York was that the effective municipal political machine changed the result and made the purge a success in New York.

Mr. President, I do not wish to take up much more time of the Senate, except to say that the existing Hatch Act exempts the President, the Cabinet officers, assistants to Cabinet officers, their secretaries, and the Diplomatic Service. It does not affect them. They are exempted. They are left out. I do not for 1 minute believe that they were left out because the Senator from New Mexico wanted them left out. I believe he would have included them, and that he would not have made such exemptions had he had his way about it. But they are exempted. We talk about pure politics, and about the Hatch Act being an act for pure politics, and yet we leave those exemptions in section 9.

Mr. President, I heard what the Senator from Florida [Mr. PEPPER] said the other day about an assistant to an assistant somewhere in the Department of Justice, a man by the name of Rogge—and, judging from what the Senator from Florida said about him, he was a rogue. He told us what happened in Louisiana, and what happened was perfectly legal and lawful under the Hatch Act.

Mr. HATCH. O Mr. President, I disagree with the Senator in that statement. If the statements are true, it was a violation of law instead of being legal.

Mr. JOHNSON of Colorado. That may be the Senator's opinion but I want to read to him section 9 and see whether it is true or not. This is the way section 9 reads:

(a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

And it goes on to exempt—

(1) The President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments.

That is what Mr. Rogge is—assistant head of a department—and he acted in everything that he did under the exemption, which made his actions legal and lawful under section 9 of the Hatch Act.

Mr. HATCH. Mr. President, has the Senator from Colorado concluded?

Mr. JOHNSON of Colorado. I have.

Mr. HATCH. The Senator has spoken about exemptions under the act. It may be that the exemptions are too broad, and it may well be that some of those exemptions should be removed; but I ask the Senator, if that is his opinion, if that

is his judgment, why does he not offer an amendment, as the Senator from Missouri did the other day, proposing to strike out the exemptions from the law, instead now of offering an amendment which would destroy the law itself?

There is a very simple method to get at the matter which the Senator from Colorado has in mind. If he wants to get rid of the exemptions, and if the exemptions are wrong, let him offer amendments, and I may join him in some of them.

As to the argument concerning Louisiana, I was dumbfounded when the Senator from Florida [Mr. PEPPER] made that argument, for a deputy attorney general of the United States is not an assistant head of a department. If he went into Louisiana and interfered with an election, as was charged on the floor, certainly he violated the provisions of the act; but instead of rising here and seeking to destroy the law, why not demand an enforcement of the law?

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. JOHNSON of Colorado. The Senator interrupted me several times to tell me what the Attorney General had stated the law to be. He accepted what the Attorney General said about the law as being superior to what the law itself provides. I want to go back to the law; he says we should go back to the Attorney General. I presume that the Attorney General must have found that this man who was one of his subordinates was working within the law.

Mr. HATCH. The Senator from Colorado presumes that the Attorney General has found such a state of facts to exist. I make no such assumption, and, judging by the rulings the present Attorney General has already made on the law, I venture the statement that if the Senator from Colorado or the Senator from Florida can show that a Deputy Attorney General went into the State of Louisiana or any other State and sought to interfere with an election, Attorney General Jackson will promptly remove that man from office in compliance with the terms of the law.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I will yield in a moment. I suggest, instead of trying to destroy the law, the only law on the statute books of the United States which would tend to prevent doing that thing, that the Senator try to make it stronger instead of weakening it. If it is wrong for officials to go into Louisiana, and the law is not sufficiently strong to prevent it, if that is what it was intended to do, then strengthen the law, but do not pull its teeth. I now yield to the Senator from Indiana.

Mr. MINTON. Neither the original Hatch Act nor the bill that is pending before the Senate defines an election. What was going on in Louisiana was not an election by the meaning of the Constitution or within the meaning of the law as the Supreme Court has laid it down. While I do not approve for a moment of what Mr. Rogge did in Louisiana, I think that Mr. Rogge might make out a pretty good defense by simply saying that he was not engaging in an election. It was a primary that was going on in Louisiana, not an election, and, therefore, he did not take part in any election, however reprehensible his conduct may have been.

Mr. HATCH. I thank the Senator from Indiana. I have not condemned the Deputy Attorney General. I knew nothing of the facts. I say if they are facts, if he did go into a sovereign State and attempt to dictate and control the affairs of that State in a primary or in a general election under the law prohibiting political activity, he should be removed from office, and the law is broad enough to cause his removal. Political activity applies to primaries just as well as to general elections.

Mr. BANKHEAD. Mr. President, will the Senator yield that I may ask him a question?

Mr. HATCH. I yield.

Mr. BANKHEAD. I should like to know of the Senator what distinction he makes between general elections and primary elections in this bill. There are places in the bill where the terms are used in the alternative, either election or primary, as I recall, and other places where they are used separately, which would indicate that he had a distinction in his mind in the application of the law to a primary and to a general election. Section 9 applies apparently only to elections, while other sections apply both to elections and primaries. I will be glad to have the Senator inform us on that subject, especially in view of the Newberry case.

Mr. HATCH. I will be glad to inform the Senator on that subject.

In the first place, he misconstrued the purposes of section 9 when he said it was intended only to apply to general elections.

Mr. BANKHEAD. That is what is stated in section 9; it does not say anything about primary elections; and in other sections it says primaries and elections.

Mr. HATCH. It says "active part in political management or in political campaigns." The Attorney General and the Civil Service Commission have both ruled that those terms apply to primaries and elections.

Mr. BANKHEAD. Why does not the Senator include both primaries and elections in his bill?

Mr. HATCH. Because we thought political activity includes them both. In some of the other sections, where it is made a criminal offense and where reference is made specifically to elections of Federal officers, in order to make it certain that it would also include primaries, the words "primaries or nominating conventions" were included; but it was unnecessary to include them in section 9 under which political activity generally is forbidden. I do not think there can be any question about that. I do not want to keep the floor too long.

Mr. BANKHEAD. There is no time limit running.

Mr. HATCH. I understand there is no time limit running.

Mr. BANKHEAD. There is another question I should like to ask. I understood the Senator to state that section 9 did not apply to primary elections.

Mr. HATCH. I said the term "political activity, political management, and political campaigns" includes all elections—general, special, primaries, and every other kind. If that is not plain enough, I do not know how to make it plainer.

Mr. BANKHEAD. I have asked the Senator, and he has not answered, why he used the word "primary" or "nomination" in some sections but not in others.

Mr. HATCH. If the Senator will listen, I will explain again. I said that in section 9 we used the term "active part in political management or in political campaigns" because it was broad and general; that it was not necessary to specify a general election or primary, as it was all-inclusive. In the other sections to which the Senator refers all-inclusive terms were not used. Therefore it was necessary to describe and set forth the legislative intent, and so we included both general elections and primaries.

Mr. BANKHEAD. I call the Senator's attention to section 2 of the act, from which I quote:

> To use his official authority for the purpose of interfering with or affecting the election or—
>
> Mark the word "or"—
>
> the nomination of any candidate.

So the Senator uses both terms. It is not limited to elections but includes nominations, while section 9 of the act does not include primaries.

Mr. HATCH. In section 9 the term "political management, political activity, and political campaigns" is used.

Mr. BANKHEAD. Does the Senator confine that to elections or to primaries?

Mr. HATCH. I am sorry the Senator does not follow me. I have answered the question over and over again.

Mr. BANKHEAD. I do not think the Senator has explained it to anybody's satisfaction except his own.

Mr. HATCH. Let me say once more that in section 9 of the act it was the intention to adopt the rulings of the Civil

Service Commission, and by the use of the term in that section "political activity, political management, and political campaigns," which had been construed to include both general elections and primaries, we thought it was unnecessary further to specify. It is my contention that section 9 does prohibit political activity in general elections and special elections and in primaries.

Now I should like to discuss for a moment the amendment offered by the Senator from Colorado in which he seeks to amend section 9 by providing, in substance, that section 9, permitting the political activity of Federal employees, shall apply only to States which have similar provisions.

To my mind, Mr. President, that would almost completely destroy section 9 if it were adopted. It would leave practically every State in the Union without this legislation. I do not know how many States have similar legislation, but I know they are very few in number. The States being perfectly willing for their employees to go out and engage in all sorts of political activities, pernicious and otherwise, under the Senator's amendment, the Federal Government would say, "We want our employees to be just as active, perniciously and otherwise, as yours are." Regardless of what standards the States may set up, we are letting them set up standards for our employees.

Mr. BROWN. Mr. President, the Senator again falls into the error I have been trying to point out all through the debate. He says that the Federal Government is saying to the States, "Your employees may engage in some pernicious activities." If the Senator would confine his bill to activities that are pernicious, he would not find very much objection to it in the Senate, but he, like the Senator from Massachusetts, the Senator from Georgia, and all Senators who have discussed that particular phase, continually refers to improper practices, to illegitimate practices, to pernicious practices, while the Senator's bill, and section 9 of the law, condemn activities which no one in the world has assumed were pernicious, improper, or illegitimate, because he there condemns political activity and political management, and he does not confine the condemnation to pernicious political activity and management.

Mr. HATCH. Mr. President, I fail to see the application of the Senators' argument to the particular point I am now discussing, which is the amendment of the Senator from Colorado. As I was saying, the adoption of that amendment will, in my opinion, undo all that we did at the last session of the Congress, and will turn loose upon the several States, without any restriction whatsoever, all the employees of the Federal Government.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CONNALLY. I desire to ask the Senator a question, but it is not quite on the point he is now discussing. If he will indicate a little later when it is agreeable to him to have the question asked, I do not want to interfere with the thread of his discussion.

Mr. HATCH. It is agreeable now. I just do not want to take up too much time.

Mr. JOHNSON of Colorado. Mr. President, I should like to ask the Senator a question.

Mr. HATCH. I yield first to the Senator from Texas.

Mr. CONNALLY. I notice in the bill, on page 5, part of section 12, in the clause exempting certain officers from its operations, the following language:

> And who determine policies to be pursued by such State in the State-wide administration of State laws.

I should like to have the Senator define what a policy-making officer is, other than a legislative officer.

Mr. HATCH. Really, at this particular moment I do not care to go into a discussion of that feature of the bill.

Mr. CONNALLY. That is why I indicated that if the Senator later on would yield I would ask the question at that time. I withdraw the question.

Mr. HATCH. I will try to do so. Although, as I say, I am trying to refrain from keeping the floor today, if possible, for obvious reasons, I want to say to the Senator that he might get me to join him in striking out any of those exemptions that are not proper. I am not so keen about excepting those persons.

Mr. CONNALLY. If the Senator will allow me to interrupt him right there, I will not bother him again. What is in my mind is, Why should we exempt a policy-making officer, who naturally would have a good deal of authority and influence, and whose word would carry on without his approaching anybody in his department—why should we allow him blatantly and loudly to advocate anything he pleases in a political way, and then prohibit the punch-card girl, who does not do anything but just punch cards all day, from taking part in political activity? Why should we do that while we permit the policy-making man, whose voice would be heard throughout the whole State, to blow off all he please? That is what is in my mind.

Mr. HATCH. I will tell the Senator frankly why that provision was included in the bill; and if there is no reason for its inclusion, that is all right with me.

There are, in this Government of ours, in both the National and the State Governments, offices which are essentially political in their nature. I have frequently said on the floor during this debate that those officials many times have to go out on the stump, over the radio, and on the platform, not only telling the people but actually selling the people their theories and ideas of government. They not only have to do that but they have to have the privilege of going out and repelling attacks when their policies are assailed; and the reason for that exemption is to enable those officials to discharge an essential part of our form of government. But the girl who punches cards, as the Senator says, does not formulate any policy. The district attorney does not formulate any policy. He prosecutes criminals.

Mr. CONNALLY. He cannot do so under this bill, of course.

Mr. HATCH. He never did, with or without the bill.

Mr. CONNALLY. He is free, though, to speak out his mind in his precinct meeting.

Mr. HATCH. I have not yielded to the Senator.

Mr. CONNALLY. I beg the Senator's pardon.

Mr. HATCH. The job of the district attorney is to use the powers of his office for the enforcement of laws written by the Congress, and that is all. He has no discretion. There is no reason for the collectors of internal revenue and all these other employees to get out on the stump and take part in campaigns. I may say to Senators who are so worried about curbing the political activity of these officials that it has always been the program and the statement and the declaration of the Democratic Party that the best service that type of employee can render to his party is the kind of service he renders to his Government. If you give me in my State a good district attorney, a good collector of internal revenue, a good United States marshal, who is discharging in an honest, efficient, and patriotic manner the duties of his office, for which he is paid, I have confidence in the people reelecting to power the party that gives them such service.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. Yes; I yield.

Mr. MINTON. If there are such good collectors of internal revenue, and such good marshals, and such good United States attorneys, does not the Senator think they ought to have the right on their own time, if they want to, to go out and take part in political campaigns that would further the interests of the party that put them in their positions?

Mr. HATCH. If the experience of the years in this country had not demonstrated that it is a right which not only can be, but has been and is today being abused in every district in the country in which this law is not in force, I should agree with the Senator.

Mr. MINTON. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. MINTON. Does not the Senator think we ought to punish the abuses of this privilege instead of the use of it?

Mr. HATCH. We are trying to prevent abuses. We are curtailing no rights. We are not placing any handicaps or hindrances upon the party or the officials.

Mr. MINTON. That is a matter of opinion.

Mr. HATCH. Yes; it is a matter of opinion; and it is a matter of opinion as to which the Senator from Indiana and the Senator from New Mexico are not in accord and are not in agreement.

On yesterday, when the Senator from Indiana spoke so fervently on the subject of holier than thou, he did not refer to me, I know. I think he made that perfectly clear. I think he knows that I have never stood on the floor of the United States Senate, or anywhere else, and assumed a holier-than-thou attitude or position. I have been perfectly willing at all times to confess my shortcomings, faults, and mistakes, which are many—too many—and I recognize again the honest differences of opinion. I accord to the Senator from Indiana the same right to his opinion that I have to mine; and I give him credit for honor, integrity, and courage in standing on the floor of the Senate and battling for his view on this legislation.

The Senator from Indiana said to me on yesterday that I was "cockeyed." I do not say that the Senator from Indiana is, was, or ever will be "cockeyed"; but I do say to the Senator from Indiana that he is wrong, he is mistaken, and he does not need to have this bill defeated. The record of the Senator from Indiana is one on which he can run before the people of his own State.

Mr. JOHNSON of Colorado. Mr. President, if the Senator will yield, I understood him a moment ago to make the statement that my amendment destroys the Hatch Act.

Mr. HATCH. Yes; I think it does.

Mr. JOHNSON of Colorado. It does not do anything to any of the first eight sections. It leaves this sentence in section 9.

Mr. HATCH. Mr. President, I said section 9, I think. If I did not say section 9, I want to limit that statement to section 9.

Mr. JOHNSON of Colorado. That is fine; but I want the Senator to limit it to only a part of section 9. My amendment does not affect the first sentence in section 9. The Senator said he was very proud of being the author of that section, and I want to congratulate him. He has a right to be proud of the statement that is made in that sentence:

> It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

That sentence is not interfered with or changed or modified or amended in any way by my amendment. I do not want to change that sentence, because I believe, and firmly believe, that it does stop these "purges."

Mr. HATCH. Mr. President, I may say to the Senator from Colorado that the first sentence of section 9 which he has read is superfluous, because it is almost identical with the provisions of section 9, in which the action referred to is made a criminal offense, and section 2 will furnish all the strength needed on that particular subject. But the heart of section 9, so far as an effective part of legislation is concerned, is the second sentence, in which this language appears:

> No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

That is the effective part of section 9. That sentence would be completely destroyed by the amendment offered by the Senator from Colorado. Whether or not that is his intention or his wish or desire, that would be the effect. I hope the amendment will be defeated.

Mr. MALONEY. Mr. President, will the Senator yield to me for a question?

Mr. HATCH. I yield.

Mr. MALONEY. I notice in the RECORD of yesterday that the Senator from New Mexico stated, in answer to an inquiry, that professors in universities and colleges receiving Federal funds for agricultural assistance would be denied the right to participate in politics under the act. Perhaps the question is far-fetched, but I should like to have the Senator's view as to whether it might affect the universities and colleges which indirectly receive some assistance through the national youth movement or the National Youth Administration. Does the Senator from New Mexico have an opinion on that?

Mr. HATCH. Mr. President, there was so much confusion that I had difficulty in following the Senator. But the particular amendment now before us does not relate to that.

Mr. MALONEY. I understand that, but I have been waiting for some time to ask the Senator the question.

Mr. HATCH. As to the statement which I made yesterday about the professors, I have not attempted really to interpret the law from time to time because I think that is for another branch of the Government. But I desire to read to the Senator an interpretation by the Attorney General of the United States which I think affords ample protection in the case of every legitimate educational process, and I think that is what the Senator from Connecticut wants protected. It has been held already by the Attorney General, in interpreting this exact act——

Mr. BROWN. What Attorney General?

Mr. HATCH. Attorney General Frank Murphy. He said these activities are not prohibited:

> Participation in the activities of civic associations—

There has been some discussion of that, and some Senators have stated that there could not be such participation—

> and educational groups.
> Provided the activities in question are divorced from the campaigns of particular candidates or parties.

I think that completely answers the question.

Mr. MALONEY. Mr. President, my question is based upon a statement made by the Senator on March 5, when a Senator asked him whether a professor in a land-grant college would be affected, and the Senator from New Mexico replied and stated specifically:

> Yes; he would be. I think he should be.

That disturbs me somewhat, because in my State there is a land-grant college, and I presume the professors there are as well informed on matters of agriculture as anyone else in the State, and they might be anxious to participate in a campaign in which an agricultural matter was involved. The Senator makes it clear to me that he believes they would be denied the right to such participation. I am wondering whether on the same ground the National Youth Administration activities, or contributions indirectly to a college, would result in the denial to professors of the right to participate in politics, and I am wondering whether it might not finally interfere, in that instance, and in the instance of the land-grant college professors, with their teaching in the colleges.

Mr. HATCH. No; it would not interfere with their teaching in the colleges. There is no question about that. That argument was made on the floor of the Senate yesterday; but certainly no professor should be permitted to use his classroom to advance the cause of a particular candidate.

Mr. MALONEY. I agree with that, of course.

Mr. HATCH. That is all that is prohibited. But as to the National Youth movement, as I understand the National Youth movement, their contributions are made to individual students.

Mr. MALONEY. Through the universities, I think.

Mr. HATCH. They are not made to universities, and I really do not think that the activities in which they engage are within the prohibitions of the act; but I do not want to give that as an official interpretation, because I am not sufficiently familiar with the functioning of the National Youth Administration.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Austin	Barbour	Brown
Andrews	Bailey	Barkley	Bulow
Ashurst	Bankhead	Bilbo	Burke

Byrd	Green	McKellar	Sheppard
Byrnes	Guffey	McNary	Shipstead
Capper	Gurney	Maloney	Smathers
Caraway	Hale	Mead	Smith
Chandler	Harrison	Miller	Stewart
Chavez	Hatch	Minton	Taft
Clark, Idaho	Hayden	Murray	Thomas, Idaho
Clark, Mo.	Herring	Neely	Thomas, Okla.
Connally	Hill	Norris	Thomas, Utah
Danaher	Holman	Nye	Townsend
Davis	Holt	O'Mahoney	Truman
Donahey	Hughes	Overton	Tydings
Ellender	Johnson, Calif.	Pepper	Vandenberg
Frazier	Johnson, Colo.	Pittman	Van Nuys
George	La Follette	Reed	Wagner
Gerry	Lee	Reynolds	Walsh
Gibson	Lodge	Russell	Wheeler
Gillette	Lundeen	Schwartz	White
Glass	McCarran	Schwellenbach	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. BAILEY. Mr. President, yesterday I offered objection to a unanimous-consent agreement, the purpose of which was to end the discussion of the pending legislation, and in offering that objection I stated that this legislation was most objectionable to me, and in some aspects of it, vicious.

I rise now to address myself precisely to that proposition. I should like to say at the outset that it is very far from me to reflect upon any Senator in employing the word "vicious" to describe my conceptions of this legislation. We may say of a bill that its principle is vicious, its consequences are vicious, without the slightest reflection upon its author or upon its advocates. After all, that is a matter of opinion.

I have a very high regard for the author of this bill. I think the Senate will agree with me that he is a high-minded, capable, and distinguished Senator. And, of course, I have a proper respect for the supporters of the legislation. I do not intend to say anything to wound anyone's feelings, but I do intend to speak clearly and without any special disposition to qualify my abhorrence of this legislation.

Before I go into the argument I wish to say another word about the filibuster. I think the whole Senate agrees that the policy of filibuster is not one to be approved, but I believe the whole Senate will agree that the filibuster may be employed in proper cases to a very great and useful purpose. Where would our country be today—your country and mine—but for the filibuster against the infamous Force bill. History has justified that. Where would our Southern country be today but for the repeated filibusters against the invasion of our civilization and its processes in the repeated attempts which have been made under the title of anti-lynching bills?

So I say we can justify the filibuster. But no one can say that I am filibustering. This is the first time I have spoken on the pending bill. But I say that I do hope there will be sufficient delay here for mature consideration. I hope we can delay the passage of this legislation or the final vote on it until the American people can see what is involved in it; and if so, I have no question as to what that decision will be. Much has happened, but nothing has happened yet quite fully to extinguish my faith in the instincts of the American people.

What is the basis of my accusation that this is vicious legislation? Hear me, Senators. It is vicious in that it asserts a vicious principle, and that vicious principle is this: It deliberately proposes to employ the gifts and the grants of the Federal Government to control the democratic processes in the States of our American Union. That is vicious.

It may be said it is in a good cause. I might concede that, although I do not. But even if it is in a good cause, the consequence of the assertion of that principle in the Congress and the national life will be infinitely worse than any evils intended to be corrected by the legislation.

It is proposed to say to a city, it is proposed to say to a county, it is proposed to say to a sovereign Commonwealth, "We will give you a gift or we will make you a loan, but it is upon condition that the public officers and the public servants of your county, and your city, and your State, shall behave themselves in a certain way."

Now, I am going to ask Senators to think one moment on this subject of the Democratic process. It lies much deeper than this mere doctrine we have of State's rights, great as that is, but it becomes a mere doctrine when we compare State's rights with the deliberate attack upon the democratic process in this Republic which lives and moves and has its being in that process. Destroy the process and you destroy the Republic.

I regret to say—and I would not say it if it were not true—that much has been done, much more than ought ever to have been done, in these recent years to destroy that democratic process. The Republic lives in this process. The men who come to destroy the Republic are not going to marshal armies against it.

They would know better than that. That would be futile. They are not going to gather mobs against it. They would know that we could repress mobs. They have enough sense to know that the way to destroy this Republic is to destroy the process by means of which it lives—that is, the democratic process established by the Constitution. That democratic process is a process of democracy voluntarily and independently manifested through 48 States.

When the Federal Government reaches forth its hand by way of coercion—and that is what it is—to compel my State to a policy, even though it be a good policy, it lays its hand upon the holy of holies of our American life. It undertakes to break down the process by which the Republic lives.

Senators, I can speak for my State of North Carolina. It is not a possession of the United States. It is not a Territory of the United States. It is not a dominion of the United States. God helping me, as long as I stay in the Senate I will never give the Congress or the Federal Government a mandate to control it. She was here before the Government was; and out of her loins this Government sprang. It is her creature. She does not intend to bow before the Federal power.

There is no question about what the proposal is. The proposal plainly says, "We will lend you money; we will give you grants, but it is upon condition that the public servants of the State or of its subdivisions shall behave themselves in the democratic process in a particular way demanded by the Congress and the Federal Government as a condition of a money gift." I have not any doubt as to how that question will be resolved in North Carolina. I think I know those people. I am not afraid. I did not fear in the slightest degree yesterday to stand on the floor of the Senate and offer my objection to a cloture which would have brought a conclusion to so solemn a matter without the consideration which I thought the subject demanded.

That is not all of it. It is proposed to corrupt us with our own money. It is proposed to go down to North Carolina and take taxes from the people of North Carolina, and refuse to give back any of the money except on condition. North Carolina is paying more taxes to the Federal Government than all the gifts, grants, and benefit payments combined. In due course of time, when this debt is to be paid—if, in the goodness of God, we shall ever be able to pay it—North Carolina will pay $100 for every dollar she receives. And yet the money is taken from the people of North Carolina by the power of the Federal Government, and the people of North Carolina are told, "We will not give it back to you except upon the condition that you do as we say."

Hear me, Senators! North Carolina is not going to be governed by Senators from New Mexico, Montana, Virginia, or South Carolina. North Carolina does not intend to be governed by the Congress of the United States except in Federal matters. God stay the day whenever I shall consent that my State shall yield her election powers, her primary policies, and her internal policies to the control of any power under heaven except the Legislature of the State of North Carolina, elected by the people of North Carolina, and responsible to them every 2 years. With the utmost respect for Senators from other States, I deny their right to have a thing to do with the internal policies of the Commonwealth of North Carolina. I abhor the policy of using the Federal power of

taxation to take money from my people and then say, "We will not give it back to you except upon the conditions stated by us." In plain language, that is negation of the American doctrine. That is repudiation of the democratic process.

So, Mr. President, this legislation strikes very deeply with me. How far would it go? We are now using this power to control the democratic process in elections and primaries. Tomorrow we shall be undertaking to use it in control of the public schools. Most people seem to forget that the Federal Government has not only been making gifts and grants for school buildings in North Carolina—from our own money—but it is also making annual appropriations to the public-school system for vocational education.

If the principle of this bill is sound, another bill may be drawn upon that principle telling us what shall be taught in our schools, and who shall be the teachers. In the interest of carrying some doubtful States, we may be told that we ought to have mixed schools in North Carolina. Congress may go that far. I am talking very frankly to Senators of the United States. There are some who would go that far. I do not know what the years may bring. I do not know what will happen next year, or the year after that, or the year after that. I am standing here today and resisting the beginnings.

I take it Senators understand now what I mean when I say that this is vicious legislation. It is vicious in that it strikes at the very roots of American life. It is vicious in that it asserts a principle which will not only sap the vitality of every commonwealth in America, but will strike it down as a commonwealth and give to it the status that Syria has with France, or Palestine has with Great Britain—the status of a mandated territory.

I hope I may say something more without offense. There has been some expression of wonder that so many Senators from the portion of our country which is called the South are lined up against this legislation. That is not difficult to explain. It is difficult, I agree, to explain to the younger generation, even in the South. It is extremely difficult to explain to our friends from the West and from the North. However, the South once had an experience with Federal control. I do not think that Dante, in his descent to the depths of hell and the bottomless level which he found reserved for the hypocrites of history, ever knew worse than our people knew.

Perhaps it may not be quite in order for me to refer to a motion picture or to a current novel, but I shall. I read the book called Gone With the Wind. I am not a novel reader. That was the first one I had read since Mr. Britling Sees It Through during the World War.

Let me be very personal. As I read that story, every word of it was confirmed in my memory by what my mother told me, and what my father feared day after day and night after night. The story is not overdrawn, Senators. That was Federal control. You say you would not do it again. There is no necessity to trust anybody in such a matter. Perhaps you think you would not, but there will be others. I am glad that book has been made into a motion-picture play. I have only one fear, and that is that the audiences who sit and see what happened after the fall of Atlanta and then see the dread aftermath of Federal control, which was worse than the war, will say, "Oh, well, that is just a romance. That is just fiction." Oh, we could stand the war, and we could stand defeat, but it took heroic men and heroic women to survive the aftermath; and I shall honor them as long as I live.

Oh, my friends, that is a true picture, and I know every word of it. I was born in reconstruction. I grew up in reconstruction. I know something of my own experience; and I know the whole story from lips as pure and true as ever uttered the Gospel of God. Yet here we are, Senators, I think rather lightly—I do not mean to complain—resolving this matter on one trivial circumstance or another, as I see it, as a Senator said yesterday—I would not say it—thinking about our own little orbits and our own little political lives, resolving this question in terms of a mere momentary self-interest. Some think the bill would control adverse politicians in their States, so I hear; some think it would even up matters; but, Senators, do not think in terms of the present or of the moment but of the life of the Republic.

There is a future; there will be a better day, I hope; and in that future I want a policy denying not only Federal control in the Commonwealths that constitute the Republic but a policy that will assert, with all the power of the centuries of English-speaking freedom, the indispensable importance of local self-government, the very foundation of the democratic process.

So, Mr. President, I hope no man will say that I am thinking in terms of politics. I am not thinking whether this bill will hurt the Democratic Party or help it; I am not thinking whether it will help the Republican Party or hurt it; I am not thinking whether the public servants in North Carolina, who may be affected, will approve or disapprove of me; I am thinking in terms of the life of the Republic and the right and meaning and power and usefulness of the Commonwealth whose people sent me here, the Commonwealth of North Carolina. I am speaking in terms of the preservation of the democratic process in America, and I am saying that every time you impinge upon that process, every time you do a thing that tends to impair that process, you are doing precisely what the termites do to a great structure—destroy its foundations, convert its columns and its pillars into dust, with perfect assurance that the day of its fall is inevitable. So much for that phase of the subject.

Mr. President, the theory of this legislation is that activity by officeholders is a bad or pernicious thing. I have been reading in the American press a description of this bill as "the clean politics bill." I am going to denounce that right here as manifest humbuggery, and that is the only name for it. We have had enough of that sort of humbuggery in this country. We seem to think, like children, that we can give a piece of legislation a good name and alter its consequences. We called the National Recovery Act a recovery act, and I believe there was a time when nine-tenths of the people of North Carolina thought all we had to do was to pass that act and recovery would be here the next day. We know what happened. We had recovery before that act went into effect; we were on the way out of the depression in June and July 1933; America was going forward with high hope; but that act went into effect on July 1 and began to operate by August, and we went down to the bottomless pit again. Then the people learned that it was not a recovery act. I think they will learn the same thing about this "clean politics" bill. There is nothing especially clean about this bill; there is nothing cleansing about it; but there is much to degrade.

Now let us look at it and see. This bill says it is all right for the mayor of a town that gets a grant to be as active as he pleases but his clerk is worthy of condemnation; it is unlawful for him to take part in any political activity. Am I to be told that is Americanism? All men are equal under the law here; at least, they used to be.

They turn loose my good friend, Jim Farley as chairman of the Democratic Party in New York State. I think much of him; I do not mean by mentioning his name to indicate otherwise; he is a straight-thinking, honest man, on whose word one can always count; but he is also chairman of the Democratic Party of the Nation; he is Postmaster General, and he handles, through the Post Office Department, about $780,000,000 a year. He can make a speech every day in the week; he can get delegates from Dan to Beersheba; but the sheriff of my county must run into his hole and hide and the deputy sheriff must find a cave. That is an absurdity on its face.

Here is Mr. Ickes, if that is how to pronounce his name [laughter]; I do not know how to pronounce it.

Mr. SMITH. That will do; go on; that is as good as any pronunciation.

Mr. BAILEY. I did not know how to pronounce his name; his name was not known when I was growing up; he is a newcomer to the national life. He can issue political statement after political statement; he can denounce Members of Congress, as he does; he can pull any amount of political wires; he can rebuke us when we do not behave as he thinks we

should; and he distributes the public-works money when there is any. Do you appreciate that, Senators? The fountain head of the money can hand it out as he pleases, but if my State gets any or the University of North Carolina gets any or the public schools of my State get any or my county gets any, or my city gets any, every officer is silenced and every employee as well.

Now let us consider the road money. How do we get the road money? A tax is put on gasoline; that tax is taken from my people, and North Carolina does not get back any more than she pays in. It is obtained by the power of the Federal Government, placed in the Treasury, and then the proponents of this bill propose to say, "We will not send a dollar back to you until you do what we say about politics." Every man working on the roads down there, every engineer, every clerk, the highway commissioners, everybody except the Governor—and I do not know why the Governor is excepted—has got to behave himself at a primary or an election as the Federal Government says. That is the size of it; that is what you are doing, and I suppose you will keep on doing it, but I am telling you you are going to repent it. I am going to do what I can to stop it. If I had the physical capacity, I would speak day in and day out about it, until, in course of time, I was able to awaken the American people. What do Senators say about the perniciousness of that?

Mr. Harry Hopkins, who sometime ago distributed W. P. A. money, can—

> Play such fantastic tricks before high heaven
> As make the angels weep.

But if any of that money is given to a courthouse, to clean it up or to build it, or to a jail, then I take it that the sheriff, his deputies, and the county commissioners are forever silenced. They must not be politically active, while the man who gives out the money is just as active as he pleases.

What do you think of that? How can men stand for that?

I am not inclined to discuss the politics of this matter, but I am going to say this solemn word: We are not going to have clean politics in America by tying the hands of all the little officeholders and leaving the big ones free. We are not going to have clean politics in America by allowing the men who distribute money to do as they please in politics, and then saying to the little fellows who are on salaries that they must go into their holes and disappear from the political field. That, again, is a monstrous interference with the democratic process. It gives an unlimited power to the men higher up.

I will make an assertion here on which I will stand: The humblest deputy sheriff in North Carolina has just as much right to engage in politics as has the President of the United States. Deny that statement if you wish.

Who ever before drew the line in America between a big officeholder and a little one? Who ever thought of drawing it on the basis of taking our money from us and then saying, "We will not give it back to you except as you do as we please"? That is the inwards of this bill. That is the meaning of this bill. I say to you younger Senators, "Vote for this legislation, and you will live to see the day when you will repent of your action in sackcloth and ashes." You will not be able to say that a just judgment was not visited upon you, either.

Another point: There are limits to the Federal Government. There are limits to its taxing power; and they were not fixed by the old Court, either. Read the A. A. A. decision. It was handed down by Mr. Justice Roberts. He is still on the Court. There was a dissenting opinion by Mr. Justice Stone, and he is there yet, and he is counted with the progressives on the Court. In this dissenting opinion he undertook to summarize the limitations upon the Federal power in the matter of taxation. Read that dissenting opinion, and you will find that he says that one of the limitations was that the Federal Government could not use its taxing power to coerce. Read it. You remember that that dissenting opinion was signed also by the late Mr. Justice Cardozo, who was a progressive.

I am not saying that this measure would be held unconstitutional. Heaven knows I do not intend as long as I live to say that anything will be held unconstitutional. I shall not live long enough to know just how the new Court is going to resolve questions. That is not a reflection upon the Court. It takes a long time for a court to establish its formulas. It took more than 120 years for a long series of courts to establish the meaning of the Constitution in the national life and in the light of the repeated acts of the Congress, and we thought that meaning was fixed for all time. Suddenly it is all gone. It will not be in 10 years or 20 years that the temper of the thinking of the method of the approach of the present Court, and such additions as may be made to it, will be determinable; but I can say that Mr. Justice Stone, writing that dissenting opinion and not controverted at all by the main opinion, did give an utterance there that supports the argument I am making; and that is, that there is a limitation upon the taxing power of Congress, and that limitation is that the Congress can never employ the taxing power to coerce a Commonwealth.

I would not offend my Republican friends. They have not won many victories during these 7 years, and it appears now that they are soon to win one. I have admired the fidelity with which they have rallied to the banners of our Democratic leader. I have exalted him for his capacity to lead us Democrats; but in his new capacity as leader of the Republican side of the Senate he has added titles of lasting honor to titles of distinction. When this thing is over, if we get it over, it will be a Republican victory. In every instance of votes here you will see that the Democratic majority was against the bill, and that the Republicans, in the most perfect unity in their whole history during the 10 years I have been in the Senate, rushed into the battle at the command of our great leader on the Democratic side and saved the day again and again.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BAILEY. Surely.

Mr. CLARK of Missouri. Did the Senator regard it as any element to affect his views this morning in the Commerce Committee when he happened to vote with the minority of the Democrats, with a majority of the Republicans—in fact, I think all the Republicans—against a majority of the Democrats on the committee?

Mr. BAILEY. Not at all.

Mr. CLARK of Missouri. The Senator thought he was right, and he voted his convictions.

Mr. BAILEY. Oh, no; I think my good friend the Senator from Missouri misunderstood the force of my argument. I was not saying that our Republican friends had done anything wrong. I was complimenting them upon having found, under a Democratic leader, a unity which they could not achieve on their own motion. [Laughter.] I think the Senator missed my point. I would not criticize them. I am complimenting them; but I was making the point that they were supporting this legislation with very great enthusiasm, and I was approaching the point of defending them for it.

I am not surprised. I do not blame the Republicans for entertaining a hope that this legislation may tie the hands of a few Democratic officeholders here and there and give them a chance this fall. I suspect they will not get far unless they do get a good many hands tied. I would not blame a fellow in their fix for seeking that method of getting through; but most seriously, with all due respect, there is a historic difference in our land.

We Democrats affect to believe that we derive our philosophy of government from Thomas Jefferson. I said "affect," I will say to the Senator from South Carolina [Mr. SMITH]. Thomas Jefferson was the great apostle of local self-government. He was the great protagonist of the State as the essential unit in the life of the Republic. We affect to derive our philosophy from him, and we have claimed that that was the philosophy of the Democratic Party. I take pains to use my verbs in the past tense. I do not think I shall be challenged if I do.

The Republicans very frankly have always claimed, as I have understood, to derive their philosophy from Alexander Hamilton—their philosophy of government. I would not stop there. I would like to be fair. They derive their philosophy of life from Abraham Lincoln, as noble a figure as ever breathed the breath of life, as great an exponent of Americanism and probably the most useful of all the human beings who ever lived in the New World, except George Washington. He preserved the American Union.

Deriving their philosophy from Alexander Hamilton, they may justly assert Federal control and Federal centralization. But what can we Democrats do? We must repudiate Thomas Jefferson, and, while it appears here that the Republicans have been coming over to us in this discussion, the real fact is that our leader and his Democratic followers have been falling into the arms of the Republican opposition. I do not blame them for being so unified in welcoming so glorious a company, especially in an election year.

Now, Mr. President, I have made my argument, and I am content to leave this matter with the Senators. But I do hope that my colleagues will have some thought of the earnestness with which I have spoken, that they will weigh what I have said with some regard to my profound convictions as expressed—that this proposed legislation strikes at the vitals of our national life, strikes at the roots and the foundations of our great Republic; that if this door is opened, through that open door will come a train of evils unending, unending save in the end of all things which our fathers and ourselves have held dear.

Mr. BARKLEY. Mr. President, I had not intended to discuss the amendment offered by the Senator from Colorado [Mr. JOHNSON], and I had hoped I might not feel called upon to discuss the bill.

The Senator from North Carolina [Mr. BAILEY] is one of the ablest Members of this body and one of its most logical debaters. I have often in private paid him that compliment, if he so considers it, and I am glad to do it publicly. I would not now for a moment detract from his sincerity. I know that he believes every word he has uttered today, and that he always utters sentiments out of the conviction of his heart. I honor the State from which he comes because my grandfather was born and reared in that State, and there still stands in North Carolina the home in which he was born. Someone in that State a few days ago sent me a picture of a magnificent old southern home which has been in the family of my ancestors and my relatives in the State of North Carolina for over 200 years. There is a quality about the people of North Carolina which I have always admired and cherished, and I think the senior Senator from North Carolina, as much as anyone whom I know, exemplifies and typifies that superior quality of the people of his State.

We have listened with great interest to his philosophical and his practical discussions of the theories and processes of democracy. I take no umbrage at all, I will say to my friend, from the fact that he rather singles me out here—I hope not in criticism but in a coincidental circumstance——

Mr. BAILEY. There was no suggestion of criticism. I was complimenting the Senator upon his capacity to lead the Republicans, and then also undertaking to explain in defense of the Republicans that, after all, he was going over to them. Since the Senator has paid a tribute to my State, I wish to make a further contribution to the theory of the new unity. The ancestors of the Republican leader on the other side also came from North Carolina, and his grandfathers' memories are very highly cherished there, just as is the memory of the grandfather of the Democratic leader.

Mr. BARKLEY. I was not familiar with the fact to which the Senator refers, but I accept that as a further evidence of North Carolina's outstanding greatness.

I am not at all disturbed or embarrassed by the fact that the Republican minority happens to agree with my position on the pending bill. I am inclined to congratulate them, as the Senator from North Carolina has congratulated them, though probably with a slight difference in the angle of approach. It is so seldom that I can congratulate the Republicans on being right that I am delighted to be able to do it, and my enthusiasm and my support for the pending legislation are in no way dampened or lessened because they have seen the light and are supporting the legislation. I believe, as I have always believed, that so long as the lamp holds out to burn, the vilest sinner may return, and I hope there are others in this Chamber who will hit the sawdust trail before the consideration of the pending legislation shall have been concluded. [Laughter.]

Mr. MINTON. Does the Senator think they have seen things, or rather smelled things—perhaps the fleshpots? [Laughter.]

Mr. BARKLEY. Whether they have seen or smelled things depends on how close they have been to certain parts of the United States. [Laughter.] I do not know whether their eyesight is more acute than their sense of smell, and it makes very little difference to me.

I appreciate the theory of democracy which is entertained by the Senator from North Carolina, and I appreciate his reference to Thomas Jefferson. I still think I am a follower of Thomas Jefferson, though in the 150 years since Jefferson promulgated his theory of democracy there have been many changes in the approach to that subject and in its application. When Jefferson became President of the United States and was confronted with the conditions which he found as a responsible officer, he, himself, changed some of his theoretical views about the application of the processes of democracy.

Whatever we may say about those processes, whatever we may say about the change in the application of those processes, there is one thing which I do not believe we can successfully change: We cannot afford to pollute or corrupt or corrode the sources of the democracy to which we pay tribute.

We learn in physical geography that no stream can rise above its source, and if that theory is true in physical geography, as we all know it to be, it is likewise true in politics and in government. No stream can rise above its source. What is the source in politics? It is not the Presidency of the United States; it is not the governorship of a State; it is not a United States senatorship; it is not a seat in the House of Representatives; it is not the mayoralty of any city; it is not the office of sheriff in any county. The source of all power and of all authority, the source of the entire political stream of our democracy, lies in the people. They make and unmake men. They declare and nullify policies. My support of the pending bill is based upon the belief—and I think I could quote Thomas Jefferson for that theory and that belief—that, after all, the thing that is most apt to destroy the very foundation of our democracy and pollute the stream from which it flows is the unholy, unlawful, and corrupt use of money in the attempt to control and affect the source of our democracy.

The word "purify" in connection with elections has been bandied around as something theoretical and visionary and something to be laughed at. I do not think the American people feel that way about it. If we are in danger of that sort of pollution in the stream of our democratic thought, shall we attempt to eradicate the evil and its possibilities at the source, or shall we wait until it has gone some way down the stream and then try to alleviate the situation below the source?

Mr. BAILEY. Mr. President, I was reading the report made by the Senate Committee on Expenditures of Political Parties in 1926. I think I am safe in quoting from memory. It appeared that in 1 year the Republicans collected a little more than $7,000,000. The Democrats collected five and a half million dollars. The Republicans got some money from people of means. The Democrats also got some money from people of means. They got $50,000 from one lady, whose husband is now an ambassador or minister. They got some money from Mr. Pabst, the brewer, and other money from the brewer, Mr. Busch, of Anheuser-Busch. Are we to judge the matter of money—I do not think that is in the bill, which deals with officeholders mainly—based on the sources, or the amounts, and shall we say that the collection of $5,000,000 is

not corrupt, whereas the collection of $7,000,000 is corrupt, and that money received from the lady in question is good, while that received by the Republicans from someone else is bad? And shall we say that Mr. Pabst's money is good because he gave it to the Democrats, whereas the money given by someone else is bad because it was given to the Republicans?

Mr. President, I suggest to my dear friend, our leader, that people who live in glass houses should be careful how they throw stones. I have never at all liked Mr. John Lewis' rising in the midst of the sit-down strike and lecturing the President of the United States, saying, "I gave you $50,000 of my people's money, and then I loaned you $450,000, and now you are not doing what I say." Is that corrupt, or not? The same principle is in the bill. It is proposed to lend my State money on condition that the people of the State do something.

I should like to have the Senator elaborate on the subject of political contributions. I know that the Democratic Party goes all through my State seeking money. Why should I withhold that fact? We are going to be fair here with ourselves at any rate. We accept contributions. Are we going to say that that is corrupt? If so, let us find out about it. I would not say that money given to one party is good and money given to the other party is bad.

Mr. BARKLEY. Mr. President, the Senator has injected a legitimate question which I shall attempt to discuss. I do not condone in any degree, or to any extent to which it may be wrong or evil or improper, the use of money in elections, regardless of the source from which it comes. I do not know anything about it except as it is reported, and I have no doubt the report is accurate. The gentleman mentioned by the Senator, and the lady, who is nameless so far as this debate is concerned, made the contributions to which he has referred. Neither do I contend that money contributed to the Democratic Party is any more untainted, or that it is any more tainted, than money contributed to the Republican Party. But I do contend that of all the money that is taken for campaign purposes by either the Democratic or the Republican Party, the most indefensible action is the taking of money raised by the power of the Government under the guise of taxation and diverting it from the purposes for which it was collected and using it for political purposes.

Mr. BAILEY. May I ask the Senator, if that is so, why not control Mr. Ickes, Mr. Hopkins, Mr. Farley, and the big fellows who handle the money?

Mr. BARKLEY. I will say to the Senator that I do not regard interviews given out by members of the Cabinet, or Governors, or United States Senators, or others in defense of their policies, or even in criticism of those who oppose them, as a pernicious use of their influence and their power and their authority to control elections, and I do not know of any cases in which any of the gentlemen referred to have undertaken to use money or the power and influence of money to control elections.

Mr. BAILEY. The Senator is arguing on one aspect as to influence, with respect to them, and on the other with respect to the little officeholder. The little officeholder is not using money either. Certainly the Administrator of Public Works allots money; he handles money. Certainly Mr. Jesse Jones, of the R. F. C. makes allotments. Certainly Mr. Thomas Corcoran, the most active politician in America, is in the R. F. C. They are free. That is all right. A little town in North Carolina borrows some money, and its hands are tied. I should like that to be reconciled. If the Senator will reconcile that, I shall vote for the bill.

Mr. BARKLEY. I should be willing to go to almost any honorable or reasonable extent to have the Senator from North Carolina share my views, but I doubt very much if I could induce him to do so.

Mr. BAILEY. I am going to ask the Senator to reconcile that for other Senators. I will go out and smoke meanwhile.

Mr. BARKLEY. I have always contended, as the Senator from North Carolina has contended, that the power to tax is the power to destroy, and the Supreme Court has sustained that view.

Mr. BAILEY. No; the Supreme Court has denied that view.

Mr. BARKLEY. No, no. We know that the power to tax is the power to destroy.

Mr. BAILEY. Oh, no; I am not going back on the Supreme Court.

Mr. GLASS. One of the recent appointees to the Supreme Court signalized his entrance on the bench by saying that John Marshall was a rhetorician rather than a lawyer when he said that.

Mr. BARKLEY. I understand that; but, nevertheless, the power of the Federal Government to reach its arm out into any community or to any industry, whether it is rhetoric or whether it is logic, is the power to destroy the institutions upon which it levies the tax.

Mr. GLASS. Well, I aline myself with John Marshall and not with Mr. Justice Frankfurter.

Mr. BARKLEY. I have found myself on occasions with John Marshall. I have no reason to regret that once in a while I can regard the great John Marshall as not only a jurist but a statesman. I think the State of Virginia regards him as such, and I do not say that in any way in derogation of the sincerity of my friend's views.

Mr. GLASS. I, too, so regard John Marshall; but the Senator from Kentucky seems to think that I do not.

Mr. BARKLEY. No; not at all. I was not intimating that, not in the slightest degree. I regard John Marshall as one of the great jurists of all times, and one of the great statesmen of the United States. I think his decisions gave to our Federal Government a cohesion and a permanence and a power that was indispensable, if we were to have a republic capable of carrying out its authority and enforcing its power.

But, Mr. President, we know that the power to tax is the power to take money from people involuntarily so far as they are concerned. We go out with the strong arm of the Federal Government to raise money for a multitude of purposes, and the payment of money into the Federal Treasury frequently causes hardships. Within the next 3 days most of our people will be required to make their income-tax returns; hundreds of thousands of people will be required to go to their banks, if they have credit, and borrow the money with which to make their contribution to the Treasury of the United States. It matters not whether that money is to be allocated among the various States for the purpose of building highways, or for the purpose of paying old-age pensions or unemployment insurance, whether it is for the purpose of maintaining the civilian conservation camps, or for any other purpose. I maintain that neither the Federal Government, nor the State governments, nor any branch of the Federal or State Governments have a right to use that money directly or indirectly for the purpose of determining the course of action to be pursued by the source of power in the United States; that is, the people.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MALONEY. I should like to inquire if the Senator knows of any States in the Union that have sufficient machinery to cope with the kind of evil to which he has referred.

Mr. BARKLEY. I do not have a list of the States which have enacted legislation of that sort. My own State has passed a statute which makes it unlawful for anyone in the State government or anyone under the State government to wring campaign contributions by means of coercion, intimidation, or threats.

Mr. MALONEY. Mr. President, will the Senator yield to me for a question?

Mr. BARKLEY. I yield.

Mr. MALONEY. Does the Senator believe there are any States which need the help of the Federal Government in setting up machinery to protect them against the kind of practice referred to?

Mr. BARKLEY. Probably not. I do not think the question revolves around that issue. However, I think the Federal Government, in the expenditure of the money, may need the help of States in order that all the atmosphere, all the

ramifications, and all the approach to this sort of political expenditure may be prohibited. But if the States are not willing to protect the people against the use of their own tax money with respect to purely State activities, it is my contention that we have an obligation to protect the people of the States and the people of the United States from such use of money which the United States Government applies to the advancement of these projects and activities.

Mr. MALONEY. I think the charge of abuse of money which is so carelessly made throughout the debate is very much overdone. If there have been abuses in some few isolated cases in the Nation, it seems pretty harsh treatment of the other States, in attempting to correct one or two or three isolated cases, to punish all the States of the Union by this dictatorial procedure.

Mr. BARKLEY. I should not say that the cases are isolated. Neither should I say that any State would be penalized or punished under the proposed legislation in order to relieve the conditions which are aimed at.

That leads me to discuss the question of States' rights, which has been injected into this debate. In the first place, I do not think any State has a right to demand that the Government of the United States, out of its Treasury, put up any money to carry on activities within the States. The money is not allocated to the States on the theory that originally they had any right to demand that Congress appropriate money in order to assist them in their activities.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Texas.

Mr. CONNALLY. I agree with the Senator in that statement; but have they not also the right, if the Federal Government allocates money to other States, to demand their share?

Mr. BARKLEY. Of course they have a right to be treated on a basis of equality with all other States; but they have no fundamental, original right to demand that the Federal Government, out of its Treasury, shall make any contribution to any county within the State. If they have no original or fundamental right, as a matter of States' rights, to demand that money shall be contributed to them out of the Treasury of the United States, they have no right to demand that they shall fix the terms upon which the expenditures shall be made when the money is allocated to them.

Mr. CHANDLER. Mr. President, will my colleague yield to me?

Mr. BARKLEY. I yield to my colleague.

Mr. CHANDLER. Have not the several States been accepting money from the Federal Government under restrictions and with the understanding that they had to pass compliance laws; and have they not, certainly during the past 7 years, been living under the direction of heads of bureaus of the Federal Government in Washington; and have they not been required to cooperate in order to get along?

The proposed law is no new invasion of States' rights. We now say to the States, "Quit listening to Mr. Hopkins, Mr. Ickes, and all the other heads of bureaus, boards, and commissions. If you have a complaint, make it to the Civil Service Commission. If you spend the money of the Federal Government, you must spend it for purposes of government, for public health, schools, charities, old-age pensions, and the like, and quit spending it for politics."

Mr. BARKLEY. The Senator is correct. Not only since the passage of the first good-roads law in 1916, but even before that—although that is the most recent outstanding example—we required the States to do certain things, to comply with certain requirements, in order to obtain money from the Federal Government. They were not required to do so unless they wanted the money.

Mr. CHANDLER. They were anxious enough to get the money, and they did not turn it down. Is not that true?

Mr. BARKLEY. They have all complied with the requirements and have received their share of the money. They have never complained that the Federal Government has exercised the right to fix the terms upon which the money should be expended.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ADAMS. I think it has been conceded during the course of the debate that the Federal Government does not have a right to do directly what we are seeking to do indirectly. In other words, the Federal Government may not penalize or punish a State employee for participating in politics.

Mr. BARKLEY. In the first place, the Federal Government or Congress may not directly require that a State employee be discharged.

Mr. ADAMS. That is true.

Mr. BARKLEY. It may not prescribe a criminal statute for the violation of which a State officer may be punished within his jurisdiction as a State officer. Because of that fact, the bill now before us has undertaken to provide a way in which the law may be enforced without attempting to invade the criminal field by undertaking to punish men through a criminal statute.

Mr. ADAMS. The plan is to say to the State, "Here is some money we do not have to give you. We will withhold it from you if you do not make certain exactions as to the conduct of your officials." Is not that correct?

Mr. BARKLEY. We have the power to withhold it.

Mr. ADAMS. In other words, we are seeking to purchase from the States certain action which we have no right to require.

Mr. BARKLEY. No.

Mr. ADAMS. Will the Senator explain how that action differs from bribery?

Mr. BARKLEY. In the first place, I do not agree that we are trying to purchase from the States any authority or any right regarding the expenditure of the money. We are trying to say to the States, "This is the money of the Federal Government. It is the money of the American people. It has been taken from them without their consent, except insofar as they have been willing to pay taxes, which they were compelled to pay. We are now undertaking to fix the conditions under which the money shall be expended, just as we have done in connection with highways, old-age pensions, and all such activities. If the State is not willing to comply with the requirements made as a condition for the expenditure of the money, it need not use it."

Mr. ADAMS. If we could exact this condition, we could exact some other conditions. We could make an exaction as to the taxes the States should levy; we could make an exaction as to the salaries paid State employees; we could make an exaction as to State schools, if the States were willing to take the money rather than to insist on their rights.

Mr. BARKLEY. Of course, the Federal Government has the right to fix conditions under which money allocated by it shall be expended. However, since the Senator has used the word "bribery"——

Mr. ADAMS. That is a harsher term than I meant to use.

Mr. BARKLEY. Still, the Senator used it. He himself used the language.

Mr. ADAMS. Then let it stand.

Mr. BARKLEY. The Senator said we are trying to bribe a whole State to do something it might not otherwise want to do. I do not think even that harsh term is any more disagreeable with respect to the use of this authority in regard to a State than the use by some State officer of money furnished by the Government of the United States to bribe a man who holds a position under him to vote in a certain way or be precluded from any longer participating in the benefits conferred by the expenditure of the money.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. HATCH. I have been greatly interested in the debate during the past several days, and the sudden interest which has been manifested in the Senate in the granting of Federal funds on condition. I asked the Legislative Reference Bureau to prepare for me a list of laws in which such conditions have been attached. I hold in my hand 18 pages of closely typed references to laws passed by the Congress granting funds upon conditions of all kinds. For instance, one law

made certain grants of hospitals to the State of Minnesota upon the condition that Indians should be granted citizenship by the State of Minnesota. Eighteen solid pages of such references lie before me on my desk.

Mr. BARKLEY. I think it might be helpful and instructive if the Senator would have the tabulation inserted in the RECORD.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Florida.

Mr. PEPPER. I ask the Senator from New Mexico if any of the so-called conditions to which he refers prevents any citizen of any State which directly or indirectly received any of the funds from taking any part in any local political campaign in his or her State?

Mr. HATCH. Mr. President, if I may answer——

Mr. BARKLEY. I yield to the Senator.

Mr. HATCH. I have not had time to read all the conditions, but I did pick out certain ones. I have just pointed out one instance in which the granting of full citizenship to certain residents of the State—a matter clearly only within the jurisdiction of the sovereign State—was made a condition precedent to the granting of the gift.

Mr. PEPPER. What was the subject of the appropriation?

Mr. HATCH. The granting of certain hospitals to the State of Minnesota.

Mr. PEPPER. Were they hospitals for Indians?

Mr. HATCH. I suppose they were hospitals for Indians. That makes no difference. The test was that the State of Minnesota changed its laws and granted citizenship to a class of persons who theretofore had not had citizenship.

Mr. PEPPER. I do not know the conditions, of course; but I do not suppose the Senator would approve the appropriation of Federal money to the State of North Dakota, for example, upon condition that the State change its name, or that all the people cut their hair the way the roundheads in ancient England used to cut theirs, or any such condition. I assumed that there was some proper relationship between the condition and the grant. I was merely interested to know whether or not, in any of the cases cited by the Senator, any local citizens had been prevented from taking part in any local political campaigns in which the Federal Government had no interest.

Mr. HATCH. Yes; the Congress has enacted legislation of that type.

Mr. PEPPER. Does the Senator refer to the Social Security Act?

Mr. HATCH. That is one example.

Mr. PEPPER. Are there others?

Mr. HATCH. I think there are others.

Mr. PEPPER. It is significant that that is the only example.

Mr. BARKLEY. Mr. President, I do not wish to detain the Senate longer except to make an observation particularly in connection with the jibe which has been constantly hurled in the debate that there is something unworthy about the whole proceeding because the Republican minority happens to be voting with those of us on the Democratic side who support this legislation.

Mr. BAILEY. Mr. President——

Mr. BARKLEY. Let me finish my observation. I dare say that the Democratic Party would not be in power in the Nation today if it had not been for the fact that in 1932 it received the votes of millions of Republicans. Are they to be condemned because they voted with us? The same thing was true in 1936. It would have been impossible for the President of the United States to receive the overwhelming majority which he received, in both the popular vote and the electoral college, if he had not received hundreds of thousands and millions of votes which formerly had been cast for the Republican Party. I dare say that there are Members on the floor of the Senate now on the Democratic side—I hope they will remain here—who would not be here today if it had not been for the fact that in their States thousands of Republicans deserted their party and voted to send them here.

Mr. BAILEY. Mr. President——

Mr. BARKLEY. I will yield in a moment. I appreciate that feeling of independence, and I congratulate those Republicans in the States who made it possible for Democrats to be sent here. I have no doubt that when we again come up for reelection in all our States we will try to appeal to the independence of the Republican voters. I know I do it in my State. When I was first elected to this body against the Republican sitting Member I was elected, in part, by Republican voters in Kentucky, and there are others here in the same situation.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Idaho in the chair). Does the Senator from Kentucky yield to the Senator from North Carolina?

Mr. BARKLEY. I will yield in a moment. If it is right and proper and patriotic and to be commended in the States for Republicans to vote for Democratic candidates, I cannot have it in my heart to criticize the Republican Members of the Senate because they have in this particular contest voted with those of us who favor the pending legislation.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield, and if so, to whom?

Mr. BARKLEY. I yield first to the Senator from North Carolina, who has been on his feet some time.

Mr. BAILEY. If the Senator will allow me, I yield to the Senator from Virginia.

Mr. BARKLEY. I am glad to yield to the Senator from Virginia.

Mr. GLASS. I merely wish to ask the Senator if he would not think it extraordinary if all the Republicans in the United States voted the Democratic ticket in the election?

Mr. BARKLEY. It might be extraordinary, but I would welcome it.

Mr. GLASS. Well, I would not. [Laughter.]

Mr. BARKLEY. Why not?

Mr. BAILEY. Mr. President, our distinguished leader is commending the Republicans for deserting their party and voting the Democratic ticket, I suppose on the ground that they exercised freedom in the performance of their duty. Now will he turn that around and commend the Democrats for going over and voting the Republican ticket this year?

Mr. BARKLEY. If any Democrat in the United States honestly and conscientiously believes it is his duty to vote for the Republican candidate for President or for a United States Senator, and does it in the exercise of his independent right because he believes it is his duty to do it, I will commend him. I may not agree with him, but I will commend him for his sincerity.

Mr. BAILEY. That makes it all right. Now I want to ask the Senator another question. This proposed legislation leaves mayors outside its terms. Frank Hague is a mayor and a great political boss; Kelly, of Chicago, is a mayor and a great political boss; LaGuardia is a mayor and quite an influential man. They come to Washington and get money from the Federal Treasury. New York City alone gets three times as much as the whole State of North Carolina. They are free to do what they please, those two bosses and the third man. But here is a humble fellow, occupying a minor place, whose hands are tied. Will the Senator explain to me how that can be reconciled with morality and common sense? Is he in favor of turning Frank Hague—"I am the law" Hague—and Boss Kelly loose with the money they come here and get, and then when my county of Wake, in North Carolina, gets a little appropriation having everybody's hands there tied? I merely wish to get that straight.

Mr. BARKLEY. In the first place, I do not wish to draw any invidious comparisons between Mayor Hague, Mayor Kelly, and Mayor LaGuardia.

Mr. BAILEY. I am not drawing any invidious comparisons. I am giving the facts under the operation of this bill. The Senator will agree that Mayor Hague is a great boss, will he not?

Mr. BARKLEY. I am making no comments on whether he is a boss or not; he is alleged to be, but whether he is or not makes no difference so far as the pending legislation is concerned.

Mr. BAILEY. He is an advocate of a third term for the President, and so is Kelly.

Mr. BARKLEY. That is their privilege.

Mr. BAILEY. And under this bill it is their business to get all the money they can, and spend it in politics, too.

Mr. BARKLEY. The Senator knows this bill eliminates all officers, such as Governors and mayors, because they are responsible to the people; they are not appointed by anybody; nobody holds any strings or power over them, unless it may be the President of the United States. If we are willing to say that before Mayor Hague or Mayor Kelly or Mayor LaGuardia or any other mayor can obtain funds for public-works projects the President of the United States is demanding a quid pro quo or proposes to exercise any control over them, then, he is indicting the entire democratic theory. I do not think the Senator from North Carolina would do that, and I do not think he believes that to be so.

Mr. BAILEY. I was very much intrigued by the Senator's statement that Mayor Hague was responsible to the people. I thought the people were responsible to Mayor Hague.

Mr. BARKLEY. The Senator can put any interpretation on that situation which suits him.

Mr. BAILEY. That is the way it works.

Mr. BARKLEY. But we all agree, though sometimes in theory it may be inaccurate, depending upon local conditions, that all elective officers are responsible to the people; the people can attend to them whenever they want to; they have done it frequently, and will do it, no doubt, in the future.

Mr. BAILEY. The Senator is referring to elective officers. What does he say about Mr. Farley and Mr. Ickes? They are not elective officers. And Mr. Thomas Corcoran—I never heard of anybody electing him to anything.

Mr. BARKLEY. Mr. Corcoran is not an elective officer.

Mr. BAILEY. But he is the most active politician in the country.

Mr. BARKLEY. I doubt that; I doubt it seriously, because I happen to know Mr. Corcoran. I have collaborated with him in the effort to frame legislation, as other Senators have, and his services have been many times very valuable because of the information which he was able to obtain and bring to the attention of committees. Mr. Corcoran, however, has been given credit, I will say to the Senator, for infinitely more political activity than I think he has ever been guilty of.

Mr. BAILEY. He could not possibly have been as great as some new dealers have made him out to be. I will agree to that.

Mr. BARKLEY. I am not making him out to be great, but I do say he has performed valuable public service, and I think any member of any committee of the Senate or the House who has had any experience with him in the hearings or had any collaboration with him in committees in the framing of legislation will be willing to pay him the tribute at least that his services have been valuable and helpful.

Mr. BAILEY. I will say to the Senator that I heard someone say of a certain lady that she would say nothing but good about anyone. Another man said, "Well, I will try her out." So he went to see her, and he said, "What do you think of the devil?" He thought he would get the better of her in that way. She said, "I will have to say that the devil is very industrious." [Laughter.]

Mr. BARKLEY. Well, good and bad are relative terms, and we frequently differ about them in politics.

Mr. BAILEY. I think the Senator's friend Corcoran has been very industrious. However, I should like to have the Senator come down to this point: Frank Hague being a great boss, and Mr. Kelly being a great boss, both being mayors, they could come down here and stick their hands in the Treasury just as deep as the bottom, and this bill would not affect them.

Mr. BARKLEY. I would say, if it affords the Senator any satisfaction to get a definition from me, that if Mr. Hague is a boss, he is a great boss; if Mr. Kelly is a boss, he is a great boss.

Mr. BAILEY. Yes; and great Democrats; but if they were Republicans, they would be monstrous.

Mr. BARKLEY. Not at all; not in the slightest; but I am not passing on the question whether they are or are not. I am commenting on the point raised by the Senator that, under this proposed legislation, they would be freer than the sheriff of his county. They would be no freer than the Governor of his State; they would be no freer than any other elective officer who has power by the expenditure of money or by the withholding of appointments or by the termination of appointments to control activities of citizens who may happen to hold subordinate offices under them.

Now, just a word as to the pending amendment. I have spoken longer than I intended, due very largely to the valuable interruptions I have had.

The amendment of the Senator from Colorado provides that not only the Hatch bill, if it shall be enacted, but the Hatch law as it now exists, shall not apply in any State unless the State legislature of that State meets and passes a law applying the same principle, the same standard, to all State employees. I do not believe, as a matter of principle and as a matter of policy, it is wise for the Congress to pass a law applicable to its own employees and applicable to its own activities and then provide that, while this is a national law controlling our employees, controlling our Federal activities, it shall not apply to any State unless the State applies the same standard to its own employees and its own activities. I do not believe that on principle or on policy that sort of spotty application of a Federal statute can be justified in the United States.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. BARKLEY. I yield.

Mr. STEWART. Does not the Social Security Act have the same provision? Does it not require that certain requirements be met by the States?

Mr. BARKLEY. The social-security law requires, of course, that in order for a State to obtain any of the funds for old-age pensions, for instance, it must put up dollar for dollar. That is entirely different from a proposal to enact a penal statute punishing Federal employees for doing what Congress may think is an unjustified activity in the propagation of political candidacies.

Mr. STEWART. Does not the Social Security Act have penal provisions in it?

Mr. BARKLEY. Surely.

Mr. STEWART. Do they apply in the States?

Mr. BARKLEY. Of course, they do not apply in a State in which the law itself is not applicable and which is unwilling to put up any money in order to pay old-age pensions. Of course, it would be stupid for Congress to pass a law and prescribe penalties for the violation of that law unless the State complies with the law and raises an equal amount of money for the purpose of carrying it into effect.

Mr. STEWART. The point I made simply was that if the conformity statutes do not pass, then the penal provisions would not be in effect in the States.

Mr. BARKLEY. But it would be just as logical for Congress now to pass a law repealing the statute against pernicious activity on the part of the rural mail carriers unless the State legislature should pass a law fixing the same standard for all State employees. We never have done that, and certainly the Senate ought not now to do it.

Mr. JOHNSON of Colorado. Mr. President, I withdraw my amendment, and send to the desk another amendment which I ask to have stated.

The PRESIDING OFFICER. The pending amendment of the Senator from Colorado is withdrawn. The amendment now offered by the Senator from Colorado will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 4, commencing with line 21, it is proposed to strike out

the sentence ending in line 22 on the same page and in lieu thereof to insert the following:

No officer or employee described in the preceding sentence shall take any active part in political management or in any political campaign: *Provided*, That this sentence and the second sentence of section 9 of Public, No. 252, Seventy-sixth Congress, first session, approved August 2, 1939, shall not apply to any such officer or employee as defined in said act or in this sentence in any State, the laws of which do not forbid the officers and employees of such State or agency of the general class above described from taking any active part in political management or political campaigns.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado to the amendment reported by the committee.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Reynolds
Ashurst	Donahey	La Follette	Russell
Austin	Ellender	Lee	Schwartz
Bailey	Frazier	Lodge	Sheppard
Bankhead	George	Lundeen	Shipstead
Barbour	Gerry	McCarran	Smathers
Barkley	Gibson	McKellar	Smith
Bilbo	Gillette	McNary	Stewart
Brown	Glass	Maloney	Taft
Bulow	Green	Mead	Thomas, Idaho
Burke	Guffey	Miller	Thomas, Okla.
Byrd	Gurney	Minton	Thomas, Utah
Byrnes	Hale	Murray	Townsend
Capper	Harrison	Neely	Truman
Caraway	Hatch	Norris	Tydings
Chandler	Hayden	Nye	Vandenberg
Chavez	Herring	O'Mahoney	Van Nuys
Clark, Idaho	Hill	Overton	Wagner
Clark, Mo.	Holman	Pepper	Walsh
Connally	Holt	Pittman	White
Danaher	Hughes	Reed	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. JOHNSON] to the amendment reported by the committee.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this question I have a pair with the senior Senator from Illinois [Mr. LUCAS], who is necessarily absent. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay." I withhold my vote.

The roll call was concluded.

Mr. BYRD. On this question I have a pair with the Senator from Wisconsin [Mr. WILEY]. Were he here, he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Washington [Mr. SCHWELLENBACH], the Senator from Illinois [Mr. SLATTERY], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Florida [Mr. ANDREWS] and the Senator from Illinois [Mr. LUCAS] are unavoidably detained.

The Senator from Illinois [Mr. SLATTERY] is paired with the Senator from New Hampshire [Mr. TOBEY]; the Senator from Utah [Mr. KING] is paired with the Senator from California [Mr. JOHNSON]; and the Senator from Florida [Mr. ANDREWS] is paired with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that, if present and voting, the Senator from Illinois, the Senator from Utah, and the Senator from Florida would vote "yea", and that the Senator from California and the Senators from New Hampshire would vote "nay."

Mr. THOMAS of Utah. I am advised that my general pair [Mr. BRIDGES] is otherwise specially paired on this vote, and I am, therefore, free to vote.

Mr. AUSTIN. I announce the following pairs:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "nay," and the Senator from Illinois would vote "yea."

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "nay," and the Senator from Utah would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Wisconsin [Mr. WILEY], the Senator from California [Mr. JOHNSON], and the Senator from New Hampshire [Mr. TOBEY] are unavoidably absent.

The result was announced—yeas 34, nays 47, as follows:

YEAS—34

Adams	Clark, Idaho	Herring	Minton
Bailey	Connally	Hill	Pepper
Bankhead	Donahey	Hughes	Pittman
Bilbo	Ellender	Johnson, Colo.	Smathers
Brown	Gillette	Lee	Smith
Bulow	Glass	Lundeen	Stewart
Byrnes	Guffey	McKellar	Thomas, Okla.
Caraway	Harrison	Maloney	
Chavez	Hayden	Miller	

NAYS—47

Ashurst	Gerry	Murray	Taft
Austin	Gibson	Neely	Thomas, Idaho
Barbour	Green	Norris	Thomas, Utah
Barkley	Gurney	Nye	Townsend
Burke	Hale	O'Mahoney	Truman
Capper	Hatch	Overton	Tydings
Chandler	Holman	Reed	Vandenberg
Clark, Mo.	Holt	Reynolds	Van Nuys
Danaher	La Follette	Russell	Wagner
Davis	Lodge	Schwartz	Walsh
Frazier	McCarran	Sheppard	White
George	Mead	Shipstead	

NOT VOTING—15

Andrews	Downey	McNary	Tobey
Bone	Johnson, Calif.	Radcliffe	Wheeler
Bridges	King	Schwellenbach	Wiley
Byrd	Lucas	Slattery	

So the amendment of Mr. JOHNSON of Colorado to the amendment reported by the committee was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. BARKLEY. Mr. President, I feel again that we might very well enter into an agreement about a final vote on the pending bill, and inasmuch as there has just been a roll call, I could ask unanimous consent that the calling of the roll for the purpose of developing a quorum be waived in that connection.

I ask unanimous consent that at not later than 5 o'clock p. m. tomorrow the Senate shall proceed to vote without further debate on the bill and all amendments thereto, and on any motion relating thereto.

Mr. ADAMS. Mr. President, I made a suggestion yesterday to the Senator from Kentucky that I would be unwilling to have a definite agreement unless there were some very small time, as short a time as 10 minutes, for the explanation of amendments which might be submitted within 10 minutes or 5 minutes of the time for a vote, that there might be a period within which the amendment could be explained.

Mr. BARKLEY. The difficulty about that, though it may not be insurmountable, is that no one can tell how many amendments might be offered at the last minute which would require 10 minutes' discussion.

Mr. ADAMS. The difficulty will be that there will be no unanimous-consent agreement unless some such arrangement can be made.

Mr. BARKLEY. Of course, I cannot control that.

Mr. ADAMS. All I am asking is a reasonable time. An amendment might be submitted, and a Senator could not even ask to have it explained.

Mr. McNARY. Mr. President, I suggest that a limitation of debate, perhaps at 3 o'clock, be entered into.

Mr. BARKLEY. I was about to ask whether the Senator from Colorado would be willing to agree that beginning tomorrow at 2 o'clock, or 3 o'clock—I will say 3 o'clock—no Senator shall speak more than once or longer than 20 minutes on the bill or any amendment, and that at not later than 6 o'clock a final vote be taken on the bill and all amendments.

Mr. ADAMS. I do not desire to be obstructive; all I want to have is an opportunity, if an amendment is offered, to know

at least what the amendment means. An amendment might be offered 1 minute before 5 or 10 minutes before 5. I would just as soon have a vote taken this afternoon, so far as I am concerned.

Mr. BARKLEY. Of course, the Senator understands that the request I have submitted does not preclude the offering of amendments after the time for debate shall be concluded, which is frequently the case. Senators offer amendments and they are voted on without discussion. I have no desire at all to prevent any Senator from discussing any amendment which may be offered, but if we are ever to come to a vote, we will have to fix some time. If we fix 5 o'clock or any other hour as the hour for voting, and then provide that if after that time any amendment which may be offered may be discussed, it would be of no avail. If the Senator has a practical suggestion as to how to work out what is in his mind, and will submit it, I will attempt to go along with him.

Mr. ADAMS. My suggestion is that if amendments are offered within 10 minutes of the time fixed for a vote, we should extend the time 5 minutes, or 10 minutes.

Mr. BARKLEY. I am willing to try that out.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLER. I do not propose to do anything to prevent an early disposition of the pending bill; but before agreeing to a limitation of debate on amendments, there are some of us, in view of some rumors and reports which have been floating about, who would like to know the nature of some of the amendments. If certain bills are to be proposed as amendments to the pending bill of which I have heard rumors, and of which other Senators have heard rumors, there will be a long debate on the bill and amendments.

I do not desire to be captious with the Senator, because I want to expedite the disposition of the bill. I have already said all I care to say about the bill, but the Senator can understand, in view of certain reports which have been prevalent, that some of us could not agree unless we had a gentleman's agreement, which would be entirely satisfactory to me, that certain bills, which some Senators would feel disposed to oppose as vigorously as they might and as long as they might, are not to be offered as amendments.

Mr. BARKLEY. Of course, the Senator knows I cannot guarantee that any amendment or any bill will not be offered. I think I understand what the Senator has in his mind as to the rumors.

Mr. MILLER. I am sure the Senator does.

Mr. BARKLEY. I am hoping, and I think the hope is justified, that the particular matter which the Senator has in mind will not be injected into the consideration of the pending bill.

Mr. ADAMS. If the Senator will allow me to make a suggestion, I suggest that in the unanimous-consent agreement he include a provision that no amendment shall be considered which is not submitted or filed at least 10 minutes before the final vote is to be taken.

Mr. BARKLEY. I doubt whether that would be agreed to. I will modify my request in this way: I ask unanimous consent that the Senate proceed to vote at 5 o'clock, as I have already requested, with a proviso that if within 10 minutes prior to 5 o'clock, I will say 4:50 o'clock p. m. tomorrow afternoon, other amendments are offered which are not offered prior to that time, the time shall be extended to an hour not later than 6 o'clock p. m. tomorrow, at which time we shall vote on the bill.

Mr. MILLER. That would not be satisfactory. Let me offer a suggestion. I have no objection to a limitation of debate, and have no objection to the hour of voting being fixed, provided no amendments are offered which are not germane to the bill. If our leader will incorporate in the agreement a provision which will exclude amendments which are not germane to the bill, I will have no objection.

Mr. BARKLEY. I was about to come to that very proposal—to see if we could reach an agreement by unanimous consent that nothing but germane amendments should be offered to the pending bill.

Mr. MILLER. With that included, I have no objection.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McNARY. The question of germaneness rests wholly with the Members of the Senate. I have no objection, but, as a practical proposition, I think the Senator can understand that if the bill about which he speaks should be offered, the question whether it was germane or not would rest with the Members of the Senate, and if it is a popular bill they might decide it was germane.

Mr. MILLER. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. MILLER. I realize that decision of the question of germaneness rests with the Senate, but I think every Member of the Senate knows what the Senator from Arkansas has in mind, and I am one of those Members of this body who believe that if the Senate enters into such an agreement, the word "germaneness" will be given the construction ordinarily given that word, and no amendment will be proposed which is not germane to the issue before us. I have no fear about the good faith of the Senate.

Mr. BARKLEY. Mr. President, it has often been stated that the Senate can do anything by unanimous consent. I think that if unanimous consent were given that none but germane amendments should be offered to the bill, it would be interpreted as the equivalent of a suspension of all other rules in contravention of that, including the rule referred to by the Senator from Oregon; and in that case, of course, the Chair would pass upon the question of germaneness. All I am seeking to do is to accommodate Senators who are willing to bring this matter to a termination.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BILBO. I am afraid the Senator is a little bit premature in trying to reach an agreement to fix an hour to vote on the bill and all amendments thereto. For one, I shall be forced to make objection until I know more about the amendments. The Senator from Alabama [Mr. BANKHEAD] has offered an amendment which will require considerable discussion. I think it has at least as much merit as any other amendment that has been offered, if not more. I think it will bring about an extended discussion.

Mr. President, I am not trying to be an obstructionist, but I shall be compelled to object to any agreement limiting the time of debate on the bill or any of its amendments.

As to the amendment referred to by the distinguished Senator from Arkansas [Mr. MILLER], we all know what he was talking about. He was talking about the antilynching bill. I think that is germane to the pending bill [laughter], because the bill is an attempt to lynch the rights of the citizens of the States by the Federal Government. It is an invasion of States' rights. So is the antilynching bill, and the antilynching bill is germane to this bill. Therefore I shall object to any agreement at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. I modify my request to this extent: That beginning tomorrow at 3 p. m. no Senator shall speak more than once nor longer than 30 minutes on the bill or any amendment thereto.

Mr. BILBO. I object.

The PRESIDING OFFICER. Objection is heard.

The question is upon the committee amendment as amended.

Mr. CLARK of Missouri. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Evidently there is a sufficient number.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Barbour	Burke	Chandler
Ashurst	Barkley	Byrd	Chavez
Austin	Bilbo	Byrnes	Clark, Idaho
Bailey	Brown	Capper	Clark, Mo.
Bankhead	Bulow	Caraway	Connally

Danaher	Herring	Murray	Stewart
Davis	Hill	Neely	Taft
Donahey	Holman	Norris	Thomas, Idaho
Ellender	Holt	Nye	Thomas, Okla.
Frazier	Hughes	O'Mahoney	Thomas, Utah
George	Johnson, Colo.	Overton	Townsend
Gerry	La Follette	Pepper	Truman
Gibson	Lee	Pittman	Tydings
Gillette	Lodge	Reed	Vandenberg
Glass	Lundeen	Reynolds	Van Nuys
Green	McCarran	Russell	Wagner
Guffey	McKellar	Schwartz	Walsh
Gurney	McNary	Sheppard	Wheeler
Hale	Maloney	Shipstead	White
Harrison	Mead	Slattery	Wiley
Hatch	Miller	Smathers	
Hayden	Minton	Smith	

The PRESIDING OFFICER. Eighty-six Senators have answered to their names. A quorum is present.

The question is on the committee amendment, as amended.

Mr. BANKHEAD. Mr. President, I should like to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. I understood the statement of the Chair to be that the question is on the committee amendment——

The PRESIDING OFFICER. On the committee amendment as amended.

Mr. BANKHEAD. Has the amendment at the end of the bill, dealing with the Civil Service Commission, been acted on?

The PRESIDING OFFICER. Several amendments were made to the committee amendment. The Senator from Wyoming offered an amendment to the committee amendment and other Senators offered amendments which have been adopted. The Chair does not know the specific amendment to which the Senator refers.

Mr. BANKHEAD. I am trying to find out whether or not the amendment which I offered yesterday and which was printed in the CONGRESSIONAL RECORD, is in order at this time.

The PRESIDING OFFICER. Does the Senator from Alabama refer to the amendment which he offered yesterday?

Mr. BANKHEAD. Yes. The parliamentary inquiry I make is whether or not my amendment may now be offered as an amendment to the committee amendment.

The PRESIDING OFFICER. The Chair is advised that it could be added at the end of the committee amendment on page 7, after line 18.

Mr. BANKHEAD. It is so tendered. I call up that amendment at this time.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following new section:

SEC. —. (a) Excessive financial aid to any candidate or expenditures by any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal. The President of the United States for the purpose of this act is declared to be an elective officer.

(b) Excessive financial aid to any political committee engaged in furthering, advancing, or advocating the election of any candidate for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity and is hereby declared to be illegal.

(c) Any amount expended, contributed, furnished, or advanced by one person or corporation directly or indirectly in excess of $1,000 is hereby declared to be excessive financial aid.

(d) Any person or the officers of any corporation who directly or indirectly contributes more than $1,000 during any calendar year or for use in any one campaign or election in violation of the provisions of this section is guilty of pernicious political activity and on conviction shall be fined not less than $5,000 and also sentenced to the penitentiary for not less than 5 years. It shall be the duty of the court to increase the fine in accordance with the amount contributed and with defendant's ability to pay.

Mr. BANKHEAD. Mr. President, I desire to modify my amendment on page 2, line 5, after the word "person" to strike out "or corporation", and on page 2, line 8, after the word "person" to strike out "or the officers of any corporation."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. BANKHEAD. The purpose of the change is to eliminate corporations from the amendment, and leave it directed to individuals. The purpose is to leave no doubt with respect to the construction of the present Corrupt Practices Act prohibiting corporations from making political contributions.

Mr. President, at the beginning I wish to say that my remarks are not intended to be time consuming. This amendment is offered in entire good faith, and in large measure for the purpose of testing the good faith of a number of Members of the Senate who claim that they are supporting the bill as a matter of clean politics and for the elimination of unclean, unfair, and corrupt methods of conducting elections in this country. I want to see if the Members on the other side of the aisle who are unanimously supporting a clean-election and clean-politics program will go one step further. I want to see if they will take a step which would really tend to purify elections in America.

We all know that money is the chief source of corruption. We all know that large contributions to political campaigns not only put the political party under obligation to the large contributors, who demand pay in the way of legislation, but we also know that large sums of money are used for the purpose of conducting expensive campaigns through the newspapers and over the radio; in the publication of all sorts of literature, true and untrue; and for the purpose of paying the expenses of campaigners sent out into the country to spread propaganda, both true and untrue. It is, of course, true that regardless of which party engages in such activity the result is the same. The amendment is not addressed to the Republican Party, though I maintain that it brings about a test of their sincerity in the claim that they are now standing as a unit helping to bring about clean politics and clean elections. As I see it, it brings about a similar test with other Members of the Senate.

The bill has been differently construed by different Members of the Senate—in my judgment, in large measure, in good faith. There has been a difference of opinion about the construction of the bill. There has also been a wide difference of opinion about the objective of the bill. Some Senators sincerely think it would tend to elevate and purify politics in elections. From the standpoint of the corrupt-practice provision in it, that is undoubtedly true.

So far as the first eight sections of the original Hatch Act are concerned, to my mind there is no objection to those provisions, except that in some cases they do not go far enough. According to the language used, the first eight sections are intended to control the activity of certain Government officials who are entrusted with the administration of the law and who have policy-forming powers under the law.

If, in bringing about a degree of additional purity in elections by curbing the activities of the higher-up officials, we at the same time place shackles upon those lower down the line, in large measure we deprive them of their full citizenship. We say to a W. P. A. worker that he may not participate in any active way in the elections in the town in which he is engaged in work. Just what limitations the bill provides against taking any part in politics is a matter of difference of opinion, as I have indicated; but whenever a suggestion is made that the thing to be condemned and prohibited should be pernicious political activity, according to the title of the bill and in line with its declared purpose to prevent pernicious political activity, we find at once a protest from the sponsors of the bill. Why? If the object is in line with the title of the bill, if the title is a sincere, open, frank declaration of the purpose of the bill, then why should not the bill follow the title? What is the objection to letting the provisions of the bill correspond with the declaration contained in the title of the bill, "To prevent pernicious political activities"? Why put a cloud over the rights of every humble citizen in America who is engaged in some activity, national, State, municipal, or district, with respect to which some part of the compensation comes from the Federal Treasury, without permitting him to know what the restrictions are?

It is said, "the Civil Service Commission will tell him what they are." Mr. President, is that fair to a worker? Is it fair to an honest man who wants to be a full-fledged citizen, and who, on the other hand, does not want to violate the law of the country, to say to him, "Go to Washington and consult the Civil Service Commission before you can find out what rights you are entitled to exercise under this law"?

What is the result? What is the common-sense application of such a rule? It simply means that all doubt about the construction of the act, all doubt about what activities the common, unlearned laborer may participate in, must of necessity be resolved by the worker against his own political and personal independence and right to participate with his neighbors in all elections and campaigns of every character.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. Does the Senator from Alabama construe section 15, which authorizes the Civil Service Commission to issue regulations, to mean that this year the Commission may issue one set of regulations denouncing certain offenses, and next year may change its mind and issue a new set for some other election or some other situation?

Mr. BANKHEAD. Of course, it could change the regulations overnight. There is no limitation of time on the issuance of regulations.

Mr. CONNALLY. If that be true—and I do not know whether or not it is true—does not that mean setting up a little legislative body in the Civil Service Commission?

Mr. BANKHEAD. Oh, yes.

Mr. CONNALLY. And allowing it to regulate politics?

Mr. BANKHEAD. It is a migratory, roving power. We do not know what it is. It is not stable. It is not fixed. It is fixed by three Commissioners in Washington, and may be changed from time to time without notice and without publication.

Mr. HATCH. The law now covers more than half a million individuals.

Mr. BANKHEAD. The Senator says the law now covers more than half a million individuals. It is now proposed to put another half million under it. I have not heard of any especially good results obtained by controlling the half million now subject to the law. I have not heard of any enforcement of the law since it was passed. I have not heard of any prosecution or discharge.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. Of course, the power we give the Civil Service Commission to make regulations also contains the power to do away with regulations.

Mr. BANKHEAD. Of course.

Mr. CONNALLY. Would it not be possible in some instances for the Civil Service Commission to relax its restrictions by issuing new regulations?

Mr. BANKHEAD. If it may issue them, it may repeal them.

Mr. CONNALLY. And practically destroy the effect of the act.

Mr. BANKHEAD. That is absolutely true. That is one reason why I am reluctant to vote for the bill. I do not believe it is right or just, I do not believe it is democratic, to tell a worker on the public road that he may not take part in the election of a member of the legislature from his county.

Mr. CONNALLY. Or a school trustee.

Mr. BANKHEAD. Or a school trustee; but particularly a member of the legislature, under circumstances in which an issue may exist with respect to the appropriation of State funds to match Federal funds.

The worker upon the road, a humble citizen in overalls, is precluded from engaging in any sort of controversy about the election of a member of the legislature of his State. The controversy may involve the issue of continuance of the road work. Can there be any impurity in allowing the worker the same freedom of action which we allow to the man who is working alongside the road on a job which does not involve the payment of any Government money?

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. LUNDEEN. Is it the able Senator's opinion that under such a law millions of working people would be gagged?

Mr. BANKHEAD. They are already gagged under section 9 of the Hatch Act.

Mr. LUNDEEN. The proposed law would increase the number.

Mr. BANKHEAD. The proposed law would increase the number by a very large, indefinite, and indeterminate amount.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. BANKHEAD. Yes; I yield.

Mr. BROWN. I stated the other day that the legislation now affects possibly 1,200,000 Federal employees, and it had a possibility of affecting 2,600,000 State and local employees.

Mr. LUNDEEN. If the Senator will permit me, is that in addition to the first number?

Mr. BROWN. That is in addition to the 1,200,000 Federal employees who are now affected. This legislation may affect 2,600,000 State and local employees. Let me tell the Senator that I obtained those figures from the statistics we received from the Treasury Department as to State employees who would be subject to the Federal income-tax law.

Mr. LUNDEEN. The total would be some four or five million persons, then; would it not?

Mr. BROWN. Approximately 4,000,000 persons are subject to the provisions of the bill.

While I am on my feet, if the Senator will permit, I should like to make one other observation. Not only does the bill prevent political activity in elections such as the Senator has referred to, but it would prevent political activity in an election, we will say, in which the question of whether or not moving-picture shows were to be open on Sunday was the issue, or whether the curfew should be at 9 o'clock or 10 o'clock at night. The bill definitely applies to that kind of an election.

Mr. BANKHEAD. It applies, as I understand, to any election of any sort—National, Federal, State, county, municipal, or district.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. I shall be glad to yield.

Mr. SMATHERS. In the gubernatorial elections in my State of New Jersey in past years, Mr. Pew, of Pennsylvania, has come into the State and, through different members of his family, has contributed amounts of $5,000 and $10,000, so that the total amount contributed by him through different members of his family would run as high as $70,000. Would the Senator's amendment prohibit that outrage from taking place again?

Mr. BANKHEAD. Yes, it certainly would; but I am afraid we cannot get sufficient votes to adopt it. It might swamp the Hatch purity bill. We shall find out when we get through.

I desire to alter one statement I made to the Senator from Minnesota when I said that the bill would apply to all elections. It would apply to participation in election activities by employees who get any part of their compensation from the Federal Treasury, however much, whatever question may be involved. The bill is limited in that respect, of course. That is where we get the total of four or five million workers who get some part of their pay from Federal loans or grants. The application of the bill is not confined to grants. It applies also to reimbursable secured loans, as I understand, made by the Reconstruction Finance Corporation, and all other reimbursable loans made by the Government; so it applies to such persons as workers upon irrigation projects if they are employed by an agency of the Government of any kind.

I submit to the Senator that the trend back toward limiting the number of persons who have freedom of citizenship, freedom of activity in public affairs, is clearly a drive toward dictatorial government. That is exactly what Hitler and Mussolini have done in bringing about their domination and autocratic control of the dictatorial nations. They have destroyed political parties, not only those who got benefits

from the Government but all other parties. They have reduced, step by step, the number of persons who could participate in elections, and finally have eliminated all citizens from free participation in governmental affairs in their respective countries.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. I do.

Mr. CONNALLY. Has the Senator's attention been called to the fact that the Secretary of Agriculture has ruled that local committees for the administration of the Farm Act—prominent citizens who are selected simply to give their time to helping administer the law, who are not salaried men at all, but are paid, I think, only their expenses and perhaps some nominal sum by way of per diem—are amenable to the existing Hatch Act? If I am not correct in that statement, I shall be glad to be corrected.

Mr. HATCH. Mr. President, the statement is not correct. The ruling was that they were not under the Hatch Act.

Mr. CONNALLY. I read that statement in the newspapers.

Mr. BANKHEAD. Yes; but the newspapers got it wrong.

Mr. HATCH. That statement was in the newspapers, but it was wrong.

Mr. CONNALLY. I am very glad to be corrected. I read in the press a statement that the Secretary of Agriculture had so ruled. If it was corrected later, I am glad.

Mr. BANKHEAD. Let me state to the Senator, in line with the trend here toward limiting the right of citizenship in this country, that notice has already been given that an amendment will be offered by the senior Senator from Minnesota [Mr. SHIPSTEAD] to include elective county committeemen and community committeemen, elected by the people. I do not know whether or not the Senator is going to follow up his amendment. I saw it mentioned in the newspapers more than once. That shows the trend of a drive of this sort, when there is an inclination and a notice of intention to go down to the grass roots and take out of public participation committeemen who work by the day at a meager wage, largely rendering a community service. Simply because some part of their compensation comes from the Government they will thereafter be prohibited from taking any part in an agricultural-program controversy.

Mr. HATCH and Mr. LUNDEEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. BANKHEAD. I yield to the Senator from New Mexico.

Mr. HATCH. Mr. President, I desire to straighten out the Senator a little on some of his statements in connection with his desire to protect the committeemen.

Mr. BANKHEAD. Very well. I shall be glad to have the Senator do so.

Mr. HATCH. It is true that the Solicitor of the Agricultural Department ruled that local committeemen do not come under the provisions of the act we passed last summer and are not within its ban; but it is also true that under authority granted by the Congress of the United States to a department official, under legislation voted for and worked for by the Senator from Alabama, the Secretary of Agriculture has announced his own ruling forbidding committeemen in the various counties to participate actively in politics. I ask the Senator whether Congress should pass the laws, whether those men should be forbidden by congressional act, or by decree from a Secretary of Agriculture.

Mr. BANKHEAD. The answer is as simple and plain as the English language. They should not be so forbidden by Congress nor by a dictatorial order of the head of a department.

Mr. HATCH. The order has been entered.

Mr. BANKHEAD. That is all right. I did not participate in it, and I will vote to repeal it.

Mr. HATCH. The Senator from Alabama sponsored legislation giving power to make those regulations and he has sponsored far stronger legislation giving power than this legislation. I will read it to the Senator.

Mr. BANKHEAD. I sponsored no legislation with knowledge or notice or information that it would be so construed as to set up regulations to limit and reduce the right of citizenship in this country. If I did, I did not know it, and I regret it.

Mr. HATCH. That has been done.

Mr. BANKHEAD. I know it has been done by regulation of some sort. I found that out.

Mr. LUNDEEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. BANKHEAD. I yield to the Senator.

Mr. LUNDEEN. When the Senator referred to "the Senator from Minnesota," he was not referring to the junior Senator?

Mr. BANKHEAD. No; I said I was referring to the senior Senator from Minnesota [Mr. SHIPSTEAD].

Mr. President, that is one of the features of the pending legislation which is disturbing to me. I have frequently stated on and off the floor of the Senate that I have no sort of objection to any possible limitation that is intended to and will preserve and prevent and punish coercion, intimidation, and suppression of the rights of employees and subordinates of the Government. Wherever such a thing raises its head anywhere, I want to see it knocked down, and the Senator from New Mexico is entitled to very great credit for covering that phase of the unfortunate things which have happened in a number of States with reference to Federal employment. But when he concluded his splendid effort to abolish and prevent coercion and intimidation, he took a step further, to bring under the law the activities of those who had been coerced and intimidated, so that while not yet coerced and intimidated, still they could not engage in that degree and quality of citizenship in which workers for other employers in this country have the right to engage. That is where I stop, because I fear the trend of that sort of legislation.

There is no situation in my home State which brings me to the acceptance of these views. We have no machine there; we have no personal machine, no party machine. Our controversies are settled in the open. So, in effect, so far as personal and political helpfulness or injury in concerned, this plan to intimidate and put a limitation upon the rank and file of Federal workers raises no question of personal, political, or selfish interests, but merely raises the great, dominant question of whether or not we should with liberality, without definitions and restrictions, prevent workers everywhere, not as applied to those under the civil service only, and not confined to those who have a life tenure to office, not confined to Federal career workers, not confined to workers who have the benefit of security in their old age under retirement funds. In addition to those under the civil service, we are asked to bring under the law employees who may be under it this month, because they are working on a road project in which the Government has participated, getting off W. P. A. the next month and working on another project. One month they may be under the law, the next month they may not be under the law, and so it goes; they are in and out.

When we say a man must not engage in any political activity, what do we mean? I have asked the Senator from New Mexico, the author of the bill. He says the Civil Service Commission has ruled on that, and that the courts have ruled on it. I submit this suggestion now in no captious way, if it has been made clear by the courts and is already fixed in the law, why is it not written into the proposed law?

We all know civil-service rules and decisions are not available to the public in general. We know that the decisions of the courts upon these questions are not available to the public. I think there are very few decisions as to what constitutes engaging in a political activity, but whatever few there may be are not known to the public at large.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MINTON. I call the Senator's attention to a publication issued by the Civil Service Commission entitled "Political Activities and Political Assessments of Federal Officeholders and Employees." On page 2, paragraph 2 starts out with this sentence:

It is impossible to give a complete list of the particular activities in which an employee may not engage.

Mr. BANKHEAD. That is the Civil Service Commission?

Mr. MINTON. The Civil Service Commission itself.

Mr. BANKHEAD. I did not know they had said that, but I knew there was some good reason why the sponsors of this bill would not undertake to put such a provision in the bill.

Mr. MINTON. The Civil Service Commission admits that it is an impossible task for them; yet we are asked to give them the authority to do it piecemeal in such a manner as they may see fit to adopt from time to time.

Mr. BANKHEAD. I submit to the deliberate judgment of the Members of the Senate that they waive their partisanship in this matter. It is a subject of serious concern. There is a declaration that the workers cannot engage in any political activity, and we are unable to get a definition to put into the law, or rules as to what specific things are prohibited. No one knows. The Senator from New Mexico may know. He knows more about it than anyone else, because he has studied it more diligently than anyone else and has studied it honestly and sincerely. I would not impugn his motives. I would walk out of the door of the Senate before I would do that. But here is a positive statement from the Civil Service Commission itself, the very body which is picked by the sponsors of the proposed legislation, which has ruled, which has made it a matter of common knowledge which ought to be known to every street worker in this country. We are presumed to know the law. It is the conclusive presumption that every man and woman knows the law.

What constitutes political activity? Who can tell me? Who can cover the field? Some activities in connection with politics, it may be said, do not constitute political activities. If they are flagrantly offensive, it may be said that they are pernicious political activities. But there is a great border line between the two which would, in fact, doubtless cover the great masses of plain, honest working people of this country who draw some compensation from the Government.

Suppose a man makes a mistake about it. Suppose a road worker getting some pay from the Government meets on the roadside a neighbor who is interested in a campaign for the election of a member of the legislature, or a member of the school board. Suppose they have a heated argument about the election. Perhaps community meetings are held for discussion of the issues, and this poor truth-seeking worker drifts into the meeting, or slips up sufficiently close to listen at the window or the door to the argument, and someone reports him to a political boss who is on the other side of the party fence, and he is convicted under section 9. What happens to him?

I call attention now to a matter which I have not heard discussed on the floor of the Senate, although it may have been referred to. Whenever a man is dismissed by a boss, what is the extent of his punishment under section 9? It is a life sentence, so far as his thereafter ever working in the same type of position, where Government money is involved, is concerned. It is as bad as kidnaping.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MINTON. This afternoon I discovered the same thing that the Senator is now talking about. It is the last provision in section 9 of the act. If a man is ever discharged from a Federal position under section 9 of the Hatch Act, he is forever barred from being employed in any Government job where he is paid from a Government appropriation.

Mr. BANKHEAD. It is, as I said, a total life sentence.

Mr. MINTON. A life sentence.

Mr. BANKHEAD. It is really a death sentence, so to speak. No pardoning board exists.

Mr. MINTON. And that provision is contained in the act which is now in effect.

Mr. BANKHEAD. Yes; I am aware of that fact. No provision is made for suspension of any sort in the rules. No appeal of any kind is provided for. Yet some persons think that because some Senators voted to repeal that section we advocate impure elections.

Mr. President, there are two kinds of punishment contained in the act and also in the bill. There is the punishment for life. No one will argue differently.

Mr. HATCH. I do.

Mr. BANKHEAD. The Senator disputes that?

Mr. HATCH. Yes.

Mr. BANKHEAD. I am astonished. I will read the provision and let others decide for themselves.

Section 9, subdivision (b):

Any person violating the provisions of this section—

That is section 9—

shall be immediately removed from the position or office held by him.

By whom? It does not say, but I presume by the boss.

And thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. I may say to the Senator that some of the departments have construed that in exactly the opposite manner from the way the Senator has construed it.

Mr. BANKHEAD. I will ask the Senator, What departments?

Mr. HATCH. They have pointed it out as being one of the weaknesses of the measure; that if the person is merely removed the law is complied with, and he can be rehired.

Mr. BANKHEAD. What department has so construed the language?

Mr. HATCH. I shall discuss that tomorrow.

Mr. BANKHEAD. It needs discussion.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BARKLEY. Does the Senator desire to continue his discussion now?

Mr. BANKHEAD. I should prefer to wait until tomorrow. I have not come to the chief part of my argument concerning "boodle and money bags."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. BAILEY, from the Committee on Commerce, reported favorably the nominations of sundry persons for appointment and several officers for promotion in the Coast Guard.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee that the nominations of postmasters be confirmed en bloc? The Chair hears none, and it is so ordered.

That completes the Executive Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 25 minminutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 13, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12 (legislative day of March 4), 1940

POSTMASTERS

ALASKA

Brigham Y. Grant, Wrangell.

ARKANSAS

Bascom B. Bevens, Booneville.
Grover L. Webb, Delight.
James Thweatt, De Valls Bluff.
Andrew J. Clemmons, Grady.
Parker D. Clear, Hardy.
Allen T. Cowden, Horatio.
William J. Martin, Humphrey.
Benjamin F. Thompson, Jacksonville.
Aleen W. Holmes, Perryville.
William F. Bryant, Quitman.
Ernest A. Stockburger, West Fork.

IOWA

Ruth F. Hollingshead, Albia.
Myrtle A. Barnes, Delhi.
Mabel Crane, Dexter.
Howard E. Reichard, Knoxville.
Lee E. Finders, Oelwein.
Olive C. Raders, Strawberry Point.
Irene C. Schmidt, West Point.

MICHIGAN

Henry H. Sibole, Breedsville.
John H. Sauvola, Chassell.
Donald L. Lockwood, Fowlerville.
Florence M. Meier, Fraser.
John W. Currigan, Lyons.
Rosie J. Barnes, Maple Rapids.
Ethel Wood, Rives Junction.
Ida Parker, The Heights.

MISSISSIPPI

Rosa W. Burton, Alligator.
Eloise G. Stephens, Artesia.
Christopher R. Berry, Benton.
Bessie L. Sisson, Beulah.
William G. Sloan, Northcarrollton.
Andrew J. Roper, Saltillo.
Marion Carl Ferguson, Walnut Grove.

MISSOURI

Richard E. Sincox, St. Clair.

NEVADA

Ernest H. Bath, Carson City.

TEXAS

Edith P. Robinson, Alvarado.
Miss John Gilliland, Baird.
Leon L. Rosner, Bellaire.
Robert E. Sneed, Sr., Deer Park.
Edward E. Layton, Eastland.
Eleanor H. Shobert, Fairbanks.
Charles E. Cade, Genoa.
Clara C. Redford, Johnson City.
Don O. Davis, McKinney.
Dallas S. Lankford, Mineola.
Olin N. Buchanan, Point.
Rudolph A. Engelking, Jr., Sealy.
Louisa H. Desmond, Spring.
Roscoe C. Thomas, Stamford.
Emmett R. Moon, Stephenville.
Volney F. Norris, Thorndale.
Erna R. Miles, Zavalla.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 12, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. RAYBURN.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, we praise Thee that in the upper spiritual world the billowing tides of love and mercy are ever flowing from the infinite breast of the Almighty One. We earnestly pray Thee that they may enrich every faculty, unify all worthy purposes, harmonize all true and sincere workers, sweeten the speech of all tongues, and transfigure all hopes. Thy masterpiece, O God, is a human creature of thought, of vision, and of character all compact. We thank Thee for Thy holy word, which embodies the true ideal for all: "Thus saith the Lord, let not the wise man glory in his wisdom, neither the mighty man glory in his might; let not the rich man glory in his riches; let him that glorieth, glory in this, that he understandeth and knoweth Me, for I am the Lord which exerciseth loving kindness, judgment, and righteousness in the earth, for in these things I delight, saith the Lord." In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendments to the bill (H. R. 8319) entitled "An act making appropriations for the Departments of State, Commerce, and Justice, and for the Judiciary, for the fiscal year ending June 30, 1941, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. RUSSELL, Mr. MCCARRAN, Mr. BANKHEAD, Mr. PITTMAN, Mr. LODGE, and Mr. BRIDGES to be the conferees on the part of the Senate.

CERTIFICATE OF ELECTION—HON. ROBERT K. GOODWIN

The SPEAKER pro tempore (Mr. RAYBURN) laid before the House the following communication from the Clerk of the House:

MARCH 12, 1940.

The SPEAKER,
House of Representatives, Washington, D. C.

DEAR SIR: The certificate of election, in due form of law, of Hon. ROBERT K. GOODWIN as a Representative-elect to the Seventy-sixth Congress from the Sixth Congressional District of Iowa, to fill the vacancy caused by the death of Hon. Cassius C. Dowell, is on file in this office.

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

SWEARING IN OF A MEMBER

The SPEAKER pro tempore. The present occupant of the chair will administer the oath of office to the Member-elect if there is no objection.

There being no objection, Hon. ROBERT K. GOODWIN appeared at the bar of the House and took the oath of office.

THE LATE HONORABLE ARTHUR W. ALESHIRE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I rise to announce the death of my predecessor, Hon. Arthur W. Aleshire, of Springfield, Ohio, who served the Seventh Ohio District in the Seventy-fifth Congress ably and well.

Many of you who are here knew him and appreciated his fine character and the gentleman he was. He has been ill during the past few months, but it was thought he would recover from that illness. He was seemingly on the way back to

health when death came yesterday evening, March 11, at 8 o'clock.

It has been my pleasure and my privilege to know Mr. Aleshire well. While we were opponents in a political campaign, we were good friends. He was a gentleman and a patriotic American in every sense of the word, and I know this House joins with me in mourning his passing.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. FAY. Mr. Speaker, I ask unanimous consent to include in the RECORD the Washington's Birthday exercises of the Rainbow Division of veterans.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FAY. Mr. Speaker, I ask unanimous consent to include in the RECORD an address made by me on preserving American neutrality.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RULES AND MANUAL OF THE HOUSE, SEVENTY-SEVENTH CONGRESS

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report back favorably (Rept. No. 1749) the resolution, House Resolution 379, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 379

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the Seventy-seventh Congress be printed as a House document, and that 1,600 additional copies shall be printed and bound for the use of the House of Representatives, of which 700 copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

The resolution was agreed to.

NATIONAL ELECTRIC RATE BOOK

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report back favorably (Rept. No. 1750) the resolution, House Resolution 414, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 414

Resolved, That the National Electric Rate Book as of January 1, 1940, published by the Federal Power Commission, be printed as a House document; and that 350 additional copies thereof be printed for the use of the House document room.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. Gladly.

Mr. RICH. I may say to the Members that this request comes from the gentleman from Mississippi [Mr. RANKIN], who is so diligent in trying to see that the electric rates of the country be published.

After consideration by the members of the committee and taking the matter up with the Federal Power Commission, we decided that if the people of this country wanted the publication of these rates, it might be well to let them have them, to see whether the gentleman from Mississippi can do what he says he is going to do. Nobody wants to prohibit him from doing that, but the fact that these rates in 3 months will all be superseded by new rates, which they are issuing from time to time because of the fact that all utilities are decreasing their power rates because they are able to generate power cheaper, are able to manufacture power at a lesser rate, makes this publication seem unnecessary. These companies are producing cheaper, and therefore they will do like the Potomac Electric Power Co., they will pass those savings on to the public.

Now, what this rate book will do I do not know, but we are willing to take a chance on it. It is going to cost $3,500. I think it is worth while spending the money to see whether it will do any good.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield just for a minute.

Mr. RANKIN. Let me say to the gentleman from Pennsylvania [Mr. RICH] that I agree with him thoroughly that when we publish this book some of these rates as published are going to soon be out of date because they will be reduced at once. We are going to put these books in your hands and in the hands of interested people over the country. Then every power company in the United States that is charging exorbitant rates will reduce rates just as soon as this light is turned on. That is what will make these tables obsolete. This will cost very little, but it will probably mean hundreds of millions of dollars in savings to the power consumers of this Nation before the end of the year and every other year from now on. It gives the rates charged in every community in every State. We are publishing these books so that rates can be compared with rates as published by the companies in every community in America. It is a deadly parallel, and will be worth its weight in gold—yes; in diamonds—to the electric consumers of this country.

It will be the first publication of its kind ever issued, showing the rates charged for electricity in every locality throughout the whole country.

As I said, it will be worth its weight in diamonds to the overburdened electric light and power consumers of this Nation.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield briefly to the gentleman from Kentucky, then I cannot yield further.

Mr. MAY. At regular intervals I receive copies of documents printed by the Federal Power Commission setting out every one of these rates by States in groups. I am just wondering why it is necessary to have that information printed again.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF SENATE REPORT 1182

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report favorably a privileged resolution (Report No. 1751) and ask for its immediate consideration.

The Clerk read as follows:

Senate Concurrent Resolution 38

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of each part and subsequent parts of Senate Report No. 1182, submitted pursuant to Senate Resolution 71 (74th Cong.), entitled "Investigation of Railroads, Holding Companies, and Affiliated Companies," of which 2,000 copies shall be for the use of the Committee on Interstate Commerce, 500 copies for the use of the Senate document room, and 500 copies for the use of the House document room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RANKIN, Mr. BENDER, Mr. PATMAN, Mr. SUTPHIN, Mr. SHEPPARD, and Mr. VAN ZANDT asked and were given permission to revise and extend their own remarks.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an excellent editorial from the Tuscaloosa News pertinent to the question of votes for the District of Columbia.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include therein a short telegram.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, in the course of my remarks on the floor February 20, 1940, when the Reciprocal Trade Agreements Act was under discussion, I stated that—

The rate of duty on imports of manganese, except from Cuba, which enter free by previous arrangement, is still over 50 percent ad valorem.

This figure was obtained by me from the State Department. I have since learned upon investigation that this figure is incorrect and my conclusions predicated upon this statement are therefore also incorrect. Manganese does not now enjoy a 50-percent ad valorem duty or even near a 50-percent duty. Therefore, I desire to correct my former statement.

It appears that the State Department was not fully informed regarding the domestic manganese situation; the rate of duty now enjoyed and the injury which domestic manganese producers have suffered under the trade-agreements program.

It is to be conceded that mistakes will be made in the administration of the trade-agreements program. It is also to be understood that the State Department will correct any mistakes which may appear in evidence or iron out any injustices which may develop in the negotiation or operation of the agreements.

Manganese is the No. 1 strategic mineral essential to our national defense. In view of the troubled conditions of the world and our dependency, in a large measure, upon Russia for the major portion of our supply of manganese, it seems essential that we do whatever may be necessary to stimulate further development of our own domestic manganese resources.

On account of national defense and employment, I am firmly convinced that the duty on manganese should be restored as early as possible.

I am therefore asking the State Department to reconsider the facts in the manganese situation.

In order that information regarding manganese in Arkansas may be made available, I submit for the RECORD statements from manganese producers of my State.

BATESVILLE, ARK., *February 23, 1940.*

Hon. WILBUR D. MILLS, M. C.:

Your speech February 20 regarding 50 percent ad valorem duty on manganese a mistake according to bids received by United States Government this week, present duty less than 20 percent ad valorem. We fear that trade agreements will block the erection of beneficent plant and other investments of approximately $2,000,000 in Independence County.

BATESVILLE CHAMBER OF COMMERCE.
ROBT. ELLA CASE, *Secretary.*

CUSHMAN, ARK., *February 26, 1940.*

Mr. WILBUR D. MILLS,
Congressman from Arkansas,
Washington, D. C.

DEAR SIR: * * * According to bids received by the Government for stock pile of manganese ore as a strategic mineral, the cheapest price from any point within the United States of America was 60 cents per unit, which would be $30 per dry ton of 50-percent ore. Fifty percent ad valorem would have to be over $15 duty.

The present duty amounts to only $5.60 per dry ton on 50-percent manganese ore. This $5.60 was arrived at in this way. The duty on manganese ore which was one-half cent per pound on 50-percent ore which equaled $11.20 per ton and which under the trade agreement with Brazil was reduced one-half, leaving the duty on manganese $5.60 per ton on 50-percent ore.

* * * * * * *

As ever your friend,

WALTER H. DENISON MANG.
& CONT. CO., INC.
By J. REED DENISON.

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the St. Louis Star-Times.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the question of the St. Lawrence seaway project.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a table from the Department of Agriculture and an article from the Times-Herald.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Star-Courier of Kewanee, Ill., of March 6 entitled "Crop Control Beneficiaries."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

HOMESTEAD LIENS TO BE PROHIBITED

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and to include therein a copy of the bill H. R. 8857 and a letter from N. W. Sawyer, of the Legislature of the State of Minnesota.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, yesterday I introduced H. R. 8857, which reads as follows:

A bill to amend the Social Security Act wherein repayment may be required for recipients of old-age assistance and to prevent requiring the same or so-called homestead liens

Be it enacted, etc., That clause (7) of section 2 (a) of title I of the Social Security Act (Public, No. 271, 74th Cong.) is amended to read as follows: "(7) that, if the State or any of its political subdivisions accepts or receives any amount with respect to old-age assistance under this plan, it shall not require repayment thereof from any recipient of old-age assistance nor from the estate of any recipient nor shall it place any homestead lien against the same. The contribution from the Treasury under this plan with respect to old-age assistance is to be accepted by the State or any of its political subdivisions in lieu of requiring any repayment by the recipient thereof. Should any recipient voluntarily reimburse a State or any of its political subdivisions for old-age assistance extended under this plan, a proportionate share of the net amount so received shall be promptly paid to the United States."

If this bill becomes law it will prevent the various States now having so-called homestead lien laws from collecting Federal pension funds paid to aged people by taking over their homesteads.

Recently, in order to ascertain the sentiment in Minnesota, I sent out several thousand questionnaires on this subject. These pamphlets read as follows:

QUESTIONNAIRE

I am sending you this questionnaire to get the opinion of those people that are most concerned with a national pension act. Most Congressmen are opposed to a pension plan of $200 a month. I have been informed that 200 Congressmen are opposed to the $200 per month plan. The late Senator Borah once stated that a $50 to $60 national pension law, with no State connections would go through easily. As there are a number of plans that are being advanced I would appreciate getting the opinion of the voters on the following questions:

1. Do you favor a national pension law with no State connections?
2. Do you receive a smaller amount than the relief client?
3. Have you been threatened with removal from the eligible list if you protested about the way your case has been handled?
4. Do you have children that are able to support you and refuse to do so?
5. At what age do you think that pension benefits should begin?
6. What amount of money do you think would be an adequate pension?
7. Are you asked to pay the taxes on the homestead out of your pension?
8. Will your children be able to pay off the lien on your homestead?
9. How do you think a pension law should be financed, by a sales tax, a transaction tax, or an income tax?

Large numbers of these questionnaires have been filled out and returned, and the tabulations indicate the following:

1. In answering, nearly all expressed themselves in favor of a national law with no State connections.

2. All stated that they received a smaller amount than the relief clients.

3. All of those that answered No. 3 stated that they were threatened with removal if they protested about the way

their case was handled. Some had been reduced twice for this reason.

4. Only one stated that they had children that could support them and refused to do so.

5. All stated that $60 a month was an adequate pension.

6. All stated that pensions should begin at 60 years.

7. All stated that they were asked to pay their taxes out of their allowance.

8. All but one stated that their children would not be able to pay off the lien on the homestead.

9. All stated that a national pension law should be financed by an income or sales tax.

Several hundred personal notes and letters have accompanied these replies. A good representative letter from among these is the following from N. W. Sawyer, a member of the State legislature, who writes:

I, N. W. Sawyer, representative from the fifty-second district of Minnesota, feel that it is only sensible to pay the aged an amount that will allow them to retire from competitive labor. The system that we have is a disgrace to any civilization. They are not paid half as much as young people on relief, and then compelled to give a lien on anything they may own, and swear that they, and all their people are paupers. The farmers receive their A. A. A. checks and all other reliefers without any liens. Why discriminate against the aged who have borne the burdens for the past 50 years? Under our present system the very States and counties where aid is most needed, local communities are unable to pay. Social security does not affect 1 percent of the people in Cass County hence it is out of the picture, and besides it takes good care of the men and women who have good jobs, meager care of those in the low salary brackets and gives nothing to the ones worst off who have no jobs. It disregards all the housewives of America as well as the widows of the ones who work.

I like the gross income phase of the present Townsend bill much better than the tax plan of the bill presented at the last Congress and for which five of our nine Minnesota Congressmen voted. I like the exemption clause but feel that it might have been reduced considerably. Not that a $3,000 standard per family income should be considered exorbitant but it is far above the present average family income. I consider that the words of Lincoln—"this Nation cannot long exist half slave and half free"—have more meaning and concern today than they did when he first spoke them.

Pleased to learn that you are interested in taking care of the aged of our land and trust that you may find enough other Congressmen that feel the same way. If you ask me, the treatment that our elders have received during the present depression is the worst stigma of disgrace that one can find on the pages of American history.

Of all the thirty million on relief, from the farmers with their A. A. A. checks, which in many cases amount to thousands of dollars that are not needed by the ones that receive them, to the W. P. A. checks, which are a disgrace to our civilization, to the direct relief which compels the recipients to live in hovels that are not fit for the dens of wild beasts, to say nothing of their scanty bill of fare that can be obtained on $10 to $20 per month and in many cases lesser amounts, not one individual except our elders are asked to give a lien and they receive the least amount of all our dependent citizens. I know of one man that receives $18,000, that owns 4,000 acres of Iowa land free from incumbrance, also owns 90 percent of all the stock in the bank of his local city and is its president as well, has only himself and wife to care for, yet he does not have to take a pauper's oath nor give a lien. Neither do the judges nor the thousands of retired State and Government employees who are quite amply cared for.

At this point I would like to insert some additional figures about the A. A. A.

It is not alone the little fellow who has benefited from soil-conservation payments, as is shown by a report made to Congress by the Agricultural Adjustment Administration for 1937. Over 20,000 farmers and corporations received soil-conservation payments of a thousand dollars or more. Most of these big payments went to insurance companies and banks, which in recent years have acquired large land holdings under foreclosure proceedings. The Metropolitan Life Insurance Co. leads off with checks totaling $257,095; the Prudential Insurance Co. of America, $231,158; the Equitable Life Assurance Society of the United States, $206,962; Travelers Insurance Co. of Connecticut, $211,521; Union Central Life Insurance Co. of Ohio, $166,280; Mutual Benefit Insurance Co. of New Jersey, $161,100; Northwestern Mutual Life Insurance Co. of Wisconsin, $156,444; John Hancock Mutual Life Insurance Co. of Massachusetts, $147,647; Federal Land Bank of Omaha, Nebr., $134,139; the King Ranch of Texas, $122,140; and the Federal Land Bank of St. Paul, Minn., $103,925.

The letter continues:

I am for a decent pension, say from $60 to $100, with a compulsory spending clause. The Townsend bill that has been introduced will not provide any more than $50 or $60, nor would the bill that was in the last Congress. There would be no reason for more than this amount, providing that it would put into circulation enough money to give jobs to our youth, who are the saddest pressed group of our society at the present time. Three things are needed to produce wealth—land, labor, and capital. We have them all in abundance. Let's put them together.

J. Edgar Hoover's crime report for last year shows that we paid $15,000,000,000 to prosecute criminals, an increase of 300 percent in 10 years, to say nothing of our un-American activities that are springing up on every hand and that will, if not checked, soon destroy our cherished civilization.

Yours truly,

N. W. SAWYER.

It is very evident, from the facts related above and from the replies to my questionnaire, that the homestead lien law is not only unpopular but that it has no justification in law or in practice, and I hope the Members of the Congress will cooperate in passing the bill I have introduced, H. R. 8857.

AMENDMENT OF THE WAGE-HOUR LAW

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALLEN of Illinois. Mr. Speaker and Members of the House, during the past few weeks I have received many letters from the State of Illinois regarding amendments to the wage and hour law. Recently I received a letter from the Whiteside Sentinel, a triweekly newspaper of Morrison, Ill., urging me to use every effort to include in exemptions semiweeklies and triweeklies, which have a circulation of less than 3,000 copies, the major portion of which is distributed within the county of publication. In my opinion this is a fair request, and it is my hope that the House of Representatives will see fit to so exempt semiweeklies and triweeklies along with weekly publications. In support I wish to include an opinion of the counsel of the American Newspaper Association on the subject, which was sent to me by Mr. Charles Bent, Jr., editor of the Whiteside Sentinel:

WAGE-HOUR OPINION

Counsel of the American Newspaper Publishers Association has issued the following opinion on the application of the Wage and Hour Act (Bulletin No. 4411, A. N. P. A., special standing committee):

"It is the opinion of counsel that a newspaper which does not send any of its copies out of the State for sale is wholly exempt insofar as the application of any of the provisions of the act to any of its employees is concerned.

"It is the further opinion of counsel that the action of Congress in exempting weeklies and semiweeklies which have a circulation of less than 3,000 copies, the major portion of which is distributed within the county of publication, was discriminatory in effect as between various members of the press, all of which, under the provisions of the first amendment to the Constitution of the United States, must be treated upon identically equal terms.

"Congress has no power to classify the press for purposes of regulation."

WAGE AND HOUR AMENDMENT INTRODUCED

An amendment to the Fair Labor Standards Act which affects the publishers of Illinois newspapers has been introduced at the present session of Congress.

This amendment repeals the present exemption in the act in favor of weekly newspapers of 3,000 circulation or less, and substitutes the following:

" * * * or (8) any employee employed in connection with the publication of any newspaper with a circulation of less than 5,000."

The proposed amendment would exempt the small dailies from the application of the Federal Wage and Hour Act. No action has as yet been taken by Congress on the proposed amendment.

Mr. Speaker, I ask unanimous consent to include in my remarks an article with regard to the wage-hour law.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject of money.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech by the president of the Farmers Union of Oklahoma.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. BURCH. Mr. Speaker, I ask unanimous consent that the Committee on the Post Office and Post Roads may have permission to sit during the session of the House today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

AUTHORIZATION OF CONSTRUCTION OF NAVAL VESSELS

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 390

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 8026, a bill to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

With the following committee amendment:

Page 1, line 8, strike out "six" and insert the word "three."

Mr. COX. Mr. Speaker, of the hour's time at my disposal, I yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. Speaker, this resolution proposes to make in order the consideration of the bill (H. R. 8026) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes. This bill has been reported by the Committee on Naval Affairs with certain recommendations, and the purposes of the bill, Mr. Speaker, are to revise the defense requirements of the Nation made necessary by the international situation that developed in 1939 and as now exists.

Mr. Speaker, will the gentleman from New York [Mr. FISH] use some of his time?

Mr. FISH. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, my only hope is that the House will consider this huge Navy appropriation bill very carefully and ascertain whether it is necessary to spend $650,000,000 as provided in this bill when we are cutting down on farm relief and other forms of relief throughout the country. We are in the midst of war hysteria, and fear, and dread of war. Propaganda covers the country. The other day a British ship, the *Southgate*, was reported as having been torpedoed off Puerto Rico, and it was finally discovered by our airplanes that it had not even been attacked by a submarine; that no American submarines were within 200 miles of it, and no German submarines probably within a thousand miles. The day before the repeal of the arms embargo the papers announced the sinking of the British steamer *Coolmore*, and it was later ascertained that that ship arrived safely at a British port. If this hysteria and war propaganda continues we shall soon be hearing reports of submarines flying over our coastal cities.

If you were to believe one-half of the propaganda that is being spread throughout America you would come to the conclusion that the United States is defenseless; that we are in the same category as Poland, Czechoslovakia, Abyssinia, or China, subject to being attacked and destroyed by some foreign foe. At the very outset of my remarks I challenge any Member of the House to state what nation or nations has the faintest thought of attacking the United States of America. I challenge any Member of the House to state what nation or nations could attack the United States of America even if they wanted to. The fact is that we have the greatest Navy today in the history of America, a navy second to none; yet we are appropriating $650,000,000 more to build up an even greater navy. We are adding three airplane carriers at a cost of $141,000,000.

Now, generally speaking, I have always favored adequate national defense—and I still do—the protection of our own shores, upholding the Monroe Doctrine, and the protection of our commerce on the high seas, and I think the American people want this policy continued.

Mr. COX. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Georgia.

Mr. COX. Does not the gentleman recognize the necessity for the strengthening of our national defense, and is he not, as a matter of fact, in favor of the adoption of the pending bill?

Mr. FISH. The gentleman has asked me a very fair question. There is no minority report filed with this bill and, there being no minority report, evidently this bill is reported unanimously by the committee. However, I want the committee to prove the necessity for certain items. All of us are in favor of what we call adequate national defense.

Mr. COX. The gentleman knows as much about this whole problem as any other man in the House. He has been a student of this subject. Does he not feel the question already propounded recognizes the existence of the necessity for the strengthening of our national defense?

Mr. FISH. I may say to the gentleman that I am not convinced that we need three additional airplane carriers. I do not say I am opposed to the bill. I want to hear it debated. I am opposed to the particular item in the bill having to do with three additional airplane carriers at the present time.

Mr. COX. Just one further question. The gentleman is not opposing the adoption of this rule?

Mr. FISH. No; not at all.

Mr. COX. He is speaking on the merits of the bill?

Mr. FISH. I would like to hear from the proponents of the bill with reference to the necessity for these three airplane carriers. However, I have to give my views in the beginning when there is no minority report and say that from what I can learn there is no necessity whatever for any of these three additional airplane carriers, involving an expense of $47,000,000 apiece. We have five airplane carriers and we have authorized the building of two more. One is about to be launched.

I propose to place the facts before you so you can determine for yourselves whether those of you representing the farm States want to cut out parity payments to the extent of $200,000,000 and vote for three airplane carriers that I do not believe we need.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is there any real demand or emergency or danger to this country of which the gentleman knows by reason of which we should increase the Navy to the extent we have authorized last year and this year?

Mr. FISH. I would say absolutely and emphatically "No," but I am in the minority. The committee thinks otherwise. I say absolutely "No," and I am going to speak on that point.

Mr. RICH. Is our Nation made secure by our building a great Navy and a large Army if our financial structure becomes weak?

Mr. FISH. I believe our Navy today makes this country completely secure from attack by any one nation or combination of nations, and I am willing to go ahead and prove it.

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Minnesota.

Mr. MAAS. I want to keep the record straight. I believe the gentleman unintentionally referred to this bill as an appropriation bill. This is an authorization.

Mr. FISH. It is an authorization bill; yes.

No one can deny these simple facts: Already we have the greatest Navy in the history of America—a Navy equal for the first time to the British Navy, a Navy three and one-half times larger than the German Navy, twice as large as the Italian Navy, and 50 percent larger than the Japanese Navy. Every American admiral who has testified says that if a foreign navy—the Japanese Navy, for instance—wants to attack the United States, it must be three times as large as ours. This applies to the German Navy or any other navy. They have also said that a modern fleet loses 20 percent of its efficiency every thousand miles it gets away from its coast.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Oregon.

Mr. MOTT. I believe the gentleman unintentionally has misquoted the admiral. The admiral did not say that if we wanted to attack Japan we would have to have a navy three times as large as Japan, or that if Japan wanted to attack us it would have to have a navy three times as large as ours. What he said was that if we undertook to attack Japan our Navy would have to be three times as large as it is at present.

Mr. FISH. Our Navy now is 50 percent larger than Japan's Navy. The gentleman says our Navy would have to be three times larger than it is now to attack Japan. Of course, what is sauce for the goose is sauce for the gander. Therefore Japan, to attack us, would have to have a navy three times as large as ours.

Now let me proceed to the question of airplane carriers. We have 2,200 airplanes already built by the Navy. We have authorized 3,000. This bill increases the authorization to 4,500. In the Army we already have 2,600 airplanes built and have authorized and are building up 5,500, out of a maximum authorization of 6,000. If we sank our Navy, the whole Navy, the greatest navy in the world, and all the totalitarian states combined and we had no Navy to protect our shores and they brought all their airplane carriers over here with them, I figure the maximum number of airplanes they could bring over would be 500 to attack America. Between the Army and the Navy we already have 5,000 airplanes. If our 5,000 American airplanes cannot defeat 500 foreign airplanes based on ships, we had better give up, anyhow. But that is not half the story. When we have built what have already been authorized and appropriated for we will have 8,500 airplanes, and even if we had no Navy the totalitarian nations could not bring over more than 500 airplanes against us.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. COLE of New York. I simply wish to inquire to what nations the gentleman refers when he speaks of the totalitarian nations.

Mr. FISH. I have included all of them this time. I have included Japan, Italy, Germany, and Russia. Assuming they have 10 or 11 airplane carriers, and estimating 50 airplanes apiece as the capacity of the carriers, that makes 500 planes. For the sake of information I would point out that Italy has no airplane carriers and is not building any airplane carriers. We already have five built and are building two more. One was launched just the other day. Italy has none; Germany has none, and is building two; Russia has one very small one of no consequence, of 9,000 tons, and is building two; and Japan has six and is building two. The total tonnage of Japan, built and building, is far less than ours.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Oregon.

Mr. MOTT. Is there not a very obvious reason for the failure of Germany and Italy and nations of that kind to build airplane carriers? Their field of operation is very limited, in the North Sea and the Mediterranean Sea; but the navies which operate, like ours, all over the globe, are building airplane carriers at least as fast as we are.

Mr. FISH. I believe Great Britain is building airplane carriers, but I imagine that is for the present war and for present war purposes.

Mr. MOTT. And so is Japan.

By the way, if the gentleman will yield further, I wish to correct the statement I made a moment ago. I see that I misquoted the admiral. He did not say we would have to have a Navy three times as large as our present Navy in order to attack Japan successfully; he said that to attack Japan successfully he would have to ask for three times the increase he was then asking for when he appeared before the committee. I want to get that straight in the RECORD.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 more minutes.

There are two proposals in this bill about which I am concerned, first, the item of building 3 more airplane carriers, which I do not think we need; and, second, increasing the number of airplanes from 3,000 to 4,500. If we increase the number of Navy airplanes we will have, with the Army airplanes, 10,000, if we carry out the present program, without this increase of another 1,500. Just how we can use more than 2,000 airplanes in America I do not understand. Major Eliot, who is supposed to be a great expert, has said that all we need is 1,000 combat airplanes. We have already provided for 8,500 and now we are asking for about 1,500 more. If we are to be attacked, certainly, they have got to bring these airplanes over with them and they can only bring 500, while we will soon have 8,500 ourselves, and I do not know whom they are going to be used against. First, I do not know who is going to attack us, and, second, I know they cannot bring over more than 500 airplanes, and I have not the faintest idea whom our numerous airplanes are going to be used against, unless they are to be used against the Republican Party. [Laughter.] They have got to find somebody to use them against.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. RICH. What are you going to do with these 10 big battleships they are building that will cost anywhere from $90,000,000 to $116,000,000 apiece?

Mr. FISH. I do not want to go into that as it is not in the bill, because it is hard enough to stand before the House and oppose a full committee report. Not a single member of the minority, so far as I know, has questioned this item. I am alone in saying that I am absolutely convinced they do not need one additional airplane carrier and have not the slightest need for it. We will have seven and I do not even know whether we need seven to protect our shores. If we are going over to other nations then we will need, not 7 or 3 more, but we will probably need 30 more. If the idea is not national defense but aggression and offense to carry a war to foreign lands—to Japan or Germany or Russia or Italy—we will probably need 30 airplane carriers, but for defensive purposes I think we have sufficient airplane carriers, and if the gentlemen of this House want to economize without interfering with national defense here is one way to do it—not to appropriate this $47,000,000 apiece for 3 more airplane carriers, which you do not need, but strike the item out of the bill.

Mr. IZAC. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. IZAC. I wonder if the gentleman is taking into consideration the fact that when other nations are at war, those nations build up a tremendous national defense of their own and in self-defense we have to do the same thing. In other words, if we take, for instance, the condition of the American Army at the end of the Civil War, it was a threat to other nations. Therefore, in self-defense we have to continue to build when these other nations which are at war, we know are going ahead of us in their national-defense set-up. Does not the gentleman realize that if we are going to keep faith

with our people we do have to also build up our national defense?

Mr. FISH. I cannot subscribe to any such argument that we have to have a Navy practically equal to all the navies of the world or that we have to have as many airplane carriers as all the other nations combined or even of all the totalitarian nations. Our own admirals tell us that if we are to be attacked by a foreign navy, it must be three times as large as ours and yet we seem to have the idea that we must build up a Navy that equals all other navies and that we must have as many airplane carriers as all the dictator nations combined.

The President stated today in the press that we will have to have increased taxes if we do not stop appropriating more money from the Treasury.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. DONDERO. How does the airplane equipment of this country compare with other countries?

Mr. FISH. Our airplanes are probably the best in the world. That is why they come over here and buy them.

Mr. DONDERO. I mean in number.

Mr. FISH. Oh, we will have under present authorizations 8,500 airplanes.

Mr. DONDERO. How does that compare with Great Britain or any of the other powers of the world?

Mr. FISH. We have not as many as England, France, or Germany, but they cannot bring them over here, and I challenge anybody to deny that statement. No airplane has ever been invented that can come over and bomb New York and go back to its base in Germany or in Italy. They have more airplanes than we have, but we have a great output now and they are still buying our airplanes and increasing our production. We can produce them within 6 months, and the best type of airplanes. We do not have to worry about that at all. What we are worrying about now is how many airplanes they can bring over to use against us. I submit that they cannot bring over more than 500 to fight against us, even if we did not have a Navy, and we will have under construction, authorized, and built 8,500. The Navy now wants 1,500 more, and 3 more airplane carriers. I suppose they want the airplane carriers to put the airplanes on and take them around the world, because they have nothing to do with them.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. COLE of New York. I am simply interested in learning the name of any admiral who said that an opposing force would have to be three times as large as ours.

Mr. FISH. I understand that is what was testified to before your committee.

Mr. COLE of New York. I do not think he did.

Mr. FISH. It has just been admitted, as I understand it.

Mr. COLE of New York. May I clear that up?

Mr. FISH. Certainly; go ahead.

Mr. COLE of New York. I want to state just what the admiral did say. At the time the admiral made the statement the committee had before it a proposal to increase the size of our then Navy by 20 percent. The admiral said that for him to have a force large enough to successfully carry on a campaign against Japan he would have to have an increase three times the size of the increase he was then asking for.

Mr. FISH. And at that time, let me say, that he was asking for the greatest navy in the history of the world. That is what he was asking for, and that is exactly what we have today—a navy, for the first time, equal to if not greater than the navy of Great Britain. That is what he was asking for, and that is what he got; and now he wants a three times greater Navy than the Navy we have.

Mr. THORKELSON. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. THORKELSON. Is it a fact, as the papers state, that we have now turned over our fastest ships to England and France?

Mr. FISH. Our best airplanes, certainly.

Mr. THORKELSON. That can go 400 miles an hour?

Mr. FISH. Certainly; the best that we produce.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHAFER of Wisconsin. What is the use of spending so many millions of dollars from our almost bankrupt Federal Treasury to provide airplanes for our own national defense, when we have an administration which gives secret information about them to a potential foreign enemy? The American people might awaken from indifference and demand that action be taken with reference to the hijacking of cargoes on our United States flagships, the robbing of our mails, and hauling down the Stars and Stripes before the Union Jack of Great Britain and the Tricolor of France. Why should we continue to talk about being in favor of national defense, when we furnish potential enemy foreign countries with information with reference to our latest implements of defense?

Mr. FISH. I think the gentleman is correct and has answered his own question. There are reasons why we should have airplane carriers and why we should have more than these three and even a greater navy than we have, which excels any navy in the world today, and that is, if you follow the advice of Admiral Yarnell. He is the head of some kind of an anti-Japanese organization that seems determined on getting us into war with Japan. He wants economic embargoes and economic sanctions, and the stopping of trade with Japan. What does that mean? It means just one thing. It means war. In the first place, if we slap on an embargo and economic sanctions against Japan, it means that we drive Japan right into the arms of Soviet Russia, right into the arms of Nazi Germany and of Fascist Italy.

The very minute that we place sanctions on Japan and economic embargoes and refuse to trade with Japan, Japan will declare war on China and she will blockade every port in China, and she will blockade the Burmese port of entry, and not one ounce of war material that we are sending to China can get there. In addition, we would force Japan into a military and naval alliance with Soviet Russia and with Nazi Germany. If you want to follow Admiral Yarnell, 3 airplane carriers are not enough. We ought to have 30 airplane carriers if we are going out looking for war. My only interest in national defense is for preparedness that will defend our own shores against any attack. I am not looking for war in foreign lands either in Europe or Asia.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. FISH. How much time have I consumed?

The SPEAKER pro tempore. The gentleman has consumed 25 minutes, and has 5 minutes remaining.

Mr. FISH. Very well; I shall take the balance. Mr. Speaker, I am just submitting these facts to the House. I do not like to stand alone and lead this fight, and I do not claim that I know more than the whole committee. I may be out of step, but I want the Members of the Congress to listen to this debate and determine for themselves. I do not think these airplane carriers are necessary for adequate defense, but they may be for offense and aggression.

In conclusion, I want to bring up another matter which affects our trade. American merchants, particularly in New York, bought goods in Germany before November 27, 1939, before the British issued their order-in-council of November 27, which said that anyone buying goods or making a contract for goods in Germany before that date can get those goods out, provided they paid for them. Many of our American merchants have paid for those goods—some $15,000,000 worth of those goods, and the British refuse to let them out. Those goods were bought from Germany. They are in Italy; yet the British will not give our merchants permission to bring those goods here, in spite of

their own order-in-council of November 27, that permitted German goods that had been paid for in advance to be transported to America.

Our merchants, small merchants in New York, who bought twenty or thirty or forty thousand dollars worth of these goods, cannot get them. They are being bankrupted. This situation has been continuing for the last 3 or 4 months and is getting worse all the time.

In addition to that, I am told—and it may interest some of you cotton people from the South—this complaint does not apply to New York alone; we sell some of the cotton from New York. An exporter sells a bale of American cotton to Finland. He gets permission from the British to send it over there. He sends it for 1 or 2 months, and the third month the British intervene, and they do not give our exporter any permission to sell that cotton. Then they send one of their own salesmen to Finland, and they say, "You cannot get any more cotton from the United States. We will sell you practically the same kind of cotton, or just as good Egyptian cotton, at the same price."

That is what has been going on. They have control of the seas. Not satisfied with using it for war purposes in defense of their own trade, they are monopolizing the trade of the world and they are destroying the cotton markets of the South and replacing them with Egyptian cotton.

I am introducing this resolution, which is too long to read, a resolution of inquiry to the State Department—to ascertain the facts. But I have been getting letters from merchants in New York, protesting that they have complied with the orders-in-council and cannot get the goods that they have already bought and paid for and that they are losing this legitimate trade because the English have all the memoranda and all the data, and they go and sell some other kind of cotton to those foreign nations in place of our southern cotton. We are entitled to have those facts. I do not know to what committee this resolution will be referred, but I hope it will be reported out and that we can get the facts and determine what action to take.

In conclusion, I would like to know why we should increase our air force to 4,500 naval airplanes. How can we use them when dictatorial nations cannot bring more than 500 against us? Furthermore, I would like to know why we must have three additional airplane carriers at $47,000,000 each, and what we are going to do with them when we have more now than Germany, Italy, and Russia combined; yet we ask for three more.

So in the name of economy, let us consider this question carefully and in view of the needs of adequate national defense. If the able chairman of the Committee on Naval Affairs, one of the ablest Members of this House, can prove to me the need of these three airplane carriers, I will gladly vote for them, because I want national defense, but if he cannot, I hope the House will vote otherwise. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. COX. Mr. Speaker, I have faith that after the gentleman from New York [Mr. FISH] has heard the debate on this bill he will support it.

I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8026) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8026, with Mr. LEAVY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, this bill authorizes a 2-year naval building program of 167,000 tons of combatant ships, or approximately a 11-percent increase in the combatant strength of the Navy.

No battleships are involved in this bill.

It authorizes an increase of 79,500 tons of aircraft carriers, 66,500 tons of cruisers, 21,000 tons of submarines, and 75,000 tons of auxiliary vessels.

It is estimated that this increased tonnage of 167,000 combatant tons will provide for 21 additional ships, at an estimated cost of $372,750,000, to be laid down within 2 years and finished by 1945.

The 75,000 tons of auxiliaries provided for in the bill will be approximately 22 ships at an estimated cost of $183,000,000. The 1,011 airplanes and 4 blimps, at an estimated cost of $99,152,270, making a total cost for the 21 combatant ships, the 22 auxiliaries, and the 1,011 airplanes approximately $654,902,270.

The Navy Department, in presenting the bill to the Naval Affairs Committee, recommended an increase of 25 percent, or an addition of approximately 400,000 tons of combatant ships, which would have cost approximately $1,596,000,000, and which was to be a 5-year building program. This is a reduction of $941,097,730.

The committee, after a month's hearing, reduced the same to an 11-percent increase and a 2-year building program, and unanimously reports the bill to the House.

Under the act of 1934 to bring the Navy up to treaty strength by the replacement of over-age ships, there remains the following tonnages:

	Tons
Cruisers	66,245
Destroyers	50,470
Submarines	12,856

Under the act of 1938, we have used up all the tonnage provided for aircraft carriers and submarines, and there remains the following tonnages:

	Tons
Cruisers	16,754
Destroyers	11,360

This therefore makes a total tonnage that is available under the act of 1934 and the act of 1938 of 157,685 tons in the categories of cruisers, destroyers, and submarines.

It is the program of the Navy Department to lay down that tonnage plus the 167,000 tons provided for in this bill within 2 years, which will make a total building program of 324,685 tons of combatant ships to be laid down within the next 2 years.

The navy yards and industrial yards are in position to handle the program.

An examination of the report on page 5 shows a complete break-down and the requests that will be made on the Budget to carry out this building program as provided for in this bill.

I deem it important at this point to give to you a complete break-down picture of the Navy as it is authorized to be constituted today.

By the act of 1938, the Navy is authorized to have under-age tonnage in the combatant categories as follows:

In battleships, 660,000 tons, which will provide for 18 battleships; in aircraft carriers, 175,000 tons, which will provide for 8 carriers; in cruisers, 412,524 tons, which will provide for about 44 cruisers; in destroyers, 228,000 tons, which will provide for about 139 destroyers; and in submarines, 81,956 tons, which will provide for about 59 submarines.

This makes a total tonnage of 1,557,480 tons, with a grand total of 268 under-age ships. However, the increase of 167,000 tons authorized by this bill would raise the authorized under-age tonnage for the Navy to 1,724,480 tons, making a total of 289 ships.

So the Congress and the country can understand that with this bill enacted into law and with the Navy built up to the authorized strength in under-age tonnage, the Navy will have in combatant types 18 battleships of 660,000 tons; 11 aircraft carriers of 254,500 tons; 48 cruisers of 479,024 tons; 139 destroyers of 228,000 tons; and 73 submarines of 102,956 tons.

On the 1st of this year the Navy had in commission and in service 14 under-age battleships with a total tonnage of 438,200 tons, 5 aircraft carriers with a total tonnage of 120,300 tons, 35 cruisers with a total tonnage of 317,600 tons, 67 destroyers of 104,470 tons, and 32 submarines of 48,500 tons—making a total in commission of under-age ships on January 1, 1940, of 153 ships of 1,029,070 tons.

As I have stated previously, there is no provision for battleships in this bill.

However, including 2 battleships carried in the naval appropriation bill recently passed by this House, the Navy now has 10 battleships building or appropriated for, and with the replacements authorized by the act of 1934, the Navy will continue to have a healthy battleship-building program until about 1949.

As I have stated previously, the over-all increase in combatant tonnage provided by this bill will be approximately 11 percent.

However, let me impress this one fact upon you that this limited expansion will not maintain parity with Great Britain. It is estimated it will fall short of the 5–3 ratio with Japan. It cannot be said, therefore, that this expansion, when built, will be adequate to meet all possible needs, in the Atlantic and the Pacific, should they arise simultaneously in both oceans.

This proposed increase is in fact the minimum that should be considered.

As stated before, the proposed expansion provides for increased authorization for only three of the combatant types, and they are aircraft carriers, cruisers, and submarines.

In the matter of carriers, the 1941 naval appropriation bill provides for the construction of one more carrier. This one carrier will utilize all of the carrier tonnage now authorized by the 1938 act.

It will bring our number of carriers to a total of eight with a tonnage of 175,000. No more carriers can be built without additional authorization, such as contemplated in this bill.

Great Britain has built and is actually building a total of 13 carriers with a tonnage of 258,000. Japan has built and is building a total of 8 carriers, that we know about, and there are probably others that we do not know about.

With a large expanse of ocean to cover in the Pacific and in the Atlantic, additional carriers are urgently needed now. The number contemplated by the bill—three—is to be regarded as a minimum.

The bill provides for an increased authorization of cruiser tonnage of 66,500. The present war has demonstrated—in fact, emphasized—the need for numbers of cruisers, particularly on the part of nations who have to protect large expanses of ocean.

Further, the required expansion in the number of carriers necessitates in itself an increased number of cruisers, as each carrier requires cruiser escort.

The number of cruisers that can and will be built as a result of this increased authorization has not been specifically indicated by the Navy Department.

Shortly after the commencement of the present war all existing naval limitation treaties were abrogated by all of the powers concerned. Until this was done cruiser size was limited for Great Britain and the United States but not for Japan, which was not a party to the treaty.

The committee feels that the proposed increase in authorized cruiser tonnage is highly essential to the Navy Department's plans for future cruiser construction.

Under the tonnage authorized by the act of 1938, there remains 61,830 tons of destroyers that can be laid down now. Because of this unexpended authorization in destroyer tonnage which is all that the Navy can conveniently construct within the next 3 years, and because of the continued availability for some years of the old destroyers which have been maintained in serviceable condition, this bill does not provide for any additional destroyer tonnage.

In the matter of submarines, the United States dropped behind the navies of the world in the construction of new submarines during the early life of the naval limitation treaties. Recently we have been catching up.

The replacement tonnage available under the 1934 act will soon be used up, and the committee feels it necessary that the tonnage for this type of craft should be increased by the 21,000 tons specified in the bill in order to increase the strength of our submarine force by an additional 14 submarines.

The important part to be played by an adequate submarine navy as a deterrent to hostile action against us on the part of other naval powers is obvious.

The proposed increase of 14 submarines is, of course, a very modest number. It is restricted, however, to the number that can be laid down during the next 2 years.

The increased number of aircraft, 1,011, is to provide for the increased number of ships, particularly carriers, and to provide training planes and to provide sufficient seagoing patrol planes to meet needs simultaneously in both oceans. The compelling necessity to continue our present policy of readiness to handle sea jobs with naval aircraft has been demonstrated by the sea operations of European powers during the last 6 months.

For many years the construction of auxiliaries for the Navy was largely neglected. Such funds as could be made available were mostly devoted to the construction of combatant ships and aircraft. Finally the Navy reached a point where the combatant ships in commission were so distinctly handicapped by lack of specially fitted, continuously available auxiliaries that a substantial auxiliary construction program became necessary. Such a program to meet a great many of the more pressing needs was included in the 1938 act.

The auxiliary ship program in this bill is to provide necessary support for the combatant ships and aircraft of the expanded program.

Mr. Chairman, mark my words, had the world conditions remained as they were when the 1938 Expansion Act was passed, it would have been unnecessary for us to come before the Congress with this building program. The existing authorization would have been sufficient.

The international situation has altered substantially. World conditions today forecast a greater menace to our peace than was the case a year ago. The events which have taken place since then are so fresh in the minds of everyone that it is unnecessary to restate them. The situation is rife with possibilities of a general European war and, in conjunction with far eastern conditions, presents a threat of world conflagration.

We must evaluate conditions as they exist in the world today. International alinements are lightning swift. Nations are searching for allies. The exercise of power politics is the rule rather than the exception. The best way to ascertain national policies is to observe national acts. Our first duty is to protect the United States. Our objective is a navy adequate for this purpose. We cannot afford to take chances with a world in arms. Our only course is to depend on no one but ourselves. Our voice in world affairs will be heeded in almost direct proportion to our relative strength on the sea.

In the world of today it seems only a fair and moderate statement to say that the best interests of our Nation will be best served by keeping our own forces sufficiently strong to be an effective deterrent against foreign aggression.

The United States of America is the only major power in the world which has not been at war with some other nation since 1918, and, except for Italy, is the only major power not so engaged today. Since 1932, as everyone knows, the world has become increasingly unstable; Japan has invaded China and possessed herself of a good portion of that country; Italy has taken Ethiopia and Albania; Germany has now the territory formerly occupied by Austria, Czechoslovakia, and part of Poland; Russia has seized the rest of Poland, has to all intents and purposes taken over Lithuania,

Latvia, and Estonia, and is now busily engaged in attacking Finland. Spain is entering a period of reconstruction after being reduced to ruins and drenched with blood by a war promoted by outside interests. The map of Europe changes with lightning rapidity.

Whether we like it or not we are living in an age of conquest. The weaker nation has something desired by the stronger, thus constituting a natural set-up for invasion and today the clouds are beginning to gather over Rumania with her rich oil deposits and soon that little nation may become a prey of stronger nations if she fails to meet their demands.

Unfortunately today the language of Europe is force. Therefore, it is the duty of the United States to be ready to speak the same kind of language if we are ever so unfortunate as to be called upon to do so. In other words we must be ready to meet force with force.

The first question to be decided is to what extent the recent changes in world condition constitute a menace to the safety of this country; the second question is what changes in the Navy are necessary to meet it. The answer to the first question is of necessity indefinite, except that we must take into consideration the worst possible turn of events from our viewpoint, analyze as well as we can the chances of its actually happening, and decide upon the degree of preparedness we need.

The second question is answered by the bill now before the House unanimously reported by the committee.

No doubt the question will be asked during this debate, "Whom are we going to fight?" I answer it by saying that we are not increasing the Navy against any particular nation or group of nations, but we are increasing the Navy to afford this country better protection against aggressive action by any other power.

We are endeavoring to defend the United States against an attack from any direction.

This program is an additional insurance policy for peace for the American people. While it will ultimately cost $654,000,000, what is that sum to insure peace to the men, women, and children of this Nation?

Even with this expenditure, it is cheap insurance, for surely the peace and security of this country is worth more than $654,000,000, and nothing will contribute more to guarantee to the people security and peace than a more adequate defense, as provided for in this bill.

This country must be made impregnable against attack from any direction.

While we are today in a world of war; while there is war in the Atlantic and war in the Pacific, yet, nevertheless, the Naval Affairs Committee has not been stampeded. We have sought to view the needs of the Navy soberly, conscientiously, sanely, and in a common-sense manner.

In conclusion, let me say that while we do not covet one foot of soil of any nation nor do we intend to get entangled in any alien quarrels, yet, nevertheless, it is the duty of Congress to see that our defenses are adequate to meet any aggression. [Applause.]

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes; and, Mr. Chairman, I shall be pleased to yield at any time.

Mr. ALEXANDER. I notice that the bill in section 7 provides that after the specified age limit has been reached the vessel shall be deemed over age. My question is, Does not this leave almost no limitation on the building of these various categories? In other words, how far are we from reaching the age limit as to battleships, as to aircraft carriers, and cruisers?

Mr. VINSON of Georgia. Some of them are becoming over age all the time, and vessels are being laid down to replace them.

Mr. ALEXANDER. The point I am making is this: The bill in various sections provides for a certain number of battleships and auxiliary vessels.

Mr. VINSON of Georgia. That is right.

Mr. ALEXANDER. As I read section 7, that limitation will be done away with.

Mr. VINSON of Georgia. Not at all.

Mr. ALEXANDER. As fast as these vessels reach the age limit they are replaced.

Mr. VINSON of Georgia. The tonnage provision in each category is the maximum permitted in under-age ships, and section 7 merely gives the age limits of ships. On a battleship the age limit is fixed at 26 years from the date it goes into commission; and the total under-age tonnage of battleships or any other category cannot exceed the amount that is stated in another paragraph of the bill.

Mr. ALEXANDER. Suppose a 45,000-ton battleship became over age next year, could they not build another one then?

Mr. VINSON of Georgia. That would be a replacement and could be built, provided Congress authorized it and made the appropriation for it.

Mr. ALEXANDER. Is not provision for it contained in section 7 of this bill?

Mr. VINSON of Georgia. Not at all. There is no replacement whatever in this bill. When the ships provided for in this bill become overage they go out of the picture unless Congress authorizes replacements built.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. BENDER. How many more airplanes are provided in this bill?

Mr. VINSON of Georgia. This bill provides for adding 1,011 planes to what we have today.

Mr. BENDER. Am I correct in my understanding that 5,800 additional planes were authorized last year?

Mr. VINSON of Georgia. The gentleman is clearly in error if he has reference to the total number of planes in the Navy. The Navy today has only 2,050 airplanes. We are permitted at least 3,000. In 1941 we will have 3,200.

Mr. BENDER. Is it not a fact that we authorized the construction of 5,800 additional planes over a period of years?

Mr. VINSON of Georgia. The gentleman means for the Army also?

Mr. BENDER. Yes.

Mr. VINSON of Georgia. I do not know about that. All I can keep up with is the Navy. The gentleman is probably correct, but in the Navy today we have only 2,050 planes.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. With pleasure.

Mr. DITTER. It occurred to me that the gentleman might like to know, as he makes his very learned presentation of this Navy program this afternoon, that he is privileged to have present in the gallery a fine group of Republican women interested in national defense. I know they will challenge the gentleman to present this program in an even stronger way than he otherwise might. [Applause.]

Mr. VINSON of Georgia. If the minority will follow the results of the Gallup poll, not even the gentleman from New York [Mr. FISH] will be found in opposition to this bill, and I am satisfied that the rank and file of the Members of the minority, as well as the rank and file of Republicans throughout the country, are behind adequate national defense as set forth in this bill.

Mr. DITTER. Mr. Chairman, will the gentleman yield further?

Mr. VINSON of Georgia. I yield.

Mr. DITTER. I know the gentleman feels that I have at all times supported his Navy program.

Mr. VINSON of Georgia. Absolutely; and I trust that the gentleman will be here today to help convince the gentleman from New York of the error of his ways.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. MICHENER. It is very difficult for me at times to follow through. The gentleman on one occasion will tell us that we must depend entirely on the recommendation of the Navy as to what their needs are; he presents legislation and the Congress adopts it because the experts tell us that for our

national defense it is necessary. Now, the gentleman takes pride in the fact that he cuts the heart out of the recommendation of these same experts. Can the gentleman justify these divergent views?

Mr. VINSON of Georgia. Easily. The Navy recommended a 5-year program of some 400,000 tons of ships.

The Committee on Naval Affairs reached the conclusion that it did not want a long-term program, because world conditions may change and we did not feel justified, in view of the fact that Congress is in session every year, in providing for more than a 2-year building program. That is the sane, common-sense viewpoint to take. Bear in mind the first 2-year program covers the identical ships that would be laid down if there was a 5-year program of 400,000 tons.

Mr. MICHENER. Will the gentleman yield further?

Mr. VINSON of Georgia. I yield.

Mr. MICHENER. I want to thank the gentleman for his explanation, because it sensibly explains the situation.

Mr. VINSON of Georgia. It will be found that this committee has done a sensible thing in presenting this bill. It is presented with a unanimous report. Every member of the minority was present there to vote for it and every member of the majority who was present voted for it.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. It seems to me the gentleman's figures are hardly truly comparable. He says that the Navy recommended a 5-year program involving something over a billion dollars.

Mr. VINSON of Georgia. One billion five hundred and ninety-six million dollars.

Mr. JENKINS of Ohio. The gentleman says he fits that into a 2-year program involving five or six hundred million dollars only.

Mr. VINSON of Georgia. That is right.

Mr. JENKINS of Ohio. It would not be fair to say that we have saved the difference, because in the next 3 years we may be called upon to spend more money and perhaps those 3 years will equal the 5 years that the Navy authorities set forth in the beginning.

Mr. VINSON of Georgia. The gentleman may be correct. We will have to cross the bridge when we come to it. We are up to the bridge today and we can see 2 years in advance, but we cannot see 5 years in advance. If world conditions do not continue to grow worse it may not be necessary to ask for a building program beyond the 2 years.

Mr. JENKINS of Ohio. I agree with the gentleman, and I think I agree with the 2-year program. Many of the Members are like I am. They come here, listen to the gentleman's figures, and accept them. But it would not be safe for a person to go out and say that he voted for a bill to save $900,000,000, because we do not actually save $900,000,000. We do not appropriate that much, but when the 5 years have elapsed maybe we will have a program involving more than that.

Mr. VINSON of Georgia. The gentleman is not voting for an appropriation at all when he votes for this bill.

Mr. JENKINS of Ohio. It is an authorization.

Mr. VINSON of Georgia. This is purely an authorization, which later will come up for an appropriation. I want to impress upon the Members that this is not a paper proposition. This is not merely an authorization written down on paper, because we propose to do everything possible to lay down these ships. The security and the defense of our country requires it.

Mr. JENKINS of Ohio. One other question. What are the facts in reference to this matter? Suppose we had entered on the 5-year program that the Navy recommended, and the gentleman does not agree to that. Now, in the 2 years we are going to operate under this authorization, will we not lay down the ships on a basis that the expenditure is about the same as it would have been had we entered upon a 5-year program?

Mr. VINSON of Georgia. I stated this is 2 years of the 5-year building program. We are laying down the 21 ships that would have been laid down if we had adopted a 5-year program, but we are not committing the Congress to a 5-year program. Next year world conditions may change so that we will have to come back here with a different program, which may be larger or smaller. We cannot tell what the future holds forth. We can only proceed year by year.

Mr. TERRY. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Arkansas.

Mr. TERRY. The gentleman stated we are, by this bill, authorizing the first 2 years of the Navy's 5-year program.

Mr. VINSON of Georgia. No. I stated we would, by passing this bill, authorize exactly the same thing that would have been in a 5-year building program.

Mr. TERRY. Then if the gentleman's committee felt justified in authorizing as a full program all of the ships and tonnage that the Navy Department is asking, we might in a 2-year program have a different number of ships and different types in the smaller program than in the first 2 years of a larger program.

Mr. VINSON of Georgia. Not at all. We are laying down the same ships that we would lay down in 2 years if we had authorized a 5-year building program. We took the common-sense viewpoint of it. There is no need of committing the country and Congress to a 5-year building program when no one can tell what 5 years from now will present.

Mr. LUDLOW. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Indiana.

Mr. LUDLOW. If peace should unexpectedly come over the world, would it be necessary, in the gentleman's judgment, to carry out the full authorization as provided in this bill?

Mr. VINSON of Georgia. That, of course, would depend on what the conditions of peace may be. I am just as anxious as any Member of Congress to reduce this great naval-armament budget as early as possible and when world conditions and affairs justify. This committee has not been stampeded into this recommendation. The committee has considered the matter carefully, in a sober and conscientious manner and from the common-sense viewpoint. If world conditions should justify our changing the program, we will be back here with recommendations as world conditions may present themselves from time to time.

Mr. TERRY. Will the gentleman yield further?

Mr. VINSON of Georgia. I yield to the gentleman from Arkansas.

Mr. TERRY. We have heard about a one-ocean Navy and a two-ocean Navy. Does the gentleman feel that what we are authorizing in this bill will be a two-ocean Navy or a one-ocean Navy?

Mr. VINSON of Georgia. This program is not large enough to adequately defend this country if an emergency arose simultaneously in the Atlantic and in the Pacific.

We are not seeking here to come in with a proposition to build a two-ocean Navy, which is beyond the cost we can afford at this time, but with these 21 ships it will contribute to the defense of the country more than the ships in the Navy today.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The bill under consideration provides, as I understand, for an authorization of $654,902,270 for the 2-year period dating from July 1, 1940.

Mr. VINSON of Georgia. That is right. If the gentleman will look on page 5, he will see the break-down.

Mr. ROBSION of Kentucky. Are there authorizations for construction for these same 2 years other than this?

Mr. VINSON of Georgia. Yes.

Mr. ROBSION of Kentucky. What do they amount to?

Mr. VINSON of Georgia. In addition to the building program authorized here, under the act of 1934, there remains in cruiser tonnage, 66,254 tons; in destroyer tonnage, 50,470 tons; and in submarine tonnage, 12,850 tons. This is left under what is known as the treaty Navy of 1934. It is the

total that is remaining that has not yet been appropriated for by the Committee on Appropriations.

Under the act of 1938, there remains 16,754 tons of cruisers and 11,336 tons of destroyers. This is the very reason we left out destroyers. We have some 60,000 tons of destroyers that can be laid down now, so there was no need of authorizing any more destroyers. The total tonnage referred to is 157,000 tons. This 157,000 tons, plus the 167,000 tons, is the Navy's program to lay down within 2 years, and the navy yards and the industrial yards are adequate to take care of them.

Mr. ROBSION of Kentucky. What will that cost?

Mr. VINSON of Georgia. The 157,000 tons?

Mr. ROBSION of Kentucky. The additional tonnage other than provided in this bill.

Mr. VINSON of Georgia. It will cost about $523,200,000.

Mr. ROBSION of Kentucky. If this bill is passed, all the authorizations will then represent a construction outlay of around a billion dollars for the 2 years?

Mr. VINSON of Georgia. Not at all. The 157,680 tons which I have just mentioned has already been authorized under the act of 1934 and the act of 1938. In addition, we are asking for 167,000 tons, making a total tonnage the Navy will have of 324,680 tons to build in the next 2 years.

Mr. ROBSION of Kentucky. What will be the cost of the authorized construction, under the act of 1934, the act of 1938, and this bill, for the 2 years beginning July 1, 1940?

Mr. VINSON of Georgia. I just stated it will be about $523,200,000, if it is built, but it may not be built, for the reason that to build the 61,000 tons of destroyers will probably give the Navy more destroyers than it needs. This is the very reason we have left that item out of the bill, because we do not know whether we want to continue to build destroyers. Therefore we do not deal with that subject in this bill.

Mr. ROBSION of Kentucky. I wish to commend the gentleman and his committee for limiting this program to 2 years, because if the nations abroad keep on bombing and sinking and destroying ships by torpedoes and mines they may not have as large navies in a year or two as they have now.

Mr. VINSON of Georgia. That may be true; but on the other hand, if certain conditions happen in this world it may be necessary that our Navy be built far larger than proposed here today. We all hope such conditions will not occur, and for that reason we have limited this bill to a 2-year building program.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman understands my interest in lighter-than-air craft. I have discussed the question of making some provision for lighter-than-air craft. I notice in section 3 of the bill a very brief reference to lighter-than-air craft. It appears that the question of lighter-than-air craft is open at both ends. Am I to understand that this provision permits the construction of a metal-clad ship or ships?

Mr. VINSON of Georgia. If it is classified as lighter-than-air it applies to metal-clad or fabric-clad ships, either one.

Mr. DINGELL. Can the chairman give me any assurance as to what the Navy might do with a provision of this kind?

Mr. VINSON of Georgia. I am sorry; I cannot do so. That is a technical matter for the naval experts.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. TERRY. Will the gentleman tell us just what he means by under-age ships?

Mr. VINSON of Georgia. In section 7 we fix the age of ships in the different categories. For battleships the age is 26 years from date of commission. Ships 28 years of age are over age and under the law we have the right to replace those ships when Congress appropriates the money.

Mr. TERRY. You still have, in addition to these 18 battleships under age, how many older battleships?

Mr. VINSON of Georgia. We have 14 battleships that are under age and we have 1 battleship over age, making a total of 15 battleships.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. MASSINGALE. What is the date of the launching of the last ship of the battleship class that our Navy has turned out?

Mr. VINSON of Georgia. I do not remember about the launching of it, but we are building today 10 battleships.

Mr. MASSINGALE. I am talking about those in the service now.

Mr. VINSON of Georgia. We have the age limit of each battleship, but, unfortunately, I do not have that before me right now.

Mr. MASSINGALE. I understand it has been 12 or 15 years since we have launched a real capital fighting ship.

Mr. VINSON of Georgia. The gentleman is correct.

Mr. SUTPHIN. If the gentleman from Georgia will permit, it has been 17 years or in 1923, the *West Virginia*.

Mr. MASSINGALE. As I understand the gentleman from Georgia, this program, when completed, will give the Government of the United States a navy probably second to no other navy in the world, unless the others take a building spurt and go ahead of us.

Mr. VINSON of Georgia. The gentleman is mistaken. This building program authorized now will not provide the ratio of 5–5 with Great Britain, neither does it provide the ratio of 5–3 with Japan.

Mr. MASSINGALE. In answer to that, I want to say to the gentleman that I am, perhaps, a greater enthusiast for a navy than is he, and it is my idea we ought to have a navy that is equal to or better than any other navy in the world.

Mr. VINSON of Georgia. But what is the use of authorizing it when we cannot build it? We are authorizing everything that we can build and that is the common-sense way to look at it. What is the use of having a paper navy and getting up here and saying that we have a navy better than that of England or of Japan, when, as a matter of fact, we will only have it on paper? What I am doing here is to lay down the keels of these ships and build them within 2 years if the Congress endorses this program.

Mr. MASSINGALE. I think that is admirable and I want to see if the gentleman agrees with me in this thought. I do not have any technical knowledge about ships or ship building or really about the requirements of the Navy of the United States, but I have the idea in my mind that one of the best assurances that the Government of the United States could have against the probability of having to send an expeditionary force of men to some foreign country to fight is to have a navy that the balance of the world dreads and would not dare push us to the point where we would have to become involved on foreign battlefields.

Mr. VINSON of Georgia. The gentleman from Oklahoma is absolutely correct, and this is the greatest insurance for peace that the American people can have. It may not keep us out of war, it may not keep us from being attacked, but nevertheless it will be always a deterrent to aggressive nations, because they will know that this Nation is well prepared, and no man makes an attack upon an individual who is well prepared, and no nation makes an attack upon a nation that is well prepared.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. WHITE of Idaho. Has the gentleman given any thought to the proposition that the great forces of the world at war now will be so exhausted at the conclusion of hostilities that they will be in no position to attack us after this war is settled and that the warships we are building now will be obsolete in 20 years and therefore the great expenditures we are making now are useless expenditures in adding to the Navy to any great degree. Has the gentleman given any thought to that proposition?

Mr. VINSON of Georgia. No; because that is so farfetched I never let my mind run along those lines. [Laughter.] I only try to give my thought to something that is founded upon facts that history teaches, and history shows that nearly every nation that emerges from war oftentimes is stronger after the war is over than when the war commences. Take our own Government. The United States Government was comparatively stronger, from a military standpoint, at the surrender at Appomattox than it has been at any time in the history of the world. The British Government was stronger from a military standpoint at the end of the World War than when it started, and the French Government also was stronger from a military standpoint. There is nothing to the argument that nations will impoverish themselves because they are engaged in war over a period of years if they emerge victorious. [Applause.]

Mr. WHITE of Idaho. Does the gentleman not know that a battleship is obsolete in 22 years, according to the rules of the Navy?

Mr. VINSON of Georgia. Oh, no; it is not obsolete. It still has fighting ability, but it has not as much fighting ability as the more modern up-to-date ship. It is not obsolete any more than a Ford automobile of 1935 is obsolete and antiquated because you happen to have a 1940 model.

Mr. MAAS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, it is not my purpose to discuss the bill pending before the committee. I have a somewhat different function to perform upon this occasion. Yesterday afternoon the Republican Members of the House of Representatives met in conference and united in a declaration or statement having to do with the problem of our national defense. I am instructed by the members of the Republican conference to present that statement to the House.

The statement is as follows:

In the first session of the Seventy-sixth Congress the Republican minority united in adopting and putting forward a statement defining and clarifying the policy of national defense which they believed should appeal to the Congress and to the people. That statement of policy was presented to the House of Representatives. Subsequent action of the Congress was such as to justify the belief that this statement of policy and of the mission of our military forces in defense of it, met with general approval. Nothing has occurred since then to alter this belief. Further study prompts the minority to submit to the House some considerations which it deems to be of the utmost importance at this time.

Our concern is heightened and intensified by what we see going on all over the world today. Recent events strengthen our determination that we shall remain at peace, and secure in that peace. As we plan for security we mean security not only in the physical or material sense, but, taking the long view, the security of our free institutions.

Our thoughts now turn to the present condition of our military services. In order that they shall be able to perform the mission assigned to them, it is obvious that we need them in adequate strength. It is when we come to give consideration to the strength of the services—not only strength in numbers but especially strength in material and equipment of all kinds—that we find ourselves confronting a difficult and complicated circumstance. It is conceded, we believe, that both the Army and the Navy should be stronger if our military defense is to be adequate. We believe, further, that there would be little hesitation on the part of the Congress in adding very substantially to the present-day strength, especially in equipment, were it not for that circumstance which confronts us and which we must not ignore.

To reach a better understanding of it we must reexamine the broad outline of our participation in the World War. Upon doing so we are reminded that when we entered that war, in April of 1917, the national debt stood at $1,100,000,000. In the 18 months of our participation we spent something in excess of $35,000,000,000. To meet that expenditure we raised about ten billions through taxes. We borrowed the remainder, and came out of the World War with a national debt of twenty-six billions. That wartime financing was accomplished with comparative ease, for when we began it the Government owed very little.

Compare that to our present situation. For 8 or 9 years the Federal Treasury has been running in the red. Through all of these years we have been spending much more than we have collected from taxes. The more we have spent the more we have borrowed. As a result, we have piled up a huge national debt. Present law provides that the national debt shall not exceed $45,000,000,000. It is now conceded that by the end of this fiscal year, June 30, 1940, the direct bonded debt will have approached $44,000,000,000. If our spending in the near future goes on at anything like the recent rate the $45,000,000,000 limit will be reached, the Congress will have to raise the limit, and we shall continue plunging along the reckless road.

Let us remember, therefore, that should we be drawn into a war of first magnitude we should have to start with a debt of at least $44,000,000,000, probably more, and then finance the effort on top of that debt. It is a prospect which must concern every thoughtful person in the land.

The President himself gave evidence of his concern when in his message to the Congress, he suggested the imposition of a special tax calculated to produce revenue sufficient to meet the additional burden of the national defense, and at the same time avoid the necessity of increasing the debt limit. While we share the President's apparent concern, we are convinced that the imposition of an additional special national-defense tax would be inadequate as a remedy and essentially unsound. It would not reach the heart of the problem.

No one at this time can foresee accurately the measures we might have to employ were we drawn into war, but all of us can visualize the danger to our institutions were we forced to resort to inflation, to confiscation, and ultimate repudiation. Could our free institutions survive such a strain? Similar institutions have perished in other lands within our time. Driven to such expedients it might well be that we shall have failed actually in our defense.

Such a possibility should convince us that the most serious weakness in the armor of our national defense today is the existence of a national debt of $44,000,000,000. There it stands, towering, ominous. Much as we should like to, we cannot consider our problem solely in terms of soldiers and sailors, of divisions and battleships.

To deny that a healthy economic condition is vital to our national defense would be absurd. Our ability to mobilize and maintain the resources of the country in a major effort depends fundamentally upon the strength of our national economy. True, we need soldiers and sailors, divisions and battleships, with adequate modern equipment, but to secure their effectiveness in a long, gruelling struggle, and at the same time to preserve our institutions, we must mend our ways.

It will not be an easy task. We have acquired a habit difficult to cast off. Many of our people, thoughtless of the consequences, laugh at debt and demand that spending shall go on. But it must be curbed, for we cannot go on this way and be secure in this troubled world.

The maintenance of our defense is linked with the maintenance of all other necessary activities of our Government. At the present juncture we cannot separate one from the other. The cost of the whole of them combined must be our concern as we strive to put our house in order.

To put it simply, our plea is that the Congress, and others in high authority, reestablish thrift as a virtue in the conduct of government, as it is a virtue in the conduct of the individual.

[Applause.]

Mr. MAAS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I know that every Member here must have been impressed with the words of the gentleman from New York [Mr. WADSWORTH] in pointing out the seriousness of the situation as it exists relative to that vital part of our national defense, the financial structure of the Nation. As a matter of fact, it is this very thing that has made it more important than ever that our Navy and our naval air force be ready in its maximum degree of preparedness at all times, and brought to that state just as quickly as possible. To start with a national debt of approximately $44,000,000,000, and then to finance a long, drawn-out war on top of that would completely collapse our industrial, our social, and our political structure. Certainly we must be so prepared now that we shall not be forced into any war which is not for an actual defense against invasion of this Nation or its essentially vital rights. To do so means national suicide. To be drawn into a war, improperly prepared for that war, inadequately prepared to bring it to as quick a conclusion, successfully, as possible, means the same thing—national suicide. This Nation cannot stand the strain of a long, drawn-out war, and by that I mean a war of anything over the duration of a year. It would mean that to add $50,000,000,000—the probable cost of such a war—to the $44,000,000,000 public debt of today would require a fundamental change in the whole structure of this Government. It would require a totalitarian form of government to be able to finance such a war on top of the public debt, because it would require confiscation and nationalization of everything in the United States. The private resources are just not available to finance a major war on top of our present bonded public debt. The money is not there to be borrowed. It is not a question of the people's willingness to finance such an effort. There just are not private finances enough to do it, whether the people are willing or not.

So if we are to avoid that black picture of the complete loss of our democracy, our free institutions, our liberty, and

our way of life, we must have a Navy which is capable, at all times, of fending off any possible enemy. Far more important than that, we must realize that it is not mere defense that avoids aggression. This country could be rimmed with high-powered coast-defense guns—one every 10 feet—and we would not defend this country at all without an adequate Navy, because we must realize fundamentally that the enemy must be kept far off of our shores; that the enemy must realize that if he attempts aggression against us, not only can we defend ourselves against invasion, but such potential aggressor must realize—and mark this—this is the only thing that keeps an aggressor away from your shores, if he is bound to try to take what you have—the only thing that will keep him away is the certain knowledge that you can inflict more damage on his homeland in retaliation than he can inflict upon you.

That is not aggression on our part, but if we are to avoid aggression the world must know that we can retaliate in a greater measure of damage to any nation on earth than that nation can inflict upon us. Then, and then only, will they stay home and let us alone. No nation on earth need fear aggression on the part of the United States, or invasion by us until we build a huge expeditionary army of millions of men with an enormous transport service. We have no such thing. We could not invade any nation with out them, but we could inflict terrific damage if an invasion were attempted against us, if we have a proper navy.

To depend merely on so-called defensive weapons is futile. It is not necessary for an enemy to immediately invade our shores to conquer us. Powerful coast defenses will not alone save us. Without a navy to keep hostile forces far from our coasts, our ports can be blockaded, our absolutely essential imports of strategic raw materials can be blocked, and we can be beseiged into surrender, without a shot ever being fired.

An aggressor has nothing to lose by besieging us, unless we can retaliate and besiege him in his own homeland. Bigness is no protection. It is strength that counts. No fighter ever won his fight by merely warding off blows. No; he must be able to do that, and in addition be able to return more powerful blows than he receives.

The question of the necessity of these airplane carriers has been raised. Since we are a two-ocean Nation with only one fleet we must compensate for that in some other way. We cannot divide our fleet, because if we did there would be too great a danger of both halves being destroyed willy-nilly. The safety of the Nation depends upon keeping the fleet inviolate, keeping it as a maximum striking force. So we have to have a makeshift, and the best makeshift we can have is a superior air force. We might not be able to transfer the fleet readily back and forth from one ocean to the other because of the distance and possibility of obstructions in the Panama Canal. We must, however, maintain an adequate naval air force in both oceans, and there is no duplication of the mission of naval aviation as represented by these carriers and the Army airplanes which we are providing, for one is dependent upon the other, but cannot supplant each other. The airplane carriers for which we are asking in this bill are a military necessity as a proper complement to the fleet we are building. To refuse to authorize these three airplane carriers would be exactly the same as authorizing the building of a battleship but not letting them put any guns on it. Airplanes and airplane carriers are as essential a part of the fleet as any other parts, whether they be guns, or men to operate them, or fuel to run the ships.

But in addition to the exact number that we need in the fleet this Nation has to have airplane carriers in the Atlantic. Even though we cannot have a full fleet in the Atlantic we must be able to scout way out to sea 1,000 miles or more so that we shall know in advance of the possible movements of a hostile force. Remember, nations do not declare war nowadays, they simply start to make it. The first you may know of a war is when the bombs start landing on your cities. So we must be prepared to have a scouting force that can find ships far out in the Atlantic to warn us in advance. The job of the Army Air Corps is to defend the actual coast itself against possible invasion. The planes aboard a carrier are essentially scouts. They are not a combat force in the sense that they could carry on independent military operations against Japan or any other country. They are our sea scouts. Many of you in this House were in the World War. You know how important the lookout posts were in no man's land. So that you would not be surprised, you had to have them. These airplanes and these carriers are our advance lookout posts so that we may know of the possible movement of any hostile force in our direction before that force reaches our shores and wrecks its terrific damage upon our industrial plants and upon our civilian population. It is the cheapest possible kind of defense, for if we know that the enemy is coming, especially if we know long enough in advance that he is coming, we can be properly prepared. This goes far beyond that, however. I am convinced, and I know many Members of this House who have studied this problem are convinced, that if the world knows that this Nation is adequately prepared to defend itself and to retaliate against any possible aggression against this country if necessary, nobody will attempt it. If hostile forces know that we have the aircraft carriers to warn us in advance before they can get well started across the ocean toward us, they will never start, in my opinion, because one of the greatest elements in war is surprise, and if we take that element away from any hostile force so that we can have time to be prepared before they get here, they will probably never come.

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. MILLER. Would the gentleman care to comment on the need for lighter-than-air craft?

Mr. MAAS. Yes. I know that lighter-than-air craft can be a most valuable element in our national defense. The blimp, a small nonrigid ship, is quite different from a dirigible. During this neutrality patrol the blimp demonstrated that it could perform a most valuable service that no other type of weapon can perform—and when I use the term "weapon" I mean in the military sense, although it is not essentially a combat unit. Lighter-than-air craft can go out in all kinds of weather. They can come down very close to the surface of the water. They can engage in shore patrol or offshore patrol where the airplane would not dare come down through a fog, for instance, for fear that before they saw the water through the fog they would hit the water. The dirigible can be let down very easily, and even come to rest on the water if it has to. That type of aircraft can perform in any kind of weather. It can hover motionless in the air, it can follow at the speed of a surface ship, which an airplane cannot do. It can perform a tremendous service in antisubmarine patrol duty. As many of you know, I served in aviation during the World War in an antisubmarine patrol. We were flying planes then, but we could see submarines submerged under water from our planes. In those days we flew at about 80 miles an hour, but today we are flying at from 300 to 400 miles an hour. That is too fast for effective submarine scouting. You can slow a blimp down to any speed you want. You can even stand still, and on a clear day you can see a submerged submarine to a very considerable depth. The blimp can also carry bombs enough to put whatever submarines it may find out of commission.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. A moment ago the gentleman mentioned the transfer of the fleet from the Pacific to the Atlantic or from the Atlantic to the Pacific. With the gentleman's knowledge of military affairs, what is his position on the extra set of locks at the Panama Canal? Are they absolutely necessary for military defense purposes?

Mr. MAAS. In my opinion, they are. I think we ought to have the extra set of locks. It seems to me foolhardy to permit the life line of this Nation to be dependent on the single set of locks which we have today. The only alternative

is two fleets, and we simply cannot afford two fleets at this time. We ought to have them, but we cannot afford it.

Mr. VAN ZANDT. The gentleman, I take it, would, then, prefer the extra set of locks to a two-ocean Navy?

Mr. MAAS. No. I would rather have the two-ocean Navy. That would make us absolutely invulnerable, but the national economy of the country at the present time cannot support a two-ocean Navy.

Mr. VAN ZANDT. Then the gentleman would prefer the locks?

Mr. MAAS. It would not do us any good to have the finest Army in the world and the greatest Navy in the world if we could not feed and pay them.

I want to call attention to the policy which the Committee on Naval Affairs has initiated in this bill. We are headed toward a definite policy of legislating only 2 years ahead for authorizations so far as the Navy is concerned, which I think is a splendid program. We do not want to find ourselves in a position again of having authorized a big navy and then some peace treaty comes along and we have to sink half of it. We are going to keep close check on the Navy. In my opinion and in the opinion of the committee, this bill represents the bare minimum, the absolute necessity, in the way of authorizations for our Navy, below which it is actually dangercus for this Nation to go. This permits the Navy to increase step by step as the rest of the world increases their armament, and we will thereby keep this country out of war. [Applause.]

Mr. TABER. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from New York.

Mr. TABER. As I understand, it is proposed to build three aircraft carriers in this additional tonnage?

Mr. MAAS. That is correct.

Mr. TABER. They will run something like 26,000 or 27,000 tons apiece, is that about right?

Mr. MAAS. That is approximately correct. Twenty-six thousand five hundred tons.

Mr. TABER. About what are each of them expected to cost?

Mr. MAAS. About $47,000,000.

Mr. TABER. How does that compare with the tonnage we have been building in the last few years?

Mr. MAAS. Does the gentleman mean in aircraft carriers?

Mr. TABER. Yes.

Mr. MAAS. We had not arrived at a definite answer until the present time in regard to that. The first one was a small converted ship, the *Langley*, which was a trial. Then we took two of the huge battle cruisers we were building during the war, which we were not allowed to complete, as such, and made them into aircraft carriers, the *Saratoga* and *Lexington*. They were found to be not entirely satisfactory, excessively costly in operation, and not of the desired type. Then we got into a wave of economy and we started building small ones. We found those were too small; they did not have the speed; they could not carry any protection at all. We think we have now hit upon the right plan.

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. TABER. The present set-up consists of such as the *Wasp?*

Mr. MAAS. The *Wasp* and the *Hornet*.

Mr. TABER. They are about 19,000 tons?

Mr. MAAS. Yes.

Mr. TABER. They cost somewhere around $25,000,000?

Mr. MAAS. Somewhere in that neighborhood; yes.

Mr. TABER. They will carry approximately 150 planes?

Mr. MAAS. No; not that many.

Mr. TABER. One hundred and thirty?

Mr. MAAS. About 100 planes.

Mr. TABER. About 100. Similar to the *Lexington* and *Saratoga?*

Mr. MAAS. Yes.

Mr. TABER. How much speed do they make?

Mr. MAAS. Which ones does the gentleman mean?

Mr. TABER. The ones that are being built.

Mr. MAAS. Does the gentleman mean the *Hornet* and the *Wasp?*

Mr. TABER. Yes.

Mr. MAAS. They are about 32 knots.

Mr. TABER. What speed does the gentleman expect the proposed 26,500-ton ships will have?

Mr. MAAS. That is a military secret. There will be an increase in speed, but that is properly a matter that ought to be confidential.

Mr. TABER. What does the gentleman expect in the way of the number of planes that may be carried, or is that a military secret?

Mr. MAAS. It is not entirely a military secret although they have asked us not to disclose it because there is no reason to give that information to possible enemies in advance. Also, it will depend somewhat on the development of the types of planes that are found most successful. These ships carry everything from single-seated scouting planes up to twin-engine bombers. It depends a great deal upon the proportion that is finally agreed upon as to the total number of planes that may be carried.

Mr. TABER. It depends on the type of planes the ships carry as to how many they may carry?

Mr. MAAS. Yes. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I do not believe anything can be added to what the chairman has said in his explanation of this bill. The committee worked on it for over a month. If there is anything that can be taken out of it with safety to the country, if there is any economy that we can make that we did not make, I should like to have it pointed out, because I, for one, would be willing to agree to any reduction possible in this bill that did not jeopardize what I believe are the vital interests of the country.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. How many battleships and cruisers have been authorized and are now under construction?

Mr. DARDEN. The battleships authorized and now under construction number eight. There are two carried in the appropriation bill for this year, but there are no battleships authorized in the bill now under consideration. Sixty-six thousand five hundred tons are here authorized for cruisers.

Mr. WHITE of Idaho. I understood it was proposed to construct two new battleships.

Mr. DARDEN. Provision for two battleships is made in the naval appropriation bill for this year, two 45,000-ton battleships, raising the number of battleships under construction or appropriated for to ten. However, the bill under consideration does not carry provision for a battleship.

Mr. WHITE of Idaho. How much money is being authorized to be appropriated by this bill?

Mr. DARDEN. In its entirety, the bill authorizes $654,902,270.

Mr. WHITE of Idaho. It is in excess of half a billion dollars, and no battleship is included in the authorization.

Mr. DARDEN. By battleship the gentleman means a heavy capital ship of 35,000 tons or more?

Mr. WHITE of Idaho. I mean a capital ship.

Mr. DARDEN. Under the terms of the Washington Treaty, a capital ship is any ship above 10,000 tons. Some of the ships authorized herein are above 10,000 tons so that technically they would be capital ships, but there are no battleships authorized in this bill; that is, the heavy 35,000- or 45,000-ton ships.

Mr. WHITE of Idaho. Is the authorization in this bill limited to cruisers and destroyers, and vessels of that kind?

Mr. DARDEN. There are no destroyers authorized in this bill. When the bill was first introduced, a number of destroyers were included, but we found on consideration that there was unused tonnage of some 61,000 tons, which would

give us, if we continue the construction of the ordinary type, the 1,500-ton destroyer, 40 destroyers, and if we use the tonnage in the construction of leaders, the 1,850-ton ships, it would give us 33 new destroyers. For this reason we cut from this bill all destroyer tonnage, so that it does not include any authorization for the construction of destroyers.

Mr. WHITE of Idaho. With the $650,000,000 authorized in this bill, how many ships will be constructed?

Mr. DARDEN. Twenty-one combatant ships, 22 auxiliary vessels, and 1,011 airplanes.

Mr. WHITE of Idaho. With these 21 ships and the ships that are now under construction, will we not have a very large navy?

Mr. DARDEN. We will have a very powerful navy. We will have a navy that will be almost as powerful as the British Navy, and it will be by all odds the most powerful Navy we have ever had, not only in number of ships but more particularly in fire power or striking power, the capacity of the individual ships.

Mr. WHITE of Idaho. The British Empire is engaged in a great war. Does the gentleman take into consideration the use the British Government is making of its Navy at present?

Mr. DARDEN. Yes.

Mr. WHITE of Idaho. The British Navy has had to abandon Scapa Flow and practically put its ships in seclusion for safety purposes.

Mr. DARDEN. The gentleman makes a great error if he assumes the British Fleet is in seclusion. It is true the British Navy has probably abandoned Scapa Flow for the time being, but it is also true that it abandoned Scapa Flow in the early part of the last war. However, it returned to it to complete the blockade that broke the power of Germany. The operations of the British Fleet in this war have almost destroyed German shipping on every sea of the world. It has not done it entirely, but it has imposed upon Germany a strangling blockade. Therefore, far from being hidden or unused, the British Navy is playing the most vital part in the war today.

Mr. WHITE of Idaho. The gentleman has not heard of any operations against any German forts or the taking of any German land fortifications?

Mr. DARDEN. Naval forces are not constructed to operate against land fortifications except under very peculiar conditions. There has been no occasion in this war, as far as I know, to attempt to use the British Navy against the land fortifications of Germany.

Mr. WHITE of Idaho. In the last war they attempted to take Zeebrugge and failed.

Mr. DARDEN. No; they never attempted to take Zeebrugge and failed. What the British did there was to send an expedition to block the channel of Zeebrugge and make it inaccessible as a submarine base. In that operation they were partially successful and they materially damaged the base. They did not use against it any capital ships of a size sufficient to destroy the land batteries guarding it. It was a difficult operation carried out with old ships, and part of the old ships were left there to block the entry to the canal.

Mr. WHITE of Idaho. The gentleman knows the record of failure at Gallipoli in Turkey, does he not?

Mr. DARDEN. No; I am not acquainted with that failure. The attack at Gallipoli was an attack that, had it been backed with sufficient naval force, augmented by land forces, might have brought the war to an end some 18 months prior to its conclusion. It was a brilliant attempt, but it was not implemented with enough armed forces to make it successful.

Mr. WHITE of Idaho. You know they lost several of their biggest ships in that venture?

Mr. DARDEN. No; I do not know it. What ships did they lose at Gallipoli?

Mr. WHITE of Idaho. I cannot recall them, but was not the *Triumphant* one?

Mr. DARDEN. They used the *Queen Elizabeth* there, and it is true that several of the English ships were lost, but they were not the biggest English ships. The French and English submarines did great damage in the Sea of Marmora.

Mr. WHITE of Idaho. And does not the gentleman recall that when they attempted to impose sanctions on Italy and massed their fleet in the Mediterranean, for some reason, when they found out the Italians had a superior air force and had these mosquito fleets, they simply withdrew and abandoned their enterprise?

Mr. DARDEN. No; they never abandoned the enterprise at all. They shifted a major part of the British Fleet from Malta and concentrated it in Egypt, where it was more valuable as a weapon. The fleet did not abandon the operations in the Mediterranean. England withdrew before she went as far as she might have gone in reference to sanctions.

Mr. WHITE of Idaho. But she did not carry out her plan to keep Italy from attacking Ethiopia and imposing sanctions at the same time.

Mr. DARDEN. I cannot go into that matter now, as I have not the time.

Mr. WHITE of Idaho. We are talking about the use of a navy, and I think we are on a very important subject.

Mr. DARDEN. I have not much time, or I would be pleased to go into it further.

Mr. SUTPHIN. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from New Jersey.

Mr. SUTPHIN. In this program it is contemplated, is it not, that additional shipbuilding facilities will be authorized?

Mr. DARDEN. Yes; that is true.

Mr. SUTPHIN. Where are they to be located?

Mr. DARDEN. Ship facilities can be located wherever they are needed under the authority of the act of 1938, which authorized not only an increase in naval construction but also an increase in naval facilities. There was added to this bill, in section 5, I believe it is, an authorization for docks and yards at Portsmouth, N. H., at Philadelphia, Pa., and at Norfolk, Va. These additions are very much needed; and if the building docks are constructed at the three yards, they will not only be available for building but they will be available for repair and maintenance of the fleet after the construction program is completed. Naturally, I am particularly happy to see included this project for Norfolk. It will contribute much to a yard which I believe to be one of the finest in the world.

Mr. SUTPHIN. And if these building docks are completed, it will be possible to construct capital ships in those docks?

Mr. DARDEN. Yes; with the exception of Portsmouth, N. H., where submarine building is concentrated.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield.

Mr. GIFFORD. The gentleman probably would not recall my remarks last year that a $45,000,000,000 debt is not a good rampart for national defense.

Mr. DARDEN. I have no quarrel with the gentleman on that.

Mr. GIFFORD. But I want to suggest this to the gentleman from Idaho: There might be a way of paying for this that would not interfere with his objection to the bill, and I am not for the bill. I would suggest to him that somebody might offer an amendment that we take the silver bullion we have in the Treasury and coin it at 1.29.

Mr. DARDEN. I did not yield for any interchange of comment on silver.

Mr. GIFFORD. I simply want to compliment the gentleman——

Mr. DARDEN. I am not going to yield any further on silver or anything else that is not relevant to the pending measure.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield the gentleman from Virginia 5 additional minutes.

Mr. DARDEN. The gentleman from Ohio [Mr. JENKINS] earlier today touched on a matter that I think is very important, and I think, frankly, we ought to discuss it here. The limiting of this program does not represent actually a saving of money. We have materially cut the authorization; but, as the gentleman points out, we have also cut the time

limitation, so that while the bill started out with an authorization of $1,596,000,000, and while it ends up with $654,000,000, we have cut from it 3 years for the period of construction and limited the spending of that money to 2 years. Now, all of the money will not be spent, even if appropriated, within the 2 years, but we propose here that the ships be laid down in 2 years and the Government will be obligated for them and must, of course, pay for them. The actual expenditure of the money will probably go over a period of 3½ to 4 years.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman.

Mr. SMITH of Ohio. In connection with the gentleman's statement, is it not a fact that this program spends more in the 2-year period than would have been spent under the 5-year period?

Mr. DARDEN. No.

Mr. SMITH of Ohio. I beg the gentleman's pardon, but is not the difference $16,337,660?

Mr. DARDEN. It is, apparently; but here is the explanation of that situation:

If we should authorize all of these ships in a 5-year program, and they should be appropriated for, they would be laid down, and the Nation would be obligated. The gentleman is right, if he apportions the time as between 5 years and 2 years, and then reapportions the money; but that is not a fair test, because if they are authorized and appropriated for, they would be laid down. They would probably all be laid down in 3 or 3½ years, and the Nation would be obligated.

Mr. SMITH of Ohio. I wish to bring out the fact that there is no real saving. On the contrary, the average annual expenditure proposed under the 2-year program is about $8,000,000 more than under the 5-year program recommended by the Navy Department.

Mr. DARDEN. Oh, yes; I think there is a great saving, and I shall take a moment to answer that. Here is what we hope, those of us of the committee who have studied the matter. Our problem is now complicated by a war in the east and a war in Europe, but we hope that at the end of 2 years the picture will be much better; and, frankly, if things in the world are much better, we propose to materially scale down naval spending, but if we go forward now on a 5-year program we will be obligated to it, and we will not have that opportunity. I say to the gentleman, every single thing that could possibly be done was done by our committee in our attempt to reduce the costs involved in this authorization.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. Yes.

Mr. COLE of New York. Is it not an accurate statement that this bill as recommended by the committee represents a reduction in the original request of the total cost of approximately $900,000,000, as of today, if the bill is passed?

Mr. DARDEN. Yes; that is accurate. That is what it represents in potential savings, and that is what we hope we will be able to save actually if world conditions improve as we hope they will. At the same time we do not sacrifice any of our vital needs of today.

One minute more and I am through. I realize there is some question in the minds of Members here, with reference to the advisability of authorizing three additional carriers at a cost of $140,000,000. It is always difficult to know in military matters just what the value of a weapon is, and if we have erred, we have erred on the underside in this provision. The carrier tonnage is the only tonnage that we did not cut in this bill. After listening to the naval experts, we felt that it would be unsafe to attempt to cut the carrier tonnage. Our position is roughly this: We have today five carriers that are in service. They are the *Yorktown* and the *Enterprise*, two of the new ones, that have just joined the fleet. There is the *Ranger*, of fourteen-thousand-and-odd tons, and the old *Saratoga* and the *Lexington*. They are converted battle cruisers, battle cruisers that had been laid down when we entered the naval-limitation agreement of 1921. We took two of them and made carriers of them. We are building the *Wasp*. She will be delivered to the Navy within 2 or 3 months, as she is almost completed. And we laid down about 3 months ago the *Hornet*. These represent all we have in carriers. The British have eight carriers with their fleet now, and seven under construction. The Japanese fleet has six carriers, and so far as we can learn two more under construction. The other navies of the world have comparatively a small number of carriers. Our air problem is difficult in this. It is vital that we keep open the Panama Canal. Nothing would so damage us as the closing of the Canal, because it would leave us vulnerable on either one coast or the other.

We have a great naval force now that is undivided, and its strength and its value to the Nation lies largely in the fact that it can be transferred from one ocean to the other very rapidly and can be effective in either. A great part of the effectiveness and protection of the fleet lies in its carriers. The carriers that we have are capable of handling between 75 and 100 planes each. When we get through with these 3 carriers, for which we are asking, our carrier-plane strength will be about 500 planes, which is not a very large air force accompanying the fleet at sea. The carriers can be used in connection with our fleet, or they can render very fine service detached and made a part of a fast mobile wing operating in either one ocean or the other. We feel we need the 3 extra carriers. We felt it so strongly that the third carrier which was to be laid down 3 years from now we moved up in the program and made it a part of the 2-year program and decided to ask that all the carriers be laid down at once. They will be of material assistance to us not only in fleet operations but in guaranteeing the integrity of the Panama Canal. They will pay for themselves many times over if we are so unfortunate as to become involved in war by the service that they can render in scouting and in actual combat with the enemy. We carry scouting planes on many of our fighting ships, but the carriers are the only ships on which we can rely for fighting planes when the critical time comes at sea.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield.

Miss SUMNER of Illinois. Did I understand the gentleman to say that the Department recommended two carriers now and another one later, and the committee felt so strongly that they were needed at present that they recommended three at once?

Mr. DARDEN. The Department recommended three carriers as part of the 5-year program. When we started cutting the 5-year program we moved up one of the carriers to be certain that it was included in the 2-year program, because we thought, in comparison with the other ships contemplated, that that one carrier was most important. I believe the plans of the Navy contemplated the laying down of the third carrier at 2½ or 3 years. One of the things that troubled us was the dock capacities of the Nation. We have had to lay down a program with that in mind, because we have only so many facilities that are available for heavy ship construction.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield.

Mr. MAAS. And we found that that third carrier would be needed whether we went on with the program beyond the 2½-year program or not. All three carriers are needed for the present Navy?

Mr. DARDEN. Yes; we felt that very strongly. I believe that if the House had told us, "You can select one class of ship only," I believe the committee would have decided to abandon everything save these three carriers. I think the committee feels that this is a vital provision. Certainly I feel so. I think that these ships, the carriers, are vital to the success of our naval operations in either ocean. [Applause.]

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, while I do not infer from the statement of the gentleman from Georgia [Mr.

VINSON], chairman of the Naval Affairs Committee, that he intended to give the impression that any money saving had been made because his committee authorized $645,902,270 for a 2-year Navy building program instead of the $1,596,411,277 for a 5-year program, as recommended by the Navy Department, yet, as the gentleman from Ohio [Mr. JENKINS] pointed out, this might be interpreted as indicating a saving.

It should be clearly understood that not only is there no saving, but the average annual amount to be spent under this 2-year program is more than the average annual amount would have been under the 5-year program.

Under the 5-year program the average annual amount spent would have been $319,282,255. Under the 2-year program the average annual expenditure would be $327,451,135.

Thus, under the 2-year program proposed now, the average annual expenditure exceeds that of the 5-year plan by $8,168,880.

Considering the serious state of our national finances and our very sick economy, the question of appropriating this money for added naval expenditures cannot be categorically answered by merely referring to what this country might need. No one questions the desirability—yes; the absolute necessity—of a thoroughly adequate navy; but under the deplorable circumstances which presently attend our Nation this point may easily be overemphasized.

I am convinced in my own mind that unless something materially can be done to restore our Nation to a normal and healthy economy we shall have difficulty maintaining even the naval power we already have.

Every penny for this appropriation must be obtained by borrowing against the future, against the toil of our children. What a sad commentary it will be upon our generation for our children to learn that they will not have only their own peacetime defense to pay for but that of their parents and grandparents as well.

It would not be quite so bad if only the matter of national defense were involved, but to think that our generation cannot even earn its own livelihood but must ask its children and grandchildren to bear a large share of this burden is anything but pleasant to think of.

Mr. MAAS. Mr. Chairman, I yield 13 minutes to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. Mr. Chairman, this bill, H. R. 8026, authorizing an increase in the naval strength of the United States, should receive the unanimous support of this House. It is presented to you by our Committee on Naval Affairs after extensive hearings and a very careful examination of the Navy Department's expansion recommendation in the light of world conditions.

When we began our hearings on January 8, the committee had H. R. 7665 before it. That bill embodied the Department's recommendation. Without hysteria and without any partisan considerations, we proceeded to examine it. Every member had only one thought in mind: to determine the essentials for an adequate national defense for our people so that this country may continue to enjoy safety and security at a minimum of expense. This bill now before the House embodies those essentials and no more.

As the hearings on H. R. 7665 progressed, it became apparent that the naval-expansion program recommended by the Department for authorization at this time would not be warranted. It would commit the people to a 6-year long-range program costing $1,596,411,277. Such a commitment would be unwise. No one can foresee what the future world developments will be, and no one can predict what technical naval developments may make certain types of vessels more effective than other types. Considering the present condition of our National Budget, with a public debt of almost $45,000,000,000, it certainly would be unwise to authorize a program involving an expenditure of over $1,596,000,000.

If we had accepted the Department's recommendation, the Committee on Naval Affairs would have divested itself of any necessity of examining the requirements of the Navy for many years to come. We would simply be turning over to the President and the Navy Department virtually blanket authority to run the Navy as they saw fit. In my judgment, it was a most extraordinary recommendation; and, I am frank to say, I am somewhat at a loss to understand exactly why it was made.

By the act of 1934 an increase in the Navy to the treaty limits was authorized. Superimposed on that was a still further increase of 20 percent authorized by the act of 1938. This year the President and the Navy Department asked for another increase of 25 percent. But the important part of the recommendation was not simply the extensive increase, but the fact that under the terms of the bill the President would be given full discretion in determining what types of vessels may be constructed out of the total tonnage authorized. Instead of the Congress deciding how many destroyers or how many submarines we should have, leaving it to the naval experts to show the need, for some unknown reason it was proposed that we give the President the power to decide that without the necessity of consulting Congress.

Not only that. It was also proposed under the terms of the original bill that a blanket authorization be made for the expenditure of whatever sums the President and the Department saw fit for "equipment and facilities at navy yards for building any ship or ships" that have already been authorized or may at some future date be authorized. It had no limit. It amounted to saying, "You go ahead and place equipment you deem essential at whatever navy yard you please." At no time would the Department be obliged to explain to the Naval Affairs Committee why it needed certain facilities or equipment at certain yards. At no time would the Navy be obliged to ask Congress for authorization of the proposed facilities.

As I have previously indicated, what the President and the Navy Department recommended under the terms of H. R. 7665 was, in effect, the abolishment of the Committee on Naval Affairs and permission to run the Navy exactly as they saw fit. That is an unwise policy. It is not only unwise—it is extremely dangerous. It is inimical to democracy, and I will never be able to understand why the recommendation was made.

I do not question the patriotism and the loyalty of our naval officers. Nowhere will be found a finer, more intelligent, and more patriotic group of men. But the time has long since arrived when those who serve in the executive branch of the Government, whether in old-established departments or in these new agencies, must be made to realize this Government belongs to the people. For the people, who elect us to office, Congress must retain its control and make the decisions on policies. It is for the Executive to recommend and for Congress to decide. If we delegate away our power of decision, we will have betrayed the people's trust, and in due course representative government in the United States will cease to exist, as it has in other countries of the world.

I certainly could never have approved the President's and the Department's recommendation as embodied in H. R. 7665, and I made my position very clear in that respect at the outset of the hearings. Our Committee on Naval Affairs could not see the wisdom nor the necessity of vesting blanket discretion in the President in a long-range expansion program. And on January 18 our able chairman, the gentleman from Georgia [Mr. VINSON], introduced H. R. 8026, which is the bill before the House today in an amended form.

This bill has eliminated the broad grants of discretion requested by the President and the Department. It has narrowed the 6-year expansion program to a 2-year program. The cost has been reduced from $1,596,411,277 to $654,902,270. In reporting this bill in this amended form our committee is recommending authorization of only that which the Navy Department has shown to be essential for our defense and that which the Department can construct in 2 years. We could not see the wisdom nor the necessity of authorizing construction which could not possibly be undertaken and completed in less than 6 years, particularly when the Congress is in session every year and the committee can again consider any further authorizations that may, in the light of events, prove necessary.

I am really proud of my Committee on Naval Affairs for the work it has done on this legislation. And I think you may be reasonably sure our committee will not report out the other unusual recommendation made by the Secretary of the Navy to give the President during a so-called national emergency the same powers as he would have in time of war. The recommended bill, as you know, would have enabled the President by proclamation to commandeer all our factories and materials. Under the terms of that proposal, the President would control our entire industrial machinery in peacetime in the same manner as he serves as Commander in Chief of the Army and Navy. The proposal had possibilities of completely destroying democracy. When questioned before our committee concerning this recommendation, the Secretary said:

I just made a mistake in making it. It is as simple as that.

I do not know from what source that recommendation originated. Nor do I understand how anyone could fail to see its implications. Had not our people been vigilant and had not their representatives in Congress expressed their opposition to the recommendation, the Secretary's mistake may have proved costly to this democracy. But let our experience with this matter be evidence abundant of the need for constant vigilance that our liberties may be secure.

During these last 7 years it has become a common practice to recommend legislation delegating broad powers to the President and the departments of the Government. It has become a routine matter, so routine, in fact, that a Cabinet officer proceeds to suggest giving the President wartime powers over industry in peacetime without even so much as noting its implications.

Our Committee on Naval Affairs has set an example. I am proud of it. It completely ignored the Secretary of the Navy's "national emergency Presidential power" recommendation and has completely revised the naval-expansion program so as to eliminate the broad grants of discretion. We are authorizing only that which is essential.

It is my conviction our people desire to keep out of foreign wars and at the same time establish a strong national defense. This bill is essential for our defense, and I hope it will receive unanimous approval.

This bill follows the principle I have and will always advocate: "Millions for defense but not one cent for foreign aggression."

[Applause.]

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I am glad to note in section 3 of this bill for national defense a provision with reference to lighter-than-air craft, and I wish to address my brief remarks to that subject.

There is some conflict of opinion with reference to the function of an airship, yet I think there are certain purposes to which it is adapted and for which it is designed which can lead to no difference of opinion.

We have a very extensive coast line in our country, a coast line that in time of war needs practical and profitable defense. It is generally recognized that as a reconnaissance or scouting vessel the dirigible has certain advantages over all other craft of the air. It alone can hover and keep a definite place in the sky. It can attain heights which will enable it to spot submarines under the water. By such armament as dirigibles themselves may carry, or by such information as they can communicate to the vessels of attack, they can be instrumental in the destruction of submarines that may invest our shores.

The present bill calls for the addition of only four of these small implements of defense to our present facilities in that regard.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield briefly.

Mr. WHITE of Idaho. The current newspaper account is that we are sending airplanes that will make 400 miles an hour to the Allies. What defense would one of these airships have against an airplane of that type?

Mr. LANHAM. For the present I am speaking simply with reference to our coastal defense, if there should be an invasion by submarines, and not with reference to sending airships out to sea. We certainly would have plenty of airplanes on our shores to give them the necessary protection while they carried on their work of scouting for submarines.

Mr. SUTPHIN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. SUTPHIN. I want to say to my friend that at the present time the eight lighter-than-air craft that we have are in use on the neutrality patrol flying over the sea every day.

Mr. LANHAM. I thank the gentleman for this contribution. I am sure that for many years we have all observed this commercial Goodyear blimp in the sky over Washington. The Goodyear Co., with six of these blimps, has flown millions of miles, with perhaps half a million passengers, and they have not injured one so much as by the scratch of a finger. We have a very great opportunity in this country of which we have not taken due advantage. This opportunity is afforded us by reason of the fact that we have relatively a world monopoly of the supply of helium, which is the one element that makes practical and feasible the operation of these lighter-than-air ships. Unfortunately, we have wasted enough helium in this country to have lasted us for a century in the maximum operation of dirigibles. We have become more interested in recent years in its conservation. Providence has blessed us in giving us a bountiful store of this invaluable asset.

There are many other functions of the helium-filled dirigible needless to discuss at this time. It is true we have had some accidents with the dirigibles we have had heretofore, but those accidents are easily accounted for and have been explained by that outstanding airman of our country in the lighter-than-air field, Commander C. E. Rosendahl.

In view of the fact that this bill comes from the Committee on Naval Affairs, I think it well at this time to repeat a suggestion I have made heretofore, that the personnel assigned to the operation of these dirigibles should be kept in this field of endeavor. [Applause.] They should not be shifted about from one post to another. Their technical training should not be interrupted.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. MAAS. I think the gentleman is making a most valuable contribution to this subject; and I will say that during the hearings the committee itself took this matter up and asked the Secretary of the Navy if he would not look into it. He is now directing that a study be made of that particular subject. I am glad the gentleman has contributed that thought.

Mr. LANHAM. I am very glad, indeed, to have that information. Such a course is necessary for efficient operation.

Now, let me call attention to another thing. We have been stressing recently the importance of the solidarity of the countries of the Western Hemisphere for the peace of the world. This is most essential. It behooves us in carrying out the good-neighbor policy to do all we can to strengthen and promote the harmonious relationship between the United States and the countries of Central and South America, as well as our neighbor to the south. For a great many years the German nation sent its dirigibles across the Atlantic to Rio de Janeiro, Brazil. It is surprising in view of the fact that they did not have this noninflammable element, helium, that they could carry on so long and so successfully with dirigibles filled with an explosive gas. The people of Brazil were so fascinated by and infatuated with the daring and the novelty of this lighter-than-air transportation in its transoceanic route that they constructed in the city of Rio de Janeiro an enormous hangar to house the dirigibles coming from over the sea.

What an opportunity we have as the sole possessors of helium in sufficient volume to carry on successfully to pro-

mote this friendly spirit and to send these dirigibles down to Central and South America on missions of neighborly good will. And I am hoping and believing that the day will come when commercially we shall be able to have larger vessels of the air that will supersede the traffic that was formerly carried by Germany. Let us use lighter-than-air aviation for promoting our commerce as we promote the good-neighbor policy. We have not been alive to our opportunities with reference to this wonderful God-given element that we possess and control so exclusively. The other nations of the earth have been seeking for it, but seeking in vain. Let us conserve it; let us use it as occasion may require for purposes to which it is adapted; let us devote it to the causes of peace and of friendly commercial enterprise and to the defense of this Nation of ours if any abroad should ever be so bold as to dare to interpose to force their will upon the intrepid souls who inhabit this land of ours, which has been, is now, and we hope will always be the land of the free and the home of the brave. [Applause.]

[Here the gavel fell.]

Mr. COLE of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, as I have listened to this debate I have been impressed, as I am sure all Members must have been, with the absence of any substantial opposition to this bill. I regard this as no inconsiderable compliment to the Naval Affairs Committee, of which it is my privilege to be a member, and particularly I regard it as a compliment to the distinguished chairman of our committee, the gentleman from Georgia, Mr. VINSON. [Applause.]

This bill (H. R. 8026) to establish the composition of the United States Navy, has been so thoroughly and so well discussed, and from almost every angle, that I have no desire here to go into a detailed argument on it. I think the debate thus far has shown that to be unncessary. It seems to me the House is to be congratulated on the very thorough, sensible, and entirely nonpartisan manner in which the Members have approached the problem involved in this bill. A number of things have been brought out in the debate today which I believe will prove to be of benefit not only to the Congress but to the whole country. For example, the figures and facts which have been given as to the present size of the Navy and as to what kind of a Navy we shall have when the full strength authorized by this bill is attained, I think will clear up a number of questions that have been bothering many of the people of this country for a long while.

Mr. Chairman, because there has been so much misunderstanding on this point in some quarters, I am going to take the time here to repeat the facts relative to the strength of the Navy in ships and in tonnage—I mean the strength that our Navy will have when the building program authorized by the pending bill is completed. We shall have in our Navy when all ships authorized under this bill and under previous law have been built, 18 battleships, 11 aircraft carriers, 48 cruisers, 139 destroyers, and 73 submarines, making a total of 289 under-age naval vessels. The actual increase over our present strength provided for in this bill is 3 carriers, 5 cruisers, and 6 submarines. This bill provides for no increase in the number of battleships or destroyers. It provides also for an increase in the naval air force of 1,011 planes—an increase of about 25 percent.

This, of course, will be a large navy, but even when it is entirely completed it will still not be as large, compared with those of other countries, as the Navy which was contemplated by the 1922 arms limitation treaty. I think that is an important fact which should not be lost sight of. At that time, with the view of achieving ultimate disarmament, and insofar as the other powers of the world would agree to any disarmament program, it was agreed upon by all the naval powers that for the purpose of adequate defense—a ratio in naval strength of 5–5–3 between Great Britain, the United States, and Japan was a proper ratio, and that if this ratio were maintained each of these nations would have a navy adequate for defense, but at the same time inadequate for carrying on an aggressive war against the other.

All of the naval powers of the world agreed to that. Japan agreed, England agreed, and all the other countries, including France and Italy. Each agreed to accept the ratio voluntarily agreed to and to maintain that ratio and not to exceed it. In order to bring ourselves down to that ratio, for we were then above it, we actually destroyed a great many of our valuable warships. We allowed other nations which were not then up to that treaty ratio to build more ships in order to come up to it. The other nations destroyed nothing but blueprints, while we actually destroyed battleships and cruisers. We were at that time, as I say, up to the 5–5–3 ratio, and we should have remained there. But we did not. Instead of remaining at the ratio by replacing our ships as they became obsolete we ceased almost entirely to build any naval craft whatever, and it was only a very few years ago that we resumed our naval-building program. We were literally forced in self-defense to resume it, because when the treaty expired Japan refused to renew it, and every nation except the United States had entered upon an unlimited building program.

When this bill is passed and when the strength of the Navy is brought up to the authorized strength contemplated in this bill, we will have, as I say, a large Navy, but even then the Navy will be smaller in relative strength than that called for under the 5–5–3 treaty.

Mr. MAGNUSON. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Washington.

Mr. MAGNUSON. May I point out to the members of the committee that part of this bill calls for the construction of auxiliary ships?

Mr. MOTT. That is true. The auxiliary ship construction must necessarily keep pace with the fleet, but I have confined my remarks thus far to combatant ships.

Mr. MAGNUSON. To the extent of about 183,000 tons. We are sadly lacking in those ships. We have built up fighting ships but have failed to build auxiliary ships.

Mr. MOTT. That in brief is the status of the Navy as contemplated in this bill. Now, when this program is completed, I want to emphasize the fact that we will still have a Navy that is entirely defensive. We will not have a Navy that is to be used for offensive purposes or which, according to the testimony of the naval experts who appeared before the committee, that can be used for offensive purposes. We will have a Navy which should enable us successfuly to defend our own country if we should ever be called upon to defend it, but we will not have a Navy large enough or strong enough to enable us to carry on an offensive war against any major naval power.

Now, there have been two or three questions asked here, and in good faith. They have not been asked so much on the floor of the House, but I have heard them asked elsewhere repeatedly. I know those questions are being asked by the sincere and well-meaning people all over the country. One of the questions is, What is the Navy for? What do we intend to use it for? Do we intend to use this Navy to carry out a policy of power politics? Do we intend to use it as an instrument of aggression? My correspondence from my own State is replete with questions of that kind, and they ought to be frankly answered.

Let me say that it has never been the intention of the Naval Affairs Committee, nor of the Congress, nor, as far as I know, of anyone in the Navy Department to create or maintain a Navy for the purpose of enabling the United States to carry out a policy of aggression. I do not think a proposal has ever been made to the Congress in our whole history which, if enacted into law, would have given us an aggressive Navy, or one with which we could have gone out and carried on a conquest against another power or a combination of powers. That has never been the policy of the people of the United States nor of their Representatives in Congress.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is it not a fact that in the last war we did use aggressive tactics? Did we not send Dewey down into Manila to conquer that country?

Mr. MOTT. We did take the Philippine Islands. Their acquisition by the United States was a part of the treaty with Spain. I have always thought it was a mistake. I have always thought that mistake should be corrected. I advocated giving back the Philippine Islands long before that proposal was ever made in Congress. I am glad our people have at last seen their mistake and that the Congress has now taken the necessary steps to correct it. The Philippine incident, of course, happened in another generation. I am speaking now of the present.

Mr. WHITE of Idaho. That was the last war we were in?

Mr. MOTT. No; we were in the World War since then. But, as I say, that happened a long time ago. If we had any aggressive or imperialistic ideas at that time, I think everyone will agree that we have long since abandoned them and that we have no aggressive policies now. We do not want to take the territory of any other country in the world. But we do want to be sure that no other power shall take any of our own territory or threaten in any way our own territorial integrity. And the main function of our Navy is to see to it that no other power or combination of powers shall ever do that.

Another question which has been asked in all seriousness is, Who are we going to fight and who is likely to attack the United States? Well, of course, if we were able to give a direct, categorical answer to that question, then the problem of national defense would be very easy to solve. Then we would know exactly how to protect ourselves. We would know precisely what size of Navy we needed. We would know exactly what kind of an Army was required. But, unfortunately, we cannot tell that. No other nation can tell it at the present time. No country has ever been able to predict in the whole history of the world just who was going to attack it, nor when.

Who could have foretold a few years ago that Italy was going to invade Ethiopia and, later, Albania? Who could have prophesied that Japan intended to overrun China or that Russia would invade little Finland? Those are things which cannot be foretold. We only know that the experience of history teaches us that about once in every other generation the United States has become involved in a war, not because we wanted war but because we could not help ourselves. That has been the case also with every other nation in the world. History has also proven to us that the only real guaranty against invasion that any nation has ever had has been an adequate defense, and by that I mean an adequate naval and military establishment.

Everyone knows why Germany attacked France in 1914. It was because France was not properly prepared at that time to defend herself. If Germany had thought that France was properly prepared, and if France had been properly prepared, Germany would not have attacked France at that time. Every student of history and of military affairs knows that.

[Here the gavel fell.]

Mr. COLE of New York. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MOTT. France learned her lesson since the World War and she has managed to get herself in proper shape for defense. Her defense consists of the building of the Maginot line and the creation of probably the finest army in the world. And what was the result, so far as the invasion of France was concerned? With that defense Germany never in the world would have attacked France in this war. France and England, it is true, conceived it to be their duty last fall to declare war against Germany, but Germany of her own volition would not have attacked France because she knew she could not successfully invade France in the year 1940 as she did in 1914. No country properly defended can be the victim of aggression. Any country undefended may be such a victim.

There are two principal reasons for having a navy. The first and the most essential one is to preserve the peace. It is just common sense to realize that no power or combination of powers will incur the sacrifice and the expense of attempting to invade the United States if that power or combination of powers knows that the United States has a navy strong enough to keep an invading force away from the shores of the United States or away from the shores of the western continent. As long as we have such a navy, I believe we will be reasonably safe from invasion. Without such a navy we are incurring a risk which we have no right to incur.

But suppose, after all, and with all of our preparation, another nation or a combination of nations should be so unwise as to decide to attack this country for any one of the purposes for which aggressor nations do attack. One of such purposes would be, of course, to obtain additional territory on the western continent, territory which they could exploit and which would furnish them with markets. That has always been one of the purposes of conquest, and recent history shows that it is becoming increasingly so. If they should be so unwise as to attack the United States, even though we are prepared, then the second reason for having a navy becomes obvious. Our Navy then becomes an instrument which will destroy the enemy navy and keep the attempted invasion of the United States or of the Western Hemisphere from becoming a success. I include the Western Hemisphere, because the safety of that hemisphere is an essential part of the security of the United States itself.

Mr. HAWKS. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Wisconsin.

Mr. HAWKS. As a member of the committee, and after listening to the chairman of the committee, the question arises in my mind as to the numerical strength of the Navy at the completion of this program. Does the gentleman know what that will be?

Mr. MOTT. It will be a little less than 5–5–3.

Mr. HAWKS. No; I mean the personnel of our own Navy, the number of men, the number of sailors.

Mr. MOTT. I could not tell the gentleman offhand without consulting the figures, the exact number of additional sailors or the total personnel which will be required for the increase provided in this bill, but it will have to be sufficient to man the increased number of naval vessels. The exact figures on this point are in the testimony and are included as a part of the printed hearings.

Mr. HAWKS. Would the manning of the vessels be up to wartime strength?

Mr. MOTT. The manning of vessels in peacetime is not with a wartime complement. It is considerably under that. The suggestion has been made that, for the purpose of training, a personnel approximating wartime strength should be used on the ships, but that has never been done to date. In an emergency the personnel would be brought up to wartime strength through employment of the Naval Reserve and through enlistments.

Mr. HAWKS. Does the committee have the figures on the personnel?

Mr. MOTT. The committee does have the figures and the gentleman will find them in the printed hearings.

These are the sole purposes of the Navy. Everyone should be able to agree that it is desirable to have a Naval Establishment strong enough to prevent war insofar as it is possible to prevent war at all, and strong enough, in event war should come, to bring the war to a successful and a speedy conclusion. That is all the Naval Affairs Committee has tried to do in presenting this bill and in asking for its favorable consideration. I believe it will pass with practically no opposition. all that the people of the United States want.

I repeat that it is a compliment to everyone concerned that this bill, as it is now presented, comes in with so little opposition. I believe it will pass with practically no opposition. Its enactment will give the United States at least an adequate defensive Navy; and that, in my opinion, is the best, the cheapest, and the surest guaranty against war. [Applause.]

[Here the gavel fell.]

Mr. COLE of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Chairman, in common with other members of the Committee on Naval Affairs, I believe it might be well for me to say a word, as it would for the other members of the committee, in respect to one of the most important pieces of legislation we have before us this year. Of course, we all understand the conditions which are world-

wide today and require us to give attention to our defense program. I do not know of any other committee of the House that has given more time and more serious thought and consideration to the work before it than the Committee on Naval Affairs of the House has given over the last 4 years.

We must always keep in mind that the real reason we, as representatives of this committee, are today recommending this program of expansion of our naval facilities is that over a period of nearly 20 years we have absolutely neglected building up the naval defenses of the United States. Not a battleship has been commissioned since 1923. In 1922 we had the so-called Washington Conference, at which the representatives of the great naval powers of the world were seated around the table trying to find some way by which we could bring about disarmament among the naval powers in order to stop the ruination and chaos which would surely have followed in the wake of the tremendous programs then going on among those naval powers. As a result of this conference the United States scrapped 28 battleships on which the American people had already spent over $180,000,000. We were actuated by a spirit of good will and a spirit of better understanding. That was the purpose for which the conference was called, and a great good came out of it.

Shortly thereafter one of the nations began to expand its cruiser facilities. This necessitated later the calling of the so-called London Naval Conference of 1930, which put a limitation upon all types of combatant ships. Everything went along pretty well until 1936, when we found that one of the signatories to the agreement withdrew altogether and gave notice that it would be no longer a party to the 1922 or the 1930 agreements. The result was that other parties to the agreement withdrew, and all of them except the United States embarked on a program of naval expansion. We then had to give consideration to the question of expanding our own naval facilities. There was nothing else the United States could do because, after all, we in the United States have twice the coast line to defend than has any other nation in the world.

If we are to be able to defend adequately the coast line of the United States, which as I have stated is twice as long as any other defense coast line of any other nation in the world, then it is time for us to get busy and build the Navy of the United States up to a standard which will bring about adequate defense of the continent and also our insular possessions. So we are here today for the second time in a period of 3 years advocating and asking you to authorize a further expansion of our naval facilities 10 percent above the present authorized strength of the Navy. In 1938 we authorized an increase of 20 percent over the then prevailing strength of the Navy of the country. We believe that the committee has done a very exceptional job. Those of us who have given a good deal of time to a study of the bill know that the original bill called for an expenditure of $1,100,000,000 for combatant ships. After a most careful study and after listening for many, many days, running into weeks, to the naval experts and others who are interested, we brought the bill down from $1,100,000,000 to $550,000,000 for combatant ships, and as a result of further study we now have it down to less than $400,000,000 for combatant ships. We have gone from a 5-year program down to a 2-year program with the sole objective in mind of holding a check on the naval authorizations and, necessarily, the expenditures for naval purposes which will naturally follow this bill.

We are all mindful, of course, that a program of this kind is going to cost a lot of money. We well understand the financial condition in which the country finds itself at the present time, but we have made up our minds that in view of the uncertainty that is existing throughout the world today, that in order to adequately defend our possessions and this great democracy of ours we must support this bill and recommend it for passage to the Members of the House.

As a member of the committee I have given a great deal of thought and study to it, along with other members of the committee, and I want to compliment the very excellent and patient chairman we have who has been so tolerant of our critical analyses of some parts of the bill, and who has borne with us. We feel today that we are recommending a bill that will stand the test of criticism, and in conjunction with other members of the committee I trust it will pass this House. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania, Mr. FADDIS.

Mr. FADDIS. Mr. Chairman, this bill has been so thoroughly discussed from a technical viewpoint by the members of the committee and so ably presented to the House by the members of the committee that I feel that I can add nothing of value which is strictly pertaining to the bill. I particularly want to congratulate the members of the committee on the intimate acquaintanceship they have shown with all the details contained in the bill and also their intimate knowledge connected with the naval operations in which this country has engaged throughout the past 50 or 60 years. Mr. Chairman, I want to touch upon a subject today which has to do with our position in the world as a whole, and I want to state at the outset that I do not wish my remarks to be construed as any argument for a policy of imperialism. I am not advocating any policy of imperialism, but I merely want to call the attention of the committee and the country as a whole some of the facts connected with our commerce in the Far East. I do so with considerable hesitation and wish it to be distinctly understood that the ideas I express are my own and that they do not insofar as I know represent the ideas of any other individual or of any department, bureau, or organization connected with our Government. I make them solely upon my own individual responsibility as a Member of Congress and in accordance with what I believe to be my duty as a public official.

Our naval policy, is, of course, regulated by the demands, either actual or potential, which it may be called upon to meet. We do not desire a navy to further any imperialistic policy, but at the same time, we must have one sufficiently powerful to protect our economic and social interests if, when, or where the need may arise. No one can say for certain when the need may arise or that it will ever arise. Neither can anyone say for certain that the need will not arise.

During the consideration of the recent naval-appropriation bill and the question of the proposed harbor improvements on the island of Guam, it seemed to me as though there was some misunderstanding regarding the importance of our commerce with the Far East, and the large percent of our strategic materials which we secure from this quarter of the globe.

Of 20 strategic raw materials, necessary to our industrial and commercial life in time of peace and essential to our national defense in time of war, our principal source of 8 of them is from the Far East. These raw materials come from an area which embraces southern Japan, southern China, Siam, Burma, eastern India, the Malay Peninsula, Sumatra, Java, western New Guinea, the Celebes, and the Philippine Islands. This area normally produces 100 percent of the world's supply of manila fiber, 95 percent of the rubber, 95 percent of the quinine, 80 percent of the silk, 75 percent of the mica, 70 percent of the tin, 60 percent of the tungsten, and 30 percent of the antimony. The United States normally consumes 30 percent of this manila fiber, or 30 percent of the world's supply; 60 percent of this rubber, or 59 percent of the world's supply; 25 percent of this quinine, 75 percent of this silk, 30 percent of this mica, 45 percent of this tin, 30 percent of this tungsten supply, and 50 percent of this antimony. The above, let me repeat, is the proportion of our supply of these strategic and essential materials which comes from this sector of the world alone.

From the foregoing it can easily be seen that one of our most important commercial life lines stretches to the Far East. If this life line should be permanently cut, or its operation interrupted for even 6 months, our economic system would be seriously disrupted. Rubber and tin are the mainstays of two of our most important industries and there is no substitute for either of them.

Our automobile industry depends upon both of these commodities for its existence. We must have rubber for tires and

tin for bearings. Besides there are many other uses in automobiles for both of these materials. Can you imagine the state of affairs in this Nation if we could not procure rubber? Millions of people would be thrown out of employment by the shut-down of the industry and the allied industries which lean on it for support. Without the automobile our transportation systems would be so overloaded as to be unable to care for the demands made upon them. Our airplanes would be unable to operate. The use of thousands of domestic and personal articles made of rubber would cease. Commerce would be paralyzed. The use of cotton in fabric for tires and upholstering for automobiles would be seriously curtailed. The disastrous effects, which would result from the cutting off or curtailing of our supply of rubber are too numerous to mention.

Now, as to tin. I need not recount the various uses for the products of our mills which produce tin plate. They also are too numerous to mention. Many thousands of workers live from the proceeds of this industry. Let us consider the magnitude of our canning industry and what its interruption for only 1 year would mean to every rural section of this Nation. Thousands of farmers and their help would be deprived of an income. Fruit and vegetables in quantities beyond belief would spoil and decay. Millions of people would suffer from hunger. Our social and economic system would be thrown into a state of chaos if we were deprived of either rubber or tin. We would plunge at once into the abyss of a depression, the like of which we have never experienced.

Now I realize that there are many interests in this Nation which believe that we should pull out of the east entirely. They are too often influenced by purely local or temporary considerations and do not look at the broad viewpoint or the long-range program. Of course there are those who believe in isolation and make light of the importance of our foreign trade. They are our timid souls who fear involvement in war if we undertake to protect our trade. Then there are those who object to the competition of certain products from the Philippine Islands. These two forces are insistent upon our withdrawal from the east and oppose the proposed improvement to our island of Guam. They fear any attempt to strengthen Guam may be a prelude to retaining control of the Philippines.

They give as their reasons for opposing any improvements on Guam that it may offend the Japanese and that it would be of no value, since it is situated so near to the Japanese mandated islands. Now, both of these objections are farfetched. In the first place, Guam is our territory. We are perfectly within our rights in doing as we please with it. If Japan has no intention of interfering with our commerce or commercial rights in the east, she should not resent such action upon our part. Even if we should convert the island into a Singapore, it is no threat to her. Fortifications are not offensive weapons. They are fixed and placed and cannot be used for invasion. They are strictly nonaggressive weapons. We have never objected to the Japanese fortifying any of their territory and if they have an easy conscience, they cannot object to similar actions on our part. Are we a Nation of men or a Nation of mice? Our consideration for our national interests should be the only consideration.

Now, as to the argument that any attempt to strengthen Guam would be foolish because of its position and distance from our shores. Such argument presupposes that amateur strategists know more about such matters than the experts who have recommended the move. Guam lies directly on our route to this section of the world from which we draw our rubber and tin.

It is the duty of the Navy to protect our national interests wherever they may appear. If protection in the Far East should be necessary, we will expect it to be capable of operating in that vicinity. If we are to expect it to operate successfully in the east, we must give it every possible assistance to do so.

It is all very well to say that we have had no trouble in that quarter of the globe so far, and that we may never have. That is true, but also we may have. If we prepare for trouble and do not have it, we will have lost money. If we have trouble and are not prepared for it, we shall have lost our trade. So far in our history the British Navy has policed this area. That has been our protection, but there is no assurance that such a state of affairs will continue. In fact, there are many indications that it will not. Such a flar-flung and heterogeneous empire as the British Empire must in time break up. It seems very likely that this will occur soon, regardless of the outcome of the present war. There is also a grave doubt regarding the outcome of the present war. We hope it will terminate favorably for the British and their allies, but as to that no one can say. If it does not, we must not be caught in a defenseless position. We must be prepared to protect our commerce.

Now, let us look at some of the influences which may disturb the present state of affairs in the Far East. The Dutch East Indies are insecurely held by Holland. They have been protected by the British Navy for the last century. They are rich in oil, rubber, tin, and many other valuable commodities. Two great nations, Japan and Russia, both of which have imperialistic designs upon any territory which they believe they can acquire by conquest, have their eyes upon southern Asia. They have long been antagonistic toward each other, but with the passing of the years and the intervention of a mutual friend, Germany, have been drawn closer together. These three nations are ambitious to control the commerce of the world. They are endeavoring to bring about a situation wherein no nation can either buy or sell in any of the markets of the world without paying tribute to one of them. They each plan to effect an internal economic, social, and political set-up which will produce commodities for the markets of the world at a price so low that it will not produce enough profit to permit the purchase of raw materials in the world's market at the world price. In order to make this plan a success they must therefore own the sources of the raw material and enslave the population of these regions in order to make them produce the raw materials for nothing. If this plan succeeds, the standard of living of the democratic nations will be driven down to rock bottom and the wages of their workingmen to the level of those of the peon and the coolie.

Japan must pull out of China. The conquest has not brought in enough revenue to justify the expense and her economic system cannot stand the strain. It is becoming more and more doubtful, every day, if even a long-range program of exploitation of China will be profitable. Soaring prices are beginning to have an undesirable effect on her already underfed and undernourished population. This is beginning to bring dangerous thoughts into the minds of the masses. These thoughts, if they continue to multiply, will bring disaster to the military party, which is not going to willingly surrender its power. Japan must do something to retrieve her failing fortunes and prevent dangerous inflation of her currency. She is preparing to pull out of the interior of China but will probably hold the main ports to collect customs until the Chinese become strong enough to drive her out entirely. This they cannot do until they build a navy or have foreign assistance.

In order to recuperate, Japan must turn her eyes to fields of easier and more remunerative conquest. She must have not only markets but supplies of raw materials which will bring in cash—gold. The yen is inflated to the limit. It must be reinforced. She is badly in need of modern fuel—gasoline and oil. Where, now, can Japan the most easily secure this fuel and the commodities which she can sell for cash? In Mexico, South America, or Central America? Obviously not. The Monroe Doctrine forbids. Which nation possesses the most of the much desired gold? The United States, of course. What are the commodities which we lack, and which we need the most? Tin and rubber. Where can they be obtained? In the Dutch East Indies. Is there anything standing between her and her desire? At the present time nothing very substantial—unless it be forces from this hemisphere—the British Navy is busy in Europe.

Another force is also looking to this quarter of the globe. Russia has long looked with greedy eyes to the warmer lands under the British flag to the south of Siberia. Here they

could produce cotton, silk, rubber, tropical fruits, and almost everything needed to make the Soviet Empire self-sufficient. Stalin yearns for the collapse of the British Empire, in order that he may dominate Asia. The Khyber Pass may yet be forced. We must not get the idea that the world is static. It is not. Dynamic forces are on the march. From time immemorial, ceaseless demands have been made for a redistribution of the resources of the world, under the threat of war. Nations have risen and fallen. Cycle after cycle has been completed.

I believe that the totalitarian nations, Germany, Russia, and Japan, have agreed upon a division of what they consider the readily available desirable territory of the world. Germany is to have Denmark, middle and southern Europe; Russia is to have British India, Siam, French Indochina, and the Malay Peninsula; Japan is to have Manchukuo, the ports of China, and all the islands to the east and southeast of Asia.

In case these events take place, we will be in a position where we will be unable to sell a bale of cotton, a bar of steel, a bushel of wheat, a yard of cloth, a pound of lard or any other commodity in any market controlled by any of these nations without paying tribute to them. Worse yet, we will be forced to pay them their own price for those commodities over which they have control, many of which are essential to our economic existence. Where, then, will our commerce be? Where will our standard of living be? Where will western civilization, democracy, and Christianity be? Where will the United States of America be? [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield now to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I favor the building of an adequate Navy and also the authorization carried in this bill for additions to our Navy. We are dependent, as is a diver, upon our life line, as the gentleman from Pennsylvania [Mr. FADDIS] just pointed out, and there are some vitally necessary supplies which we must yet obtain from overseas.

It may appear strange that one like myself from so far into the interior of the country would take a special interest in naval bills. I do this not only because I am concerned, as is every other Member, with the problem of national defense, and wish to place our first line of defense far out at sea so that no enemy may ever set foot on our soil, but I also want to maintain those vital connections with the other countries of the world for our strategic and indispensable supplies. So long as there are indispensable supplies which we cannot produce ourselves and must get from distant countries, just so long will that fact be a determining factor in the size and strength of our Navy.

In my judgment, the committee has done well to reduce this bill in all items but one, for in these critical times we must build adequately, and yet in these days of great indebtedness we must not overbuild. Of course, we must not let ourselves be cut off from such supplies as rubber and tin. However, if I had my way, we would develop our own supplies of every kind of strategic material which it is at all possible and feasible to produce at home.

Take, for instance, such a strategic material as manganese, which is absolutely necessary for us both in wartime and in peace. The record will show that I have worked earnestly to provide for the necessary stock pile of these strategic minerals, even though the emergency required us to procure them from abroad. But I have been just as anxious to develop our own production as fast as possible. Let me remind the Members that it was in a naval bill passed in 1937 when the first successful effort was made to get through an appropriation for the laying in of a stock of the strategic minerals. It seems to me that wisdom requires this twofold effort for our adequate defense; that is, maintaining our connection with the foreign source of supply as long as it is necessary and at the same time developing our home source of supply. Both of these are very important.

Mr. MAAS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. JEFFRIES].

Mr. JEFFRIES. Mr. Chairman, I am only a baby in this wonderful organization, and I deem it a great privilege today of having had the opportunity to serve on this wonderful committee. I, too, would pay my compliment to the chairman and the members of this committee upon their approach to this great problem. I live by the sea. My people before me, even down to my brother and myself, have lived in ships. The great State from which I come pays into the Treasury of our Federal Government two-hundred-million-and-odd dollars per year, and receives back in benefits just a little over $100,000,000. It is an industrial State, and some of the most vital industries to the welfare of this Nation are in that State. We definitely believe that our Navy should be sufficient to render us complete defense. In my approach to this subject I believe that America is single unto herself. I do not think that any of the powers or nations or peoples of Europe or of Asia understand America; nor do I believe that we, the people of the United States, understand the people of the rest of the world. We have had our experiences. We involved ourselves before and got away from the traditions of our forefathers. We had the experience of the World War. We won the war, sure, until finally we discovered that we lost it. I like to look at this matter from a strictly selfish viewpoint. I like to feel that the people of this country—the greatest of all on the face of the earth—have a right to do as we please in the defense and protection of America, and I get awfully sick and tired of hearing the arguments pro and con about what this nation will think or that nation will say.

The situation is somewhat similar to a boxer down here at the arena. Last night I had the privilege of looking at a good boxing match down there. One of the contenders had a great left, and he knew how to stick it out and throw his opponent off balance, and eventually he was able to score enough blows so that he gained the decision. That looks like America to me. We need our Navy. It is our left. I like to feel that we as a nation will tell the world that we will build a navy to suit our own ideas and our own dreams and for our own protection and to suit our pocketbook, and as soon as we can get our house in order financially, and are in such position that we can afford to build two navies, I shall vote for two navies, and I will not take any odds from anybody else when I do vote for two navies. That is the reason why today I felt a little perturbed, and felt that I would have to put myself down here in this pit for the first time. I want to tell the whole of the Nation the fact that I am proud that our committee has done such a wonderful job—impartial, nonpolitical. We have approached this subject honestly for the defense of America and I would like to see us spend all of our money in creating our defense, and being ready to tell the world to mind its own business, and we will mind ours, and let them come over and try to start trouble if they will, because we will be able to defeat the whole world if they want to try it. [Applause.]

Mr. MAAS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman, I favor adequate appropriations for our national defense, appropriations to properly defend America, but not to prepare for intervention in foreign wars in foreign lands. It was Abraham Lincoln who said, after pointing out our geographical location, that the danger to America would come from within and not from without. I believe the real danger to America is from within, and that danger lies in our continuing annual deficits of several billion dollars for many years and our rapidly mounting, staggering, stupendous national debt, which has already passed the $42,000,000,000 mark.

Let us not become extravagant with reference to expenditures in the name of national defense and help pile onto our Federal Government deficits and national debt an additional burden which may result in the destruction of our beloved country from within, as a result of Federal bankruptcy and resulting devastating inflation. Anyone who has studied the history of the world knows that a loose fiscal policy such as the New Deal has followed for 7 long years will inevitably

plunge the United States of America into bankruptcy and inflation, with resulting misery, suffering, distress, and despair second only to a major war of invasion.

I intend to offer an amendment to this bill, and so that the Members may have an opportunity to know about this amendment, so that they can be prepared to vote on it, I shall read it now. This is an amendment offered in behalf of our American national defense.

This amendment proposes to add after the period at the end of line 15, on page 3, the following proviso:

Provided, That no foreign government shall directly or indirectly be permitted to purchase or acquire any type of aircraft or equipment herein authorized, or obtain secret information with reference thereto.

Mr. Chairman, we noted in the press several months ago that a representative of the French Government was found to be riding a Douglas bomber which cracked up; one of our latest Douglas bombers which had been produced and perfected for our own American national defense.

We find in the Washington Star of yesterday, March 11, a headline, "Army May Release 400-M. P. H. Planes for Sale to Allies":

New American-made fighting planes which travel 400 miles an hour may yet salute soldiers on the western front. Aircraft trade circles heard today that the War Department was considering releasing for sale to France and Great Britain one of its latest models—possibly the Curtiss P–40.

Mr. Chairman, the history of the nations of the world, including recent history, reveals that a friendly country today may be an enemy tomorrow, or be under the control of an unfriendly country. If you were to arm yourself with a pistol to defend yourself from a second-story porch climber you would not provide that porch climber with the same kind of a weapon with which to greet you.

I do not believe, when we are spending billions of dollars for our national defense that any foreign country should be given the secrets of our latest inventions and secrets with reference to the latest improved implements of our national defense.

Mr. Chairman, I believe that the country will be very interested in a remarkable situation which has recently developed. We know that in the interest of national defense our overburdened taxpayers have expended many millions of dollars in the way of subsidies to build up our American merchant marine, which is as essential to an adequate and proper national defense as are cruisers, battleships, aircraft carriers, airplanes, and so forth. Many of us who followed our New Deal brethren in 1917 and went overseas to help them make the world safe for democracy, found out that we had to travel in foreign bottoms. I know our outfit did. Is it not rather startling that after all of these expenditures to subsidize and build up our own American merchant marine, to find our multimillionaire New Deal Under Secretary of State, Mr. Sumner Welles, going abroad on a Government mission and not using an American-flag ship, but sailing on the ship of a foreign nation? What else do we find today? We know that there are more than 11,000,000 of our people who are unable to find jobs, even after 7 long years of this wonderful New Deal, which has almost plunged our country into bankruptcy. More than 11,000,000 of our American people who cannot find jobs, who are looking for jobs, and want jobs. Included in those 11,000,000 are many unemployed tailors, many unemployed workers in the textile mills, and many unemployed butlers and valets.

Mr. Chairman, notwithstanding these facts, we find that the press this morning contains the following article:

LONDON ACCLAIMS "BRITON" WELLES

LONDON, March 11.—The United States Under Secretary of State Sumner Welles "wears his perfectly cut blue suit like an Englishman, talks like an Englishman, with no trace of an American accent, and behaves as an Englishman would like to behave," the Evening News said today.

Quoting further:

A later dispatch from John O'Donnell, Washington newspaperman accompanying the Under Secretary, said that Welles went out this afternoon and ordered six suits from a West End (London) tailor.

Mr. Chairman, this is not very good news for the millions of unemployed in America, including unemployed tailors and unemployed persons who formerly worked in the textile mills, manufacturing cloth to be made into suits by tailors.

Mr. THILL. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield.

Mr. THILL. Is it true that the Under Secretary of State, Sumner Welles, employs a valet who is a British subject?

Mr. SCHAFER of Wisconsin. It is absolutely true. This multimillionaire New Deal Under Secretary of State, Mr. Sumner Welles, who goes abroad on a Government mission in a foreign boat and who purchased six suits from a foreign London tailor, also carries with him a foreign valet who is a British subject, and his name is Mr. Riggs. Mr. Welles had to leave Mr. Riggs in Switzerland when he went into Germany because Mr. Riggs was a British subject and not an American citizen.

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. SCHAFER of Wisconsin. I sincerely hope that when our multimillionaire New Deal Under Secretary of State, Mr. Sumner Welles, who, the London papers say, wears his clothes like an Englishman, talks like an Englishman without trace of an American accent, and buys his suits from a London tailor, returns to America from the mission upon which the New Deal "Fuehrer" in the White House sent him [laughter], he will not put on those English clothes which are pressed and kept in order by his British valet, and ask that we sing God Save the King instead of My Country 'Tis of Thee.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield.

Mr. BROWN of Ohio. What is Mr. Welles doing in Europe and England?

Mr. SCHAFER of Wisconsin. Oh, he is no doubt pussyfooting around, no doubt trying to make some secret agreements as did our Democratic brethren prior to our entrance in the other World War. When we remember that we have more than 11,000,000 unemployed American citizens we should require that Mr. Welles, when on a Government mission, should travel in boats flying our American flag, should purchase American clothes, the cloth of which is produced in American textile mills by American workers and made into suits by American tailors. Our multimillionaire New Deal Under Secretary of State, Mr. Welles, apparently forgets that the 11,000,000 unemployed in our country include many tailors, valets, textile workers, and seamen.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I am pleased to yield to the able and distinguished lady.

Miss SUMNER of Illinois. Too often we find that men who go to Europe to represent Uncle Sam lose their shirts. Probably this wandering gentleman is no exception to the rule.

Mr. SCHAFER of Wisconsin. Perhaps he lost his coat, vest, and pants, as well as his shirt, and that may be his alibi for buying six British suits in London. [Laughter and applause.]

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, as a Member of Congress I regret very much to see the American people being carried off their base by hysteria for rearmament at this time. The records disclose that we are now building eight battleships and that we have appropriated money to construct two more.

When we consider the internal conditions of this country, and the world conditions, we must realize that the great powers of the world are engaged in a long and exhausting war. It will be many years, no matter what the outcome of this war, no matter which country is victorious, before any attack could be made on this country.

Under the rules of the Navy, warships are rated as obsolete after 22 years. It seems to me at this time, in view of the appropriations that have been made, in view of the money that we are now expending for naval defense construction, that we are going too far, that this expenditure is uncalled for. We know that we are $44,000,000,000 in debt. We know that we are raising $1,000,000,000 by taxation to pay the service charge on this debt. I do not believe it is good business, I do not thing it is necessary at this time, to be carried off our feet by this hysteria to rush into an immense defense program when we must realize that the ships built under this program will be obsolete before they can answer any need.

I was very much interested in the statement made by the eminent chairman of this committee to the effect that the British Empire was stronger and mightier at the close of the World War than it was at any time before. We joined with the British Empire in a fight to make the world safe for democracy. What was the spectacle of that mighty country at the close of the World War? After they fought to make the world safe for democracy they stood idly by and let the unspeakable Turks destroy Armenia and drive the Greeks into the sea at Salonika. They stood idly by and let Japan invade Manchuria. If the British were as mighty and as strong at the close of the World War as was said by our eminent chairman, still they had no spirit to carry out the ideals for which we sacrificed our blood and treasure to make the world safe for democracy. In spite of all the might of the British Empire, the policemen of the world, if you please, we have seen the very ideals for which they fought overturned, we have seen the invasion and oppression of many small countries. We saw the British stand idly by, with all her might concentrated in the Mediterraneon withdrawn, and Italy permitted to go into Ethiopia and wreck that country.

I am sure that after this war these powers will have no will to war and we shall have no use for these great defense weapons we are building. We shall have a lot of obsolete battleships on our hands. This will prove a useless expenditure. Our Navy is strong enough. Let us spend this money for some useful purpose in an effort to take care of the domestic problems of our country, rather than to spend it carrying out a program inspired by hysteria. [Applause.]

[Here the gave fell.]

The CHAIRMAN. The time of the gentleman from Idaho has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the authorized composition of the United States Navy in under-age vessels as established by the act of May 17, 1938 (52 Stat. 401), is hereby further increased by 218,000 tons, as follows:

(a) Aircraft carriers, 75,000 tons, making a total authorized under-age tonnage of 250,000 tons.

(b) Cruisers, 110,000 tons, making a total authorized under-age tonnage of 522,524 tons.

(c) Submarines, 33,000 tons, making a total authorized under-age tonnage of 114,956 tons: *Provided*, That the foregoing total tonnage for aircraft carriers, cruisers, and submarines may be varied 21,800 tons in the aggregate so long as the sum of the total tonnages of these classes as authorized herein is not exceeded: *Provided further*, That the terms used in this or any other act to describe vessels of designated classes shall not be understood as limited or controlled by definitions contained in any treaty which is not now in force.

Committee amendment:

Page 1, lines 5 and 6, strike out "218,000" and insert in lieu thereof "167,000."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment:

Page 1, line 8, strike out "75,000" and insert in lieu thereof "79,500."

Mr. FISH. Mr. Chairman, I desire to offer an amendment to strike out the 79,500 tons.

Mr. VINSON of Georgia. Mr. Chairman, the gentleman's amendment would strike out all of the tonnage for the aircraft carriers. Is that his purpose?

The CHAIRMAN. Does the gentleman from New York [Mr. FISH] rise in opposition to the committee amendment?

Mr. FISH. I am in favor of my own amendment. I am not going to contest the committee amendment.

The CHAIRMAN. If the gentleman's amendment is agreed to, it will put the bill back where it was.

Mr. FISH. Mr. Chairman, I think the committee amendment better be disposed of first.

Mr. TABER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. If the committee amendment is agreed to, no further amendment to the number of tons shown in lines 8 and 9 would be in order?

The CHAIRMAN. Not if the committee amendment is agreed to.

Mr. TABER. An amendment to that would have to be an amendment to the committee amendment.

Mr. FISH. Mine would be in the nature of an amendment to the amendment.

The CHAIRMAN. The committee amendment not having been adopted, the gentleman from New York rises in opposition to the amendment.

Mr. VINSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VINSON of Georgia. Mr. Chairman, in view of the dilemma the gentleman from New York finds himself in as to the proper way to eliminate the committee amendment, does that not signify to the committee the wisdom of adopting the committee amendment?

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 1, strike out "250,000" and insert "254,500."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 3, strike out "110,000" and insert "66,500."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 5, strike out "522,524" and insert "479,024."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, strike out "33,000" and insert "21,000."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, strike out "114,956" and insert "102,956."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 14, strike out "21,800" and insert "by 16,700."

The committee amendment was agreed to.

Mr. FISH. Mr. Chairman, I offer an amendment to strike out the paragraph.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 1, line 8, strike out all of subparagraph (a).

Mr. FISH. Mr. Chairman, as I understand the situation, the Navy Department recommended three additional airplane carriers and the House Naval Affairs Committee retained those three in the bill. The committee did make certain substantial cuts in other items but it left the maximum proposal for airplane carriers in the bill. As far as I have heard the debate today I find no reason for one airplane carrier even, yet the pending bill calls for three at a cost of $47,000,000 apiece. The committee has had several hours this afternoon to show the need for these airplane carriers in addition to the seven we already have. I am not so sure they can even prove the need for the seven we already have for adequate national defense. I will go along with any Member, whether Republican or Democrat, for the fullest and most

adequate national defense for our own shores, but these three airplane carriers at a total of $141,000,000, and probably $6,000,000 more annually for their maintenance, are not for an adequate national defense. That goes away beyond our needs and takes us toward aggression and war in other lands. If it is the idea to prepare for foreign wars, then we need not three but three times three, but if this bill is designed for national defense, then we do not need any of these airplane carriers. Italy has no airplane carriers and is building no airplane carriers. We have five already and two about to be launched. Germany has none and is only building two.

Mr. O'CONNOR. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Montana.

Mr. O'CONNOR. Could those airplane carriers be used at all, assuming that we do not attempt to cross the Atlantic or the Pacific Oceans looking for war?

Mr. FISH. As I said in the beginning, I do not think we can even prove a case that we need the seven. We have five already and we have authorized two more. I do not think anybody can make out a real case that we need those seven for defensive purposes, yet we are being asked to provide three more just because the Navy said so and the committee accepts the whole quota.

Other items in the bill were cut down by the committee. In addition, as I explained this morning, we will have 8,500 airplanes, and if we did not have a navy, did not have any navy at all, just sank our Navy, the totalitarian nations could not bring over more than 500 airplanes against us by airplane carriers, yet we will have 8,500 airplanes against the 500 representing the combined strength of the dictator nations.

If you really believe in economy—and this is utterly nonpartisan and has nothing to do with one party or the other—and want to strike $143,000,000 out of this bill and still have adequate national defense here is your opportunity. The trouble with all of us is that we give lip service to economy, particularly in our home districts, but when we have a chance to strike a blow for economy and preserve our national defense at the same time we go merrily along and vote for huge expenditures for airplane carriers that are not needed.

I know my amendment probably will be defeated, but I am willing to present the facts to you and let you vote accordingly. I am not insisting on anything except that we be given a vote on this proposition to save $143,600,000 here today and not impair our national defense.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. KELLER. If the Navy does not know what we need, who does?

Mr. FISH. The gentleman has been here many years, and he knows that if we should follow the Navy's recommendations we would have a Navy two or three times as large as we have today. We have to cut down their estimate each time. If you are going to raise that question, the trouble is that nobody opposes these huge appropriations, not even the farmers. No one has the temerity to get up here and oppose them; yet all the Members who represent shipyards, dockyards, airplane factories, and armor-plate plants are on the floor ready to push through this kind of a naval bill because of the special interest in their own districts. I am in favor of providing any sum for necessary national defense but not one dollar to build a supernavy for aggression. [Applause.]

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to straighten out the record as far as the facts are concerned. The gentleman who just spoke said the possible coalition of Japan, Germany, and Russia could not be any potential threat to us in the way of carriers. I want to point out that Japan has built or building 8 carriers, Germany 2, and Russia 3, which is a total of 13 against our proposed 10 if we build the 3 we are asking for in this bill.

The life line of this Nation is the Panama Canal, and we must have carriers with their airplane scouts and striking force on both sides of the Canal if we are to keep the Canal available for the fleet to pass through in case of emergency on either side.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. The gentleman has just said that Japan has eight carriers built and building.

Mr. MAAS. That is right.

Mr. BATES of Massachusetts. The records of the Navy Department show that Japan already has 11 and 2 others are already under construction, making a total of 13 for Japan.

Mr. MAAS. I believe that refers to England.

Mr. BATES of Massachusetts. No; Japan.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The statement of the gentleman from Massachusetts is absolutely correct. The Naval Intelligence notified me this morning that Japan has in all 13 airplane carriers.

Mr. MAAS. That is most significant, and this information bears out an important point that is that we do not know what other nations are doing now in the way of naval construction. Their plans are very secretive. The figures I gave are the official figures of a year ago. We have no way of knowing today what these other nations are building, England or Germany or France or Japan or any of the rest of them.

Mr. VINSON of Georgia. Let me make this statement to correct the gentleman from New York [Mr. FISH]. I was given this advice this morning by the Naval Intelligence, after checking up Jane's and getting all the information, and this is the correct situation as far as the Navy knows about airplane carriers throughout the world.

Mr. TABER. Mr. Chairman, if the gentleman will yield for a question, I wonder why it is that the hearings on page 1720 show that Japan has eight carriers of a tonnage of 113,470.

Mr. VINSON of Georgia. They are building six now.

Mr. TABER. In addition to those eight?

Mr. VINSON of Georgia. In addition to those 8. Let me read the statement that was given the Committee on Naval Affairs by the Naval Intelligence. Great Britain has built and building and appropriated for 15, Germany has 2, Italy none, France 4, Japan 13, and Russia 3. This is the information telephoned to my office, and it is substantiated by the gentleman from Massachusetts [Mr. BATES] who has the figures there.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield to the gentleman from New York.

Mr. FISH. The gentleman from Georgia is answering the remark I made, and I should like to say that I rang up the Navy Department myself this morning and got these exact figures from them, that Japan has six built of 88,000 tons and two under construction of 44,000 tons, making a total of six. This information was given me today by the Navy Department itself.

Mr. VINSON of Georgia. The gentleman did not call the right place. He can get the information only from the Bureau of Intelligence.

Mr. FISH. Does it not seem a little extraordinary to the gentleman that all of a sudden today, after the committee has reported the bill, he should find this information to give to the House?

Mr. VINSON of Georgia. The hearings will disclose that we knew that Japan had eight carriers. The hearings disclose this fact and there is no dispute about it, and the gentleman will see that in my remarks. I said that Japan had eight carriers. After making that statement I was advised by the Navy Department that the information they have is that Japan is building six carriers in addition to those eight.

Mr. FISH. This special department of the Navy Department found that out at what time? Four o'clock this afternoon?

Mr. VINSON of Georgia. No; I got this information at 10 o'clock this morning.

All this bears out our contention of the importance of authorizing these three carriers at this time as constituting the absolute minimum expansion now immediately necessary consistent with any program of safety and security for the United States. Anything less than this will only court and invite disaster. I trust that the amendment will be rejected.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was rejected.

The Clerk read as follows:

SEC. 2. The President of the United States is hereby authorized to construct such vessels, including replacements authorized by the act of March 27, 1934 (48. Stat. 503), as may be necessary to provide the total under-age composition authorized in section 1 of this act.

SEC. 3. The President of the United States is hereby authorized to acquire or construct naval airplanes, and lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not more than 6,000; and the number of useful lighter-than-air craft at a total of not more than 36.

With the following committee amendment:

Page 3, line 1, strike out all of section 3 and insert:

"SEC. 3. The President of the United States is hereby authorized to acquire or construct naval airplanes, and lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not less than 4,500, including 500 airplanes for the Naval Reserve; and the number of useful lighter-than-air craft at a total of not less than 12."

Mr. COLE of New York. Mr. Chairman, I offer an amendment to the committee amendment, which is at the clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York to the committee amendment: Strike out the word "less" and insert "more than."

Mr. VINSON of Georgia. Mr. Chairman, we accept the amendment.

The amendment to the committee amendment was adopted.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: After the period at the end of the committee amendment insert: "*Provided*, That no foreign government shall directly or indirectly be permitted to purchase or acquire any type of aircraft or equipment herein authorized, or obtain secret information with reference thereto."

Mr. VINSON of Georgia. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SCHAFER of Wisconsin. I thank the gentleman, but the amendment is not subject to a point of order.

Mr. VINSON of Georgia. Of course, I did that in the hope that the gentleman might give us some more information about the Under Secretary of State.

Mr. SCHAFER of Wisconsin. I thank the gentleman, and I will give him some information with reference to the rules of the House. A point of order will not lie against my amendment because it is a limitation on the authorization and is germane to the amendment which it proposes to amend.

I shall read this amendment slowly so that the Members of the Congress who are now providing for the defense of the United States of America will realize its importance from a national-defense standpoint.

Mr. Chairman, my pending amendment reads:

Provided, That no foreign government shall directly or indirectly be permitted to purchase or acquire any type of aircraft or equipment herein authorized or obtain secret information with reference thereto.

Mr. Chairman, this amendment is in the interest of our American national defense and the welfare of our American people. We observed in the press on yesterday an Associated Press release headed, "Army May Release 400-Mile-Per-Hour Planes for Sale to Allies." Mr. Chairman, these are some of our latest and most efficient planes, developed for our own national defense. Several months ago when a Douglas bomber cracked up we found a representative of France, a foreign country, was riding in that bomber, which was a part of our national defense. I know that the Members realize that a nation may be friendly today but may be an enemy tomorrow. The history of the world, and particularly the history of the last 25 years, clearly indicates this to be a fact. Why should we furnish our latest, improved, and up-to-date fighting planes to any foreign country and run the risk of finding at some future date our own American aviators shot down by these improved and efficient American planes which are as efficient as the ones which our American aviators are flying?

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes; I yield.

Mr. VINSON of Georgia. The effect of the gentleman's amendment is to prohibit the sale of aircraft of any kind to any foreign government.

Mr. SCHAFER of Wisconsin. No.

Mr. VINSON of Georgia. Will the gentleman read it again and let us see?

Mr. SCHAFER of Wisconsin. It is to prohibit the sale of the type of airplanes authorized in this pending bill to foreign nations.

Mr. VINSON of Georgia. All right; but wait 1 minute. This bill authorizes all types of aviation. It authorizes pursuit planes, scout planes, patrol planes, bombers, and everything.

Mr. SCHAFER of Wisconsin. It does.

Mr. VINSON of Georgia. That type of aviation is prohibited from being sold to any foreign government by the gentleman's amendment, is it not?

Mr. SCHAFER of Wisconsin. My amendment is clear.

Mr. VINSON of Georgia. The gentleman wants to state what the amendment does?

Mr. SCHAFER of Wisconsin. Yes.

Mr. VINSON of Georgia. Will the gentleman do that?

Mr. SCHAFER of Wisconsin. Yes. It is self-explanatory. It is an amendment to the committee amendment which is offered at page 3, providing for the construction of naval airplanes, lighter-than-air craft, and spare parts and equipment, and my amendment simply provides that—

No foreign government shall directly or indirectly be permitted to purchase or acquire any type of aircraft or equipment herein authorized or obtain secret information with reference thereto.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. VINSON of Georgia. I am willing to admit that when the gentleman's amendment states "herein authorized" the amendment is germane to this particular section, but the effect of it is to prohibit the Government from permitting any corporation or any citizen to sell any type of airplane because all types are referred to in this measure. Is not that what it does?

Mr. SCHAFER of Wisconsin. No; it does not do any such thing. It only refers to the naval planes and equipment, which is authorized under the amendment to which my amendment is offered.

Mr. VINSON of Georgia. Exactly. The gentleman is correct about that, but what is authorized? The language is:

The President of the United States is hereby authorized to acquire or construct naval airplanes.

Mr. SCHAFER of Wisconsin. Yes.

Mr. VINSON of Georgia. And the language "naval airplanes" embraces what? It embraces every type devised by man. Every type of plane used is a naval plane provided it is used in the Navy.

Mr. SCHAFER of Wisconsin. Just one moment. The authorization is for the Secretary of the Navy to acquire or construct naval airplanes to provide for our national defense. My amendment only restricts these types of naval planes to our own national defense, and aims to prohibit the peddling of planes of their type to foreign nations who might be our enemies in the future. The amendment is in the interest of

our own national defense. I sincerely hope that our distinguished colleague from Georgia, in the interest of our American national defense, will accept the amendment.

Mr. VINSON of Georgia. Of course, no one wants the secrets of the Navy or the Army sold to foreign governments, as was intimated in the newspaper this morning in respect to the 400-mile-an-hour planes, but that is not what the gentleman's amendment does. The gentleman's amendment proposes to prohibit the sale by any citizen of this Government to any foreign nation of any type of plane that is used in the United States Navy.

Mr. SCHAFER of Wisconsin. Oh, no, no. The gentleman must read my amendment again—any type of plane which the Secretary of the Navy is authorized to purchase or build under this bill; that, and that alone. Those are naval defense planes, the latest improved planes. My amendment is restrictive only as to the sale of those planes to foreign countries. Why should Uncle Sam develop and perfect the finest and most efficient planes for his own national defense and then permit foreign nations, who are potential enemies, to have the same kind of planes? To do so would be the same as providing yourself with a pistol to defend yourself from a burglar and then making certain that he is furnished with the same kind of a weapon.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Does the gentleman from Georgia withdraw his point of order?

Mr. VINSON of Georgia. I withdraw the point of order.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. TABER. Does the proposed amendment prohibit the sale of planes of the type that are provided for here?

Mr. VINSON of Georgia. Yes; exactly.

Mr. TABER. There would be some sense in prohibiting the turning over to a foreign government planes of the current design.

Mr. VINSON of Georgia. I agree with that, and I grant the gentleman is correct.

Mr. TABER. That our Government is putting in an order for, but I cannot see how we can go so far as to prohibit the sale of planes of the same type. That would mean that our manufacturers could not sell a pursuit plane.

Mr. VINSON of Georgia. That is correct.

Mr. TABER. Or a bomber.

Mr. VINSON of Georgia. That is correct.

Mr. TABER. Regardless of whether it was according to Government plans or not. That is the trouble about that amendment.

Mr. VINSON of Georgia. That is correct. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the committee amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of 125,000 tons of auxiliary vessels of such size, types, and design as he may consider best suited for the purposes of national defense.

With the following committee amendment:

Page 3, beginning in line 18, strike out "125,000" and insert ",5,000."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this act, which purposes shall include essential equipment and facilities at navy yards for building any ship or ships herein or heretofore authorized.

With the following committee amendment:

Strike out section 5 and insert in lieu thereof the following:

"SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this act, which purposes shall include, in addition to shipbuilding ways and shipbuilding docks at the navy yards at Portsmouth, N. H.; Philadelphia, Pa.; and Norfolk, Va.; essential equipment and facilities at naval establishments for building and equipping any ship or ships herein or heretofore authorized."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk concluded the reading of the bill.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and Mr. RAYBURN having assumed the chair as Speaker pro tempore, Mr. LEAVY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 8026) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, pursuant to House Resolution 390, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER pro tempore (Mr. RAYBURN). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 78 and noes 7.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I respectfully object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 37, not voting 88, as follows:

[Roll No. 43]

YEAS—305

Allen, La.	Church	Edmiston	Hall, Leonard W.
Anderson, Calif.	Clark	Elliott	Halleck
Anderson, Mo.	Clason	Ellis	Hancock
Andresen, A. H.	Claypool	Elston	Hare
Andrews	Clevenger	Englebright	Hart
Austin	Cluett	Evans	Harter, N. Y.
Ball	Cochran	Faddis	Harter, Ohio
Barden	Coffee, Wash.	Fay	Havenner
Barnes	Cole, Md.	Fenton	Healey
Barton	Cole, N. Y.	Fernandez	Hendricks
Bates, Mass.	Connery	Fish	Hennings
Beam	Cooper	Fitzpatrick	Heas
Beckworth	Corbett	Flaherty	Hill
Bender	Costello	Flannagan	Hinshaw
Blackney	Courtney	Flannery	Hobbs
Bland	Cox	Ford, Leland M.	Hoffman
Bloom	Cravens	Ford, Miss.	Holmes
Boehne	Crosser	Ford, Thomas F.	Hook
Boland	Crowe	Fulmer	Horton
Bolles	Culkin	Gamble	Houston
Bolton	Cullen	Gartner	Hunter
Bradley, Pa.	Cummings	Gathings	Izac
Brooks	D'Alesandro	Gavagan	Jacobsen
Brown, Ga.	Darden	Gearhart	Jarman
Brown, Ohio	Davis	Gerlach	Jeffries
Bryson	Delaney	Geyer, Calif.	Jenkins, Ohio
Buck	Dickstein	Gifford	Jennings
Bulwinkle	Dingell	Gilchrist	Jensen
Burch	Ditter	Gillie	Johns
Byrne, N. Y.	Dondero	Goodwin	Johnson, Luther A.
Byrns, Tenn.	Doughton	Gore	Johnson, Okla.
Caldwell	Drewry	Graham	Johnson, W. Va.
Cannon, Fla.	Duncan	Grant, Ala.	Jones, Ohio
Cannon, Mo.	Dunn	Green	Jones, Tex.
Carter	Durham	Gregory	Kean
Cartwright	Dworshak	Griffith	Keefe
Celler	Eaton	Guyer, Kans.	Kefauver
Chapman	Eberharter	Gwynne	Keller
Chiperfield	Edelstein	Hall, Edwin A.	Kelly

Kennedy, Md.	Marshall	Reece, Tenn.	Sullivan
Kennedy, Michael	Martin, Iowa	Reed, N. Y.	Sumners, Tex.
Keogh	Martin, Mass.	Richards	Sutphin
Kerr	May	Risk	Taber
Kilburn	Merritt	Robertson	Tarver
Kilday	Miller	Robsion, Ky.	Tenerowicz
Kinzer	Mills, Ark.	Rockefeller	Terry
Kirwan	Mills, La.	Rodgers, Pa.	Thill
Kitchens	Monkiewicz	Rogers, Mass.	Thomas, N. J.
Kocialkowski	Monroney	Rogers, Okla.	Thomas, Tex.
Kramer	Moser	Romjue	Thomason
Kunkel	Mott	Routzohn	Thorkelson
Landis	Mouton	Rutherford	Tibbott
Lanham	Murdock, Ariz.	Ryan	Van Zandt
Larrabee	Murdock, Utah	Sandager	Vincent, Ky.
Lea	Nelson	Sasscer	Vinson, Ga.
Leavy	Norrell	Satterfield	Voorhis, Calif.
LeCompte	Norton	Schaefer, Ill.	Vorys, Ohio
Lesinski	O'Brien	Schiffler	Vreeland
Lewis, Colo.	O'Connor	Schuetz	Wadsworth
Lewis, Ohio	O'Leary	Schulte	Walter
Luce	Oliver	Schwert	Ward
Ludlow	O'Neal	Scrugham	Warren
Lynch	Pace	Seccombe	Weaver
McAndrews	Parsons	Secrest	Welch
McCormack	Patman	Shanley	Whittington
McDowell	Patton	Shannon	Wigglesworth
McGehee	Pearson	Sheppard	Williams, Del.
McGranery	Peterson, Fla.	Short	Williams, Mo.
McKeough	Peterson, Ga.	Simpson	Wolcott
McLaughlin	Pfeifer	Smith, Conn.	Wolfenden, Pa.
McLeod	Pierce	Smith, Maine	Wolverton, N. J.
McMillan, Clara G.	Pittenger	Smith, Va.	Woodruff, Mich.
McMillan, John L.	Poage	Smith, Wash.	Youngdahl
Maas	Rabaut	Snyder	Zimmerman
Maciejewski	Ramspeck	South	
Magnuson	Rankin	Sparkman	
Mahon	Rayburn	Spence	

NAYS—37

Alexander	Gossett	Lemke	Schafer, Wis.
Andersen, H. Carl	Harness	Marcantonio	Smith, Ohio
Angell	Harrington	Mason	Springer
Boren	Hawks	Michener	Stefan
Buckler, Minn.	Hope	Mundt	Sumner, Ill.
Burdick	Hull	Murray	Talle
Carlson	Johnson, Ill.	Nichols	Winter
Coffee, Nebr.	Johnson, Ind.	O'Day	
Curtis	Jonkman	Powers	
Engel	Lambertson	Rees, Kans.	

NOT VOTING—88

Allen, Ill.	Darrow	Kleberg	Seger
Allen, Pa.	Dempsey	Knutson	Shafer, Mich.
Arends	DeRouen	McArdle	Sheridan
Arnold	Dies	McGregor	Smith, Ill.
Barry	Dirksen	McLean	Smith, W. Va.
Bates, Ky.	Disney	Maloney	Somers, N. Y.
Bell	Douglas	Mansfield	Starnes, Ala.
Boykin	Doxey	Martin, Ill.	Steagall
Bradley, Mich.	Ferguson	Massingale	Stearns, N. H.
Brewster	Folger	Mitchell	Sweeney
Buckley, N. Y.	Fries	Myers	Taylor
Burgin	Garrett	Osmers	Tinkham
Byron	Gehrmann	O'Toole	Tolan
Camp	Gibbs	Patrick	Treadway
Case, S. Dak.	Grant, Ind.	Plumley	Waligren
Casey, Mass.	Gross	Polk	West
Collins	Hartley	Randolph	Wheat
Colmer	Jarrett	Reed, Ill.	Whelchel
Cooley	Jenks, N. H.	Rich	White, Idaho
Crawford	Johnson, Lyndon	Robinson, Utah	White, Ohio
Creal	Kee	Sabath	Wood
Crowther	Kennedy, Martin	Sacks	Woodrum, Va.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Cooley (for) with Mr. Gehrmann (against).

General pairs:

Mr. Ferguson with Mr. Jenks of New Hampshire.
Mr. Casey of Massachusetts with Mr. Plumley.
Mr. Randolph with Mr. Reed of Illinois.
Mr. Gibbs with Mr. Douglas.
Mr. Martin of Illinois with Mr. Osmers.
Mr. Boykin with Mr. McGregor.
Mr. Arnold with Mr. Treadway.
Mr. Woodrum of Virginia with Mr. Knutson.
Mr. West with Mr. Rich.
Mr. Starnes of Alabama with Mr. Darrow.
Mr. Garrett with Mr. Brewster.
Mr. Doxey with Mr. Allen of Illinois.
Mr. Kleberg with Mr. Crawford.
Mr. Steagall with Mr. Gross.
Mr. Disney with Mr. Wheat.
Mr. Mansfield with Mr. Crowther.
Mr. Collins with Mr. White of Ohio.
Mr. Dies with Mr. Jarrett.
Mr. Creal with Mr. Stearns of New Hampshire.
Mr. Colmer with Mr. Dirksen.
Mr. Bates of Kentucky with Mr. Shafer of Michigan.
Mr. Camp with Mr. Bradley of Michigan.
Mr. Burgin with Mr. Hartley.
Mr. Dempsey with Mr. Tinkham.
Mr. DeRouen with Mr. McLean.
Mr. Folger with Mr. Grant of Indiana.
Mr. Massingale with Mr. Seger.
Mr. Maloney with Mr. Case of South Dakota.
Mr. Lyndon B. Johnson with Mr. Arends.
Mr. Whelchel with Mr. Myers.
Mr. Fries with Mr. Somers of New York.
Mr. Polk with Mr. Taylor.
Mr. Waligren with Mr. Barry.
Mr. Wood with Mr. Byron.
Mr. Sabath with Mr. Sweeney.
Mr. Patrick with Mr. Sheridan.
Mr. Smith of Illinois with Mr. Buckley of New York.
Mr. O'Toole with Mr. Bell.
Mr. Sacks with Mr. Kee.
Mr. Tolan with Mr. Martin J. Kennedy.
Mr. Mitchell with Mr. McArdle.
Mr. Robinson of Utah with Mr. Smith of West Virginia.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. SOUTH. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SOUTH. Mr. Speaker, my colleague the gentleman from Texas, Mr. LYNDON B. JOHNSON, is detained in Texas because of a recent death in his family.

Mr. McGRANERY. Mr. Speaker, my colleagues the gentleman from Pennsylvania, Mr. MYERS, and the gentleman from Pennsylvania, Mr. SACKS, have been detained from the House. If present, they would have voted "aye" on the passage of the bill.

Mr. JENKINS of Ohio. Mr. Speaker, my colleague the gentleman from Ohio, Mr. MCGREGOR, was called away this afternoon. Had he been present, he would have voted "aye" on the passage of the bill.

EXTENSION OF REMARKS

By unanimous consent, Mr. VOORHIS of California was granted permission to extend his own remarks in the RECORD.

ADDITIONAL DISTRICT AND CIRCUIT JUDGES

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following resolution (Rept. No. 1761) for printing under the rule:

HOUSE RESOLUTION NO. 424

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7079, a bill to provide for the appointment of additional district and circuit judges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

EXTENSION OF REMARKS

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a brief statement on the services of the United States Engineers.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a radio speech delivered by myself on March 6, 1940, entitled "Ten Million Forgotten Men."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper editorial from the Milwaukee Journal.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ORDER OF BUSINESS

Mr. FISH. Mr. Speaker, may I inquire of the gentleman from Colorado whether he expects to bring up the judgeship bill on Thursday?

Mr. LEWIS of Colorado. It has not been decided definitely as yet. I think there may be some possibility that it may be called up tomorrow.

The SPEAKER pro tempore. If the House will indulge the Chair, the Chair will state that the bill will not be called up tomorrow. The Chair has conferred with the gentleman from Massachusetts [Mr. MARTIN], and the intention is to take up the legislative bill tomorrow. If the legislative bill is finished tomorrow, the judgeship bill will be called up on Thursday. If the legislative bill goes over into Thursday, the other bill will be called up on Friday.

EXTENSION OF REMARKS

Mr. HOUSTON asked and was given permission to revise and extend his own remarks.

STREAM POLLUTION CONTROL—APPOINTMENT OF CONFEREES

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 685), an act to create a division of water pollution control in the United States Public Health Service, and for other purposes, with House amendments, insist upon the House amendments and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

Mr. CARTER. Mr. Speaker, reserving the right to object, I may be in error, but were not conferees appointed the other day?

The SPEAKER pro tempore. The Parliamentarian informs the Chair that that was not done.

Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. Without objection, the Chair appoints the following conferees: Messrs. MANSFIELD, GAVAGAN, DEROUEN, SEGER, and CARTER.

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very interesting letter I received from Commissioner Long, tax commissioner of Massachusetts, on the local tax question.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and insert therein a brief editorial.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RESIGNATION FROM A COMMITTEE

The SPEAKER pro tempore. The Chair lays before the House the following resignation from committee:

MARCH 12, 1940.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the District of Columbia, which resignation is to take effect immediately.

Very truly yours,

ALBERT L. VREELAND,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO STANDING COMMITTEES OF THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Resolution 426

Resolved, That ROBERT K. GOODWIN, of Iowa, be, and he is hereby, elected to the following committees of the House of Representatives: Committee on the District of Columbia, Committee on Pensions, and Committee on the Territories.

LEAVE OF ABSENCE

Mr. DONDERO. Mr. Speaker, my colleague the gentleman from Michigan [Mr. SHAFER] requests leave of absence from the House indefinitely, because of illness in his family.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

By unanimous consent, leave of absence was granted as follows:

To Mr. McCORMACK, for 1 week, on account of important business.

To Mr. SCRUGHAM, for 10 days, on account of official business.

To Mr. TOLAN (at the request of Mr. HAVENNER), indefinitely, on account of serious illness in his family.

To Mr. GARRETT (at the request of Mr. POAGE), for yesterday, today, and the balance of the week, on account of important business.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 13, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 14, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7937, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700

(PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 13, 1940, at 10 a. m., there will be continued before Subcommittee No. I of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, March 13, 1940, at 10:30 a. m., for the consideration of House Joint Resolution 334, H. R. 5918, H. R. 7833, and S. 2209.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, March 15, 1940, for the consideration of H. R. 7615 and H. R. 8511.

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Monday, March 18, 1940, for the consideration of H. R. 6939 and H. R. 7633, the identical titles of both bills being "Prescribing tolls to be paid for the use of locks on all rivers of the United States."

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 19, 1940, at 10 a. m., for the consideration of H. R. 8239, "Creating the Puerto Rico Water Resources Authority, and for other purposes."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1443. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of Wilmington Harbor, Del., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted May 8, 1939 (H. Doc. No. 658); to the Committee on Rivers and Harbors and ordered to be printed.

1444. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Bayou Grande, Fla., authorized by the River and Harbor Act approved June 20, 1938; to the Committee on Rivers and Harbors.

1445. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Texas City Channel, Tex., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1446. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of Kent Island Narrows, Md., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted March 3, 1938; to the Committee on Rivers and Harbors.

1447. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of and review of reports on Collinsville Cut, Solano County, Calif., authorized by the River and Harbor Acts approved August 26, 1937, and June 20, 1938, and requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted May 21, 1937; to the Committee on Rivers and Harbors.

1448. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of Chevreuil Bayou, La., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted April 4, 1938; to the Committee on Rivers and Harbors.

1449. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Jobos Harbor, Guayama, P. R., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1450. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on a preliminary examination of Valley Creek, Ala., to a point at or near Birmingham, authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1451. A letter from the Chief Clerk, Court of Claims of the United States, transmitting a certified copy of the special findings of fact and opinion filed by the court in the case referred to it by Senate Resolution 269 of June 21, 1910, Sixty-first Congress, second session; to the Committee on Claims.

1452. A letter from the Chief Clerk, Court of Claims of the United States, transmitting certified copies of the special findings of fact and opinion filed by the court in the cases referred to it by Public Resolution No. 134, Seventy-fourth Congress (S. J. Res. 38), approved by the President on June 26, 1936, Forty-ninth Statutes, 1983, decided January 8, 1940; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. JARMAN: Committee on Printing. House Resolution 379. Resolution authorizing the printing of a revised edition of the Rules and Manual of the House of Representatives for the Seventy-seventh Congress (Rept. No. 1749). Referred to the Committee of the Whole House on the state of the Union.

Mr. JARMAN: Committee on Printing. House Resolution 414. Resolution authorizing the printing of the National

Electric Rate Book, published by the Federal Power Commission as a House document (Rept. No. 1750). Referred to the Committee of the Whole House on the state of the Union.

Mr. JARMAN: Committee on Printing. Senate Concurrent Resolution 38. Concurrent resolution authorizing the printing of additional copies of Senate Report No. 1182 entitled "Investigation of Railroads, Holding Companies, and Affiliated Companies" (Rept. No. 1751). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOBBS: Committee on the Judiciary. S. 2739. An act to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States; without amendment (Rept. No. 1752). Referred to the House Calendar.

Mr. HOBBS: Committee on the Judiciary. H. R. 6767. A bill to provide additional compensation for employees killed or injured while performing work of a hazardous nature incident to law-enforcement activity, and for other purposes; with amendment (Rept. 1753). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON: Committee on Military Affairs. S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes; without amendment (Rept. No. 1754). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON: Committee on Military Affairs. H. R. 7074. A bill to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective Departments; without amendment (Rept. No. 1755). Referred to the Committee of the Whole House on the state of the Union.

Mr. GWYNNE: Committee on the Judiciary. H. R. 8822. A bill to extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory; without amendment (Rept. No. 1756). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. H. R. 8357. A bill to amend the Mount Rushmore Memorial Act of 1938; without amendment (Rept. No. 1757). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 445. Joint resolution to establish a commission for the celebration of the two hundredth anniversary of the birth of Thomas Jefferson; without amendment (Rept. No. 1758). Referred to the Committee of the Whole House on the state of the Union.

Mr. SATTERFIELD: Committee on the Judiciary. S. 607. An act to amend section 40 of the act entitled "An act to provide compensaton for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; with amendment (Rept. No. 1759). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. H. R. 7737. A bill to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States and direct appeals to the Supreme Court of the United States in certain cases involving the constitutional validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes; with amendment (Rept. No. 1760). Referred to the House Calendar.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 424. Resolution providing for consideration of H. R. 7079, a bill to provide for the appointment of additional district and circuit judges; without amendment (Rept. No. 1761). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ANDERSON of Misscuri: Committee on Military Affairs. H. R. 774. A bill for the relief of John T. O'Hearn; without amendment (Rept. No. 1762). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H. R. 8881. A bill to amend the act entitled "An act to provide for rural electrification, and for other purposes," approved May 20, 1936; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY of Pennsylvania:

H. R. 8882. A bill to extend the time for filing claims for refunds by charitable institutions under section 15 (c) of the Agricultural Adjustment Act, as amended; to the Committee on Ways and Means.

By Mr. BUCK:

H. R. 8883. A bill to amend section 404 of the Sugar Act of 1937; to the Committee on Agriculture.

By Mr. DIMOND:

H. R. 8884. A bill to authorize the Legislature of the Territory of Alaska to create a public corporate authority to undertake slum clearance and projects to provide dwelling accommodations for families of low income and to issue bonds and other obligations of the authority for such purposes, and for other purposes; to the Committee on the Territories.

By Mr. DUNN:

H. R. 8885. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Monongahela River, at a point between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the County of Allegheny, and in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN:

H. R. 8886. A bill to establish the Fort Caroline National Monument in Duval County, Fla.; to the Committee on the Public Lands.

By Mr. HOBBS:

H. R. 8887. A bill to authorize the construction of flood-control works at Prattville, Ala.; to the Committee on Flood Control.

By Mr. HOFFMAN:

H. R. 8888. A bill to amend section 1426 (b) (8) (as amended) of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. LARRABEE:

H. R. 8889. A bill to amend the Federal Crop Insurance Act; to the Committee on Agriculture.

By Mr. LEAVY:

H. R. 8890. A bill to reduce unemployment; to the committee on Ways and Means.

By Mr. VREELAND:

H. R. 8891. A bill authorizing the appointment of a commission to prepare a new Code of Laws for the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHITE of Idaho:

H. R. 8892. A bill to authorize the Department of the Interior to accept title to the fish hatchery at Clarks Fork, Idaho, to the Committee on Merchant Marine and Fisheries.

By Mr. MALONEY:

H. R. 8893. A bill to amend the Sugar Act of 1937, and for other purposes; to the Committee on Agriculture.

By Mr. RICH:

H. R. 8894. A bill granting the consent of Congress to the State of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Port Allegany in McKean County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLOOM:

H. R. 8895. A bill to enable the United States to carry out its international obligations concerning the regulation of whaling, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SECCOMBE:

H. R. 8896. A bill to provide for the enjoyment by all persons of the facilities of places of public accommodation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BOEHNE:

H. R. 8897. A bill to extend the time for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. GATHINGS:

H. R. 8898. A bill to extend the time for filing claims for payment under section 602 (d) of the Revenue Act of 1936, as amended; to the Committee on Ways and Means.

By Mr. GEHRMANN:

H. R. 8899. A bill to enable all domestic shipyards to bid on an equal basis for the construction of vessels under the Merchant Marine Act of 1936, as amended, regardless of their location in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HOBBS:

H. J. Res. 487. Joint resolution determining the exterior material and finish of public buildings to be erected in the northwest triangle in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BLAND:

H. Con. Res. 52. Concurrent resolution to amend House Concurrent Resolution 32, Seventy-sixth Congress, first session; to the Committee on the Library.

By Mr. FISH:

H. Res. 422. Resolution requesting information from the State Department; to the Committee on Foreign Affairs.

By Mr. DELANEY:

H. Res. 423. Resolution to amend rule XXXV of the House of Representatives; to the Committee on Rules.

By Mr. HOFFMAN:

H. Res. 425. Resolution requesting certain information from the Secretary of War; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYKIN:

H. R. 8900. A bill for the relief of Doullut & Ewin, Inc.; to the Committee on Claims.

By Mr. BRADLEY of Pennsylvania:

H. R. 8901. A bill for the relief of Welenty Slusarz; to the Committee on Immigration and Naturalization.

By Mr. BRYSON:

H. R. 8902. A bill for the relief of Raymond N. Hutto; to the Committee on Military Affairs.

By Mr. CLEVENGER:

H. R. 8903. A bill granting a pension to Carl Kolbe; to the Committee on Invalid Pensions.

By Mr. COSTELLO:

H. R. 8904. A bill to make George M. Louie eligible for naturalization; to the Committee on Immigration and Naturalization.

By Mr. D'ALESANDRO:

H. R. 8905. A bill for the relief of J. H. Mullen; to the Committee on Claims.

By Mr. EBERHARTER:

H. R. 8906. A bill to record the lawful admission to the United States for permanent residence of Nicholas G. Karas; to the Committee on Immigration and Naturalization.

By Mr. GROSS:

H. R. 8907. A bill granting a pension to Howard Loucks; to the Committee on Invalid Pensions.

By Mr. JOHNS:

H. R. 8908. A bill for the relief of Ernest Melotte and Mary Melotte; to the Committee on Claims.

By Mr. JONES of Ohio:

H. R. 8909. A bill for the relief of the Custer Lumber Co.; to the Committee on Claims.

By Mr. MASON:

H. R. 8910. A bill providing for the extension of nonquota status to Frederick Beck; to the Committee on Immigration and Naturalization.

By Mr. O'CONNOR:

H. R. 8911. A bill for the relief of Fred Spencer; to the Committee on Claims.

By Mr. RAMSPECK:

H. R. 8912. A bill for the relief of Hugh C. Russell; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6883. By Mr. BOLLES: Petition of the United Construction Workers Organizing Committee, Local No. 65, of Burlington, Wis., opposing the proposed amendments to the Wagner Act; to the Committee on Labor.

6884. Also, petition of the International Union, United Automobile Workers of Kenosha, Wis., opposing the proposed amendments to the Wagner Act; to the Committee on Labor.

6885. Also, petition of Local 184, United Automobile Workers, Congress of Industrial Organizations, Racine, Wis., opposing the proposed amendments to the Wagner Act; to the Committee on Labor.

6886. By Mr. DOUGLAS: Resolution of the Polish Community, Inc., Utica, N. Y., urging immediate consideration of legislation providing appropriations for relief of Polish refugees; to the Committee on Ways and Means.

6887. By Mr. KEOGH: Petition of the Central Trades and Labor Council of Greater New York and Vicinity, concerning the longevity-pay bills (S. 487 and H. R. 3649); to the Committee on the Post Office and Post Roads.

6888. Also, petition of the Central Trades and Labor Council of Greater New York and Vicinity, concerning the Board of Appeals bill (H. R. 2569); to the Committee on the Civil Service.

6889. Also, petition of the Brooklyn Council, Kings County, Veterans of Foreign Wars of the United States, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar refinery workers; to the Committee on Foreign Affairs.

6889½. By Mr. PFEIFER: Petition of the Central Trades and Labor Council of Greater New York and vicinity, endorsing Senate bill 487 and House bill 3649, the longevity pay bills; to the Committee on the Post Office and Post Roads.

6890. Also, petition of Local No. 1, Women's Division to Navy Yard Retirement Association, Brooklyn, N. Y., urging continuation of the present sugar act to protect the jobs of Brooklyn people; to the Committee on Foreign Affairs.

6890½. By Mr. LUDLOW: Petition of numerous citizens of Indianapolis, Marion County, Ind., protesting against the levying of excise or any other form of processing taxes on bread and other everyday indispensable necessities of life; to the Committee on Ways and Means.

6891. By Mr. GWYNNE: Petition of numerous citizens of the Third Iowa District, urging enactment of House bill 5620, known as the General Welfare Act; to the Committee on Ways and Means.

6892. By Mr. FITZPATRICK: Petition of R. J. McCormack, of Bronx, New York City, N. Y., and many others, protesting against the imposition of new processing taxes, especially on bread; to the Committee on Ways and Means.

6893. By Mr. FLAHERTY: Petition of the Massachusetts Women's Political Club, of Boston, Mass., opposing the furlough provision in the Relief Appropriation Act; to the Committee on Appropriations.

6894. Also, petition of the Finnish-American Club of Greater Boston, Allston, Mass., prohibiting shipment of war supplies to Soviet Government; to the Committee on Foreign Affairs.

6895. By Mr. HARTER of New York: Petition of the Central Council of the Citizens and Taxpayers Association of Cheektowaga, N. Y., opposing the St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

6896. By Mr. HOUSTON: Petition of Mrs. W. C. Stephens and 16 residents of Goddard, Kans., urging enactment of Senate bill 280, a bill to prohibit compulsory block-booking by motion-picture distributors; to the Committee on Interstate and Foreign Commerce.

6897. By Mr. MICHAEL J. KENNEDY: Petition of the American Communication Association, Congress of Industrial Organizations, Marine Division Local No. 2, New York City, designating April 6 as a day of peace and trade-union democracy; to the Committee on the Library.

6898. Also, petition of the Senate of the State of New York, urging that the Congress amend census legislation for 1940 so that any personal questions may be eliminated from the questionnaire and the criminal penalty abolished; to the Committee on the Census.

6899. Also, petition of the harbor carriers of the port of New York, urging that the Congress in 1940 adopt a sugar program which will not increase the quotas of imported tropical refined sugar; to the Committee on Foreign Affairs.

6900. By Mr. SCHIFFLER: Petition of the West Virginia Association of Retail Grocers, Charleston, W. Va., urging that everything possible be done to protect our American industries and American jobs; to the Committee on Labor.

6901. By Mr. HOPE: Petition of Harry Enns, of Inman, Kans., and 16 other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6902. Also, petition of Herman Engweiler, of Haven, Kans., and 19 other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6903. Also, petition of Carl W. Hayes, of Hutchinson, Kans., and seven other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6904. Also, petition of D. E. John, of St. John, Kans., and 20 other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6905. Also, petition of Walter Mawhirter, of St. John, Kans., and two other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6906. Also, petition of L. S. Burnett, of St. John, Kans., and eight other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6907. Also, petition of E. J. Wolsieffer, of Pratt, Kans., and 48 other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6908. Also, petition of L. W. Horton, of Stafford, Kans., and 12 other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6909. Also, petition of John Booth, of Macksville, Kans., and six other citizens, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6910. By Mr. MICHAEL J. KENNEDY: Petition of the Central Trades and Labor Council, endorsing Senate bill 487 and House bill 3649, longevity pay bills, which they feel would materially help the postal employee; to the Committee on the Post Office and Post Roads.

6911. Also, petition of Central Trades and Labor Council of New York City, favoring resolutions presented by the New York Letters Carriers' Association, Local No. 36, favoring legislation for a board of appeals and endorsing the Rogers bill (H. R. 2569); to the Committee on the Civil Service.

6912. Also, petition of the Women's International League for Peace and Freedom, opposing alien and sedition bills and favoring legislation for a popular referendum before entering a foreign war; to the Committee on the Judiciary.

6913. By Mr. MARTIN J. KENNEDY: Petition of the Central Trades and Labor Council, New York City, concerning resolutions presented by the Post Office Clerks, No. 10, and the Railway Mail Association relative to the longevity pay bills (S. 487 and H. R. 3649); to the Committee on the Post Office and Post Roads.

6914. Also, petition of the Central Trades and Labor Council, New York City, concerning the Rogers bill (H. R. 2569); to the Committee on Labor.

6915. Also, petition of the National Concrete Masonry Association, Chicago, Ill., concerning Senate bill 591; to the Committee on Labor.

6916. By Mr. MERRITT: Resolution of the Brooklyn council, Kings County Veterans of Foreign Wars of the United States, urging upon the elective Representatives the necessity of enacting at this session legislation that will prohibit the further expansion, and if possible curtail the import of refined sugar made in tropical islands for our markets and thereby protect the jobs of American men and women of Brooklyn, N. Y.; to the Committee on Foreign Affairs.

6917. Also, resolution of Young Married Couples Club of Community Church, Jackson Heights, urging support of Senator SCHWELLENBACH'S resolution to forbid the export of all war-making raw materials to Japan; to the Committee on Foreign Affairs.

6918. By Mr. PFEIFER: Petition of the Central Trades and Labor Council of Greater New York and Vicinity, favoring legislation for a Civil Service Board of Appeals, House bill 2569; to the Committee on the Civil Service.

6919. Also, petition of the Brooklyn Council, Kings County, Veterans of Foreign Wars of the United States, Brooklyn, N. Y., urging continuation of the present Sugar Act and protesting against the importation of tropically refined sugar, thereby protecting the jobs of American men and women in Brooklyn; to the Committee on Foreign Affairs.

6920. By Mr. ELSTON: Petition of W. E. Hey and approximately 100 other citizens of Cincinnati, Ohio, and vicinity, protesting against certain personal questions which are contained in the 1940 census questionnaire; to the Committee on the Census.

6921. By the SPEAKER: Petition of the Bradbury Heights Citizens' Association, Washington, D. C., petitioning consideration of their resolution with reference to a school site; to the Committee on Appropriations.

SENATE

WEDNESDAY, MARCH 13, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who fillest space and time and yet transcendest all: We beseech Thee to communicate Thyself to our spirit's need and out of Thine eternity calm our hearts, bowed down beneath the shadows of our times. The world is full of sighs and tears, and men's hearts failing them for fear. With hopes and prospects rudely shattered, we ask for Thine especial blessing on those valiant ones who suffer from the inexorable power of hateful force and crushing might. Grant through faith and hope and love's transcendent dower, that they may rise to an even finer, nobler citizenship, worthy of the sons of God. Though heart and flesh may fail and all glory become as a fading flower, keep, Thou, their souls, dear Lord, in this their day of visitation. We ask it in the name of Him whose glory is the cross, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 12, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Johnson, Colo.	Schwartz
Andrews	Downey	La Follette	Schwellenbach
Ashurst	Ellender	Lee	Sheppard
Austin	Frazier	Lodge	Shipstead
Bailey	George	Lundeen	Smathers
Bankhead	Gerry	McCarran	Smith
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Taft
Bilbo	Glass	Maloney	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrnes	Hale	Murray	Truman
Capper	Harrison	Neely	Tydings
Caraway	Hatch	Norris	Vandenberg
Chandler	Hayden	Nye	Van Nuys
Chavez	Herring	O'Mahoney	Wagner
Clark, Idaho	Hill	Pepper	Walsh
Clark, Mo.	Holman	Pittman	Wheeler
Connally	Holt	Reed	White
Danaher	Hughes	Reynolds	Wiley
Davis	Johnson, Calif.	Russell	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is attending a meeting of the Rivers and Harbors Conference and is therefore absent.

The Senator from Illinois [Mr. LUCAS] is unavoidably detained.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 685) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MANSFIELD, Mr. GAVAGAN, Mr. DEROUEN, Mr. SEGER, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 8026) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 38), as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of each part and subsequent parts of Senate Report No. 1182, submitted pursuant to Senate Resolution 71 (74th Cong.), entitled "Investigation of Railroads, Holding Companies, and Affiliated Companies," of which 2,000 copies shall be for the use of the Committee on Interstate Commerce, 500 copies for the use of the Senate document room, and 500 copies for the use of the House document room.

DATA ON INDIAN IRRIGATION PROJECTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement of costs, cancelations, and miscellaneous irrigation data pertaining to Indian irrigation projects for the fiscal year 1939, which, with the accompanying statement, was referred to the Committee on Indian Affairs.

COMPANIES ISSUING FACE-AMOUNT INSTALLMENT CERTIFICATES

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting a report on companies issuing face-amount installment certificates, supplementing the Commission's over-all report on its study of investment trusts and investment companies, made pursuant to law, which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted at the seventh anniversary of the A. A. A. farm-program dinner held at Jeffers, Cottonwood County, Minn., favoring necessary appropriations to continue the operation of the Agricultural Adjustment Act, including parity payments and commodity loan and surplus removal funds, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted at a meeting of stockholders of the local farm-loan association at Darlington, S. C., protesting against the proposed transfer of the Farm Credit Administration to the jurisdiction of the Secretary of the Treasury, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution of the Polish Literary Guild of New Britain, Conn., favoring the granting of relief to the people of Poland suffering as a result of the invasion of that country, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition, signed by Fred C. Wagner, chairman, Seventeenth Congressional District Townsend Clubs, Los Angeles, Calif., praying for the enactment of House bill 7447, providing for Federal aid in the construction of a T-tunnel project at San Pedro Harbor, Calif., which was referred to the Committee on Military Affairs.

Mr. HOLT presented a memorial of 2,000 citizens of West Virginia, remonstrating against the levying of new processing taxes on bread, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of members of Local No. 2, W. P. A. Workers Organizing Committee, and Labor's Non-Partisan League, of Cabell County, Huntington, in the State of West Virginia, praying for the elimination of the automatic furlough clause in existing law relating to those working 18 months on the W. P. A., which were referred to the Committee on Appropriations.

He also presented a paper in the nature of a petition from the West Virginia State Federation of Labor, praying for amendment of Army and Navy appropriation bills so as to eliminate aliens from the Government service in the Canal Zone, which was referred to the Committee on Appropriations.

He also presented a resolution of the Fairmont (W. Va.) Board of Commerce, protesting against the installation of generating equipment at Gallipolis Dam on the Ohio River, which was referred to the Committee on Commerce.

He also presented the petition of Townsend Club, No. 1, of Rivesville, W. Va., praying for adoption of the so-called Townsend plan providing old-age assistance, which was referred to the Committee on Finance.

He also presented the petition of the Mercer County (W. Va.) Food Dealers' Association, praying for continuance of the existing Federal sugar law, and also for the protection of the cane-sugar-refining industry, which was referred to the Committee on Finance.

He also presented petitions of members of Local Union No. 54, of Clarksburg; Local Union No. 95, of Morgantown; Local Union No. 10, of Moundsville; Local Union No. 84, of St. Marys; and Branch No. 562, of Wellsburg, all of the American Flint Glass Workers' Union of North America in the State of West Virginia, praying for the imposition of higher tariff duties than those now existing on glassware, and also that the control of all tariff legislation be retained in the Congress, which were referred to the Committee on Finance.

He also presented the petition of Berkeley Post, No. 14, American Legion Auxiliary, of Berkeley, W. Va., praying for the enactment of House bill 7593, the so-called World War widows' and orphans' pension bill, which was referred to the Committee on Pensions.

He also presented the petition of R. G. Peterson, a member of Branch No. 531, National Association of Letter Carriers, of Charleston, W. Va., praying for the enactment of

Senate bill 487, the so-called postal longevity pay bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the W. C. T. U. of Buckhannon, W. Va., praying for the enactment of the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, which was ordered to lie on the table.

Mr. BARKLEY presented the following resolution of the House of Representatives of the State of Kentucky, which was referred to the Committee on Commerce:

House Resolution 126

Resolution petitioning the Congress of the United States of America to take such steps as are necessary to cause Obion Creek to be drained as a health project from the trestle about one-half mile south of Pryorsburg, Ky., on the Illinois Central Railroad, westward through Graves and Hickman County at a point where said creek empties into the Mississippi River

Whereas by reason of erosion upon a scale that cannot be controlled by private enterprise, Obion Creek has been filled from the trestle on the Illinois Central Railroad Co.'s right-of-way about one-half mile south of Pryorsburg, Ky., westward through Graves and Hickman County to a point where said creek empties into the Mississippi River, thereby causing said creek to overflow and form slashes and ponds along the same that stand through the middle part of the summer each year, which ponds and slashes become breeding places for multiplied millions of mosquitoes that spread malaria fever over a large portion of Graves and Hickman County; and

Whereas the foreign demand for dark-fired tobacco, which is the money crop of said counties, has decreased to such an extent that the farmers along said creek and whose land will be affected by the drainage thereof are unable to incur the expense of draining said creek without practically confiscating the land so affected; and

Whereas the existence of said slashes and ponds constitutes a menace to all the people living in the surrounding territory that can be reached by the flight of mosquitoes or to which they can be brought by wind: Therefore be it

Resolved by the House of Representatives of the Commonwealth of Kentucky:

SECTION 1. That the Congress of the United States of America be petitioned to take such steps as are necessary to cause Obion Creek to be drained from the trestle on the Illinois Central Railroad right-of-way about one-half mile south of Pryorsburg, Ky., in Graves County, westward through said county and through Hickman County to a point where said creek empties into the Mississippi River as a necessary health project.

SEC. 2. That each United States Senator and Representative in the Kentucky delegation be urged to use his personal efforts to secure the action herein contemplated.

SEC. 3. That the secretary of state be directed to certify copy of this resolution to each Member of the Kentucky delegation in the Congress of the United States.

COL. BENJAMIN CHURCH MILITARY RESERVATION, R. I.

Mr. GREEN. Mr. President, I ask unanimous consent to present for appropriate reference a resolution of the General Assembly of the State of Rhode Island, asking that a certain military reservation in that State be named after Col. Benjamin Church.

There being no objection, the resolution was referred to the Committee on Military Affairs, as follows:

Resolution requesting the President of the United States, the Secretary of War, and the Senators and Representatives from Rhode Island in the Congress of the United States to take all necessary steps to have the United States military reservation upon the West Main Road in the town of Little Compton, R. I., named in honor of that illustrious colonial soldier, Col. Benjamin Church

Whereas there is now located in the town of Little Compton, R. I., upon the West Main Road, a United States military reservation and, at a meeting of the Town Council of said town, held upon February 12, 1940, a vote was recorded to ask the proper authorities that the said military reservation be named in honor of the colonial soldier, Col. Benjamin Church; now, therefore, shall this general assembly record herein something of the achievement of that redoubtable Indian friend and fighter, who was one of the original proprietors of Sogkonate, upon whose title, thus conferred, now depend at law the landed interests in Little Compton.

Col. Benjamin Church, born at Plymouth, Mass., in 1639, followed the carpentry trade, journeying to many parts of Plymouth Colony. By 1674 he had bought land and was engaged in building a house at Sogkonate (Little Compton, R. I.), where he became well acquainted with the Indians and was soon in great esteem among them. Through the perils and adventures of later war he endeavored to maintain friendly relations with the neighboring Indians, was their adviser and defender and tried honestly to keep his solemn promises to them to live up to treaties. He believed that although title to lands at English law was complete by the grant of the Plymouth Colony, the Indians had moral rights and their lands should be purchased from them.

The outbreak of King Philip's War, in June 1675, found Mr. Church living on the frontier, where his first act was to dissuade Awashonks, squaw-sachem of the Sogkonate Indians, from joining the Wampanoags.

Commanding small detachments of Plymouth troops, Church fought numerous skirmishes which taught methods of Indian warfare and he was constantly urging his superior officers to pursue the enemy instead of building forts.

In the great swamp fight of December 19, 1675, near South Kingstown, R. I., he played a prominent part as captain of a Plymouth company and was twice wounded.

During the following spring and summer the troops of the United Colonies undertook the systematic destruction of the Indians' corn and the capture of the warriors with their women and children. By offering his captives their choice between slavery or fighting against their kinsmen, Church enlisted many Indians in his forces and, with their assistance, took additional prisoners, including a squaw and son of Philip.

The sachem himself, with his remaining followers, took refuge in a swamp near Mount Hope (Bristol, R. I.), where he was ambushed by Church and shot by one of Church's Indians.

During King William's and Queen Anne's wars, he served as major, and later colonel, in five expeditions against the French and Indians in Maine and Nova Scotia; Now, therefore, be it

Resolved, That this general assembly heartily edorses the effort of the people of Little Compton, R. I., to give recognition to the accomplishments of Col. Benjamin Church, believing that he should be so honored by adding the distinction of his name to the United States military reservation upon West Main Road, in said town, and, therefore, at this time respectfully requests the President of the United States, the Secretary of War, and the Senators and Representatives from Rhode Island in the Congress of the United States to take all necessary steps to have this military reservation so named; and be it further

Resolved, That copies of this resolution be forwarded by the secretary of state to the President of the United States, the Secretary of War, and to the Senators and Representatives from Rhode Island in Congress.

RESOLUTIONS, PATRIOTIC ORDER SONS OF AMERICA (PENNSYLVANIA)

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred resolutions adopted by the State executive committee of the Patriotic Order Sons of America of the State Camp of Pennsylvania in regard to diplomatic relations of the United States with Soviet Russia, the Dies committee, subversive youth movements, and the sugarcane industry. These resolutions were adopted by the organization referred to on March 2, 1940.

There being no objection, the resolutions were ordered to be printed in the RECORD and referred to committees, as follows:

To the Committee on Foreign Relations:

DIPLOMATIC RELATIONS WITH SOVIET RUSSIA

Whereas diplomatic relations with the Soviet Union were established on the undertakings set forth in an exchange of notes dated November 16, 1933, between the President of the United States and the People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics, as follows:

"EXCERPT FROM LETTER OF PRESIDENT FRANKLIN D. ROOSEVELT TO MR. MAXIM M. LITVINOV, PEOPLE'S COMMISSAR FOR FOREIGN AFFAIRS, UNION OF SOVIET SOCIALIST REPUBLICS, NOVEMBER 16, 1933

"1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way, and to refrain from interfering in any manner in the internal affairs of the United States, its Territories, or possessions.

"2. To refrain and to restrain all persons in Government service and all organizations of the Government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its Territories, or possessions, and in particular from any act tending to incite or encourage armed intervention or any agitation or propaganda having as an aim the violation of the territorial integrity of the United States, its Territories, or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its Territories, or possessions.

"3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which makes claim to be the Government of, or makes attempt upon the territorial integrity of the United States, its Territories, or possessions; not to form, subsidize, support, or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its Territories, or possessions, and to prevent any recruiting on behalf of such organizations and groups.

"4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its Territories, or possessions"; and

Whereas the recognition of Soviet Russia has resulted in no benefit to our country and much embarrassment through its attempts to subvert our republican form of government and exchange the benefits derived from the Christian religion to the immoral possibilities of their atheistic attitude; and

Whereas evidence of a conclusive nature obtained during investigations by the Dies committee has been deemed by this committee to "constitute a violation of the treaty of recognition entered into between the Government of the United States and the Government of the Union of Soviet Socialist Republics in 1933" (p. 4, H. Rept. No. 1476, 76th Cong., 3d sess.): Be it

Resolved, That the President of the United States and the Congress be advised that the Patriotic Order Sons of America urges that the diplomatic and consular representatives of the United States to the Soviet Union be withdrawn and the appropriations for their maintenance be discontinued.

To the Committee on the Judiciary:

DIES COMMITTEE

Whereas the Special Committee on Un-American Activities, popularly known as the Dies committee, under the competent and efficient leadership of Congressman MARTIN DIES, has furnished conclusive evidence of the existence of a vast amount of un-American activity, especially among the Communists, Fascists, and Nazis, and their sympathizers, and

Whereas concerted effort is now being made to discredit the aforesaid investigation: Therefore be it

Resolved, That the Patriotic Order Sons of America goes on record as approving the work done to date by this committee and lauds the patriotism of the chairman and members of the committee in bringing to light all un-American activities, particularly the penetration of Government offices by the Communists and all those who would effect a change in our form of government.

And—

SUBVERSIVE YOUTH MOVEMENT

Whereas a determined effort is being made to socialize and communize the youth of our country and for this purpose the leaders of these movements have penetrated our schools and colleges and have formed unions, councils, committees, clubs, federations, congresses, social-service clubs, work clubs, workers' schools, institutes, and collectively they often assemble in conferences and congresses; and

Whereas the result of all this is to create in the youthful mind a disrespect for the home and paternal guidance, contempt for our institutions and a hatred of religion: Therefore be it

Resolved, That the Patriotic Order Sons of America condemns all subsersive youth movements and censures their guiding adults who might be better employed in the teaching of youth to love their religion, home, and country.

To the Committee on Agriculture and Forestry:

SUGARCANE INDUSTRY

Whereas Pennsylvania has lost jobs and industry in recent years; and

Whereas such loss has created serious unemployment and tax burdens; and

Whereas a large part of this loss is due to the drastic decline in the Pennsylvania cane-sugar industry: Therefore be it

Resolved by the State Executive Committee, Patriotic Order Sons of America in meeting, Saturday, March 2, 1940, That the Senators and Congressmen of this State be urged to see that sugar legislation be enacted in 1940 which will stop any further loss to the local industry; such loss would arise if there are increases in the quotas for off-shore tropical refined sugar, or for the highly subsidized beet-sugar industry.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2377) to amend the Commodity Exchange Act, as amended, to extend its provisions to hides, reported it without amendment.

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, to which was referred the concurrent resolution (S. Con. Res. 39) extending the time for the submittal of the report of the Joint Committee on Forestry (submitted by Mr. BANKHEAD on the 4th instant), reported it without amendment.

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3018. A bill to amend section 210 of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1073; 47 U. S. C. 210), so as to permit communication utilities to contribute free services to the national defense (Rept. No. 1305); and

S. 3065. A bill authorizing the sale of fuel, electric current, and water at isolated naval stations (Rept. No. 1306).

Mr. WALSH also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3017. A bill to amend the act entitled "An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va.," approved June 24, 1935 (49 Stat. 395), so as to permit the removal of certain encumbrances on the lands concerned (Rept. No. 1307);

S. 3456. A bill to provide for the reimbursement of certain personnel or former personnel of the United States Marine Corps for the value of personal effects destroyed as a result of a fire at Raritan Arsenal, Metuchen, N. J., on October 10, 1938 (Rept. No. 1308); and

H. R. 7081. A bill authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Wash. (Rept. No. 1309).

HEARINGS BEFORE THE FINANCE COMMITTEE ON EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

Mr. HAYDEN. Mr. President, from the Committee on Printing, I report back favorably, without amendment, Senate Resolution 242, and ask unanimous consent for its present consideration.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HATCH. I did not understand the nature of the request made by the Senator from Arizona.

Mr. HAYDEN. The resolution provides for the printing of additional copies of the hearings on the Reciprocal Trade Agreements Act.

Mr. HATCH. It would not displace the pending business?

Mr. HAYDEN. Not at all. There has been such a demand for the hearings that they were exhausted.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

There being no objection, the resolution (S. Res. 242) submitted by Mr. HARRISON on the 11th instant was considered and agreed to, as follows:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed for its use 400 additional copies of the hearings held before said committee during the current session on the resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HATCH:

S. 3569. A bill granting a pension to Casimira Gallegos de Garcia; to the Committee on Pensions.

By Mr. DAVIS:

S. 3570. A bill to grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at Port Allegany Borough, Liberty Township, in the county of McKean, and in the Commonwealth of Pennsylvania; and

S. 3571. A bill to grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Monongahela River, at a point between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the county of Allegheny, and in the Commonwealth of Pennsylvania; to the Committee on Commerce.

(Mr. DAVIS introduced Senate bill 3572, which was referred to the Committee on Public Buildings and Grounds, and appears under a separate heading.)

By Mr. MEAD:

S. 3573. A bill to readjudicate the annuity of Jesse German; to the Committee on Civil Service.

S. 3574. A bill granting jurisdiction to the Court of Claims to hear, determine, and render judgment upon certain claims arising out of the acquisition by the United States of seven Austrian merchant vessels; to the Committee on Claims.

By Mr. SHEPPARD:

S. 3575. A bill to make better provision for the teacher of music, the leader of the Military Academy Band; to the Committee on Military Affairs.

By Mr. PEPPER:

S. 3576. A bill to provide for mandatory or compulsory inspection and permissive or voluntary grading of fish, fishery products, and for other purposes; to the Committee on Commerce.

(Mr. WAGNER (for Mr. KING) introduced Senate bill 3577, which was referred to the Committee on Territories and Insular Affairs, and appears under a separate heading.)

(Mr. TOWNSEND introduced Senate Joint Resolution 230, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

DAVID WILLS HOUSE, GETTYSBURG, PA., SHRINE TO MEMORY OF ABRAHAM LINCOLN

Mr. DAVIS. Mr. President, I am sending to the desk a bill to provide for the purchase and restoration to the original condition of the David Wills house in Gettysburg, Pa., as a perpetual shrine to the memory of Abraham Lincoln. It is needless to say that the historical importance of the David Wills house is found in the fact that here Abraham Lincoln wrote his immortal Gettysburg Address.

The house on the southeast corner of the town square on York Street, known as the David Wills house, was built in 1818 by Col. Alexander Cobean. David Wills bought the house in 1859. It was a many-windowed house, dignified and stately, and in every respect a home. In 1897, Mr. Charles S. Duncan bought the property. Mr. Duncan sold it to Mr. Schuyler A. Hammond in 1903. In 1914, Mr. Hammond sold the property to Mr. P. W. Stallsmith, the present owner.

The Wills house is a large three-story brick building, with a two-story brick structure adjoining the house on the east along York Street. The first floor of the main structure is now occupied by the retail drug firm of Rea & Derick; the second floor by the Lincoln Room Museum and a beauty salon; the third floor by the offices of the Pennsylvania State Highway Department, and the office of Mr. P. W. Stallsmith, owner of the building.

According to Mr. P. W. Stallsmith, who remodeled the interior of the building, the number of rooms in the large, original Wills house were as follows: First floor, five rooms and a large hallway; second floor, five rooms and a hallway; third floor, five rooms and a hallway. There was a large, unfinished attic. The approximate height of the building is 45 feet. The building is approximately 40 feet square. The original arch over the door at the York Street entrance has never been removed.

It was in this building that President Lincoln prepared his immortal speech. He left Washington for Gettysburg at noon on Wednesday, November 18, 1863, in a special train. The journey occupied the entire afternoon. The President was conveyed to the home of Mr. Wills, rather than to the hotel in Gettyburg because the hotel was crowded. The arrangements proved entirely satisfactory. Sometime between 9 and 10 o'clock Lincoln went to his room, accompanied only by his colored servant, William. He laid out his papers, ready to write, and then asked William to go down and ask Judge Wills to come to him. After a brief conversation with Lincoln, Judge Wills went downstairs, and for an hour he heard nothing from the President. About 11 o'clock William came down again and said that the President would like to see Judge Wills. President Lincoln told the judge that he would like to confer with Secretary Seward. Together they went to the Harper house next door. Mr. Lincoln carried in his hand the sheets of paper on which he had been writing. About half past 11 the President returned, the manuscript still in his hand. About midnight he lay down to sleep.

The history of the next day is so well known that I shall not attempt to narrate it here.

Mr. Everett, the orator of the day, had spoken for an hour and fifty-seven minutes, ending with a very eloquent peroration. Lincoln was nervous as the time approached for him to speak. He drew out his manuscript, adjusted his spectacles, shifted his position in his chair, and reviewed his speech. Virtually he had learned it by heart. He could have delivered it without any manuscript. Standing firmly on both feet, he held his manuscript in both hands, and glanced at it infrequently. Although he spoke very slowly, he was on his feet less than 3 minutes. Compared with Everett's oration, the President's speech seemed like almost no speech at all.

Mr. President, the historical significance of the David Wills house is assured past all controversy. It was here that Lincoln prepared the first and second drafts of the memorable address with which his name is forever identified, and, Mr. President, I wish humbly to repeat this great message:

Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place of those who here gave their lives that this Nation might live. It is altogether fitting that we should do this.

But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall have not died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

Mr. President, I ask consent to introduce the bill and have it referred to the Committee on Public Buildings and Grounds. I also ask unanimous consent that the bill may be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 3572) to provide for the purchase and restoration to original condition of the David Wills House, Gettysburg, Pa., as a perpetual shrine to the memory of Abraham Lincoln, was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by purchase at a cost of $125,000 the David Wills House and property connected therewith at Gettysburg, Pa., in which house President Abraham Lincoln was entertained on November 18 and 19, 1863, and in which he wrote the world-famed Gettysburg Address; the amount of the purchase herein designated to be used,

(a) $97,500 for the building and site.

(b) $27,500 for the restoration of the building as nearly as possible to its condition as of November 18, 1863, said building to be dedicated as a perpetual shrine to the memory of Abraham Lincoln.

The administration, protection, and care of the said building and property shall be under the supervision of the Board of Directors of the Gettysburg National Military Park.

SETTLEMENT AND DEVELOPMENT OF ALASKA

Mr. WAGNER. Mr. President, on behalf of the Senator from Utah [Mr. KING], I ask consent to introduce a bill for that Senator providing for the settlement and development of Alaska. I also ask unanimous consent that a memorandum relative to the bill may be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 3577) to provide for the settlement and development of Alaska was read twice by its title and referred to the Committee on Territories and Insular Affairs.

The memorandum relative to the bill was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON ALASKAN DEVELOPMENT CORPORATION BILL

I. PURPOSES

The Alaskan Development Corporation bill seeks to accomplish three interrelated purposes:

(1) To enlist private capital in the development of Alaskan resources.

(2) To encourage the settlement in Alaska of men and women who want to make Alaska their home and who are prepared to conquer the problems of an undeveloped country.

(3) To provide an adequate mechanism of Federal control over such development and settlement, so as to guard against the dangers of unrestricted exploitation of natural and human resources.

1. Sources of capital: The amount of capital available in Alaska for industrial development is negligible. American capital has in recent years shown little interest in Alaskan development. Some of the American concerns that have invested in Alaska have been interested only in taking raw materials out of the Territory, and such investment has made little contribution to the development of Alaska. At the present time, however, there are many American citizens who are sending substantial sums abroad for the relief of victims of war and persecution. Rather than pour these funds endlessly into lands where the recipients are not allowed to earn a living, the suppliers of these donations would consider it a privilege to establish permanent sources of livelihood in a territory where some of these victims might utilize their abilities and become self-supporting. As between the Territory of Alaska and other proposed lands of refuge in Africa and South America, the attraction of the American flag appears irresistible. It is hoped that persons and organizations interested in refugee settlement may be in a position to invest considerable amounts of capital in the development of Alaska. (The total capital of all Alaskan banks at the present time is approximately $900,000.) Sums expended for the construction of homes, mills, canneries, and factories, for the improvement of land, and for the purchase of industrial and agricultural equipment would represent a permanent addition to productive capital in the Territory.

2. Character of settlers: The white population of Alaska has been almost stationary for three decades, and the practical cessation of foreign immigration under existing quota laws has removed what was in the past a principal source of new population. Even today, approximately one-third of the white population of Alaska is foreign-born. A certain number of Americans without jobs or resources drift to Alaska and intensify the winter relief problem of the Alaskan cities. Ordinarily, Americans with the capital and training that would be needed to meet the problems of Alaskan living do not have the urge to leave the United States and start life anew on the frontier. Therefore, the problem of populating Alaska depends in the first place upon encouraging foreign immigration of the proper sort under conditions which assure that immigration will make a positive contribution to the economic life of the Territory.

At the present time, immigration to the United States naturally tends toward localities where friends and relatives of the immigrants are located, where industries are established, and where the conveniences of civilized life are readily available. If, therefore, the highest type of immigrant is to be attracted to Alaska, some special incentive must be offered. The most effective possible incentive would be permission to enter Alaska in cases where because of quota limitations the immigrant could not enter the United States fon many years to come.

Such immigrants, in meeting the problems of frontier life, would not be thinking of the comforts of life in the States that they had sacrificed, but in terms of the savagery and hopelessness of the conditions abroad from which they had been rescued. To such people the difficulties that seemed so fearful to some of the Matanuska settlers would appear trivial.

The proposed bill seeks to assure the highest possible type of immigration to Alaska by laying down rigid standards of physical, mental, and moral fitness, which are supplementary to existing immigration restrictions. The only immigration restrictions waived by the proposed bill, aside from quota restrictions, are the prohibitions against guaranteeing employment to immigrants and against contributing to their costs of passage.

The bill provides that with respect to at least 50 percent of the openings in any project, preference shall be given to American citizens. This provision is designed to insure against any of the proposed projects taking the appearance of foreign colonies, to assist assimilation and Americanization of the immigrants, and to guarantee that the program as a whole will, instead of depriving any Americans of jobs, actually create a substantial number of new jobs for citizens, based upon capital which would not otherwise be available for the creation of jobs on American soil.

3. Federal supervision: In this program of settlement and development, governmental control is important (a) in the interests of conservation; (b) in order to direct industrial development into lines of greatest national advantage; and (c) in order to make certain that the settlers are furnished with the equipment and materials they require for healthy living and self-support. The most effective way to accomplish these purposes appears to be through federally chartered corporations responsible to the Secretary of the Interior for the carrying out of specific undertakings with respect to the amount and type of capital investment per settler, the occupations to be pursued, the basis upon which settlers are to be selected, and other essential details of particular projects.

The bill sets forth specific limitations designed to insure that the proposed corporations will engage in enterprises, based upon the resources of Alaska, that will not compete with American industry or displace any workman in Alaska or the United States. The bill also imposes a rigid limitation upon the amount of profit that may be drawn from the Territory by stockholders and bondholders of the corporations.

The bill assures that there will be no "dumping" of penniless refugees in Alaska; that no corporation will be chartered until at least two and a half million dollars has been actually raised; that no corporate project will be authorized until the essential details of a practical course of development have been scrutinized and approved; and that no immigrant will be given a special visa until the funds are available and the plans approved to guarantee an opportunity for healthy living and ultimate self-support.

II. OPERATION OF THE PROPOSED LEGISLATION

If the proposed bill is enacted, the first step to be taken under it would be the organization of Alaska development corporations, under section 1 of the bill. Such corporations would be chartered by the Secretary of the Interior upon a finding that the articles of incorporation conformed to all the requirements of the law (secs. 2 and 3) and that shares of stock or debentures amounting to at least $2,500,000 had been subscribed to, in good faith (sec. 4). All stock must be paid for in cash and only citizens of the United States and settlers in Alaska may hold voting stock (sec. 5).

Such corporations may engage in specified industries, based primarily upon the unused resources of Alaska (sec. 6). In addition to the usual powers of commercial corporations, these Alaska development corporations may present for the approval of the Secretary of the Interior plans for a specific settlement projects (sec. 8).

Upon the approval of such a plan, the Secretary of Labor is empowered to pass on the qualifications of prospective immigrant settlers; such as are found to be qualified may receive special visas from the appropriate consular officers, similar to student or visitor visas, and entitling the recipient to travel to Alaska and to engage in the occupations which the bill authorizes (secs. 9 and 10). Violation of the conditions of the visa is made a punishable and deportable offense (sec. 14).

Settlers admitted under special visa will not be eligible to citizenship until they have been reclassified as quota immigrants (sec. 10). Such reclassification may be authorized by the Secretary of Labor in any year when the quota assigned to the country of the settler's origin is not otherwise filled (sec. 10). Admission to citizenship, after such reclassification, discharges the conditions of the settler's special visa.

Provision is made, along the lines of the China Trade Act of 1922, for the supervision of reports and records of the Alaskan Development Corporations (sec. 11), the conduct of investigation by the Secretary of the Interior (sec. 12), and court proceedings in the event that any such corporation infringes the conditions laid down in its articles of incorporation or violates any law of the United States (sec. 12). Alaskan Development Corporations, in view of their public purpose character, are exempted from requirements of the Securities Act, and gifts and bequests to such corporations are exempted from Federal taxation, but in their operations in Alaska the proposed corporations would be subject to Territorial taxes (sec. 13).

III. ANALYSIS OF POSSIBLE OBJECTIONS

Provision has been made in the proposed legislation to overcome the following objections:

(1) That the plan would deprive Americans of jobs: The guaranty of citizen preference (sec. 8) and the restriction of corporate enterprises to noncompeting industries (sec. 3) were specially framed to overcome this objection

(2) That Alaska would be burdened with penniless refugees: The capital requirements prescribed (sec. 4), the prior scrutiny of corporate enterprises (sec. 8), the limitation of the number of special visas granted (sec. 9), and the requirement that sponsoring corporations give adequate guaranties that no settler will become a public charge (sec. 9), are designed to eliminate this danger.

(3) That immigrants would use Alaska as a stepping stone to illegal entry into the United States. Federal supervision of the affairs of these corporations and the system of special visas would make possible more effective control over immigrant settlers than is possible with respect to any other class of immigrants or nonimmigrant alien visitors under existing law. Furthermore, it should be noted that immigrants with guaranteed opportunities of livelihood in Alaska are not likely to want to become deportable aliens in the United States. Immigrants who seek to enter the United States illegally are likely to choose approaches closer to their routes of travel than Alaska—e. g., Canada, Mexico, or the West Indies.

(4) That admission to Alaska of immigrants who are not entitled to enter the United States would place Alaska in an inferior political status. In answer to this argument it should be noted that Hawaiians do not consider it a mark of inferiority that certain immigrants who are not entitled to enter continental United States may be admitted to Hawaii when the Secretary of the Interior decides that the needs of Hawaiian industry so warrant. Nor do the citizens of the Canal Zone, Puerto Rico, and other island possessions

object to the law under which aliens in these territories may be refused admission to the United States. Neither do the inhabitants of New Haven consider themselves put in a position of inferiority when a student visa is issued restricting the bearer to attendance at Yale University.

(5) That the proposed legislation is a radical departure from past precedents. Each important feature of the proposed bill has been based upon legislation now in force. It has already been noted that the corporate features of the bill follow those of the China Trade Act.[1] The principle of according immigrants to a territory a status distinct from that of immigrants to continental United States finds ample precedent in the act of April 29, 1902,[2] section 1 of the act of February 20, 1907,[3] and section 8 of the act of January 17, 1933.[4] The granting of a quota-exempt status to immigrants whom, for reasons of national policy, we seek to encourage is supported by numerous acts conferring such special status upon immigrants from Canada and Latin America and upon immigrant ministers, teachers, students, and various other classes.[5] Likewise, there is ample precedent in existing law for making the admission of immigrants dependent upon effective guaranties by third persons that such immigrants will not become public charges.[6] The constitutionality of legislation imposing special restrictions upon the residence or occupation of immigrant aliens is clearly established.[7]

HOUSE BILL REFERRED

The bill (H. R. 8026) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. MINTON submitted four amendments intended to be proposed by him to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were severally ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. ELLENDER. Mr. President, I send to the desk a written notice of my intention to move a suspension of the rules of the Senate in a certain particular, and I ask that the notice be read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

On page 82, line 4, before the period insert a colon and the following:

"*Provided further*, That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940: *Provided, however*, That payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such act, and the following deductions shall be made from such payments on account of the excess of the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 over the proportionate share for the farm: For so much of such excess as does not exceed 25 acres, no deduction; for so much of such excess as exceeds 25 acres, but does not exceed 125 acres, a deduction of $5 per acre; for so much of such excess as exceeds 125 acres but does not exceed 625 acres, a deduction of $10 per acre; for so much of such excess as exceeds 625 acres but does not exceed 1,125 acres, a deduction of $15 per acre; for so much of such excess as exceeds 1,125 acres, a deduction of $20 per acre."

Mr. ELLENDER submitted an amendment intended to be proposed by him to House bill 8202, the Agriculture Department appropriation bill, which was ordered to lie on the table and to be printed. (For text of amendment referred to, see the foregoing notice.)

ADDRESS BY SENATOR JOHNSON OF COLORADO ON LOOKING AT THE RECORD

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an address on the subject Looking at the Record delivered by Senator JOHNSON of Colorado at Camden, N. J., on the evening of March 12, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR PEPPER AT TESTIMONIAL DINNER IN HONOR OF FRED WAGNER

[Mr. NEELY asked and obtained leave to have printed in the RECORD the remarks of Senator PEPPER made at a testimonial dinner in honor of Fred Wagner at Columbia, Pa., March 12, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR CHAVEZ ON CATHOLIC CULTURE AND LATIN AMERICAN GOOD WILL

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address by Senator CHAVEZ at a communion breakfast of the Holy Name Society at the George Mason Hotel, Alexandria, Va., on Sunday, March 10, 1940, on the subject, The Catholic Culture in the United States—A Stepping Stone to Latin American Good Will, which appears in the Appendix.]

ANNIVERSARY FARM DINNER ADDRESS BY SECRETARY WALLACE

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. Henry A. Wallace, Secretary of Agriculture, on the occasion of the anniversary farm dinners held in several hundred counties in the United States on March 8, 1940, which appears in the Appendix.]

SURVEY OF LOANS MADE BY FARM SECURITY ADMINISTRATION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter addressed to him by Will W. Alexander, Administrator of the Farm Security Administration, dealing with the activities and work of the Farm Security Administration in the State of Kentucky, which appears in the Appendix.]

STATEMENT BY SENATOR GLASS BEFORE VIRGINIA GENERAL ASSEMBLY

[Mr. BROWN asked and obtained leave to have printed in the Appendix an article published in the Richmond Times-Dispatch, of Richmond, Va., of Saturday, March 9, 1940, dealing with the visit of Senator GLASS to the Virginia General Assembly and the statement there made by him, which appears in the Appendix.]

THE 1940 CENSUS

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a statement by him dated March 10, 1940; an article from the New York Times of Sunday, March 10, 1940; an article from the Washington (D. C.) Post of March 10, 1940; and a statement, together with a press release from the American Statistical Association, on the subject of the 1940 census, which appear in the Appendix.]

INVESTIGATION OF PURCHASE OF ARMS, ETC., BY FOREIGN GOVERNMENTS

The VICE PRESIDENT. The question before the Senate is the amendment offered by the Senator from Alabama [Mr. BANKHEAD] to the committee amendment.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. The Senator from Alabama. The Chair was advised this morning by the Senator from New York [Mr. WAGNER] that he desired to address the Senate, but he is not on his feet. So the Chair is compelled to recognize the Senator from Alabama.

Mr. BANKHEAD. I do not know why the Chair ought to be compelled to do so. I had the floor when the Senate recessed last evening to discuss the amendment offered by

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[1] 42 Stat. 849, as amended by act of February 26, 1925 (43 Stat. 996), and the act of June 25, 1938 (52 Stat. 1196).

[2] 32 Stat. 176, amended April 27, 1904 (33 Stat. 428) (prohibiting Oriental aliens in Hawaii from entering continental United States).

[3] 34 Stat. 898 (applying to immigrants whose passports authorize entry into a Territory of the United States), subsequently incorporated in section 3 of the act of February 5, 1917 (39 Stat. 878; 8 U. S. C. 135h).

[4] 47 Stat. 767, amended by sec. 8 of the act of March 24, 1934 (48 Stat. 462) (applying to Filipinos immigrating to Hawaii).

[5] Act of May 26, 1924, sec. 4 (43 Stat. 155; U. S. C. 204); act of July 3, 1926, sec. 1 (44 Stat. 812); act of May 29, 1928, secs. 1 and 2 (45 Stat. 1009); act of July 3, 1930, sec. 3 (46 Stat. 854); act of July 11, 1932, sec. 1 (47 Stat. 656).

[6] Act of February 5, 1917, sec. 3 (39 Stat. 875).

[7] *Fong Yue Ting* v. *United States*, 149 U. S. 711; *Turner* v. *Williams*, 194 U. S. 279; *Nakazo Matsuda* v. *Burnett*, 68 F. (2d) 272.

me, and I yielded to the majority leader for the purpose at that time of moving a recess.

The VICE PRESIDENT. The Chair has recognized the Senator from Alabama.

Mr. LA FOLLETTE. Mr. President, will the Senator from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. LA FOLLETTE. I appreciate the courtesy of the Senator.

Out of order, I ask unanimous consent to submit a Senate resolution and ask that it may be read, and I desire to make a brief statement concerning it prior to its reference to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read the resolution (S. Res. 244), as follows:

Resolved, That the Senate Committee on Military Affairs, or any subcommittee thereof, is hereby authorized and directed to investigate and report to the Senate:

(1) Whether the purchase of arms, ammunition, and implements of war, including aircraft, by foreign governments or their nationals has delayed or threatens in the future to delay the delivery of arms, ammunition, and implements of war, including aircraft, to the United States Army, Navy, or Marine Corps.

(2) What if any arms, ammunition, or implements of war, including aircraft, bomb sights, and other aircraft equipment, antiaircraft guns and devices, which prior to September 3, 1939, were considered as military or naval secrets, have been released for purchase by foreign governments or their nationals.

(3) What influence, if any, the purchase or contemplated purchase by foreign governments or their nationals of arms, ammunition, and implements of war, including aircraft, has had or may have upon the price which the United States Government has paid, or will have to pay, for its armament and rearmament requirements.

Mr. LA FOLLETTE. Mr. President, when the Neutrality Act was under discussion at the special session I addressed the Senate on October 12, 1939. At page 322 of the RECORD there appears a statement in which I expressed apprehension regarding the effect which the modification then contemplated of the Neutrality Act and the repeal of the arms embargo might have upon the armament and rearmament program which the United States has already embarked upon, and which, I may add, it is intending to implement and further increase at this session.

In that discussion I referred to the experience we had in the World War, when the large purchase of Lee-Enfield rifles resulted in the tooling of armament factories in this country for the production of that particular type of foreign rifle, and the difficulty and embarrassment which it created when this country finally entered the war, and we desired and it was imperative that our Armies should be equipped with the then most modern type of the Springfield rifle.

Mr. President, in connection with resolution submitted by me, I wish to call attention to an article appearing in the New York Times of this morning, by Hanson W. Baldwin, a well-recognized and highly respected military expert of the New York Times, in which he points out the controversy which he alleges has arisen in the executive branch of the Government over our policy in relation to the export of arms, ammunition, implements of war, and aircraft under the amended Neutrality Act. I shall not take the time of the Senate to read the article, but I ask that it may be printed at the conclusion of my remarks.

I also call attention to an article appearing in the Washington Post of this morning, by Mr. Felix Cotten, which is upon the same subject. I ask also to have that article printed at the conclusion of my remarks.

Mr. President, I am not in any position to pass judgment upon the statements contained in these articles; but I believe that the Senate, the Congress, and the country are entitled to all the facts which I have sought to bring out in the resolution I have just submitted. I express the hope that the Military Affairs Committee of the Senate will give the resolution early, careful, and I hope favorable consideration.

I ask that the resolution may be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Military Affairs.

Is there objection to the request of the Senator from Wisconsin to print at the conclusion of his speech the articles referred to by him? The Chair hears none.

The articles are as follows:

[From the New York Times]

PLANE EXPORTS STIR CAPITAL TEMPEST; INQUIRY IS ORDERED—HOUSE SUBCOMMITTEE TO STUDY ALLIED WAR PURCHASES AS TO EFFECT ON DEFENSE PLANS—RISE IN COST IS FEARED—COMPETITION FOR FIRST RIGHTS TO NEW MODELS REPORTED—EARLY BACKS FOREIGN SALES

(By Hanson W. Baldwin)

WASHINGTON, March 12.—A political tempest of the first magnitude, which has already manifested itself in growing differences within the administration, appeared to be brewing here tonight over the sale of United States military planes to the Allies.

Prompted by a statement by the War Department that the new Curtiss P–40 pursuit ship, powered with the Allison liquid-cooled engine, had been released for foreign sale and by reports that Allied purchasing commissions in this country expected to be able to procure even later models which have not yet been delivered to our own forces, a House subcommittee planned to discuss the question of foreign plane purchases tomorrow morning.

The decision followed several weeks of hearings before another congressional committee on the Army appropriation bill. It is understood that the effect of foreign orders on our own plane-procurement program received considerable attention and that some of the testimony of War Department officials tended to indicate that the problems of plane procurement for our own forces had been made more complex by foreign orders.

EARLY STATEMENT BACKS EXPORTS

This was disputed in a statement issued tonight by Stephen T. Early, White House press secretary, who quoted figures to show productive expansion of the aircraft industry as a result of foreign orders. He said that foreign capital was thereby aiding in developing our industry.

This afternoon, during debate on the naval-expansion bill, Representative John C. Schafer, Republican, of Wisconsin, offered an amendment to the bill which would have prevented the Government from selling planes specified in the bill to any foreign government. The amendment was overwhelmingly defeated by a viva voce vote.

The inquiry into the plane situation tomorrow morning will be conducted by the aviation subcommittee of the House Military Affairs Committee, of which Representative Dow HARTER, of Ohio, is chairman. Mr. HARTER said that he was calling his subcommittee together to discuss the sale of new American war planes and of other new arms or items of equipment to foreign governments.

Behind the differences, which stem from prospective Allied orders for an estimated additional 5,000 to 8,000 planes, costing nearly $1,000,000,000, is a disagreement as to policy. It concerns the dispute between those in the administration and in Congress who believe that the United States should do everything possible short of war to aid the Allies and those who hold that that aid should be circumspect, with the filling of our defense requirements put first.

ARMY ANY NAVY POSITION NOTED

Army and Navy officers, furthermore, want to supervise personally the foreign purchases of planes. After the President designated a special coordinating committee, which included representatives of the Procurement Division of the Treasury Department, as well as the Army and Navy, the last two were subordinated. Secretary Morgenthau was instructed to centralize and coordinate foreign purchases.

Under present policy it is not this committee, but the Joint Army and Navy Aeronautical Board which determines which new plane types are to be released for foreign sale and whether such sale is detrimental to national defense. Since the Aeronautical Board is responsible to the President, however, and since Mr. Morgenthau is understood to represent himself as the President's agent, only the President has retained close control over and knowledge of the foreign plane purchases.

Some Army and Navy officers are afraid, it is reported, that the large foreign purchases of planes are partially responsible for some increased plane costs, notably a large labor cost increase at the Boeing plant, and that some delays—notably in the delivery of Lockheed, Bell, and Consolidated planes—are probable. Still others are opposed to sale of our latest types of planes and equipment to foreign countries at least until such equipment is available in some quantity for our own forces.

The present flare-up has been traced to the testimony before the House Appropriations Committee of Maj. Gen. H. H. Arnold, Chief of the Army Air Corps, that $170,000,000 appropriated for the Army's plane-expansion program last year would be insufficient by $20,000,000 to $30,000,000.

NEW CURTISS PLANE GOING TO ARMY

There was no objection by the Army to the release of the Curtiss P–40 pursuit plane, powered with the new Allison engine, for foreign sale. In recent weeks, however, it was proposed that the first 25 of these ships, with the new engines, should be turned over to France, rather than to the Army. Army officers objected, and after a series of conferences they were upheld. The first 25 P–40's will go to the Army, but it is understood the next 5 will go to

France. France is represented as wanting to purchase 3,000 of this type. It is understood, also, that about 375 Allison engines have been earmarked for her use.

It was learned on Saturday that the British and French missions, headed by Arthur B. Purvis, Sir Henry Self, and Col. Paul Jacquin, were interested in the procurement of even later types than the P–40 and apparently believed that they would be permitted to buy them in quantity, for delivery before July or September 1941, even though such planes have not yet been released for foreign export and have not been delivered in any quantity to our own forces.

The planes in which they are interested, according to reports here, include the P–39—the so-called Bell Aircobra, a pursuit ship powered with an Allison engine mounted behind the pilot and armed with a cannon; the P–40; the P–41, a Republic pursuit plane powered with a Pratt & Whitney engine; the P–44, also a Republic-built pursuit, powered with a Pratt & Whitney engine; the P–38 Allison-powered twin-engined interceptor; the new Douglas A–20 attack bomber, powered with two Wright Cyclones, and reputedly some new Grummann monoplane fighters now under production for the Navy.

[From the Washington Post]

ALLIED EFFORTS TO BUY PLANES STIR CONTROVERSY IN ADMINISTRATION

(By Felix Cotten)

Allied negotiations for purchase of $1,000,000,000 worth of military aircraft were reported yesterday to have aroused a vigorous controversy within the administration which may flare into the open in Congress.

The British and French purchasing mission, in their haste for speedy delivery of planes, it is said want their purchases given the right of way over deliveries to the American Army and Navy.

Moreover, having obtained the Army and Navy's consent to the release of the 400-mile-an-hour Curtiss pursuit ship P–40, it is said, they want also released certain other types regarded as superior to the P–40.

CONFERENCE SCHEDULED TODAY

The whole controversy, it is expected, will be discussed behind closed doors this morning by the Aviation Subcommittee of the House Military Affairs Committee. Representative HARTER (Democrat), of Ohio, chairman of the group, has called the subcommittee together to inquire into release of the P–40, but the investigation may be extended to include the Allied negotiations.

Meanwhile, the White House announced that domestic aircraft manufacturers denied Allied orders had caused an increase in cost of planes acquired by the Army and Navy, or that delivery of planes for national defense was being delayed.

Stephen T. Early, White House press secretary, told reporters foreign sales had enabled manufacturers to perfect at least three new plane models in as many sizes and had permitted them to expand and improve production facilities to such an extent that they should be able to "move forward the delivery dates on domestic military orders."

ARMY BALKS AT RELEASE

The Army is said to be unwilling to release newer plane types, about seven in number, to the Allies. Reports were that pressure was being brought to bear on Secretary of the Treasury Morgenthau to secure the release.

Morgenthau is liaison officer for President Roosevelt, charged with coordinating Allied purchases with domestic military and commercial needs. He has insisted that deliveries to supply domestic needs shall come first.

The question of plane prices has been a matter of controversy. Morgenthau has insisted that manufacturers had not hiked prices unduly and were not profiteering. Maj. Gen. Henry H. Arnold, Army Air Corps Chief, is said to have told the House Military Affairs Committee recently that the high scale of prices exacted by manufacturers from the Allies was influencing domestic prices and requiring this Government to pay more for planes.

The Curtiss P–40 was released by a joint Army and Navy aeronautical board because the board felt that new pursuit planes for which arrangements have been made were much superior.

Early read figures obtained from the Treasury showing a marked expansion in production facilities by the Nation's three producers of aircraft engines of 1,000 horsepower and over.

Mr. CONNALLY. Mr. President, will the Senator from Alabama yield to me?

Mr. BANKHEAD. I shall be glad to yield to the Senator from Texas if I will not lose the floor. I want to be accommodating.

Mr. CONNALLY. I do not see why the Senator should lose the floor by yielding to me when he did not lose it by yielding to the Senator from Wisconsin.

Mr. BANKHEAD. That is up to the Chair.

Mr. CONNALLY. I am sure the Chair will consider all Senators on a parity when it comes to matters of that kind. I desire only a moment. I should like to have the attention of the Senator from Wisconsin.

Mr. President, I have no objection to the reference of this resolution to the Committee on Military Affairs. I think that is where it should go. I think, however, it calls for some conclusions rather than facts; and, under the rules, resolutions of inquiry are supposed to be restricted to facts.

Mr. President, I am gratified that this seems to be the first note of complaint about the operation of the Neutrality Act which was passed at the special session of the Congress. Senators will remember that we were warned in bitter tones that the enactment of that legislation was the first step toward war, and that if it passed, the United States inevitably would be drawn into the war now raging in Europe. I have not yet heard anybody say, "I told you so." As a matter of fact, since the enactment of that legislation not a single American ship has been sunk and, so far as I am advised, not a single American life has been lost on the high seas. The legislation has attained its objective far beyond even the most sanguine hopes of those who proposed it; so I have no objection to the resolution.

Mr. LA FOLLETTE. Mr. President, will the Senator from Alabama be kind enough to yield to me again?

Mr. BANKHEAD. I cannot yield now. I had no thought that we were going to have a debate on this matter. I regret not to be able to yield further.

Mr. BARKLEY. Mr. President, will the Senator from Alabama yield to me for a brief statement in connection with this subject, without its causing the Senator to lose the floor?

Mr. BANKHEAD. I will.

Mr. BARKLEY. Mr. President, in connection with the resolution submitted by the Senator from Wisconsin—which I think ought to go, and I think has gone, to the Committee on Military Affairs—I am sure that committee will give it proper consideration; but I think at this time it should be stated that since the enactment of the Neutrality Act, as we all know by the public press, there have been considerable purchases of military equipment in the United States.

There is now in this country a mission representing the Allies which proposes to spend approximately $1,000,000,000 for aircraft, engines, planes, and equipment, to be delivered in 1941. I think the Senate will be interested in knowing what has happened and what may happen to this industry under the proposed program; and my information is—I suppose, of course, the Military Affairs Committee will give that matter consideration—that such purchases will in no way interfere with the program of the United States with respect to either its naval or its military air force.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from where his information comes?

Mr. BARKLEY. I should not care to divulge that, except to say that I make the statement after conferring with representatives of the Navy Department; and I think the same situation exists as to the War Department.

Mr. LA FOLLETTE. Has the Senator conferred with representatives of the War Department about it?

Mr. BARKLEY. Not in the last few days.

Before the beginning of these purchases the amount of space occupied in the manufacture of airplanes and air equipment in the United States was 1,872,000 square feet. With the purchases already made—this statement applies only to aircraft—the floor space occupied by these concerns is now 3,103,000 square feet. Under the proposed new program it would be increased to 4,150,000 square feet.

Prior to beginning these purchases the entire combined capacity of our factories was 7,270 engines a year. That capacity now has been increased to 19,280 engines a year; and under the new program of purchase it will be increased to 29,280 engines a year.

Prior to the beginning of these purchases there were employed in aircraft factories 8,700 men. There are now employed in them 22,350 men. Under the proposed program of purchases the number of employees will be increased to 35,000; and that does not include any indirect employment elsewhere in the country brought about by the manufacture of these airplanes.

I will say also that the foreign purchasers of the airplanes, engines, and all other airplane equipment, are paying for the expansion of the plants in the United States in

which the increased output of air equipment is to be brought about. In other words, they are not only paying the price required by the American manufacturers for the airplane equipment, but they are paying in cash the cost of the expansion of all the factories in the United States engaged in the manufacture of airplane engines and air equipment with which they have or will have contracts; so that when the war shall end, under such a program as that, our own manufacturers will not suffer any loss because of having been compelled or induced to spend their own money in expanding their plants, but they will have been expanded at the expense of the foreign purchasers, and will then be available to the people of the United States and the Government of the United States for the manufacture of as many planes, engines, and other articles of aircraft equipment as our country may need. I think the Senate, and the country, ought to realize that that is the situation with respect to the expansion of the capacity of our airplane and other factories, which are making airplanes and airplane equipment.

I thank the Senator from Alabama for the courtesy he has done me in yielding.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. BANKHEAD. Mr. President, I wish to make a slight revision in the amendment now pending. I send it to the desk and ask that it be stated, as revised.

The VICE PRESIDENT. The clerk will report the amendment, as proposed to be modified by the Senator from Alabama.

The LEGISLATIVE CLERK. It is proposed to insert, on page 7, after line 18, the following new section:

SEC. —. (a) Excessive financial aid to any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal.

(b) Excessive financial aid to any political committee or political organization engaged in furthering, advancing, or advocating the election of any candidate or political party nominee for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity, and is hereby declared to be illegal.

(c) Presidential electors and the President of the United States for the purpose of this act are declared to be elective officers.

(d) Any amount expended, contributed, furnished, or advanced by one person or corporation directly or indirectly in excess of $1,000 is hereby declared to be excessive financial aid.

(e) Any person who directly or indirectly contributes more than $1,000 during any calendar year or for use in any one campaign or election in violation of the provisions of this section is guilty of pernicious political activity and on conviction shall be fined not less than $5,000 and also sentenced to the penitentiary for not exceeding 5 years.

Mr. BANKHEAD. Mr. President, yesterday afternoon I discussed some phases of the Hatch bill, and presented some of the objections I have to the bill. I do not intend this morning to repeat arguments and statements made about the bill yesterday if I can avoid doing so, for I have no desire to trespass unduly upon the time of the Senate, or to delay unreasonably a final vote on the bill.

I am fundamentally opposed to the amendment proposed to the Hatch law. I opposed, as my votes show, certain phases of the original law contained in section 9. When the subject covered by the law was first brought before the Senate, about 2 years ago, under the leadership of the distinguished senior Senator from Kentucky [Mr. BARKLEY], I voted against the passage of the bill then pending. The author of the bill knew at the time that I was opposed to it; so I am not now taking any new position on the subject. I have not changed my attitude, I have not changed my convictions, and I have found no reason, either personal, legislative, or political, to cause me to do so. I do not object to anyone changing his position if he sees fit to do so. That is a right every man possesses, and it is often the evidence of fine judgment and wisdom, and I do not claim that I have never done it, but I have not done it in this instance.

The law involves fundamental principles and the pending bill, especially, involves fundamental principles. It proposes that to go down into the States and endeavor, through the long arm of the Federal power, to take charge, in effect, of the right of franchise in the different States, to indicate who in the States can take part in elections, other than by voting and by discussing subjects.

A person covered by the language of the bill would not be allowed to discuss candidates. He could talk about weather conditions, he could talk about Hitler, although that might involve a political phase. He would be permitted, under the language of section 9, to discuss subjects. But a candidate is not a subject; a subject is an inanimate thing. We know that when one works on a job, works on a street in the city of Birmingham, we will say, where W. P. A. work is being conducted under a project, the men employed there are brought under the influence and power and condemnation of the proposed amendment of section 9 of the act, and are prevented from doing anything more than voting, according to the language of the provision, or discussing subjects. I am fundamentally opposed to any law which would bring about that sort of control, that sort of discrimination between different classes of citizens in our country, who, merely because of their unfortunate economic situation, find themselves working upon Government projects, unable to get work elsewhere, forced to take that kind of work in order to feed their families and sustain themselves. Because of their necessity, growing out of poverty, growing out of lack of employment, they are economically forced to take work to the cost of which the Government contributes some part of the funds.

Will anyone tell me that it is fair and just, merely because the Government puts up a part of the money, or even all the money, on a project of that sort, or of any kind, that in itself should be the dividing line between freedom of citizenship, on the one hand, and restrictions, the deprivation of the rights of a citizen, his freedom of action in this country, on the other? If anyone tells me that, I am bound to differ from him, no matter how much respect I may have for his purity of thought, or for his exalted idealism. I am unable to understand a doctrine of that sort. I have never understood such an attempt at discrimination under our Constitution and under our Bill of Rights, and under our declaration that all citizens are born equal. I have never understood, even if there were the strict legal right, that such a discrimination, such a division, was within the spirit of our Constitution guaranteeing the freedom of our citizenship.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MINTON. Yet what the Senator has pointed out is the only thing which distinguishes between pernicious and nonpernicious activities of the great body of employees.

Mr. BANKHEAD. That is true.

Mr. MINTON. The mere fact that they hold Federal jobs or State jobs is the only thing which makes their activity pernicious when, if the same identical acts were done by a member of their own family engaged in other lines of work, it would not be pernicious.

Mr. BANKHEAD. Mr. President, I do not see any particular value in my undertaking at this time to point out differences between the Hatch law and the pending bill in any respect, but it may be proper to say that, under the original law, as was stated yesterday, punishment is provided which is entirely different from the punishment provided in the new bill. In the original measure, subsection (b) of section 9, we find this provision:

Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress—

As long as he lives, I will interpolate—

for such position or office shall be used to pay the compensation of such person.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MINTON. Would the Senator mind indicating what the crime is a man has committed which results in him being sentenced for all of his life never to enjoy a position under the government?

Mr. BANKHEAD. Many things, such as opposition to the election of an elector on a street improvement, as I construe it, which may mean a tax on his property, if he has any; because that is a political activity, as I understand.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. Of course, the Senator understands that the Attorney General of the United States has ruled contrary to the opinion which the Senator has just expressed.

Mr. MINTON. The Attorney General only said that someone has to be elected. If someone is running for election as street commissioner, certainly the Senator's observation would apply.

Mr. BANKHEAD. I would not accept as final and conclusive the view of the Attorney General. Which Attorney General was it? They are changing all the time.

Mr. CLARK of Missouri. He is now a Justice of the Supreme Court.

Mr. BANKHEAD. Has he rendered any judgments since he went on the Supreme Court? This language does not say "election of candidates." It does not limit the activity only to the election of a candidate for office. It says that, while a person who comes under the provisions of the act may discuss subjects or may vote, he may not take any active part in a public way, because the whole theory of suppression of Government employees is based on the idea that they must withdraw from all action in connection with public affairs, and conceal from the public their views and judgments upon the same questions on which you and I and other citizens of this country have the free right to express ourselves. Mr. President, I maintain that the Government employee has not only the right to go into a ballot box and vote but to go wherever he sees fit and take part, as everyone else has the right to take part, in any sort of political activity or election.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MINTON. Let me indicate to the Senator the kind of muzzle the Senator from New Mexico wants to put on those affected by this measure. This is the kind of muzzle he would put on them, because, as he says, he wants to put the civil-service muzzle on Government employees. The Civil Service Commission's interpretation of political activity is:

An employee may participate in a discussion where no political issue is involved—

Mind you, in a free country—

or make an address on any moral or ethical subject—

Of course, politics is immoral and unethical—

but when two or more parties or factions become engaged in a contest for rival or antagonistic measures—

That is, speeches such as the Senator is discussing, not with respect to candidates, but measures—

or policies of governmental control or regulation a political issue is created.

Then he must "close his trap."

Mr. BANKHEAD. Then he must take to cover; then he must become muzzled.

Mr. MINTON. I read to the Senator from the Civil Service Commission interpretation of political activity.

Mr. BANKHEAD. All my life I have heard denunciation against gag rule. I have heard denunciations upon the floor of the Senate and in the House of Representatives, the highest legislative bodies in the country, against the use of gag rule. I have heard such denunciations in other bodies operating under the rules of parliamentary procedure. I have heard them on occasions when people were not permitted to express themselves with freedom upon matters involving the public interest. If this is not gag rule sought to be imposed by persons who insist that they are advocating clean politics, I do not know what gag rule means. It is an effort to gag men and women, to shut their mouths, to deny to them the same privilege their neighbors enjoy, merely because of the difference of the source of their wages upon which they are sustained.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. McKELLAR. What has become of our boasted amendment to the Constitution about freedom of speech? Has that also gone into the discard?

Mr. BANKHEAD. It all has gone into discard under this bill. That is the underlying thought and my fundamental objection to it. From the beginning I have insisted that this legislation should specify what activities are condemned by the law, so that the Congress itself could decide which activities are proscribed, which are denied, which constitute perniciousness, rather than leave it to an appointed board, whose decision, as has been pointed out here, may be changed from day to day. How on earth can we, as men of wide experience, expect the four or five million men and women who receive some part of their daily living out of the Federal Treasury to know with accuracy and with certainty what particular transactions and activities the Civil Service Commission in an order issued from Washington has forbidden? They would have to get the regulations down to date. They would have to find out whether any new regulations were issued yesterday with respect to the matter of political activity.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BROWN. I wonder if the Senator has noticed rule 12 which the Civil Service Commission has promulgated, and which provides:

Organization or leadership of political parades is prohibited, but marching in such parades is not prohibited.

In other words, a petty Government official may march in the second line of a political parade, but he cannot march in the first line.

Mr. BANKHEAD. Will the Senator read that statement again?

Mr. BROWN. This is rule 12:

Organization or leadership of political parades is prohibited, but marching in such parades is not prohibited.

If a Government official wants to march in the second line, or carry a torch, he may do so. If he happens to march in the first line of a political parade, he comes within the prohibition. He may not do that. I call the Senator's attention to that rule. The employee who violates the rule, and who happens to go into the first line instead of the second line of the political parade, is not only subject to be ousted from his job, but he is permanently barred from ever getting on the pay roll again.

Mr. BANKHEAD. In other words, if he marches where the public is likely to see him he will be punished. If he gets under cover somewhere, or perhaps behind some woman's skirts, he may safely march. That is a remarkable way to deal with the freedom of our citizenry.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. STEWART. I should like to ask the Senator a question while he is on that particular subject. I was interested in the enumeration of rights the employee has in connection with political parades. I understand the Senator to say that the employee may carry a torch in the parade.

Mr. BROWN. He may march in the second line of the parade, and there is no prohibition with respect to carrying a torch. Probably if he carried a banner he would be taking a prominent part in a political activity.

I should like to call attention to rule 13. It must be remembered that rule 13 has the effect of statutory law. We have turned over to the Civil Service Commission the work of writing the effective portions of this law.

Among other forms of political activity which are prohibited are distribution of campaign literature, assuming political leadership, becoming prominently identified with political movements * * *.

In other words, one can take a minor part, but he must not become prominent in any political activity. It seems to me that is an indefinite rule as applied to a Government

official who might want to take part in politics. What is a "prominent" part, and what is an "unprominent" part in political activity?

Mr. BANKHEAD. I do not know that I need to make an argument here, because those who are against us will not stay and listen to us. The situation reminds me of an old primitive Baptist preacher in my section of the country who, after the war, went to Baltimore on a visit to some relatives, and while he was up there his relatives arranged for him to preach at one of the Baltimore churches. When he returned to his home he was relating his experiences in Baltimore, and he was asked how he got along with his sermon. "Oh," he said, "I got along fine the first hour, but then a good many began to leave, and after an hour and a half a lot of them were gone, and in 2 hours none of them were left but the kinfolks. You know, those folks up there can't stand sound doctrine."

Mr. President, look over yonder on the other side of the Chamber and see how few are present.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. The junior Senator from Kentucky [Mr. CHANDLER] has just handed me a clipping from a newspaper published in Philadelphia, the Philadelphia Record, of Wednesday, March 13, 1940. The Senator from Alabama, yesterday, made quite a to-do over the fact that there had been no prosecutions under what he called the Hatch Act. Of course I could have told him then of many instances of enforcement of that act, and how it is being enforced in various departments, but the clipping I have in my hand, which, as I said, was handed me by the junior Senator from Kentucky, is a news account of a W. P. A. graft case.

Mr. BANKHEAD. I could not hear the last statement the Senator made. Did he use the word "graft"?

Mr. HATCH. Yes; g-r-a-f-t.

Mr. BANKHEAD. Of course, if a grafter was caught the law against grafting would be enforced.

Mr. HATCH. Wait a moment. The Senator is a little too precipitate in his conclusion. The article deals with the extortion trial of two former Pleasantville, N. J., W. P. A. executives, which, yesterday afternoon, went to a jury of nine men and three women. The defendants were charged with levying political assessments in violation of the Hatch Act. I ask that the article be printed in the RECORD in full at this point.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Record of March 13, 1940]

W. P. A. GRAFT CASE GOES TO JURY—SEVEN MEN ON RELIEF TELL OF PAYING MONEY TO HOLD THEIR JOBS

The extortion trial of two former Pleasantville, N. J., W. P. A. executives went to a jury of nine men and three women yesterday afternoon. They also are charged with levying political assessments in violation of the Hatch law.

The men, George F. Dix, who was Atlantic County supervisor, and Thomas McGrath, former superintendent, were denied a directed verdict of acquittal by Federal Circuit Court Judge John R. Biggs in Camden as both sides rested their case.

DENY ASKING FUNDS

In his plea, George Maane, counsel for Dix, said:

"This is the first case of its kind in the United States for 40 years. If these men are guilty of breaking the law by receiving political contributions, then so are many national political leaders, from Postmaster James A. Farley down the line."

Maane said Dix did not accept money for his own use but acted as receiver for the Pleasantville Democratic Club. Both defendants testified they did not ask W. P. A. workers for political donations, but that contributions were made voluntarily.

SEVEN ON RELIEF TESTIFY

Seven men from the work relief rolls were put on the stand by the prosecution to refute that claim. They reported turning over sums ranging from $5 to $10 at a time "to hold their jobs." All were exempt from the 75-hour W. P. A. maximum and were permitted to work 130 hours a month at $1 an hour.

Mr. BANKHEAD. Were they convicted?

Mr. HATCH. The case has gone to the jury.

Mr. BANKHEAD. Oh, it has simply gone to the jury.

Mr. HATCH. But the Senator said there has never been a prosecution under that act.

Mr. BANKHEAD. I do not think that is a prosecution under the act, if the charge is that of graft in the collection of funds, stealing them.

Mr. HATCH. The charge is a violation of the terms of the particular act. The Senator should not beg the question. Yesterday he made a statement which is not borne out by the facts.

Mr. BANKHEAD. I will say I do not know about that. The Senator need not get impatient about it, because he has so little evidence to show the enforcement of this law after a year that he calls attention only to one case which has gone to trial, and no verdict. I predict that a mistrial along political lines will result. The Republicans will vote one way and the Democrats will vote the other.

Mr. HATCH. Does the Senator think that the provision of the law which prohibits the levying of political assessments against workers is a bad one?

Mr. BANKHEAD. The Senator asks me if I approve everything in the original act.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. The Senator asked me what I approve. Let me finish the answer.

I approve what is in the original Hatch Act, all of it, except that part of section 9 following the first sentence thereof.

Mr. HATCH. Mr. President, will the Senator answer one more question?

Mr. BANKHEAD. I shall be glad to do so.

Mr. HATCH. When the amendment to the W. P. A. bill was before the Senate, prohibiting such activities, and assessments against W. P. A. workers, did the Senator vote for it?

Mr. BANKHEAD. The Senator asks whether or not such a provision was in the bill?

Mr. HATCH. No; when the amendment was voted on in the Senate, how did the Senator vote?

Mr. BANKHEAD. I voted only once. I do not know what was in it. I followed the leadership of my leader.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield to the Senator from Kentucky.

Mr. CHANDLER. Mr. President, I should like to supplement the report made by the Senator from New Mexico [Mr. HATCH] by reading a portion of the article which he did not read. The case has gone to the jury, but seven men who were on relief in the State of New Jersey were put on the stand by the prosecution, and they reported turning over sums ranging from $5 to $10 at a time to hold their jobs.

Mr. BANKHEAD. Were they Federal employees?

Mr. CHANDLER. They were W. P. A. employees.

Mr. BANKHEAD. In Kentucky?

Mr. CHANDLER. In New Jersey.

Mr. BANKHEAD. I thought the Senator was talking about Kentucky.

Mr. CHANDLER. Mr. President, will the Senator yield until I have finished the statement?

Mr. BANKHEAD. Yes. I will yield for the purpose of reading the statement, but not for discussion.

Mr. CHANDLER. I shall read it. Will the Senator permit me to read the statement?

Mr. BANKHEAD. Yes.

Mr. CHANDLER. I read:

Seven men from the work-relief rolls were put on the stand by the prosecution to refute that claim. They reported turning over sums ranging from $5 to $10 at a time to hold their jobs. All were exempt from the 75-hour W. P. A. maximum and were permitted to work 130 hours a month at $1 an hour.

Mr. President, I do not know whether or not the defendants will be convicted; but the W. P. A. employees certainly had their money taken from them.

Mr. BANKHEAD. Mr. President, I do not know the purpose the Senator has in mind. If he has heard my statements, he has no purpose except to try to bring this newspaper article before the Senate.

I have stated time and again that I agree with everything in the Hatch Act which tends to prevent coercion, intimidation, corruption, and all other pernicious practices. I have made that statement time and time again. Of course, I oppose, and every other Member of the Senate opposes, compulsion such as was practiced in Kentucky, which the Senate

committee investigated, both by Federal officials and by State officials. I condemn such a thing wherever it is found, whoever is engaged in it, whatever candidate it may benefit, or whatever party it may be intended to help. I denounce it. I am bitterly opposed to it, and, as I have frequently stated, I will vote for any improvements to the Hatch Act which will tend to prevent corruption, intimidation, coercion, and improper and unfair economic advantage of a superior over the men under him.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. The point I am making is that the proponents of the bill do not stop with that splendid program.

Mr. HATCH. Mr. President——

Mr. BANKHEAD. I yield to the Senator from New Mexico.

Mr. HATCH. In view of the statement which the Senator has just made, I confidently expect to see his vote cast on the final passage of the bill for the measure which we are now considering.

Mr. BANKHEAD. There is nothing in the pending bill along the lines which I have been discussing. The bill does not deal with anybody except persons in administrative positions.

I am sorry the Senator from New Mexico [Mr. HATCH] has left the Chamber. He cannot stand sound doctrine.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. The Senator has indicated that he would like to address some of the Members on the other side.

Mr. BANKHEAD. They will not remain in the Chamber.

Mr. CONNALLY. Will the Senator yield for the purpose of suggesting the absence of a quorum?

Mr. BANKHEAD. I yield for that purpose.

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Johnson, Colo.	Schwartz
Andrews	Downey	La Follette	Schwellenbach
Ashurst	Ellender	Lee	Sheppard
Austin	Frazier	Lodge	Shipstead
Bailey	George	Lundeen	Smathers
Bankhead	Gerry	McCarran	Smith
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Taft
Bilbo	Glass	Maloney	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrnes	Hale	Murray	Truman
Capper	Harrison	Neely	Tydings
Caraway	Hatch	Norris	Vandenberg
Chandler	Hayden	Nye	Van Nuys
Chavez	Herring	O'Mahoney	Wagner
Clark, Idaho	Hill	Pepper	Walsh
Clark, Mo.	Holman	Pittman	Wheeler
Connally	Holt	Reed	White
Danaher	Hughes	Reynolds	Wiley
Davis	Johnson, Calif.	Russell	

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Eighty-seven Senators having answered to their names, a quorum is present. The Senator from Alabama has the floor.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. I understand that just before the quorum call the Senator from Alabama said that the Senator from New Mexico had said something and then left the Chamber without listening to the reply. I was not present, and I do not know what the Senator said. I merely wish to say to the Senator from Alabama that my remark about his voting for this bill on the final passage was said in the utmost good faith and in the utmost good humor.

Mr. BANKHEAD. I took it that way, and what I said was in the same spirit. If the Senator objects to what I said, I hope he will let me withdraw it from the RECORD.

Mr. HATCH. I do not object to it at all; but I merely want to explain to the Senator that I was called from the floor; that my absence from the Chamber was unavoidable. I have been more or less punctual and constant in my attendance; I expect to remain on the floor, and if the Senator has anything he wants to say to me or about me or about the bill, I shall remain and listen to whatever he may have to say.

Mr. BANKHEAD. The Senator knows my high regard for him; what I said was facetious and in good humor; but I ask unanimous consent to withdraw it from the RECORD.

Mr. HATCH. I object.

Mr. BANKHEAD. Very well; that is all right, but I still want the Senator to know that there was not any sort of personal resentment or feeling or criticism implied by what I said.

Mr. HATCH. I understand.

Mr. BANKHEAD. Now, Mr. President, as I recall, when the quorum was called I was reading section 9, subsection (b), on the subject of punishment. I was pointing out that one group was punished one way, and the group now being brought in under the pending bill, the new group, would have a different term, it may be called, of suspension; the punishment applied to them is not for a lifetime. Under the penalty provision of subsection (b), section 9, of the original Hatch Act—

> Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

So no money appropriated by Congress can ever be used again for an offender if he should aspire to hold any other office.

The pending bill, instead of making it a life sentence, reads in this way:

> If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any office or employment—

"Any office"; not the same position. In the original Hatch Act the penalty is confined to the same position or office. Under the pending bill it spreads from one job to another throughout the entire area of the State, as I understand.

Mr. HATCH. Mr. President, let me say to the Senator that has been changed.

Mr. BANKHEAD. How does it read now; I do not wish to be unfair at all.

Mr. HATCH. The language that the Senator was reading was stricken out by the O'Mahoney amendment.

Mr. BANKHEAD. Mr. President, I withdraw the last statement because I am advised by the Senator from New Mexico that the provision with reference to 18 months was stricken out by the O'Mahoney amendment. I was not aware of that.

Mr. President, there is one other phase of the bill, and that is whether or not it applies, in all its aspects, to both primaries and general elections. That is, of course, an important subject, both from the standpoint of constitutional power and from the standpoint of practical application.

Section 2 of the bill is made applicable to elections and nominations. None of the other sections specifically applies to anything but elections. On their face, both the act and the bill make a distinction by using in the alternative the words "nomination or election." That distinction is well known in common practice. When a man talks about being a candidate for the nomination he does not announce as a candidate for an election; he announces as a candidate for the primary or convention of a specified political party. So, in common usage, in common understanding, there is a clear distinction between primaries or nominations and regular general elections.

On page 2 of the pending bill employees are prohibited from using their official authority "for the purpose of interfering with or affecting the election or the nomination of any candidate for the office of President," and other specified offices to which the pending bill is applied.

Mr. President, it is clear that the pending bill, bringing within the scope of the law several million employees in the

various States, counties, and subdivisions thereof, is not limited in its application to general elections or even to primary elections. It covers caucuses, it covers mass meetings, it covers conventions. So we have an infinitely wider scope of application by this bill to the new group which is being brought under the operation of the Hatch Act. I submit, Mr. President, if there is any distinction to be made, that the law should be more rigid in the case of Federal employees than in the case of municipal, county, or State employees.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BANKHEAD. Yes.

Mr. HATCH. Under the original act, section 9, Federal employees are under exactly the same prohibition.

Mr. BANKHEAD. I do not so construe it.

Mr. HATCH. Section 9 contains the identical language as that in the pending bill.

Mr. BANKHEAD. Oh, no.

Mr. HATCH. Yes; it does.

Mr. BANKHEAD. Let me read section 2.

Mr. HATCH. Section 2 and section 9 are entirely two different things.

Mr. BANKHEAD. We will see about section 9.

Mr. HATCH. May I say to the Senator it has been so construed and interpreted.

Mr. BANKHEAD. The Senator says that section 9 and section 2 are the same on that subject.

Mr. HATCH. No; I did not say that.

Mr. BANKHEAD. What does the Senator say?

Mr. HATCH. I said that the pending bill, insofar as it relates to those employees paid in part with Federal funds and prohibiting them from political activity, is identical with the prohibition contained in section 9 against Federal employees. The prohibition is the same as to both classes of employees as to participation in primary activities and those things the Senator has just described. Section 2 of the original act treats with an entirely different subject than either of the things the Senator is now talking about.

Mr. BANKHEAD. But section 9 condemns the activities of persons interfering with an election or affecting the result thereof.

Mr. HATCH. Now let the Senator read the second sentence.

Mr. BANKHEAD. Very well. It reads:

> No officer or employee of the executive branch of the Federal Government or any agency or department thereof shall take any active part in political management or in political campaigns.

Mr. HATCH. That is the same provision that is in the pending bill.

Mr. BANKHEAD. If the word "nomination" is used, probably the effect would be the same.

Mr. HATCH. That is correct.

Mr. BANKHEAD. Mr. President, it has been seriously asserted here—and one who reads some of the Republican newspapers might actually believe—that this is an issue between the spoilsmen and those who stand for purity in elections.

Mr. HATCH. Mr. President, will the Senator yield at that point while I make a statement?

Mr. BANKHEAD. Yes; I yield.

Mr. HATCH. I, myself, have frequently used the terms "the spoilsman" and "the spoils system."

Mr. BANKHEAD. So have others. I am not quoting the Senator.

Mr. HATCH. No; but I want to make my position clear. I have said over and over again on the floor of the Senate that I am opposed to the spoils system and, in my opinion, this bill is one step toward eliminating the spoils system. I hope later on to have the Senate take other steps, many in number and greater ones, until the final job is accomplished. I do not think this bill will do it.

I have never said—and I am now looking especially at the Senator from Virginia [Mr. GLASS] and the Senator from Alabama [Mr. BANKHEAD]—that Senators could not honestly oppose this bill upon other grounds than a defense of the spoils system. The Senator from Virginia the other day stated that those who oppose the bill had been called spoilsmen. I said to him privately what I want to say publicly—that never, in any words I have ever uttered or any thought I have ever entertained, have I sought to cast any reflection upon the Senator from Virginia, the Senator from Alabama, or any other Senator. I realize that men may honestly differ. I know that the Senator from Virginia is not a spoilsman, and I know that the Senator from Alabama is against the spoils system; but I do say that, in my opinion and my judgment, if we can do the thing we are trying to do now, we shall be striking at the spoils system because the use of patronage and the use of employees is one of the means and methods by which political machines are built up and maintained. I do think we are hitting the spoils system a blow. I want to hit the spoils system a blow, and my only regret is that the able Senator from Alabama does not see the matter as I see it, and that he is not standing on the floor of the Senate advocating with his ability, intelligence, and eloquence that which I think is for the well-being of the country.

Mr. BANKHEAD. Mr. President, in a general way, without being entirely specific in my definition—because I am speaking without having heretofore considered the exact language—I understand the term "spoils system" to mean that to the victor belongs the patronage of the successful campaign—the spoils in the matter of selection of employees.

Mr. HATCH. Mr. President, that is only a part of it.

Mr. BANKHEAD. What is the other part?

Mr. HATCH. I have argued that matter a great many times. I have pointed out what it leads to.

Mr. BANKHEAD. Corruption is not a part of any spoils system.

Mr. HATCH. I think the doctrine that "To the victor belong the spoils" is the most vicious doctrine that was ever fastened upon the American Government.

Mr. BANKHEAD. I am not asserting that doctrine here. I do not know whether Andrew Jackson said it or not.

Mr. HATCH. He did not.

Mr. BANKHEAD. I have seen it stated that he did not. I have seen it stated on equally good authority that he did. I am asserting that there is nothing in the pending bill which in any way touches the spoils system—not a thing on earth—and if somebody thinks there is any such thing in the bill, I want him to point it out. There is nothing in the bill but the right to discharge, except a prohibition on activity; and what has that to do with the spoils system—innocent political activity by the humble overalled worker?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. Yes; I yield.

Mr. HATCH. The political activity of employees directed, dominated, and controlled by the boss is the meat upon which the spoils system feeds, fattens, and grows.

Mr. BANKHEAD. Mr. President, the Senator must know that he has well provided in the present law—and I have commended him for it; I stand here to support it, and to support it anywhere—he has well provided in the present law, and has repeated in this bill, every protection that his great ability and ingenuity could bring to bear, every provision that associates interested in the same line of legislation could suggest to the Senator; and he has given the subject great consideration. He has included in his original law every possible protection, as I said, that he could conceive of to prevent oppression, compulsion, coercion of subordinate employees by their superiors. Are we to presume that the law in that aspect will not be enforced, but, on the other hand, presume that it will be enforced as to the little fellow?

Mr. HATCH. Mr. President, will the Senator yield? I do not want to interrupt the Senator further, and I do not think I shall do so any more, because I want to get to a vote.

Mr. BANKHEAD. I welcome the Senator's interruptions.

Mr. HATCH. But the Senator was saying that all abuses are prohibited by the original law, which I do not think prohibits the thing to which he refers.

Mr. BANKHEAD. Then why does not the Senator inject it? I am ready to vote for anything that strengthens the present law.

Mr. HATCH. This bill does not go far enough. I am looking directly at the Senator from West Virginia [Mr. NEELY], who on the floor of the Senate last week portrayed a situation in his State which is not covered by either of the measures under discussion, but which makes every honest man almost nauseated.

Mr. BANKHEAD. There is no State government in West Virginia, I assume. There is no power of local government or local self-administration in that State, I assume—no power to remedy outstanding evils existing either now, in the past, or in the future.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. BANKHEAD. Yes; I yield.

Mr. NEELY. Mr. President, West Virginia has local State government. But, unfortunately, at present, it is under the control of those who created West Virginia's 2-percent clubs and now operate them to the limit of possibility 24 hours a day.

To expect or hope that those who are keeping themselves in power with slush funds extorted from State employees will ever, either by edict or legislation, reform themselves or emancipate their victims would be as preposterous as to expect a pack of hungry wolves to protect a flock of helpless sheep against sudden death.

Mr. BANKHEAD. I am in sympathy with the local situation of the Senator from West Virginia from his standpoint. He is a great Senator, and I should like very much to see him have domination in the factional fights in his State; but the Senator has not been here to hear my remarks, or he would not be disturbed about what I have said. I have said a dozen times, and I now repeat, since the Senator does me the honor to listen, that if he can conceive of any provision that will tend to correct the evil situation of the big fellows in West Virginia, the men who are administering the law, the men who are abusing their power, the men who are coercing and intimidating State employees—and I know those are the men the Senator from West Virginia wants to reach—I will join hands with him. I hope he will be able to get them in one way or the other. I have no sort of sympathy with that sort of politics. The man I am now talking about is the one who is being imposed on. Do not further impose on him. Remove the clutches from above him, but do not shackle his feet, do not shackle his mouth, do not shackle his power to protest. Under this bill, as I construe it, he cannot even protest against what the high men in power are doing to him in West Virginia. I am trying to protect the same man that the Senator from West Virginia—God bless him—is trying to protect. I know where his heart is.

Mr. NEELY. Mr. President, will the Senator again yield?

Mr. BANKHEAD. Yes; I yield.

Mr. NEELY. The Senator from West Virginia is not seeking any personal or political domination in West Virginia or elsewhere. He is simply striving to outlaw certain disgraceful, indefensible political practices.

If the able Senator from Alabama wishes to reach those who are higher up, and desires to annihilate the political machines which they are operating for improper purposes let him vote for the substitute which I have offered and which if enacted will deprive the generals of corruption of all political control of their private soldiers, and let him remember that no general without soldiers ever won a battle.

Mr. BANKHEAD. Very likely I will vote for it. I have not read it. The Senator has a splendid purpose and if it is better than the purpose of the pending bill I should like to vote for it.

Mr. President, I wish to come now to the amendment I have presented, which prohibits pernicious political practices in the field of voluntary and uncontrolled economic activity. All of us who have had any experience in practical politics know that the greatest evil of free democratic institutions is the power of money, the power of wealth, wealth not needed for the uses of those who have it, surpluses which they use possibly for investment purposes, surpluses which they use for the election of political parties whose doctrines and sentiments and views are in line with the business and economic interests of large contributors.

Mr. President, I challenge any Senator to rise on the floor and say that the excessive use of money in an election is not a pernicious political practice, an evil practice, a practice which should be controlled by Congress if the Congress has the real will to provide for clean politics.

Oh, it is said that a W. P. A. worker who contributes $2 of his wages voluntarily and takes an active part in some sort of a political campaign must get off the pay rolls and stay off, but a man who contributes hundreds of thousands of dollars of money is left free; and for what does he contribute?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. Again the senator is misconstruing the terms of the law. There is nothing in the act relating to W. P. A. workers. The prohibition against the W. P. A. workers being solicited for funds is a fine provision, but it was contained in an act passed last year.

Mr. BANKHEAD. Yes; but the Senator overlooks the provision against a W. P. A. worker, or road worker, or any such laborer who is paid in whole or in part from public funds, taking any active part in politics. Giving money is an activity which is not permitted under the law, and the Senator said contributions to political campaigns were condemned, and were wrong, as I understood him.

Mr. HATCH. Voluntary contributions are condemned?

Mr. BANKHEAD. Yes.

Mr. HATCH. I made no such statement. I did say that under the other act not only is the solicitation of W. P. A. workers for contributions prohibited, but the receipt of funds from them is prohibited, and I think rightfully so.

Mr. BANKHEAD. I do too. But why does the Senator want to extend it? Why does he want to say to any person, not the solicitor, not the boss, but to anyone engaged in that sort of work, to anyone who engages in any practice of that sort, that he shall lose his employment with the Government, or with the State, or the county?

Oh, these holy men who want pure, clean politics—I know my friend is idealistic; but look over on the other side. "Clean politics," we hear, and the bill now pending, we are told, is in the interest of clean politics. There is more politics in the pending bill, more pure party and personal politics, than in any bill which has been before the Congress since I have been a Member of the Senate.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. BANKHEAD. I yield.

Mr. CHANDLER. If the Senate adopts the amendment offered by the Senator from Alabama, will he vote for the Hatch bill?

Mr. BANKHEAD. No; I will not vote for a bill which would result in the Federal Government going into the States to interfere with State rights. Of course, the Senator does not seem to recognize that any Member of the Senate, or anyone else, can have fundamental convictions on the subject of local self-government, and the invasion by the Federal Government of the rights and powers of the States. When he gets that in his mind, then he will be in better position to vote on the pending bill.

I would feel better about the bill if it contained the amendment I am offering. I would feel that there was at least one provision added to the bill which would do more toward getting a free and untrammelled expression of the will of the people in national elections than any other provision which could be written into the law.

Politics, clean politics, cleanness in politics, is mentioned here on the floor, talked about by the newspapers here and there, without those making the statement ever having read the bill. Clean politics! It may be clean politics, and

I suppose it is, for the Republicans to act upon the bill in the interest of the Republican Party. Who doubts the cause of the unanimous accord on the other side of the Chamber? Is it not the knowledge that the bill will doubtless react to the advantage of the Republican Party? Who doubts that?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. I dislike to say this, as a Democrat——

Mr. BANKHEAD. I am not talking about the Senator; I am talking about the Republicans.

Mr. HATCH. I think that, in justice to the Republicans in the Congress, I should say that the bill which was passed at the last session, containing eight provisions which the Senator has so loudly and eloquently praised, would not be on the statute books today if it had not been for the unified and unanimous support of the Republican minority in the House of Representatives at the last session.

Mr. BANKHEAD. Of course; they were playing politics, just as the Republicans are playing politics here today, and just as they will play politics again. Why not be frank about this situation? Everyone knows that it is to their political interest, and we usually judge the actions of men in accordance with their political interest when we see a large group with different political thought, with different economic views, a large group of members of the same party, getting together upon a bill of a political nature, when Democrats are divided, more than half, at least, on the other side. I should think the Senator would let the Republicans defend themselves if they have any desire to do so.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. I am not attempting to defend the Republicans, and I do not expect to defend them. I shall oppose them. I shall be opposing them next week, and the week after, and in the general election I shall be trying to defeat them. But I am attempting to be honest and to accord credit where credit is due, to Republican or Democrat.

Mr. BANKHEAD. Of course; but I am talking about the motives; I am not talking about the votes.

Mr. HATCH. I do not challenge their motives.

Mr. BANKHEAD. I do; if you wish to call it a challenge, I challenge them. I say it is to the interest of the Republican Party to pass the bill, and I say that the Republicans are men of outstanding ability and of political experience, and that they recognize that it is to the advantage of the Republican Party to pass the bill. I have not said that that was the only motive that was actuating them. I have said that that is in their thought. Whether they are conscious of it or not, that is one of the factors which brings them unanimously to the support of the bill.

Why is that true? Possibly a million or more Federal employees have been appointed by the New Deal administration. The Republicans want to eliminate the voluntary action of that large group of American citizens, so that they may not take part in a Presidential or senatorial or congressional election. Naturally, they would like to see them shackled, would like to see them gagged, as so many are Democrats and, forsooth, so very few are Republicans. Then they want to go into the States and practice the same thing. Of course, it does not make any difference in the South, because we have there a one-party system. The pending bill has no real application to the practical politics of the Southern States. But we are concerned about the upstanding patriots of the South, who have gone through the terrors and turmoils of the tragic era of reconstruction, who have been threatened time and time again by Congress, when it was under the control of the Republican Party, with force-bill legislation, with lynching-bill legislation, with various forms of measures which show an utter indifference to the principle of States' rights and local self-government when political influences are strong enough to bring about activity on the subject.

Mr. President, that is history. I hope I am not misstating anything. Consider the States. I shall not specify them; but if there is no politics in the attitude of a number of the Members of the Senate, there are more coincidences than I have witnessed here in many years. Most of us on one side of the question take our stand whether the State administration, with its control of State employees, is favorable to us personally or favorable to our party, or is opposed to us or opposed to our party. Wherever there is control by political machines and political organizations we have the great practical question of their influence bobbing up.

So, Mr. President, I submit to the candor of thinking men who are not deceiving themselves about the subject of whether or not they are waging a fight for purity in elections; I submit to the candid judgment of candid men that the bill will not bring any more purity to elections than is brought about by present laws.

Mr. President, are we to permit the big fellows like Pew, the Du Ponts, and others to continue to make great contributions to political campaigns and to political committees, and with their financial contributions, to flood the country with advertising, to put speakers on national radio chains and local stations without limit, to engage in all the pernicious activities which the use of money in elections can make possible?

Mr. President, much is said about pernicious political activities. Are we in favor of stopping pernicious political activities? If we are, we should desire to stop the excessive use of money in elections. There can be no question about that, for every frank and thoughtful person knows that the use of money in elections is the outstanding evil connected with our elections. We know that many large business interests are great contributors to campaign funds.

We know the individuals and business interests which are the large contributors to campaign funds. They do not contribute great amounts simply because of their love of the party. They do it, Mr. President, as we know, either to defeat some candidate who stands for a program which they regard as hostile or injurious to their financial affairs, or they contribute great amounts of money in order to promote the interest of candidates who, they believe, will exercise their power and their influence, either as President or as Members of Congress, to defeat or to promote legislation in the interest of the accumulation of more and greater fortunes.

Would anyone say that the Du Pont family, as the organizers of the Liberty League, were so interested in pure elections that from the standpoint of patriotism, of party affection, they contributed more than $600,000 in one election to defeat a man who stood as a tribune for the plain people of this country?

Mr. President, is that purity in elections? Is that a pure and desirable practice? I think that is the test in the vote on this question—not the absolute test; I do not say that; but in the main I believe it is the real, genuine test of the sentiment of those in the Senate who favor the abolition or the prevention of such pernicious political practices and activities in the future. This vote will speak volumes. I am curious to read the RECORD when it is all over. I am curious to see how Senators will vote, and to learn who are on the side politically of the great contributors to political parties. It will be very interesting.

Mr. President, I shall not take more time. I recognize that at this hour many Senators are at lunch. Many are not so greatly interested in this discussion of clean politics; they are not so greatly interested in the abolition of pernicious political activities, and, therefore it is difficult to hold them on the floor, particularly so for one who claims no talent as a political orator. I recognize my limitations along that line. But, Mr. President, for the reasons I have tried humbly to state—the right to local self-government, States' rights, the protection of the little fellow against the big fellow, the purification, so far as the withdrawing of corrupting funds from campaigns will accomplish it—I hope the amendment will be adopted, and then I will not be altogether concerned about the Hatch amendment, because we will still have the Hatch law on the statute books. But I am opposed in principle to the inclusion of the employees of

cities, counties, and States in any control by the Congress of the United States.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 186) to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NICHOLS, Mr. EBERHARTER, and Mr. DIRKSEN were appointed managers on the part of the House at the conference.

THE NATIONAL LABOR RELATIONS ACT

Mr. WAGNER. Mr. President, I dislike to discuss a matter which is not germane to the pending legislation, but I regard it as of such great and vital importance to the people of the United States that I take the liberty of expressing my views at this time.

Mr. President, the National Labor Relations Act is once again before the Congress. It stands also before the ultimate bar of public opinion, as an instrument of Government fashioned to serve an overwhelming need—the need for peace and justice throughout industry. That the act has helped to meet this need, both for industry and labor, few fair-minded people will deny. The only question is whether all has been done that can now be done to achieve more completely this vital need of the whole American people.

In any matter so fraught with importance to the general welfare it is fitting carefully to define the issues involved. It is also proper to scrutinize not only the effectiveness of the law being examined but also the conduct of those indicting it and the qualifications of its judges. Whether we have a case involving the simple rights of the most humble citizen in the land or the largest national issues, these are the basic elements in any fair trial. I propose to apply these basic tests of a fair trial to the latest stage in the history of the National Labor Relations Act; namely, the recent investigation of the act and its administration by the House committee established for that purpose, and the controversy arising from the conflicting reports of that committee.

There can be no real issue in this controversy as to whether the National Labor Relations Act is constitutional or whether the Board administering it has lived within its statutory authority. The Supreme Court of the United States, again and again, has decided these issues in favor of the act and in favor of the Board. Nor is there any issue as to the fundamental soundness of the objectives of the act. All parties have stipulated their agreement that the purposes of the act must be preserved and that the act must not be crippled.

The preservation in substance of the economic liberties which the Labor Act made a reality by codifying them in Federal law is recognized by all as essential to the common good. It is important not only to the worker, but also to the employer and to the general public. It is vital to the structure of our Government and the maintenance of our democratic institutions. For if any one thing is made clear by the terrible events in Europe, it is that the suppression of the industrial rights of the average working citizen is a first step toward the establishment of totalitarian government. When Hitler came into power he liquidated the labor unions with the same dispatch that Stalin liquidated the middle-class businessman. In the Fascist and Communist countries of Europe there is no freedom for labor. Every student of affairs knows that when labor regains its birthright in those unhappy countries that moment will mark the beginning of the downfall of dictatorship and the reestablishment of democracy.

Mr. BURKE. Mr. President, will the Senator yield, that I may suggest the absence of a quorum?

Mr. WAGNER. Very well; I yield for that purpose.

Mr. BURKE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILEY in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Johnson, Calif.	Russell
Ashurst	Downey	Johnson, Colo.	Schwartz
Austin	Ellender	La Follette	Sheppard
Bailey	Frazier	Lee	Shipstead
Bankhead	George	Lodge	Smathers
Barbour	Gerry	Lundeen	Smith
Barkley	Gibson	McKellar	Stewart
Bilbo	Gillette	McNary	Taft
Brown	Glass	Maloney	Thomas, Idaho
Bulow	Green	Mead	Thomas, Okla.
Burke	Guffey	Miller	Thomas, Utah
Byrnes	Gurney	Minton	Townsend
Capper	Hale	Murray	Vandenberg
Caraway	Harrison	Neely	Van Nuys
Chandler	Hatch	Norris	Wagner
Chavez	Hayden	Nye	Walsh
Clark, Idaho	Herring	O'Mahoney	Wheeler
Clark, Mo.	Hill	Pepper	White
Connally	Holman	Pittman	Wiley
Danaher	Holt	Reed	
Davis	Hughes	Reynolds	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present.

Mr. WAGNER. To continue, Mr. President, in splendid contrast, the brave countries of Europe which are now fighting at the outposts of democracy, find our excitement about the Labor Act a little puzzling, because they have long recognized and put into practice every right which the Labor Act embodies. One thing is certain: We cannot in our own land retain and expand our most cherished traditions unless we have workers who are free, just as we have a system of business enterprise which is free.

With this agreement on broad principles, the chief issues involving the National Labor Relations Act consist of two main questions of fact: First, is the act achieving its objective of diminishing the causes of labor disputes? And second, is the act achieving its objective of assuring the industrial liberty of the American worker? These two questions of fact may be examined separately, but they are not separable in the sense that in a free land industrial liberty must be the price of industrial peace.

The question of whether the National Labor Relations Act is diminishing labor disputes cannot be decided by general arguments. It can be measured only on the slide rule of economic statistics. From time to time, before this body and elsewhere, I have cited careful studies conclusively proving that the Labor Act has promoted peace between workers and employers, notwithstanding that membership in labor organizations has almost tripled in the past few years. I challenge anyone to produce an impartial and statistically sound study showing the contrary since the Supreme Court made the Labor Act workable by holding it constitutional.

Rather than burden the Senate with repetition, I ask unanimous consent to have printed in the RECORD at the end of my remarks some statistics indicating the pacific trend of industrial relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WAGNER. The very latest report by the Bureau of Labor Statistics shows that in January of this year, fewer working days were lost through strikes than in any month since February 1933.

The question as to whether the National Labor Relations Act has enlarged the liberties of those who work for a living cannot be statistically determined. Freedom exists in the minds and hearts of men, and not solely in their pocketbooks. I assume that those who live by their labor are the best judges of their own feelings. I have never heard any accredited or respected leader of American labor urge the repeal or emasculation of the Labor Relations Act. Their suggestions have been limited to matters of detail. Without pretending to be a prophet, I do not believe that any of the accredited leaders of American labor will fail to stand with their two tested friends on the Smith committee, or will fail to denounce the Smith amendments as a long step backward.

Mr. President, I have said that in the case of the Labor Act we should consider also the conduct of those who are indicting it. I am first to acknowledge the rectitude of inten-

tion and the ripeness of judgment of many who are proposing changes in the law. I am first to admit that changes will be made as experience proves their need. But this cannot blind anyone to the fact that never in recent history has any legislation been subjected to such an incessant barrage by those opposed to its fundamental guaranties. This minority have tried to use the courts, and would even use Congress if they could, to defeat the law and regain their ascendancy. The presence of such formidable foes is no reason why we should not reexamine the law and change it if need be. But the nature of this opposition is a vitally important reason why we should be on our guard in every move we make.

Now as to the qualifications of those who are judging the Labor Act. I do not propose to say anything intimating the slightest reflection upon the ability or sincerity of any member of the Smith committee. They are all earnest public officials, pursuing their duty as they see it. But it is only fair to recall to the public that none of the three members of the committee who filed the majority proposals assumed leadership in the hard struggle for the original Labor Act, and that the chairman of the committee strongly opposed it. I accept without reservation the statement of those three members that they now wholly favor the objectives of the original law and are seeking only to perfect it. But in all fairness, I want to ask this question: Are those who were several years late in seeing the imperative necessity for the original act better qualified to define and chart a national labor policy than those who had the early vision to see the need for the act and the courage to lead in the fight for it?

Based on more than 30 years' experience as a legislator, I am willing to set it down as a first principle that, while all great social legislation needs to be perfected over the years, no great social legislation has ever been genuinely perfected except by its true friends.

Public confidence in the wisdom of the proposed amendments will be further shaken by the fact that the original resolution for the investigation, introduced by Representative SMITH on June 22, 1939, was steeped in prevalent misconceptions about the Labor Act. The resolution stated in its preamble that there had been "an alarming increase in strikes and labor disputes generally." In fact, quite the contrary has been the case since the Labor Act was declared constitutional. The preamble also said that the act "necessarily requires amendments and corrections," thus prejudging the very facts the resolution was introduced to investigate. Finally, the preamble charged that the act had been administered—and this is exceedingly interesting—under a construction of interstate commerce including "business in nowise engaged in interstate commerce, so as to enlarge its jurisdiction to cover matters of minor and local character, never at any time anticipated or intended by Congress." If this charge be true, it constitutes one of the severest indictments ever directed against the Supreme Court of the United States and the validity of its 22 decisions sustaining the Labor Board under the law.

Above all, the Labor Act affects the whole public, and justice to the whole public requires that all proposals to change the law should be based upon complete consideration of the problems involved. I am perfectly ready to say that the Smith committee brought forward evidence about the conduct of some members of the staff of the National Labor Relations Board which is highly undesirable. These wrongs should, of course, be remedied. But such difficulties in personnel administration provide no foundation for the sweeping proposals in the Smith amendments. In fact, it seems impossible to reconcile the drastic character of the Smith amendments at this time with the desire of the committee to use an additional $50,000 to double the length of its hearings. If the committee has completed the job, the extension of its hearings will merely impair the effectiveness of the Labor Board, agitate the public mind, and make it harder for industry and labor to settle down to peaceful and workable industrial relations. If the committee has only half finished its job, its drastic proposals are premature and insufficiently considered.

I shall now turn to a specific examination of a few of the amendments proposed by Representative SMITH and two of his associates. I shall deal only with the most important and do not wish to imply approval of any that I do not discuss. Upon careful examination, I am convinced that these amendments, whatever their intent, would seriously obstruct and impair collective bargaining through freely chosen representatives. They would turn back the clock and restore labor and industry to the role of traditional antagonists with no recourse but to battle.

One amendment would limit back-pay awards to 6 months. This would make the wrongfully discharged worker bear the burden of the inevitable delays of legal process. It would encourage dilatory tactics by employers with greater economic staying power. The Railway Labor Act provides no such limitation. By arbitrarily limiting the remedy, no matter how great the wrong, this provision violates the fundamental conception that the law "delights to do justice, and not by halves."

Another amendment provides a 6 months' statute of limitation for the filing of charges. Far from accomplishing its alleged purpose, this amendment would cause employees in self-protection to file charges on the slightest provocation, thus discouraging the friendly adjustment of difficulties without governmental intervention. It is repugnant to me that a man of property should have 20 years to protect his holdings by recourse to the law, while the wronged worker would be denied the right to regain his job after 6 months. No other law of which I am aware contains such a discriminatory provision against the workers of our country.

Still another amendment would deny reinstatement to an employee who engaged in any "willful" act of "violence," regardless of provocation and regardless of its triviality. Everyone will agree with the ruling of the Supreme Court in the Fansteel case that an employer may discharge employees who engage in sit-down strikes or other serious acts of violence or property damage. While the courts continue to function and the Labor Board is bound by their decisions, we have every assurance that violence will receive the treatment that violence deserves. But I cannot believe that, as a matter of inflexible Federal law, a man should lose all right to earn his bread because of a minor scuffle on the picket line, which may well have already been punished under local law. No one would suggest that an employer lose his corporate franchise for a similar trivial act. In the abstract, this proposal is one-sided and unfair, and in its practical application it would make the Labor Board a glorified police court and clog its machinery with thousands of petty recriminations.

Of greater general interest is the proposal that nothing in the act "shall be construed or interpreted to prohibit any expressions of opinion with respect to any matter which may be of interest to employees or the general public, provided that such expressions of opinion are not accompanied by acts of coercion, intimidation, discrimination, or threats thereof."

No one can disagree with the statement of Representative SMITH that "obviously no law of Congress can interfere with the freedom of speech or of press guaranteed in the Bill of Rights." But this is the rule today; and under this rule not a single provision of the Labor Act or order of the Labor Board has ever been held by the courts to infringe these fundamental rights. If the amendment were nothing but an affirmation of the Constitution, manifestly it would be superfluous. The National Labor Relations Act, like the Railway Labor Act, does not interfere with "the normal relations and innocent communications which are a part of all friendly intercourse, albeit between employer and employee." That is the statement of Chief Justice Hughes, in Texas and N. O. Ry. Co. against Railway Clerks, decided in 1930.

The obvious effect of this amendment is not to uphold the Constitution, but rather to overrule decisions of the Supreme Court, and thus allow unfair practices which the court has

repeatedly held there is no constitutional right to enjoy. Under the decisions of the Supreme Court, the Bill of Rights does not authorize laboring men to make or publish statements tending to restrain an employer's interstate trade, even through methods of peaceful persuasion. By the same token, the courts have recognized the power of the spoken word when used by the employer to interfere with the freedom of his workers, where the superior economic position of the employer makes his words sound like the law. By the so-called free-speech amendment, the substantial justice embodied in many Supreme Court decisions would be undone, and the way would be opened for the return of the company-sponsored, company-dominated union.

A very recent illustration is *System Federation, No. 40 (affiliated with A. F. of L.)* v. *Virginian Railway Co.* (300 U. S. 515), decided under the Railway Labor Act of 1934. One of the important issues in the case was the legality of a statement circulated by Sasser, the railroad superintendent, setting forth alleged facts why the employees should remain loyal to the association—company union—and not join the A. F. of L. unions. The statement said in part:

> The chief object of the American Federation of Labor is eventually to bring about the closed shop in industry. * * * If the employees of the company desire to affiliate with the national organization [A. F. of L.] they are free to do so. * * * The management therefore hope that each man for himself will, before acting, give careful thought to the subject of representation.

Judge Way, in the United States District Court, said of this statement:

> I hardly think that anyone can read with an open mind the Sasser statement without fairly concluding that it was printed and circulated to "use the authority and power" of the railway "to induce action" by the members of the craft "in derogation of what the statute calls self-organization." That it probably and naturally had the intended effect on many of those to whom it was delivered is no more than a reasonable inference to be drawn from the situation and power of the author over those to whom it was addressed. It is likewise clear that similar acts will be continued in the future to defeat or seriously interfere with self-organization and representation unless prohibited.

On appeal, Senior Circuit Judge Parker affirmed the ruling below. He said:

> It is a violation of the terms, as well as of the spirit of the act, for the employer to address arguments to the employee couched in such terms, or presented in such manner, as to lead the employee to fear that he may suffer from the action of the employer if he does not follow the wishes of the latter in making his choice of representatives. Collective bargaining would be a delusion and a snare if the employer were permitted to exert pressure of any sort upon the employee with respect to a matter of this kind.
>
> It is not necessary to decide here whether the Sasser statement, standing alone, would be sufficient to convict the railway of attempting to interfere with and unduly influence its employees in their choice of representatives, as we think that the other evidence, when considered in connection with that statement, is sufficient to support the finding of the trial judge in that regard. There can be no question, therefore, but that * * * the portion of the decree enjoining the railway from interfering with the employees in the choice of representatives should be affirmed.

When the case came to the United States Supreme Court, Justice Stone wrote for the unanimous bench:

> Petitioner does not challenge that part of the decree which enjoins any interference by it with the free choice of representatives by its employees, and the fostering, in the circumstances of this case, of the company union. That contention is not open to it in view of our decision in the Railway Clerks case, supra, and of the unambiguous language of section 2, third and fourth, of the act, as amended.

Another leading case is *Texas & New Orleans R. R. Co.* v. *Brotherhood of Railway Clerks* (281 U. S. 548), also decided under the Railway Labor Act. The railroad argued before the Supreme Court that mere suggestions or advice by officers and agents of the carrier to its employees with respect to their organization or selection of representatives was not unlawful, and urged that the order of the lower court violated the First Amendment. The principal "verbal act" involved in the case was listed by Chief Justice Hughes among the activities of the carrier and its agents constituting "an actual interference with the liberty of the clerical employees in the selection of their representatives," namely, the "soliciting of authorizations and memberships on behalf of the association (company union)." He overruled the constitutional objection on this and other grounds by saying for the unanimous Court:

> As the carriers subject to the act have no constitutional right to interfere with the freedom of the employees in making their selections (of representatives), they cannot complain of the statute on constitutional grounds.

These and other cases I could cite show that an employer's statement or expression of opinion to his employees under certain circumstances—the manner in which the statement is made, the background of prior dealings, or other factors—indicates clearly that the employer is using his economic power to interfere with or coerce the employees in their selection of representatives. But there is nothing in the Labor Act today which prevents, nor could there be anything within our constitutional guaranties to prevent, the employer from expressing a mere opinion, so long as it is expressed under such circumstances that it does not in fact constitute interference, restraint, or coercion.

The final substantive amendment which I desire specifically to emphasize is the proposed new definition of the crucial terms "collective bargaining" and "bargain collectively." These would be defined—

> to include the requirement that an employer or his representatives meet and confer with his employees or their representatives, listen to their complaints, discuss differences, and make every reasonable effort to compose such differences, but shall not be construed as compelling or coercing either party to reach an agreement or to submit counterproposals.

This proposal, by limiting the scope of the definition to "complaints" or "differences," would tend to exclude negotiation concerning basic "rates of pay, wages, hours of employment, or other conditions of employment." By eliminating any obligation to make counterproposals, it would destroy the ruler by which a court or a board could measure the good faith of the bargainer. By raising doubts about the obligation to try in good faith to reach an agreement, and to embody the terms of mutual agreement in writing, it would empty the collective-bargaining process of any serious content. In a recent case, where a detailed agreement was reached containing so many conditions and provisions that no man could be expected to remember all of them, the Circuit Court of Appeals for the Second Circuit held that the employer's refusal to put that agreement in writing was an unfair labor practice, because he was not bargaining in good faith. That construction of the law appeals to the good sense of all of us. Nothing should be written into the law to reverse or cast doubt upon the soundness of that decision.

These substantive changes, damaging though they would be, are transcended in significance by the proposed changes in procedure. Affecting the operation of the act in every single case, the procedural proposals are like a dagger in the heart of the administrative process.

The National Labor Relations Board is not a court. It cannot "prosecute" or "punish" anyone. It is an agency patterned after the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Trade Commission, and many other quasi-judicial bodies. Its function is to investigate, to make findings of fact, and to issue orders to cease and desist, and to take appropriate remedial action to restore the status quo. All of these orders must be approved by the courts before they become effective. I cannot emphasize that too much, for it still seems not to be clear in the minds of many persons that no final order made by the Labor Board is effective unless the court approves the order and authorizes its enforcement.

Thus, the Labor Board procedure is backed by half a century of experience indicating the need for administrative agencies in our complex industrial system. More specifically, experience under section 7 (a) of the National Industrial Recovery Act had proved the complete inadequacy of dealing with employer-employee problems solely through recourse to prosecuting attorneys and the judicial process.

At three vital points the proposed amendments would take us back to the very difficulties from which Congress sought to escape by adopting the administrative device.

First, the amendments require that the rules of evidence in Federal district courts shall be applied in proceedings before the Board "so far as practicable." This amendment would not add to the substantial safeguards of either employers or employees, because under the present law the courts will not approve orders based on mere hearsay, rumor, or suspicion, or without a basis in evidence having "rational probative force." That is the statement of Chief Justice Hughes in Consolidated Edison Co. against National Labor Relations Board. I repeat, no order of the Board will be sustained by the courts unless it is supported by substantial evidence, and by substantial evidence the courts mean proof having rational probative force. The only result of the amendment would be to introduce a new and novel standard into the corpus of administrative law. It would thus promote endless wrangling by counsel and burden everyone with the cost and time of new litigation on purely technical points, the very difficulties we want to escape.

The only people who would be helped would be those desircus of delaying the law, plus a fraction of the legal profession, and, of course, a few law-review commentators.

The second violent departure from the traditional principles of administrative law is the proposal that the Board's findings of fact must be reversed if it "appears to the satisfaction of the circuit court" that they are "clearly erroneous." Stated in simple language, this would require the reviewing court to weigh the evidence in each instance and substitute its judgment on the facts for that of the Board.

This proposal, whenever and wherever it has reared its head, has been almost universally condemned by the most astute and impartial students of American law. If there is a difference of opinion, it is that half the experts think this proposal would paralyze administrative agencies, and the other half think it would overload and paralyze the courts.

The third of the fundamental procedural changes vests in a newly created Administrator, appointed by the President and acting independently of the Labor Board, every function of the present Board except the actual decision of cases and the conduct of elections. Such a dismemberment of functions and division of responsibility would defeat the just expectation of industry and labor that there be prompt and effective administration of the national labor policy.

Under the present procedure, the Labor Board has been successful in adjusting 93 percent of its cases in conformity with the policy of the act, without formal proceedings, complaints, or hearings. This procedure has obvious advantages to the employee, to employers, and to the public. Under the proposed changes, an aggrieved employee or labor organization would file a charge with the Administrator through regional offices under his control. A prosecuting Administrator, however, could not possibly achieve satisfactory results in so large a proportion of cases. Furthermore, his issuance of complaints would not be tempered by the Board's judgment as to the law and as to the probability of enforcement by the courts. There would be nothing to prevent the Administrator from adjusting cases on a basis entirely different from the principles laid down in the Board's decisions, or from refusing arbitrarily to issue a complaint in a case clearly within the Board's province. The division of responsibility and confusion of policy reach farcical heights in the proposal that the Administrator, not the Board, should direct and control litigation in the courts for enforcement of orders issued by the Board.

The election procedure which would be required under these amendments is obviously unsound. The Administrator would have no connection with the election machinery. Application for elections would be made to the Board; the Board would set a date for hearings; the Board would make findings, conduct elections, and issue certifications. Yet the amendments make no provision for regional offices under control of the Board, to which petitions for elections might be brought. Unless all election petitions were to be filed and acted upon in Washington—an utterly impossible procedure—it would be necessary to duplicate to a very substantial extent the regional machinery which the amendments transfer to the Administrator in handling unfair labor practice cases. Some duplication would be necessary in any event, because trial examiners connected with the Board must have field offices for trial of cases and preparation of their reports.

When the separation proposal is thus analyzed, it is difficult to understand how it could operate except to impede our progress toward democracy and peace in American industry. I call special attention to the fact that the Administrator's sweeping powers are proposed to be vested in an official in the executive branch of the Government, and hence removable at will, under applicable decisions of the Supreme Court. The most fundamental rights of labor would thus be subject to the shifting currents of national politics, and the very purpose of establishing a quasi-judicial agency would be defeated.

While workers and employers would be subjected to the delays and frustration of this confusing, inefficient, and obstructive administrative arrangement, investors under the Securities and Exchange Act, shippers under the Interstate Commerce Act, and businessmen under the Federal Trade Commission Act, would continue to enjoy the advantages of an administrative procedure similar to that in the present Labor Act.

The Civil Aeronautics Act, sometimes referred to as a precedent for separating the functions of quasi-judicial agencies, is, upon examination, a precedent against any such separation. The Administrator under that law is established "in the Authority," and he is directed "to cooperate with the Authority in the administration and enforcement of the act." Beyond that, the Administrator and the Authority are concerned with wholly different aspects of the law. The Administrator exercises executive powers with respect to the development of civil aeronautics and air commerce in the United States and abroad. The Authority exercises all the quasi-judicial functions under the law. The Administrator is not the "prosecutor" of complaints before the Civil Aeronautics Authority. The quasi-judicial procedure for complaint, hearing, issuance of orders, and judicial review under the Civil Aeronautics Act is comparable to that under the Labor Act.

I believe that our system of law need not fear these destructive "separation" proposals so long as we take guidance from a recent opinion of Mr. Justice Frankfurter, in which he said:

> To a large degree modern administrative tribunals have been a response to the felt need of governmental supervision over economic enterprise. * * * Perhaps the most striking characteristic of this movement has been the investiture of administrative agencies with power far exceeding and different from the conventional judicial modes for adjusting conflicting claims. * * * These differences in origin and function preclude wholesale transplantation of the rules of procedure, trial, and review, which have evolved from the history and experience of courts. * * * To assimilate the relation of these administrative bodies and the courts to the relationship between lower and upper courts is to disregard the origin and purposes of the movement for administrative regulation and at the same time to disregard the traditional scope, however far reaching, of the judicial process. Unless these vital differentiations between the functions of judicial and administrative tribunals are observed, courts will stray outside their province and read the laws of Congress through the distorting lenses of inapplicable legal doctrine.

In what I have said, I do not wish to imply that the administrative procedure under the Labor Act cannot be improved. The Attorney General, at the suggestion of the President, has established a Committee on Administrative Law, composed of distinguished judges, law teachers, and members of the bar. The committee is now engaged in an extensive examination of the procedure of the Labor Board and other administrative agencies. I await with interest its findings and its suggestions, confident that they will be constructive, and in furtherance of sound policy and improved

procedure. Congress should not discriminate by making radical changes in the administrative procedure of the Labor Act, until the report of the Attorney General's committee is available to guide our steps.

Finally, I am against the proposal to abolish the present Board and to establish a new Board of three members, although I will say that I would willingly vote for an amendment to add two members to the Board. One may disagree with the present Board's decisions in isolated cases. The Smith investigation has undoubtedly disclosed defects in administration by the Board and bias and misdirected zeal on the part of some employees. But this is no justification for "ripper" legislation.

As a matter of fact, no other administrative agency has equaled the Labor Board's record of approval by the courts. Let me cite some figures for comparison. In the first 15 years of the Federal Trade Commission, with 22 matters coming before the Supreme Court, the Commission's contention was upheld in 5 cases, modified in 1 case, and wholly reversed in 16 cases. In the first 15 years of the Interstate Commerce Commission, the Commission's contention was upheld by the Supreme Court in 1 case, modified in 1 case, and wholly reversed in 10 cases. In contrast, in the 24 cases decided by the Supreme Court involving the Labor Act, the Labor Board's position was fully upheld in 19 cases, modified in 3 cases, and wholly reversed in only 2 cases. In more than 100 final orders taken to the courts, the Labor Board was held to have exceeded its jurisdiction in only 1 case.

The Labor Board has encountered extraordinary problems in breaking new ground in a highly controversial field, problems intensified by the infamous Liberty League campaign, the flood of injunction suits, and the split in the labor movement. Nonetheless, the Labor Act has been firmly established in American industrial life. Thousands of new labor agreements have been made. Over a million workers have cast ballots in peaceful Labor Board elections. Industrial strife has declined, and an increasing proportion of workers are taking their organization problems to the Board rather than fight them out on the picket line.

Dr. Leiserson, the newest member of the Board, and a recognized authority on industrial relations, said in his testimony before the Smith committee:

> Some of the departments of the Board's work have developed effective administrative organizations with experienced and capable executives. Other departments have this still to achieve, and there are places where a change in personnel would bring improvement.

I agree with him on that point. There should be some changes in personnel.

> But full accomplishment in these respects is a matter of time, experience, and financial resources with which to carry on the work.
>
> There is room for much improvement in the administrative methods of the Board, but the act cannot be made to work altogether efficiently until the opposition to it, and the attempts to weaken it by revisions, have ceased.

Mr. President, in closing let me say that I am still completely open-minded about the Labor Act. I am still ready to support amendments proposed by others if they appear to me sound at this time. As I have previously said, I am prepared to vote for an amendment which will increase the membership of the Board by two, because the present Board's burden of work has continued to be so great that undesirable delays have undoubtedly occurred. I am constantly striving to advance suggestions of my own which I believe will lead to a still better national labor policy. The latest evidence of this is my bill to expand the mediation functions of the Federal Government. But conscientious study of the Smith amendments forces me inescapably to these conclusions about them:

First. The Smith investigation has not adduced any substantial facts to refute the overwhelming weight of the evidence that the Labor Act has promoted industrial peace and preserved industrial freedom. In consequence, even the bitterest foes of collective bargaining are even more fearful than before of attacking openly the fundamental soundness of the Labor Act.

Second. The business community has a vested interest in stable industrial relations, and therefore has a vested interest in a sound national labor policy. The Labor Act is more helpful to businessmen today than when it was enacted, for day by day the courts have clarified its meaning, and day by day public understanding has increased its voluntary acceptance. Radical and inconsiderate tampering with the Labor Act will produce grave uncertainty until the courts get through interpreting the new law, and uncertainty is the bane of business progress.

Third. The Smith amendments, whatever their intent, in their full sweep would more than repeal the Labor Act; they would make it a delusive remedy for the worker and a concrete weapon for the oppression of labor.

Fourth. The substantive proposals for change would not only remove the provisions designed to redress labor's economic inequality, but, moreover, would place upon labor's right to seek legal redress unique limitations never applied to any other groups.

Fifth. The procedural provisions for change would provide a feast for a few lawyers, an insuperable problem for the courts, an insurmountable obstacle to any efficient administration of the law, a blessing to those anxious to disobey the law, and a merry-go-round for the employers and workers affected by the law.

Sixth. The defects in administration revealed by the Smith investigation should, of course, be corrected. This is almost entirely a matter of personnel administration, and can be accomplished only by close administrative attention and further experience. These difficulties would be multiplied by the proposed amendments.

Seventh. It is already evident that the Smith amendments, however sincere in inception, are providing a strategic rallying point for the enemies of the Labor Act. Some people may be for the Smith amendments and sincerely believe that they are for the Labor Act too, but no one who is against the Labor Act can fail to be for the Smith amendments.

Eighth. The Labor Act and all who believe in it are now faced by a new threat, as menacing as any which they overcame in the past. The friends of industrial democracy must again rally promptly to repel this latest danger. Because I have confidence in America, I have confidence that they will do so.

Mr. President, in many parts of the world, the liberties that we hold dearer than life, the freedom of economic opportunity, and the civil equality that we cherish, are all thrown into the discard. Certainly this is no time for America to follow the leadership of the despots. Certainly this is the time for America to preserve democracy in every quarter of our national life. That is why it is simply incomprehensible to me that anyone should now set up a shout for regression, that anyone should now be willing to take away any of the simple rights of freemen that the workers of America have won. Never will I lend an ear to such counsel. We must stand firm and press forward toward the enlargement of all our liberties, because therein lie the safety, the security, and the happiness of the American people.

EXHIBIT A

DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 13, 1940.

STRIKES IN JANUARY 1940 (BASED ON PRELIMINARY ESTIMATES)

The number of strikes and workers involved were higher in January 1940 than in December 1939, but fewer man-days were lost than in any month since February 1933. The estimate for January is 110 strikes, 21,000 workers involved, and 200,000 man-days idle. As compared with December 1939, the number of strikes increased 4.8 percent, the number of workers involved increased 61.5 percent, and the man-days idle decreased 42 percent.

Strike activity was much lower in January 1940 than in January 1939, the number of strikes being 44.4 percent less, the number of workers involved 58.8 percent fewer; the man-days idle declined by 61.3 percent.

Strikes in the United States, 1881–1905 and 1914–39

Year	Number of—		
	Strikes	Workers involved [1]	Man-days idle
1881	477	130,176	(2)
1882	476	158,802	(2)
1883	505	170,275	(2)
1884	485	165,175	(2)
1885	695	258,129	(2)
1886	1,572	610,024	(2)
1887	11503	439,306	(2)
1888	946	162,880	(2)
1889	1,111	260,290	(2)
1890	1,897	373,499	(2)
1891	1,786	329,953	(2)
1892	1,359	238,685	(2)
1893	1,375	287,756	(2)
1894	1,404	690,044	(2)
1895	1,255	407,188	(2)
1896	1,066	248,838	(2)
1897	1,110	416,154	(2)
1898	1,098	263,219	(2)
1899	1,838	431,859	(2)
1900	1,839	567,719	(2)
1901	3,012	553,843	(2)
1902	3,240	691,507	(2)
1903	3,648	787,834	(2)
1904	2,419	573,8 5	(2)
1905	2, 86	302,434	(2)
1914	1,204	(1)	(2)
1915	1,593	(2)	(2)
1916	3,789	1,599,917	(2)
1917	4,450	1,227,254	(2)
1918	3,353	1,239,989	(2)
1919	3,630	4,160,348	(2)
1920	3,411	1,463,054	(2)
1921	2,333	1,099,247	(2)
1922	1,112	1,612,562	(2)
1923	1,553	756,584	(2)
1924	1,249	654,641	(2)
1925	1,301	428,416	(2)
1926	1,035	329,592	(2)
1927	707	329,939	26,218,628
1928	604	314,210	12,631,863
1929	921	288,572	5,351,540
1930	637	182,975	3,316,808
1931	810	341,817	6,893,244
1932	841	324,210	10,502,033
1933	1,695	1,168,272	16,872,128
1934	1,856	1,466,695	19,591,949
1935	2,014	1,117,213	15,456,337
1936	2,172	788,648	13,901,956
1937	4,740	1,860,621	28,424,857
1938	2,772	688,376	9,148,273
1939	2,500	1,200,000	18,000,000

[1] The number of workers involved in strikes between 1916 and 1926 is known for only a portion of the total. However, the missing information is for the smaller disputes and it is believed that the total here given is fairly accurate.

[2] No information available.

Number of workers involved in strikes per 1,000 persons gainfully occupied, excluding agriculture

1881	13
1882	15
1883	15
1884	14
1885	22
1886	49
1887	34
1888	12
1889	19
1890	26
1891	22
1892	16
1893	18
1894	43
1895	25
1896	15
1897	24
1898	15
1899	24
1900	30
1901	29
1902	34
1903	38
1904	27
1905	14
1916	55
1917	42
1918	41
1919	137
1920	47

Number of workers involved in strikes per 1,000 persons gainfully occupied, excluding agriculture—Continued

1921	35
1922	50
1923	23
1924	19
1925	12
1926	9
1927	9
1928	9
1929	8
1930	5
1931	9
1932	8
1933	29
1934	36
1935	27
1936	19
1937	44
1938	16
1939	26

Man-days idle during strikes per 1,000 persons gainfully occupied, excluding agriculture

1927	726
1928	343
1929	142
1930	86
1931	177
1932	266
1933	422
1934	484
1935	377
1936	334
1937	674
1938	214
1939	407

Number of workers involved in strikes per 100 members of trade-unions

1881	130
1882	106
1883	85
1884	83
1885	86
1886	68
1887	59
1888	33
1889	52
1890	93
1891	82
1892	53
1893	64
1894	173
1895	102
1896	62
1897	93
1898	53
1899	71
1900	65
1901	50
1902	50
1903	41
1904	28
1905	15
1916	58
1917	40
1918	36
1919	101
1920	29
1921	23
1922	40
1923	21
1924	19
1925	12
1926	9
1927	9
1928	9
1929	8
1930	5
1931	10
1932	10
1933	39
1934	41
1935	29
1936	16
1937	26
1938	9
1939	13

Strikes over recognition and discrimination questions compared with all strikes, 1881 to 1939

Year	Strikes				Workers involved			
	Total for year	Recognition and discrimination strikes		Excluding recognition and discrimination strikes	In all strikes	In recognition and discrimination strikes		Excluding those in recognition and discrimination strikes
		Number	Percent of total			Number	Percent of total	
1881	477	32	6.7	445	130,176	----------	----------	----------
1882	476	38	8.0	438	158,802	----------	----------	----------
1883	506	55	10.9	451	170,275	----------	----------	----------
1884	485	50	10.3	435	165,175	----------	----------	----------
1885	695	67	9.6	628	258,129	----------	----------	----------
1886	1,572	210	13.4	1,362	610,024	----------	----------	----------
1887	1,503	299	19.9	1,204	439,306	----------	----------	----------
1888	946	163	17.2	783	162,880	----------	----------	----------
1889	1,111	173	15.6	938	260,290	----------	----------	----------
1890	1,897	318	16.8	1,579	373,499	----------	----------	----------
1891	1,786	334	18.7	1,452	329,953	----------	----------	----------
1892	1,359	261	19.2	1,098	238,685	----------	----------	----------
1893	1,375	257	18.7	1,118	287,756	----------	----------	----------
1894	1,404	206	14.7	1,198	690,044	----------	----------	----------
1895	1,255	217	17.3	1,038	407,188	----------	----------	----------
1896	1,066	297	27.9	769	248,838	----------	----------	----------
1897	1,110	193	17.4	917	416,154	----------	----------	----------
1898	1,098	236	21.5	862	263,219	----------	----------	----------
1899	1,838	471	25.6	1,367	431,889	----------	----------	----------
1900	1,839	414	22.5	1,425	567,719	----------	----------	----------
1901	3,012	1,016	33.7	1,996	563,843	----------	----------	----------
1902	3,240	1,051	32.4	2,189	691,507	----------	----------	----------
1903	3,648	1,200	32.9	2,448	787,834	----------	----------	----------
1904	2,419	964	39.9	1,455	573,815	----------	----------	----------
1905	2,186	800	36.6	1,386	302,434	----------	----------	----------
1914	1,204	253	21.0	951	[1]	----------	----------	----------
1915	1,593	312	19.6	1,281	[1]	----------	----------	----------
1916	3,789	721	19.0	3,068	1,599,917	----------	----------	----------
1917	4,450	799	18.0	3,651	1,227,254	----------	----------	----------
1918	3,353	584	17.4	2,769	1,239,989	----------	----------	----------
1919	3,630	869	23.9	2,761	4,160,348	----------	----------	----------
1920	3,411	622	18.2	2,789	1,463,054	----------	----------	----------
1921	2,385	373	15.6	2,012	1,099,247	----------	----------	----------
1922	1,112	208	18.7	904	1,612,562	----------	----------	----------
1923	1,553	308	19.8	1,245	756,584	----------	----------	----------
1924	1,249	244	19.5	1,005	654,641	----------	----------	----------
1925	1,301	219	16.8	1,082	428,416	----------	----------	----------
1926	1,035	206	19.9	829	329,592	----------	----------	----------
1927	666	157	23.6	509	319,442	27,456	8.6	291,986
1928	620	154	24.8	466	322,866	88,239	27.3	234,627
1929	924	263	28.5	661	286,163	90,454	31.6	195,709
1930	651	128	19.7	523	181,901	67,371	37.0	114,530
1931	796	157	19.7	639	345,669	108,466	31.4	237,203
1932	852	112	13.1	740	324,960	69,720	21.5	255,240
1933	1,672	485	29.0	1,187	1,143,910	457,264	40.0	686,646
1934	1,817	706	38.9	1,111	1,480,343	740,667	50.0	739,676
1935	2,003	780	38.9	1,223	1,101,902	233,326	21.2	868,576
1936	2,156	929	43.1	1,227	709,748	298,032	42.0	411,716
1937	4,720	2,331	49.4	2,389	1,945,745	994,601	51.1	951,144
1938	2,772	973	35.1	1,799	687,629	123,369	17.9	564,260
1939	[2] 2,500	[2] 890	35.6	1,610	[2] 1,200,000	[2] 147,853	12.3	1,052,147

[1] No information available. [2] Preliminary estimate.

Recognition and discrimination strikes compared with all strikes, October 1935 to November 1939

Year and month	All strikes		Recognition and discrimination strikes		Percent the recognition and discrimination strikes are of all strikes		
	Number	Workers involved	Number	Workers involved	Strikes	Workers involved	
						Actual percent	12-month moving average
1935—October	190	48,223	79	21,926	41.6	45.5	35.0
November	142	38,279	50	6,341	35.2	16.6	36.2
December	90	14,746	23	4,165	25.7	28.2	36.9
1936—January	167	32,406	64	8,248	38.3	25.5	37.0
February	148	63,056	75	32,113	50.7	50.9	37.2
March	185	75,191	79	13,421	42.7	17.8	37.4
April	183	65,379	75	37,508	41.0	57.5	37.7
May	206	72,824	74	33,605	36.0	46.1	39.6
June	188	63,429	89	29,040	47.3	45.8	42.3
July	173	38,017	71	11,927	41.0	31.4	45.6
August	228	68,752	106	34,557	46.5	50.3	46.9
September	234	65,994	95	18,741	40.6	28.4	48.3
October	192	100,845	87	61,724	45.3	61.2	49.7
November	136	70,116	68	32,567	50.0	46.4	49.8
December	132	72,639	66	46,765	50.0	64.4	49.8
1937—January	171	108,621	79	74,217	46.2	68.3	49.1
February	211	99,335	108	38,031	51.2	38.3	50.3
March	614	290,324	279	187,680	45.4	64.6	51.6
April	535	221,572	271	97,281	50.7	43.9	51.6
May	604	325,499	303	209,019	50.2	64.2	49.9
June	610	281,478	301	77,465	49.3	27.5	48.7
July	472	143,678	250	53,924	53.0	37.5	46.5
August	449	143,033	226	90,913	50.3	63.6	43.5

Recognition and discrimination strikes compared with all strikes, October 1935 to November 1939—Continued

Year and month	All strikes		Recognition and discrimination strikes		Percent the recognition and discrimination strikes are of all strikes		
	Number	Workers involved	Number	Workers involved	Strikes	Workers involved	
						Actual percent	12-month moving average
1937—Continued							
September	361	88,967	186	45,179	51.5	50.8	40.9
October	320	67,242	157	26,208	49.1	39.0	38.6
November	262	68,929	117	17,982	44.7	26.1	35.3
December	131	21,943	54	12,478	41.2	56.9	32.6
1938—January	168	35,329	59	8,354	35.1	23.6	31.0
February	198	53,175	75	4,889	37.9	9.2	27.8
March	274	56,759	103	18,760	37.6	33.1	24.5
April	281	78,666	94	14,866	33.5	18.9	22.3
May	300	83,029	98	9,584	32.7	11.5	21.4
June	219	52,801	58	7,601	26.5	14.4	19.8
July	208	50,193	47	5,737	22.6	11.4	18.5
August	262	48,378	79	7,238	30.2	15.0	19.2
September	222	96,399	75	18,533	33.8	19.2	19.3
October	256	52,703	108	8,956	42.2	17.0	18.3
November	207	43,128	105	11,876	50.7	27.5	17.7
December	177	37,816	57	6,294	32.2	16.6	17.5
1939—January	178	49,963	81	15,926	45.5	31.9	17.0
February	179	66,853	64	13,218	35.8	19.8	17.5
March	196	41,854	85	10,154	43.4	24.3	18.8
April	227	390,662	70	10,155	30.8	2.6	21.1
May	222	92,638	78	13,676	35.1	14.8	22.4
June	205	58,505	52	3,755	25.4	6.4	22.0
July	189	170,209	58	12,581	30.7	7.4	21.5
August	221	74,439	90	22,041	40.7	29.6	20.8
September	158	34,939	55	12,417	34.8	35.5	20.5
October	170	104,259	63	59,770	37.1	57.3	20.8
November	155	41,384	58	7,362	37.4	17.8	21.6

TEXT OF LETTER TO THE EDITOR OF NEW YORK HERALD TRIBUNE, BY SENATOR ROBERT F. WAGNER, OF NEW YORK, PRINTED IN ISSUE OF SUNDAY, NOVEMBER 19, 1939, REPLYING TO CHARGES OF NEW YORK CHAMBER OF COMMERCE THAT WAGNER ACT HAS INCREASED INDUSTRIAL STRIFE

To the EDITOR OF THE NEW YORK HERALD TRIBUNE:

Widespread publicity has been given to a report adopted on November 2 by the Chamber of Commerce of the State of New York, which purports to furnish "convincing evidence that the Wagner Act not only has failed in its avowed objective of diminishing the causes of labor disputes but has been a strong incentive in increasing labor controversies." Since I have frequently cited official statistics to the contrary, in the press and before congressional committees, I hastened to examine the Chamber's report and check it against all the available data. I am grateful for this opportunity to present my views on this important national issue.

I

It is essential first to restate clearly the broad objectives of the act, against which its success or failure must necessarily be measured. The act was never intended or designed to eliminate all strikes or lockouts, or to displace the numerous Federal, State, and local laws directed against restraints of trade, improper picketing, or violence by either party in the course of labor disputes. Instead of dealing with the effect after labor strife has run its wasteful course, the act seeks to diminish certain underlying causes of that strife. Instead of imposing upon employers and employees wages, hours, rates of production, and grievance procedure established by Government fiat, it looks to the freely chosen representatives of employers and employees to thrash out their own difficulties and make their own bargain at the council table. Instead of adopting the policy of suppression of management and labor characterizing the totalitarian states, it builds upon the framework of the American system.

As the Supreme Court of the United States has held, freedom of choice in the selection of representatives must be safeguarded if such a voluntary plan is to accomplish its purpose. Since it cannot seriously be maintained that employees have impaired the Nation-wide organization of employers in corporations, trade associations, or chambers of commerce, no legislation was necessary to protect that right of employers. But the record, unfortunately, shows that bitter industrial strife frequently arose because no election machinery was available to enable workers to select their representatives in case of dispute, and because employers interfered with the industrial liberties of employees. In the words of a recent publication of the Brookings Institution:

"Prior to the 1930's, employers wishing to prevent unions of workers from gaining sufficient strength to establish collective bargaining were able to resort to methods which sometimes rendered empty or meaningless this general and long-conceded right. * * * The employer could refuse to meet in conference with representatives of the workers or to discuss the issues at stake; he could discharge, demote, or discipline workers in his employ who were active in promoting the cause of a union; he could persuade, advise, or threaten employees with various pos-

sible consequences in order to induce them either not to join a union or to give up already-held membership therein; he could establish as one of the conditions for obtaining or retaining employment, the signing or acceptance of 'yellow-dog' contracts; he could carry on espionage work concerning the activities and plans of his employees and of union members or agents; and he could establish, finance, and aid in other ways organizations confined to his own employees as an alternative to the much less congenial 'outside' union.

"In an effort to give meaning to the declared right of labor to organize, the National Labor Relations Act defines violations of that right in terms of a series of 'unfair labor practices' and creates legal machinery to prevent the commission of these defined violations" (Government and Economic Life, 1939).

The procedure of the Labor Act had been established in our governmental system since the pioneer Interstate Commerce Act of 1887. Its underlying policy had been successfully applied by the Federal Government to minimize industrial conflicts during the World War and is at the basis of the highly effective Railway Labor Act. So carefully had the Labor Act been framed to protect the fundamental rights of employers and employees that in 18 successive decisions by the Supreme Court not a line of the act has been held unconstitutional.

The burden of the chamber's report is that a policy so well established in our law and our practices, and so deeply rooted in our democratic traditions, has proved a failure in actual operation. This conclusion is unfounded. Authoritative and indisputable data show the contrary ever since the act has been given a fair chance to exert its pacific influence.

II

The chamber's "factual survey" may conveniently be considered under four heads: First, the incidence of all industrial strife; second, the incidence of strife which the act was directly designed to minimize; third, the volume of cases filed with the Labor Board; and fourth, the extension of the practice of collective bargaining.

1. The chamber's report finds that in the 3-year period following the passage of the act (1936–38), the incidence of all industrial strife was greater than in the 3-year period preceding its passage (1932–34). The arithmetic is correct, but the intended inference that the act has been ineffective is entirely without foundation.

Logic and common sense tell us that because two facts concur there is not necessarily a causal connection between them. It might just as well be said that the Labor Act is responsible for the zooming profits of 1937, when 185 industrial companies listed on the New York Stock Exchange earned more than in 1929, or for the current business upturn, with industrial production exceeding the 1929 average. It is obviously necessary to go beneath any statistical assertion to appreciate what the figures mean and how they were derived.

In this case it must be recognized that the tempo of business activity—as shown by national income produced—was 50 percent higher in the period 1936–38 than in 1932–34. Since the incidence of labor strife normally follows the business cycle, as the chamber's report concedes, it is not surprising that more industrial strife occurred in the former than in the latter period. What is more surprising is the comparatively minor increase in aggregate working time lost—less than 10 percent. But even if other factors intervened to disturb this normal tendency, the chamber's analysis will be rejected by a fair-minded public because of its studied failure to distinguish between the date of the act's passage and the date when it began effective operation.

It is a notorious fact that the Labor Act, though placed upon the statute books on July 5, 1935, was virtually a dead letter until its constitutionality was upheld by the Supreme Court in April 1937. Its effectiveness during this entire 18-month period was undermined by pseudo-legal opinions that it was unconstitutional, widely circulated by the Liberty League, the National Association of Manufacturers, the National Metal Trades Association, and similar groups; by a barrage of injunction suits in the district courts, and by the widespread practice of industrial espionage. Because the law of the land was ineffective precisely where its intervention was most needed, labor had no recourse but to vindicate on the picket line the fundamental rights which the law guaranteed. Labor strife, of course, multiplied. The first Supreme Court decisions upholding the act against every constitutional attack were handed down in April 1937, at the peak of this unprecedented strike wave. After an inevitable but remarkably brief period of adjustment, the strike wave subsided. In the late months of 1937, according to the Bureau of Labor Statistics, fewer workers were idle and less time was lost through strikes than in the same months of the preceding year. In 1938, the first full year of the act's operation under the Supreme Court's mandate, there were only about half as many strikes, one-third as many workers involved, and one-third as much working time lost through strikes as in the preceding year.

This record for 1938 is remarkable not merely in relation to 1937, an exceptional year, but in relation to the entire strike trend of recent times. The proportion of workers involved in strikes to the total gainfully employed was lower than in any year since 1932, and substantially below the average for the last 60 years. Fewer workers were on strike than in any year since 1932. The average working time lost per striker was lower than in any year since 1927—an indication of the short duration of the strikes that did occur. Less aggregate working time was lost through strikes than in any year since 1931. Sit-down strikes fell off sharply after April 1937, and have now virtually disappeared from the American scene.

This peaceful trend has continued to date. The number of strikes in the first 6 months of this year was about 20 percent lower than in the same period of 1938 and 60 percent lower than in 1937. The time lost in strikes was relatively high, however, due to the unusually severe bituminous-coal industry stoppage.

In brief, since the law actually became effective there has been a very substantial decline in the incidence of industrial strife. This decline is all the more significant because it has occurred in a period of unprecedented organizational activity and has run counter to the upswing of the business cycle which began in the middle of 1938. The tempo of business activity in the year 1938 as a whole was higher, except for 1937, than in any year since 1929, and is currently estimated at about the 1937 level.

2. Let us turn now to the statistics on labor disputes which the Labor Act was directly designed to minimize.

The act is limited, of course, to labor problems directly affecting interstate commerce. As the chamber's report properly notes, only 67 percent of the strikes in 1937 and 60 percent of those in 1938 occurred in industries fully subject to the jurisdiction of the act. But the chamber's report fails to record the even more significant fact that the decline in the incidence of labor strife in those industries during 1938 was substantially greater than in industries partially or wholly outside the act's jurisdiction.

Another limitation emphasized at the outset is that the act is directly concerned only with issues of representation, union recognition, discrimination, and the like. The supposed increase in strife over these issues, alleged in the chamber's report, is vitiated by the same objections as its conclusion concerning strikes as a whole. Here again the official statistics show a very substantial decline once the act went into effective operation. During 1938 fewer workers were involved in "organization" strikes, as classified by the Bureau of Labor Statistics, and less working time was lost in such strikes, than in any year since 1932.

The peaceful trend is clearly shown by a careful break-down of the figures for the first 6 months of 1939, furnished by the Bureau of Labor Statistics. Of the aggregate working time lost, 17 percent resulted from strikes over wages and hours and 57 percent from strikes for the closed shop—an unusually high figure attributable to the bituminous-coal stoppage. Neither of these issues is within the purview of the act. Less than 15 percent of the total working time lost is properly attributable to strikes over issues which could have been resolved by resort to the peaceful procedure provided by the law.

3. The volume of cases filed with the Board furnishes the clearest indication that the strike weapon is giving way to the orderly processes of law. From January 1936 through March 1937 there were more strikes called each month than cases filed with the Labor Board. But since the first Supreme Court decisions in April 1937 the number of new cases filed each month has averaged three times the number of strikes. The increasing tendency of workers to take their cases to the Labor Board instead of going on strike is clearly evident. In 1936 the ratio of workers involved in Board cases to workers involved in "organization" strikes, as classified by the Bureau of Labor Statistics, was 5 to 4. In 1937 the average monthly ratio increased to 2 to 1. In 1938 and the first half of 1939 the ratio rose to 6 to 1. That is to say, six workers are currently involved in cases voluntarily submitted to peaceful adjudication for everyone who is involved in an "organization" strike.

To date almost 24,000 cases have been handled under the act, involving over 5,500,000 workers. Most of these cases were filed after April 1937. Four out of every five cases filed have been closed. About 95 percent of the cases disposed of have been closed by dismissal, withdrawal, or by agreement of the parties, all without even holding a hearing.

The chamber's report impliedly criticizes the act because of the large number of cases filed under it and the proportion of cases dismissed as unfounded. I am unable to understand how these facts can be made a basis for criticism. They seem rather to demonstrate that more and more, labor is substituting legal process for the picket line and that the Labor Board, in administering the act, has taken pains to eliminate unfounded charges with a minimum of inconvenience and expense. Such charges would be just as likely to flare into industrial strife as grievances that are well-founded.

The trend of cases handled under the act reflects the broad trend toward greater industrial peace. In the first place, the number of cases filed in the year ending June 30, 1939, was one-third lower than in the preceding year, notwithstanding a continued increase in union membership. This would indicate a diminution in the Labor Board's activities with the increasing recognition of the principles of the law throughout the country. In the second place, since April 1937 the great majority of the Board's decision have been concerned with elections or certifications of representatives rather than with charges of unfair labor practices. To date almost 8,000 representation petitions have been received, involving over 2,500,000 workers, including 25 petitions filed by employers, as provided by the new regulations in force since June of this year. Twice as many workers were involved in representation cases filed with the Board in the last 6 months than in cases of unfair labor practices. Almost 1,000,000 workers have voted in elections conducted under the law. The fact that 90 percent of eligible workers have actually registered their choice in these elections is an interesting commentary on the degree of industrial democracy which is being achieved.

4. The chamber's report makes no mention of the phenomenal development of peaceful collective bargaining in recent years under

the influence of the Labor Act. According to a very recent study of labor agreements by the National Industrial Conference Board:

"Five years ago only a small proportion of companies in the United States operated under formal agreements with labor organizations. A growth of membership in labor unions from around three and one-half millions 5 years ago to an estimated eight millions has brought about a marked increase in the extent of collective bargaining."

Since 1937 thousands of new labor agreements have been negotiated, especially in the steel, metal-fabricating, rubber, electrical equipment, automobile, petroleum, and communications industries.

The principles of the National Labor Relations Act are an indispensable foundation for this vital phase of economic democracy in America. But successful operation under these agreements depends on patience, mutual confidence, and a responsible appraisal of mutual problems by the parties themselves. These qualities cannot be legislated into existence—they must develop with experience and the exercise of responsibility. The marked tendency toward more stable relations between parties new to the ways of collective bargaining is evidenced by another statement in the above-mentioned report of the National Industrial Conference Board:

"A noteworthy difference observed in the 1939 group of contracts, as compared to earlier ones, is in the matter of duration of agreements. A majority of those included in the 1937 survey ran for a definite period, usually a year, perhaps reflecting the management's expectation that collective bargaining would be temporary and its unwillingness to commit itself too far into the future. The prevailing practice in present contracts is to make the duration indefinite. * * *

"In general, recent union agreements seem to indicate a more serious acceptance of collective bargaining than former ones. The character and working of the various provisions give the impression of an attempt to construct practical and workable agreements to cover situations that arise in day-to-day plant operation rather than of contracts entered into under duress and couched in such vague terms as to make misunderstanding inevitable and amicable administration difficult."

Our own industrial history over the past 50 years demonstrates, and the splendid report of the President's Commission on Industrial Relations in Great Britain confirms, that the key to industrial peace lies in such collective bargaining relationships between freely chosen representatives. Their fullest development presents a continuing challenge to the industrial statesmanship of labor and management.

The clear indication from these facts is that the Labor Act is functioning well as an instrument for industrial peace. We should not permit our judgment of the over-all picture to be obscured by discussion or criticism of isolated cases or issues under the act, or by the conduct of employers or employees in some particular labor dispute. Indeed it becomes increasingly clear that many labor disputes being laid at the door of the Labor Act arise out of the substantive terms of employment and are not within its purview at all. Those strikes can be controlled, or prevented, by Government only through compulsory arbitration. Most Americans will agree that such measures, placing the collar of involuntary servitude on both labor and management, are too high a price to pay for industrial peace. Consistently with democratic principles, the public authority can, however, help the parties themselves to minimize and adjust such strikes through the development of voluntary mediation machinery. I have already stated my belief that the time is ripe for a further elaboration of Federal action in that direction, and my intention to offer a suitable plan.

III

Finally, no appraisal of the merit of the National Labor Relations Act is complete without mention of those values which cannot be measured in statistical terms. To increasing millions of wage earners, the act is bringing increasing enjoyment in their daily working lives of freedom of expression, of the press, of assembly, and of ballot. To increasing millions of wage earners, it is guaranteeing a voice and a place in our industrial system which has been too long neglected or denied. The significance of these values must be apparent in the present trend of world events.

In closing may I say that I have always supposed that the Labor Act would be perfected from time to time if the need were shown. But the wisdom of changes in the Labor Act can only be determined upon a clear understanding of its purposes and the actual record of its operation. That is the only sure path of progress. This letter is submitted in an effort to light the way.

Sincerely yours,

ROBERT F. WAGNER.

NEW YORK, N. Y., *November 15, 1939.*

PURCHASE OF STRATEGIC AND CRITICAL MATERIAL

Mr. TOWNSEND. Mr. President, I ask unanimous consent to introduce a joint resolution, which I ask to have read.

The PRESIDING OFFICER (Mr. WILEY in the chair). Without objection, the joint resolution will be received and read.

The joint resolution (S. J. Res. 230) providing for the purchase of strategic and critical materials was read the first time by its title, the second time at length, as follows:

Senate Joint Resolution 230

Joint resolution providing for the purchase of strategic and critical materials

Whereas the United States gold stock of more than $18,000,000,000, and the excess reserves of the Federal Reserve System now totaling more than $5,700,000,000, are still increasing because of a continued gold inflow from abroad at the rate of more than $3,000,000,000 a year; and

Whereas the more than 32,000 vessels and 1,615,000 freight cars which carried the United States exports of commodities in 1939 could not carry away enough American wealth to pay for this country's 1939 imports of bullion; and

Whereas it is certain that the United States cannot without very substantial loss resell to foreigners within any foreseeable period the gold which it has been and is now importing at a cost of $35 an ounce; and

Whereas the Army and Navy Munitions Board finds that numerous critical, strategic, and essential materials necessary for our national defense are obtainable in sufficient quantities only abroad and that their acquisition is necessary for the national defense; and

Whereas of the $2,000,000,000 stabilization fund set up in 1934, at least $1,800,000,000 never has been used because its employment has been unnecessary for support of the foreign exchange value of the dollar: Now, therefore, be it

Resolved etc., That there is hereby appropriated, out of any unexpended amounts of the stabilization fund established by section 10 of the Gold Reserve Act of 1934, the sum of $500,000,000 for the purchase, during a period of 5 years after the date of enactment of this joint resolution, of materials produced in foreign countries, and not produced in adequate quantities by the United States, and determined by the Army and Navy Munitions Board to be strategic and critical materials or materials essential to the common defense or the industrial needs of the United States. All purchases of such materials shall be made under the direction and supervision of the Army and Navy Munitions Board and in accordance with the provisions of the act of June 7, 1939 (Public, No. 117, 76th Cong., and all materials so purchased shall be administered), so far as practicable, in the same manner as materials acquired under the provisions of such act. All materials acquired under the provisions of this joint resolution, except for rotation to prevent deterioration, shall be used only upon the order of the President in time of war, or when he shall find that a national emergency exists.

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to provide for the transportation, maintenance, rotation, and storage within the United States or any of its Territories or possessions of any materials acquired under the provisions of this joint resolution.

Mr. TOWNSEND. Mr. President, the joint resolution which I have introduced has a twofold purpose: First, to acquire strategic and critical materials in which this country is not self-sufficient, and which the Army and Navy Munitions Board has recommended be acquired; and second, to make use of a small part of the surplus and idle gold this country now holds.

The joint resolution calls for the appropriation out of the $2,000,000,000 stabilization fund of the sum of $500,000,000 to be spent during the next 5 years in buying such foreign strategic and critical materials as the Army and Navy Munitions Board may designate.

In view of the large gold inflow which this country has been experiencing, the expenditure of $500,000,000 within 5 years, or even immediately, would not imply a complete solution of our pressing gold problem. It would merely be a step in the direction of a sensible solution.

During the first 2 months of 1940 alone, more than $500,000,000 has been paid to foreigners for gold. So long as the gold inflow continues at its present rate, the program called for in the joint resolution would involve no net outflow of gold from this country, but only, and to a very modest degree, a lessened inflow.

But if the current gold inflow, for any reason, should be stopped and reversed—a contingency which at present seems most unlikely—our stock of gold is so large that we could easily afford to build up stock piles of foreign-produced strategic and critical materials several times as large as those envisaged in the joint resolution.

In 1929 this country held only about $4,000,000,000 of gold. After revaluation in 1934 our gold stock was valued at about $7,000,000,000. Since revaluation it has grown to more than $18,000,000,000; and today the excess reserves of the member banks of the Federal Reserve System exceed $5,700,000,000, a situation of great potential danger.

The wisdom of accumulating stock piles of foreign strategic and critical materials rather than gold in excess of any pos-

sible monetary need should be self-evident. Foreign countries with a relatively much smaller stock of gold have recognized the wisdom of such a course. In 1938 the British Government introduced the essential commodities reserves bill, and proceeded to acquire such commodities as wheat, whale oil, and sugar. Some 230 commodities were included within the scope of the act. The same year Switzerland passed a law authorizing the federal council to prescribe inventories of stocks of indispensable commodities, to purchase or increase such stocks, and so forth. In 1938 Denmark authorized the use of about 25,000,000 kroner for the purchase of reserve supplies, such as coal, oils, fertilizer, airplanes and parts, automobile parts, and so forth.

The eminent Swedish economist, Prof. Gustav Cassel, recently wrote:

In the case of Sweden I have advocated an exchange of unnecessarily large reserves of gold for storable commodities. To a certain extent this line has been followed up and considerable supplies of foreign materials have been accumulated. At the same time, however, gold has poured into the country, and the present gold reserve of the Riksbank is very much greater than it was when the policy of storing was started.

For the United States, with her unparalleled natural resources and her wide possibilities of securing necessary supplies from abroad, the problem of storing is of less importance. Still, it would doubtless have been very much better to import large quantities of desirable materials, and even to accumulate large stocks of them, than to import quite useless quantities of gold—not to speak of silver. (Banking, November 1939.)

Indicative of the possibilities of "swapping gold for valuable commodities" is an item published in the Engineering and Mining Journal for February 1940 regarding the Dutch Government's willingness and anxiousness to sell tin, a strategic commodity of which we have to import our entire consumption. The Engineering and Mining Journal reported:

The presence in Washington of one of the official Netherland delegates on the International Tin Committee has renewed official interest in the plans for procuring tin from the Dutch Government. It is believed that the Dutch would be happy to furnish any wanted quantity of that metal "at a price below market." Although no official negotiations appear to be under way, it is believed that the United States could buy this tin with gold and that the gold would not need to leave its burial place in Fort Knox, Ky. The Dutch want gold credits for machinery very much, and would probably be willing to spend all of the money in the United States for such equipment.

In March 1939 the Mining and Metallurgical Society of America adopted a resolution which, after declaring that "the principle of accumulating precautionary stocks of critical and strategic minerals is sound," resolved:

That the Government of the United States of America would be wise in acquiring and preserving for national defense ample stocks of those critical and strategic minerals and metals. * * *

The Army and Navy Munitions Board has published a list of 17 strategic and 20 critical materials, as well as 35 essential materials, which are neither strategic nor critical. These materials it has defined as follows:

Strategic materials: Strategic materials are those essential to the national defense for the supply of which in war dependence must be placed in whole or in part on sources outside the continental limits of the United States, and for which strict conservation and distribution control measures will be necessary.

Critical materials: Critical materials are those materials essential to the national defense the procurement problems of which in war, while difficult, are less serious than those of strategic materials because they can be either domestically produced or obtained in more adequate quantities or have a lesser degree of essentiality, and for which some degree of conservation and distribution control will be necessary.

Materials neither strategic nor critical: In this classification are included those materials, essential to the national defense, for which no procurement problems in war are anticipated, but whose status is such as to require constant surveillance because future developments may necessitate reclassification as strategic or critical.

In February 1939 the staffs of the Geological Survey and the Bureau of Mines issued a report upon certain deficient strategic minerals, in which they stated:

This report discusses the situation of the United States with respect to seven of the minor metals that are so essential in modern industrial activity that to do without them would require a drastic reorganization in present practices.

These metals are manganese, chromium, mercury, tungsten, nickel, tin, and antimony. All of them are essential in peace and critical in war. In none of them is the United States self-sufficient. This situation is illustrated by the following table, which shows the percentage of the Nation's peacetime requirements produced from domestic mines during a recent 5-year period:

	Percent
Manganese	5–6
Chromium	1
Mercury	40
Tungsten	50
Nickel	.5
Tin	.2
Antimony	10

These facts indicate a situation that requires the earnest attention of those upon whom falls responsibility for the national safety in any emergency that would cut us off from foreign sources of supply.

The possible domestic sources and their character, the past production, with forecasts of future production for a limited period under certain assumed conditions, and the national uses and requirements are briefly discussed in the following pages.

There is already on the statutes a 1939 act, Public, No. 117, which made a modest beginning in the accumulation of strategic and critical materials. Under the 1940 Budget only about $10,000,000 was appropriated for this purpose. It is not my object to interfere in any way with the operation of Public, No. 117. The amount of materials being accumulated under that law is far below the amount which the Army and Navy Munitions Board regards as necessary for the national defense.

My objects are to give the Army and Navy Munitions Board greater authority in the acquisition of these vital materials, and at the same time to make a beginning in addressing ourselves to the pressing gold problem posed by our willingness to buy any or all the world's gold at $35 an ounce.

Mr. THOMAS of Utah. Mr. President——

The PRESIDING OFFICER. The Chair wishes to direct a question to the Senator from Delaware. What does the Senator wish to have done in relation to the joint resolution? Does he wish to have it referred to some committee?

Mr. TOWNSEND. I ask that it be referred to the Committee on Banking and Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S. J. Res. 230) was referred to the Committee on Banking and Currency.

Mr. THOMAS of Utah. Mr. President, I trust that my ears have heard aright all that was said and all that was read in regard to the strategic-materials joint resolution which has been introduced. I trust, too, that everyone will understand that the author of the strategic-materials bill is extremely happy to see that in the course of only 2 months a glorious conversion has come to certain Members of this body.

I call attention to the fact that when the author of the strategic-materials bill obtained the floor to present that bill, a Member of the Senate rushed over from the other side and said, "How much does the bill propose to appropriate?" I said, in as polite a way as I knew how to say it, that it provides for the purchase of $100,000,000 worth of strategic materials during the course of the next 4 years. With a slur and a wave of the hand, with utter contempt for the bill which was being offered, came the words, "Oh, a mere bagatelle. Go ahead and spend anything you want."

Mr. President, in the midst of the discussion of that bill the Senator offered an amendment reducing the amount of the appropriation called for in the bill from $25,000,000 a year to $5,000,000 or $10,000,000 a year. That amendment was adopted by this body. The bill went to conference, and when the conference report was made the chairman of the Senate conferees was chided time and time again because he did not fight for the Senate provision.

I say it is extremely gratifying to realize that in the course of a few months—and I am aware, of course, that many things have happened in those few months—some men have "seen the light" and realize that the proper way to build up this country at any time is in a manner that is consistent with the growth and the needs of the country in relation to all factors which may face it. But, Mr. President, is it not the irony of ironies that a proposal calling for an expenditure of $500,000,000 should come so quickly after so much ridicule was made of a request for $25,000,000 a year, and should come from practically the same source? Where is the

"bagatelle" now, Mr. President? Who is there to stand up and talk about "a mere bagatelle," about throwing away the people's money on a proposition of this kind, which is honestly presented and should be honestly supported because, heaven knows, we need the development of these materials.

I rejoice with the Senator from Delaware in the realization of this need, and I assure him that I am in complete harmony with his objectives so far as the stock piles are concerned, and so far as making this country independent in regard to strategic materials is concerned.

Mr. REYNOLDS. Mr. President, in pursuance of the subject of national defense, which has just been approached here by my distinguished friend the Senator from Delaware [Mr. TOWNSEND] and pursued by the distinguished junior Senator from Utah [Mr. THOMAS], I wish at this time to call the attention of the Members of this body to a joint resolution which I introduced in the Senate the other day, which would authorize and request the President of the United States to enter into negotiations with Great Britain for the transfer of British island possessions in the North Atlantic and in the Caribbean as far southward as Trinidad, and including British Honduras, which adjoins Guatemala and Mexico.

I am very happy to be able to state that the resolution was forwarded by the chairman of the Committee on Foreign Relations of the Senate to the State Department for their comment or criticism, and, I may add, that I am in high hope that, certainly within the month, the committee of the Senate will have received some comments from the State Department relative to my ideas as expressed in the joint resolution, for I believe that the American people are interested now in anything that will add greater protection to our coastal lines and particularly to the locks of the Panama Canal.

In this connection I wish to state, initially, that I am informed that several months ago—I believe it was last November—a committee was inaugurated for the purpose of bringing to the attention of the American people the war debts of Great Britain. The head of that committee, I believe, is the Senator from Minnesota [Mr. LUNDEEN]. In reference to the committee, I have here before me some letters from executives who are heartily in accord with the movement, and I should like to ask that they be printed in the RECORD as part and portion of my remarks.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

Mr. REYNOLDS. I shall not take time to read the letters, because I want to take as little time this afternoon as possible, since we are all extremely anxious to arrive at the voting hour on the Hatch bill; at least I am, because I do not want any of my farmer friends in North Carolina to hear that I have held up a vote on another all-important bill, the agricultural appropriation bill. So if it is held up they cannot blame me. Otherwise I should take several hours on this subject, and on another one which I shall approach in a moment.

The first letter I desire printed, as part of my remarks, is dated February 28, 1940, and is from the Honorable JOHN W. MCCORMACK, a Member of the United States Congress from the Twelfth District of Massachusetts.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 27, 1940.

Mr. PRESCOTT DENNETT,
Executive Editor, Columbia Press Service,
Bond Building, Washington, D. C.

MY DEAR MR. DENNETT: I am in receipt of your letter of February 2, with enclosures, which I have read with interest. I am in complete agreement with the objectives of your committee, as stated in your communication, in relation to the payment of the debts due our country from foreign nations. These debts should be paid, and proper means available should be utilized in an effort to collect the same.

I appreciate your invitation to serve as one of the vice presidents of the committee, but due to the tremendous amount of work confronting me, I am unable to accept. However, I want you to know that I appreciate your invitation.

Sincerely yours,

JOHN W. MCCORMACK.

Mr. REYNOLDS. Another is from the Governor of North Dakota, in which he evidences his sympathy for the movement, dated February 23, 1940.

The letter referred to is as follows:

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, February 23, 1940.

Mr. PRESCOTT DENNETT,
Executive Editor, Columbia Press Service,
Bond Building, Washington, D. C.

DEAR MR. DENNETT: I have read with great interest yours of the 12th with reference to the Make Europe Pay War Debts Committee, including the press releases.

No one can question the laudable aims of your committee because of the beneficial effects which the agitation for the collection of war debts is bound to awaken; nevertheless, I do not feel that it is advisable for me to accept your very courteous invitation to serve as North Dakota vice chairman at this time.

Respectfully yours,

JOHN MOSES, *Governor.*

Mr. REYNOLDS. Here is another from a publisher in New York dated February 1, 1940.

The letter referred to is as follows:

THE GAELIC AMERICAN,
New York, N. Y., February 1, 1940.

Mr. LINN A. E. GALE,
The Secretary, Make Europe Pay War Debts Committee,
Suite 425–426, Bond Building, Washington, D. C.

DEAR SIR: Owing to unforeseen circumstances, I had not been able to reply to your letter asking me to become a member of Make Europe Pay War Debts Committee.

I thank you for your letter. I am happy to do my share in the patriotic work, and I give you my permission to have my name included as a humble member of the committee, to which I pledge my wholehearted support.

Very sincerely,

MICHAEL O'REILLY, *Editor.*

Mr. REYNOLDS. There is another from the chief executive of the State of Nevada, written from the capital of the State, Carson City. As it is brief, I will read it; it is addressed to Mr. Prescott Dennett, of the Bond Building, Washington, D. C., is dated February 23, 1940, and reads as follows:

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, February 23, 1940.

Mr. PRESCOTT DENNETT,
Bond Building, Washington, D. C.

DEAR MR. DENNETT: I have your letter of February 12, in which you invite me to serve as Nevada vice chairman of the Make Europe Pay War Debts Committee.

I am very sympathetic to this cause, as I think they should pay, and I shall be very pleased to accept the appointment. I am very busy and probably would not be able to do any active work in connection with this committee, but will give my moral support to the best of my ability.

Very truly yours,

E. P. CARVILLE, *Governor.*

I also have before me a printed statement which appears to have been written by Mr. George S. Parker, of Salem, Mass., a manufacturer, entitled "Short Changing Us on War Debts." It is a very appropriate article relative to the subject matter, and I ask that it be published in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SHORT-CHANGING US ON WAR DEBTS

(By George S. Parker, Salem, Mass., manufacturer)

As you know, a seductive effort is now and will be persistently in progress in Washington to short-change us on the British debt. Some international bankers—who sense money in new foreign participations; some of the pronounced Anglophiles—who, like Artemus Ward, are ready to sacrifice all of their wives' relations in the cause; and what Boake Carter calls the little branches of 10 Downing Street—like Charles Dickens' Mr. Barkis, "are willin'." The balance of the 130,000,000 United States citizens are not willing.

The best possible way not to collect a debt is not to do or say anything about it. It adds much to the comfortable forgetfulness and aplomb of the nonpayee.

But now our repentent opportunists from overseas (for reasons we are rather good at guessing) want to make another trade—another settlement.

By the way, how many trades do we have to make to make one?

We cut the British debt in halves (the half we have cut off our children and grandchildren will have to pay).

We added a million square miles to their property holdings by entering a European row.

We were, you remember, too virtuous to suggest we share in the "swag." We received neither spoils, compliments, nor gratitude.

Seriously, who has the right to transfer foreign-debt payments from a wealthy and powerful empire to the shoulders of our own

people? Some one must pay—either the British debtor or the American public. Is it not time for Uncle Sam to politely but firmly demand an honest settlement and accept nothing else?

Mr. REYNOLDS. Mr. President, relative to the subject matter, someone who is interested in it handed me a clipping which I note comes from the pages of the Washington Evening Star of the issue of Thursday, March 7, 1940, entitled:

Strategic value seen for United States in Atlantic islands. Possession would give vast aid to defense, says Major Eliot.

The article is by Maj. George Fielding Eliot. The article has particular reference to the acquisition of the islands in the Caribbean, Bermuda, and British Honduras. It appears to be a reprint of a copyrighted article which appeared in the columns of the New York Tribune of New York City. I read the article with a great deal of interest, and I observed that Major Eliot goes further than I would at this time, since he suggests possibly the acquisition of French and British possessions about half way, I should say, viewing it as I do now, between Venezuela and the lower part of Brazil. The British, as we know, have some possessions there, and likewise the French. He has made suggestion of those possessions and, according to my recollection of the article, he also takes into consideration the Falkland Islands and he makes mention likewise, I think, of Lower California. I ask unanimous consent that the article may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of March 7, 1940]

STRATEGIC VALUE SEEN FOR UNITED STATES IN ATLANTIC ISLANDS—POSSESSION WOULD GIVE VAST AID TO DEFENSE, SAYS MAJOR ELIOT

(By Maj. George Fielding Eliot)

Recently I had occasion to comment on the extension of the area of our military interest in the region immediately adjacent to the Panama Canal forced upon us by the increase in the range, speed, and destructive power of modern weapons.

For similar, though not identical, reasons there is apparent a quickening of interest in the islands of the Atlantic. Several proposals have been made in congressional circles for the acquisition of some of the British and French islands in this hemisphere; it may, therefore, be an appropriate moment to examine in some detail the strategic considerations which should affect our attitude toward these island positions.

If we were, now or at some future time, to seek for military purposes the acquisition of any of these islands or the possession, by leasehold or otherwise, of bases therein, our reasons would include one or more of the following:

1. To extend the radius of action of our naval or air forces into areas in which they cannot efficiently operate from existing bases.

2. To deny to a possible enemy positions which might otherwise be occupied and used as bases against us.

3. To provide harbors of refuge for our ocean and coastwise shipping and aircraft and points of support for patrol forces and convoy escorts.

DEFENSE RESTS ON PUERTO RICO

From the naval viewpoint, our basic position in the Atlantic Ocean is the Caribbean Sea, an enclosed maritime area which covers the Panama Canal, and into which our fleet, moving from its normal station in the Pacific, might be expected to debouch if its presence in the Atlantic were required. The defense of the eastward part of the Caribbean will rest on our new base at Puerto Rico when it is completed.

The principal entrance from the Atlantic to the Caribbean is the Windward Passage, between Cuba and Haiti, through which passes the bulk of our intercoastal traffic en route between Panama and East coast ports. This waterway is controlled by our base, held on lease from Cuba, at Guantanamo Bay, but in the seaward direction the approaches to the Windward Passage are commanded by the British Archipelago of the Bahama Islands, which also covers the approaches to the Strait of Florida, the only direct route from the Atlantic to the Gulf of Mexico. This archipelago has many anchorages which might be used by submarines or seaplane carriers; in any Atlantic war it would prove certainly a nuisance, and possibly a danger, unless we were able to control it.

Outward from the Caribbean our fleet can operate either to the north or the south. If operating to the north it will have the support of our Atlantic coast home bases. If, however, it were required to operate in the South Atlantic its radius of action would be much more circumscribed. It is necessary to remember that a European naval force possessing an advance base on the western bulge of Africa or in the vicinity of the Cape Verde Islands would be approximately 1,000 miles nearer to the chief ports on the east coast of South America than we are at Puerto Rico, our easternmost base. Hence, we certainly have a considerable degree of interest in any change in the political or military tenure of any point on the African coast in the area indicated, or the adjacent islands.

GOOD SYSTEM IN PACIFIC

In the Pacific we have a very good island outpost system, which serves both offensive and defensive purposes. In the Atlantic our coast might be so protected and the radius of action of our forces materially extended if we held positions at Newfoundland and Bermuda, by which, in conjunction with Puerto Rico, an adequate seaward patrol could be maintained. Newfoundland especially would enable us to observe with less anxiety any change in the political status of Denmark, since from Newfoundland we could, more easily than we can now, impose our veto on any attempt by Germany or some other power to take over Iceland and Greenland. A naval and air base on Newfoundland, provided it had an ice-free harbor, would indeed be an admirable covering point for the whole vital Northeastern section of the United States.

It is possible to exaggerate the danger of Bermuda as a potential base for attack on our coast. The island at present has no great resources of its own, nor is it strongly fortified. Its relation to us is not dissimilar to that of Guam to Japan. We could not tolerate an enemy there and we certainly could prevent any enemy from establishing himself there, or from staying long if he did manage to arrive.

If Bermuda were to be heavily fortified so as to be capable of prolonged resistance aircraft operating thence might indeed do us serious damage; but it is hardly to be contemplated that we should stand idly by during the 2 or 3 years that would be necessary to convert Bermuda into a fortress of the first class. Southward from Puerto Rico our first point of interest is in the vicinity of Trinidad. This location would enable us to control the one main shipping lane into the Caribbean which we do not now directly dominate, that from the Panama Canal to the east coast of South America, which passes just north of Trinidad. Such a base would also advance us several hundred miles closer to the east coast ports of South America than we now are at Puerto Rico, though it would still not wholly overcome the advantage which would be possessed by a European force based in West Africa.

INTERESTED IN BRAZIL'S HARBORS

A position on the coast of French Guiana would advance us still farther, but in case of actual operations in the South Atlantic it is probable that we should have to make some arrangements for the use of Brazilian harbors, the only really satisfactory solution to the problem. Hence, our interest in Brazilian harbor defense evidenced by the presence of our coast artillery mission in Brazil and our sale to that country of 90 long-range 6-inch guns—hardly suitable weapons for Brazilian conditions, but admirable for harbor defense purposes.

The positions mentioned—Newfoundland, Bermuda, the Bahama Islands, Trinidad and vicinity, and French Guiana—are the points of chief military interest to us among the Atlantic and West Indian possessions of Great Britain and France. However, we would be compelled in self-defense to prevent any forcible transfer of any European possession in this hemisphere. The Danish and Dutch possessions must be borne particularly in mind in this respect. We would assuredly use force if necessary to prevent their occupation by Germany, nor would we be likely to allow Great Britain to take them over as a "protective" measure.

In writing the above I have confined myself purely to military and strategical considerations. The political difficulties which we would encounter in any move to acquire these positions are certainly very great, but one wonders whether, in view of the precarious situation of the world, we ought not, in our own present and future interest, to make a genuine effort to overcome these difficulties and adjust our military position in this hemisphere. Remember that bases mean ships and aircraft; that is to say, the more well-located bases we have, the greater our forces can cover and the less the total force required. It is a matter well worth careful and considered attention.

Mr. REYNOLDS. In addition to that, Mr. President, I have here some clippings from American newspapers. Here is one from the Baltimore Sun, of Baltimore, Md., of March 5, 1940, in reference to my proposal. Here is an editorial from a newspaper—I do not know the name of the newspaper, as the clipping was handed to me by someone interested in the matter, without the name being attached. I have also a lengthy editorial from the Chicago Tribune of March 6, an editorial from the Boone, Iowa, News Republican of March 5, and one from the Courier Times of Newcastle, Ind. I will number them and ask that they be published in the RECORD consecutively as numbered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

[From the Baltimore Morning Sun of March 5, 1940]

ASKS LAND SEIZURE FOR BRITISH DEBT—REYNOLDS WANTS UNITED STATES TO TAKE WEST INDIAN AND CENTRAL AMERICAN AREA—CONGRESS ALSO TO GET PLAN TO NEGOTIATE FOR FRENCH TERRITORY

(By Paul W. Ward)

WASHINGTON, March 4.—A proposal that the United States take over British Honduras in Central America and all the British islands off the coast of America, including Bermuda, was put formally before

the Senate today in a resolution introduced by Senator REYNOLDS (Democrat, North Carolina).

An identical resolution was introduced simultaneously in the House by Representative RANDOLPH (Democrat, West Virginia).

The joint resolution proposes that the British possessions be taken over by the United States in part payment on Britain's World War debt, which now amounts, Senator REYNOLDS said, to $5,574,430,793.82.

EYE ON FRENCH LAND ALSO

The Senator also announced that he and RANDOLPH would introduce later in the week a joint resolution empowering and requesting the President to institute negotiations with France for the taking over by the United States of French islands off the Atlantic coast in part payment of France's war debt.

Senator REYNOLDS said that both proposals were being advanced "for defense purposes only." The British possessions in the West Indies, for example, he said, would make excellent naval and air bases to insure the protection of the Panama Canal.

Denying that what he proposed was an act unfriendly to Great Britain and France, he said it was, instead, "an act of charity" and a way of assisting the Allies in their present war-born difficulties. He argued that in providing a means for France and Britain to reduce their debts without further outlay of cash the United States would be supplying a helpful and friendly service.

WAR BURDEN CITED

He reminded the Senate that Britain's World War debt to the United States was no inconsiderable burden to be carrying at the outset of a new war.

Of that debt, he said, $1,206,430,793 represents interest accumulated and unpaid. The last token payment made on this debt, he added, was $7,500,000 against interest accumulated and past due. This last token payment was made December 15, 1933. The "first absolute default" on Britain's debt occurred, according to the State Department, June 15, 1934.

Listing the British possessions in the Western Hemisphere that he would like to see the United States take over as part payment on the British debt, Senator REYNOLDS mentioned Bimini, which lies, he said, 50 miles from Florida and derives a large part of its income from American tourists.

NASSAU NAMED NEXT

Next, he named the island of Nassau, 150 miles off the Atlantic coast, and Jamaica, which lies to the south of Cuba.

Then, dipping to the south of the Virgin Islands, he named the Windward and Leeward Islands belonging to Britain. The chain so named, he said, would form a protective ring from Florida to Port of Spain, Trinidad.

Finally, he mentioned British Honduras, which is in Central America next to Guatemala and Nicaragua, and Bermuda, which lies 535 miles out in the Atlantic opposite North Carolina.

The total area of the British possessions he would like to see the United States take over, he said, is approximately 20,000 square miles.

FACTS ABOUT JAMAICA

Jamaica, the largest and most valuable of the British West Indies, lies 90 miles south of Cuba, is about the size of Connecticut, has a population of 1,138,558, and includes as a political entity the Turks, Caicos, and Cayman Islands.

Bermuda, which has been a British possession since 1609, is a group of 360 small islands with a total area of 19 square miles and a population of 30,951. It derives its chief income from American tourist trade and finds it so enriching that it does not need to levy taxes on real estate, incomes, or inheritances.

The other British island possessions in American waters are the Barbados, easternmost of the Windward group, with an area of 166 square miles and a population of 190,000; Trinidad, southernmost of the British West Indies, with an area of 1,862 square miles and a population of 387,000; Tobago, lying near Trinidad, with a population of 25,358 and an area of 114 square miles; the Bahama Islands, including Nassau, with an area of 4,404 square miles and a population of 66,908; Grenada, the Grenadines, St. Vincent, and St. Lucia, in the Windward group, with a combined population and area of 516 square miles and 186,000 persons, and Antigua, Barbuda, Redonda, St. Christopher, Nevis, Anguilla, Dominica, Montserrat, Sombrero, and the British Virgin Islands, in the Leeward group.

WHAT POSSESSIONS PRODUCE

These last have a combined area and population of 727 square miles and 142,600 persons.

Almost all these British possessions produce coffee, bananas, ginger, cocoa, tobacco, sugar, cotton, and spices. Trinidad produces asphalt and oil, its great asphalt lake being the principal source of the asphalt used in the United States.

Senator REYNOLDS, referring to the resolution he plans to introduce later in the week with reference to French possessions in this hemisphere, referred specifically to only two islands and he could not at the moment recall their names. He located them, however, as lying near Newfoundland.

LAND FRANCE OWNS

The French possessions in that area are a group of rocky, barren islands known as St. Pierre and Miquelon. They lie at the mouth of Fortune Bay, have an area of 93 square miles and boast a population of 4,695, mostly fishermen.

The other French possessions in this hemisphere are Guadalupe and Martinique, in the Windward Islands, and French Guiana, on the north coast of South America between Dutch Guiana and Brazil. They bring the total area of French possessions in this hemisphere to 65,419 square miles and their total population to 592,650.

MR. ROOSEVELT IN THE CARIBBEAN

Mr. Roosevelt is home again from his 15-day midwinter cruise, having fished the Caribbean and inspected the defenses in the Canal Zone. His inspections convinced him that the Canal needs more protection and that it should have a longer range. He would include parts of Central and South America in the defense zone. He also wants a spare set of locks for the Canal at an estimated cost of $277,000,000.

In Washington the House Appropriations Committee has refused to grant the request for this sum, holding that it isn't an urgent need and that preliminary work is required before building appropriations are made. The committee was willing to give money for plans and specifications for a new set of locks, allowing $850,000 for this purpose. When the plans are drawn Congress will be willing to examine them but is unwilling to set aside a sum for the whole undertaking until it had been studied. In asking for money, Mr. Roosevelt is nearly always a man in a hurry.

If Mr. Roosevelt's study of national defense in southern waters brought him to the conclusion that a longer range was required, logic, then, will lead him on to the other consistent conclusion that national defense requires the possession of the islands occupied by the British and the French on the Atlantic side, and also possession of the Galapagos on the Pacific. The problems of transfer are different on the two sides and, indeed, simpler on the Atlantic.

When Mr. Hull has trouble with the British blockade and censorship of mails in the nearby British island of Bermuda, he is stumbling into more than a question of the interpretation of international law. He is confronted by the weighty influence of sea power with a station off the American coast. He and Mr. Roosevelt are learning the military importance of that particular island, because the American clippers carrying mail for Europe have been making it a port of call and have had their mails removed.

Mr. Hull may not know precisely what to say when he is told that America at war in 1917 and 1918 laid down a rule of censorship of mails from neutral ports and declined to acknowledge the inviolability of sacks which might contain material useful to the enemy. What a nation does in war often arises to embarrass it when it is on the other side of the fence. But Bermuda is pointing a finger at America to reemphasize the potential military value of the French and British American possessions lying within the zone of American defense.

Even if the question of ownership be lightly dismissed with the foolish assertion that the present owners are friendly, this bit of heedlessness and disregard of possible consequences is attended by no guaranty that the ownership will remain as now. We are told by our interventionists that one of our dangers is a Nazi victory, which would sweep Great Britain away as a sea power and open the Americas to aggression by governments hostile in ideas and vigorous in their expansion. Mr. Roosevelt himself endorses that view.

If a peace treaty did to Britain and France what Versailles did to republican Germany, Mr. Hitler's flag would be raised on all the British and French possessions on this side of the water. There are hints in Washington that if such a thing impended we'd have to do something about it. That is, we'd have to use force to prevent such a transfer. We'd have to say that these possessions were not spoils of war. We'd have to try at the possible cost of a war then to do what we are so foolish as not to undertake peaceably now.

If Mr. Roosevelt's cruise and his study of defenses have led him to doubt the wisdom of doing nothing to acquire possessions of military value, then he has spent his time on the *Tuscaloosa* to better national advantage than came from any of the other fishing expeditions. If he has landed this idea, he has really got something.

[From the Chicago Tribune of March 6, 1940]

DO WE GET THESE ISLANDS?

Senator ROBERT R. REYNOLDS, North Carolina Democrat, has introduced a resolution authorizing and requesting the President to enter into negotiations with Great Britain for the acquisition of British islands and possessions in American waters. In speaking of his resolution, Senator REYNOLDS said that Bermuda, the Bahamas, the Barbados, and Trinidad are potential air and naval bases for the defense of the Canal. He said at a later date he would introduce another resolution authorizing and requesting similar negotiations for the acquisition of French possessions.

Mr. Roosevelt has just returned from a cruise to the Canal Zone, where he professed himself much concerned for the safety of communications and proposed that large appropriations be made immediately for additional reserve locks. He also said that the defense of American waters must take a longer range. The present war should give all the necessary arguments for that view. Our Government makes a new profession of its understanding of it and is developing a base at Puerto Rico. Bermuda is giving us an illustration of the value of military possessions in our waters.

Senator REYNOLDS' resolution is in line with a policy as old as the Republic itself. Even when Presidents have been reluctant to take the steps which have rounded out the domain of the United States and to pursue the course which has gradually eliminated European interests and influences on the continent and in its waters, they have nevertheless found themselves serving the destiny of natural and prudent expansion. The status of the American Republic would be incalculably different from what it is if the country had not been bold enough to accept its opportunities as they were presented. We might have been confined to the area east of the Mississippi if there had not been men who were determined to go to the Pacific. We might have lost Hawaii to

some more enterprising nation and would have lost the security this outpost gives to the Pacific coast.

By war and purchase we have restricted the play of European influences in our natural domain and are infinitely the safer because we have done so. In the Monroe Doctrine we recognized the dangers of allowing foreign imperialisms to gain a new foothold here. If there is anything enduring in our foreign policy it is stated in this doctrine. If we can be as successful in keeping out of Europe as we have been in removing Europe from this hemisphere, our peace will be on a protected base.

For the first time in the long record of imperial expansion and acquisition we hear of sovereignty as something too proud to permit the transfer of possessions. Imperial history reveals change of ownership with nearly every war, and many of the transfers were as compensations and rewards—to pay off an ally or to collect from an enemy. After the other World War there were no scruples in the disposition of the German colonies. Is honor to be satisfied only by violent appropriation? Are the peaceable methods of barter dishonorable? And is it still further dishonorable for a debtor to pay in territory when he cannot pay in money?

Americans do not think of these foreign possessions as valuable in resources or as trade assets. Most of them might prove, as some other possessions have proved, to be liabilities. We haven't made the best job of it in Puerto Rico or in the Virgin Islands, and may be glad that we are not responsible for Cuba. The British have a headache in Jamaica, which is not one of their colonial successes at the present time. When Americans propose to liquidate British and French holdings they are not grasping for new sources of wealth or for anything that would be beneficial to their national economy. They are asking for the rectification of a military situation and when they address these proposals to Great Britain and France they do so with arguments which can be understood in Paris and London as nowhere else in the world.

When the British and French look at their own maps and see how they are sitting astride the trade routes, they can understand without any elaborate arguments from Senator REYNOLDS or anybody else why America puts forth its claim to these fragments of their old American domain which have remained where they once conquered. The military uses of such posts can never be completely defined. The potentialities are conditioned by the future. The person who underrates an island base in his own waters is more foolish than prophetic. In this year of great world uncertainty, when the Americas are trying to keep the war out of their own seas, our Government should be alert to the fact that outposts of warlike nations are badly placed off our shores if America is to safeguard its own peace.

[From the Boone (Iowa) News-Republican of March 5, 1940]

ISLANDS INSTEAD OF CASH

What was at first considered more of a fanciful proposal than a practical means of getting a little back on certain bad debts has now become a subject for Senate resolutions. We refer to the plan whereby the United States would be ceded British and French islands in the Caribbean in part payment of outstanding World War debts. Senator REYNOLDS, of North Carolina, plans to introduce several resolutions authorizing the President to start negotiations with the nations concerned.

For several years this idea has been brought up ever so often for consideration. It was a pet of the late Senator J. Ham Lewis, of Illinois. The British and French have taken sufficient notice of the proposal to say that they would never consider handing their West Indian possessions over to Uncle Sam.

They might change their minds, however. Now that they are involved in another large-scale European war, they have plenty to do without looking out for remote insular possessions. Then, too, they may want some more money from the United States before long. Under the Johnson Act they are prevented from getting any. Ceding the Caribbean islands, Bermuda, some of the Bahamas, and certain other islands to the United States would make a neat dent in the amounts outstanding on the books against France and England.

Those islands are of vital importance to the United States in national defense. They would be of far greater value to us than they could ever be to their present owners. For that reason, the United States would probably be pretty generous in financial arrangements.

In the case of Bermuda, it would give the American airplanes an American landing place on the trans-Atlantic route. It will be remembered that in the late argument over censorship of the mails at Bermuda, there were those in Washington who shouted "seize Bermuda." That was nonsense, of course, but it shows that Bermuda would be welcomed as a possession.

The United States has never wanted a wide-flung empire. We are letting go of the Philippines as fast as we can. But these islands within a few hundred miles of our shores are a different matter. We need them.

[From the New Castle (Ind.) Courier-Times of March 6, 1940]

As a result of the flare-up with Great Britain over the seizure of American mail, Senator REYNOLDS, of North Carolina, wants to buy Bermuda. He has introduced a bill for the purchase of Bermuda in partial payment of Britain's debt to us from the last war. In the meanwhile the trans-Atlantic plane service has dropped Bermuda as a port of call and the huge ships now fly directly to the Azores, thus avoiding the British censorship. Of course, there is some merit to Senator REYNOLDS' position. Bermuda is in American waters and is a potential military base. But it doesn't take much guessing to forecast the result of the deal. Britain isn't selling any real estate right now, especially any that is so fortunately located as a stepping stone between Europe and America.

Mr. REYNOLDS. Mr. President, as I said a moment ago, I am anything but desirous of consuming the time of the Senate when I and all other Senators, of course, are very anxious to arrive at a vote on the Hatch bill, because the farmers of America realize that we ought to vote on the Hatch bill and then consider and pass the measure in which they are particularly interested. So, in order that my farmer friends in North Carolina may never get the idea that I am holding up a vote on that bill, I am going to limit my argument to the very important subject which I shall now approach.

A few nights ago I was looking over the New York Sun and my eyes fell upon a heading that interested me tremendously, in view of the fact that we are all greatly interested in the unemployment problem which is largely attributable to the alien influx. The New York Sun of the issue of Thursday, March 7, 1940, contains a story which is headlined:

Some 43,252 aliens on city relief without work.
Report shows many who are barred from W. P. A. are employable.
Mayor urges change in law.
Says citizens are compelled to take jobs while foreigners can remain at home.

It is very interesting to note that the story goes on to relate that some 43,252 aliens of the city of New York alone do not have to work for a living; they are supported by the taxpayers of America.

They stay at home, do no work, and get relief—that is what I call a refugee heaven—while Americans, if they get any relief, have to go out and work for it with pick and shovel and the sweat of their brows.

I see that the presiding officer is so thoroughly interested in this subject that I am going to presume to read portions of this article. The headline is:

FORTY-THREE THOUSAND, TWO HUNDRED AND FIFTY-TWO ALIENS ON CITY RELIEF WITHOUT WORK—REPORT SHOWS MANY WHO ARE BARRED FROM W. P. A. ARE EMPLOYABLE—MAYOR URGES CHANGE IN LAW—SAYS CITIZENS ARE COMPELLED TO TAKE JOBS WHILE FOREIGNERS CAN REMAIN AT HOME

The city of New York is supporting on home relief 43,252 aliens—

That is appalling, to my mind, particularly in view of the fact that the other day I noticed in the headlines of a newspaper here that the First Lady of our Land complained that the Home for the Aged at Blue Plains was a disgrace to civilization. Then I read a report by some of the Representatives in the other body of Congress who very vividly described the deplorable conditions which exist here in the Capital of our country. Of course, we can hardly pick up any issue of any newspaper anywhere without finding in it stories of persons committing suicide because of being despondent about securing work, and mothers offering to sell or to give away their children because they cannot provide them with milk, and thousands upon thousands of American refugees hastening to warm climates, such as the States of California and Florida, because it is impossible to live elsewhere and provide for themselves heat in the form of firewood or coal; and here we find that almost within a stone's throw of the Capital of the country 43,000 aliens are living on relief, having their shelter provided for them and their clothing given them, and food with which to sustain themselves.

I say again, as many American publishers are now beginning to say, although they thought it before, that it is high time we were giving a little of our attention and a little of our sympathy to the American people, rather than giving so much of our sympathy, time, attention, and money to people abroad.

The article goes on to say:

The city of New York is supporting on home relief 43,252 aliens, many of whom are able to work. But under the governmental rules, none of them may take W. P. A. positions and work for their allowances. They must receive their city home-relief checks each month in idleness at home.

The situation, made public today for the first time by William Hodson, commissioner of welfare, evoked this comment from Mayor LaGuardia:

"Congress, in the desire to give preference to citizens, excluded aliens from W. P. A. If work relief were the only method of relief, the congressional provision would have been carried out. The result is that a citizen is compelled to take W. P. A. work of any kind, while aliens simply remain on home relief without taking work."

He urged a change in the law.

WANTS WORK FOR RELIEF

The mayor seeks, by amending the State law, "to put aliens who are on home relief * * * to work." A change in the law, he said, would "equalize the situation and would require all who are able to do some work to do it and we could have a check and control over those who are entirely out of work and claiming relief."

The revelation of the number of aliens supported in idleness by the city came to light with the publication of an occupational inventory of the city's home-relief population by Commissioner Hodson. The inventory showed that of the 192,368 persons 16 years of age or older who are on the relief rolls, 122,567 are ineligible for W. P. A. enrollment for various reasons, although 39,191 of them are able-bodied persons. Lack of citizenship is the principal reason for this ineligibility.

The moving of these alien cases off the home-relief rolls of the city and onto the Federal pay roll would make room for more of the home-bred needy and would certainly reduce relief costs, now at their peak, the report stated.

REPORTED 34,910 COULD WORK

According to Mr. Hodson's report, of those actually or presumptively eligible for employment on the W. P. A., 34,910 are eligible without limitation, 12,324 are capable of light labor only on the advice of physicians, 6,745 are eligible but with physical handicaps, and 15,813 are eligible but employability doubtful.

Should these 69,792 cases be moved over to W. P. A. and their cases closed on home relief, one-third of the city's monthly relief burden would be closed and room on the rolls provided for other needy. Few of the employables, however, are skilled, the majority falling into unskilled classifications. Only 1,752 of the men classified had as much as a common labor background. As many as 8,226 had never had a job.

When we come to the discussion in this body of the alien situation, it is a debatable question how many aliens there are in the United States. Nobody knows, and it appears to me that nobody wants to know; nobody cares. Why that state of mind should exist is beyond my comprehension, because I should think all of us would be extremely anxious to know how many aliens there are in the country, in order that we might definitely ascertain how many Americans are being deprived of work by aliens who are in this country either legally or illegally. The respective States are becoming so thoroughly disgusted with Congress—the States realizing, I presume, that Congress never is going to do anything about the matter—that they have simply had to take the situation in their own hands, and endeavor to make laws of their own.

Now, let us see about that.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall be glad to yield to the Senator from Tennessee.

Mr. McKELLAR. I should very much like to know how many aliens there are in the country. Will the Senator tell us?

Mr. REYNOLDS. I thank my distinguished colleague immensely for that inquiry. For years I have been endeavoring to ascertain how many aliens there are in the United States, and I knew that I never should be able to obtain an answer to my inquiry until such time as we in this body and those in the other House of Congress enact a law providing for a mandatory registration of aliens in the United States, in order that we may definitely ascertain the number, not only for ourselves but for the American people.

I claim that there are about 5,000,000 aliens in the United States. Recently I observed in the columns of the Chicago Tribune an article purporting to be a statement by Representative DIES, the chairman of the special committee in the House, to the effect that there are 7,000,000 aliens in the United States. The Commissioner of Immigration and Naturalization recently released, according to my recollection, a statement to the effect that there are only about 3,826,000 aliens in the United States; but, of course, he had in mind only the aliens who came here legally. I claim that there are in this country a million or more aliens who came here illegally. Therefore, I say there are 5,000,000 aliens in the United States. Representative DIES says there are 7,000,000 here. The Commissioner of Immigration and Naturalization of the Department of Labor asserts that there are only 3,826,000 aliens who are here legally. We should all like to know how many there are. The American people are entitled to know how many aliens they are supporting with their money. The American workmen, millions of whom are out of work today, are entitled to know how many million aliens are working in the places they ought to be occupying; but we shall never know, Senators, until we provide for a mandatory registration of aliens.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Tennessee.

Mr. STEWART. I call the Senator's attention to the fact that at the last session of Congress I introduced a bill, which is still on the calendar, which had for its purpose ascertaining the very matter which the Senator is discussing at this time. It was my thought then that during the time that the census is being taken this year the census takers might obtain that information. I was unable to secure sufficient support to bring about the passage of the bill. The bill is still on the calendar. I hope to see it passed at this time with proper amendments which may make it possible for such a census to be taken as will elicit this information.

Mr. REYNOLDS. I recall with appreciation every fact that the Senator has stated. I am 100 percent in favor of his proposal. I had high hopes that his bill could be passed, although it was not as drastic as the one I introduced about 2 years ago. I have had pending before the Senate Committee on Immigration a bill which would bring about the mandatory registration and fingerprinting of all aliens in the United States. I never have been able to get the bill reported upon; and when the able junior Senator from my sister State of Tennessee introduced his proposal, I thought surely then we might expect some relief for the American taxpayers and for the American workmen, and information for the American people. But, as the Senator has stated, he has not been able to obtain any support for his bill; and, Mr. President, that is not understandable so far as I am concerned. When it comes to doing something for the American people, deriving information for them, making jobs for them, displacing foreigners so that American workmen may take their places, I cannot understand why it is that we never want to do anything for the American people; but when it comes to helping the Finns, when it comes to helping the Poles, when it comes to helping the Chinese, when it comes to helping this race and that race, we all run headlong as fast as we can go to help them; and what do we do about it?

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. REYNOLDS. Just let me finish this statement. I am thinking now about the Finns. My beloved friend the Senator from Michigan has just asked recognition. Here we are rushing headlong and hell-bent into helping the Finns, when I say we ought to have been helping the people of the United States—the people of Tennessee, North Carolina, Kentucky, Delaware, Michigan, Georgia, and all the other States; and what do we get out of it? I picked up the morning newspaper and I noticed that the Russians and the Finns have signed an armistice. There will be no more war; and what do we get out of it? We get a kick in the pants because the newspapers all state that Finland is sore and disgusted with the United States. In that case help had been rendered to Finland first by giving her a $10,000,000 loan, and then by this body voting another $20,000,000; but the Finns are mad because we did not give them more help, and because what we did give them did not arrive in time.

By sticking our nose in the business over there, what did we do? We made enemies of the Finns, who once were friendly. I have always said, if you want to make an enemy of somebody, lend him money. That will make an enemy out of a friend. At the same time we made Russia more angry with us.

Every time we stick our noses over there we get ourselves into the fix of a fellow about whom I heard once. While walking along a dusty highway, he met a man on the road.

They got into a fight and the other fellow pulled out a knife and cut off the nose of the first man. His nose fell in the dusty highway, and he was in such a hurry to put it back on that he picked it up and put it on upside down, and thereafter every time he sneezed he blew his hat off, and every time it rained he nearly choked to death. [Laughter.] So it is that every time we stick our nose into someone else's business we get into a hell of a fix.

I now gladly yield to the Senator from Michigan.

Mr. BROWN. I did not rise for the purpose of discussing the Finnish question, because I am certain that if I did I would be accused of filibustering. I wanted to ask the Senator from North Carolina whether he would object to my addressing a question to the distinguished Senator from New Mexico, and asking him whether he has arranged a filibuster this afternoon, because the first speaker of the afternoon was the distinguished Senator from New York [Mr. WAGNER], who spoke for an hour and a half, the next was the Senator from Delaware [Mr. TOWNSEND], who spoke for an hour, and now the Senator from North Carolina, who has spoken for half an hour, and I think perhaps will take considerably more time. The Senators mentioned are all supporters of the Hatch bill. Are they engaged in a filibuster to prevent the consideration of that measure?

Mr. HATCH. Mr. President——

Mr. REYNOLDS. I desire to say to my distinguished friend from Michigan that I am ready to vote for the Hatch bill, at this very moment, and I hope we can get to a vote this afternoon, because the farmers are waiting to hear the Senator from Georgia [Mr. RUSSELL]. They want some money, and I am for giving them some money. Everyone else has had some.

Mr. RUSSELL. Mr. President, the farmer is accustomed by now to waiting until every other matter has been disposed of before his bill is considered. It is nothing new to him, and when, in the pleasure of the Senate, its Members are ready to consider the farm bill, they will find me in the farmer's accustomed seat, at the very end of the line, hoping and praying that at some time the discussion will end, or that the pending business may be laid aside to enable us to proceed with the very important agricultural appropriation bill.

Mr. REYNOLDS. And the Senator will find me right behind him, because I am right behind the farmer. [Laughter.] We are all behind the farmer. I am behind the farmer year in and year out.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. RUSSELL. I am glad the Senator has decided to fall behind the farmers. When the Senator had an opportunity Monday to vote with the farmers to consider the farm bill the Senator voted "nay," and no amount of lip service and votes will avail the farmer anything if we delay the bill until the enemies of the Senate committee amendments have had an opportunity to dig a trap somewhere else in which to bury those amendments.

Mr. REYNOLDS. I voted to delay the farm bill until we voted on the pending bill. I am ready to vote on the Hatch bill right now; I want to vote for it, so as to show my farmer friends in North Carolina that I am not delaying this matter, and thereby delaying the farm bill. I am for the farmer year in and year out. I do not have to be for him especially this year, because I am not a candidate; but I am going to stay right with the farmers all the time, as I have always done.

Mr. RUSSELL. Mr. President, will the Senator yield further?

Mr. REYNOLDS. I yield.

Mr. RUSSELL. I am glad to know that the Senator is for the farmers, and I hope that in the event the pending business shall not be disposed of within a reasonable time, and I feel constrained to make another effort to have the agricultural appropriation bill considered, the Senator will vote with the farmer as well as be for the farmer.

Mr. REYNOLDS. I certainly will. I have always voted for the farmer. I am going to vote for the bill of the Senator from Georgia. I am going to follow him, because I know his heart is with the farmer, and I know that so long as I follow the Senator from Georgia I cannot go wrong.

Mr. RUSSELL. I appreciate the compliment of the Senator——

Mr. REYNOLDS. I mean that.

Mr. RUSSELL. And I wish he had felt that way on Monday, when the effort was made to bring up the farmer's bill.

Mr. REYNOLDS. I am willing to vote on the Hatch bill right now. I am sorry so much time has been taken up.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am about to conclude. I was talking about aliens.

Mr. PEPPER. Just one short question, and that is all I will have to ask. I merely want to get an expression from the Senator from North Carolina as to who he thought were perhaps most injurious and detrimental to the country, those who are thwarting the legitimate aspirations of the farmers, or the aliens. Against which class does the Senator's ire most highly rise?

Mr. REYNOLDS. I know of no subject before the American people of any more importance than the question of aliens in this country. The Senator no doubt was not in the Chamber a moment ago when I brought to the attention of the Senate a clipping from the New York Sun of March 7, in which Mayor LaGuardia was reported as having stated that 43,252 aliens were living on relief in the city of New York alone. They are not working people, are just living on relief. I think the American people are vitally interested in knowing how many aliens they shall continue to feed, where they come from, when they came, why they are here, whose jobs they are taking, and so forth. I have no apology to make to this body for speaking about the millions of aliens who are in this country, who have the jobs of Americans, and who are eating up the money of the taxpayers. I have no apology to make. I am anxious for the day to come when we can go on record in this body as to where we stand on that subject, as to whether we are for the aliens or are for American citizens. I am praying for that day to come.

Now I shall conclude by asking that there be printed in the RECORD an article which I hold in my hand in reference to the alien question entitled "Immigration to United States Shows Rapid Growth." The article appeared in the American Vindicator, a magazine published monthly at Washington, D. C., in its issue of March 1940.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Vindicator for March 1940]

IMMIGRATION TO UNITED STATES SHOWS RAPID GROWTH

Immigration Commissioner James L. Houghteling has reported that 82,998 immigrants were legally admitted to the United States last year, the largest number since 1931.

"The prevention of illegal entry into the United States has continued as a major problem of the immigration and naturalization service," he said.

INCREASE FROM EUROPE

Houghteling noted "the phenomenon of a steady increase in immigration from central Europe since the German annexation of Austria in March 1939." The report covered the fiscal year ended last June 30.

The number of immigrants from central Europe increased from 27,762 in 1937 to 62,402 in 1939. More than half of those—33,515—were from Germany and annexed Austria.

Italy supplied 6,570 immigrants to the United States; Poland sent 3,072; Czechoslovakia, 2,896; England, 2,739; Hungary, 1,348; France, 1,907; Ireland, 1,101; Switzerland, 1,237; Yugoslavia, 1,090; the Netherlands, 1,259. No other country in Europe sent more than 1,000.

TWO THOUSAND ONE HUNDRED AND SIXTY-TWO FROM ASIA

There were 2,162 immigrants from Asia. Palestine sent 1,066; China, 642; Japan, 102; Syria, 207; and there were 145 from other Asiatic countries. Canada supplied 10,070 immigrants; Mexico, 2,649; and the West Indies, 2,231. There were 915 immigrants from South America.

The records showed 185,333 nonimmigrants were admitted last year, compared with 184,802 in the previous year.

Some 51,363,952 persons crossed the United States borders between Canada and Mexico.

During the year the United States deported 17,792 aliens, compared with 18,553 in the previous fiscal year. Of that number, 1,662 were classed as criminals. For 1,085 persons it was the second time they had been deported.

CHECK PLEASE

"Now let's check up on this immigration business," said a full-blooded American who believes in America for Americans.

During the fiscal year ending June 30, 1939, the following countries sent to the United States immigrants (legally entered) under the quota, 23,219:

Italy	6,570
Poland	3,072
Czechoslovakia	2,896
England	2,739
Hungary	1,348
France	1,907
Ireland	1,101
Switzerland	1,237
Yugoslavia	1,090
Holland	1,259
Total	23,219

From Germany and annexed Austria there came 33,515. This shows that 10,286 more immigrants came into the United States from Germany than from the combined 10 countries enumerated above. "Why? Who are they and why do we permit them to flood our shores and take American jobs from American workers?" inquired our full-blooded American. He continued: "Commissioner Houghteling of the Immigration Division of the Labor Department tells us that last year 82,998 quota immigrants came to the United States and that in addition there came 185,333 nonquota immigrants. This makes a total of 268,331. More than a quarter of a million foreigners.

"But that isn't all. How many came illegally? That's the real question. And, another real question is: How many of the more than fifty-one million who crossed the Canadian and Mexican borders remained here—how many skipped ship as Harry Bridges did when he entered? How many are smuggled in here from Cuba, Nassau, Bimini, Bermuda, and other nearby places?

"Thousands upon thousands of aliens enter our ports on the Atlantic and Pacific annually by way of tourist and student visas. They enter legally. How many remain illegally? Now, there's a question for you.

"There is no way of checking up on those who remain here illegally. There is no way of arriving at the grand total who slip into our country in violation of our immigration laws. There is no way of determining now how many aliens (noncitizens) there are in our country because we don't have a law requiring the mandatory registration and fingerprinting of aliens here. Why not? Ask your Senator or your Congressman. He's supposed to safeguard your interests, the interests of his constituents, the American people. He's supposed to preserve American jobs for American citizens. Is he doing it? It's up to you to check up on him. Will you do it?"

Every other civilized nation upon the face of the earth keeps close track upon their aliens by way of registration and fingerprinting systems. Why can't we of the United States have such a law? Have we become alien-minded or is it that we just don't give a damn?

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama [Mr. BANKHEAD] as modified.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Johnson, Calif.	Russell
Ashurst	Downey	Johnson, Colo.	Schwartz
Austin	Ellender	La Follette	Sheppard
Bailey	Frazier	Lee	Shipstead
Bankhead	George	Lodge	Smathers
Barbour	Gerry	Lundeen	Smith
Barkley	Gibson	McKellar	Stewart
Bilbo	Gillette	McNary	Taft
Brown	Glass	Maloney	Thomas, Idaho
Bulow	Green	Mead	Thomas, Okla.
Burke	Guffey	Miller	Thomas, Utah
Byrnes	Gurney	Minton	Townsend
Capper	Hale	Murray	Vandenberg
Caraway	Harrison	Neely	Van Nuys
Chandler	Hatch	Norris	Wagner
Chavez	Hayden	Nye	Walsh
Clark, Idaho	Herring	O'Mahoney	Wheeler
Clark, Mo.	Hill	Pepper	White
Connally	Holman	Pittman	Wiley
Danaher	Holt	Reed	
Davis	Hughes	Reynolds	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment of the Senator from Alabama [Mr. BANKHEAD], as modified, to be inserted at the end of the committee amendment on page 7, after line 18.

Mr. HATCH. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll, and called the name of Mr. ADAMS.

Mr. BANKHEAD. Mr. President, the amendment has been modified. I ask unanimous consent that it may be stated so Senators will know what they are voting on.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read.

The LEGISLATIVE CLERK. On page 7, after line 18, it is proposed to insert the following:

SEC. —. (a) Excessive financial aid to any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal.

(b) Excessive financial aid to any political committee or political organization engaged in furthering, advancing, or advocating the election of any candidate or political party nominees for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity and is hereby declared to be illegal.

(c) Presidential electors and the President of the United States for the purpose of this Act are declared to be elective officers.

(d) Any amount expended, contributed, furnished, or advanced by one person, directly or indirectly, in violation of this section in excess of $1,000 is hereby declared to be excessive financial aid.

(e) Any person who directly or indirectly contributes more than $1,000 during any calendar year or for use in any one campaign or election, in violation of the provisions of this section, is guilty of pernicious political activity, and on conviction, shall be fined not less than $5,000 and also sentenced to the penitentiary for not exceeding 5 years.

The PRESIDING OFFICER. The Clerk will proceed with the calling of the roll.

The legislative clerk resumed the call of the roll.

Mr. MCNARY (when his name was called). On this vote I have a pair with the senior Senator from Illinois [Mr. LUCAS] who is necessarily absent from the Senate. If he were present he would vote "yea." If I were at liberty to vote I should vote "nay."

Mr. THOMAS of Utah (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES] who is unavoidably absent, but I am advised that he would vote as I intend to vote. Therefore I am at liberty to vote, and vote "nay."

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague, the junior Senator from Missouri, is unavoidably detained from the Senate on official business. If present he would vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Washington [Mr. SCHWELLENBACH] are detained in Government departments.

The Senator from Virginia [Mr. BYRD], the Senators from Maryland [Mr. TYDINGS and Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY], are detained on important public business.

The Senator from Illinois [Mr. LUCAS] is unavoidably detained.

The Senator from Louisiana [Mr. OVERTON] is attending a meeting of the Rivers and Harbors Committee, and is therefore necessarily absent.

Mr. AUSTIN. I announce the pair of the Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If present the Senator from New Hampshire would vote "nay," and the Senator from Illinois would vote "yea."

The result was announced—yeas 36, nays, 45, as follows:

YEAS—36

Adams	Brown	Connally	Harrison
Ashurst	Bulow	Donahey	Hayden
Bailey	Byrnes	Ellender	Herring
Bankhead	Caraway	Glass	Hill
Bilbo	Chavez	Guffey	Hughes

Johnson, Colo.	McKellar	Neely	Smathers
La Follette	Miller	Pepper	Smith
Lee	Minton	Pittman	Stewart
Lundeen	Murray	Russell	Thomas, Okla.

NAYS—45

Austin	George	Maloney	Thomas, Utah
Barbour	Gerry	Mead	Townsend
Barkley	Gibson	Norris	Vandenberg
Burke	Gillette	Nye	Van Nuys
Capper	Green	O'Mahoney	Wagner
Chandler	Gurney	Reed	Walsh
Clark, Idaho	Hale	Reynolds	Wheeler
Clark, Mo.	Hatch	Schwartz	White
Danaher	Holman	Sheppard	Wiley
Davis	Holt	Shipstead	
Downey	Johnson, Calif.	Taft	
Frazier	Lodge	Thomas, Idaho	

NOT VOTING—15

Andrews	King	Overton	Tobey
Bone	Lucas	Radcliffe	Truman
Bridges	McCarran	Schwellenbach	Tydings
Byrd	McNary	Slattery	

So Mr. BANKHEAD's amendment, as modified, to the committee amendment, was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. MINTON obtained the floor.

Mr. BROWN. Mr. President, will the Senator yield to me?

Mr. MINTON. I yield to the Senator from Michigan.

Mr. BROWN. I ask unanimous consent, while the Republican Members of the Senate are all present, to have read to them an editorial from the New York Herald Tribune entitled "Strengthening the Hatch law."

The PRESIDING OFFICER. Without objection, the editorial will be read.

The Chief Clerk read as follows:

[From the New York Herald Tribune]

STRENGTHENING THE HATCH LAW

In the welter of angry discussion in the Senate over amendment of the Hatch law, Senator TYDINGS, of Maryland, has interposed a sensible suggestion. Senator HATCH, as we know, would extend his law, which now prohibits political activity on the part of Federal employees, to forbid it also to all State employees paid in whole or in part from Federal funds. Though the proposal has President Roosevelt's endorsement and the backing of Senator BARKLEY, majority leader, it has split the Democratic ranks in the Senate wide open, with the opposition resorting to a filibuster. In the circumstances Senator TYDINGS counsels recommitment, with a definite understanding that the bill be returned to the Senate containing careful definitions of "pernicious political practices." As at present constituted, he points out, the bill deals with persons and not practices.

Mr. TYDINGS is not one to quarrel with the objectives of the Hatch bill or its extension. He was one of the most prominent of the President's targets in the attempted "purge" of 2 years ago, and had occasion then to complain bitterly of the use of Federal patronage in the campaign against him. But he does recognize the main weakness of the law as it stands and as its author would amend it, which is its failure carefully to specify the activities under its ban.

We are talking now of that section of the law which says that "no officer (with certain exceptions) or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns." The vagueness of this wording obviously invites a host of conflicting constructions which endanger enforcement, and the larger the army to which the law is made to apply the greater the danger grows. An appreciable fraction of the population is encompassed in adding to the rank and file of the Federal bureaucracy that of our State bureaucracies spending Federal money. Any attempt to deprive all these citizens of a reasonable degree of participation in political campaigns will, one fears, fall afoul of such resistance and evasion that the law, like the Volstead Act, will become more honored in the breach than the observance. Hence, in behalf of the object it would accomplish—that very essential one of preventing the engulfment of our Government by a self-perpetuating horde of officeholders—it should limit and define its prohibitions. Senator TYDINGS, we think, speaks as one of its wiser friends.

Mr. MINTON. Mr. President, we are now in the seventh or eighth day of debate on the so-called purity-in-politics bill. Everybody now knows, after this extensive debate, that the bill is misnamed. It is not at all an act for purity in politics. It is an act for coercion in politics. That is the way it would operate.

On the other side of the aisle are 21, 22, or 23 "rubber stamps." On every amendment which is offered to the bill they stand up and cast "rubber stamp" votes. As long as I have been in the Senate I have never seen the Democratic Party vote 100 percent on anything.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. RUSSELL. I think the Senator from Indiana is a bit harsh on those on the other side with reference to the last amendment, which limited campaign contributions to $1,000, which amendment I supported. I understand that all those on the other side are potential candidates for the Presidency. The amendment to which I refer would have limited any one contribution to a Presidential campaign to $1,000. Self-preservation or ambition might have had something to do with it.

Mr. MINTON. I think perhaps the Senator is correct. At least practical politics might have entered into it. I am now talking about their purity, however. I am not talking about their practical side. They will be practical enough if we become pure. All we have to do is to become pure, and they will be practical in November.

So, Mr. President, when we try to put the bill in such shape that it will reach someone who is really impure, someone who is really practicing pernicious politics, we cannot get a vote on the Republican side—not one. The Republicans stand up, under the astute leadership of the brilliant statesman from Oregon [Mr. MCNARY] and vote 100 percent against any kind of an amendment which would make the bill really a bill against impure politics.

Mr. President, the Senate has just voted down, with 100 percent Republican votes, the amendment offered by the Senator from Alabama [Mr. BANKHEAD], which was aimed at pernicious political practices. It was aimed at the money bags in politics. It was aimed at Ernest Weir, the big boodle-bag man of the Republican Party, who is now going about under the slogan which the Republicans made famous in 1920: "Get the Money, Boys." They got it. They got plenty of it; and after the Chicago convention they delivered in a big way. Some of that money even found its way to the Republican Party itself. Of the boodle money in the Harding administration in 1920, $100,000 wound up in the pockets of the Republican Party itself in a deal which sold out the Government's property. One hundred thousand dollars of it went down into the pockets of the Republican campaign committee. And yet when we try to stop $100,000 contributions, can we get any help across the aisle? No. We have 20 or 21 "rubber stamp" votes against an effort really to destroy pernicious politics in this country. We cannot even persuade them to outlaw $1,000 contributions, let alone $100,000 contributions. That is what we have been trying to do. Amendment after amendment has been offered to put some decency and purity into the bill, so that it will really hurt; but we cannot induce our Republican friends to go along with us.

Oh, no; they want to purify the little fellows. They want to purify the 2-percent fellows, like me. I am the product of a 2-percent club and they are the product of a $100,000 club—a Pew campaign contribution. Pew! Pew! That will be their cry in the next campaign. It will reek to heaven with its malodorous fumes. Pew and his millions, Annenberg and his millions. Pew! The more we name it the worse it smells. The Republicans will be out with the boodle bag, getting hundreds of thousands of dollars. Republican Senators sit on the other side of the aisle protecting that kind of pernicious political activity.

Let me read an editorial from the Philadelphia Record of today entitled "Purity at the Spigot, Graft at the Bunghole":

For its own self-respect, the United States Senate should kill the Hatch "Purity in Politics" Act.

By a 53–31 vote the Senate refused to extend that legislation to place the same ban on huge political "contributions" of G. O. P. millionaires that is placed on the two-bit contributions of Federal employees or party workers.

To put it another way, the Senate is in the position of declaring it a corrupt practice to ask a Government clerk for $2 but not a corrupt practice to ask an industrial tycoon for $200,000.

Most honest citizens will not be able to draw any such fine distinctions. At the same time, they will understand the solidity of the Republican Senators in upholding the domination of their party by "big money." Indeed, the Record predicted the G. O. P. Senators would vote as they did.

Who would ever have thought that they would do it 100 percent? "Rubber stamps!" I have never seen such "rubber stamping" since I have been in the Senate. I am supposed

to be a "rubber stamp." I am supposed to be a 100-percent new dealer; but they are 100 percent Hatch Act, and everybody knows why. They will not accept anything that will extend the act to anybody except the little fellows.

Continuing with the editorial:

But we confess our astonishment to see lined up with them such Senators as—

I do not like to read these good names, so I shall skip them. There are some very good names here, but I shall skip them.

Such political bundling between reactionary Republicanism and liberal idealism strikes a new low in senatorial naïveté. Even Little Red Riding Hood noticed that there was something phony about her grandmother's teeth.

The net result of Monday's work can only be to drive a deeper wedge into the Democratic Party and into liberalism.

Merely because I happen to be on the opposite from my leader does not mean that he and I are not going to be together when the Hatch Act is out of the way. I am coming back; the prodigal son is coming back, and is going to bring his own calf with him. There will not be any split in the Democratic ranks simply because we happen to disagree a little about the Hatch Act. We will be fighting together on those things in which the New Deal is really interested.

The editorial continues:

Nor will the Republicans—and who will blame them?—fail to make the most next fall of the principle that it is a crime to ask an officeholder to help his party, but perfectly O. K. to sell political favors to vested interests.

* * * * * * *

Let's be realistic about politics.

The democratic form of government necessitates political campaigning. Political campaigns must be financed. The real issue behind the Hatch bill is, how they are to be financed.

That is the real issue behind the amendments we have been trying to put on the Hatch Act. I know my good friend from New Mexico does not think that his bill would keep employees from contributing anything toward political campaign funds, but would merely prevent them from taking any active part in politics. What could be a more active part than to contribute hard-earned money toward the candidacy of somebody? The Senator says that is the construction that has been put on by the Civil Service Commission. That is all right; perhaps he is correct about that; perhaps they have said that; perhaps that is their construction; but that does not necessarily bind anybody else and it does not necessarily bind the Civil Service Commission. They may change their mind the next day. So we have tried to outlaw some of the things we consider to be pernicious and not simply to ban the little fellows because they make a paltry contribution to a political campaign fund.

Both political parties have long made a practice of soliciting campaign contributions from public employees and party workers. Both have resorted to banquets, convention book sales, and other devices.

The Democratic Party has relied almost wholly upon these methods of financing.

That is a matter of necessity. We are poor folks; we have not got any Ernest Weirs to know where to take the boodle bag. We do not know where to go to get the "money boys," except to the little fellows who happen to hold a job under our party and who are willing to invest a little in the party in which they believe, in the hope, perhaps, that they might be rewarded with a little, piddling job by that party. That is the only place we have to go. What good would it do to appoint somebody like Ernest Weir to go out with the big boodle bag? That would not do any good; he would not know where to go, and he would not get any money in it. But the Republicans know where to go.

The Republican Party, however, has financed most of its campaigns by inviting campaign contributions from big business, with the understanding that the favor would be returned by appropriate legislation.

We know how they did that in the last administration. We know how Mr. Mellon paid off with tax reductions for big campaign contributions. I read them into the RECORD just a few months ago. I can remember some of those big contributions—$10,000, $25,000 contributions—and in return for those ten- and twenty-five-thousand-dollar contributions they got from $250,000 up to $8,000,000 in tax refunds from the Republican administration. That was the way the business was carried out. A fellow from Kentucky, Bob Lucas, as I recall his name, was at the headquarters when the money came in and contributions were made, and after the election they made him Commissioner of Internal Revenue to see that the pay-off was made; and it was. I read the names and amounts into the RECORD. That is how pure the Republicans are. That is how they take care of their political house.

The Hawley-Smoot tariff is one of the most notorious pay-offs in American history, rewarding as it did the contributors to Hoover's campaign.

Senators are here today who were here when the Hawley-Smoot bill was passed. I was not here. They know whether there was any pay-off. I would not know about that.

"Purity in politics?" Is it forgotten that in 1929 an officer of the Connecticut Manufacturers' Association was found acting as secretary to Senator Hiram Bingham and, as such, sitting in on the confidential discussions by Senate committees on the Hawley-Smoot bill?

That kind of purity smelled to high heaven at the time. It still does.

If there must be a choice between small-time political methods of financing and the wholesale barter of congressional favors—give us the former.

It is far healthier for democracy that the rank and file pay for party campaigns than it is to have them paid for by fat cats who, after election, are handed carte blanche to dig into the pockets of the American people.

If macing is wrong, it is wrong for millionaires as well as jobholders.

I am going to offer a little amendment after awhile that will take care of that. I am going to give the Senate a chance after awhile to amend the act which condemns using official authority to influence or control elections by offering an amendment that would make it unlawful for an employer of labor or a lender of money at interest to use his position as an employer of labor or as a lender of money for political purposes. Let us see how much purity we can get on that amendment. If there are those in this country who are pernicious in politics, they are the bankers, the "note shavers," and the money lenders.

To pass the Hatch Act as it stands—condemning the latter and condoning the former—will be a disgrace. That's why we say: Kill the Hatch Act entirely.

Purity at the spigot can't cover up graft at the bunghole.

So we have no hope from across the aisle. On vote after vote we have seen the ranks of Republicanism stand in solid phalanx with their shields locked together, "rubber stamping" every amendment that has been offered to the act. So, being a "rubber stamp" myself [laughter], I have long since given up any hope from the "rubber stamps" across the aisle. We will never get anything out of them to make the Hatch Act a real act against impurities in politics. But I do appeal to my Democratic friends, who, after all, are in the same boat with me. We want to do something against impure activities in politics; we want to do something against pernicious activities in politics. And so I beg them to go along with us, because, I say to you, my fellow Democrats, whenever you look across the aisle and see the Republicans toe the mark 100 percent for a proposition as political as is this, it is not any good for the Democratic Party. Whatever is good for them is no good for us. [Laughter.]

I know the Democratic Party can be destroyed by this kind of legislation; I know it can destroy all kinds of political organizations the Democrats have which are built up upon the little people who work in the ranks and are proud of their democracy, proud of their party, and are willing to give service to the country, and then, on their own time, go out and work for the Democratic Party. I know you can destroy that kind of organization; but, Senators, hear me, while you can destroy that kind of an organization, you are not going to destroy political organizations. You can destroy that kind of an organization, but you will get another organization in its place, and whenever the time comes when you destroy that kind of an organization, in my judgment, the kind of an organization which will take its place will be one that Pew and Annenberg and Weir and the Du Ponts can pay for out of their own big money bags. They have the money, the where-

withal with which to build an organization; they can go out and subsidize; they can go out and buy; they can go out and pay for a political organization from precinct to precinct; and it would be but small change in their pockets.

That is what you are going to get. Destroy these organizations, destroy these willing workers, if you please; say to these people who want to go out voluntarily and work for their party and take a part in the democratic process that they are pernicious; drive them back home; muzzle them; do not let them say anything; do not let them take any part; do not let them contribute.

Mr. McKELLAR. Jail them.

Mr. MINTON. Yes, in some instances, jail them; and take their jobs away from them, as section 9 of the original Hatch Act provides. If you take their jobs away from them, they never can get other jobs under the Federal Government as long as they live unless Congress changes its law.

Yes; that is what you may do. You may destroy them. These big fellows will take their places. They will come in with an organization. The Pews and the Annenbergs and the Weirs and the money bags of the country will set up an organization. They will make their contributions; and do you think they will be doing it for charity? Not at all. They will be expecting their quid pro quo, and they will get it. They have never yet failed to get it, and they have not any intention of failing now.

So I say to you, Senators, that you are doing what I have stated when you are shooting at the little fellows, when you are muzzling the little fellows, when you are taking their jobs away from them, when you are blacklisting them. I again call the attention of the Senator from Wisconsin [Mr. La Follette] to the fact that they are blacklisted under the amendment to the present act that is pending. More than that, I call his attention to section 9, paragraph (b), of the original Hatch Act, which provides that if a man commits a political offense he has to be immediately discharged, and then he can never hold another job under the Federal Government or any position the salary of which is paid from appropriations made by the Congress of the United States.

Ah, yes; you may destroy these men, you may destroy this organization; but, mark my words, you are not going to get anything purer in its place, because you will get just what I have indicated, and what the editorial in the Philadelphia Record has indicated—graft at the bunghole.

Mr. HATCH. At the spigot.

Mr. MINTON. No, no; it is purity at the spigot. The Senator is at the spigot with his act; but the graft is at the bunghole where everybody is supposed to be feeding. You are going to fill up the butt with graft, you are going to pour it in, and then we poor, simple-minded people will be met with the Hatch Act at the spigot. We are going to get pure at the spigot while they are polluting the big butt at the bunghole.

Mr. HATCH. Mr. President, just one word.

I agree with much that my friend from Indiana has said about graft and campaign contributions. Many times I have expressed on the floor of the Senate my views on the subject, and my willingness to cooperate and work out well worth while legislation dealing with it, just as strong legislation as it is possible for the Congress to enact; but I did not rise to say that just now, Mr. President. I rose because of the remark of the Senator from Indiana that if Congress should enact this legislation, which would merely prohibit political activity on the part of certain employees in the States, the great Democratic Party would be destroyed by it.

As he said those words I looked back at the Democratic Party and at its history—at a party that survived the Civil War; at a party that survived reconstruction days; at a party that survived defeat after defeat, standing on principle rather than surrender principle for temporary gain or advantage—and I say, Mr. President, that party is not going to be destroyed if every bit of patronage and every jobholder is taken out of politics.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield the floor.

Mr. MINTON. The Senator has misunderstood, at least in part, what I was trying to say. I was trying to say that these organizations may be destroyed. I did not say the Democratic Party necessarily will be destroyed. I said the organizations that are built upon the little workers may be destroyed by the kind of legislation the Senator from New Mexico is sponsoring. You may do that sort of thing if you want to. You may penalize the little fellows. You may take them entirely out of the political picture, as the Senator from New Mexico wants to do; but what I am trying to say to the Senator from New Mexico is that that will not necessarily bring about purity. You are getting rid of one kind of organization. That is what the Senator wants to get rid of. He makes no bones about that. I am sure the Senator wants to destroy that kind of organization. I am sure that is the purpose of his bill. I am sure he will not stand upon the floor of the Senate and tell us that that is not the purpose of his bill. I have understood all along that he wanted to destroy that kind of organization; but I am simply saying to my friend from New Mexico that when he has destroyed that kind of organization he is going to get another organization in its place. In my humble opinion, when the time comes that the persons who have gone out and carried the water and hewed the wood for the party throughout the years cannot be given little jobs when the party is successful and looks to them to carry on work for the party out of gratitude or out of enthusiasm for the work that is being done by the party, when that kind of organization is destroyed, it is necessary to have somebody to do these political chores. They will not be done if they are not paid for in some way. Somebody who has the wherewithal to pay for it is going to get those chores done; and that fellow will not be found in the ranks of the Democratic Party, because we are poor people. That fellow will be found in the ranks of the Republican Party, which knows how to get the money.

So what I am trying to say to the Senator is that the organization which the Senator from New Mexico wants to destroy, and which some of us want to save, may be destroyed; but when that is done we shall get in its place something else that is worse.

Mr. PEPPER. Mr. President, I move to amend the committee amendment by deleting the following words in lines 21 and 22 on page 4:

> No such officer or employee shall take any active part in political management or in political campaigns.

This raises a point, if I may suggest it to Senators, which I believe has not been presented to the Senate in connection with this bill.

The Miller amendment included the words to which I have addressed this amendment, but it also included certain language in section 9 of the original Hatch Act. In that language the Federal Government was dealing with its own employees. I am willing to concede that the Federal Government has a larger authority in dealing with its own employees than it has a right to impose upon the conduct and the activity of employees of the sovereign States of the country who may perchance receive some Federal contribution in performing certain functions which have a Federal as well as a State significance.

Mr. President, I am not trying to take the time of the Senate, and I shall not consume more than a few minutes. I desire to point out, first, that the amendment I have proposed does not in any sense of the word diminish in any respect any prohibition that the original Hatch Act carries, nor does the amendment propose to diminsh in any way the effect of the pending bill except as it may circumscribe the activities of the individual employee. The amendment I have proposed does not say that any employer in any State agency may coerce the employee. I do not approve of that. The amendment is not directed at that. If adopted, my amendment to the committee amendment would leave section 12 to contain this prohibition:

> No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

That language would remain in section 12 as it is now written in the pending bill, but the amendment would strike out the provision by which the Federal Government would attempt to curtail the activity of the individual employee of a State agency who might on his own account, without interference from anybody, without coercion from anybody, without influence from anybody above him, desire upon his own initiative to participate in a political campaign.

Mr. President, I want to make two points: First, I propose that amendment as what I call a liberal in political philosophy. We have some violent differences in opinion on this floor as to what constitutes liberalism. Some of us think liberalism contemplates the maintenance of the integrity of the sovereignty of the several States, and some of the most illustrious men in this Nation in this Chamber vigorously and very eloquently contend for that philosophy. There are others who think liberalism means the further extension of the Federal power—furnishing Federal aid in trying to improve certain conditions which they think would not be improved without the assistance of the Federal Government. They think that is liberalism, and they think that is a desirable governmental policy.

I happen to belong to the latter category. I want to see Federal aid for public education, because I know that many of the States, because of having a small per capita wealth, are incapable of giving their children the educational advantages they should have. In fact, a great many of our States—and mine sometimes is one of them—are somewhat in the same category as the community I heard about which was too poor even to furnish songbooks to its own congregations in the several churches. So the patent-medicine companies would print the songbooks for them; but they reserved the right to interpolate certain language in the songs. In one case I heard about, the song ran something like this, as they printed it:

> Hark! the herald angels sing,
> (Beecham's pills are just the thing;)
> Peace on earth, and mercy mild—
> (Two for an adult, and one for child.)

[Laughter.]

Some of our communities have almost those disabilities. But if the Federal Government, as the price of its contribution, is to tell every school teacher how he or she must go to the polls, what he may say in the county courthouse, what he may say on the street, and prescribe the minutiae of his conduct, I do not know whether I am in favor of the extension of the Federal Government's power in that case or not.

In the cases where the Federal Government extends its power for economic purposes, it generally does so in response to a demand from the people themselves; but there is no demand from the people themselves for this legislation. On the contrary, I am inclined to believe that the people of this country are opposed to this sort of legislation when they actually know what its provisions are.

I do desire to present the very clear-cut question of whether or not we wish to continue to expand the Federal power in an extreme case, and therefore tend to create disrespect for Federal authority—certainly knowing that such a law as is proposed is going to be violated—whether we are going to accelerate an increasing tendency on the part of the Federal Government to put a hobble on every State activity. If that is to be the precedent established by the bill, it is going to do a great deal more harm in the long run than good, because the people are already getting a little bit dissatisfied with the lengths to which we have gone in taking over jurisdiction which it is not necessary for the Federal Government to take over.

Mr. President, the other thing I wanted to mention was that it leaves a discretion to the Civil Service Commission which is completely an unbridled discretion. I say, in the second place, that I am opposed to that provision of the bill, and I think that in the course I am following is also the liberal philosophy which I entertain.

In a few days we will have another bill coming to the floor of the Senate, the so-called Logan bill. That bill will propose that there be created a board of appeals in every administrative agency, and that the right of judicial review be conferred with respect to every administrative decision. The American Bar Association is sponsoring that bill. They think it will provide a legislative curb upon administrative activities. They think it will make their decisions more responsible; that it will restrain them against administrative abuses.

On the contrary, I think that a bill like that would interfere with the proper functioning of the administrative agencies, which were created to serve some good purposes; created to meet some demand which the people of the country were making upon the Federal Government to aid them when they did not have adequate means of aid at hand.

If we pass the pending bill, if we confer unlimited discretion upon the Civil Service Commission, let them define the offense, let them prescribe what abuses are objectionable, let them determine how much money may be withheld, let them determine the degree to which punishment should be inflicted, whether or not there has been a violation of law, without appeal to anybody, without the right of review in anybody except in the very limited way the Danaher amendment provides—in that event we will set a precedent which will certainly stand in the way of those of us who desire to argue against the Logan bill when it comes before us for consideration.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. The Danaher amendment is by far the broadest provision for appeal that has ever been included in a measure like the one before us, I think the Senator will agree. The Senator has continually stated that the Civil Service Commission has the power to determine the amount, to fix the extent of the punishment, and all those things. Unquestionably he must have forgotten the O'Mahoney amendment, which fixes definitely the amount, and leaves no discretion whatever in the Civil Service Commission.

Mr. PEPPER. But the Civil Service Commission does determine whether there is a violation or not, and what is participation in a political campaign. In other words, an administrative agency determines all the elements of the crime. So far as I know, we have not gone that far in other cases.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. The Senator does not mean that what he is talking about is made a crime.

Mr. PEPPER. The proposed law is in the nature of a penal statute.

Mr. HATCH. The Senator said "crime."

Mr. PEPPER. I did say a crime, because the pending bill is in the nature of a penal statute, and it would be a penal statute because it would take a man's job away from him and bar him from employment in the Federal service for a given number of years. As a matter of fact, in the original Hatch law, he was barred forever from the job from which he might be discharged.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. The right of a citizen to aspire to office, or to be appointed to office, is one of the most priceless possessions of a citizen, is it not?

Mr. PEPPER. I thought the sacrifices and the philosophy of our forefathers so indicated, I will say to the able Senator from Texas.

Mr. CONNALLY. Does the Senator mean to say that the present Hatch law, the one on the books, prohibits a man who comes under its provisions from ever holding a Federal office in the future?

Mr. PEPPER. Subdivision (b) of section 9 of the original Hatch law reads as follows:

> Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

That is the language to which I referred. At least he is certainly barred from a particular category of offices forever, no matter how much he may repent in his later years.

Mr. CONNALLY. In other words, if the Senate were included within the bill, and we should violate a little bit, we could not get back to the Senate?

Mr. PEPPER. That is exactly correct.

Mr. CONNALLY. I am opposed to it. [Laughter.]

Mr. PEPPER. Mr. President, I realize that when a trend or tendency is running, it is like the flood tide, there is nothing one can do, generally, to stop it. I think reformers have many times hurt their causes by the excessive zeal with which they have pursued them. I could cite many tragic instances in which reform excesses have retarded ultimate progress.

I am not opposed to civil-service requirements for Federal employees, and I am glad to notice that there has been a tremendous increase in the number of jobs put under the civil service and the merit system under this Democratic administration.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MINTON. I merely wanted to inform the Senator from Florida that I have in mind offering an amendment to the bill which will put all the officers and employees of the United States affected by the bill under civil service, from the date the President signs, if he ever signs—which God forbid—the bill which is now before us, so that from that minute forward every Federal employee affected by the bill would be under the civil service.

Mr. PEPPER. Mr. President, that seems to me to be the logical and the reasonable approach to the subject. If we desire a Federal civil service patterned after the English system, which is seemingly working so satisfactorily, that is a permissible approach to the problem. Sometimes when I am vexed and harassed by seekers after employment which I am not able to give, I pray that there might be civil-service requirements for every Federal position. I realize that we are inevitably coming to that time, and I will rather welcome the day. But this is starting at the wrong end; it is putting the cart before the horse. Instead of taking people and putting them in political positions by political methods of selection, and then penalizing them for participating in politics, it seems to me those who would wisely seek to meet this problem would apply the merit system to such employment, and then all would expect that the people would be dissociated from political management and political activity, no one would be surprised with those restrictions, and it would not violate the cardinal principles which are involved in the law.

I wish it were possible for the proponents of the pending measure to be satisfied with the very real progress they have already made, through the enactment of the original Hatch Act, curbing coercion of employees of the Federal Government, purifying the relief rolls, and limiting the right of employees of the Federal Government even to participate in political campaigns.

I am sorry indeed that the able Senator from New Mexico has seen fit to go yet further, not to be satisfied with prohibiting State officials from coercing their employees, but to be desirous of putting a muzzle upon the employees themselves, to restrain them against going out and taking even a mild part in an absolutely local political campaign. A man might have a brother running for a county office, working for a State agency which received some Federal funds, and if he went out on Saturday afternoon and campaigned for him a little bit, he would be breaching a Federal law, and subjecting his State, perhaps, to a deprivation of Federal funds.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. The Senator has made a very exhaustive study of the bill, and I should like to ask him a hypothetical question.

Suppose in the distribution of Federal funds for these farm-to-market roads some of the money has been allocated to a county in which there are commissioners' courts—they call them commissioners in my State, and they call them supervisors, I think, in other States—and suppose in the campaign for reelection of the county judge a charge was made with respect to the handling of county affairs, in which the commissioners have a part, under this legislation would the commissioner be allowed to go out and support the county judge or would he be prohibited from doing so?

Mr. PEPPER. He would be prohibited from doing so.

Mr. CONNALLY. Even though his own administration of the county affairs were under assault?

Mr. PEPPER. Yes; that is my opinion.

Mr. HATCH. The Senator does not mean that.

Mr. PEPPER. Yes; the Senator from Florida means that or he would not have said it.

Mr. CONNALLY. Mr. President, I thought probably the exemption of an elective officer would exclude the commissioner.

Mr. HATCH. They are excluded specifically.

Mr. CONNALLY. Why should they be excluded?

Mr. PEPPER. Mr. President, I misunderstood the question. I did not understand that the person was an elective officer. I apologize.

Mr. BANKHEAD. Mr. President, the Senator is not asking about the elective officer. He is asking about the clerk.

Mr. PEPPER. I first thought so, but believe now the able Senator was asking about someone who was elected.

Mr. CONNALLY. I am speaking about an elective officer. He would be allowed to go out and take part then and defend his administration, but a stenographer for the county judge, working in his office, some poor little girl, would not be allowed to go out and advocate the reelection of her chief.

Mr. PEPPER. The Senator is exactly right. Let me clarify my point.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. On the statement as made by the Senator from Texas I simply must disagree with the Senator from Florida, and say in my opinion that the answer of the Senator from Florida is entirely wrong.

Mr. PEPPER. I will ask the Senator from New Mexico, Was not an amendment adopted cutting out the exemption of elective officers carried in the measure?

Mr. HATCH. No.

Mr. PEPPER. Cutting out only appointive officers? If it was elective officers about whom the Senator from New Mexico was speaking, the bill would not be applicable, and I was in error. But take the case the Senator from Texas spoke of—of the stenographer who was an employee of the judge, and who campaigned for the election of the county judge for whom she was working—she would be guilty of violating the law, and the penalty of dismissal would be inflicted upon her or the Federal funds available to the county would be diminished.

Mr. McKELLAR. Mr. President, I wish to call the Senator's attention to what will be the ramifications of this bill if it is enacted into law. I do not think any of us realize the extent to which it goes. I have before me the Annual Report of the Secretary of the Treasury on the state of the finances for fiscal year ended June 30, 1939. I wish to call the attention of the Senate to the table in this report entitled:

Net expenditures for Federal aid to States, individuals, etc. (exclusive of funds allocated for recovery and relief), fiscal years 1920, 1938, and 1939, and amounts appropriated for 1940, by appropriations.

I wish to call the Senate's attention to the extent to which these appropriations go. I do not think any of us realize how far they go, and the number of voters who will be affected by a bill of this kind.

Colleges for agriculture and mechanic arts, $2,550,000.

Further endowment of colleges of agriculture and mechanic arts, $2,480,000.

Cooperative vocational education in agriculture; cooperative vocational education in trades and industries; cooperative vocational education, teachers, and so forth—those three activities—$20,885,000. Most of that goes to salaries of employees, every one of whom will be affected by the bill.

Cooperative vocational education in home economics, $52,068.

Cooperative vocational rehabilitation of persons disabled in industry, $1,845,000.

Civilian Conservation Corps—all of them young men, all of whom are voters now, or will be in a year or two, every one of whom will be touched by this act—$295,000,000 for 1940.

Mr. PEPPER. And about how many employees? Has the Senator the number?

Mr. McKELLAR. I do not have the number of employees. Grants to States for public-health works, $9,500,000. To promote the education of the blind, $115,000. Grants to States under social security, $45,000,000. Payments to States, United States Employment Service, $3,480,000. Grants to States under Social Security Act, $358,500,000. Or a total of $739,407,068, which is nearly as much as the whole cost of the Government when I came to Congress.

Then again the Federal-aid highway system, $125,000,000. Federal-aid secondary or feeder roads, $25,000,000. Elimination of grade crossings, $40,000,000. Public-lands highways, $1,000,000. All of which comprise a total of $191,000,000 more.

Senators will find page after page of such figures. I shall not go through all of them in the Senator's speech, but Senators will find page after page of these enormous sums, one for $6,000,000, one for $18,000,000, one for $1,000,000, another for $2,000,000, another for $200,000; conservation and use of agricultural land resources, $429,000,000, or a total of $458,000,000 in the Department of Agriculture.

In the Department of the Interior, $3,626,000.

And so it is with respect to other departments.

Mr. President, if the Senator will yield further I desire to place in the RECORD the amount that the Federal Government appropriates to various activities in the States, aggregating not millions of dollars, not hundreds of millions of dollars, but more than a billion dollars, most of which goes to employees in the States, every one of whom will be affected by this measure knowingly or unknowingly. It may take them some time to find out that they come under this bill.

I wish to place in the RECORD at this point pages 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, and 525 of the Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1939, giving these facts. I pass the book over to the Senator from Florida to show him what an enormous number of people will be affected by the pending measure. They are spoken of occasionally as "people on relief," or people who might work for one department or for another. But the measure will perhaps affect most of our people in time, and we should be exceedingly careful how we affect persons who are working for the Government and receiving money from the Government.

Mr. President, I ask that the pages of the report to which I referred be placed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables referred to are as follows:

TABLE 60.—*Net expenditures for Federal aid to States, individuals, etc. (exclusive of funds allocated for recovery and relief), fiscal years 1920, 1938, and 1939, and amounts appropriated for 1940, by appropriations*

[1920 on basis of warrants issued, 1938 and 1939 on basis of checks issued]

Appropriation titles	1920	1938	1939	1940 [1]
I. APPROPRIATIONS FROM WHICH DIRECT PAYMENTS ARE MADE TO STATES, INDIVIDUALS, ETC., UNDER COOPERATIVE ARRANGEMENTS				
INDEPENDENT ESTABLISHMENTS				
Federal Power Commission				
Payments to States under Federal Power Act (U. S. C., supp. III, title 16, sec. 810)		$15,387.61	$16,755.52	[2] $19,500.00
Federal Security Agency				
Colleges for agriculture and mechanic arts (U. S. C., title 7, secs. 321, 322; Supp. III, sec. 343d)	[3]	[3]	[3]	2,550,000.00
Further endowment of colleges of agriculture and the mechanic arts (U. S. C., title 7, secs. 321, 322; Supp. III, sec. 343d; annual appropriation provided for 1939, act May 9, 1938, 52 Stat. 336)		[3]	[3]	2,480,000.00
Cooperative vocational education in agriculture	[3]	[3]	[3]	
Cooperative vocational education in trades and industries	[3]	[3]	[3]	20,885,000.00
Cooperative vocational education, teachers, etc	[3]	[3]	[3]	
Cooperative vocational education in home economics		[3]	[3]	52,068.00
Cooperative vocational education in distributive occupations		[3]	[3]	[4]
Cooperative vocational rehabilitation of persons disabled in industry (U. S. C., title 29, secs. 31–45a; Supp. III, title 29, sec. 45b)		[3]	[3]	1,845,000.00
Civilian Conservation Corps (53 Stat. 529, 1253, and 1303; 350 Stat. 310)				295,000,000.00
Grants to States for public-health work, Social Security Act, Aug. 14, 1935 (U. S. C., Supp. III, title 42, secs. 801–803)		[5]	[5]	9,500,000.00
To promote the education of the blind (American Printing House for the Blind) (U. S. C., title 20, secs. 101, 102)				115,000.00
Grants to States under Social Security Act, Aug. 14, 1935 (U. S. C., Supp. III, title 42, secs. 701–705; 711–715, 721)	[6]	[6] [7]	[6] [7]	45,000,000.00
Payment to States, United States Employment Service (U. S. C., title 29, secs. 49–491; Supp. III, title 29, sec. 49d)	[7]	[7]	[7]	[8] 3,480,000.00
Grants to States under Social Security Act (U. S. C., Supp. III, title 42, secs. 301–306)		[11] 258,275,313.97	[11] 305,710,568.64	[11] 358,500,000.00
		258,275,313.97	305,710,568.64	739,407,068.00
Federal Works Agency				
Cooperative construction of rural post roads (U. S. C., title 23, secs. 21, 54) (see also items of similar type under class II)		[9]	[9]	[10]
Federal-aid highway system (U. S. C., title 23, secs. 1–24, 41; Supp. III, title 23, secs. 21a, 23a, 41a)	[9]	[9]	[9]	125,000,000.00
Federal-aid secondary or feeder roads (act June 16, 1936, 49 Stat. 1521, sec. 7)		[9]	[9]	25,000,000.00
Elimination of grade crossings (act June 16, 1936, 49 Stat. 1521, sec. 8)		[9]	[9]	40,000,000.00
Public-lands highways (act June 16, 1935, 49 Stat. 1520, sec. 3)		[9]	[9]	1,000,000.00
				191,000,000.00
Interdepartmental Social Hygiene Board				
Payments for prevention and research, venereal diseases (41 Stat. 888)	$1,759,262.72			
Veterans' Administration				
State and Territorial homes for disabled soldiers and sailors (U. S. C., title 24, sec. 134). (Annual appropriations under title "Salaries and expenses, Veterans' Administration")	1,094,584.44	[12] 649,883.46	[12] 698,948.90	[12] 1,149,301.32
DEPARTMENT OF AGRICULTURE				
Payments to States and Territories for agricultural experiment stations (U. S. C., title 7, secs. 301–306; 361–386f; Supp. III, title 7, secs. 369a, 427–427g)	1,440,000.00	6,229,003.19	6,538,119.74	6,848,750.00
Cooperative agricultural extension work (U. S. C., title 7, secs. 301–308; 341–348; Supp. III, secs. 343c–343e)	4,471,593.71	17,251,746.46	17,821,502.99	18,479,583.00
Payments to States and Territories from the national forests fund (U. S. C., title 16, sec. 500)	1,069,886.88	1,214,547.00	1,135,748.96	1,275,000.00
Payments to school funds, Arizona and New Mexico, national forests fund (act June 20, 1910, 36 Stat. 561, 573, secs. 6, 24)	78,867.32	27,995.05	31,466.22	30,000.00

See footnotes at end of table.

TABLE 60.—*Net expenditures for Federal aid to States, individuals, etc. (exclusive of funds allocated for recovery and relief), fiscal years 1920, 1938, and 1939, and amounts appropriated for 1940, by appropriations*—Continued

Appropriation titles	1920	1938	1939	1940
I. APPROPRIATIONS FROM WHICH DIRECT PAYMENTS ARE MADE TO STATES, INDIVIDUALS, ETC., UNDER COOPERATIVE ARRANGEMENTS—Continued				
DEPARTMENT OF AGRICULTURE—continued				
Payments to counties from receipts under Migratory Bird Conservation Act (U. S. C., Supp. II, title 16, sec. 715s)		$7,904.04	$15,087.60	(7)
Forest-fire cooperation (U. S. C., title 16, secs. 564–570)		1,678,373.68	1,972,968.85	$2,200,000.00
Cooperative distribution of forest planting stock (U. S. C., title 16, sec. 567)		77,641.11	88,212.79	100,000.00
Cooperative construction of rural post roads (U. S. C., title 23, secs. 21, 54) (see also items of similar type under class II)	$20,305,622.75	3,498,142.40	[12] 984,080.74	(9)
Federal-aid highway system (U. S. C., title 23, secs. 1–24, 41; Supp. III, title 23, secs. 21a, 23a, 41a)		[8] 131,227,179.24	122,635,017.96	(9)
Federal-aid secondary or feeder roads (act June 16, 1936, 49 Stat. 1521, sec. 7)		3,198,981.36	16,433,576.39	(9)
Elimination of grade crossings (act June 16, 1936, 49 Stat. 1521, sec. 8)		4,864,784.90	20,976,659.58	(9)
Public-lands highways (act June 16, 1936, 49 Stat. 1520, sec. 3)		1,717,688.84	1,685,706.29	(9)
Conservation and use of agricultural land resources (act Feb. 29, 1936, 49 Stat. 1148)		302,844,206.83	438,770,192.26	429,560,000.00
	27,365,970.66	473,838,194.10	629,088,340.37	458,493,333.00
DEPARTMENT OF THE INTERIOR				
Colleges for agriculture and mechanic arts (U. S. C., title 7, secs. 321, 322; Supp. III, sec. 343d)	2,500,000.00	2,550,000.00	2,550,000.00	(9)
Further endowment of colleges of agriculture and the mechanic arts (U. S. C., title 7, secs. 321, 322; Supp. III, sec. 343d; annual appropriation provided for 1939, act May 9, 1938, 52 Stat. 336)		1,980,000.00	2,480,000.00	(9)
Payments to States from receipts under Mineral Leasing Act (U. S. C., title 30, sec. 191)		1,944,618.95	2,637,036.25	2,500,000.00
Payments to States under Grazing Act, June 28, 1934, public lands (U. S. C., title 43, sec. 315i)		209,945.09	415,659.21	500,000.00
Payments to States under Grazing Act, June 28, 1934, Indian ceded lands (U. S. C., title 43, sec. 315j)		9,021.81	11,922.92	(9)
Payment to States of 5 percent of proceeds of public lands (receipt limitation) (U. S. C., title 31, sec. 711, par. 17; annual appropriation provided for 1939, act May 9, 1938, 52 Stat. 297)		2,855.92	1,523.99	2,000.00
Revested Oregon and California Railroad and reconveyed Coos Bay wagon-road-grant lands, Oregon (reimbursable) (act Aug. 28, 1937, 50 Stat. 874; annual appropriation provided for 1938 and 1939, act May 9, 1938, 52 Stat. 297)			104,689.43	150,000.00
Payment of proceeds of sales of Coos Bay wagon-road-grant lands and timber (receipt limitation) (act Feb. 26, 1919, 40 Stat. 1180; annual appropriation provided for 1939, act May 9, 1938, 52 Stat. 297)		27,576.73	37,279.05	37,771.12
Payment to certain counties in Oregon in lieu of taxes on Oregon and California grant lands (receipt limitation) (act June 9, 1916, 39 Stat. 222, sec. 10, and various supplemental acts; additional annual appropriation provided for 1939, act June 25, 1938, 52 Stat. 1129)		750,807.56	242,514.39	(14)
Payment to counties, Oregon and California grant lands (50 percent)			153,992.01	275,000.00
Payment to counties in lieu of taxes on Oregon and California grant lands, 25 per centum fund (25 percent) (act Aug. 28, 1937, 50 Stat. 875)				
Payment to Oklahoma from royalties, oil and gas, south half of Red River (receipt limitation) (act June 12, 1926, 44 Stat. 740; annual appropriation provided for 1939, act May 9, 1938, 52 Stat. 297)		7,441.52		[13] 9,115.71
Payment to States from potash deposits, royalties and rentals, act February 7, 1927, secs. 5 and 6 (U. S. C., title 30, secs. 149, 285, 286)		30,579.91	44,597.12	37,500.00
Payments to counties from receipts under Migratory Bird Conservation Act (U. S. C., Supp. IV, title 16, sec. 715s)		(4)	(4)	[2] 15,000.00
	2,500,000.00	7,512,847.49	8,679,214.37	3,626,386.83
Office of Education, Vocational Education				
(U. S. C., title 20, secs. 11–30; title 29, secs. 31–35; Supp. III, title 20, secs. 15h–15p.)				
Cooperative vocational education in agriculture	707,130.02	6,405,728.42	6,670,766.81	(3)
Cooperative vocational education in trades and industries	780,096.35	6,760,654.15	6,600,409.95	(3)
Cooperative vocational education, teachers, etc	619,556.42	1,885,025.24	1,876,821.22	(3)
Cooperative vocational education in home economics		3,638,973.32	3,760,859.16	(3)
Cooperative vocational education in distributive occupations		877,668.46	624,140.67	(3)
Cooperative vocational rehabilitation of persons disabled in industry (U. S. C., title 29, secs. 31–45a; Supp. III, title 29, sec. 45b)		1,652,293.89	1,777,858.69	(3)
	2,106,782.79	21,220,343.48	21,310,856.50	
	4,606,782.79	28,733,190.97	29,990,070.87	3,626,386.83
DEPARTMENT OF LABOR				
Grants to States under Social Security Act, Aug. 14, 1935 (U. S. C., Supp. III, title 42, secs. 701–705, 711–715, 721)		7,772,896.67	8,289,657.40	(7)
Payment to States, United States Employment Service (U. S. C., title 29, secs. 49–491; Supp. III, title 29, sec. 49d		3,702,939.12	3,525,735.27	(7)
		11,475,835.79	11,815,392.67	
NAVY DEPARTMENT				
State marine schools, act Mar. 4, 1911 (U. S. C., title 34, sec. 1121)	176,689.36	148,561.80	246,665.69	190,000.00
TREASURY DEPARTMENT				
Grants to States for public-health work, Social Security Act, Aug. 14, 1935 (U. S. C., Supp. III, title 42, secs. 801–803)		8,908,714.63	7,985,119.61	(5)
To promote the education of the blind (American Printing House for the Blind) (U. S. C., title 20, secs. 101, 102)	30,000.00	125,000.00	115,000.00	(5)
	30,000.00	9,033,714.63	8,100,119.61	
Total, class I	35,033,289.97	782,170,082.33	985,666,862.27	1,393,885,589.15
II. APPROPRIATIONS FOR COOPERATIVE WORK WITH STATES [17]				
DEPARTMENT OF AGRICULTURE				
Cooperative construction, etc., of roads and trails, national forests (act July 11, 1916, 39 Stat. 358)	1,699,043.82			
Federal forest road construction (act Feb. 28, 1919, 40 Stat. 1201)	2,550,513.26			
Forest roads and trails (U. S. C., title 23; sec. 23; Supp. III, title 23, sec. 23a)		12,545,410.11	13,016,146.35	10,000,000.00
Cooperative fire protection of forested watersheds of navigable streams (U. S. C., title 16, sec. 563)	86,886.73			
Federal aid, wildlife restoration (act Sept. 2, 1937, 50 Stat. 917)			122,483.24	(15)
	4,336,443.81	12,545,410.11	13,138,629.59	10,000,000.00
DEPARTMENT OF THE INTERIOR				
Federal aid, wildlife restoration (act Sept. 2, 1937, 50 Stat. 917)			(15)	1,500,000.00

See footnotes at end of table.

TABLE 60.—*Net expenditures for Federal aid to States, individuals, etc. (exclusive of funds allocated for recovery and relief), fiscal years 1920, 1938, and 1939, and amounts appropriated for 1940, by appropriations*—Continued

Appropriation titles	1920	1938	1939	1940
II. APPROPRIATIONS FOR COOPERATIVE WORK WITH STATES—Continued				
WAR DEPARTMENT				
National Guard (U. S. C., title 32, secs. 21, 22)	$2,663,485.27	$15,921,329.27	$39,832,397.36	$53,293,645.00
Total, class II	6,999,929.08	28,466,739.38	52,971,026.95	64,793,645.00
Grand total	42,033,219.05	810,636,821.71	1,038,637,889.22	1,458,679,234.15
III. EMERGENCY APPROPRIATIONS FROM WHICH GRANTS ARE MADE TO STATES				
Expenditures by States under allotments from emergency appropriations are included or shown under columns 10, 19, 20, 21, 25, 26, and 27 of the following table, with accompanying explanatory footnotes.				

[1] In addition to the amounts appropriated for the service of the fiscal year 1940, as shown in this column there are under many of the titles unexpended balances of appropriations provided for previous fiscal years which are available for expenditure during 1940 to meet outstanding obligations incurred in such previous years.
[2] Indefinite (special account) appropriation based on certain receipts—estimated amount for 1940.
[3] Transferred from the Department of the Interior to Federal Security Agency pursuant to the Reorganization Act of Apr. 3, 1939.
[4] Transferred from the Department of Agriculture to the Department of the Interior pursuant to the Reorganization Act of Apr. 3, 1939.
[5] Included in $20,885,000.
[6] Transferred from the Treasury Department to the Federal Security Agency, pursuant to the Reorganization Act of Apr. 3, 1939.
[7] Transferred from the Labor Department to the Federal Security Agency, pursuant to the Reorganization Act of Apr. 3, 1939.
[8] Unused balances of amounts appropriated for the fiscal year 1938 for establishing and maintaining public-employment offices also available.
[9] Transferred from the Department of Agriculture to the Federal Works Agency, pursuant to the Reorganization Act of Apr. 3, 1939.
[10] Provided for under following item.
[11] Additional items pertaining to Social Security Act for fiscal years 1938–40 are shown under public-health and employment service.
[12] Transferred from War Department to Veterans' Administration by Executive Order of July 21, 1931. Included in appropriation "Salaries and expenses, Veterans' Administration," beginning with the fiscal year 1934. The Veterans Administration reports expenditures of $698,948.90 during the fiscal year 1939 and an allocation of $1,149,301.12 to cover estimated expenditures during the fiscal year 1940.
[13] For additional expenditures for Federal-aid highways and related projects, from funds under Emergency Relief and National Industrial Recovery appropriations, see columns 5 and 19.
[14] See following item for 1940 account.
[15] Includes $2,115.71 appropriated for the fiscal year 1939 by Third Deficiency Act, 1939, Aug. 9, 1939 (53 Stat. 1313).
[16] Transferred from the Department of Agriculture to the Department of the Interior pursuant to the Reorganization Act of Apr. 3, 1939.
[17] Only the more important appropriations are shown.

NOTE.—The expenditures shown in this table include in some cases administrative expenses. Data for the fiscal years 1921–30 are shown in the annual report for 1930, pp. 617–622, and for the fiscal years 1931–37, in corresponding tables in the annual reports for those years.

TABLE 61.—*Expenditures made by the Government as direct payments to States, etc., under cooperative arrangements and expenditures within States which provided relief and other aid during the fiscal year 1939* [1]

[The records of the Treasury Department except in the cases mentioned in notes at end of this statement, do not show the amounts disbursed or allotted to the several States and Territories under the respective appropriations shown in this statement, such matters being under the control of the department or establishment of the Government that administers the activities covered by the appropriations. The Department, however, for general information has compiled from its records so far as available, and in other cases from figures furnished by the departments and establishments concerned, the following statement, exhibiting by States and Territories the amounts paid to each under the appropriations for Federal aid to States shown under classes I and II in the preceding statement (table 60). Any discrepancies between this and the preceding table are due to unavoidable differences in the bases upon which these figures have been compiled. The amounts in this table, derived from the accounts of various departments and establishments, are not on the same accounting bases, and are consequently not strictly comparable]

DIRECT PAYMENTS TO STATES, ETC., UNDER COOPERATIVE ARRANGEMENTS

States, etc.	Under Department of Agriculture					Under Department of the Interior				
	Agricultural experiment stations	Agricultural extension work	Forest funds, etc.[2]	Wildlife restoration	Highways [3]	Colleges for agriculture and mechanic arts	Payments from receipts under Mineral Leasing Act	Payments under certain special funds [4]	Cooperative vocational education and rehabilitation	Office of Education [5]
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alabama	$162,358.23	$619,207.34	$57,472.95	$13,412.71	$4,271,444.17	$102,361.69	$1,917.38	$195.77	$594,958.08	$3,616.43
Alaska	25,554.06	21,418.00	15,732.99			50,000.00			74,589.18	
Arizona	100,869.74	117,007.52	113,172.62	18,611.66	1,958,167.99	75,326.74		26,429.58	94,827.48	
Arkansas	145,985.30	552,972.73	100,149.45	10,207.39	3,337,172.27	92,678.98		30.00	406,631.57	14,172.26
California	147,699.21	393,801.95	333,636.39	37,268.64	6,350,844.00	139,428.64	1,375,159.32	14,459.87	838,300.67	26,444.86
Colorado	109,627.09	211,339.38	125,295.56	22,438.53	2,524,997.00	82,666.96	56,504.55	18,690.17	192,040.32	1,331.17
Connecticut	107,973.33	129,734.24	13,628.71	2,499.22	620,599.09	89,651.26			222,355.99	4.80
Delaware	94,383.93	73,653.89	3,129.59	1,365.50	506,912.50	72,915.22			99,970.22	
District of Columbia									48,779.66	245,000.24
Florida	116,951.43	219,435.74	119,470.11	12,239.49	1,573,316.15	87,955.15		52.81	253,993.05	7.74
Georgia	166,582.56	701,088.29	81,131.24	13,015.19	2,530,223.66	105,568.93			643,587.47	16,770.74
Hawaii	63,038.10	122,336.76	2,026.57		584,673.84	74,504.47			112,793.91	
Idaho	102,003.74	154,230.01	162,336.74	17,840.74	1,727,324.21	75,442.42	991.64	38,288.07	126,703.76	6,497.25
Illinois	165,893.76	550,834.65	6,668.65	26,139.87	5,917,174.95	163,317.34			1,074,693.35	3,066.04
Indiana	144,882.28	436,740.53	10,843.64	33,209.74	3,802,392.00	109,604.53			508,449.89	3,193.75
Iowa	146,747.81	508,488.28	2,037.40	16,859.04	3,828,741.03	100,217.80			460,100.81	2,710.90
Kansas	133,794.59	384,900.20	1,524.90	16,909.67	3,001,528.66	93,003.25			326,015.53	
Kentucky	159,070.78	603,553.18	20,367.60	12,155.84	2,877,400.00	101,974.51			467,286.38	605.62
Louisiana	138,241.76	439,528.96	58,592.32	11,905.44	1,676,071.01	95,700.97	93,242.52	31.71	418,763.80	1,416.48
Maine	108,105.64	156,068.80	46,251.64	11,030.99	1,383,262.11	79,751.92			130,531.70	
Maryland	114,981.67	195,339.36	13,287.00	5,921.04	1,007,742.00	89,952.37			230,863.43	2,075.85
Massachusetts	105,909.43	137,235.65	28,220.00	5,834.26	1,373,953.29	121,969.69			541,607.01	10,408.35
Michigan	148,596.86	448,989.16	125,409.71	50,682.91	2,860,152.28	129,218.11		24.00	748,109.97	1,369.08
Minnesota	139,697.93	460,131.58	108,641.12	26,352.06	3,076,261.13	101,355.28		8.26	426,629.79	10,995.29
Mississippi	153,569.98	651,140.29	60,166.05	13,774.61	2,887,678.74	94,578.64	8.25	13.01	460,179.31	1,267.77
Missouri	157,346.82	579,039.79	16,094.15	20,248.50	2,429,981.34	114,384.52			578,238.80	
Montana	103,565.27	173,799.74	85,655.71	26,672.39	899,225.79	76,574.53	46,269.15	11,935.65	122,414.28	
Nebraska	123,929.52	343,761.17	7,387.42	20,428.51	2,996,650.25	86,851.48		26.67	252,962.60	
Nevada	92,153.06	73,181.21	24,263.43	16,822.87	2,074,676.00	71,113.57	60.00	55,489.12	97,162.15	
New Hampshire	97,312.55	93,202.53	28,401.00	4,635.12	501,880.93	75,690.19			96,476.19	
New Jersey	116,710.11	171,132.86	37,357.39	9,419.60	1,287,285.54	119,422.57			541,432.21	9,949.64
New Mexico	102,040.88	142,486.20	48,718.51	19,609.56	2,384,372.71	75,176.86	305,686.06	125,136.79	119,686.93	3,956.75
New York	168,602.68	476,995.19	65,756.69	49,458.04	7,989,140.64	223,942.90			1,647,012.54	84,478.13
North Carolina	179,799.50	792,697.00	77,531.08	17,417.70	3,712,877.21	108,770.17			694,694.66	16,870.26
North Dakota	111,581.80	243,868.88	4,223.15	11,491.17	2,361,856.95	78,326.23	11,802.93	24.76	138,079.14	1,155.00
Ohio	171,387.92	580,120.65	10,001.21	39,017.41	4,025,130.59	151,294.28			939,172.82	10,906.84

See footnotes at end of table.

TABLE 61.—*Expenditures made by the Government as direct payments to States, etc., under cooperative arrangements and expenditures within States which provided relief and other aid during the fiscal year 1939*—Continued

States, etc.	Under Department of Agriculture					Under Department of the Interior				
	Agricultural experiment stations (1)	Agricultural extension work (2)	Forest funds, etc. (3)	Wildlife restoration (4)	Highways (5)	Colleges for agriculture and mechanic arts (6)	Payments from receipts under Mineral Leasing Act (7)	Payments under certain special funds (8)	Cooperative vocational education and rehabilitation (9)	Office of Education (10)
Oklahoma	$149,894.48	$531,272.54	$23,202.16	$15,852.80	$3,212,331.00	$99,301.84		$10.04	$465,650.48	$18,224.73
Oregon	107,653.83	186,961.05	258,121.00	19,250.23	1,943,796.07	81,664.12	$126.09	209,498.70	184,214.16	4,887.72
Pennsylvania	207,853.33	617,770.48	50,161.99	46,025.99	5,800,789.65	187,784.41			1,421,111.73	1,516.88
Puerto Rico	82,118.41	139,571.29	2,909.28		359,941.00	50,000.00			293,778.91	
Rhode Island	91,980.86	53,252.01	1,972.00	729.05	396,983.09	78,407.59			130,210.38	793.01
South Carolina	142,031.84	476,878.98	58,183.45	10,169.92	2,234,393.51	91,263.82			391,562.45	14,862.79
South Dakota	111,378.38	259,912.11	28,394.11	13,442.57	1,985,656.32	78,473.05	232.31	20.25	148,320.34	
Tennessee	155,435.90	607,436.19	39,766.87	10,685.40	3,307,433.80	101,998.57			517,120.27	7,305.67
Texas	220,694.16	1,138,696.81	52,661.81	46,238.74	10,479,427.12	141,232.00			1,118,215.82	24,790.43
Utah	99,190.72	121,037.50	33,737.48	15,866.34	2,038,498.74	76,210.60	61,533.05	89,993.46	124,982.76	1,682.40
Vermont	99,162.65	112,749.46	9,250.21	4,324.19	715,032.11	74,397.79			92,001.78	1,258.50
Virginia	152,251.49	513,017.26	40,338.39	14,727.78	3,619,871.86	99,617.47			499,447.84	322.00
Virgin Islands										
Washington	115,826.26	216,208.16	262,201.55	23,439.58	2,458,894.54	89,119.21		360.84	248,431.65	9,509.20
West Virginia	137,086.76	311,783.38	34,880.76	14,912.72	1,469,474.61	91,146.91			287,351.46	
Wisconsin	142,696.77	466,905.12	83,632.18	23,739.07	3,672,565.59	105,941.92		106.71	550,058.24	9,987.21
Wyoming	95,914.58	108,617.22	72,005.43	15,700.21	1,740,360.00	72,758.50	683,503.00	69,869.01	108,303.58	
Total	6,538,119.74	17,821,531.27	3,065,981.36	890,000.00	135,776,559.04	5,030,000.00	2,637,036.25	660,695.25	21,310,856.50	573,501.78

States, etc.	Under Department of Labor	Under Navy Department	Under independent offices			Under Treasury Department	Total direct payments
	U. S. Employment Service (11)	State marine schools (12)	Payments to States under Federal Water Power Act (13)	State and Territorial homes for disabled soldiers and sailors (14)	Payments to States under Social Security Act [6] (15)	To promote education of the blind—American Printing House for the Blind (16)	(17)
Alabama	$63,218.75		$42.53		$2,308,139.61	$5,909.06	$8,204,254.70
Alaska	7,445.00		289.51		304,500.35	77.46	499,606.55
Arizona	12,578.67		321.10		2,017,748.31	1,237.32	4,536,298.73
Arkansas	62,727.23		8.74		1,618,917.36	3,023.91	6,344,677.19
California	190,316.93	$25,000.00	9,757.76	$120,074.04	27,847,006.29	5,302.54	37,854,501.11
Colorado	47,328.94		502.72	11,508.17	7,214,387.27	1,509.77	10,620,167.60
Connecticut	45,850.03			43,493.10	3,824,931.79	1,858.00	5,102,579.56
Delaware	15,455.71				525,429.44		1,393,216.00
District of Columbia					1,267,899.77		1,561,679.67
Florida	91,808.93		.03		3,929,887.52	2,803.66	6,407,921.81
Georgia	93,929.63				3,313,954.18	3,201.73	7,669,053.62
Hawaii	13,008.76				532,866.90	596.43	1,505,845.74
Idaho	15,277.40		1,542.69	8,130.30	2,015,126.15	732.82	4,452,467.94
Illinois	364,405.94			72,955.23	15,678,932.91	8,218.68	24,032,301.37
Indiana	89,694.17			16,469.85	10,072,751.24	3,467.45	15,231,699.07
Iowa	85,513.15			21,084.09	7,899,822.79	4,971.82	13,077,294.92
Kansas	62,190.76			9,167.73	4,323,870.38	2,384.04	8,355,289.71
Kentucky	92,170.92				3,269,059.46	4,768.08	7,608,412.37
Louisiana	61,776.65				4,321,579.70	3,792.44	7,320,643.76
Maine	19,416.67				2,713,733.43		4,648,132.90
Maryland	38,833.33				4,280,857.94	4,273.69	5,984,127.68
Massachusetts	100,232.88	25,000.00		40,243.10	19,177,309.51	6,696.46	21,674,619.63
Michigan	172,125.00		16.89	19,153.60	13,699,320.45	7,532.67	18,401,760.69
Minnesota	65,551.03		11.19	36,727.64	11,253,732.86	4,827.69	15,719,922.85
Mississippi	47,263.52				1,575,940.81	2,617.10	5,948,198.08
Missouri	136,412.58		.28	6,396.57	10,860,514.92	2,898.97	14,901,557.24
Montana	83,019.02		376.50	4,565.37	2,208,285.66	660.75	3,843,019.81
Nebraska	56,534.67		12.57	14,236.03	4,091,628.77	1,544.12	7,995,953.78
Nevada	14,927.13		184.83		536,141.30		3,086,174.67
New Hampshire	14,562.50			4,525.03	1,104,915.10		2,021,601.14
New Jersey	167,725.86			20,453.97	6,862,190.30	1,555.24	9,650,231.35
New Mexico	18,965.86				839,236.55	2,341.27	3,881,728.87
New York	290,502.02	25,000.00		524.06	30,902,821.69	12,696.80	41,936,931.38
North Carolina	84,358.26		35.16		4,552,985.01	7,865.40	10,245,901.41
North Dakota	34,623.49			4,130.13	1,456,089.86	965.54	4,458,219.03
Ohio	309,896.53			45,141.57	19,589,538.50	8,070.48	25,879,668.80
Oklahoma	74,823.42				9,465,063.95	4,283.46	14,059,910.90
Oregon	29,248.11		1,804.13		3,656,325.44	3,779.63	6,687,330.28
Pennsylvania	249,992.47	25,000.00	37.75	23,391.26	22,221,585.11	11,009.22	30,864,030.27
Philippine Islands						471.15	471.15
Puerto Rico			13.25			1,503.36	929,835.50
Rhode Island	19,046.72			7,770.83	1,808,739.55		2,589,885.09
South Carolina	40,889.99				2,340,929.23	2,819.15	5,803,985.13
South Dakota	32,233.83		26.84	10,933.90	2,531,783.05	1,100.92	5,201,907.98
Tennessee	64,348.12		1.88		4,083,835.44	5,038.18	8,900,406.29
Texas	180,937.05				11,843,922.11	11,095.43	25,257,911.51
Utah	11,854.29		779.35		2,756,367.28	805.90	5,432,539.87
Vermont	9,708.34			4,803.97	877,872.04		2,000,561.04
Virginia	58,512.13		23.41		1,954,665.99	4,040.65	6,956,836.27
Washington	59,442.71		790.43	34,861.26	7,352,663.87	2,382.02	10,874,221.28
West Virginia	43,687.50		1.35		3,551,833.17	3,470.81	5,945,629.43
Wisconsin	81,429.46		2.11	12,319.91	8,797,055.65	4,798.73	13,951,238.67
Wyoming	19,771.16		172.52	451.65	729,739.69		3,717,166.55
Total	4,045,573.22	100,000.00	16,755.52	593,512.36	321,985,345.65	175,000.00	521,220,467.94

See footnotes at end of table.

TABLE 61.—*Expenditures made by the Government as direct payments to States, etc., under cooperative arrangements and expenditures within States which provided relief and other aid during the fiscal year 1939*—Continued

GRANTS TO AND EXPENDITURES WITHIN STATES, ETC., PROVIDING DIRECT RELIEF, WORK RELIEF, AND OTHER AID, EXCLUSIVE OF LOANS

States, etc.	Under Department of Agriculture				Under Department of the Interior	Under War Department	Under independent offices				Total payments within States	Grand total
	Highways		Farm Security Administration [7]	Agricultural adjustment program	Puerto Rico Reconstruction Administration [4]	National Guard	Civilian Conservation Corps	Federal Emergency Administration of Public Works grants [7]	National Youth Administration [5]	Works Progress Administration [5]		
	Forest Service [7]	Bureau of Public Roads [3 7]										
	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)
Alabama	$21,439.49	$1,472,167.70	$12,010,616	$33,198,483.01		$739,099.38	$5,016,942.05	$6,459,329.52	$1,608,092.99	$28,268,531.14	$88,794,701.28	$96,998,955.98
Alaska	799,837.38			1,316.44			843,850.23	309,068.90	2,246.10		1,956,319.05	2,455,925.60
Arizona	724,025.93	468,567.79	1,262,518	4,172,099.25		255,796.12	4,859,128.97	2,120,847.40	268,050.47	7,704,994.39	21,836,028.32	26,372,327.05
Arkansas	298,219.85	1,033,874.12	10,428,869	28,971,142.48		869,506.36	6,892,759.24	2,226,828.32	1,602,739.30	24,298,873.00	76,622,811.67	82,967,488.85
California	1,557,355.67	2,322,145.49	5,279,361	15,625,727.75		1,766,583.07	14,575,985.38	18,213,363.68	2,958,606.90	91,955,155.93	154,254,284.87	192,108,785.98
Colorado	874,859.54	1,925,539.16	7,663,442	11,709,214.39		682,281.82	7,108,595.95	3,612,688.41	841,995.71	20,960,036.50	55,378,653.48	65,998,821.08
Connecticut		227,535.75	233,055	565,808.24		1,012,588.19	1,868,809.01	8,922,072.79	851,883.72	23,988,623.44	37,670,376.14	42,772,955.70
Delaware		423,821.07	58,216	707,502.50		266,173.19	934,264.60	735,536.71	77,992.82	2,320,703.79	5,524,210.68	6,917,426.68
District of Columbia	79,132.36	126,451.96	3,854,646	6,548,007.22		432,855.11	560,614.82	2,345,535.40	347,569.74	17,449,885.83	31,744,698.44	33,306,378.11
Florida	44,405.21	576,792.45	3,003,091	4,094,881.62		525,112.81	2,990,039.16	3,528,662.91	1,081,300.47	27,771,303.45	43,615,589.08	50,023,510.89
Georgia	58,848.75	2,721,643.60	9,127,426	31,884,694.98		847,764.96	5,420,865.03	4,738,353.36	1,719,521.99	30,146,836.92	86,665,955.59	94,335,009.21
Hawaii		260,887.86	187,936	13,033,735.00		257,127.02	787,920.78	1,503,395.57	42,150.01	2,191,592.67	18,264,744.91	19,770,590.65
Idaho	1,649,490.40	538,478.09	2,668,292	6,512,493.31		336,655.28	9,113,634.86	1,495,145.99	473,771.55	7,075,012.27	29,882,973.75	34,335,441.69
Illinois	29,020.14	2,550,729.71	4,359,181	20,804,363.08		2,139,294.42	9,530,451.98	22,502,031.21	4,355,539.00	177,837,448.48	244,108,059.02	268,140,360.39
Indiana	798.22	1,360,390.00	4,154,116	12,551,546.84		1,128,823.30	5,297,249.46	11,777,835.36	1,711,799.31	66,263,231.29	104,245,789.78	119,477,488.85
Iowa		937,369.69	4,370,326	30,081,647.16		790,542.78	5,650,717.10	5,765,911.91	931,711.28	21,737,346.23	70,265,572.15	83,342,867.07
Kansas		1,207,365.17	5,313,023	24,537,192.66		628,628.11	2,429,424.33	4,706,981.73	1,429,120.89	21,455,124.47	61,706,860.36	70,062,150.07
Kentucky	53,747.20	850,467.00	2,443,091	10,775,857.28		566,339.21	5,935,509.43	5,792,563.63	1,822,082.07	37,592,514.86	65,832,171.68	73,440,584.05
Louisiana	21,803.12	1,181,393.34	5,290,408	22,548,943.66		372,130.16	5,194,937.25	9,453,670.21	1,734,155.63	26,782,798.19	72,550,239.56	79,870,883.32
Maine	8,410.42	479,418.01	1,941,198	2,203,816.39		471,808.16	1,494,819.42	1,929,295.59	628,700.19	6,323,989.83	15,481,456.01	20,129,588.91
Maryland		1,215,617.29	874,966	2,060,268.61		892,182.74	3,638,109.89	6,530,620.33	449,276.21	10,022,426.32	25,683,467.39	31,667,595.07
Massachusetts		1,177,147.03	274,308	587,870.80		2,211,176.58	3,416,947.34	12,197,302.49	2,264,145.46	100,810,480.41	122,939,378.11	144,613,997.74
Michigan	157,741.28	1,222,330.80	2,783,960	11,556,083.49		1,206,177.49	8,202,355.47	13,953,865.90	2,725,342.86	121,341,103.06	163,148,960.35	181,550,661.04
Minnesota	147,603.01	900,858.36	3,999,157	17,536,519.05		1,112,646.04	8,222,257.29	6,953,577.91	1,828,130.92	52,228,044.31	92,928,793.89	108,639,716.74
Mississippi	79,804.85	1,039,418.42	8,154,878	36,830,508.54		458,940.88	5,419,183.18	4,499,936.51	1,286,483.21	21,027,627.35	78,796,780.94	84,744,979.02
Missouri	81,815.88	757,674.00	7,239,588	17,764,488.94		1,200,272.25	7,661,642.47	10,420,370.92	1,902,114.56	66,996,020.50	114,023,987.52	128,925,544.76
Montana	1,125,127.82	802,927.63	6,231,174	8,660,170.01		291,457.98	5,518,131.70	2,260,948.80	561,000.80	15,322,195.45	40,773,134.19	44,616,154.00
Nebraska	$8,237.13	989,720.31	6,750,620	18,316,740.94		205,485.75	2,803,074.11	6,270,590.84	584,006.50	20,349,193.25	56,547,678.83	64,543,632.61
Nevada	261,932.66	811,096.59	195,787	167,288.20		82,075.41	3,463,198.02	295,478.97	50,333.47	1,744,357.71	7,071,548.03	10,157,722.70
New Hampshire	56,561.74	292,380.43	325,673	414,262.33		326,543.60	1,681,844.47	2,013,228.42	329,029.17	7,020,575.78	12,460,098.94	14,481,700.08
New Jersey		735,872.34	623,426	1,233,097.30		1,422,579.14	4,111,268.80	10,056,124.40	2,379,288.68	80,707,853.66	101,269,510.32	110,919,741.67
New Mexico	575,171.29	372,589.86	1,113,883	2,773,807.29		255,480.48	7,101,027.65	1,301,668.94	582,075.79	8,285,335.68	22,361,039.98	26,242,768.85
New York		3,138,563.44	1,762,682	3,698,489.87		3,820,309.21	10,091,066.80	55,571,914.90	7,617,256.87	234,221,592.40	319,921,575.49	361,858,806.87
North Carolina	159,278.46	2,180,498.45	5,933,561	21,965,154.74		657,880.70	7,474,677.43	8,823,737.27	1,609,473.84	22,751,727.91	71,555,989.80	81,801,891.21
North Dakota		1,378,345.03	9,337,959	17,105,663.55		230,752.77	1,308,194.69	1,199,828.32	786,158.18	9,633,764.52	40,980,666.06	45,438,885.09
Ohio	135.20	2,030,460.66	4,576,558	12,232,757.71		1,969,017.22	5,979,798.00	23,887,584.23	3,453,235.85	201,223,087.55	255,352,634.42	281,232,303.22
Oklahoma	6,140.99	795,691.04	7,000,373	28,402,634.93		1,009,345.07	6,561,996.50	5,516,827.27	2,261,976.04	35,232,412.09	86,787,396.93	100,847,307.83
Oregon	1,668,613.73	696,313.92	2,277,425	4,409,350.33		680,668.81	10,464,716.58	3,141,432.27	495,234.67	13,658,109.19	37,491,864.50	44,179,194.78
Pennsylvania	64,300.62	2,948,445.92	1,705,349	4,394,489.86		2,688,772.75	9,573,339.01	26,903,286.85	5,299,193.74	204,909,632.29	258,486,810.04	289,350,840.31
Philippine Islands				29,442.26							29,442.26	29,913.41
Puerto Rico	2,860.57	76,066.00	140,309	11,313,378.41	$10,541,255.68	227,896.36	1,044,838.69	2,274,789.56	46,945.25		25,668,339.52	26,598,175.02
Rhode Island		323,100.82	77,892	59,007.90		370,363.90	747,579.87	3,416,467.75	454,324.29	13,945,896.47	19,394,633.00	21,984,518.09
South Carolina	67,677.11	1,006,253.02	4,990,591	21,102,543.44		534,491.77	5,694,164.75	10,939,131.01	1,085,992.59	21,869,248.17	67,290,092.86	73,094,077.99
South Dakota	134,733.58	879,275.60	9,437,237	15,068,586.00		273,806.60	3,310,991.14	558,178.36	843,426.61	10,245,372.41	40,751,657.30	45,953,565.28
Tennessee	62,908.75	617,594.02	2,857,038	16,531,254.95		690,543.71	6,914,062.60	6,498,571.50	1,576,282.53	23,325,967.19	59,074,233.26	67,974,639.55
Texas	72,219.32	3,067,015.55	11,420,798	95,061,700.76		1,893,360.33	10,913,769.06	13,878,189.51	3,345,933.28	52,235,561.01	192,488,546.82	217,746,458.33
Utah	475,993.85	379,015.06	1,337,498	3,501,987.02		330,481.27	5,606,148.22	1,572,335.70	540,014.00	8,628,436.55	22,371,909.67	27,804,449.54
Vermont	28,712.41	171,707.61	297,073	1,021,203.49		227,852.53	3,363,128.32	1,081,890.36	134,860.80	4,500,730.72	10,827,159.24	12,827,720.28
Virginia	157,761.82	1,281,435.51	1,805,052	6,162,155.72		757,169.91	10,389,094.20	7,400,564.58	1,236,804.63	14,381,487.49	43,571,525.86	50,528,362.13
Virgin Islands			22,288				242,134.34	16,818.00			281,240.34	281,240.34
Washington	903,784.96	956,629.57	2,240,545	5,090,635.00		862,527.52	7,467,389.43	9,853,107.88	930,552.90	35,240,124.77	63,545,297.04	74,419,518.32
West Virginia	130,884.92	1,220,597.84	3,236,591	1,845,992.28		306,278.94	4,671,883.62	3,349,422.81	1,537,732.71	28,662,335.51	44,961,719.63	50,907,349.06
Wisconsin	152,846.44	1,331,661.21	5,005,061	11,127,702.79		1,020,575.35	8,616,089.21	9,025,098.67	2,033,402.57	59,045,750.38	97,358,187.65	111,309,426.32
Wyoming	616,347.80	334,531.22	3,535,334	3,498,020.76		214,502.06	5,045,533.40	653,855.30	157,848.94	2,960,643.97	17,016,617.45	20,733,784.09
Total	13,420,589.88	55,795,872.54	201,203,495	682,651,740.53	10,541,255.68	42,520,734.57	283,226,155.30	390,455,865.14	75,146,908.06	2,144,651,096.75	3,899,613,713.45	4,420,834,181.39

[1] Amounts shown in the numbered columns are based upon figures furnished by departments and agencies of the Government as follows: 1–5 and 18–21, Department of Agriculture; 6, 7, 8, and 9, Department of the Interior; 12 and 13, Treasury Department (based upon warrants issued); 10, 15, 22, 25 (in part), 26 and 27, Treasury Department (based upon checks issued); 11, Department of Labor; 16, American Printing House for the Blind; 14, Veterans' Administration; 23, National Guard Bureau, War Department; 24, Civilian Conservation Corps; 25 (in part), Federal Emergency Administration of Public Works.

[2] Column 3 includes $1,135,748.97 payments from the national forests fund; $31,466.22 payments to school funds, national forest fund; $15,087.60 payments from receipts under Migratory Bird Conservation Act; $1,793,317.99 forest fire cooperation; and $90,360.58 cooperative distribution of forest planting stock.

[3] Column 5 includes $96,417.34 cooperative construction of rural post roads (regular); $117,623,331.60 Federal-aid highway system (regular); $16,142,638.15 Federal-aid secondary or feeder roads (regular).

[4] Column 8 includes $1,523.99, 5 percent funds to States (lands); $430,582.13 payment to States from receipts under Grazing Act of June 28, 1934, public lands; $44,597.12 potash deposits, royalties and rentals; $50,000 proceeds of sales of Coos Bay wagon road grant lands and timber; $110,291.04 payments to counties, Oregon and California grant lands (special fund); $43,700.97 payments to counties in lieu of taxes on Oregon and California grant lands, 25% fund (special fund).

[5] Columns 10, 22, 26, and 27 represent expenditures from allocations under the Emergency Relief Act of 1935 and supplemental acts. Column 19 represents expenditures under the same acts of $30,133,943.10.

[6] Column 15 includes $305,710,568.64, Social Security Board; $8,239,657.40, Department of Labor; $7,985,345.65, Treasury Department, Public Health Service.

[7] Columns 20 and 25 represent expenditures under the several relief acts. Columns 18 and 19 include allocations under the National Industrial Recovery Act of $3,282.31 and $1,894,723.77, respectively.

NOTE.—This statement does not include appropriations made by Congress for direct relief or loans to States on account of floods, hurricanes, fires, drought, etc.

Mr. BROWN. Mr. President, will the Senator yield to me for just a moment?

Mr. PEPPER. I yield.

Mr. BROWN. Last Friday afternoon the distinguished senior Senator from Virginia [Mr. GLASS] addressed the Assembly of the State of Virginia at Richmond, and apropos the matter to which the Senator from Tennessee has just been referring, an article published in the Richmond Times-Dispatch, says this, speaking of Senator GLASS:

He swung next to the charge that Congress is trying to dictate as to the qualifications of State officeholders.

Quoting Senator GLASS, the article says:

It is a miserable invasion of States' rights. The Federal Government is trying to usurp the powers of the States. I hope you stand up for your State's rights.

I always feel happy when I am in the presence of the senior Senator from Virginia. I feel that I am in good company when I am voting with him, as I am upon this proposition. The speech I refer to is a very fine one, one which I think contains the gospel which has been so often preached by the senior Senator from Virginia, and I ask unanimous consent that the account of his remarks before the Virginia Assembly, contained in the Richmond Times-Dispatch of March 9, be printed in the Appendix of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McKELLAR. Mr. President, may I interrupt the Senator from Florida to say just one more word?

Mr. PEPPER. I yield.

Mr. McKELLAR. Of course, I endorse all that the Senator from Michigan has said about our distinguished statesman, the Senator from Virginia [Mr. GLASS], who is the chairman of the Committee on Appropriations, to which I referred just a few moments ago.

Mr. President, after examining the report of the Secretary of the Treasury, if we shall then pass the pending bill I wonder who is going to be free to vote at all. Where are we going to find voters in the next election? The great body of the people is connected directly or indirectly with these appropriations.

Mr. PEPPER. Mr. President, I wish to express my very great thanks to the able Senator from Tennessee for this very valuable contribution he has made. The magnitude of the reach of this bill will not be appreciated until, if it occurs, the unhappy event of its passage shall already have shocked the people of this country.

I want to thank the Senator from Michigan also.

I very frequently disagree with the able senior Senator from Virginia. I realize that it is my ignorance and his wisdom that produces that disagreement. But I imagine that one of the reasons that the able Senator from Virginia [Mr. GLASS] opposes many measures which come before this body is because he has seen the creeping extent of the Federal power until he knows not where it will stop, and he fears what may be its inevitable consequence upon our system of dual sovereignty in this country.

I am sure it is not because he opposes good or because he wants to retard progress. As I stated with respect to the pending measure, it is not because we want to encourage pernicious political activity; but when the State and Federal Governments join hands in an enterprise, we do not want one partner in the enterprise to try to dictate all the terms of the conduct of the partnership. That is what the bill, if passed, would mean.

The bill contemplates an entire change in the philosophy of Federal contributions. I thought that Federal contributions were for the purpose of equalizing the abilities of the several States to perform certain public services. I thought that Federal contributions were based upon the Federal Government recognizing that it has a share of the responsibility for the construction of highways or for carrying on this or that enterprise. I did not know that the Federal Government usurped the prerogative of dictating the minutiae of the manner in which the activity must be carried on. I thought the Federal Government was a partner in the enterprise, contributing part of the money and rendering part of the assistance. But this bill would have us say to the State our relation is not a partnership but "We are the master and you are the slave. You must do it our way, even in minute detail. You must restrict every activity of your employees, not ours, to standards which we approve, whether you approve them or not." If that is not transgressing upon sovereignty, if that is not breaking down the rights of the States, I do not know what it is.

What alternative do we leave the States? To say, "We will not take the funds." But in this day and time to deprive States of such funds means that they are to be severely penalized. They are to be discriminated against as members of the family of States. It is as though a parent put a proscription upon the conduct of his son before he might share in the patrimony of his father. It is a discrimination we have no right to make except upon a legitimate basis.

I have looked into the provisions of the social-security law. That is the only example which has been cited in the debate in which we have provided that those who are not under civil service or under the merit system shall have their political conduct in local affairs proscribed. That was done by administrative regulation, and not by the law of Congress. Section 2, subparagraph (a), subdivision No. 5, of the original act provides that a State plan to be approved by the Social Security Board must—

Provide such methods of administration as are found by the Board to be necessary for the efficient operation of the plan.

Before the State could have its plan approved by the Social Security Board it had to meet that standard; but there was no language in the law such as the language found in this bill. In the new law, which was passed by the previous Congress, the language is as follows:

Provide such methods of administration, including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Board shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods as are found by the Board to be necessary for the proper and efficient operation of the plan.

There was no such language in that law as that which my amendment proposes to strike out of this bill, namely, that:

No such officer or employee shall take any active part in political management or in political campaigns.

The proscription of political activity was put in by the Social Security Board, an administrative agency, on its own initiative, without any suggestion or instruction whatever from the Congress or the Executive to that effect.

We now see an instance in which we first authorized the promulgation of rules and regulations by the Social Security Board, as was formerly done by the Civil Service Commission. We now go another step in the process of creeping governmental paralysis which so afflicts those in legislative office. We now go further and for the first time in American history, so far as I know, provide in the language of the bill itself—not in the administrative regulations—that an employee of a State agency, who may be competent to do his job, who may be filling the duties of his office honorably and well, who may be a man or woman of good character and good standing in his community and State, may not go to the courthouse or to the street corner to engage in political conversation or activity on behalf of a member of his own family who is a candidate for an office in his own precinct if the agency for which he or she works receives any Federal funds whatever, no matter how much of a duty the Federal Government may owe to help the State agency.

This is the most monstrous effort to extend the Federal power, the most outrageous attempt to impose the Federal will upon every beneficiary of the Federal bounty, which to my knowledge has ever been proposed in the American Congress; and it is done under the pretense of clean politics.

Mr. President, if we do this, and the creeping paralysis continues to proceed, where in the name of heaven shall we go tomorrow, next week, or next year? It seems to me that there is a sphere in which the State governments may properly

operate, in which they have their own orbits, as it were; and there is a proper orbit for the Federal authority. There are times when it is difficult to reconcile the two. There are times when it is desirable that there should be an intimacy of relation between the two, or perhaps they should be in partnership in an enterprise.

No partnership destroys the entity of the partners, Mr. President. A partnership preserves the sovereignty of the individual partners in every respect, because they deal as equals and not one an inferior of the other. They are colleagues and comrades in the same cause; and one is not the minion and the other the master.

So this bill would change the whole philosophy of Federal contributions. It would provide that when the Federal Government makes a contribution and the State accepts it it bows its head to every whim, every exercise of caprice, and every gesture of arbitrary action which a Federal Government may desire to impose or suffer the penalty of discrimination in receiving its share of the public money, which it partially contributes.

The proponents of the bill, especially Senators on the other side of the Chamber, are always saying that we on this side are trying to regulate the people's conduct, that we are trying to tell the people how to act, how to use their property, and how to exercise their authority in whatever sphere they may move and have their being.

What about this case? In this case they on the Republican side are the ones who are seeking to regulate. Usually I am on the regulating side and the Members on the other side of the aisle are on the nonregulating side. They are against it. I refer to the Senators whom the able Senator from Indiana [Mr. MINTON] so aptly described as "rubber stamps." He and I are usually the victims of that castigation, and perhaps many times with propriety. In this case at least we deserve to be free from the obloquy of that term, whatever it may be, and yield precedence and honor to the distinguished Senators on the other side of the aisle who are trying to impose the shackles of the Federal power upon the liberties of the American citizens.

Is there anything in Mr. Glenn Frank's report about the Hatch bill? I thought Republicans believed in liberty. I thought they believed in the freedom of the citizen, unrestrained, untrammeled, and unhampered. I thought those rugged individualists on the other side of the Chamber believed that man almost rises above mortality, and has the right of the Gods to soar in glorious immunity from any kind of restraint, from edifice to edifice, or from peak to peak, or cloud to cloud. They pretend to believe in that kind of freedom for the American citizen. They pretend to believe in doing away with Rooseveltian restrictions and the choking hand of the Federal power. Yet, when a question of political advantage to them is presented they try to regulate someone else's conduct.

We are trying to regulate the stock exchanges. We are trying to regulate the big utilities companies. We are trying to regulate those whose wealth and power extend across State lines. We are trying to regulate those who, by reason of their wealth and financial position, possess an economic power greater than that possessed by any Governor in America. The proponents of this bill say that we are bad in doing that. But they would regulate with the strong arm of the Federal Government the little, timid, hesitant, embarrassed school teacher in a rural district of America, who receives less than $500 a year salary, if she dares to say to her friends that she hopes they will vote for her brother to be superintendent of public instruction or a member of the school board in her county.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. RUSSELL. The Senator has made reference to those whose wealth extends across State lines. I do not agree with the Senator's views on the original Hatch Act or the pending legislation, which I am supporting, but I cannot refrain from expressing my disappointment that the Senator from New Mexico—whose plume I have followed in all of these battles—did not accept the amendment offered by the Senator from Alabama [Mr. BANKHEAD] or some modification of that amendment. Certainly the unrestricted use of money in political campaigns is the most corrupting influence to which the electorate of the United States is subjected.

The Senator's reference to those whose influence extends across State lines reminded me of happenings in my State in the year 1936, in which it happened that I was a candidate for reelection as a Member of this body. In that year citizens of great wealth in other sections suddenly manifested a great interest in the political affairs of the State of Georgia. A gentleman named Mr. Du Pont, a gentleman named Mr. Raskob, and their associates sent a considerable sum of money into the State of Georgia to mold political sentiment in that State. A committee of the Senate uncovered $42,000 of that money. That much was admitted. I felt some of the impact of that expenditure in my campaign for reelection in that year.

If we are going to proceed with this sort of legislation, I hope we shall not allow our perspective to be blurred by the bitterness which this debate apparently has engendered, and vote against a proposition of the kind submitted by the Senator from Alabama, which would have extended the restrictive power of the Federal Government to the possessors of great wealth. In many instances these men leave their own States and go to other States in which they have no direct political interest in an effort to influence politics and affect elections. They either hope to start a wave of political sentiment which will be felt in their own States or expect the power of the purse to dominate all of the political life of the Nation.

If the consideration of this bill is to proceed, I hope the Senator from New Mexico and those who have been most closely associated with him will permit some amendment to be made to the bill which will at least place some restriction on the unlimited use of wealth in political campaigns. Since the issue has been raised here, we should not proceed with this legislation, as I see the matter, without at least condemning and attempting to restrict practices through which those with vast sums of money have sought to corrupt the electorate of States of which they were not even residents.

I hope we shall be able to view this matter calmly if another amendment is offered restricting the use of money in political campaigns, in order that we may deter those who seek to spend unlimited amounts of money to debauch elections. I do not think this legislation would be complete without some provision of that sort, and I hope the Senator from New Mexico will work out something along that line, and offer it as an amendment to this bill, in order to show that we are willing to attempt to utilize the restrictive power of the Federal Government to protect the ballot, whether the offender be rich or poor, ward heeler or millionaire. Exempt no evildoer. Let us proceed without fear or favor to strike down the most pernicious of all pernicious political activities.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. I yield.

Mr. CONNALLY. Let me suggest to the Senator, along the lines of the interpolation of the Senator from Georgia, that probably all of us have seen the picture which has been exhibited here lately, Gone With the Wind, to which the Senator from North Carolina [Mr. BAILEY] very eloquently referred yesterday, which vividly recalls the days of the carpetbagger in our section, supported by the bayonet and the saber. Does the Senator from Georgia mean to say that we now have a form of carpetbaggers from Delaware who go down and control or seek to control elections in Georgia, which would be permitted under this bill, and yet a citizen of Georgia, because he happens to be a county school trustee, is denied political activity in the expression of his own opinion, though he is a sovereign voter and a citizen of the State in which that activity is supposedly legitimate, and is opposed by carpetbaggers from Delaware who probably have more influence in certain quarters than the humble citizen who may voice his views and opinions?

Mr. RUSSELL. Mr. President, I do not desire to be drawn into a controversy as to the extent to which the pending legislation operates. There seems to be a decided difference of opinion. The Senator from New Mexico, whose views I have accepted, states that the bill does not bind the hands of local trustees. I do not desire to be drawn into that sort of controversy; but I do say that the Senate should not be so blinded by the feeling that has been engendered in this debate that they will refuse even to consider amendments which would tie the hands or close the purses of those who have huge sums of money and do not hesitate to send it out into the four corners of the United States to influence political campaigns.

The bill certainly would not be complete without a condemnation of such practices. Merely because some feeling has been manifested in this debate, we should not take the position that we will not accept any proposition as an amendment to the bill unless it is suggested by my good friend from New Mexico. He has done his part in seeking to elevate the tone of political activities in this country; but certainly others of us here have a responsibility to seek to go further than this legislation goes, and make an earnest effort to keep closed the purses of those who contribute vast sums to influence political campaigns in this country.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. RUSSELL. The Senator from Florida [Mr. PEPPER] has the floor.

Mr. PEPPER. I yield to the Senator from New Mexico.

Mr. HATCH. I merely want to say to the Senator from Georgia that I appreciate everything he has said, and I fully understand his earnestness and sincerity, and I shall be most happy to work out adequate legislation along the lines he is discussing. It happens that I do not believe the matter of political campaign contributions will be reached or corrected by a mere prohibition. It requires legislation of a very different character than that, in my opinion—legislation on which I am working, and which I hope eventually will be passed. I do not hope to have it passed at this session, because I have already seen what we run into if we start anything in a campaign year; but action along that line is not as far distant as perhaps the Senator may think.

I am confident that the discussions we have had on this bill and on the bill last year—the passage of that legislation and the passage of this legislation—will lead on to the enactment of still better and still stronger legislation which will completely correct and cure the things of which the Senator has spoken, and which, without question, should be corrected. I want to help to do it. The Senator has been in charge of numerous bills, and he knows how amendments are sometimes added here and there which may be offered in good faith; but sometimes a bill becomes so weighted down with amendments that it is impossible to secure any legislation at all on the subject.

Mr. BANKHEAD. Mr. President, will the Senator indulge me?

Mr. PEPPER. I yield to the Senator from Alabama.

Mr. BANKHEAD. There is no weighting down about a little limitation on the amount of money that may be used when it is proposed to stop pernicious activities in politics by the excessive use of money. I am going to present the amendment tomorrow with some larger amount permissible, and I want another vote on the matter.

Mr. RUSSELL. Mr. President, will the Senator yield to me for a moment?

Mr. PEPPER. Yes.

Mr. RUSSELL. I certainly hope nothing I have said will be taken as a reflection on the zeal, the enthusiasm, or the competence of the Senator from New Mexico in legislation of this kind. I have been amazed at his grasp of all the various ramifications of this legislation, particularly in view of the many charges which have been made as to its scope and effect; but it is impossible for one man to attempt to deal with all matters. I do hope, however, that the Senator will give consideration to these amendments which would penalize the undue use of money in political campaigns. It may not be an auspicious time, but it seems to me the Senator has the votes to handle the bill as he sees fit on the floor of the Senate, and it might be that this would be the best opportunity those of us who would like to place some limitations on the use of money in campaigns would have to see such a measure enacted into law. If we wait until next year, we do not know what will be the complexion of the Congress. I am hopeful and believe there will be a Democratic administration; but an election is coming on, with a possibility, even though remote, of a change in the national administration.

I would like to see some simple amendment adopted which would penalize the excessive use of money in campaigns. I do think that the amendment proposed by the Senator from Alabama was perhaps a bit too drastic, but such legislation would have a deterrent effect. We have standing committees to investigate campaign expenditures. As I have said, the so-called Black committee uncovered these contributions in my State, and it was admitted by the donors that the money was contributed for political purposes. If we had had a penal statute at that time against such a practice, those persons could have been prosecuted, and it certainly would have had a very salutary effect on the political life of the country as a whole to send a few of them to jail.

I know how we all feel when amendments are offered by those who are opposed to our bills.

Mr. HATCH. The Senator from Alabama said he would not vote for the bill.

Mr. RUSSELL. I understand. We should all beware of Greeks bearing gifts, and we do not want to weight down this legislation, but I think some reasonable amendment would be helpful.

Mr. HATCH. I will cooperate with Senators if they will come forward on the floor of the Senate—as happened when the Senator from Maryland [Mr. TYDINGS] made his first proposal—with an earnest proposition to improve the bill, and will get behind it and support it, and I will go much further than they will, but I am not going to travel the road with a man who says, "You take this, and I will knife your bill in the end."

Mr. RUSSELL. I can appreciate the feelings of the Senator from New Mexico, I know how he feels about the proposed legislation, but it seems to me that we have gotten into the unfortunate position of voting on amendments, not on their merits or demerits, but with regard to the views on the general legislation of the Senator who offers the amendment. If the pending bill is to be finally enacted into law, I regard this as being a most propitious and auspicious time to attempt to place some limitation on campaign expenditures. No political machine, however ruthless, can be more vicious in its effect than selfish interests who seek to control elections with money. Unrestricted use of money in political campaigns constitutes the greatest threat to free elections and, indeed, to our institutions of government.

Mr. ADAMS. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. ADAMS. It seems to me that the suggestion just made overlooks the strategic situation here, that those who favor the bill have an army made up of two groups, and it is sought to take out the means of conducting a campaign which one group has, but you could not expect to hold your army together if you took out the means with which the other group expects to conduct its campaign. I recognize that if, when the Senator from Alabama presented his amendment, it had been made a part of the bill, there would have been a very formidable and a very compact part of the organization which would have lost interest in the bill. They are only interested in striking out the officials of one army. They do not want to take out the ammunition and the munitions with which the other army has to fight. I am anxious, of course, to avoid seeing this great army divided.

Mr. PEPPER. Does the Senator by any chance mean that he fears that the 23 might "skidoo" under such circumstances? [Laughter.]

Mr. ADAMS. I happened to meet a situation like that described by the Senator from Georgia. I once ran for office,

and money came into my State from the outside. It came in in a very effective, formidable way. I think that the most crucial and critical thing in American politics is the use of money. I have tried to draft right here at my own desk some means of stopping it. The Senator from New Mexico naturally wants to have his bill passed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. ADAMS. In just a second I will be glad to yield. I have the utmost admiration for the intensity of feeling and the devotion which the Senator has toward his bill, but at the same time he has a very practical mind, and I do not think it is fair to ask the Senator to incorporate in his bill things which will drive off part of the army which he must have if he is going to win.

Mr. HATCH. Will the Senator yield now?

Mr. ADAMS. Certainly.

Mr. HATCH. The analysis of the situation is correct, and this side of the army has already "skidooed," as the Senator from Florida has said, and if we drive off the other side of the army, where will the Senator from New Mexico be?

Mr. ADAMS. I think that is a very frank statement.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. I do not wish to delay matters, but any Senators who have ears must certainly have heard the remark going about on the floor of the Senate; I have heard it not once, but a number of times, from some of the leaders of the opposition to the bill, namely, "Let us load it down with any amendment, vote for any amendment which anyone offers." Just a few moments ago a Senator expressed to me an intention to vote for any amendment at all calculated to weaken the bill and then to vote for the bill on final passage.

Mr. PEPPER. I wish to make just a brief comment, and then I will yield to the Senator from Kentucky.

I wish to express my particular gratitude to the Senator from Georgia for the suggestion he made. I had an astonishing experience in my State last year. In one of the counties in the State on the west coast, in Manatee County, Fla., a man walked up to me and said, "Senator, I want to tell you something which you probably do not know. I was on the pay roll of the American Association of Manufacturers during your campaign in 1938, to campaign against you, and distribute literature against you in the State of Florida."

That would have been all right under the Hatch law, and if this bill were law as it is proposed today, that would still be all right, but if an employee of the State road department in my State, just because the Federal Government is helping to build roads in my State, because citizens of other States outside of Florida travel on those roads, had gotten out and campaigned for me, then he would have lost his job, or the State of Florida would have been penalized in the matter of appropriations from the Federal Treasury, and that fellow probably never could have gotten his job back. That simply goes to show that the law is not practically conceived. Its purposes are noble, but it is overzealous in its effort to accomplish the purpose the author had in mind. As Mr. Hoover said about prohibition, it would be a noble experiment, and it would succeed about as prohibition succeeded.

Mr. BARKLEY. Mr. President, is the Senator about to conclude?

Mr. PEPPER. I should like to conclude briefly tomorrow, if it would be agreeable to the leader.

Mr. BARKLEY. It is agreeable to me. The Senator realizes that except for unanimous consent, unless he is recognized first, there will be no priority of recognition tomorrow merely because the Senator has the floor today, but I am sure there will be no trouble about that.

Mr. PEPPER. It is my amendment which is pending.

Mr. BARKLEY. I had hoped that we might bring the bill to a vote today, but of course that is impossible. I express the hope that we can vote on the bill tomorrow. I have not made any request for unanimous consent today because I have been assured by Senators who are opposing the bill that they are not seeking to delay a vote but that they will cooperate to try to bring the consideration of the bill to a conclusion. I certainly hope we may vote on the bill finally tomorrow before we adjourn.

Mr. PEPPER. To indicate to the Senator my own good faith, I will make this statement to the Senator from New Mexico, that if the amendment I have offered, which merely strikes out lines 21 and 22 on page 4, shall be adopted, I will vote for the bill.

Mr. HATCH. Mr. President, I may say to the Senator that if those lines were stricken out I doubt whether I would vote for the bill.

Mr. PEPPER. Mr. President, I ask unanimous consent that I may resume tomorrow at noon.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none.

Mr. DANAHER. Mr. President, I wish to call the attention of the Senate to the fact that on June 16, 1938, the junior Senator from West Virginia [Mr. HOLT] submitted for publication in the appendix of the CONGRESSIONAL RECORD an article entitled "Campaign Contributions."

To that particular article students of the subject under discussion will some day refer for enlightenment upon the subject, and in due course, in the consideration of this measure, it will be discussed.

In volume 83, part 11, of the RECORD, being the appendix, at page 3107 and following pages, there appears a list of the individual contributors to the Democratic campaign book for 1936, as well as the corporations involved in the contributions. That list runs through many pages, and includes hundreds, in fact, thousands of names.

In addition, Mr. President, to that, taking the time of the Senate but a moment further, I send to the desk and ask to be printed in the RECORD as part of my remarks at this time, and without being read, an article from the Washington Herald of this morning, March 13, 1940.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the Washington Times-Herald of March 13, 1940]

FAVORS SOLD BY NEW DEAL, HAMILTON SAYS—ATTACK ON FARLEY LISTS GIFTS TO DEMOCRATS

A blast at Democratic Boss Jim Farley was fired by Republican Chairman John Hamilton last night in response to Farley's refusal to drop the sale of convention books as a means of raising party funds.

Hamilton said he was not surprised that the Democratic National Committee showed little regard for the Federal Corrupt Practices Act, which prohibits corporations contributing to national political committees. In 1936 the Democratic committee raised $1,246,763 from the sale of convention books to corporations and others, including $379,750 for the sale of the $250 de luxe books autographed by President Roosevelt.

"RED HERRING" CHARGED

The Republican chairman asserted Farley had attempted to "draw a red herring across his smelly convention-book operations" by citing several large contributors to the 1936 Republican campaign.

"The truth of the matter is," he declared, "that the largest single contribution to the 1936 campaign was made to the Democrats by Walter A. Jones, the Pittsburgh oil man. According to the official records, Mr. Jones contributed the sum of $104,500 to the Democratic campaign that year. There was also recorded a loan of $50,000 from Walter A. Jones to the Democratic National Committee in that year."

CONTRIBUTORS LISTED

Hamilton then listed a number of other large contributions to the 1936 Democratic campaign, as follows:

Mr. and Mrs. A. J. D. Biddle, Jr., New York, $13,700.
R. W. Bingham, London, England, $15,000.
Curtis Bok, Philadelphia, Pa., $25,000.
R. E. Buck, Fort Worth, Tex., $13,700.
Mr. and Mrs. W. L. Clayton, Lookout Mountain, Tenn., $16,250.
Doris D. Cromwell, Somerville, N. J., $50,000.
Mr. and Mrs. Joseph E. Davies, Washington, $17,500.
Bert Fish, Deland, Fla., $13,000.
James W. Gerard, New York, $28,000.
F. J. Lewis, Chicago, Ill., $10,000.
Lucius Manning, Chicago, Ill., $25,000.
Arthur Mullen, Omaha, Nebr., $13,200.
Floyd Odlum, Jersey City, N. J., $10,000.
Fred Pabst, Milwaukee, Wis., $10,000.
J. M. Patterson, New York, $24,100.
Lewis S. Rosenthal, Greenwich, Conn., $17,500.
Joseph M. Schenck, New York, $10,000.
Nicholas Schenck, New York, $10,000.
Emil Schwartzhaupt, New York, $11,510.

Clara D. Sevier, Corpus Christi, Tex., $10,000.
B. E. Smith, New York, $10,000.
L. C. Steinhardt, United States Embassy, Sweden, $10,000.

Mr. MINTON. Mr. President, in order that the readers of the CONGRESSIONAL RECORD may have some further information along the lines indicated by the Senator from Connecticut, concerning campaign contributions, I want them to turn to the CONGRESSIONAL RECORD of July 15, 1932, and read the remarks of Mr. O'Connor beginning on page 15516, and extending to and including the top of page 15522. There will be found there some very interesting reading about Republican campaign contributions.

Mr. RUSSELL. Mr. President, does the Senator from Kentucky seek to have any agreement as to bringing the pending legislation to a conclusion?

Mr. BARKLEY. Not today.

Mr. RUSSELL. Does the Senator intend to proceed with this legislation until its final passage by the Senate?

Mr. BARKLEY. That is my purpose.

Mr. RUSSELL. I should like to make a brief statement, in view of the misconstruction of my effort to try to secure action on the appropriation bill on Monday last. It seems that it was construed by some persons as an effort on my part to sabotage the Hatch bill. It was not nor was there anything unusual in my request. That is the first time the Senate has refused to lay aside pending business in order to take up for consideration an appropriation bill. I also understood that the majority leader thought it was in a way a reflection on his leadership, and that he had made a statement to that effect to certain Senators.

Mr. BARKLEY. If the Senator has heard that I made any such statement as that, it is without foundation. I had never intimated any such thing, and I never thought of it, because the Senator was within his rights; and I had no such thought at all concerning the Senator's activity in that regard. I think the Senator from Georgia did what he ought to have done; and neither I nor anyone else supporting this legislation thought the Senator from Georgia, by the motion he made, was attempting to sabotage or otherwise cripple the pending legislation.

Mr. RUSSELL. I was not disturbed by that as much as I was by the reports which came to me, and I thought on good authority, that the Senator from Kentucky, in his discussion with other Senators before the vote was taken on my motion, had appealed to them to vote against the motion.

Mr. BARKLEY. Oh, no; I made no appeal to anyone. I do not now recall whether I made any statement on the subject on the floor; but, if I did, that is all I said about it. I appreciated then, and I appreciate now, the Senator's attitude on the Hatch bill. I appreciate his earnestness in trying to forward the appropriation bill; and if anyone reported to the Senator that I intimated that he in any way was trying to do anything to interfere with this bill, or in any way questioning my position here, I never entertained such a thought.

Mr. RUSSELL. At least two Members of the Senate evidently misunderstood some statement which the Senator from Kentucky made. I did not hear that the Senator charged the motion on the agricultural appropriation bill was to sabotage the Hatch bill, but that it was a challenge to his leadership.

Mr. BARKLEY. I cannot recall or even imagine any statement I made on that subject that any Senator could misconstrue; but if I did say anything from which a Senator could have derived such a construction, I will say it was entirely unfounded. I never entertained such a thought, and I never said or intimated such a thing to anyone.

Mr. RUSSELL. I am happy to hear that statement. Of course the Senator knows that on Thursday of last week I went to the office of the Senator from Kentucky, the majority leader, and told him that the committee had concluded the hearings on the agricultural appropriation bill, and discussed with him the time when the Senate could properly proceed to its consideration.

Mr. BARKLEY. That is true.

Mr. RUSSELL. At that time the Senator from Kentucky told me that he had promised the Senator from Mississippi [Mr. HARRISON] that he might proceed with the reciprocal trade agreements extension on Monday, and that the agricultural appropriation bill could not be considered unless it was agreeable to the Senator from Mississippi. Not only did I enlist the interest of the majority leader, but I sought also to interest the minority leader, the able and distinguished Senator from Oregon [Mr. MCNARY], in securing the consideration of the appropriation bill; and on several occasions I also discussed the matter with the Senator from Mississippi. The Senator from Mississippi very generously agreed that I might proceed with the appropriation bill on Monday; and the first time I knew there had been any change in the program, and that the pending bill would not be laid aside, was on Monday, shortly before the vote was taken, when I went over and spoke to the Senator from Kentucky; and he told me at that time that he preferred to proceed with the Hatch bill. In accordance with the understanding I had had previously, and in accordance with the statement I had made to a number of Members of the Senate, I then made the motion to proceed with the consideration of the appropriation bill. The full committee would not have reported the bill had we not expected to bring it before the Senate on Monday and the subcommittee would have been spared working unusually long hours.

Mr. President, I have no apologies for making that motion. I still think it would have been proper for the Senate to lay aside the pending business and to consider the appropriation bill. I believe if that course had been followed we would have already passed the appropriation bill and would have been just as far along with this bill as we now are. The delay could not have hurt the Hatch bill, but it may mitigate against the committee amendments to the farm appropriation bill. I am anxious to have that bill considered at the very earliest date the Senate is willing to consider it. However, I think the proprieties require me to keep the majority leader advised as to motions which may be made affecting procedure, and I did not wish anyone to misconstrue the intent of my action because I had conferred with the Senator from Kentucky.

Mr. BARKLEY. The Senator is correct. I explained to the Senator when he came to my office about his bill that we had expected to take up the trade-relations bill as soon as it was reported from the committee. That was the understanding in the committee. We had no information that the agricultural bill would be ready to take up by Monday or the latter part of last week. A conference had been held among members of the Finance Committee, and it was unanimously agreed that the trade-relations bill ought to precede the agricultural bill; and when the Senator spoke to me about it I told him that, so far as I was personally concerned, I was committed to the Senator from Mississippi [Mr. HARRISON] in the matter of program to get up the trade-relations bill. Subsequently things happened which probably none of us anticipated in regard to both bills, as well as the pending bill. It was obvious when the Senate met on Monday that it was not willing to sidetrack this bill for the agricultural bill or any other bill.

Mr. RUSSELL. I ascertained that as a fact.

Mr. BARKLEY. Before the vote was taken it was perfectly obvious that it would not be done. The Senator was not only acting within his rights but in the performance of his duty as the Senator in charge of the agricultural bill.

Mr. RUSSELL. I felt that I was acting in the performance of my duty both to the committee and to the agricultural interests of the country.

Mr. BARKLEY. I so construed the Senator's action, and I now so construe it. Although I voted against his motion, I construed it to be his duty, and he would not have been loyal in the performance of his duty under the instructions of the committee if he had not made the motion.

Mr. RUSSELL. I appreciate that statement.

Mr. BARKLEY. I will say to the Senator from Georgia that he can always be depended upon to be on guard

whenever agriculture is involved. I will also say to him that I appreciate the support he has given to the Senator from New Mexico in the advocacy of the pending bill. I think no one who knows the Senator from Georgia would say or think that he had voted in this matter, or in any matter, for the purpose of sabotaging any bill.

Mr. RUSSELL. I was not disturbed about the idea of sabotage of the Hatch bill as much as I was by the report which had come to me of the statements of the Senator from Kentucky with reference to the motion. That report indicated I had not shown respect for his position of leader.

Mr. BARKLEY. I am glad to assure the Senator that such statements are not correct.

Mr. BROWN. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. BROWN. There has been considerable discussion by the Senator from Missouri [Mr. CLARK], the Senator from Georgia [Mr. RUSSELL], and the Senator from Kentucky [Mr. BARKLEY] about the gossip which has been circulating on the floor of the Senate. Has the Senator heard that the immortal 23 on the other side are discussing this possible eventuality? I have heard it asserted that the real purpose of the majority leader [Mr. BARKLEY], the Senator from New Mexico [Mr. HATCH], the Senator from Georgia [Mr. RUSSELL], who is interested in the consideration of the agricultural bill, and the Senator from Mississippi [Mr. HARRISON], is to take up the time of the Senate between now and the 1st of April so that there will be no possibility of considering the Tobey resolution before the census starts.

Mr. BARKLEY. I appreciate the facetiousness of the statement of the Senator from Michigan.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MINTON. I send to the desk certain amendments to the pending bill and ask that they may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendments will be printed and lie on the table.

Mr. MINTON. If the Senator from Kentucky will yield further, I ask unanimous consent that the pending bill, as amended, may be printed and placed upon our desks so that we can see what it is all about.

The PRESIDING OFFICER. Is there objection?

Mr. BARKLEY. Does the Senator mean printed with the amendments adopted up to this time?

Mr. MINTON. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers for promotion in the Marine Corps.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of Alva M. Beers, to be postmaster at Alburtis, Pa.

POSTMASTER, MAGNOLIA, ARK.—GLENN G. MARTEL

Mr. MILLER. Mr. President, I ask unanimous consent that the nomination of Glenn G. Martel to be postmaster at Magnolia, Ark., which was reported by the committee earlier in the day, but which is not yet on the calendar, be now confirmed.

The PRESIDING OFFICER (Mr. WILEY in the chair). Is there objection?

Mr. McNARY. Did the committee act favorably?

Mr. MILLER. Yes.

Mr. McNARY. And there is a report?

Mr. MILLER. Yes.

Mr. McNARY. The nomination has not reached the calendar, but the Senator asks unanimous consent that it be now confirmed?

Mr. MILLER. Yes.

Mr. McNARY. I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

COAST GUARD OF THE UNITED STATES

The legislative clerk proceeded to read sundry nominations in the Coast Guard of the United States.

The PRESIDING OFFICER. Without objection, the nominations in the Coast Guard are confirmed en bloc.

POSTMASTER, WALDOBORO, MAINE—NOMINATION RECOMMITTED

Mr. McKELLAR. Mr. President, on page 2 of the calendar, No. 1701, is the nomination of Annie D. Thompson to be postmaster at Waldoboro, Maine. At the request of another Senator I ask that that nomination be recommitted to the committee.

The PRESIDING OFFICER. Without objection, the nomination will be recommitted to the committee.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of postmasters are confirmed en bloc.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 36 minutes p. m.) the Senate took a recess until tomorrow, Thursday, March 14, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 13 (legislative day March 4), 1940

COAST GUARD OF THE UNITED STATES

TO BE LIEUTENANT (JUNIOR GRADE)

Clarence Norman Daniel

TO BE LIEUTENANTS

Arthur James Beckwith
Russell Edwin Yates

TO BE CHIEF BOATSWAINS

Gillis G. Cook
Lubin P. Paxton
Wilhelm K. Bode
Samuel Krauss
James N. Rasmussen
Louis I. Reilly
Charles B. Berniard
Arthur J. Schletker
John A. Anderson
Clifford W. Evenson
Jens H. Jensen

TO BE CHIEF MACHINISTS

Marcus B. Jacobsen
Frederick de Castro
John R. McCauley
Hans Odin
James C. Creeden

POSTMASTERS

ARKANSAS

Glen G. Martel, Magnolia.

COLORADO

Mae L. Lewis, Gilman.
M. Ethel Guire, Uravan.

IDAHO

Willis M. Sears, Albion.

INDIANA

John J. Wintrode, Andrews.
Emma Knesek, Cedar Lake.
Roland T. Jones, Chrisney.

Albert Spanagel, Lawrenceburg.
Henry E. Delp, Marshall.
Joseph M. Bowen, Mishawaka.
Hugh G. McMahan, Rochester.
James E. Purkiser, West Baden Springs.

IOWA

Mary A. Waters, Delmar.
Jurgen B. Boldt, Jesup.

KANSAS

Harold J. March, Bucklin.
George R. Cleveland, Fort Dodge.
Kathleen M. Malone, Herndon.
Ruth Hopson, Phillipsburg.

MAINE

Joseph M. Mountain, Dexter.
Henry H. Higgins, Ellsworth.
Charles A. Robbins, Lincoln.
Opal F. Temple, Monticello.
Edith B. Holden, Oakfield.
Linwood J. Emery, Sanford.

MONTANA

Carl A. Walker, Musselshell.

NEBRASKA

David A. Rose, Brunswick.
Maurice W. Ahern, Carroll.

NEW YORK

Harry Averill, Adams Center.
Estell R. Harrington, Alexander.
Thomas F. Reilly, Bear Mountain.
Edwin G. Champlin, Cherry Creek.
John Frank Gagen, Cutchogue.
Victoria C. Moore, Dryden.
Bess J. Smith, Hammond.
Elsa D. Hart, High Falls.
George E. Blust, Holland Patent.
Howard R. Stevens, Hopewell Junction.
Glenn C. Edick, Lacona.
Theodore W. Cook, Montauk.
Emily B. Koons, Manlius.
Carson C. Faulkner, Margaretville.
Katherine W. Davis, Miller Place.
John H. Douglass, Orient.
Mae J. Pessenar, Pine Hill.
Robert E. Boslet, Syosset.

SOUTH CAROLINA

Robert A. Deason, Barnwell.
Helen Van Keuren, Cayce.
Kirby Melton, Chesterfield.
Marjorie E. Chumley, Slater.

WISCONSIN

Jean A. Henning, Altoona.
Dale Leslie Waller, Boulder Junction.
Oscar A. Peterson, Granton.
Mabel A. Dunwiddie, Juda.
Anna Metz, Little Chute.
John R. Bernard, Necedah.
Ethel E. McKnight, Oakfield.
Maude A. Whalen, Pelican Lake.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 13, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. RAYBURN).

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

As the Father hath sent me into the world, even so have I sent you. Teach us, O Lord God, that there is a divine purpose in each life. Do Thou send us forth to the pasture lands of truth and feed our souls upon the hilltops of the spiritual; there show us how to wait in holy silence till Thou hast made Thy will known to us. We pray Thee to inspire us dauntlessly to grasp the higher, the larger, and the completing realities of our Saviour. Amid the clanging discords of men and nations, substitute the Christian unity revealed in our Lord and Master. We thank Thee that Thou art the bread of life, and Thee alone do we seek. We need God manifest in the flesh, God stooping to our lowliness, God strengthening our weakness and lifting us to the high, still places where life is tranquil and sweet and its loveliness is immortal. Through Christ our most merciful Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8641. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes.

TREASURY AND POST OFFICE DEPARTMENT APPROPRIATION BILL—1941

Mr. LUDLOW submitted a conference report and statement on the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein radio addresses by Senator WAGNER, of New York, and Senator DOWNEY, of California, and others on the American Forum of the Air.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. SMITH].

There was no objection.

Mr. MICHAEL J. KENNEDY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include an address made by Archbishop Spellman, of New York, and also an editorial in this morning's New York Times.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. KENNEDY]?

There was no objection.

UNITED STATES CODE CONGRESSIONAL SERVICE

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. KEOGH].

There was no objection.

Mr. KEOGH. Mr. Speaker, there is presently being issued, by the West Publishing Co., a United States Code Congressional Service, which includes all the public acts being passed during this present session and which will later be classified and incorporated into the United States Code. There are also conveniently listed therein Executive orders and proclamations. The editor in chief of that company which is the official editor of the United States Code, working under the supervision and direction of the Committee on Revision of the Laws, has graciously consented to add to the mailing list Members of the House who may desire to receive this current pamphlet service. Those who desire to be placed on the list should communicate with the chairman of the Committee on the Revision of the Laws and we shall be very happy to do the necessary.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. PATMAN]?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from a distinguished constituent relative to the census taking.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. TREADWAY]?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the secretary of the Salinas (Calif.) Chamber of Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. ANDERSON]?

There was no objection.

EVERY MAN TO HIS TRADE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, this morning's Times-Herald quotes the Secretary of the Interior, Harold L. Ickes, as saying:

> When Tom Dewey first accepted the role of "clamor boy" for the Republican Party, I remarked that he had tossed his diaper into the ring. As the result of subsequent education in infant's intimate garments, I hereby make a public correction. I shouldn't have said diaper. A diaper has to be pinned up both front and back.

This statement shows how little the proud father of a sometime proud son has learned about pinning on diapers from his recent experience.

As the Secretary by this time should know, if he has—and I assume he has—been performing as a good husband, a diaper should be put on in this manner, if you follow the method used in the "horse and buggy" days:

You first fold the diaper into a triangle in this way; then you spread it smoothly on the bed or crib in this manner; then you place the baby on it, back down, one point of the triangle pointing toward the baby's feet, and laying between its legs. I regret the Secretary is not here so that the instruction might be visual.

Then you take the two points of the diaper, draw them over the baby's hips just below the navel; hold them in your left hand and, with your right hand, pick up in this manner the third point which was down by the baby's knees; draw it up to the other two points and insert your pin—of course, a safety pin—in the diaper, Mr. Secretary, not in the baby—and one pin—not two—is needed.

If you want to do a little fancy pinning and fasten the baby's stockings, then you use two more pins—one over each leg where the diaper, as it comes around the exterior and interior portion of the baby's leg, meets, and there you pin those two edges and the stockings together.

I would not be so explicit, were it not that I hope the Secretary of the Interior will profit by this information. He may even issue a bulletin on it.

I have been told, although I have had no practical experience, that another way is to fold the diaper into a rectangle, pull the lower edge up between the baby's legs and fasten with a pin at the hip on each side.

It is barely possible that Dewey may, before he is through, pin a diaper over the lower part of Secretary Ickes' face and so stop Ickes' picturesque descriptions of other people and their motives.

Perhaps Secretary Ickes should be transferred to the Department of Agriculture. Agriculture frequently uses a large, wide vehicle, with spikes on a roll on the back end, which, at certain seasons of the year, makes frequent trips between the barnyard and the fields.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a speech given by Senator BRIDGES in Dallas, Tex.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. HAWKS]?

There was no objection.

MANHATTAN-BROOKLYN TUNNEL

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, yesterday morning I was very much surprised and disappointed to find that the Reconstruction Finance Corporation had loaned $57,000,000 for the purpose of putting a tunnel under the river from Manhattan to Brooklyn in New York City. This will be a toll tunnel, the charge to be 25 to 50 cents. This tunnel is within half a mile of the Brooklyn Bridge, which is free and serves practically the same territory, and three blocks farther away is the Manhattan Bridge, another free bridge. I cannot see how such a project can possibly pay out. I do not believe the Reconstruction Finance Corporation ought to loan that amount of money in that kind of a situation.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial concerning the Wheeler-Lea railroad bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OF CODE OF LAWS FOR THE DISTRICT OF COLUMBIA RELATING TO MURDER IN THE FIRST DEGREE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 186) to amend section 798 of the Code of Laws for the District of Columbia relating to murder in the first degree, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? [After a pause.] The Chair hears none, and, without objection, appoints the following conferees: Messrs. NICHOLS, EBERHARTER, and DIRKSEN.

There was no objection.

NEW CODE OF LAWS FOR THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may be discharged from the further consideration of the bill (H. R. 8891) authorizing the appointment of a commission to prepare a new Code of Laws for the District of Columbia, and that the bill be referred to the Committee on Revision of the Laws.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANNOUNCEMENT

Mr. RANDOLPH. Mr. Speaker on roll call No. 42 and roll call No. 43 I was absent from the Chamber due to a slight illness. I should like to say that had I been present, on the first roll call, I would have voted "nay," and, on the second roll call, I would have voted "yea."

EXTENSION OF REMARKS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by Hon. CLIFFORD R. HOPE on a Nation-wide radio hook-up last night.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MONEY

Mr. KELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLER. Mr. Speaker, I simply wish to call the attention of the House to an extension of my remarks appearing in the Appendix of the RECORD, page 1393, on the subject of money. This address is simply the chapter on that subject taken from my book Prosperity Through Employment. I have received many letters from persons all over the country asking me either to print a small book on that subject or give it greater publicity than the sale of the book has done. Among others, Senator Robert L. Owen has for a long time insisted on my doing this, giving it as his opinion that this chapter is the best short statement on this subject ever written. A fair understanding of the subject of money is of primary importance at the present time. It lies at the foundation of recovery. I therefore asked and received the consent of the House to place it in the RECORD, and I respectfully commend it to the attention of my colleagues. I intend shortly to submit a statement on inflation and deflation, to which I shall call attention at that time.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain editorials on the Great Lakes-St. Lawrence deep-waterway project.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOVING PICTURE ON THE HISTORY OF THE UNITED STATES

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MERRITT. Mr. Speaker, in 1939 the United States New York World's Fair Commission, in its Federal Building, showed a moving picture, The History of the United States. We intend to show this picture in 1940 for the Members of the House and the Senate. We have extended an invitation to attend the showing of this picture tomorrow evening at the departmental auditorium, on Constitution Avenue between Twelfth and Fourteenth Streets. We trust that all the Members of the House and the Senate will come and bring their wives and see this great picture. It truly is a masterpiece. It was produced at no cost whatever to the World's Fair Commission.

[Here the gavel fell.]

LEGISLATIVE APPROPRIATION BILL, 1941

Mr. RABAUT, from the Committee on Appropriations, reported the bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes (Rept. No. 1764), which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. RICH reserved all points of order on the bill.

Mr. RABAUT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes; and, pending that motion, I ask unanimous consent that general debate run along today until we make a decision as to the termination of the debate, the time to be equally divided and controlled by myself and the gentleman from Pennsylvania [Mr. RICH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8913, with Mr. COSTELLO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. RABAUT. Mr. Chairman, I yield myself 15 minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question before he begins his statement?

Mr. RABAUT. I yield to the gentleman from New York.

Mr. TABER. Last year there was considerable agitation as to whether or not the House Chamber was safe, and a special engineering appropriation was provided to investigate that question. I did not notice anything in the report about the matter and I am wondering if the gentleman is now prepared to give us any information along that particular line.

Mr. RABAUT. I would say to my friend from New York that I have not the data with me here, but there has been an investigation made by the Bureau of Docks, by the Bureau of Standards, and by the Architect of the Capitol, and by some consulting engineers. A committee has been appointed consisting of the Senator from Texas [Mr. CONNALLY] and myself, and we thought a little further data on the subject ought to be obtained before submitting something on the matter later this year. It has been impossible to do anything on the roof in the time that has elapsed since the matter was first brought to the attention of Congress because of the fact we had a special session last fall. If anything is to be done about it, the information will be given to the committee sometime between now and the close of the present session.

Mr. Chairman, this is a small appropriation bill as appropriation bills go, but it is the most important bill in the whole category, because it contains provision for all of the tools by which Members are able to perform their legislative duties, to say nothing of the pay and mileage and stationery.

The subcommittee which considers this bill always has a number of particular problems. Everything covered in this bill is close at hand. For many of these things there are 435 managers in the House and 96 in the Senate, which makes it difficult at some times but pleasant most of the time. I want to extend my thanks to the members of the subcommittee who served with me, Mr. FERNANDEZ, Mr. MCANDREWS, Mr. RICH, and Mr. STEFAN, who acted for our colleague, Mr. POWERS, who was engaged in the military hearings. We missed the gentleman from New Jersey, but in Mr. STEFAN we had a capable "pinch hitter" who takes a live interest in all legislative matters and gave us the benefit of his experience and advice. This is the first time the gentleman from Pennsylvania [Mr. RICH] has been able to sit with the subcommittee, because he has been engaged on other subcommittees. I want to say for him that he cooperated in every way in helping us to write a good bill, and even though he asked every important witness before the committee where the money was coming from, I think he still is seeking an answer. He helped us make these good cuts and I hope he will help us sustain them here. The gentleman is an industrious and conscientious public servant and it was a pleasure to work with him. Need I say anything about the loyal and friendly qualities of JIM MCANDREWS and "JO" FERNANDEZ? You know their lovable and capable characteristics as well as I do. So you need not wonder why I am proud to be the subchairman of such a group.

In the total expenditures estimated for next fiscal year, 1941—in excess of $8,000,000,000—this bill of around $24,000,000 represents about three-tenths of 1 percent for the legislative branch.

In framing the bill the committee has been actuated by the purposes which have governed the action of the committee at this session to cut wherever possible without injury to the public service. This is largely a maintenance bill with many salaries and expenses that we cannot get along without. It contains very little of new construction, except such as may come under the Architect of the Capitol, so that opportunities to make cuts are somewhat limited.

The Budget estimates which were considered were $25,785,612; the committee has cut these by $1,877,868; this is a decrease of 7.2 percent.

Comparing this cut with a range of from 3 to 10 percent in the estimates on other bills, the committee feels that it has done a good job.

The bill carries a total of $23,907,744.

It is $626,301 over the 1940 appropriations and I will discuss this figure later.

I want to tell you first where we cut the total of $1,877,868 from the estimates.

We cut $158,000 off the item for the repair of the Capitol terraces, and I will also discuss that a little later.

We eliminated $390,000 for paving the plaza and roadways of the Capitol Grounds. This is an item that we cannot much longer put off, but in view of the terrace and roof work and the heavy hauling involved we felt it ought to wait until they were over.

We cut $73,000 from the Senate Office Building estimates, as that is Senate business and we left that for them.

We cut $108,000 from the estimate for elevator replacement in the old office building. By allowing $6,000 for new doors and other devices for these elevators they will be in good condition for a few years and are not so urgent at this time.

We cut $167,000 from the Capitol power plant, denying an item for installation of an ash eliminator and some other improvements that are not essential now.

We eliminated $100,750 in improvements in the old Library Building, including the following: $30,000 for renewal of pneumatic tube system, $10,000 for a sprinkler system for the grounds, $55,750 for cleaning the exterior, and $5,000 for a study of air conditioning.

We eliminated $64,000 for furniture, equipment, and cases for the Library buildings.

We eliminated $90,000 for new greenhouses for the Botanic Garden Nursery at Poplar Point and the removal of some old greenhouses down here near the conservatory. By spending $1,500 these old houses can be made to last a year or two more.

We eliminated $730,730 from Library of Congress estimates, which I will also discuss later.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield to my colleague from Michigan.

Mr. DONDERO. The gentleman is making a very interesting statement, and my attention was challenged by the statement of the gentleman about the entire cost of the House of Representatives being three-tenths percent. The gentleman did not make a complete comparison, but I thought the gentleman had in mind a comparison with other Government expenditures or the total expenditures of the Government.

Mr. RABAUT. I stated that the total estimated cost of running the entire Government this next fiscal year is about $8,000,000,000, and the cost of the legislative branch is about three-tenths percent of that amount.

Mr. DONDERO. That is, as compared with the total Government expenditures?

Mr. RABAUT. Yes.

I now come to the increase of $626,301 over 1940. We had to make provision for some items in this bill about which we had no discretion and which required substantial increases over 1940. These items which I am about to give are the main increases over 1940:

Increase in Senators' clerk hire, on a 12-month basis in 1941, instead of 6 months for 1940	$179,400
Increase in Members' clerk hire for the same reason	328,500
Increase in telegraph for the House, due to increase in rates by the Federal Communications Commission	30,000
Repair of the terraces of the Capitol	350,000
Paving of the parking lot near the new House Office Building for use of Members and employees	27,849
Improvements in the old House Office Building to provide storage space and elevator repairs	40,000
New cases, stacks, and equipment for the Library Building	78,299
Increase for the Library of Congress	340,791
Increase for the Government Printing Office	180,000
These main increases amount to	1,554,839

They are offset by nonrecurring items totaling around $900,000, leaving a net increase amounting to a little over $600,000.

The two increases for Senators' and Members' clerk hire are automatic. The new act went into effect January 1, 1940, providing for these extra clerks, and the appropriations for 1940, therefore, only had to cover 6 months of this fiscal year. We must provide in this bill for the entire fiscal year 1941, which accounts for the increase of a little over $500,000.

The Federal Communications Commission has increased the Government rate for domestic messages, effective January 1, 1940. Heretofore the rate for the Government has been 40 percent of the commercial rate, and that has been raised to 60 percent. They have the authority to make this change, and we must pay the increased cost.

The repair of the terraces of the main Capitol Building has given the committee a great deal of concern. The estimate was $508,000, which included the provision of a number of office rooms and cutting windows in the exterior of the terrace walls. We have eliminated this feature and confined the item strictly to a repair and reconstruction job. It is an item that has been deferred several times, and we feel, and the Architect of the Capitol feels, that it should not be further put off. The terraces constitute the one-story structure that surrounds the north, west, and south sides of the building. The roof forms a walkway or plaza above the space underneath which houses a few offices, shops, equipment, document storage, and other utilities for the main building. The terraces have an over-all length of 1,460 feet, average 60 feet wide, and comprise a square-foot area of more than 2 acres. They are supported by brick columns, on which rest iron beams supporting a waterproof membrane—or what was waterproof—covered with a 5-inch unreinforced concrete slab. There are some 70 skylights in this walk area, and the plaza is entirely surrounded by a stone balustrade. The waterproofing membrane beneath the concrete is gone and the concrete is sagging and cracked, and the area leaks badly in many places. The vast expanse of concrete, stone, and iron is subject to considerable expansion and contraction due to the exposure of the sun's heat in midsummer, and in many places the balustrade is out of line and at one spot more than 3 inches. There are over 80 breaks in this balustrade, of varying degrees in width, due to this settling and expanding and contracting. After a careful study of the problem, the only solution seems to be to take off the paving and membrane down to the iron supports. There has been so much leakage that there is some uncertainty as to just what condition those beams may be in. They may in some places be badly corroded. It is proposed to replace the membrane with a suitable up-to-date waterproofing material and to lay 3-inch marble blocks on sand and install flashing. All skylights which now are so productive of leaks will be eliminated. No changes are contemplated in architectural design. The only purpose is repair, and the characteristics of this part of this historic building will not be altered.

There are a number of urgent and expensive improvements waiting to be made on the Hill—the roofs for the Senate

and House wings, the repaving of the plaza and roadways, and this item.

We feel that the terraces and the roof item should precede the paving as there will be much heavy hauling for the roofs and the terraces and the old paving should endure that load and incidental damage.

The parking lot near the new House Office Building belongs to the Government and is used by Members and their clerks. It is now covered with coarse cinders, is rough, poorly arranged, and not properly drained. It is also dusty and not satisfactory for the purpose. The amount allowed of $27,849 will place the lot in suitable condition with a 3-inch bituminous paving over the area, proper concrete bumpers, drainage, and so forth. It will accommodate 277 cars.

[Here the gavel fell.]

Mr. RABAUT. Mr. Chairman, I yield myself 15 additional minutes.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Washington.

Mr. HILL. Have the gentleman and his committee had an opportunity to investigate the conditions in the schoolrooms for the pages? It seems to me we could use some money there to provide better lights and better conditions generally.

Mr. RABAUT. Under this item for repair of the terrace, those rooms will be taken care of and some additional space will be given to the pages' schoolrooms, so they will not be so crowded.

Mr. HILL. I am glad of that.

Mr. RABAUT. I was down there and personally investigated the matter, I will say to the gentleman.

The improvements in the old House Office Building contemplate alterations in the attic to provide 192 storage rooms for Members in that building similar to the storage rooms provided for Members in the new building and to remove a fire hazard that now exists in that space; this will cost $20,000. Another $20,000 will replace the present freight elevator in the southeast corner of the building, which has been there since the building was constructed and has reached the end of its usefulness and safety; this will cost $14,000 of the $20,000. The other $6,000 is to improve the safety devices on two inside elevators on the northwest corner of the old building by putting in modern doors and locking devices so as to make them more safe. These installations can be made use of when these elevators are replaced. They are old elevators, but are in fair condition, due to their limited use.

We have provided some new metal map cases, new stacks, and other equipment for the Library of Congress properly to house and care for the constantly increasing quantity of books and other material. Some of this is to replace wooden cases that constitute fire hazards and are cumbersome and space occupying compared with the new steel cases.

Part of this equipment is to house the storage of catalog cards which are sold by the Library and constitute a profitable business, the revenues amounting to over $300,000 a year. The law division also needs some new stacks to accommodate its growth, and provision is being made for stacks and cases to accommodate some 30,000 volumes of reference books and 40,000 volumes of rare books, 99 percent of which are out of print.

The $180,000 for the Government Printing Office includes $45,000 for the Office of the Superintendent of Documents to cover additional employees and supplies and catalogs to handle the increasing sales and distribution of Government publications. Receipts from sales of Government publications now amount to close to $1,000,000 a year, and every effort is being made by the Public Printer to stimulate this phase of distribution of publications.

I now come to the item which gave the committee more concern and difficulty than any other. I refer to the Library of Congress. The Budget estimates from the Library presented an increase of $1,070,000 and called for 287 new positions.

I want to go back a little and give you a historical background of the institution. Dr. Putnam had been Librarian for 40 years. During the past decade the Library had become very congested due to the constant increase in books and other library material, and there was neither space to house the material properly nor to accommodate employees properly to catalog, classify, and sort it. When the new annex was opened Dr. Putnam submitted his estimates to care for this material and go to work on the arrearages that had accumulated due to the inadequacies of space in the old building. He asked for 200 new positions and about $700,000 increase in money. He was about to retire and a new Librarian was to come in. The committee felt it was only fair, if there was to be a change in administration over there, that the new man should have a chance to look over the plant and personnel and conditions generally and formulate his own policies and conclusions. So Dr. Putnam's increase was eliminated, with a few exceptions, to await the new Librarian's conclusions.

Mr. MacLeish was appointed on October 1, 1939, just 15 days before the estimates for the Library for the fiscal year 1941 were due in the Bureau of the Budget, according to law. He consulted with the chairman of the Appropriations Committee, Mr. TAYLOR, and wrote me asking that he might be permitted to have more time. Consequently he submitted in the regular Budget the regular estimates in the amount of the 1940 appropriations and then went to work to find out about the Library so he could send in his conclusions in a supplemental estimate when Congress met. He had 3 months to do this.

Mr. MacLeish made a most favorable impression upon the committee by the way he has attacked the problem over there. He has worked prodigiously, going into every phase of the Library work. He has had experts from a number of the outstanding libraries in the country study the institution and advise with him. He has had the help of the Bureau of the Budget and the General Accounting Office in revamping the accounting system and the collection of moneys from various work they perform. He has, to my way of thinking—and I have visited the place quite a number of times—instilled a new spirit in the organization and wants to make the Library really serviceable.

The committee has had the best hearings on the Library this year that it has ever had. We spent 2 days going through the estimates with the Librarian and his aides. We have been over there ourselves.

We feel that something constructive and substantial needs to be done. We did not accede, however, to all of the approach which the Librarian suggested.

He asked for 287 new positions totaling $535,056.

We gave him 130 new positions totaling $211,296.

Of these 130, 10 are now on the roll costing $21,580; 13 are for the building maintenance costing $6,936; and eliminating these there are 107 new people for library work at a total salary of $182,760.

He asked for an increase in the book-purchase fund in the sum of $275,000.

We gave none of that.

He asked for an increase in the lawbook purchase fund in the sum of $15,000.

We gave none of that.

He asked for increase in pay within grades $108,720.

We did not allow that.

He asked for a total increase of $1,071,521.

We cut this by the sum of $730,730.

We gave a total increase of $340,791.

In applying this increase we did so on this basis. The processing of books—that is, cataloging, classifying, and so forth, getting them ready for the shelves—is greatly in arrears and has been for many years. It is getting so bad that the cost of bringing up the arrearage may be more than we want to tackle. The Library takes in some 200,000 new books every year, and yet it has only been able to process about 160,000 to 170,000 of these, the rest accumulating uncataloged. That has been getting progressively worse. To stop this arrearage, just to keep even, the Library asked for 82 people,

and we gave 50. We also gave in the other divisions of the Library which have to do with taking in other classes of material—and where 101 were asked—a total of 38 people, and of these there are 8 now on the roll, making a net of 30. In the administrative end of the Library he asked for 16 people, including 2 Assistant Librarians at $6,500 each, an information service, and other help, and we have allowed 7. We eliminated the 2 Assistant Librarians and gave 1 administrative assistant at $5,600 to take charge of this processing work and coordinate the work of cataloging, classifying, labeling, and so forth, to speed up that end of the job and coordinate and bring some order out of the chaos.

For the copyright office and the card index division, both revenue producers, revenues in 1941 estimated at a total of $640,000, we allowed some increases in personnel. The legislative reference asked 32 new positions and $78,420, and we allowed none of it.

In the binding fund we allowed an increase of $100,000. Many thousands of volumes are falling to pieces on the shelves for want of rebinding. There is a backlog of $1,350,000 in binding, and it is progressively getting worse. The committee felt that instead of buying new books and increasing the collections, we had better first preserve what we had, so we cut out the increase of $305,000 for book purchases and allowed this binding increase. There are 215,000 volumes that badly need rebinding. There are over 300,000 volumes that are ready to bind and cannot be touched for lack of funds. We feel that we can make a good start with this increase from $300,000 to $400,000.

The Librarian asked for a sizable increase in the reading room, 11 higher-priced places to add to the scholarly services of the Library, as he puts it, "mediate between the books and the reader." He also asked for a considerable of a research force in the legislative reference to act as expert advisers to Congress in matters of legislation. We did not allow any of this. We do not disparage the effort. It came from a desire to be serviceable and it has a place in Library service, but we felt that it was more important to handle, make available, and preserve what we have now in the Library, and what is coming in, than it is to add scholarly services and more books and go further in arrears with what we have.

Now I want to speak about the salary situation in the Library. Increases were urged by the Librarian in the sum of $108,720 for promotions for 901 out of the 1,200 employees. His program called for one step advance in the grade for all employees above $2,000 and enough steps for those below to bring them all to the average of the grade. We have followed the committee's rule with reference to departments and eliminated the entire amount.

In doing this, we have, however, made some leeway for the Library to make some promotions. We have indicated in the report that the lapse money that will be available can be used on the basis of the committee formula. Heretofore the Library has used lapse money to provide badly needed additional personnel to try to get ahead with this accumulated work. The new Librarian was very frank and honest about this. He thinks it is wrong to use lapse money to hire additional personnel and in making that statement he earned a warm approval from the committee. So we have put the personnel now paid from lapses on regular appropriations. This will free that amount, running in excess of $20,000, to be used for advances within grades in accord with the formula. The new positions we have placed in here, after eliminating the charwomen and the 10 now on the roll, amount to 107. There will be a byproduct in promotions as a result of the new positions in the shape of line promotions when they utilize their own people to fill the new jobs. The lapse money and the line promotions will help the salary situation very materially.

We have put a limitation in the bill on the amount that can be used by legislative reference for the digest of general public bills. They had about $25,000 in the estimates and we cut it to $20,000. I sent out a circular letter to all the Members of the House asking their opinion about this digest of bills. I got 134 responses out of 435 Members; 36 were either indifferent or opposed and 98 were favorable. Based on this cross section of 30 percent of the membership we concluded that the Members wanted it continued in some form. We have curtailed it and suggested that they eliminate the expensive printing of monthly editions and try to get along on mimeographed weekly copies.

We have also indicated in the report that the legislative reference should not renew the mimeographed daily edition of the digest of the CONGRESSIONAL RECORD. The cost would run about $700 a session on the basis it was started but it would not be long before they would have more orders than they could handle. It was criticized on the floor by the gentleman from Missouri [Mr. COCHRAN] and they stopped it temporarily. We indicate in the report that it should not be started again.

I want to say a word in general about the increase that is carried for the Library. It is substantial but it needs to be. This is a great National Library. It has the finest buildings and the largest collections of any library in the world. In point of its collections it is one of the two or three finest in the world. All Americans are proud of it. It is not up to date in dealing with the material that is constantly coming in. I think the committee has faith in Mr. MacLeish as an administrator and as a cultured and scholarly man who is taking a pride in endeavoring to get this institution up to a level that we want to see. We have gone only part way with him in his program. We have gone about one-third in money and about 40 percent in personnel. What we have done is directed toward getting up to date with what we have. We can talk in the future about expansion of service to the readers, research, scholarly direction, and other utilities of the Library. For the present we must be concerned with getting rid of arrearages and making the plant function on what we have. We have money limitations this year that are an important factor. The report on the bill dealing with the Library is pretty full. I hope you will read it and I hope you will read the hearings. We have gone fully into these matters and feel that we have acted fairly and constructively by the Library and fairly by the Treasury.

There are many minor matters in connection with the bill that I could call your attention to. They are fully set forth in the report and I shall be glad to answer any questions you may have about them.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield for a remark?

Mr. RABAUT. Yes.

Mr. PLUMLEY. I would like to make public acknowledgement of an error of judgment. I opposed the confirmation of Mr. MacLeish as Librarian of the Library of Congress on the ground I thought we should have a man trained in library work. I wish now to acknowledge publicly, and as publicly as I protested his confirmation, that I made a mistake, for I think for the first time in the history of that Library or since I have known anything about it, and that is since 1909, it is now being made of some use, benefit, and service to the Members of Congress as a Library of the Congress. [Applause.]

Mr. RABAUT. I thank the gentleman.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I will be glad to yield to my colleague from Michigan.

Mr. DONDERO. I wonder if every Member of the House is aware that we have a legislative service committee in the Congressional Library that serves the Members of Congress in research work?

Mr. RABAUT. Yes.

Mr. DONDERO. It is a very valuable committee and has been of service to me personally and to other Members who know about it.

Mr. RABAUT. The gentleman is correct.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. Yes.

Mr. GIFFORD. To ask about the estimates that were given to the committee by the predecessor of the present Librarian. They were refused, the gentleman says, because a new Librarian was coming in. Did the new Librarian rec-

ommend more or less than the amount recommended by the old Librarian?

Mr. RABAUT. He recommended more.

Mr. GIFFORD. The gentleman speaks about the cooperation of others. I would like to have it of record that the present Librarian did have the hearty cooperation and assistance and even sympathy of the retiring Librarian.

Mr. RABAUT. Oh, very much so. The Librarian Emeritus is over there today. I did not mean to infer anything to the contrary, and I am very glad the gentleman has called it to my attention.

Mr. GIFFORD. The figures of Mr. Putnam were exceeded by those of the new Librarian?

Mr. RABAUT. Dr. Putnam's figures were less. His figure was $700,000, and those of the new man $1,070,000. The number of positions was less, but the number of positions that we allowed is less than those asked for by Dr. Putnam.

Mr. GIFFORD. I am in a position to hear a good deal about this, and I wanted the RECORD to show the splendid cooperation given to the present Librarian by the retiring Librarian.

Mr. RABAUT. There is no question about that. The committee feels very friendly to the Librarian Emeritus as well as to the present Librarian. At the time that the former Librarian asked for these increases we explained to him and he understood it very well and there was an agreement upon it. He thought also the positions should not be frozen for the new man. I thought also it was proper in defense of the people who are in the Library at the present time, who were all friends of the former Librarian, because he had been there for 40 years, and I thought those people ought to be secured in their positions there, as they were especially acquainted with the work, and that is the reason that we arrived at that point. But, if all positions were frozen—and there is no civil service in the Library as the gentleman knows—you could not tell what might happen there in the general shake-up of the Library. The money that we are allowing over there for the new positions is principally for the working processes of the Library proper. No allowance is being made at the present time toward what you might call the scholarly end of the Library; that is, for deeper study. The only thing being allowed is to try to get what we have up to date. There are books and other material spread all over the place at the present time, not cataloged or classified. We are running behind on new books to the tune of 40,000 volumes a year and that cannot keep going on forever.

Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. RICH. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, in these days of war and rumors of more war, and of treaties of peace, it is a long look back, but we should not forget that 165 years ago today, on March 13, 1775, the first blood was shed in the American Revolution at Westminster, Vt.

The affray at the courthouse in Westminster resulting in the shooting and killing of William French and Daniel Houghton, antedated and preceded Lexington and Concord by a month.

Those of you who have read the Green Mountain Boys, and The Rangers are familiar with the historical background. While from the standpoint of historical accuracy, perhaps, it may not properly be called the first battle or engagement in the Revolutionary War, it was nevertheless the first bloodshed, and important because of the temper it displayed and the resentment it aroused. It was an armed resistance to unlawful usurpation, regimentation, and domination, resented by every Green Mountain boy always and everywhere its head is shown.

It is also worthy of note and to be remembered that at a convention held at this same Westminster, on January 15, 1777, Vermont declared itself a free and independent State. Which, may I add, it has continued and always will continue to be, so long as a drop of the blood of those who fought at Westminster, Ticonderoga, Valley Forge, and elsewhere, and always, for freedom and liberty is traceable in the veins of those generations that have succeeded them.

Incidentally, some of you may not recall that for 14 years Vermont existed as an independent Republic, asking no odds of anyone and giving none.

From the Vermont of Today, With Its Historic Background, Attractions, and People, volume I, chapter VI, I quote the following statement with respect to the Westminster massacre:

> An event occurred in the early spring of 1775 that marked the climax of the trouble with New York, and was so near to the Revolutionary War that it is very properly considered the first blood to be shed in the struggle for independence. This was the Westminster massacre, "an occurrence which unified the sentiment of the grants, intensified their opposition to New York, and roused resentment against England, under the cover of whose authority New York was acting." Three conventions had been held at the Westminster Courthouse, in Cumberland County, where the King's court was held in the jurisdiction of what is now Windsor and Windham Counties. The officers were holding their appointments from the Governor of New York, but were really officers of the crown. A regular session of the court was scheduled for March 14, and the Vermonters proposed to show their hostility to the crown by preventing the opening of the court. Before the day arrived they met the presiding judge at Chester and urged him to call off the session. Judge Chandler seemed to feel this ought to be done, but told the delegation that a criminal case required that the court should hold its regular session. Finding all efforts unavailing, a party of Whigs armed themselves from Capt. Azariah Wright's woodpile and took possession of the courthouse. The sheriff and his posse demanded entrance, with the accompanied threat that if they were not admitted in 15 minutes "he would blow a lane through them." The clerk of the court backed up the sheriff and, exhibiting his pistol, swore that "only by it would he hold parley with such damned rascals." Here Judge Chandler intervened, and when the sheriff's party had gone for refreshments, told the Vermonters they could stay in the courthouse until morning, when court would be held and the officers would come in without arms. "With courage reinforced by quotations of flip and fiery rum," the sheriff and his posse returned to the building late in the evening, forced an entrance, and in the melee which followed William French was almost instantly killed, Daniel Houghton was fatally wounded, and several other Vermonters hurt. Court met in the morning, adjourned to the afternoon, and never met again. "The King had departed forever from Westminster," said the late Judge Frank L. Fish at the sesquicentennial celebration in that town January 15, 1927, and the first blood of the American Revolution had been shed.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. PLUMLEY. Yes.

Mr. GIFFORD. I noticed that the gentleman had a sort of chuckle and a roguish eye when he looked at me. I merely wish to say to him that he is very welcome to all of the crumbs of history that he can take away from us, because we have so much of it in Massachusetts.

Mr. PLUMLEY. Oh, I thank the gentleman.

Mr. RICH. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, about a year ago a bill was put through the House of Representatives and the Senate at the request of Mr. Roosevelt establishing what is known as the Franklin D. Roosevelt Memorial Library at Hyde Park. We all know that that gentleman is always true to his instincts, and that he believes in operating the ward-politician principle to the limit. However, when it comes to the President of the United States getting down to the point he arrived on January 25, 1940, when he issued an Executive order which I am about to read to you, it is going pretty strong. Here it is:

> By virtue of and pursuant to the authority vested in me by the provisions of paragraph 8 of subdivision 2 of section 2 of the Civil Service Act (22 Stat. 403–404), it is hereby ordered that the initial appointments to such professional and subprofessional positions in the Franklin D. Roosevelt Library, established by public resolution of July 18, 1939 (53 Stat. 1062), as are necessary for the transaction of its affairs, may be effected by the Archivist of the United States without regard to the requirements of the Civil Service Act and rules.
>
> (Signed) FRANKLIN D. ROOSEVELT.
>
> THE WHITE HOUSE, *January 25, 1940.*

Now, they are going to take care of the faithful up around Hyde Park, all the neighbors and the neighbors' boys and girls, so that, instead of a civil-service set-up, we will have a political set-up in that library. He is virtually doing a good job of catering to the ward politicians, but the gentleman does not stop there. Shortly after that there came out certain

statements in the papers. I have before me the Washington Post of February 23, 1940, and right in the middle of the front page it reads:

ROOSEVELT FIRM INSURES LINE AIDED BY UNITED STATES

The insurance firm of Roosevelt & Sargent, Inc., in which James Roosevelt is a member and the President's wife a director, has taken over the insurance account of the American President Steamship Line, it was announced yesterday. The chairman of the line, which formerly was known as the Dollar Steamship Lines, is William Gibbs McAdoo, former Senator from California, and political ally of President Roosevelt. John A. Sargent, president and treasurer of the insurance firm, announced the new account, according to an Associated Press dispatch from Boston. McAdoo was named to the $25,000-a-year position with the President Line after his defeat in the Democratic primaries in 1938. The United States Government holds 90 percent of the common stock of this line. A $45,000,000 R. F. C. loan was granted the line in 1938, and the Maritime Commission agreed to give the company an annual operating subsidy of $3,000,000 for a 5-year period. The line's insurance account previously was held by a San Francisco firm. Mrs. Roosevelt became a director of Roosevelt & Sargent December 14, 1938, after her son resigned to accept a position in Hollywood as vice president of Samuel Goldwyn, Inc.

Now, we not only take care of the ward politicians of Hyde Park but we take care of the family. Oh, nicely. Almost from the very beginning there has been inaugurated by this administration a spending program. We start up in the northeastern corner of the country with Passamaquoddy and we go ahead with that until its failure has demonstrated that it should not be done.

We jump down to Florida, and we start the Florida Canal, and we go ahead and build bridges across imaginary canals and spend millions of dollars doing it. Then we jump up to the T. V. A., and we obligate ourselves to spend $500,000,000 in the southern and central part of the country, and we sell electricity there as low as 1.69 mills to householders, when it has been demonstrated by the Reclamation Service by experience that 2.25 mills is the lowest at which electricity can be sold at the spigot, and we call that a yardstick, obligating the taxpayers of the United States to pay for the electricity that is furnished to the people in the Tennessee Valley, and they tell us it is a yardstick, and they tax the people whom they ridicule, because they claim they are paying too much for electricity, for the difference between the cost of the electricity and what they sell it for. That is a grand yardstick as long as you can get away with it. But sometime the people of the United States are going to wake up to that racket.

Then we jump around all over the country, and we spend billions and billions of dollars upon projects which do not have any justification, designed to follow up the ward-politician idea that by handing the people something with borrowed money, you can subsidize them to the point where you can control their votes.

Personally, I think that the people of the United States are waking up to the idea of what has been done to them, the building up of their national debt from something like $22,500,000,000 to $42,395,000,000 of direct debt, and the prospect of a great deal more. The debt that is advertised in the daily Treasury statement does not include all the debt, because there are silver certificates secured by only 35 cents an ounce silver in the Treasury, and the deficiency between the value of that silver at the present time, the market price, and those silver certificates, is $1,300,000,000, which is a debt that must be added. Then there are $1,600,000,000 of guaranteed bonds under the United States housing operation.

Then there are four or five or six billion dollars net of liabilities for guaranteed bonds of different corporations.

Oh, we have had a great step forward in progress in the last 7 years, a step forward in the direction of bankruptcy, absolutely preventing economic recovery and the employment of our people; absolutely preventing the farmer of the United States and the workingman from getting enough out of their operations to make a decent living.

Is it not time that we stopped this ward-politician idea of handling the Government of the United States and establish a sound, businesslike principle in handling our fiscal affairs? Is it not time that we stopped fooling away the people's money on things that we do not have any justification for? Is it not time that we gave proper consideration to those things that are being done to us?

Let me say to you that when we come to the point where our people's elections can be controlled by the spending of money, the liberties of the American people are gone. It is a step toward the formation of a dictatorship that cannot be denied. It is a step toward the destruction of the American Constitution and a step toward the establishment in this country of a dictatorship that will completely upset and destroy the fundamental liberties of the people of the United States. [Applause.]

Is it not time for us to wake up and get rid of this continual cry of "Emergency"; stop being deceived by measures which do not promote economic and business recovery? Look out for the liberties of the American people, and give the farmer and the workingman of America a chance; give the taxpayer a chance, and set our eyes forward and stop this reactionary, destructive method of handling the Government of the United States. Let not anybody be fooled into the idea that the kind of operation we have been through is progressive. That word has long been used as a cloak to cover up many sins, but never so notorious and so vicious as in the last 7 years. I am hoping that patriotism and a sense of responsibility will come again to the people of the United States, and that they will stop this raid upon their liberties. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. FERNANDEZ. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, the committee of which I have the honor to be chairman deals with problems of immigration, naturalization, and deportation. The committee has been working earnestly during these times of chaos and unrest in this country to determine something about the factors affecting immigration, naturalization, and deportation.

There seems to have been some discrimination against the committee for no reason whatsoever. I notice that the last few times whenever private bills were called on the Private Calendar most of the bills were objected to even though the committee had reported them out unanimously, Republicans and Democrats joining in the favorable report. I venture to say that if the objectors were asked to tell us the merits or demerits of a bill they objected to they could not have done so. It seems that most of the objections are based on the ground that somebody does not like somebody else, or does not like somebody's name, so objection is made.

Let me assure you that politics are not involved in the consideration of bills by this committee made up of 22 conscientious Members drawn from both sides of the aisle. We are trying to do an honest job and do it for the best interest of the country. About a year ago the committee felt there was entirely too much smuggling of aliens into this country and we desired to know something about it. We also wanted to know something about the rules and regulations with a view to seeing whether a uniform policy of administration of the law could not be worked out, and the committee at that time went on record unanimously, Republicans and Democrats joining, asking the Committee on Rules for a rule authorizing the Committee on Immigration to study the whole question of immigration and the problem of the border patrol. In this connection let me call attention to the fact that although we have more than 9,000 miles of border, only approximately 240 officers protect this vast extended area on the Mexican and Canadian sides. In other words, if we lined up our enforcement officers to cover the border they would be about 5 miles apart.

One of the problems which bothered us was the fact that within the last few years a considerable group of Chinamen came into the United States over the Mexican border. How they came across we did not know, but we had an idea we could find out who was operating this smuggling ring in this country. So we asked the Rules Committee for a rule to make this investigation because we knew of certain circumstances that we thought, if developed, could throw a

great deal of light on the whole question. After presenting our evidence before the distinguished Rules Committee, they voted the rule out unanimously, but on that very day some question touching a milk investigation occupied the attention of the House and this rule could not be reached. The rule was not brought up again. About 2 weeks thereafter the Rules Committee took up further consideration of this resolution for which we had asked, and when we got before the committee they told us they did not like some of the language in the resolution and objected to certain powers the committee asked for. I went back to the committee and laid the situation before them. By a unanimous vote we corrected the resolution to make it conform with the suggestions of the Rules Committee. The resolution came before the committee again and they wanted other changes. We complied again. The resolution came before the committee again only a few weeks ago, but I am reliably informed they are not going to vote out a rule on it. Why? Because some people in this Capitol talk about enforcement but do not want enforcement, some people talk about the evils of immigration and make a lot of capital out of it, but they do not really want enforcement of the immigration laws. Why? I have in some way discovered that over a number of years bad practices have arisen; for instance, during seasonal employment of farm hands in the West they bring in a lot of peon cheap labor. Instead of giving this employment to people in this country at American wages, they bring in these peons from Mexico at 15 cents or 20 cents a day to go out in the fields and do this work. After the seasonal employment has ended we then have a difficult job on our hands to get these people out of the country again. Our committee would like to stop it. We would like to stop all abuses of our borders. We would like to see more men patroling the border, both the Canadian border and the Mexican border.

But apparently the Rules Committee does not agree with us. That committee does not seem to want to stop smuggling and all of these other things that we charged before it. I believe this statement applies to Members on both sides of the aisle, on the majority and minority sides, because the last time I appeared before the committee one of the minority members stated he did not think an investigation was needed. He stated further that we ought to enforce the existing laws. But you cannot enforce the laws with a group of racketeers practicing smuggling through what seems to be strongly organized syndicates. So to my great astonishment and surprise this resolution is not going to be reported out of that committee. I want to state here that the committee in charge of this kind of legislation should not be held responsible then for present conditions. The Committee on Immigration has done its duty in trying to determine just exactly what laws to present to the Congress, but we cannot pass any laws at this time without getting at the cause. The cost of the investigation would not be more than $10,000. I know other committees in this House have been given hundreds of thousands of dollars for more or less important considerations than the question before us now of cleaning our borders and cleaning our country of undesirable aliens.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I am unable to come to a conclusion at once with regard to some of the matters the gentleman has presented to the Members and I want to give it more thought; but may I add that there have been in recent years many aliens flocking across the international line into the State of Arizona, so I am reliably informed, which is creating a distinct problem? I have it from the civil officers and patriotic organizations along the border that this is occurring now. They are urging that we do not lessen our vigilance but rather increase it, to see that the border is properly protected, because it is our back door.

I recognize one thing that the gentleman mentioned. There have been times some years ago to my knowledge when we deliberately let down the bars to permit laborers from Mexico to come in, but I think that will never be done again. We had a rather sad experience with that sort of thing a dozen or so years ago. May I say now that we have plenty of unemployed in that part of the country today to do all the agricultural work which it is necessary to do. These new farm laborers have not come from a foreign land; they have come from another part of my own country into Arizona.

Mr. DICKSTEIN. I thank the gentleman for his contribution. May I add that we have the front door of our country closed.

[Here the gavel fell.]

Mr. FERNANDEZ. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. STEFAN. Mr. Chairman, I yield the gentleman 5 additional minutes,

Mr. DICKSTEIN. Mr. Chairman, we have closed the front door. We are careful with reference to who comes into this country. They have to establish that they will not become a public charge, they have to be persons not excluded under our immigration laws, they have to have some family ties; but the back door is open. Some people do not want to close the back door. These are the people who talk most about the immigration problem.

May I say in this connection also that I have before me about 70 or 80 so-called alien-baiting bills, bills covering the subject from soup to nuts. If you will read some of them and would use them, you could make up a good vaudeville show. Some want to tax the aliens who live here. Some want to fingerprint them. Some want to have them report to police stations in case they remove a tooth and advise the police all about the procedure. But there is not one bill before the committee to clear up the question of the border, and I submit that the Committee on Immigration is not responsible for the condition that exists today, as indicated by my colleague the gentleman from Arizona.

Mr. KEEFE. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. KEEFE. The gentleman has indicated that the front door is closed but that the back door is open. If the front door is closed, it indicates that we have laws on the statute books today to deal with the immigrant situation?

Mr. DICKSTEIN. At the front door.

Mr. KEEFE. At the front door?

Mr. DICKSTEIN. That is right.

Mr. KEEFE. It is the gentleman's contention, however, that we have not sufficient inspectors and border patrol personnel to properly guard the back door?

Mr. DICKSTEIN. That is one of the many reasons.

Mr. KEEFE. Is there any other reason?

Mr. DICKSTEIN. Yes; many.

Mr. KEEFE. Is not that the principal reason?

Mr. DICKSTEIN. That is one of the big reasons.

Mr. KEEFE. Is the gentleman arguing for an increase in the border patrol?

Mr. DICKSTEIN. I am going to do that; yes, sir.

Mr. KEEFE. And an increase in the number of inspectors?

Mr. DICKSTEIN. I am going to do that, too.

Mr. KEEFE. The gentleman is aware of the fact that the Budget very drastically cut those items?

Mr. DICKSTEIN. I am going to go into that in a few moments. The two gentlemen have very kindly given me 5 additional minutes apiece, and I want to talk about that matter because it ought to be called to the attention of the House.

Mr. KEEFE. Does the gentleman believe, if there is a substantial increase in the border patrol and in the inspection service of the present Immigration Service that we have laws on the statute books now to effectively stop this so-called back-door entrance of illegal aliens?

Mr. DICKSTEIN. I agree with the gentleman to the extent of about 75 percent. Our committee, however, that has charge of these matters would like to know who constitutes the smuggling ring and how it is operating, and we can find out if the Committee on Rules, that is dominating these

questions, will give us an opportunity to make a study of this problem which has not been studied for 30 years. For the information of the House, I may say these so-called smuggling operations deal mostly with Chinese, Japanese, and such people whom we have excluded under our present immigration laws. I do not want to impugn the patriotic motives of the distinguished members of the important Rules Committee. I realize that all of them are outstanding Members of this House, whom I respect highly. However, I do think that, not being in close touch with this particular problem, they fail to realize its importance. I do not blame them for that. I know that they have enough problems of their own to deal with. The least I would expect of them, however, is to show more confidence and faith in the judgment of the full membership of the Committee on Immigration and Naturalization.

Mr. KEEFE. Does not the gentleman understand that the present facilities of the Bureau of Immigration and its border patrol and inspector activities are fully aware of the sources of illegal entrance of aliens into this country, but that they are burdened because of a lack of personnel?

Mr. DICKSTEIN. I agree with the gentleman to a certain extent. Let me add, however, that there is certain information that came to the attention of the committee which requires a subpena and testimony to develop. The Labor Department has no power of subpena, no power to investigate. They are law-enforcing officers. They cannot get the information we would like to get so that we can put teeth in our laws on this whole question.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Missouri.

Mr. COCHRAN. I have before me the resolution to which the gentleman refers.

Mr. DICKSTEIN. The gentleman is speaking of the Schulte resolution?

Mr. COCHRAN. Yes. I am absolutely in favor of getting rid of any alien who is in this country illegally and of preventing the illegal entrance of any alien. However, the gentleman is the chairman of a committee of this House—the Immigration Committee—and it seems to me that under the rules of the House the gentleman has all the power right now that is necessary in order to make a study of all existing statutes, Executive orders, rules, regulations, instructions, and general orders which relate to the immigration, deportation, naturalization, and so forth, of aliens.

Does the gentleman mean to tell me that his committee does not have the power to call before it the officials of the Immigration and Naturalization Service? I know that the rules of the House of Representatives give him that power.

The gentleman speaks about an investigation. The immigration border patrol and the immigration officials have full power to investigate, to arrest, and to apply for deportation orders. The gentleman has the power right now to do practically what he desires to do under the resolution. If it then develops that further investigation is necessary, that might be the time to go after the Rules Committee. I do not believe the gentleman is justified in blaming this on the Rules Committee until his own committee, the committee of which he is chairman, does what this resolution in part provides.

Mr. DICKSTEIN. That is exactly the stage we have come to. We have gone into all the matters concerning which the gentleman says we have the power to act, and we have come to the conclusion by unanimous vote, after days and days of discussion by the committee, that the committee should direct and authorize our colleague, the gentleman from Indiana [Mr. SCHULTE], to go a step further by introducing this resolution. We found we had come to the end of our power. The end of our power is in paragraph 2, with reference to investigating unlawful entry and smuggling of aliens into the United States. There are certain persons in certain sections of the country that want exemption from criminal prosecution, when they will disclose a certain state of facts to the effect that an international group is bringing in Chinamen or Japanese or other orientals from Mexico. The Labor Department has no power to subpena anybody, and the committee certainly has no power to do it.

Mr. COCHRAN. But has not the Labor Department the power to arrest them?

Mr. DICKSTEIN. The Labor Department often cannot get all the necessary evidence, although they have tried hard to do it and have arrested a great number of people. We have a great Labor Department and its personnel is beyond any reproach.

Mr. COCHRAN. Then why does not the gentleman's committee, the legislative committee, bring in a bill increasing the force so they can get the evidence?

Mr. DICKSTEIN. We will come to that.

Mr. COCHRAN. The gentleman is the chairman of the legislative committee that can bring in such an authorization.

Mr. DICKSTEIN. May I say that it seems that this argument is always presented to me but to no other chairman of a committee. They are always trying to find a way to say "No" to an investigation. That same argument was presented to me by dozens of Members on the floor when I stood up here asking for the adoption of the resolution creating the Dies committee, but no such argument was made after the resolution was adopted. You have given that committee $200,000 to do what? To investigate un-American activities. And here I am asking for probably $10,000 to stop the flood of bad aliens into this country. It will save appropriating millions of dollars later to deport them after they come into this country.

[Here the gavel fell.]

Mr. RABAUT. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. STEFAN. Mr. Chairman, I will add 3 minutes to the gentleman's time so that I may ask him a few questions.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I agree with the gentleman that now is the time it is necessary to take preventative steps in this matter. A great world war is now going on. The gentleman recalls that at the close of the last World War almost half the people of Europe wished to come to America. The situation is developing in the same way today.

The people who have written from my border about this situation say it is Europeans who are being smuggled across the line, whereas the gentleman has mentioned orientals more particularly. I expect to see this evil develop by leaps and bounds, not only with respect to orientals but also Europeans trying to get away from the war-stricken countries to come here.

Mr. DICKSTEIN. May I say to my good friend that I do not agree with him on that point. I have taken the trouble to make a very careful check-up on that, and I have found that there are involved only a very few persons, who have been living on the borders for some time, and they are not in a true sense of the word European refugees at all. The European refugees in these days cannot get out of their countries without a passport, and then need proper identification for every move they make.

May I add this to the whole discussion: Would it not be worth the price to give the committee that is in charge of the subject and responsible for the legislation an opportunity to go into all these matters? I call the attention of the Members to the fact that in the last few years 28 American border patrolmen have been killed in cold blood by smuggling rings. Do you believe the Labor Department can find out who is doing all this shooting? There seems to be a racket, and probably an international group. If a subcommittee can go down there and subpena certain persons, we can get information on this activity so we can bring in laws with teeth in them. I should like to see war veterans by the hundreds guard our borders.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman.

Mr. SCHAFER of Wisconsin. Under the gentleman's proposal, will the committee be permitted to investigate all the illegal entrances along the borders?

Mr. DICKSTEIN. Yes; they would or anywhere else.

Mr. SCHAFER of Wisconsin. How much will that cost?

Mr. DICKSTEIN. It would not cost more than $10,000.

Mr. SCHAFER of Wisconsin. I believe the gentleman's committee ought to have $25,000 or $50,000 in view of the unemployment in the country. It would be money well spent. I would like to make a suggestion that the gentleman introduce his bill providing for $50,000 or $100,000 to carry on this necessary work, and then wait 30 days and if action is not taken on it by the committee, he should then file a discharge petition and get the bill out on the floor of the House. With more than 11,000,000 people out of work in the United States today we should be able to put your bill across as it will materially help stop aliens from entering the country illegally and getting jobs which our unemployed need.

Mr. DICKSTEIN. I appreciate that. The gentleman probably was not here when I stated that we have been unanimous in the committee about getting this resolution out of the Rules Committee. One day they voted it out and the next day they took it back and the next day they reported it back and later took it back and then they said they wanted some amendments and then someone said that it might trespass upon the integrity of the Dies committee by investigating aliens. I do not know that the Dies committee has anything to do with the investigation of aliens.

Mr. SCHAFER of Wisconsin. I sincerely hope the gentleman will file a discharge petition so that we will have an opportunity to provide for an adequate authorization and appropriation. Should we spend as much money for the investigation which the gentleman's committee desires as we spend for the Dies committee we would be rendering a great service to the country, because there are now more than 11,000,000 unemployed Americans in our country who want and need a job and should have one instead of aliens who illegally enter.

Mr. DICKSTEIN. I am fully in accord with the gentleman.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Indiana.

Mr. SCHULTE. Is it not a fact that had this resolution been adopted 5 or 6 years ago and had this committee been given the power to go to the various borders and find out for themselves just what legislation was necessary to correct this situation, there would not have been any necessity for the Dies committee working today, because 90 percent of those people they are picking up are the fellows who have come in illegally and that we have been trying for a long time to stop?

Mr. DICKSTEIN. And how many times has my friend been before the Rules Committee?

Mr. SCHULTE. I have been before the Rules Committee any number of times, and each time we are passed over with some excuse or other. I cannot understand the action of the Rules Committee, I will say to my friend.

Mr. DICKSTEIN. I believe the editorials in the newspapers in the State of the gentleman from Missouri [Mr. COCHRAN] and in other States, have discussed the Schulte resolution and have stated that it would be a great help for the Congress if the committee were given the authority and enough money at this time, in view of the chaos and the general disturbance in the country, so as to be able to make a study of this problem and find out the true situation so that we may legislate intelligently.

Mr. SCHULTE. If the gentleman will yield further, I am going to make a statement to the House that I believe is going to be very illuminating, to the effect that sailors off of the ships that land on our shores testified before the committee and admitted that they were bringing over as many as 100 extra sailors on board their ships who are hired as sailors, or supposed to be sailors, but when they land here they are given the freedom of the port and immediately desert.

Mr. DICKSTEIN. Coming from German ships, from the North German Lloyd, there may be a ship that needs only 750 men, but will have 850 or 900, and the other 200 are only spies sent over to do espionage work in the United States.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman.

Mr. PATRICK. There is one thing I do not understand——

Mr. DICKSTEIN. We will make the gentleman understand it if we can.

Mr. PATRICK. And that is, how anybody could present a proposition charging that the work the gentleman seeks to do would, in any wise, infringe on the work of the Dies committee.

Mr. DICKSTEIN. I agree with the gentleman, but that was the inference drawn by distinguished Members on both sides of the Rules Committee, where we have been knocking at the door for almost 1 year pleading with them to do something not for the benefit of any individual, but for the benefit of the country in letting us find out what could be done about this problem. They have just given us the merry-go-round and I think the country ought to know it.

Mr. PATRICK. Did the gentleman say that this is a piece of work that has already been done, that it was already started once, but the last Rules Committee did not support the first rule?

Mr. DICKSTEIN. No.

Mr. PATRICK. Did the gentleman get such a rule once?

Mr. DICKSTEIN. We got a rule once unanimously. It was voted out and they called it back and said it was too much power. We had asked to go into the question of dual nationality and they objected to the words "dual nationality." Now, what is dual nationality? There are at least from 100,000 to 200,000 people in this country that are citizens of two countries. They are citizens of Germany or some other country, and they are citizens of the United States. It was the purpose of the committee to make a study of that and to cancel the certificates of those people that have two masters. They cannot be hyphenated Americans. They are either Americans or they are not, and if they want to pledge allegiance to Hitler and at the same time hold a certificate of citizenship of Uncle Sam, they should be forced to make up their minds and we ought to get at the bottom of that whole situation. The distinguished Rules Committee, however, and one or two other distinguished Members, said that it was giving the committee too much power to find out how many people of dual nationalities there are in the country.

Mr. PATRICK. Did any question come up as to the sum of money asked by the committee?

Mr. DICKSTEIN. No; they were not interested in that. They thought it would be a big job. It is only in the last 2 weeks that a gentleman asked me how much it would take.

Mr. PATRICK. I do not see how they got by with the matter.

Mr. DICKSTEIN. Because they had in their mind to give us what is known as a run-around. They were going to "pass the buck." Some Member would blame another Member, and another Member would blame the leadership, and so on. In the meantime, however, we are overlooking a very serious problem in this country, and I do not think there is a Member on this floor, if that resolution were reported out, who would vote against it, because he would be doing an injustice to his country.

Mr. WHITE of Idaho. The gentleman is the chairman of the Committee on Immigration. Does he have any information about the character and number of illegal entries coming into the port of New York?

Mr. DICKSTEIN. None at all. The only illegal entrances are along the borders.

Mr. WHITE of Idaho. The gentleman has not any special information about the matter?

Mr. DICKSTEIN. Oh, I have. There is no illegal entrance in Boston or New York or any other regular immigration port. Our trouble is with the back door.

Mr. WHITE of Idaho. The gentleman does not think there is a lot of illegal entries of a lot of special groups?

Mr. DICKSTEIN. No; and I can give the gentleman proof.

Mr. COCHRAN. Has the gentleman any specific information in reference to illegal entries? If so, why not deport them? That is what should be done with them.

Mr. DICKSTEIN. Oh, I have so much information, including information from Father Coughlin, that 50,000 Spaniards were smuggled across the border. But I have no means to check that. We have no appropriation to do it. I sent some of the information over to the Department of Justice and some of it to the Department of Labor, but the crux of the whole argument is, Why should not the committee of this Congress that is responsible for this legislation have the first power to go and make a study and check up as to who are the liars and who are not? But you will not give us that chance.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FERNANDEZ. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I want to get along as quickly as I can.

Mr. COCHRAN. I want to say to the gentleman from New York, in round figures, the Congress increased the appropriation for F. B. I. $2,600,000 during the present session. This was to meet emergencies. Surely if aliens are entering this country illegally it is the duty of this organization to take those in custody who are violating our immigration laws. They do not have to have any specific authorization to do so. I am sure Mr. Hoover will welcome any information the gentleman from New York or any other Member has. The F. B. I. is charged with certain responsibilities. Surely a congressional committee could not do the job of apprehending those who violate our laws. All this committee would do would be to get information. Why not give the leads to Mr. Hoover and let him make an investigation?

The gentleman from Arizona will be welcomed by Mr. Hoover. If our laws are such as to allow farm labor to enter this country for seasonal work, then why not bring in a bill putting a stop to such a practice. I will vote for it, and it will pass with few, if any, dissenting votes. Nothing should be left undone to save all the available jobs for American labor.

It was said aliens from the countries at war will flood our borders after the war. We can stop that, and we should stop it. Further restriction of immigrants should be our goal rather than letting down the bars. Let the Committee on Immigration, of which the gentleman from New York is chairman, first bring in the necessary legislation to meet some of the evils complained of or conditions that might face us in the future and then speak of investigations after those laws are passed. I would also suggest to the gentleman from New York to start an investigation now under the rules, as his committee has the power. Get testimony from the Government departments, and then if it is developed he has a case, press the resolution for a general investigation. Above all, I say to the gentleman from New York, as well as any other Member who has information of violations of our immigration laws, give it to the F. B. I. and that organization will apprehend the guilty.

Mr. DICKSTEIN. I say to my friend that I have the highest regard for the F. B. I., and particular for the Director of that Bureau, Mr. Hoover. They are a great body of men, they have been doing a good job. I was sorry to see them criticized last week in the press, and in other statements made in this Capitol, but what I want is action. I want to go down to the root of the matter. The Committee on Immigration knows where to go. I do not want them to assign the hundreds of matters and complaints to hundreds of agents, and then wait for a report for months and months. The committee can go right in and furthermore, the Department of Justice has no power to subpena and the gentleman has forgotten that. The gentleman raised the same question with me in the matter of the Dies committee. He must remember that.

Mr. COCHRAN. The Department of Justice agents have the power to arrest, and they will go any place, if the gentleman from New York will only tell them where to go, if he will give them the information he says he has. That is what the organization is for.

Mr. DICKSTEIN. Mr. Chairman, I have given the gentleman my best judgment and my honest belief and he can take it or leave it.

Mr. Chairman, my attention has been directed to the proposal of the 1941 Budget to lower certain funds for field administration of the Immigration and Naturalization Service below the 1940 appropriation levels. The net decrease proposed is $281,310, arrived at by cutting $154,310 off the field-salary item for immigrant inspectors, border-patrol inspectors, and other personnel in the field, also decreasing general field expenses by $140,000, and adding $13,000 for repairing immigration stations.

I am particularly concerned at the proposal to reduce the field-salary item by some $154,000, because the breakdown in the Budget shows a consequent loss of 96 inspectional positions to the present total authorized strength of 1,736 immigrant inspectors and border-patrol inspectors; in other words, the Budget, 1941, proposes to cut the inspectional strength, the enforcement arm of the Service, between 5 and 6 percent below present authorization.

I have heard no reason advanced to justify the proposal to so impair immigration enforcement in the field service, and indeed I can conceive of none. My reaction to this particular Budget estimate is that instead of proposing a small saving, the proposition actually is that we take a substantial loss within a year or two or three, when the resulting impairment of immigration enforcement will become apparent and when we shall be afflicted with an aggravated deportation problem. We should regard any proposition to cut field immigration funds as meaning an increased number of illegally entered aliens, increased smuggling activities from nearby territories, increased burdens on our jails and almshouses, and, I hardly need say, on our taxpayers.

Those of us who are in touch with immigration control realize full well that with conditions in Europe as they now are and the consequent pressure on our immigration quotas, and with alien subversive groups already here but inspired from abroad in their un-American activities, the present would be about the worst time in our history to effect petty immediate savings by curtailing our immigration field inspectional force. I speak advisedly when I say to this House that we should hesitate to encourage immigration law violators, and I mean both the aliens themselves and their smugglers, by even suggesting that there is now being considered this proposal in the Budget to deplete our force of immigrant and border-patrol inspectors. In my committee work I have come to see a very close relation between vigorous field inspectional activities and suppressed immigration-law violations. I have come to see that in just about the measure we supply our field force with inspectors and funds we demonstrate our control of the so-called alien problem. And I realize, too, that there is no economy in weakening immigration inspectional personnel now, only to have to increase the force later and supply increased funds for expenses attendant upon disposing of an accumulation of aliens who have taken advantage of us and gained unlawful entry.

Any way you look at the proposal to cut immigration inspectional strength it is poor business. It may be pennies saved now, but you may be assured that we shall have to spend dollars later to get us back anywhere even with the game. And all this is simply a cold-blooded way of looking at a most dangerous proposition from the point of view of dollars and cents. It takes no account of the more serious aspects of applying a penny-wise policy to immigration field activities. A fact we often overlook is that it is the least desirable, and the criminal classes of aliens who seek illegal means of entry, because they cannot qualify through regular inspection channels. For that situation, therefore, we are compelled at all times to maintain a well-organized border patrol, to operate at points removed from regular designated ports of entry, and to apprehend and deflect into regular

inspection channels those particularly undesirable aliens that seek to evade regular inspection.

It is axiomatic that laws will not enforce themselves. We have gone on passing more and more immigration statutes for the past half century, imposing greater and greater burdens of administration, with comparatively little increase in the official force that must be relied on to make these many statutes effective. The time has come for Congress to recognize that immigration control is an essential service of the Government, than which no law-enforcement activity of this Government is more important in its bearing on the moral and physical well-being of the American public. Regulation of aliens either entering the United States or already here is of the highest import to our employment conditions, our social conditions, and, I may add, to our political conditions. Any proposal to weaken the field arm of immigration enforcement is of the same order of merit as a proposal to withdraw police protection from a given community. It is one of those things that we cannot afford to do.

I have said that no reason has been advanced for proposing to curtail immigration field activities and I have indicated my opinion that the only explanation of this proposal is a sense of false economy in the minds of our budgetary authorities. There are, however, plenty of reasons aside from those I have stated why a cut in immigration inspection personnel is not justified. There is nothing to indicate any lessened need for immigration enforcement at this time. The opposite is true, as we find in the most recent annual report of the Commissioner of Immigration and Naturalization, for the year ending June 30, 1939, in which the Commissioner emphasizes "the immense volume of inspection work" required of the Service, added enforcement burdens, increased number of ports of entry requiring 24-hour inspection, "shortage of regular immigrant inspectors at ports of entry," an already inadequate border patrol force, the necessity constantly arising for detailing border-patrol inspectors away from their patrol duties to perform immigrant-inspector duties at ports of entry, the pressing need of strengthening the patrol force because of present European conditions, and greatly increased registry and naturalization work.

The Commissioner's annual report does not mention the increased number of immigrant inspectors and border-patrol inspectors that his Service requires to properly staff the ports of entry and international border points so that the Service may be able to cope with the very situations described in his annual report. Perhaps budgetary restrictions prevent setting forth needs of increased personnel, but however that may be, we know that a year ago when the 1940 Budget was in the course of preparation, the various field immigration district heads did make known their respective needs for approximately 500 additional officers, mostly immigrant inspectors and border-patrol inspectors. It is a rather sad commentary to note that the 1940 appropriation provided for exactly 11 additions to the inspection force. In the light of this experience, it is probable that immigration district heads have been discouraged from reporting their present needs for added inspectional personnel, but from various sources of information I learn that conditions are at least as bad as they were a year ago, and I am impelled to the conclusion that Congress should now determine for itself just what measure of immigration law enforcement it desires, and rather than entertain proposals to cut the existing Service activities, should consider how the Service may be restored to proper law-enforcement capabilities.

Further analysis of the 1941 Budget shows that the field salary item appropriated for 1940 is in the amount of $8,133,420, which figure includes $233,000 provided by the Third Deficiency Appropriation Act for the employment of temporary help to overcome an arrearage in naturalization activity. I note that the 1941 Budget estimates for the next fiscal year for the field-salary item the amount of $7,979,110 and continues in this figure the $233,000 for temporary employees to overcome naturalization arrearage. Most Members in this House are undoubtedly aware of the present attendant delay in naturalization process throughout the country and would like to see that process expedited so far as the law permits, but in spite of our very natural feelings on that subject we should not lose sight of the fact that delay in the naturalization process is at most an inconvenience to aliens already legally here, whereas weakened inspectional strength by any reduction of the force of immigrant inspectors and border-patrol inspectors will throw upon our hands an increased number of illegal alien entrants and open up a field of increased immigration law violations. I submit, too, that it is a most incongruous situation to continue an amount of $233,000 for the employment of temporary help in naturalization work in the Service field activities and at the same time propose to cut the permanent field establishment of the Service by a similar sum.

I am constantly being reminded of the country-wide interest in the subject of adequate, efficient immigration enforcement, and I am in receipt of resolutions and petitions of the following character:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
RAYMOND C. PAUL POST, No. 880,
Galveston, Tex., February 28, 1940.

The Honorable SAMUEL DICKSTEIN,
Representative from New York, Washington, D. C.

DEAR SIR: Inclosed you will find a resolution as adopted by Post 880, Veterans of Foreign Wars, Department of Texas, at their regular meeting held here in Galveston Monday, February 26, 1940, and is self-explanatory.

We, as representative citizens and war veterans, are very much opposed to any and all reductions contemplated for the Immigration and Naturalization Service, in fact, it is our honest opinion that the appropriation for said service should be increased by the amount it is proposed to decrease same, in order to place more inspectors and guards along our borders and shore lines.

Respectfully yours,

M. H. GOSWICK,
Post Commander.

Whereas we have been reliably informed that there is a proposed reduction of appropriation by the House Subcommittee in Charge of Labor Department Appropriations for the Immigration and Naturalization Service; and

Whereas this decrease in appropriation will affect no less than 96 immigrant and patrol inspectors in the field and 27 junior-clerk positions; and

Whereas the proposed reductions in appropriation for salaries of immigrant inspectors and other employees in the field mean unemployment for many of them, unless absorbed by other departments;

Whereas the positions to be vacated are now held by many war veterans and other former service men; and

Whereas the recent passage of the deportation bill by the Senate increased the duties of an already overburdened Immigration and Naturalization Service; and

Whereas strict enforcement of such legislation is particularly important at this time, in view of the international situation created by the war abroad; and

Whereas with the conclusion of the war abroad, there will be a great exodus of aliens for our shores and borders, with many of them seeking their entry illegally: Therefore be it

Resolved, That Raymond C. Paul Post 880, Veterans of Foreign Wars of the United States, in regular meeting at Galveston, Tex., this 26th day of February 1940, respectfully request that the subcommittee in charge of the Labor Department appropriations will make a careful study of the facts presented by the above resolution, before reducing the appropriation for this wonderful service, which is charged with one of the most important duties of our Government and which receives but little public acclaim.

That a copy of this resolution to be attached to and made part of the minutes of this meeting.

M. H. GOSWICK,
Post Commander.

Attest:

R. S. MILLER,
Adjutant.

Mr. RICH. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MASON] 5 minutes.

A MAUSOLEUM FOR BOOKS OR A SERVICE STATION, WHICH?

Mr. MASON. Mr. Chairman, I am especially interested in the appropriation contained in this bill for the Library of Congress. As a school superintendent for 30 years, I have had direct contact with school libraries, public libraries, and college libraries. I know, therefore, something about libraries at first hand.

From my contact with libraries I have learned that many are simply depositories for books, mausoleums for books, while others are service stations where a person may go to get necessary information. Some library staffs limit their activities to the proper checking in and checking out of

books, while other library staffs are sources of information and helpfulness that assist people to discover and use the information that the library walls enclose.

During my time in Congress I have had occasion to gather data, information, statistics, on various subjects to be used as material for speeches. I am fortunate in having a young man in my office that has used libraries extensively, knows the technique of library use, and is also acquainted with the set-up and the staff of the Congressional Library. He has done my library work for me since I came to Washington.

Our Congressional Library is one of the best equipped libraries in the world, but it is not the best staffed. There is plenty of room for improving the personnel of the library staff.

The new library head has visions of making the library a real service station, and he is asking for the funds necessary to do this.

When some of you men first came to Congress you had neither an office nor a secretary. Then you were given an office and one secretary. Later on, because the people began to consider a Congressman's office a service station, you were allowed two secretaries. Now with so many Government bureaus and departments, and the constantly increasing demand for service from back home, you are allowed three secretaries to help you give the service that is expected and demanded of you.

In the same way if the Congressional Library is to be utilized completely, if it is to give the service expected of it, then we must provide the required staff to increase its usefulness, so that the enormous investment in that institution can pay the dividends that it should be paying to the public and to the people on the Hill. ur vote, as I see it, upon the request for increased funds for the operation of the Congressional Library will indicate whether we want the Congressional Library to be a mausoleum for books, or whether we want it to become a live up-to-date, well-staffed service station. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, it had been my purpose to offer an amendment to this bill on page 28, line 3, where you will find the item of $350,000 for the purpose of repairing the terrace of this building on the west. After consulting with the leaders of this committee, I have decided not to offer that amendment for the reason that I have been informed it would be impossible to stop the serious damage and leaks on that side of the Capitol without this expenditure. Years ago when leaks developed on that side of the building the Architect of the Capitol was able to stop those leaks with an expenditure of approximately $60,000. I am informed that so much damage has been done to that side of the building since that time that it is now absolutely necessary to make the entire repairs as explained to the committee by the Architect, and that it will require the full expenditure asked in this bill.

I also withhold that amendment because I am assured the Architect and those who are to do this work will not install windows on that side of the Capitol where there are no windows at this time, and that no other construction will be made there which in any way will erase any valuable architecture, or in any way deface the historic construction of the building. My original opposition to this item was because of my original opposition to the bill which is introduced in Congress every year, which has as its objective the changing of the front of the United States Capitol. I call your attention to the fact that this bill is before Congress nearly every year, and that there is a determined movement on foot to change the front of the Capitol by moving the center portion of the Capitol forward, eastward, to conform with the House and Senate wings. I opposed that because I fear that considerable historical architecture will be destroyed and eliminated, architecture which is valuable and which should be preserved for the present generation and generations to follow. For that reason I took some exception to some of the reconstruction work which was to be done on the west side of the Capitol, fearing that perhaps when they got to constructing and reconstructing this historic building on the west side, there might be some danger that they would destroy some valuable architecture, that they might in some way deface our Nation's Capitol; that they might eliminate something which you and I see today, something which was built by our forefathers, which is a part of the historical portions of this structure, which you and I should always be zealous in protecting for the present and future generations of our people.

For that reason I want my objection to be recorded here against anything which may in any way deface this historic building. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman, we notice a great deal of discussion in the press, over the radio, and elsewhere with reference to a third term for the President of the United States. I shall therefore read a very pertinent editorial from the Wausau (Wis.) Record-Herald on this highly important question, as follows:

THE BOSSES TURN "THIRD-TERMITES"

Call the roll of the really important political machines in American politics and it will be seen that all the Democratic ones—so far as cursory observation goes—are on record for a third term for Roosevelt.

Strange! Boss Hague, Boss Kelly, Boss Maestri, Boss Crump—they never have had much reputation as reformers. They never were known to have a great urge to "make America over." They have always played the idea that American life was already plenty abundant to suit them. Why this sudden passion for reform, experiment, and the New Deal?

Maybe the example of Boss Pendergast has something to do with it. The Kansas City boss fell foul of the New Deal and he went to jail. His machine crumpled up at the recent election. Boss Pendergast is all washed up. And there have been Federal grand juries in towns here and there, such as New Orleans, where Maestri's dominion lies—but no indictments as yet. Maestri's organization is for a third term. Maybe there won't be any indictments after all.

Pinko New Dealers have been extremely unkind in their criticism of Jersey City's reactionary boss, Mayor Hague, which makes it all the stranger that he should be so strong for continuation of the New Deal. And Boss GUFFEY is positively tearful about a third term, seeing as Pennsylvania has elections this year and he's up for reelection.

The explanation of this curious congeries of political bedfellows is, of course, plain enough. Roosevelt believes in spending, and spending public money is the specialty of the bosses. If Mr. Roosevelt doesn't run again, or at least if the New Deal isn't continued, the bosses won't have a Federal trough to feed at.

Third termites, almost to a man, are the lads who are on the pay roll, directly or indirectly. A third term for Roosevelt means 4 years more in the money. If it doesn't happen, the boys have a reasonable expectation of getting the ax.

What's a 150-year-old tradition founded by Washington and Jefferson, and respected ever since, between such friends as the bosses and the pay roll?

[Applause.]

[Here the gavel fell.]

Mr. STEFAN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MCLEOD].

Mr. MCLEOD. Mr. Chairman, a clear indication that the Government's business is of no concern of the people is pointed out in the reply I received from the Deputy Comptroller of the Currency in response to my inquiry for information, desired not by myself alone but by a committee of this Congress. Mr. Upham, in point of fact, says that the people are not entitled to information or an explanation as to what is being done with their money. This is just another example of insolence on the part of a branch of this dominant bureaucracy and maladministration of our Government.

The controversy in question is based first on a statement made by the Deputy Comptroller of the Currency before the Treasury Post Office Subcommittee during its hearings in December 1939. After I had sought for nearly a month to obtain a detailed statement of fees involved in the largest bank receivership in the country's history, the Comptroller of the Currency has refused to make known to a committee

of Congress details of the cost of the receivership of the First National Bank, of Detroit, Michigan, on the grounds that to do so "might only confuse the public mind and hinder the work of the receivership."

I requested the information as a member of the subcommittee of the Appropriations Committee handling Treasury budgets. My original request, early in February, followed testimony before the committee that legal fees alone totaled $922,000 to September 30, 1939.

In order that the situation may be thoroughly understood by the Congress, let me state that on February 14 I wrote the following letter to the Comptroller of the Currency:

FEBRUARY 14, 1940.

Hon. PRESTON DELANO,
Comptroller of the Currency,
United States Treasury Department, Washington, D. C.

DEAR MR. DELANO: It has come to my attention that statements recently made to the Treasury Appropriations Subcommittee, of which I am a member, regarding the receivership of the First National Bank, Detroit, were not in accordance with the facts.

Therefore, I will appreciate it if you will provide me, as a member of this subcommittee, with a detailed statement of the cost of this receivership for each of its 7 years; and that such statement list the names and amounts of payments made to attorneys for fees and all other legal costs incurred by this receivership.

Trusting that I may have an early reply, I remain.

Very sincerely yours,

CLARENCE J. MCLEOD,
Member of Congress.

I want you to keep that letter in mind for just a few moments, because the question I asked is contained therein. The Comptroller's reply to this letter, dated February 23, reads as follows:

TREASURY DEPARTMENT,
COMPTROLLER OF THE CURRENCY,
Washington, February 23, 1940.

Hon. CLARENCE J. MCLEOD,
House of Representatives, Washington, D. C.

MY DEAR MR. MCLEOD: Reference is made to your letter of February 14, 1940, wherein you advise that certain statements recently made to the Treasury Appropriations Subcommittee, of which you are a member, regarding the receivership of the First National Bank, Detroit, were not in accordance with the facts.

We have very carefully reviewed the report of the committee hearing and do not find that any statements made by us at the hearing were not in accordance with the facts, and feel that your informant, who called the statements in question to your attention, must have been mistaken concerning them. We are, of course, desirous of correcting any erroneous impression which may have been given as the result of any of the statements made, and, consequently, we will appreciate it very much if you will advise us more specifically concerning the particular statements to which your informant may have referred. If, as indicated by your letter, the statements had reference to expense of liquidation, we may advise that annual reports submitted to Congress by the Comptroller of the Currency disclose that the cost of liquidation of this receivership has been substantially less than the average cost of liquidation of all national-bank receiverships. In this connection it may be pointed out that the Comptroller's published annual report to Congress for the year ended October 31, 1938, indicates the average cost of liquidation of all national-bank receiverships to such date as 6.08 percent of total collections, whereas the comparable cost of liquidation of the First National Bank, Detroit, receivership is found to have been but 4.18 percent. Such percentage of total costs of liquidation of the First National Bank, Detroit, receivership will, however, be reduced to 2.54 percent if amounts of interest paid to the Reconstruction Finance Corporation are excluded from total liquidation costs. Total legal expense of this receivership, including court costs, services of attorneys, and other costs incident to litigation paid as of October 31, 1938, is found to have amounted to less than one-fifth of 1 percent of total collections, and only 7.3 percent of total costs of liquidation, exclusive of interest, paid the Reconstruction Finance Corporation.

We shall be glad to hear from you further concerning this matter.

Very truly yours,

C. B. UPHAM, *Deputy Comptroller.*

I read from my letter of February 28, my second identical request of the Comptroller:

FEBRUARY 28, 1940.

Mr. C. B. UPHAM,
Deputy Comptroller of the Currency,
Treasury Department, Washington, D. C.

MY DEAR MR. UPHAM: I have your letter of February 23 which is in reply to my letter of February 14 addressed to Mr. Delano, Comptroller of the Currency.

While your letter contains general information, if you will refer to the second paragraph of my letter of February 14, you will note that I asked for specific information. Therefore, I again request that you provide me with a detailed statement of cost of this receivership for each of its 7 years, and that such statement list the names and payments made to attorneys for this receivership and all other legal charges.

Assuring you that I will appreciate your cooperation, I remain

Very sincerely yours,

CLARENCE J. MCLEOD,
Member of Congress.

You will note that I asked for "specific information" in both of these letters, that my second letter repeated the same request. The day before yesterday I finally received a reply to mine of February 28, excerpts of which I will quote in a moment.

Twice I asked the same question, for him to state the specific amount of the cost of the receivership, specifically to name the amount of fees paid attorneys and the names of the attorneys so paid. That was my only question, and now from his letter I quote:

In the present letter you drop that matter entirely and request new information which was not among the questions asked by the members of the subcommittee.

I must take a more serious view of the situation thus created. It was I who undertook to answer the queries of the subcommittee and the answers which you alleged to be false in a letter to the Comptroller were mine. While I do not say that an error might not have occurred, I do wish you and the other members of the subcommittee to know that I desire to correct any misstatement of facts contained in my answers. I repeat, as emphatically as I am able, that in justice to the office which I represent and in fairness to the Comptroller, who relied upon me in this matter, I am entitled to a more particular recital of the information then given which you believe to be wrong.

I ask you, gentlemen of the House, if the request I submitted in both these letters was not clear.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. McLEOD. I yield.

Mr. RABAUT. Has the gentleman a copy of the hearings wherein the questions were asked?

Mr. McLEOD. They are in the Treasury hearings, and the hearings are available to all Members.

Mr. RABAUT. Has the gentleman a copy with him?

Mr. McLEOD. They are here.

Mr. RABAUT. Are they not the questions that were asked in the hearings?

Mr. McLEOD. Yes.

Mr. RABAUT. Are not they the things in question?

Mr. McLEOD. Yes.

Mr. RABAUT. Why does not the gentleman present the questions asked in the hearings to substantiate the whole matter? Did the gentleman hear my question?

Mr. McLEOD. I am talking about the question I asked in my letters.

Mr. RABAUT. They are all set out in the hearings, I take it.

Mr. McLEOD. I asked a certain specific question in my letter, if the gentleman would only pay attention to what I am getting at.

Mr. RABAUT. I am paying attention.

Mr. McLEOD. I am going to cite the questions that were asked in the hearings; they will all come out. If the gentleman would just pay attention to what I am saying, it would all be clear.

The next paragraph of this letter states:

In this letter you renew your request for a detailed statement of the cost of the receivership of the First National Bank, Detroit, for each of its 7 years, which shall include the names of attorneys representing the receiver and the payments made to them.

He admits now that I am repeating my original request.

This is not the first time such a request has been made. We presume that the size of this receivership and the very large amounts involved have generated a great deal of curiosity in the minds of many people. In fact one prominent member of the Detroit bar recently brought an action in court to compel the Comptroller to furnish this and other similar information and to bring about a situation whereby he might acquire the privilege of review of future expenses before payment.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 8 additional minutes.

Mr. McLEOD. The letter goes on to say:

Whether such procedure would promote efficient and impartial liquidation I must leave you to judge; but in attempting to furnish information piecemeal and without relating it to the whole receivership we might only confuse the public mind and hinder the work of the receiver, on whom scores of thousands are depending for the return of their deposits. What is meant can be easily made clear by a few examples.

The pay roll of the hundreds of employees runs into a sizeable figure. The figure, viewed alone, might be made to seem exorbitant; but you will realize, I am sure, that no responsible person would hazard an opinion upon it without a knowledge of the work to be done, the quality of the organization of the clerical staff, the amount of special knowledge or training necessary, and the level of wages in the community. The salary paid to the receiver, viewed by itself, will convey differing impressions to those who may hear of it, depending upon their own experience in such matters, but you will realize that intelligent comment must include a knowledge of the requirements of the position. The question of legal expense is peculiarly of this nature. A statement made on legal-fee bills during the course of a receivership must necessarily be inadequate, since the total is never known until the trust is finally closed.

That is the only answer the Comptroller makes regarding legal fees. Up to the present time, according to the receiver's figure, the legal fees are just under $1,000,000. The information I received stated there will be further legal fees due.

Moreover, the bald statement of fees paid over a period of time for widely diversified services, or for a single service, is meaningless in itself. A similar comment might be made upon any feature of the receivership viewed without relation to the entire problem.

The receivership of the First National Bank, Detroit, represents the greatest task of bank liquidation ever undertaken in this country.

We will concede that.

At this time over 175,000 persons are interested in its outcome. The liquidation of $468,000,000 of bank assets is a project reaching into every State and affecting persons in every walk of life.

That is why this is a matter of national concern.

Almost every type of property must be converted to cash; many thousands of unwilling debtors and shareholders must be forced to pay, and exact justice must be done among the creditors in making distribution. The efficient management of this liquidation is of major importance, not only to Detroit but to the entire State of Michigan, and this office has at all times endeavored to meet its responsibilities to Congress and to maintain a clear sense of trusteeship. The receivership, in its key positions, has been manned by trained and experienced men, and capable and impartial counsel has been employed. Our success or failure in performing our duties will be evident in the results, and we must presume that Congress intends that we have some freedom of action if the responsibility is upon our shoulders. The general information given you in our letter of February 23 will afford you some yardstick by which to measure the administrative expenses incurred at this receivership. A copy of the latest published statement of condition of the receivership is enclosed for your information.

Mr. Chairman, I cannot recall a time when a committee of Congress has been refused information of this kind or nature. Every depositor of this large bank must be asking the question today: If the bank is now solvent after $20,000,000 has been milked from its assets to run this receivership, why was it not allowed to reopen years ago?

The gentleman from Indiana [Mr. LUDLOW] is chairman of this subcommittee, and I am going to ask him to direct a letter to the Comptroller or the Secretary of the Treasury, as the gentleman from Indiana [Mr. LUDLOW] is very much interested in this situation. Perhaps he, as chairman of this committee, can get the definite figures that I believe the people of Detroit and Michigan are entitled to, because it is their money that is paying for this receivership which seems to be ever-continuous. There are no signs of closing the receivership. As I understand, it is one of the few remaining important banks held in receivership since the bank holiday of more than 7 years ago.

Mr. TABER. Will the gentleman yield?

Mr. McLEOD. I yield to the gentleman from New York.

Mr. TABER. To refer to the Treasury Department hearings, it appears on page 274, that the total expenditure for attorneys' fees to September 30, 1939, was $922,373.13. On page 276 of the hearings it appears that the expenditures for attorneys' fees up to the end of the last fiscal year, ending June 30, 1939, was $741,000—a difference of $181,000 which must have been spent in the 3 months from July 1, 1939, to September 30, 1939.

On page 273 of the hearings, it appears that the total annual salary rate of all attorneys as of June 30, 1939, was $18,120 and they were spending $181,000 in 3 months. These two stories do not go together. In other words, in accordance with their own testimony they appear to have spent 10 times as much in 3 months as they told us they were going to spend in a whole year.

Mr. McLEOD. The gentleman is correct. The specific liquidation charge, which is supposed to include attorneys' fees, was more than $11,728,121 as of December 31, 1939. If it is a fact, and the information is correct, that there are bills still to be rendered for attorneys' fees against this bank in question, I think specific information, when requested, should be given to a committee of Congress with reference to what is actually going on.

I know the people of Detroit are anxious to know how much of the $922,000 that was paid for attorneys' fees was paid to Robert S. Marx and Frank E. Wood, Cincinnati lawyers, to look after the liquidation of Detroit's biggest bank.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman and Members of the Committee, rural electrification is a glowing example of humanized democracy. It is lifting the burden of toil off the backs of farmers and their wives. It is harnessed electricity made to serve man. It has banished gloom and despair and lighted up the halls of farm homes with joy and comfort. It has brought to rural life comforts, conveniences, and economies which were heretofore enjoyed only by city dwellers, and is rapidly causing the drift of people from cities to farms rather than from farms to cities. Rural electrification was in fact made possible through establishment of the Tennessee Valley Authority about 6 years ago. It was my happy privilege to preside over the House of Representatives the day the T. V. A. was created and also to vote for this measure.

Prior to the creation of the T. V. A. there were comparatively few farms in the country which had rural electrification. Occasionally a prosperous farmer had been able to install his own small Delco outfit, but electrical power was a high luxury and not to be even dreamed of by the average farmer. We will take, for instance, the charges made by the Mississippi Power Co., which is near the T. V. A., which charges were for 1,400 kilowatt-hours under the old rate, and compare them with the T. V. A. rate of 7½ mills a kilowatt-hour of today.

Residential rates

	Mississippi Power Co. rates, 1932	Present Tennessee Valley Authority rates
First 30 kilowatt-hours a month	$3.00	$0.90
Next 170 kilowatt-hours a month	13.60	3.60
Next 300 kilowatt-hours a month	21.00	2.40
Next 350 kilowatt-hours a month	21.00	1.40
Next 550 kilowatt-hours a month	27.50	2.20
Total (1,400 kilowatt-hours a month)	86.10	10.50

You will see that the old rate charged by the power company was 5 cents a kilowatt-hour, as compared to 7½ mills under the T. V. A. rate. The T. V. A. opened up to the American people the possibility and practicability of rural electrification and the feasibility of the Government participating in this great enterprise. During the last 5 years the Federal Government has made loans available for R. E. A. purposes in the amount of about $250,000,000. This fund has carried electrical current to some 2,000,000 farm families, or approximately 25 percent of all farms in our country. The R. E. A. has constructed about 200,000 miles of line and the number of patrons on these miles is rapidly increasing as the farm families understand and appreciate more the luxury and the comfort of having electrical current.

In Florida we have a cosmosplitan citizenship with diversified interests. On this account we have not realized as great

benefits from R. E. A. as we should have. Our State has not taken advantage of rural electrification in the same proportion as some other States have. However, Florida has received from the R. E. A. $1,834,000, which has been used in the construction of 2,002 miles to serve 5,264 families. We have extension applications now pending and it is expected that they will receive allotments in due course of time. We also have additional new projects which are in the process of preparation and development.

One of the about twenty R. E. A. generating plants in the country is located in the Second Congressional District within 10 miles of Starke, my home town. It was necessary for the farmers to get money from the Government to build this plant because the local power companies did not cooperate for cheap wholesale prices for electric current. This plant stands out as a service monument to the present Democratic administration. The R. E. A. thought enough of this marvelous establishment to give special mention to it in the 1939 annual report. It is a modern, up-to-date Diesel-motor generating plant. From this plant service goes out to consumers in 6 to 8 counties. The rapid increase in patrons will in all probability in the near future require plant enlargement. Last fall this modern farm-owned electric plant was dedicated with a public barbecue and the gathering of thousands of people from many counties.

In the Suwannee River Valley, the Suwannee Valley Electric Association has recently opened up 151 miles and is serving 300 to 400 patrons. Of the 15 rural counties in my congressional district, 10 or 11 have rural electrification. I shall not cease my efforts until electrical current is offered to every farm desiring it within my district. No other agency of the Government is carrying real benefit to farmers comparable with rural electrification.

There are some 16,000 farmers' electrical cooperatives in the United States which with Federal funds have constructed enough power lines to reach around the earth 3 times. This service should and will continue as an economic measure until practically all farms in the United States have been given electrical current. The older countries of the world have long realized the economy and benefit of having electrical current on farms. In France and Germany 90 percent of the farm homes have electricity. Norway, Sweden, and Denmark, and other old nations of Europe, have electrical current supplied to more than 90 percent of the farms. Conservation and economy have taught these older nations that rural electrification is not only a comfort but is also a business asset to any farm.

In many homes—in fact, in the majority of them—in the Tennessee Valley area, where current can be produced cheaply, they are using electricity even for heating purposes. It has been found in these places that electricity for heating the entire house costs less than wood or coal. For instance, here is the story of one Mississippi home in the T. V. A. area: 37 lights in the house, together with electric iron, refrigerator, range cooking stove, grill, three fans, vacuum cleaner, waffle iron, and six electric heating units—heaters. During the month of January, which is the coldest month, this home used 1,036 kilowatt-hours of electricity, which cost $9.04. Another housewife in this same area, without home heating appliances, in the month of March used lights in her home and garage, a radio, electric refrigerator, electric iron, electric cooking stove, a vacuum cleaner, a hot-water heater—82 kilowatt-hours of electricity, which cost $2.14 for the month. March is a comparatively cold month in that area. Of course, the rate is cheaper in the T. V. A. area than we can immediately expect in areas with less production and less consumption. In other words, they have the hydroelectric dams constructed there and the 7½ mills per kilowatt-hour is quite reasonable; however, this 7½ mills per kilowatt-hour, it has been figured, takes into consideration and provides for the retirement of the cost of building lines and also the amortization of the cost of dam construction.

There are hundreds of watersheds throughout the United States which are capable of developing and producing enormous quantities of electrical current. The Congress now has under consideration legislation which would utilize, by and for the Government, the water-power possibilities of these various streams. The power possibilities of these streams is Nature's gift to the American people. It is a crying shame for this potential power to go to waste in the oceans adjacent to our country for the lack of dams and machinery to harness it. In my own district we have one or more streams capable of the development of considerable water power; of course, not the volume as generated on the Tennessee and Columbia Rivers, but of adequate possibilities to take care of every farm in the State of Florida. Among these rivers is the historic and majestic Suwannee River. The Army engineers, by act of Congress, are now making survey to determine the advisability of flood control and power development in the Suwannee River Valley. It is earnestly hoped by the citizens of their area that favorable findings will be recommended to the Congress for a hydroelectric dam on the Suwannee River to supply cheap hydroelectric current through R. E. A. to all of this adjoining area. This development would give power rates in comparison with those now enjoyed in the Tennessee Valley area. Until this is accomplished we may confidently expect expansion in all parts of the district of rural-electrification current from the existing Diesel-engine power plant at Keystone Heights and of power from power-company lines at wholesale rates.

I remember very well farm homes in my district before our farmers had rural electrification. I have seen the housewife go about the drudgery and duties of her home in all of its toil and physical pain. On washday, for instance, she must draw the water with a hand pole or long chain with a big bucket, carry it several yards to a big black pot and large tubs, or the big, long old-time washing trough, rub and scrub the family clothes for 2 or 3 hours, then place them on the end of the trough or on a block and take a stick weighing several pounds and beat them until the buttons fly off; then throw them in the old black pot with a tarry fire blazing up around it on a hot summer day, stir them, push them down until they are bleached; then, by hand, take the scalding garments from the pot, rinse and rinse and rinse them, and hang them up to dry, then from 12 until 1 o'clock, while she is resting, she must cook a big dinner on a red-hot stove for a large family, clean up the little children, and feed them; then, in a steaming-hot kitchen, wash up the dishes; then go to finish the washing, or scrub, by hand, the kitchen floor. The next day—practically all day—with her irons before a blazing fire, shut up in a hot house, she irons and irons until the garments are pressed and ready for the use of the family. In the kitchen an ice box unknown. Things left over from the meal, also milk and eggs, spoil because it is too hot in the kitchen. The supper is cooked by a small kerosene lamp. After supper has been served, the small school children study their lessons by a pine-knot fire or a small smoke-shaded kerosene lamp.

I will not go into the details of the drudgery of the farmer himself in watering his stock, shelling his corn by hand, blundering around in the barn with no light, and various other necessary endeavors on a dark farm.

The picture is quite different now. In two to three thousand homes in my congressional district the washing machine, the electric iron, the electric fan, the Frigidaire, the electric light, the electric pump, the vacuum cleaner, and other devices have taken the drudgery off their tired and honest backs, while the radio has given them joy and comfort in living. The trend now is not from the farm home to the city for these comforts and luxuries, but is from the city back to the farm to enjoy more of Nature's blessings and invention's comforts. The farmers of my district are living in the dawn of a new day of farm enjoyment and comfort.

On February 2, 1940, the Suwannee Democrat, edited by Hon. Charles Helfenstein, a Harvard man, which is one of the best weekly newspapers in the United States, had the following to say:

FARM HOMES GET ELECTRIC POWER AS R. E. A. ENERGIZES—FIRST SECTION COOPERATIVE COMPLETED—OTHER SECTIONS AS HOMES ARE WIRED

Electric lights burned in many Suwannee County farm homes last night as the local electric cooperative began energizing its lines in this and Lafayette Counties. Thursday afternoon shortly after 2 o'clock electric power coursed through the high-tensioned lines of

the Suwannee Valley Electric Cooperative Association to serve farm homes in the McAlpin, Pinemount, O'Brien, Beulah, and Central communities of this county.

Engineers of the Rural Electrification Administration were here to assist in and witness the cutting in of the cooperative lines to the hight-power lines which will provide the current. Approximately 70 homes in the areas mentioned are being serviced at present.

Plans for a rural-electrification line in this county were started nearly 3 years ago. With the assistance of Congressman R. A. GREEN, who has secured two of the four R. E. A. projects in Florida for his district, an appropriation was secured to construct the lines here.

The project manager of the Suwannee Valley Electric Association also recently conveyed the expressions of this association, as follows:

SUWANNEE VALLEY ELECTRIC COOPERATIVE ASSOCIATION, INC.
March 12, 1940.

Hon. LEX GREEN,
Member of Congress,
Starke, Fla.

DEAR SIR: I wish to take this opportunity of expressing my high regard for your effort toward the advancement of rural electrification in Florida. I sincerely believe I express the thoughts of the majority of, if not all, our cooperative members.

Your continued efforts in behalf of the wonderful program of "electricity on the farm" cannot help but be appreciated by the thousands of farmers throughout the State.

Very respectfully yours,

GEORGE CARVER,
Project Manager.

And to give a further picture of the appreciation and approval of rural electrification in my district I quote from a news story recently released by Mrs. Grace Warren, home demonstration agent of Alachua County, Fla., as follows:

ELECTRIC POWER BRINGS THRILL TO RURAL HOME FOLKS, STORY REVEALS

The thrill that rural people experience when electricity is turned on in their homes for the first time is well brought out in a story from Mrs. Grace Warren, Alachua County home-demonstration agent.

Mrs. Warren was making her regular round of visits to Alachua County rural homes when she dropped in to have a chat with a woman whose house had received electric power only a short time ago. With a great deal of enthusiasm, the woman said to the agent:

"We had our home wired for some time. It was Saturday afternoon, and then night came. There were no lights, even though we had the switch turned on.

"While my husband and I ate our supper by lamplight suddenly the whole house was lit up like day. We jumped from the table so excited we couldn't finish our supper, and we were having fresh backbone and rice, too. With my new percolator, waffle iron, and hot plate on the table where I can fix a meal without getting up, I honestly feel like I am in a new world. With my electric mixer I beat up a cake in the time I ordinarily would have taken to cream the butter.

"Now my husband and I feel that we can take time to do some of the things we've planned to do but never had time before."

New River, Bradford County, Fla., is the scene of my childhood days. This community had R. E. A. line extended through and from the farm-owned plant at Keystone Heights but owing to congestion of duties the management had been unable to get current turned on in this community. Last December, as the Christmas holidays approached, my boyhood friends and neighbors became anxious to have light during the holiday season. Through the special cooperation of the R. E. A. Administrator in Washington we were able to get the line energized on December 19. I read the following from the county agent of Bradford County, indicating their appreciation and cooperativeness:

STARKE, FLA., *December 21, 1939.*

Hon. R. A. (LEX) GREEN,
Starke, Fla.

DEAR LEX: On behalf of the 68 farmers who are members of the Clay Electric Cooperative of the Rural Electrification Administration on the New River extension, I wish to express the deepest appreciation for the aid you gave us in getting our New River line energized. The line was energized at 11 o'clock, Tuesday, December 19.

I visited about a dozen of the homes that night, and it was indeed a pleasure to see the enjoyment they received from the energization of the line. They are overjoyed at the prospects of lights for Christmas. They are indeed grateful to you for your cooperation in helping to get the line energized.

With the very best of holiday wishes, I am

Very truly yours,

T. K. MCCLANE, JR.,
County Agent.

During this Christmas holiday, my heart was made to rejoice in knowing that I had been helpful to the men and women with whom I had been reared, in making them happy and in making their Christmas bright and joyous. Of all times of the year, the Christmas season is the one most worthy of joy and happiness, and, although this accomplishment is small in a way, it gives me more happiness than practically any other accomplishment of my life.

Rural Electrification Administration officials cooperate thoroughly with farmers desiring to borrow money for the establishment of R. E. A. service. The following is a statement from one of the R. E. A. officials:

UNITED STATES DEPARTMENT OF AGRICULTURE,
RURAL ELECTRIFICATION ADMINISTRATION,
Washington, February 28, 1940.

The Honorable LEX GREEN,
House of Representatives, Washington, D. C.

DEAR LEX: I am enclosing an interesting tabulation of information about the Florida R. E. A. projects. I cannot help noticing the large number of areas in your district that have been served already by our projects. If anyone accuses us of favoritism, we shall, of course, have to explain that your great activity and interest in this project made you first on the scene.

You are represented, in part, in five out of our eight existing projects, and the first cooperative project developed in Florida was in your district. I understand that another project is now brewing in Baker County.

You are one of those Congressmen working with and instructing their constituents in such a manner that the Federal agencies are able to serve the people.

Yours very sincerely,

BOYD FISHER,
Special Assistant to the Administrator, in Charge of State Relations.

Now, my friends, I think you will agree with me that no other branch of the Government is really carrying to the farmers of our Nation equal joy, contentment, and comfort as that carried by the Rural Electrification Administration. The farmers of our Nation deserve so much and receive so little. My effort will go forth until rural electrification is offered to every farm home in the country.

Mr. RICH. Mr. Chairman, I yield 8 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I have within only a very few minutes glanced through the report of the committee having the bill in charge. My excuse for speaking a few words at this time is that I am a member of the Committee on the Library. I wish to commend the action of the Subcommittee on Appropriations in making the very thorough study they have of the Library of Congress.

The name, Committee on the Library, is somewhat of a misnomer. It is a very honorable and interesting committee to serve on, but as a matter of fact, as far as I have been able to discover after several years of service on it, we have practically nothing to do with the Library itself. Of course, the fact that a subcommittee of the Committee on Appropriations has to do with the appropriations is probably the reason that all the affairs of the Library are in the hands of the Committee on Appropriations.

It seems to me there could well be a change in the rule or a change in the procedure. The Committee on Appropriations is an extremely busy committee. While it devotes attention to these various functions of government, nevertheless it does seem to me that such a committee as the one of which I speak as having the honor of being a member of ought to have rather more to do with the actual management and carrying on of such a great institution as the Library of Congress.

This happens to be a changing time in the Library in that for some forty-odd years we have been fortunate in having the distinguished services of Dr. Herbert Putnam as Librarian. I recall when he came to Washington from Massachusetts. It was a great loss to our State to have him called to this wonderful position here in Washington. Dr. Putnam was a great factor in building up the present Library, and he fortunately has had the cooperation of Congress. There has never been a time, as far as I have known in my service here, that the Congress and the Librarian have not acted in harmony.

The Library of Congress, it seems to me, is one of the institutions where civil service should not be a determining factor in employment. Library work requires special training. To be a competent aid in a library you must have had special training, and that should be determinative rather than the function of a civil-service examination.

I am very glad to say that there has not been at any period under Dr. Putnam, as far as I have known, any political influence or any political effort made with him. If it was made, of course, it was unsuccessful. The Library has been marvelously conducted under him.

As I have said, this is a changing period in the Library in that we have a new Librarian. There was a good deal of surprise last summer when the President appointed Mr. Archibald MacLeish as Librarian, because the friends of Mr. MacLeish, I believe, would not have claimed he had any experience along the line of an actual librarian's work. However, he did bring to the position a splendid background of education and literary training. He is a distinguished author and a graduate of Yale University and other educational institutions. In the brief period he has been Librarian the changes which he seems to want to inaugurate will certainly add to the efficiency of the service rendered by the Library.

I note that on page 10 of the hearings appears this statement about the services of Mr. MacLeish:

> It is proper that the committee should frankly state its pleasure at the industrious and intelligent manner in which Mr. MacLeish has entered upon his duties. In the short time he has acquired an amazing intimacy with the functions of the Library and the details of its operation.

Certainly, in view of the study the Subcommittee on Appropriations made, that is a very high compliment for them to pay to Mr. MacLeish, and one richly deserved by him.

It has not been my privilege to have studied the Library in as much detail as I should have done, perhaps, nor to have made use of it as much as I should, but I do believe that there is a purpose and an intention on the part of Mr. MacLeish and his subordinates to cooperate with the Members of the Congress in aiding us in our work and in the research we ourselves do not have the time to do. By inquiring of the Library, we can secure anything within the facilities of the Library. I do commend to the committee and to the House a more extended knowledge of what a marvelous institution we have in the Library of Congress. I am quite certain that a great many Members of the House are not familiar with the details that go to make up this great Library and the opportunities it affords Members of Congress to familiarize themselves with the work the Library is undertaking, and to secure the aid so necessary in carrying on our work. Not only is it the intention of Mr. MacLeish to have that service perfected for us but, as we cooperate with our constituents, an interview with Mr. MacLeish or some of his assistants will show that the libraries throughout the country can have the benefit of the services of the Library of Congress, under proper restrictions.

The other day I visited the new Library of Congress Annex and was very much interested in going through that building to find that nearly 200 rooms are set apart for students who wish to come there and consult references in the Library and be by themselves. These are air-conditioned rooms, where the students can carry on their studies in quiet and silence.

Not only do I commend the Library service and the opportunity that Congress has to use this service, but I commend most particularly to your consideration the Librarian himself and his desire to cooperate with you in the use of his services and the services of those under him as well as the facilities of this world-famous Library.

May I add this one word, Mr. Chairman. I note there is quite a large addition to the appropriation. I believe it is highly justified. I am one of those looking for economy in government, but I do not believe we should begin economizing on the Library of Congress. [Applause.]

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, we have of late been apprised of the fact that there has been a composed peace between Russia and Finland.

I hope the proposed treaty between Finland and Russia is not just another scrap of paper. I hope it is not another Munich. The democracies of the world, through their blind appeasement program and failure to extend the necessary aid to Finland in her hour of need, have lost considerable ground against the onrush of godless totalitarianism. No matter what territory Russia may gain from Finland, it will never Russianize her. Finland has remained Finland throughout the centuries. She will rise again with pride and in the end be victorious. She has carved a niche in the hall of nations that stamps her as a people of courage and integrity. In the eyes of the world Finland is still the symbol of honesty and integrity; a Christian democracy whose people will never bow to communism in fact.

Friends of Finland should realize that continued aid is necessary so that this brave people may carry on in the interest of freedom. In fact, we should double our efforts in extending aid to her. I hope that my bill for the return of the interest on Finland's debt will be brought to the House floor and passed immediately. Courage and valor cannot be crushed. The people of Finland cannot be crushed. Their love of freedom, progress, and culture will march on, and it is our duty to continue help that she may rehabilitate herself after her valiant stand against overwhelming odds. She has gained a prominent place in the family of nations, where she will remain with pride. [Applause.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Chairman, we are today considering the bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941. There are two items in this bill that I desire to call to the attention of the House, one of which is for telegraph and telephone services for Members of the House, amounting to $130,000. I am informed that about $100,000 of this is for the payment of telegraph tolls. In the Senate section of the bill there is a somewhat similar provision, and I am informed that about $100,000 is spent annually by the Senators in telegraph tolls, making a total telegraph bill of approximately $200,000 annually.

On October 17 of last year I introduced a bill in the House providing for an amendment of the statute that authorizes franking by the President, the Vice President, and the Members of the Congress. My proposed amendment to that statute reads as follows:

> A bill granting to the Vice President and Members of Congress the privilege of franking official correspondence not exceeding 1 ounce in weight by air mail
>
> *Be it enacted, etc.*, That section 7 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1905, and for other purposes," approved April 28, 1904, is amended by inserting at the end thereof the following: "Where such official mail matter or correspondence does not exceed 1 ounce in weight, such franking privilege shall include the use of the air mail."

I believe this bill is in the interest of economy. We have a very splendid air service covering all sections of our country. Even between here and my home on the Pacific coast, I can air-mail a letter and get an air-mail letter in reply almost as quickly as I can send out a night letter by telegraph and get a night letter in reply. My point is, that by the enactment of my bill Members will be encouraged to use the air mail, there will be less use of the telegraph franking privilege, and there will be savings amounting to thousands and thousands of dollars annually to the Government.

My bill was referred to the Post Office Department, and under date of March 7 of this year, Mr. Ambrose O'Connell, Acting Postmaster General—and I understand Mr. O'Connell is Second Assistant Postmaster General—wrote a letter to the chairman of the Committee on the Post Office and Post Roads, reporting adversely on the measure, on the ground that it would be an additional cost. However, Mr. O'Connell, I am sure, did not take into consideration the savings that would be made by reason of substituting the air mail for the telegraph. I was not privileged to discuss this bill with him before he made his report, but I am going to do so in the hope that he may amend this letter that he

has written to the chairman of the Committee on the Post Office and Post Roads. I am sure he will agree with me that this bill will save money for the Government.

I believe this is a meritorious bill, and while it is true it would entail some additional cost and burden on the Post Office Department, there would be a decided saving, so far as the Treasury of the United States is concerned. After all, the money comes out of the same purse, and if we can save far more than we are spending, we should not hesitate to enact this bill into law.

The letter received from the Post Office Department, in reference to my bill, is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 7, 1940.

Hon. MILTON A. ROMJUE,
Chairman, Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. ROMJUE: The receipt is acknowledged of your letter of January 19, 1940, requesting a report upon H. R. 7588, a bill granting to the Vice President and Members of Congress the privilege of franking official correspondence not exceeding 1 ounce in weight by air mail. This bill proposes to grant to the Vice President and Members of Congress the privilege of franking official correspondence not exceeding 1 ounce in weight by air mail.

Section 327 of title 39, United States Code, provides that the Vice President, Members and Members-elect of, Delegates and Delegates-elect to Congress, and the Resident Commissioners from Puerto Rico and the Philippines shall have the privilege of sending free through the mails, and under this frank, any mail matter to any Government official or to any person, correspondence not exceeding 4 ounces in weight, upon official or departmental business.

By authority of section 321 of title 39, United States Code, as amended, the departments and independent agencies of the Government use the mails under the penalty privilege without the payment of postage where such use is exclusively on official business. If the present law were amended to grant the use of air mail without the payment of postage by the Vice President and Members of Congress, there would be, perhaps, quite a substantial number of requests at once for extending the penalty privilege to the departments and independent agencies of the Government in the use of the air mail. Many governmental departments have been urging the granting of this privilege for a considerable length of time.

When the air mail was originally established there was in mind the fostering of aviation, and it was recognized that to promote aviation through the establishment of air-mail service, a subsidy must be allowed. The postage on an ordinary letter for nonlocal delivery is 3 cents, while the postage for air mail is 6 cents. Authority for the use of air mail by Members of Congress and governmental departments would no doubt result immediately in applications for higher mail-carriage rates to carriers and agitate a demand for the reduction of the air-mail postage.

The Department does not feel that this privilege should be extended until such time as the revenues from the air-mail service approximate the cost for this service. No doubt, when that time comes, or when it can be shown that the air-mail service is operated at a profit, consideration can be given to what is proposed in this bill, as well as to a reduction in the rate for air mail.

Any appreciable increase in the volume of mail carried by the air lines would be likely to result in increased pay allowances to the carriers by the Civil Aeronautics Authority. The revenues derived from the air-mail postage, the revenues derived by the carriers through express and passenger traffic, and the volume of mail all have a bearing upon the rates fixed by the Civil Aeronautics Authority for the carriers.

In view of the foregoing, the Department does not believe that favorable consideration should be given to a bill of this character at this time.

It has been ascertained from the Bureau of the Budget that this report is in accord with the program of the President.

Very truly yours,
AMBROSE O'CONNELL,
Acting Postmaster General, Second Assistant Postmaster General.

Mr. RICH. Mr. Chairman, I yield myself 10 minutes. First, I congratulate the Subcommittee of the Committee on Appropriations for the work they have done on this bill. Every member worked hard and we also had one member of the Committee on Appropriations, not assigned to this committee, the gentleman from Nebraska [Mr. STEFAN], who did valuable work. To the chairman of this committee, the gentleman from Michigan [Mr. RABAUT], I offer congratulations. He displayed business judgment and ability in everything he did in handling the hearings, and I have not seen anything like it on any appropriation committee for several years.

Notwithstanding the fact that this appropriation has increased $626,301 over and above the appropriation of last year, the law creating additional secretaries had a great deal to do with that. We increased the clerk hire, and all but 12 Members of Congress took out the total amount allowed for clerk hire, with the exception of a number of Members who increased the clerks in their offices and still had something remaining, not using the whole sum total allowed by the Congress.

As to the item we have discussed here today of $350,000 for repair of the terrace, sometimes I have questioned whether we ought to go ahead at this time and spend that money. Yet there has been much speculation as to the fact that the Capitol ought to be kept in good shape because it is really the Capitol of the country, and for that reason I went along with the committee on that item. It certainly is a needed expense, if not now, some future time.

The expenses for the running of the Senate are included in this bill. There are 96 Senators. We have allowed them in the bill $3,856,464. We have 435 Members of the House, and the total sum allowed for the membership of the House and all of the expenses incurred by the membership of the House is $9,115,488. In other words, we have more than four times as many Members of the House as in the Senate, and yet the Senate appropriation is about 50 percent as large as that of the House, and we are supposed not to have anything to say with reference to the expenditures of the United States Senate. I call that to the attention of the Members as food for thought, and especially to the Senate itself.

We added to the amount for the Library of Congress $100,000 for binding new volumes. We have increased the size of the Library almost 100 percent. That increase in size is going to require permission to file a great number of volumes that are still uncharted, as we say. We have added $100,000 in this bill to get many books in shape so that when they put them in the new Library they will be preserved.

Next, there is the item of $135,000 which was left off from the congressional allotment of appropriations in 1939 but has been restored this year. The chairman of the committee in charge of this bill has not made any opposition to giving the Joint Committee on Printing an opportunity to go ahead, and make this saving, if they see fit, by adopting a new regulation so that the CONGRESSIONAL RECORD will be printed in three columns instead of two, as now published, and as a member of the Joint Committee on Printing, I am sure we ought to take advantage of the present suggestion by the Public Printer, and as was stated by the chairman of this committee, the gentleman from Michigan [Mr. RABAUT], that saving should have gone into effect a year ago. I am in hopes that the Joint Committee on Printing will take advantage of this proposed change in the style of the CONGRESSIONAL RECORD.

Notwithstanding the fact that this bill carries $23,907,744, we cut the amount of the Budget $1,177,868. If I had the running of this myself, I think I could cut it down a whole lot more—no mistake about that. Lots of things go on on Capitol Hill where we could practice economy, but when we think of the total amount that the Senate and the House use, in an appropriation of almost $24,000,000, and that the Congress will appropriate for one battleship from $90,000,000 to $115,000,000, and when we think of the amount of the appropriations we have already made this year, I question whether the Appropriations Committee and the membership of the House should not economize more in the appropriations for the other departments of Government. The appropriations that have been made this year, including the amount that the Senate put on the agricultural appropriation bill of $208,968,584, amounts now to $5,480,146,435. That also includes the authorization that we made yesterday of $660,000,000 for the increase of the Navy. If the House appropriates that money, then we have not saved very much money up to this time this year, because the total appropriations for the same bills last year amounted to $5,835,049,962. We still have to get the Army appropriation bill. The bill which we are now considering for the legislative establishment increases the amount by $626,301 over the last year's appropriation. We have yet to come to the District of Columbia appropriation and the relief appropriation bill

which I understand the President has sent to the Committee on Appropriations for study and which amounts now to about $1,100,000,000.

So you can see that with the total receipts last year, 1939, of the Federal Government, $5,667,823,625.59, where we are going to be in a year probably two billion more in the red. Again I ask you, where are you going to get the money? [Applause.]

Let me call your attention to the fact that on March 8, since July 1 of last year, we have gone in the red $2,710,948,685. It is terrible, men, it is awful—what do you say?

Let me call your attention to the fact that on March 10, 1933, the President of the United States made this statement to the House of Representatives and to the Senate:

> For 3 long years the Federal Government has been on the road toward bankruptcy.

If that was his opinion then why does he not say more now after 10 years of the road to bankruptcy?

He also made this statement:

> With the utmost seriousness I point out to the Congress the profound effect of this upon our national economy. It has contributed to the recent collapse of our banking structure. It has accentuated the stagnation of the economic life of our people. It has added to the ranks of the unemployed. Our Government's house is not in order, and for many reasons no effective action has been taken to restore it to order.
>
> Upon the unimpaired credit of the United States Government rests the safety of deposits, the security of insurance policies, the activity of industrial enterprises, the value of our agricultural products, and the availability of employment. The credit of the United States Government definitely affects these fundamental human values. It therefore becomes our first concern to make secure the foundation. National recovery depends upon it.
>
> Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.
>
> It is too late for a leisurely approach to this problem. We must not wait to act several months hence. The emergency is accentuated by the necessity of meeting great refunding operations this spring.
>
> We must move with a direct and resolute purpose now. The Members of Congress and I are pledged to immediate economy.

Now, that was 7 years ago. We have been traveling on this road that the President mentioned 3 years previous to that, but since that time the road has become rougher and more rocky and more blocks have been put in front of him every day. Yet he lets it go. He does nothing about it. Why?

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield myself 5 additional minutes.

But instead of him trying to cut down on Government expenses and doing the things that he said when he came before the Congress, doing those things which he promised the American people before he took office he would do, please tell me under the name of heaven, where is the President of the United States with his Economy Committee that he had the Congress create in 1933? Where are those economies he is talking about? He has been the most extravagant President we ever had. He is the greatest spender of all history in all the world. There is nobody on the Democratic side of this House who can name one man who has ever approached him in his asking. No one can approach him in his spending. I say to the Congress of the United States when they gave the President of the United States the first $4,880,000,000 that he asked for, it was the worst thing you ever did to the President of the United States. It was the worst thing you ever did to this Nation of ours. Add to that the $17,000,000,000 you have given him for the purpose of what he called "relief," and it is worse yet. That money has been squandered and wasted in doing things that were most unsound, illogical, and unjust; building that great national debt up to a point where it is going to be left to our children and our children's children to pay. It could have been one-fourth as much and no one would have suffered.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I would like to yield, but the gentleman can get all the time he wants to defend the President of the United States. I defended him the first 3 months he was in office when he made those statements, but when he started to go on a spending spree and turning somersault after somersault to get money out of the Members of Congress and the public when they rubber stamped practically every bill he wanted and handed him all the money which he wasted in extravagance, I refuse to follow him further. I am glad of that. I would not be a rubber stamp for any man. Our national debt has been increased each year since Mr. Roosevelt took office. Never near a balance. Just look at the great number of buildings he has put up; the great number of expenditures for expansions in parks and nonessentials, things that will add to the annual national burden. Much of that money actually was squandered and wasted.

Now, gentlemen, I hope that when it comes to the relief money that they will ask for this year the Members will vote for relief to be sent back to the States in direct proportion to their needs, but let the people back home raise part of the money and help defray the cost of Government and not try to get it all out of the Federal Treasury, just because they think it is easy picking. The Treasury of the United States, from which they have been getting this money, is certainly empty now. You have about reached the national debt limit. So let us try to economize and try to be thrifty. "Have thrift" as our watchword, and not squander and spend, spend, spend.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes; I yield.

Mr. HOOK. Does not the gentleman know that the sponsors in the present program must contribute 25 percent now?

Mr. RICH. If you will get relief out of politics and put it on merit, instead of letting the Federal Government try to take care of the needs of all the people of this country, we will get somewhere. Let the Federal Government furnish its part of the money, and let the legislatures have some responsibility. Let the local communities have some responsibility. They think it is not costing them anything, and you are only fooling the people. [Applause.]

[Here the gavel fell.]

Mr. RABAUT. Mr. Chairman, I yield to the gentleman from New York [Mr. EDELSTEIN] such time as he may desire.

Mr. EDELSTEIN. Mr. Chairman, March 18 is the anniversary of the birthday of Dr. William I. Sirovich, who, until he passed away last December, so ably represented the Fourteenth District of New York in this House for 13 years. As his successor in office, it is my privilege and responsibility to carry on along the path Dr. Sirovich blazed. In honor of his memory and to commemorate his birth, it is only fitting to present to you the entire career of this gifted personality, who, only a brief few months ago, was in the land of the living, strenuously engaged in serving his God, his country, and his community. His untimely and unexpected death 2 weeks before the beginning of the present session deprived the people of that district of one who had distinguished himself by his self-sacrificing work for democracy and humanity.

The span of his 58 years is a chronicle of the opportunities offered by democracy. Dr. Sirovich accepted them, used them, and repaid them a hundredfold, by strengthening our democracy, by creating opportunities for the oppressed, the underprivileged, and the persecuted. His activities in behalf of the public welfare were confined to no one field. He was not a physician in the narrow sense only. His task was to apply himself, under the oath of Hippocrates, to the entire field of human endeavor. The practically unlimited scope of his interests did not mean that his numerous talents were spread too thinly, for he was no "jack of all trades and master of none." Unfortunately, the driving energy which underlay all his work wore out the physical structure too soon, while his mind was still in its full vigor. He warned his colleagues of this danger but failed to heed his own good advice.

Except for the first few years in the city of his birth, York, Pa., he spent his entire life on the East Side of New York City. There he was reared and educated, and there he began his efforts to improve the lot of the poor and the needy. His early education, including a bachelor of arts degree from the College of the City of New York in 1902,

he obtained because of democracy's belief in public education. His subsequent formal education—for he never ceased his studies—he obtained through his own endeavors. He taught in the city's public schools, and with this money he attended Columbia University's College of Physicians and Surgeons. In 1906, he received his degrees both as a doctor of medicine and as a master of arts.

For two decades, until he was elected a Member of the Seventieth Congress, he devoted himself to public service, rewarded only by the high esteem of his entire community, and often furthering such work with his own funds. Three Governors and three mayors appointed Dr. Sirovich to public posts. For 20 years he was a member and chairman of his local school board. He successfully appeared before the legislature to urge improved salary laws for teachers.

As a member of the State Commission on Widows' Pensions, he toured the United States at his own expense to study the methods of other States in handling this problem. He used his studies in writing the State's present Child-Welfare Law. As vice president of the Board of Child Welfare, he inaugurated a complete health service for orphans under its jurisdiction. He also was a member of the State charities committee, State Hospital Commission, and the State Prison Commission. It was he who fostered the establishment of vocational education in the State's prison system.

Even then, Dr. Sirovich knew the need of a fair deal between capital and labor. In those days he realized that the balance against labor needed redressing. He appeared before the State legislature to urge the adoption of an adequate employers' liability law, and again in support of workmen's compensation. His judicial temperament, which could decide on the facts and not on his acknowledged sympathy for labor, as well as his acquaintance with the industry's technique made him invaluable as impartial arbitrator between the International Ladies Garment Workers Union, and the Manufacturers' Association. He served in that arduous post for 2 years before the press of duties called him elsewhere. In that time he handed down many decisions on the controversies which still vex that industry. His calm and soothing manner, his willingness to listen patiently until each side had fully presented its case, his suggestions of reasonable compromises, his fair decision where both sides could not agree, earned him the approbation of all in the industry.

Dr. Sirovich's father was a Rabbi, and his son was reared in the Hebraic faith. In his manhood, he did not desert that creed, and he gave of his strength to it. When the civilized world was horrified by the government-instigated pogroms of Russia's "Black Hundreds," he was one of the four leading spirits who organized the American Citizens Committee to abrogate the Russo-American Treaty. He persevered in that task until that treaty was denounced by our Government. His faith was not based on a rigid sectarianism, however. He freely gave of his goodness and energy to all individuals who called to him for succor, irrespective of their race, creed, or color.

As an educator, Dr. Sirovich firmly believed in adult education. Throughout his life, he did not cease to educate himself, although he held three degrees from institutions of higher learning. To aid others he wrote for newspapers and periodicals and he lectured for the Board of Education at Cooper Union, Carnegie Hall, and the Metropolitan Opera House.

All this time Dr. Sirovich practiced medicine among those in need and distress in the community in which he had been raised. A great deal of his service was rendered without remuneration. Conditions among the immigrants strongly impressed him with the need of medical welfare and Americanization work in their behalf. To see the need was to fulfill it. He intervened in many cases to prevent unjust deportations in cases of hardship.

His recognized talent as a diagnostician and surgeon led to his election to the American College of Physicians and Surgeons. For 20 years he served, again without compensation, except the reward of a job well done, as Superintendent of Peoples' Hospital. His forceful administration and keen executive ability revitalized the hospital.

For 20 years, with courage, vision, ability, and energy, Dr. Sirovich had served his community in many ways, all without thought of compensation. In 1926 the Fourteenth New York Congressional District chose him as its Representative in the Seventieth Congress. So well did he do his work that it reelected him to each succeeding Congress, including this one, with ever-increasing majorities.

As a Member of this honorable body, he regarded himself as the guardian of a public trust, requiring ever new and greater effort on his part. He brought to bear on his congressional duties those same qualities which had made him a faithful public servant before. As always, he represented the underprivileged and the oppressed, "those who were not able to help themselves."

The first bill he introduced as a Congressman was one to provide for old-age pensions. He also fought for unemployment insurance and child welfare. These bills were in advance of their time, and then, unlike now, lacked popular support. In a Republican-controlled House they were foredoomed to a silent death in committee. However, the indomitable heart and mind of Dr. Sirovich did not surrender to defeat so easily. Today the measures for which he fought so valiantly are part of the New Deal embodied in the various titles of the Social Security Act.

The major part of Dr. Sirovich's district consisted, and, much to his regret and mine, still contains inadequate housing facilities. The Wagner Housing Act of 1937 was considered by him to be a brave start along the right road. He took an active part to secure consideration, at the first session of this Congress, of amendments intended to increase the lending limits of the Housing Authority.

His statesmanship was not limited by the territorial boundaries of his district. When the *Morro Castle* disaster shocked the Nation, Dr. Sirovich, like other leaders in Congress, could not tolerate such wanton waste of lives. As ranking member of the Committee on Merchant Marine and Fisheries, he took an active part in the ensuing hearings. His vigorous tenacity obtained the enactment of a modernized safety-at-sea code to make repetition of such a sea disaster impossible. Although none of his constituents "went down to the sea in ships," he took an active interest in the working conditions of seamen. One of the last measures he introduced was to provide an unemployment insurance system for them. To him it mattered not whether the problem affected his district or the Nation as a whole. His breadth of vision enlisted his aid for all causes of benefit to the Nation.

As a writer, he early became aware of the problems of those who lived on their literary and musical creations. As chairman of the Committee on Patents and Copyrights, he did much to aid them. He believed that the Government could and should aid artists. He introduced, at each session, a bill to establish a Department of Fine Arts, so that this country might approach, as well as it could "the glory that was Greece." The various arts projects of the W. P. A. were in no small measure derived from his efforts, and he strongly opposed their hamstringing in the last relief bill.

Dr. Sirovich was a firm believer in a strong civil-service system as the best means of dispatching public business efficiently, and promoting democracy. He understood the problems of Federal employees, and he fought for the recognition of their just claims.

His circle of friends was a symbol of his personality. His talent for friendship won him admirers in all walks of life. "Friend" was no empty word to him. To those to whom he gave that meaningful title he gave unswerving loyalty. His last words on the floor of this House just before the adjournment of the special session were in defense of a friend. Typically, he charged to the attack by saying:

> It takes a lifetime for a man to build up an honorable character. It takes but a moment to destroy it.

He was an ardent admirer and close friend of President Roosevelt. As such he was a true Democrat and a stanch new dealer. He abhorred pretense and sham and outspokenly opposed dictatorship and religious and racial oppression. His knowledge of these hateful symptoms of a world

in turmoil was gained at first hand from his travels in Europe and Asia.

I know this to be but a brief and inadequate summary of the career of a great man whose entire life was devoted to public service without thought of personal aggrandizement. He was a bachelor and, although he bestowed a full measure of love on his sisters and their children, he was the devoted "stepfather of 40,000 orphans." Democracy's advantages had made him a man. His use of those opportunities more than repaid that democracy. His distinguished public services, long recognized, were rewarded by the receipt of an alumni public-service medal from his alma mater.

The Lord has called Dr. Sirovich from our midst. His unflagging zeal, his determination to finish the tasks ahead, his untiring mental energy no longer aid us in realizing the objectives we seek to accomplish. Although there are others to carry on, his passing will long be mourned. Of him it can well be said:

To live in hearts we leave behind
Is not to die.

Mr. RABAUT. Mr. Chairman, there are no further requests for time.

The CHAIRMAN. The Clerk will read.

Mr. RABAUT. Mr. Chairman, I ask unanimous consent that the bill may be considered as read through line 20, on page 11, the first portion dealing with the Senate.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. TABER. Mr. Chairman, I think we should read the bill.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Appropriations—clerk, $7,000 and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $4,800; assistant clerk, $3,900; three assistant clerks at $3,000 each; two assistant clerks at $2,220 each; messenger, $1,800. To Audit and Control the Contingent Expenses of the Senate—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Banking and Currency—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220. Civil Service—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Claims—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks, at $2,220 each. Commerce—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; two assistant clerks, at $2,220 each. Conference Majority of the Senate—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Conference Minority of the Senate—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. District of Columbia—clerk, $3,900; two assistant clerks at $2,880 each; assistant clerk, $2,220; additional clerk, $1,800. Education and Labor—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Enrolled Bills—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Expenditures in the Executive Departments—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Finance—clerk, $4,200; special assistant to the committee, $3,600; assistant clerk, $2,880; assistant clerk, $2,700; assistant clerk, $2,400; two assistant clerks at $2,220 each; two experts (one for majority and one for the minority) at $3,600 each; messenger, $1,800. Foreign Relations—clerk, $3,900; assistant clerk, $2,880 and $500 additional so long as the position is held by the present incumbent; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800; messenger, $1,800. Immigration—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Indian Affairs—clerk, $3,900; assistant clerk, $3,600, and $1,400 additional so long as the position is held by the present incumbent; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Interoceanic Canals—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Interstate Commerce—clerk, $3,900; assistant clerk, $3,600; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Irrigation and Reclamation—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; two additional clerks at $1,800 each. Judiciary—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Library—clerk, $3,900; two assistant clerks at $2,400 each; assistant clerk, $2,220; additional clerk, $1,800. Manufactures—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Military Affairs—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; two assistant clerks at $2,220 each. Mines and Mining—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; two additional clerks at $1,800 each. Naval Affairs—clerk, $3,900; assistant clerk, $2,880; ass'tant clerk, $2,400; two assistant clerks at $2,220 each. Patents—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Pensions—clerk, $3,900; assistant clerk, $2,580; four assistant clerks at $2,220 each. Post Offices and Post Roads—clerk, $3,900; assistant clerk, $2,880; four assistant clerks at $2,220 each; additional clerk, $1,800. Printing—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Privileges and Elections—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Public Buildings and Grounds—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Public Lands and Surveys—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks at $2,220 each. Revision of the Laws—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Rules—clerk, $3,900 and $200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Territories and Insular Affairs—clerk, $3,900; assistant clerk, $2,580; two assistant clerks at $2,220 each; assistant clerk, $2,000; additional clerk, $1,800; in all, $505,960.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take the floor at this time to ask a question of the chairman of the subcommittee. I notice certain language in various places throughout the bill, on page 2, referring to the Senate, for instance, appears the following:

Chief Clerk, who shall perform the duties of reading clerk, $5,500, and $1,000 additional so long as the position is held by the present incumbent; financial clerk, $5,000, and $2,000 additional so long as the position is held by the present incumbent; Parliamentarian, $5,000, and $1,000 additional so long as the position is held by the present incumbent.

And again, on page 12, referring to the House of Representatives, we find the language:

Parliamentarian, $5,000, and $2,500 additional so long as the position is held by the present incumbent.

Also $1,000 for compiling digest of rules, making a total of $8,500.

I am not criticizing the present incumbent, but in my opinion I think this is a poor way to legislate and would like to know from the chairman of the subcommittee the purpose of this language.

Mr. RABAUT. Mr. Chairman, I shall be pleased to answer my colleague from Michigan.

The original sum sets forth the base pay for the office. The additional amount carried is an increase given to the present incumbent of the particular office so long as he holds the office. If language of that sort were not in the bill and the base rate went up, for instance, from $4,000 to $5,000, the next incumbent would take the position at $5,000. The reason for handling it in this manner is to protect the base rates for these positions and to reward people who have served long periods of time or who have performed extraordinary service. It has been done in this way for years and years, long before either of us came to Congress.

Mr. HOOK. Yes; but this is not a question of longevity; it just provides for the position of the present incumbent, does it not?

Mr. RABAUT. To the extent of the additional amount.

Mr. HOOK. All right. It does not pro rate as to number of years; it does not pro rate as to ability; it is based only on the present incumbent.

Mr. RABAUT. It lies within the power and discretion of those who appear to recommend and of the committee to grant these advances, and they are limited just as the language expresses it, to the present incumbents; they get a certain increase. It is a custom that has prevailed for years. I had no indication that the gentleman even had this in contemplation, although he has been sitting next to me all day.

Mr. HOOK. Just a minute. It would apply not only to "the present incumbent" while he continuously holds the office, but also if he came back after a lapse of service.

Mr. RABAUT. If the gentleman refers to the item which in total gives the present incumbent $7,500, how much is the base?

Mr. HOOK. I am referring to the language "$1,000 additional so long as the position is held by the present incumbent."

Mr. RABAUT. All right. The base rate for that particular position is $5,500. This additional amount raises the salary to $6,500. If he has been here over a period of 5 years, 10

years, or 15 years, in many instances because of additional work heaped upon him or because of some particular qualifications, he may well deserve an increase or promotion, and this is the only way in which it can be done without disturbing the base pay of the position. As I say, this is a custom that has prevailed for many years, and these recommendations are concurred in by both the majority and minority leaders of the House.

Mr. HOOK. That does not apply to every present incumbent now employed in the legislative establishment, but just to certain present incumbents?

Mr. RABAUT. No, it does not; for if the increase were to be given to everybody, there would be no necessity for this specific language.

Mr. RAYBURN. Mr. Chairman, will the gentleman from Michigan yield?

Mr. HOOK. I yield.

Mr. RAYBURN. Let me say this to the gentleman: Those who have been here a long time know that there are certain specialized positions around the Capitol. When a new man comes to those places it takes him a long time to learn the work. Sometimes he is never worth any more than the base salary. Sometimes he does not prove capable enough. Sometimes after 2 or 3 years someone may want to take him out of this employment when he learns it and give him private employment. That is the reason why this provision is in here. In order to hold these very capable, these very highly specialized employees, it is necessary many times to add these additional amounts. It has been done many, many years, and it should be done for the simple reason, let me repeat to the gentleman, that the work of many of these employees is of such a highly technical nature that the House would really be crippled in its operations if their services were lost.

Mr. COCHRAN. Will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Missouri.

Mr. COCHRAN. If the gentleman will go back into history he will find that, regardless of what political party is in power, those employees who have received this recognition are held in their same positions.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I think the committee is to be congratulated on inserting this provision in the bill and making it apply to the present incumbents in this case. I know of instances where it has been done in reference to Federal judges sitting in this country; and, as has been stated by the gentleman from Michigan [Mr. RABAUT], chairman of the subcommittee, if this provision were not put in there, then the base pay is increased and the successor of the present incumbent would start at a higher salary. I believe this is a very commendable provision.

The pro forma amendments were withdrawn.

The Clerk read as follows:

For the minority employees authorized and named in the House Resolutions numbered 51 and 53 of December 11, 1931, and numbered 281 of July 21, 1937: Two, at $5,000 each; one, at $3,000; two, at $2,820 each; one, at $3,600; and $300 additional while the position is held by the present incumbent (minority pair clerk, House Resolution numbered 313 of August 7, 1935); in all, $22,540.

Mr. SEGER. Mr. Chairman, I move to strike out the last word to ask the chairman of the subcommittee in charge of the bill a question. Who is this $3,000 for?

Mr. RABAUT. That is for a minority employee, Mr. Griffin.

Mr. SEGER. I thank the gentleman.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Attending physician's office: For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of not to exceed $30 per month each to three assistants as provided by the House resolutions adopted July 1, 1930, and January 20, 1932, $4,000, of which sum $500 shall be available immediately.

Mr. CARTER. Mr. Chairman, I make a point of order against the paragraph beginning on page 22, line 22, and ending on page 23, line 3, on the ground this is not authorized by law. I see by the paragraph that a House resolution adopted on July 1, 1930, and a House resolution of January 20, 1932, are referred to. I have been unable to obtain copies of these resolutions although I have sent to the folding room. I am informed they are not available. I therefore make the point of order that the activities and the things provided for in that paragraph are not authorized by law.

The CHAIRMAN. Does the gentleman from Michigan [Mr. RABAUT] desire to be heard on the point of order?

Mr. RABAUT. Mr. Chairman, on page 25 of the Journal of the House of Representatives of December 5, 1928, under the caption, "Medical officer for the House," appears a resolution, adopted by unanimous consent:

Resolved, That the Secretary of the Navy is hereby requested to detail a medical officer of the Navy to be in attendance at the Hall of the House of Representatives during the sessions of such House.

Mr. CARTER. Will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from California.

Mr. CARTER. What is the date of that resolution, and is that one of the resolutions referred to in the bill now before us?

Mr. RABAUT. This is dated December 5, 1928, and is the original resolution of authorization for this office. It was presented by Mr. Britten and, as I remember it, Mr. Britten was an outstanding Republican, and chairman of the Naval Affairs Committee at that time. This resolution provides for the detail of a doctor from the Navy to the Hall of the House of Representatives. It is House Resolution 253, of the Seventieth Congress.

Mr. CARTER. What do the resolutions referred to in this bill provide?

Mr. RABAUT. In the Legislative Appropriation Act, approved on June 30, 1932, there is a provision, title I, section 4, listed on page 399 of the Statutes, Seventy-second Congress, side caption "Capitol physician," reading as follows:

The detail of the present incumbent as attending physician at the Capitol shall be continued until otherwise provided by law.

Mr. CARTER. Will the gentleman be so kind as to read the original resolution again—the one of 1928?

Mr. RABAUT. Yes. On page 25 of the Journal of the House of Representatives of December 5, 1928:

Resolved, That the Secretary of the Navy is hereby requested to detail a medical officer of the Navy to be in attendance at the Hall of the House of Representatives during the sessions of such House.

That is House Resolution No. 253.

Mr. CARTER. Mr. Chairman, I would like to be heard further on the point of order.

Mr. RABAUT. Does the gentleman from California [Mr. CARTER] want any further resolutions?

Mr. CARTER. Yes; I would like to have the ones referred to here.

Mr. RABAUT. Here is one dated July 1, 1930, being House Resolution 271, Seventy-first Congress:

Resolved, That until otherwise provided by law, there shall be paid out of the contingent fund of the House an allowance of not to exceed $30 per month each to the two assistants in the office of the attending physician.

Further substantiating the fact that there is a physician to the House of Representatives.

Here is another resolution, dated January 20, 1932, being House Resolution 111, Seventy-second Congress:

ADDITIONAL PHYSICIAN OFFICE ASSISTANTS

Resolved, That the number of assistants in the attending physician's office of the House of Representatives shall be increased from two to three and the allowance of $30 per month for the one additional man shall be paid from the contingent fund of the House until otherwise provided by law.

This all proves that there is a physician in attendance at the House of Representatives. Therefore, if we have a physician to the House of Representatives, it is in order to provide for the equipment of the office of the physician and the

necessary supplies which are incident to the continuation of that office.

Mr. CARTER. Mr. Chairman, my contention is that the detailing of a medical officer for the House of Representatives by the Navy Department does not carry with it an authorization to purchase drugs and medicines for the entire membership of the House.

It does not carry with it an authorization for equipment, and it does not carry with it an authorization for contingent expenses or for expenses of the establishment of an emergency room.

I have read the hearings recently held before the subcommittee in reference to the office of the medical officer. The only testimony given there, and it is very brief, covering about one-half of one page, is to the effect that they needed some additional money for the purchase of drugs. The purchase of drugs is a separate and distinct matter from that of rendering medical service and attention. Therefore, I say it was not the intent of the Congress to saddle upon the taxpayers of this country the burden of buying drugs for Members of Congress when the Congress permitted the detailing of a medical officer from the Navy Department.

The CHAIRMAN (Mr. COSTELLO). The Chair is ready to rule.

The gentleman from California makes a point of order against the language contained in the bill, starting at line 22 on page 22 and going down to and including line 3 on page 23. The language of this paragraph provides for the office of the attending physician at the Capitol.

The Chair believes that the gentleman from Michigan has very clearly shown from the citations he has read that the position of attending physician has been definitely established by law. Likewise, the two resolutions referred to in the language in lines 1 and 2 on page 23 definitely authorize the creation of the positions of the three assistants to the attending physician.

The gentleman from California raises a further question regarding the sum of money that many be available for the use of medicines and other equipment in the office of the attending physician. The Chair does not believe there is any question but that whenever the Congress has created an office such act carries with it the right of such office to have the equipment necessary to carry out its work. The organic law that creates a department necessarily implies the authority for the contingent expenses that are incident to the maintenance of that office.

A similar incident occurred on February 13, 1919, and reference to it may be found in section 1273 of volume 7, Cannon's Precedents:

On February 13, 1919, the Army appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read the following paragraph:

"For contingent expenses of the Military Intelligence Division, General Staff Corps, including the purchase of law books, professional books of reference; subscription to newspapers and periodicals; drafting and messenger service; and of the military attachés at the United States embassies and legations abroad; the cost of special instruction at home and abroad, and in maintenance of students and attachés; and for such other purposes as the Secretary of War may deem proper; to be expended under the direction of the Secretary of War, $200,000."

A question was raised as to the propriety of the expenditures, and the Chairman rules:

If a particular Army officer, drawing an Army salary, is assigned to do a particular work, and in connection with that work incurs certain expenses, the Chair cannot see why that is not an appropriate Army expense, to be paid out of the contingent allowance for Army expenses. So far as the Chair has been furnished with any information, it has been of an argumentative character; and, dealing with that, the Chair thinks this is clearly an Army expense, and the Chair overrules the point of order.

In that particular case, when the War Department was authorized to carry on certain functions in connection with military intelligence, it also was proper for the Department to carry on other activities such as educating and training military personnel for such work.

The Chair feel that in this particular instance, where the office of attending physician has been established, the supplying of medicine for the use of the persons calling upon the attending physician for his assistance is a proper expenditure. The Chair therefore overrules the point of order of the gentleman from California.

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: On page 22, beginning in line 22, strike out all down to and including line 3 on page 23.

Mr. CARTER. Mr. Chairman, I propose to strike out the paragraph relating to the attending physician's office. This amendment does not abolish the office of the attending physician but it does prevent the expenditure of this $4,000 for medical supplies, equipment, and contingent expenses, and also takes $30 per month off the salary of certain attendants there. These persons are already Government employees and are drawing a salary from some other branch of the Government. There is no way, may I say in passing, of telling from this appropriation item how much the office of the attending physician costs, because the attending physician is paid from a different source, his automobile is supplied by funds from a different source, and his assistants are paid from funds from a different source.

Under the ruling the Chair has just made, the taxpayers of this country are required not only to furnish medical attention but anything else the physician may believe necessary and essential in carrying out the duties of his office. This physician would be required to furnish canes, crutches, and wheel chairs, and anything else of that nature.

I for one believe that I should buy my own medicines and pay for them. I do not believe this Congress should shift that burden to the taxpayers of this country. Personally, I believe it is very questionable whether we should have an attending physician here at the expense of the taxpayers. If we want to get a physician at our own expense—and we could do it at a small fraction of the cost of this office if we desired to do it—that is our business, but when we load this cost on the taxpayers of the country I believe we are burdening them unduly.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes; I yield.

Mr. DINGELL. I would suggest that if the gentleman has such qualms of conscience whenever he sees the House physician in an emergency, he ought to leave $2 on the desk for him.

Mr. CARTER. I thank the gentleman for his great contribution.

Mr. WARREN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. WARREN. The gentleman has attacked, as I understand, the appropriation for the three enlisted men who are assigned here to this office.

Mr. CARTER. I want to say to the gentleman that I do not know who the men are or anything about that and I have not attacked them. I said that they are drawing a salary from another source.

Mr. WARREN. I did not say the gentleman attacked them, I said he is attacking the appropriation.

Mr. CARTER. Yes.

Mr. WARREN. There are three enlisted men who are, of course, paid by the Navy and under two House resolutions it was provided that they should receive $30 a month so long as they were assigned up here. Of course, the gentleman's party established this office and the gentleman's party also assigned two of these three men to this office. The reason that they are paid this $30 as an allowance is for the meals that they must eat while they are assigned here and for certain civilian clothes that they must purchase during the year or during their assignment here.

Mr. CARTER. I say that if we need assistants there, we should not draft them from the Navy, but we should establish a budget for the physician's office and be frank and fair about it and lay all of the cards on the table right here before the House.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield.

Mr. VAN ZANDT. Commenting further on the three enlisted men who are assigned to the physician's office, the base pay of these chief pharmacist mates is $125 a month. It is true that the Navy allows them subsistence, meals, and quarters, but you will find what they pay the enlisted man for his eats and for his quarters is not adequate to meet the present-day costs, so that $30 added to the $125 does not fully compensate the chief pharmacist mates who are assigned to the office of the physician.

Mr. CARTER. I am not saying that this amount is too much, I am saying that whatever it is, the Members of this House should not burden the taxpayers of the country with it.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, a distinguished Member of this body, chairman of the Appropriations Committee, the late Honorable Martin Madden, was stricken in his office just to our left. I remember the day. There was no physician available, although at the time there were several physicians who were Members of this House. Martin Madden passed away. He was my personal friend, and I admired him. It was stated by several physicians if medical attention could have been secured without delay, Mr. Madden might have been saved. After his death, Hon. Fred Britten, of Illinois, who, I think, up to the time he left this body had served longer on the Republican side than any Member, was responsible for the assignment of a physician to the Capitol. When that physician came here, two enlisted men, classified as pharmacist mates, came with him. One is a chemist; the other had served abroad during the World War, performing duties of a medical officer with a company of marines. He was in several engagements. He has been in the service nearly 30 years, starting at an early age. I would say that he is qualified to act as a physician himself, although, of course, he has never received such a diploma. He has had the practical experience during his long service.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. In just a minute I will yield.

I have a personal interest in this office. It so happens that I was stricken myself 5 years ago, and I went to the office of the physician at half past eleven. I was placed on one of the cots by Dr. Calver. At about quarter after twelve the bells rang for a vote, and I came up here to answer to my name. For nearly 10 years I had never missed a roll call in this House, and I did not want to break that record. The doctor followed me to the floor, and in 10 minutes I was taken to the hospital. I remained on my back for several months and was away from the Capitol for nearly 9 months. Had Dr. Calver not been downstairs, I would not be here today. Immediate attention saved me. Such attention might have saved Martin Madden. I know of a number of Members who have been stricken on the floor who have been given emergency treatment, rushed to the hospital, who are with us today.

We have lost more Members of Congress in the last 13 months than in any similar period in its history. There is a much different situation here today than when I came to Washington nearly 30 years ago. The burden of work upon the Members of this House has increased at least a thousand percent. There is no telling when someone may be taken suddenly ill, and this physician and the men in the office, as well as medicine, are needed. If it is necessary when one goes to the office to go to a drug store to secure a little medicine to cure his ills, the delay might be harmful.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. In just a minute I will be pleased to yield.

I think this physician and his assistants are doing a wonderful service, and I sincerely hope the amendment of the gentleman from California will be voted down.

I now yield to the gentleman from California.

Mr. CARTER. Is the gentleman laboring under the apprehension that my amendment abolishes the office?

Mr. COCHRAN. Mr. Chairman, I do not say that the gentleman's amendment abolishes the office.

Mr. CARTER. My amendment does not abolish the office.

Mr. COCHRAN. I know it does not; but if you are going to have the office, why not give the doctor and his assistants the tools with which to do the work? That is what I am speaking for.

Mr. CARTER. Would the gentleman be willing to pay for his own drugs?

Mr. COCHRAN. Certainly I can pay for my own medicine, and am willing to do so.

Mr. CARTER. Does the gentleman not think the membership of the House are financially able to do the same?

Mr. COCHRAN. Yes; but what if an emergency develops? What does it amount to? Are we to compare the life of one Member of this House with the small amount we are appropriating here?

Mr. RABAUT. Mr. Chairman, I would say that the drugs are not supplied to all of the Member of Congress, and that ought not to be in the RECORD with any idea that they are supplied to all of the Members of Congress. If the gentlemen think that the small amount of money paid for drugs represents the amount that is to be used by Members of the House, he is very much mistaken. This item is for office help, equipment, and emergency drugs and supplies. That is all that is going out here. In ordinary prescriptions, in the matter of illness, the man can be told what is necessary and where it can be obtained, and if he cannot get it himself the physician will supply it for the Member and he will pay the bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent to proceed for 1 minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCHRAN. The gentleman from Michigan is absolutely correct. Medicine has been secured for me, and I paid for it. I paid my hospital bill, of course, as others do.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. O'CONNOR. Mr. Chairman, I heard with a great deal of interest the statement made by the gentleman with reference to his personal experience with the House physician. I say to the gentleman that I had a like experience with the House physician, and if it had not been for the advice and attention of the House physician to myself, like the gentleman from Missouri, I would not be here now.

Mr. COCHRAN. I yield to the gentleman from Florida, who has had a like experience.

Mr. HENDRICKS. I think many Members have had the same experience. As to saying the drugs are being paid for by the Government, I say this: I have received emergency doses there, but I have always had prescriptions filled and paid for them myself, as other Members have.

Mr. COCHRAN. I think that applies to other Members of the House. All large and, in fact, many small business establishments provide rest rooms, nurses, and in some instances physicians. We provide for physicians and equipment for some of our large departments and agencies. If we can do this for the Government employees, provide for them to receive emergency treatment and the medicine to treat them, why not do it for ourselves? No matter how well the taxpayers might not like us, still I do not think they will complain about this small appropriation. I appeal for the defeat of the amendment.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. RICH. Mr. Chairman, I move to strike out the last word. I seldom rise in opposition to an amendment to a bill to save money for the Federal Government, and I do not in this case. I want to be as economical as I can, but if I wanted to cut out money from this bill I think I could find many, many places where I could do it a little easier on my conscience than I could in striking out this particular item. We have here 430 Members of the House and 96 Senators, all of whom have two or three or four or five clerks. This doctor is supposed to administer to the people on the Hill, a popu-

lation of over 1,500, and the only doctor. Any manufacturing concern today that had one-half this number of employees would try to have an emergency room where the employees could be looked after in case of illness, and the manufacturing concern would certainly have a doctor to look after them; that would be economy and efficiency. As stated here by Members of the House, many Members of Congress must have medical attention and have it here at their workshop. I have gone down to the doctor's office a number of times and had to get some medical attention, because of the fact that I happened to be on the floor of the House I did not have time to go uptown. I do not want to deny some Members of Congress certain medical attention. I feel every Member of Congress and all their clerks should receive emergency treatment when necessary. If I wanted to save money, I could take this next item for the Capitol Police, where we have 120 members on the police force.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. RICH. In a moment. I call attention to the fact that we have 120 Capitol Police here, and we were told by Members that a few of them did not know why they are here, that they are political appointees, and have little value as police. If I wanted to get rid of somebody, I would get rid of some police who do not know what it is all about, costing $100,000 a year, instead of getting rid of a doctor who administers to the care of the membership and their clerks. I yield to the gentleman from California.

Mr. CARTER. I just want to ask the gentleman where he is going to get the money? This is a rather expensive operation, and I say to him as I said to my friend from Missouri, this does not abolish the position of House physician.

Mr. RICH. No; but if you go to the doctor and the doctor wants to give you a little liniment or a pill, he ought to be able to do it, instead of giving a prescription which you would have to go downtown 2 or 3 miles to get filled. I think that would be foolish.

Mr. RABAUT. Do we not furnish this same sort of service for other Government employees, and have we not provided doctors, nurses, and emergency rooms where there are large numbers of Government employees working?

Mr. RICH. If you want to strike out something, get rid of the hospitals they have got in some of the departments downtown, where they are doing absolutely unnecessary things in hospitalization and have many doctors and many nurses, where here we only have one doctor and several helpers.

Mr. RABAUT. That does not happen to come under our appropriation; but nevertheless I want it well said on the floor that we are doing no more for Members of Congress than they are doing for other Government personnel in the departments and which all large industrial concerns do for their employees.

Mr. RICH. You are not doing half as much for the Members of Congress as you are for the people in the departments. I do not want to do something for Members of Congress that they should do for themselves, but I believe this item is justifiable; if it were not, I would have disapproved it in committee.

[Here the gavel fell.]

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to say a word on this point because I think it is something on which the committee should take a stand. I think we should determine whether we are going to have a doctor or whether we are going to dispense with his services. If the House is going to provide a physician for emergencies, then I wonder if it is going to strike out that portion of the bill which provides a few instruments and medicine with which to work. If we agree to retain the amount, are we going to deny an emergency shot in the arm, or a couple of aspirin pills to a sick or ailing Member? I have had two aspirin pills in the 7 years that I have been here. I did not pay for them. I was as sick as a horse; it was a late evening session; we had been on the floor for over 9 or 10 hours, so I had to get some relief. I had a prescription or two during my service, but I always paid for those. If some Member happened to get a pain under the apron, and the doctor analyzed it as an acute green-apple pain, I wonder whether the patient Member would have to send downtown for a little paregoric, or pay 3 cents for a squirt of the stuff. I think it is sheer bunk and nonsense to raise objection to the item, and to split hairs over a thing of this kind. The House physician is as necessary as any Member of the House, and he must have something to work with. Who would deny to the venerable Judge MANSFIELD, or to ED TAYLOR, or to the gentleman from Connecticut [Mr. MILLER], or any other Member of this House some emergency assistance, or a little medicine? Certainly, I would not. I am wondering how many Members will vote to eliminate a portion of this appropriation which will permit us to have an attending physician, but will make the rule so rigid as to prescribe the giving of a couple of aspirin pills? Frankly, if it is a question of paying a nickel or a dime for two aspirin pills, I am willing to pay it. I am willing to go along with the gentleman from California, but I think it is a mighty picayunish thing to bring up here when it is something that affects the very life of the membership. Think of it. Twenty-three Members of this House have passed away in the last year. Many of them needed emergency attention, and emergency medicine. There is certainly no reason why they should have had to pay for it, if the doctor found it necessary to give them a few pills, a shot, or whatever it was to alleviate their pain.

I am ready to vote on the question, Mr. Chairman.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CARTER].

The amendment was rejected.

The Clerk read as follows:

Salaries, Library proper: For the Librarian, the Librarian Emeritus, Chief Assistant Librarian, and other personal services, including special and temporary services and extra special services of regular employees (not exceeding $2,000) at rates to be fixed by the Librarian, $1,255,120, of which sum $8,820 shall be immediately available.

Mr. RABAUT. Mr. Chairman, I have an amendment which is on the Clerk's desk, which amendment has the approval of the gentleman from Pennsylvania [Mr. RICH] and the minority members of the committee.

The Clerk read as follows:

Committee amendment: On page 33, at the end of line 4, after the word "available", insert: "*Provided*, That not to exceed $10,000 of any money accruing from lapses under this appropriation may be transferred in such sums as the Librarian may designate to the appropriations for Copyright Office, union catalogs, distribution of card indexes, and Library buildings; but none of such transferred funds shall be utilized for the employment of additional personnel."

Mr. RICH. Mr. Chairman, this amendment is to treat all branches of the Library alike.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. RABAUT. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and Mr. RAYBURN having assumed the chair as Speaker pro tempore, Mr. COSTELLO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes, directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. RABAUT. Mr. Speaker, I move the previous question on the amendment, and the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. RABAUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. FERNANDEZ. Mr. Speaker, the gentleman from New York [Mr. DICKSTEIN] addressed the Committee of the Whole. He desires permission to extend his remarks by including therein a letter and resolution from the Veterans of Foreign Wars.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GREEN] may have permission to revise and extend his remarks and include therein certain letters and excerpts therein. He had to leave unexpectedly before the Committee rose.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD excerpts from a brief submitted on March 12, 1940, by Patrick McHugh, of Boston, secretary-treasurer of the Atlantic Fishermen's Union, comprising 3,500 members from New England and New York, at a public hearing on that date before the United States Commissioner of Customs in Washington, D. C., on the matter of a proposed rescinding of Treasury Decision No. 49,682 which had so redefined American fisheries as to permit a shore station.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include therein a copy of a bill I introduced and a report from the Post Office Department thereon.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RECIPROCAL-TRADE AGREEMENTS

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SANDAGER. Mr. Speaker, with the consent of the House I shall place in the RECORD a forthright editorial from the Providence Journal of March 12 concerning the visit to Providence on March 11 of Assistant Secretary of State, Henry F. Grady, where he addressed a combined luncheon meeting of service clubs.

The scolding attitude of Mr. Grady and others of the administrative family toward trade associations when they presume to attack the reciprocal treaties, has drawn a merited rebuke from the Journal.

This newspaper, I might say in passing, has taken a favorable position toward the reciprocal trade treaty program, but unlike Mr. Grady and others of his school, the Journal recognizes that there are two sides to this question and both have a right to be heard, especially those men who have money invested in factories and plants and those employees whose livelihood is likely to be affected by some of these reciprocal trade treaties. Incidentally, I wonder who finances Mr. Grady in his trips around the country attacking trade associations. Is it his own or the taxpayers' money he is spending on these scolding sprees? [Applause.]

The editorial follows:

MR. GRADY'S ERROR

Assistant Secretary of State Grady perhaps already regrets his observation in this city yesterday that "we are rather used to special pleadings and trade-association executives who seem to have little else to do but go around the country and talk about tariffs." If he doesn't, he should. For certainly it is the duty of trade associations to present their case when reciprocal-trade agreements are being formulated. New England associations have done just that. Our Rhode Island groups, directly affected, have spent time and money to collect and present facts and figures relating to these agreements. They would have been recreant to their plain duty had they neglected the task.

Instead of lecturing them for taking this active interest, Mr. Grady should have commended them. For no economic policy of the administration is more dependent on statistical truth for its justification than the reciprocal trade agreements program. Its very existence in the long run depends on commercial facts and figures that will sustain its basic principle. That is why Secretary Hull has marshalled so much data to support his pleadings. Such a program must of necessity stand constantly in the revealing light of factual information. Obviously, such truth cannot be drawn from thin air. It must come, steadily and completely, from both opponents and proponents.

The right of Rhode Island trade associations to present their case, whenever necessity arises, should not be challenged by Mr. Grady's unfortunate remark that "we are not going to yield to lobby pressure and organized campaigning." When the State Department thus reproaches industry for exercising a clear right, it is guilty of a narrow attitude that will in the end defeat its own purpose. We cannot help but feel that in making this thoughtless remark about trade associations, Mr. Grady yesterday injured the trade-agreements program in this State.

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to include in my remarks the editorial to which I referred.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INDIANA LIMESTONE

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LANDIS. Mr. Speaker, Indiana limestone is the best building stone in the world. You will find Hoosier stone in many of the most imposing structures in Washington and elsewhere in the country. It lends itself readily to architectural treatment and combines the qualities of permanence and beauty. Indiana limestone competes with other materials strictly on its merits and its Nation-wide use is evidence of its quality.

In the past 7 years the Indiana limestone industry has had a slump in large-scale construction. It is one of the hardest hit industries in the United States today. Many of our stone workers are out of jobs. Counties in the limestone belt have great numbers on the relief rolls. The farmers and businessmen are in distress in these communities. By using Indiana limestone our Government will benefit because of tremendous savings and a better product. I contend that more Indiana limestone should be used in the construction of Federal buildings.

I have read something about the use of marble and the glories of ancient Greece and Rome. While this makes nice reading, I believe that we are interested more in the solid prosperity of America. Furthermore, as building material, Indiana limestone will compare with the best, ancient or modern. It is already embodied in the construction of the following beautiful buildings in Washington: Archives, Departments of Justice, Labor, Internal Revenue, Commerce, Post Office, Apex, and the Carnegie and Brookings Institution Buildings.

The Indiana limestone buildings typify the progress and modern soundness of America as well as its glory. They certainly deserve careful consideration at this time when we need jobs for Americans, as well as glory, and can have both of them. [Applause.]

THE BATA SHOE CO.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a series of three articles written by Mr. Thomas L. Stokes, which have appeared during the last 3 days in the Washington Daily News.

The SPEAKER pro tempore. Do they exceed the limit of matter allowed by the Committee on Printing?

Mrs. ROGERS of Massachusetts. I think not; they are comparatively short.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, some time ago I brought to the attention of the House the effort of Mr. Jan Bata to attempt to bring in 100 persons from Europe as instructors which he claimed were necessary to operate the so-called Bata shoe plant at Belcamp, Md., and later that an attempt was made to bring in 500 more; 72 were admitted, but the Department of Labor found that 25 were all that were necessary to operate the plant, and the others, the Department of Labor ruled, were here illegally. Today I want to bring to the attention of the House 3 articles by Mr. Thomas L. Stokes in the Washington Daily News which describes the Belcamp shoeshop, how Mr. Bata plans to operate the plant, and describes the schools he is setting up for the children. His plan provides that the children shall go to school for a period of 3 years. Mr. Stokes says, in one of his articles:

> The census questions about which so much clamor has been raised are simple compared with those put to youngsters who want to enlist for 3 years under agreement between parents and the company in the so-called industrial and business institute of the Bata Shoe Co.

Members of Congress objected bitterly to the questions that were proposed to be asked by the administration in the census leaflet, but these questions do not compare with those asked of the parents of the children, and of the children themselves, who go to the Bata school. It looks as if the administration were copying Mr. Bata's idea.

In reading the Stokes articles you will see that Mr Bata has a feudal industrialism. His plan is thoroughly un-American. He aims to control his employees as an overlord his slaves. He is returning to methods that the people of this country discarded years and years ago. It is sending children into slavery. The children are worked in the daytime and sent to school at night. So for 24 hours a day they are under the complete control of Mr. Bata and his associates.

I want to read into the RECORD some of the questions that are asked by Mr. Bata and his lieutenants.

Mr. COCHRAN. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Missouri.

Mr. COCHRAN. I want to compliment the gentlewoman for the fight she has made and her efforts to get these so-called skilled workers out of this country. I aided the gentlewoman as much as I could at the time.

Mrs. ROGERS of Massachusetts. I know the gentleman has done a very great work in that respect.

Mr. COCHRAN. Does not the gentlewoman think she ought to also tell the House that while they go to work in the daytime and go to school at night they are going to be under the control of this man for 24 hours a day?

Mrs. ROGERS of Massachusetts. That is true. I shall read some of the questions that are asked the applicants. Quoting from the articles by Mr. Stokes:

> The first subject on which the applicant is asked is what grade he received his last year in school and his conduct. Among other questions on education is, Were you pleased with your teachers?
>
> Among a mass of questions on physical development are inquiries about drinking and smoking. Jan A. Bata, head of the company, is a prohibitionist.
>
> Questions on mental character include inquiries as to whether the applicant considers himself calm, hot-tempered, carefree, oversensitive, whether he is nervous, whether he feels embarrassed when meeting new persons, whether he has any fears, what are his chief interests—nature, poetry, mystery, science, electricity, machines, cars, airplanes, radio, music, travel, animals, farming, religion, human beings—whether he has ever been before a juvenile judge.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am sure every Member is interested in the camouflaged industrial method of this new monopolist in our midst. Quoting further from the articles of Mr. Stokes:

> Questions on life include whether the applicant lives on a farm, in town, or city, who reared him, what were his living conditions, how he spends his leisure time, what kinds of books and magazines he reads, how, if he has been employed before, he spent his money.
>
> Very detailed are the inquiries as to family, including whether parents are separated or divorced, whether they own any land or a home, whether they have any debts, the wages of father and of mother.
>
> The applicant is warned that any intentionally false statement will bring discharge from the company when discovered.

Mind you, these answers are requested of mere boys and girls.

This is the method of autocracy, not democracy. This is industrial despotism, not industrial freedom. This is the method of dictatorship, not that of democratic leadership. Mr. Bata's method is the way of Stalin and Hitler. An excerpt from Mr. Bata's paper Belcamp is as follows:

> A Bataman is the one whose family believes that work is the one thing that gives him a chance to fill life's void with something interesting and worth while.
>
> Life is sweet to honest, striving, learning workingmen, for their continual striving to better themselves makes them explore the world, which are then known to them alone.

Then it goes on to say:

> We do not want men who work the required hours, take their pay, and go home, to come another day, or stay home if there is no work to do. No; we need men who stick to their work as if they were glued to it, men who make a game of their achievements.
>
> We want real Yankees, who will not take a beating without straightening their backbones and saying, "Got licked, good, but wait to see tomorrow."
>
> We want heroes.

There is a Hitler philosophy in the way these so-called schools in the Bata plant are conducted. It certainly should not be permitted.

May I say also that the families are asked to do certain things when they send these children to the factory school, or when Mr. Bata condescends to take the children into the factory school. The parents or the guardians of the students shall agree that the students shall:

> A. Work the weekly normal number of hours in the plant.
> B. Take class work not to exceed 10 periods of 50 minutes each.
> C. Learn aviation.

So far as I know, nothing has been done to teach the children aviation. That seems to be sort of a bait to draw them to the school. Quoting again from Mr. Stokes:

> Then the parents or guardians shall agree furthermore that there shall be a 3-month trial period, at the end of which the final decision regarding the acceptance into the institute shall be reached. During the schooling period they shall not support their children or wards by any money or otherwise.

You can see the complete control that Mr. Bata has over these young persons who go into the school and his industrial plant. For 24 hours a day, as the distinguished gentleman from Missouri [Mr. COCHRAN] stated, Mr. Bata controls their lives and all the reading matter that Mr. Bata can distribute to them. You can see what a hero Mr. Bata is held up to be. The children are told to follow his example. They are also told that they are being trained to go to the farthermost parts of the world; in other words, to spread the Bata system all over the world. This is another piece of juicy bait tendered to influence impressionable boys and girls into the Bata system.

Apparently the aim of Mr. Bata is to have a boot and shoe monopoly of the world. The Bata firm was organized to operate shoe factories in Holland, England, France, Netherland Indies, English Indies, Canada, Switzerland, Egypt, Czechoslovakia, Hungary, Yugoslavia, and other countries. It is one of the most monopolistic things I know anything about or ever heard about. It is a dangerous procedure in our industrial life and constitutes a menace to the workers in this country.

The parents or the guardians of the prospective students finally shall agree that they shall not interfere with the educational methods of the school, but that they shall cooperate with the teachers and tutors and shall morally support the work of the teaching staff.

You can see what a tremendous control Mr. Bata has, not only over the children but over the entire family. It is a very far reaching and a very dangerous influence that he exerts. It is obvious that after the disguise of Mr. Bata's so-called training-school scheme of his "Industrial and Business Institute" is explored and removed that all there is left is the ordinary commercial factory with an attempt to gain longer hours of employment than is permitted by the wage-hour law, and to dominate and mold the young lives of hitherto free American workers.

The following are three complete articles by Mr. Stokes:

[From the Washington Daily News of March 11, 1940]

DISPUTE IS SPREADING OVER BATA SHOE PLANT

(By Thomas L. Stokes)

(Editor's note: A project for transplanting onto Maryland soil a famous foreign system of mass production has stirred up a controversy. Below, in the first of four dispatches, the background of the dispute is outlined.)

BALTIMORE, MD., March 11.—On a flat expanse of Maryland farm country at Belcamp, about 20 miles from this city, the Bata Shoe Co., founded and developed in former Czechoslovakia and now spread to many parts of the world, is building a self-contained industrial community in an attempt to gain a toehold for expansion of the Bata system in the United States.

This venture has become embroiled in controversies involving the Labor Department at Washington, its Immigration and Naturalization Bureau, and its Wage-Hour Division; also labor unions and shoe companies, which are protesting on the ground of competition and lowering of standards; and friends of labor, who are suspicious of paternalism.

These latter are skeptical particularly of the Bata work-and-school plan, under which boys and girls 16 to 18 years of age are signed up for 3 years of training, in agreements between company and parents, and live in company dormitories under close supervision.

MASSACHUSETTS OBJECTS

The fight over the project has spread to Congress. There its chief foe is Representative EDITH NOURSE ROGERS (R., Mass.), who bitterly attacked the Bata invasion on behalf of shoe workers in her State. She pointed out to the House that the Biggers unemployment census of 1937 showed approximately 34,000 idle boot-and-shoe workers in this country and 15,000 partly employed.

Chief political sponsor of the enterprise is Senator MILLARD F. TYDINGS (D., Md.), in whose home county of Harford the Bata Shoe Co. has located. The Senator's law partner, Robert H. Archer, is counsel for the company. The Senator has been active with the State and Labor Departments, since as far back as 1934, in clearing the way for establishment of the industrial community. Public announcement that it was to be set up in Maryland came only last April.

BUILDING ALREADY BEGUN

Already constructed are one factory building, a dormitory for the so-called Bata Industrial and Business Institute, a score of duplex houses for workers and families, and a home for the company's head, Jan A. Bata. A second factory building has been started.

Eventual plans of the company seem somewhat vague. A Labor Department group which inspected the project in November reported that 8 factory buildings altogether were planned. Frank J. Pelz, personnel manager, told the writer that 20 factory buildings were contemplated.

One report is that 10,000 persons eventually will be employed. Between 700 and 800 are working at Belcamp now.

Further developments in the company's relationship with the Government appear imminent.

Several months ago the Immigration Bureau's decision to permit the entry of 100 Czechoslovakian "instructors" to teach American workers the Bata methods of shoe manufacture was protested by both A. F. of L. and C. I. O. shoe workers' unions. The criticism forced an investigation at Belcamp by the Labor Department, which resulted in a scaling down of the original order to permit only 10 instructors, with subsequent revision to permit 15 other administrative and supervisory officials.

METHODS RESEMBLE UNITED STATES

It was discovered that methods of manufacture did not differ greatly from American methods. Senator TYDINGS was most active with State and Labor Department officials in putting through his original order for 100. He had been very active also, as demonstrated by numerous letters in the Labor Department files, in obtaining the admission of other Czechoslovakian workers from the home plant on one pretext or another and having their stays extended from time to time

Mr. Bata, an aggressive fellow with a way of getting things done, is now threatening some sort of legal action against the Immigration Bureau, headed by James L. Houghteling, to force restoration of the original order.

The Wage-Hour Division has been brought into the picture by charges filed by Leo Goodman, of the United Shoe Workers, a C. I. O. affiliate, that the Bata company has violated the Wage-Hour Act at Belcamp. In a complaint filed in November he alleged that the company, in deducting for services furnished the employees, has failed to supply such services at cost for minimum-wage employees, as required by law.

WAGE-HOUR REPORT DUE

The investigation by the Wage-Hour Division is near completion and a report is expected soon.

This is not the first time the Bata company has drawn the attention of the Wage-Hour Division. A few months ago the division filed suit against the company in connection with 65 employees in its retail stores in the Chicago area—the company has some 47 retail stores in this country—and the company, in a stipulation last December 19, admitted the complaint and made restitution of $7,000 in wages to the 65 employees.

In the reports made by the Labor Department officials who inspected the Belcamp project last November, it was explained that, while the company in its petition seeking admission of the 100 "instructors" had said that the best results could be obtained by employing young women and men locally and paying them comparatively high wages, actually the greater part of the new workers then were being paid the legal minimum of $12.60 a week.

Mr. Goodman charged that even the minimum is not being paid according to law.

[From the Washington Daily News of March 12, 1940]

CHILDREN INDENTURED IN MARYLAND BATA PLANT

(By Thomas L. Stokes)

(In the second of a series of articles about the Bata project for installing a European mass-production system in America, Mr. Stokes tells about the unusual school proposed for young workers.)

BALTIMORE, March 12.—The industrial colony being established at Belcamp, 20 miles from here, by the powerful and world-wide Bata Shoe Co., includes a remarkable training-school scheme for youngsters.

The so-called Bata Industrial and Business Institute, patterned after schools at the home plants in Czechoslovakia, is under the direction of Dr. Joseph Z. Schneider, past dean and full professor of the graduate school of commerce, Praha Institute of Technology, who was a visiting professor for a time at the University of Chicago.

Under the Bata system, as worked out here by Dr. Schneider, boys and girls between 16 and 18 are virtually indentured for 3 years to the company by agreement with their parents. They work at the plant during the day, go to school at night, live in dormitories, and are at all times under close supervision, which extends even to the disposition of their wages. Parental interference is prohibited.

UNDERGO TRIAL PERIOD

After a trial period of 3 months any student not found acceptable may be dismissed. Dr. Schneider said he expected to open the school in April with 50 or 60 students at the outset.

The school is an integral part of the Belcamp industrial colony, which represents an attempt by the Bata Co., crippled in former Czechoslovakia by the German occupation and control of its plants, to establish itself in the United States. For several years the company has maintained retail stores in this country, but this is its first American venture in production. Production is going forward at Belcamp in the one factory building already erected, where between 700 and 800 workers are employed. Most of the workers are high-school graduates from the surrounding agricultural region.

Seeking enlistments in the institute, Dr. Schneider has distributed a prospectus labeled "Bata key to success," along with questionnaires for prospective students to fill out. These consist of four and a half printed pages with far more detailed and intimate inquiries than those in the census which have caused criticism. Graduates in the 1938, 1937, and 1936 classes of Aberdeen High School, 4 miles away, received the prospectus.

WHAT IS DEMANDED

An excerpt from the prospectus illuminates the nature of the institute:

"The parents or the guardians of the student shall agree that the student shall—

"a. Work the normal weekly number of hours in the plant.

"b. Take classwork not to exceed 10 periods of 50 minutes each week.

"c. Learn aviation.

The parents or guardians shall agree furthermore that:

a. There shall be a 3-month trial period, at the end of which the final decision regarding the acceptance into the institute shall be reached.

b. During the schooling period they shall not support their children or wards by any money or otherwise.

c. They shall leave all the wages earned by their children or wards to be used by them under the guidance and supervision of the tutors, unless permitted otherwise by the director of the institute.

"The parents or the guardians finally shall agree that they shall not interfere with the educational methods of the school but that they shall cooperate with the teachers and tutors and shall morally support the work of the teaching staff.

"The parents or guardians also understand that their children or wards are being trained for positions not only in the United States of America but also in various foreign countries and shall therefore not interfere when their children or wards shall be transferred for duty and for further training to remote parts of the world."

The practical schooling of the students, according to the prospectus, "cover the whole manufacture of leather and rubber footwear," as well as theoretical instructions in office and administrative work, raw materials, technological processes and finished products, economics, management, salesmanship, mathematics, commercial geography, English and two other languages, foot anatomy, hygiene, and pathology."

Dr. Schneider said nothing would be produced for sale in the school. The students, he explained, will receive the minimum wage under the Wage-Hour Act, $12.60 a week, minus a 13-cent deduction for social security. They will have little coming back to them after various other deductions.

He estimated room rent at a dollar a week, board at $6 weekly, with $3 for tuition, recreation, etc., leaving the student $2.47. Students will be encouraged to save. In the schools in Czechoslovakia students were required to save and were paid 10 percent interest.

The objective is for the student to become, among other things, "cooperatively minded" and "well disciplined."

Aviation instruction in a shoe factory seems somewhat unusual.

Asked if this was just a "come-on" to enlist youngsters, Dr. Schneider said this was not true, and that aviation instruction would be given later when a field is developed and planes are purchased.

Jan A. Bata, head of the company, is an aviation enthusiast, it seems. On this point the prospectus says:

"Aviation is an integral part of the Bata education. Two years ago Dr. Bata flew around the world for business reasons in his Lockheed. Only two out of the seven people participating in this first commercial flight around the world were not pilots. Any one of the remaining five might have brought the airplane to safe landing in case of an emergency."

[From the Washington Daily News of March 13, 1940]

BATA PLANT DEMANDS "STUDENTS" BARE ALL

(By Thomas L. Stokes)

(EDITOR'S NOTE.—This is the third of five dispatches)

BALTIMORE, MD., March 13.—The census questions about which so much clamor has been raised are simple compared with those put to youngsters who want to enlist for 3 years, under agreements between parents and company, in the "Industrial and Business Institute" of the Bata Shoe Co. at Belcamp, Md.

The inquiry into the private lives of prospective "students" and their families is but a foretaste of the close supervision maintained by the Bata system upon its workers, as demonstrated at the home plants of the corporation at Zlin, in what used to be Czechoslovakia.

Labor is aroused over the proposed establishment of such a system in the United States and looks askance at the "institute," to which boys and girls from 16 to 18 are to be admitted for a regimented sort of existence. They will work during the day, go to school at night, live in a company dormitory, and all under supervision which extends to disposition of their wages—the $12.60 minimum fixed by the Wage-Hour Act—most of which the company will get back to pay for room, board, tuition, athletic fees, and the like.

CHARGE LAW VIOLATION

Charges by the United Shoe Workers that the company has already violated the Wage-Hour Act are under investigation by the Wage-Hour Division, with a report expected soon.

The questionnaire sent to prospective student-workers in the "institute" covers six printed pages and gives a clue to the type of mind desired by the company. Dr. Joseph Z. Schneider, institute director, said he planned to begin operations next month with 50 or 60 students at the start.

The first subject on which the applicant is asked what grade he received his last year in school is "conduct." Among other questions on education is, "Were you pleased with your teachers?"

QUESTIONED ON DRINKING

Among a mass of questions on physical development are inquiries about drinking and smoking. Jan A. Bata, head of the company, is a prohibitionist.

Questions on "mental character" include inquiries as to whether the applicant considers himself calm, hot-tempered, carefree, oversensitive, whether he is nervous, whether he feels embarrassed when meeting new persons, whether he has any fears, what are his chief interests—nature, poetry, mystery, science, electricity, machines, cars, airplanes, radio, music, travel, animals, farming, religion, human beings—whether he has ever been before a juvenile judge.

Questions on life include whether the applicant lives on a farm, in town or city, who reared him, what were his living conditions, how he spends his leisure time, what kinds of books and magazines he reads, how, if he has been employed before, he spent his money.

MUST BARE HOME LIFE

Very detailed are the inquiries as to family, including whether parents are separated or divorced, whether they own any land or a home, whether they have any debts, the wages of father and of mother.

The applicant is warned that any "intentionally false statement" will bring discharge from the company when discovered.

Between 700 and 800 workers are now employed at the one factory—one of several projected—which has been completed. The Americans among them are mostly young unskilled workers, many of them high-school graduates, drawn from the farm community in which the company has located.

They are continually subjected, in the weekly newspaper run by the company, to what might be termed "company talk," including praise of its founder and his managers, success stories, continuous injunctions about the value of hard work.

Of the general manager the paper Belcamp said recently in a lengthy article:

"The favorite pastime of a village lad called John Hoza, who even in early youth was a leader, was to play an industrialist. Around 1900, while the other boys played 'cops and robbers,' the Zlin boys' gang, composed of many of the present executives of the Bata organization all over the world, spent every minute of its free time in building and running their imaginary factories.

"They planned the size, decided on the number of chimneys, and types of machinery, assigning the various positions to the members of the gang and deciding on the hiring and firing of the other imaginary employees."

The front page of the paper recently carried a long statement by Mr. Bata, of which some excerpts are:

"A Bata man is one who firmly believes that work is the one thing that gives him a chance to fill life's void with something interesting and worth while.

"LIFE IS SWEET

"Life is sweet to honest, striving, learning, working men, for their continual striving to better themselves makes them explore new worlds, which are then known to them alone.

"We do not want men who work the required hours, take their pay and go home, to come another day, or stay home if there is no work to do. No; we need men who stick to their work as if they were glued to it, men who make a game of their achievements.

"We want real Yankees, who will not take a beating without straightening their backbones and saying, 'Got licked good, but wait to see tomorrow.'

"We want heroes!"

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a tax report by the District and also a letter from Commissioner Long, of Massachusetts, regarding the intangible tax.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mr. DINGELL asked and was given permission to extend his own remarks in the RECORD.

ADJOURNMENT

Mr. RABAUT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Thursday, March 14, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 14, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Britol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, March 15, 1940, for the consideration of H. R. 7615 and H. R. 8511.

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Monday, March 18, 1940, for the consideration of H. R. 6939 and H. R. 7633, the identical titles of both bills being "Prescribing tolls to be paid for the use of locks on all rivers of the United States."

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 19, 1940, at 10 a. m., for the consideration of H. R. 8239, "Creating the Puerto Rico Water Resources Authority, and for other purposes."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1453. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on companies issuing face amount installment certificates, which supplements the Commission's over-all report on its study of investment trusts and investment companies, made pursuant to section 30 of the Public Utility Holding Company Act of 1935 (H. Doc. No. 659); to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations.

1454. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and illustration, on reexamination of the Intracoastal Waterway from Beaufort, N. C., to the Cape Fear River, with a view to determining whether any modification of the existing project should be made at this time, particularly with reference to the protection of the seafood resources in Myrtle Sound, requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted March 6, 1939, and the Committee on Commerce, United States Senate, adopted March 14, 1939 (H. Doc. No. 660); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1455. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and illustrations, on reexamination of Grand Haven Harbor and Grand River, Mich., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted April 4, 1939 (H. Doc. No. 661); to the Committee on Rivers and Harbors, and ordered to be printed, with two illustrations.

1456. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Burwells Bay, Va., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1457. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of Water Hyacinth Obstructions, Florida, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted April 13, 1939; to the Committee on Rivers and Harbors.

1458. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of waterway from St. Johns River to Lake Beresford, Fla., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 28, 1939; to the Committee on Rivers and Harbors.

1459. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of west fork of the Tombigbee River, Miss., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 24, 1939; to the Committee on Rivers and Harbors.

1460. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers, on reexamination of waterway between Cambridge Creek and Fishing Bay via Little Blackwater River, Md., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 28, 1939; to the Committee on Rivers and Harbors.

1461. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former

personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939; to the Committee on Claims.

1462. A letter from the Acting Secretary of the Interior, transmitting a statement in duplicate of costs, cancelations, and miscellaneous data pertaining to Indian irrigation projects compiled as of June 30, 1939; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RABAUT: Committee on Appropriations. H. R. 8913. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes; without amendment (Rept. No. 1764). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. S. 2977. An act authorizing the construction and maintenance of a dike or dam across Stansbury Creek in Baltimore County, Md.; without amendment (Rept. No. 1765). Referred to the House Calendar.

Mr. PATRICK: Committee on Interstate and Foreign Commerce. S. 3209. An act granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage, in the State of Mississippi; without amendment (Rept. No. 1766). Referred to the House Calendar.

Mr. WOLFENDEN of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 7406. A bill granting the consent of Congress to the general State authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Middletown, Pa.; without amendment (Rept. No. 1767). Referred to the House Calendar.

Mr. WOLFENDEN of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 7407. A bill granting the consent of Congress to the general State authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Millersburg, Pa.; without amendment (Rept. No. 1768). Referred to the House Calendar.

Mr. WOLFENDEN of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 7655. A bill to extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, N. Y., and the village of Shohola, Pa.; without amendment (Rept. No. 1769). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 7989. A bill to legalize a bridge across the Nestucca River at Pacific City, Oreg.; with amendment (Rept. No. 1770). Referred to the House Calendar.

Mr. KELLY: Committee on Interstate and Foreign Commerce. H. R. 8320. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Jefferson Barracks, Mo.; with amendment (Rept. No. 1771). Referred to the House Calendar.

Mr. KELLY: Committee on Interstate and Foreign Commerce. H. R. 8372. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.; without amendment (Rept. No. 1772). Referred to the House Calendar.

Mr. HALLECK: Committee on Interstate and Foreign Commerce. H. R. 8467. A bill authorizing The Superior Oil Co., a California corporation, to construct, maintain, and operate a free highway bridge or causeway across the old channel of the Wabash River from Cut-Off Island, Posey County, Ind., to White County, Ill.; without amendment (Rept. 1773). Referred to the House Calendar.

Mr. BOREN: Committee on Interstate and Foreign Commerce. H. R. 8669. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; with amendment (Rept. No. 1774). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. House Joint Resolution 461. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; without amendment (Rept. No. 1778). Referred to the House Calendar.

Mr. BUCKLER of Minnesota: Committee on Indian Affairs. H. R. 7833. A bill to set aside certain lands for the Minnesota Chippewa Tribe in the State of Minnesota, and for other purposes; without amendment (Rept. No. 1779). Referred to the Committee of the Whole House on the state of the Union.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 7981. A bill to grant pensions to certain unremarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905; without amendment (Rept. No. 1780). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Florida: Committee on Mines and Mining. H. R. 8285. A bill with reference to certain mining practices and defining unfair-trade practices in certain instances; with amendment (Rept. No. 1781). Referred to the House Calendar.

Mr. O'CONNOR: Committee on Indian Affairs. House Joint Resolution 334. Joint resolution to approve the action of the Secretary of the Interior in deferring the collection of certain irrigation charges against lands under the Blackfeet Indian irrigation project, without amendment (Rept. No. 1782). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ANDERSON of Missouri: Committee on Military Affairs. S. 2433. An act for the relief of Frank Casey; without amendment (Rept. No. 1775). Referred to the Commitee of the Whole House.

Mr. ANDERSON of Missouri: Committee on Military Affairs. H. R. 6823. A bill for the relief of Wilson A. Kramer; without amendment (Rept. No. 1776). Referred to the Committee of the Whole House.

Mr. ANDERSON of Missouri: Committee on Military Affairs. House Joint Resolution 275. Joint resolution to authorize the President to present the Distinguished Flying Cross to Frank W. Seifert; with amendment (Rept. No. 1777). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELSTON:

H. R. 8914. A bill to authorize the Secretary of War to accept, as loans, from States, and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes; to the Committee on Flood Control.

By Mr. GEARHART:

H. R. 8915. A bill to authorize the erection of a United States Veterans' Administration hospital and home of domiciliary care in central California; to the Committee on World War Veterans' Legislation.

By Mr. O'CONNOR:

H. R. 8916. A bill to reimpose the trust on certain lands allotted to Indians of the Crow Tribe, Montana; to the Committee on Indian Affairs.

By Mr. RANDOLPH:

H. R. 8917. A bill to authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55–56, and for other purposes; to the Committee on the District of Columbia.

By Mr. THILL:

H. R. 8918. A bill to allow certain credits against the income of individuals for income-tax purposes; to the Committee on Ways and Means.

By Mr. ROBERTSON:

H. R. 8919. A bill to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H. R. 8920. A bill adding section 41–A to the judicial code concerning the importation, transportation, and disposition of property acquired through confiscatory decrees; to the Committee on the Judiciary.

By Mr. DARDEN:

H. R. 8921. A bill providing for the reorganization of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. PIERCE:

H. R. 8922. A bill relating to lands of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians; to the Committee on Indian Affairs.

By Mr. CHURCH:

H. J. Res. 488. Joint resolution to provide for a committee to investigate possibilities of liquid oxygen-carbon explosives for military purposes; to the Committee on Rules.

By Mr. HAVENNER:

H. J. Res. 489. Joint resolution to authorize the coinage of silver 50-cent pieces to indicate the interest of the Government of the United States in the ideals and purposes of the Golden Gate International Exposition to be continued in 1940 and to authorize the issue of such coins to the San Francisco Bay Exposition sponsoring said international exposition and the sale thereof by the San Francisco Bay Exposition at par or at a premium, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BLOOM:

H. J. Res. 490. Joint resolution providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that Committee; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEONARD W. HALL:

H. R. 8923. A bill granting an increase of pension to Sadie Stepp; to the Committee on Invalid Pensions.

By Mr. McLEOD:

H. R. 8924. A bill for the relief of Julia Peterson Mills; to the Committee on Claims.

By Mr. MOTT:

H. R. 8925. A bill for the relief of Anna and Fred Aebi; to the Committee on Claims.

By Mr. PETERSON of Georgia:

H. R. 8926. A bill for the relief of F. J. Rozier; to the Committee on Claims.

By Mrs. ROGERS of Massachusetts:

H. R. 8927. A bill authorizing the President to present a Distinguished Service Medal to Lt. Comdr. Joseph A. Gainard, United States Naval Reserve; to the Committee on Naval Affairs.

By Mr. SHORT:

H. R. 8928. A bill for the relief of Walter Weston Pierce; to the Committee on Naval Affairs.

By Mr. SNYDER:

H. R. 8929. A bill granting an increase of pension to Elizabeth Klink; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6922. By Mr. ANDREWS: Resolution adopted by the Board of Supervisors of Niagara County, N. Y., protesting against enactment of St. Lawrence seaway and power treaty, and urging favorable consideration of House Resolution 360 and House Concurrent Resolution 48; to the Committee on Rules.

6923. Also, resolution adopted by the Niagara Falls (N. Y.) Post, No. 54, of Veterans of Foreign Wars, protesting against personal questions on census questionnaire and urging their elimination; to the Committee on the Census.

6924. Also, resolution adopted by the Senate of the State of New York, urging amendment of legislation so that questionnaire of Federal census may be changed to eliminate personal questions; to the Committee on the Census.

6925. By Mr. BOLLES: Petition of sundry citizens of Kenosha, Wis., protesting against the present census-taking laws; to the Committee on the Census.

6926. Also, petition of sundry citizens of Janesville, Wis., supporting the Federal chain-store-tax bill (H. R. 1); to the Committee on Ways and Means.

6927. Also, petition of the United Furniture Workers of America, Local No. 799, Kenosha, Wis., protesting against the proposed amendments to the Wagner Act; to the Committee on Labor.

6928. By Mr. BYRNE of New York: Petition of the Albany County Board of Supervisors, Albany, N. Y., memorializing the Congress of the United States to oppose the adoption of a treaty for the improvement of the St. Lawrence River; to the Committee on Foreign Affairs.

6929. By Mr. DARROW: Petition of the Philadelphia Board of Trade, urging repeal of the Fair Labor Standards Act of 1938; to the Committee on Labor.

6930. Also, petition of the Philadelphia Board of Trade, favoring enactment of the Logan-Walter bills (S. 915 and H. R. 6324); to the Committee on the Judiciary.

6931. By Mr. FLAHERTY: Petition of the Boston Chamber of Commerce, Boston, Mass., opposing any effort made that will affect the operation of two large sugar refineries in Boston; to the Committee on Agriculture.

6932. Also, petition of the National Association of Western Electric Employees, Boston, Mass., opposing amendments to the Wagner Act; to the Committee on Labor.

6933. By Mr. HARRINGTON: Petition of the Western Iowa National Farm Loan Association of Sioux City, Iowa; to the Committee on Banking and Currency.

6934. Also, petition of the Mississippi Valley Conference of State Highway Departments; to the Committee on Roads.

6935. Also, petition of the Remsen National Farm Loan Association of Remsen, Iowa; to the Committee on Banking and Currency.

6936. By Mr. KEOGH: Petition of the National Association of State Savings, Building and Loan Supervisors, concerning House bill 6971; to the Committee on Banking and Currency.

6937. By Mr. MARTIN J. KENNEDY: Petition of the National Federation of Post Office Motor Vehicle Employees, Local No. 18, Brooklyn, N. Y., concerning the Sweeney bill (H. R. 4098), to make the United States Government-owned motor vehicle service a permanent branch of the Post Office Department; to the Committee on the Post Office and Post Roads.

6938. By Mr. KEOGH: Petition of the Wood, Wire, and Metal Lathers International Union, Local No. 46, New York City, favoring the pasage of the Steagall bill, known as Senate bill 591; to the Committee on Banking and Currency.

6939. Also, petition of the Central Civic Association of Hollis, Long Island, N. Y., favoring the passage of the Barry

bill (H. R. 7636) for a 2-cent postage for Queens County, N. Y.; to the Committee on the Post Office and Post Roads.

6940. By Mr. LYNCH: Petition of the Bronx County Bakers' Board of Trade, urging opposition to Senate bill 2395, known as the wheat-allotment bill, as adoption of same would result in a bread tax with a resultant raise in the cost of bread; to the Committee on Agriculture.

6941. Also, memorial of the Senate of the State of New York, memorializing Congress to amend the Federal Census Act so that the personal questions may be eliminated from the questionnaire and the criminal penalty abolished; to the Committee on the Census.

6942. Also, petition of the National Concrete Masonry Association, urging that the House of Representatives give speedy and favorable consideration to amendments to the Housing Act as embodied in Senate bill 591, thereby relieving unemployment, stimulating industries, encouraging construction, and employing capital; to the Committee on Banking and Currency.

6943. By Mr. MERRITT: Resolution of the Central Civic Association of Hollis, N. Y., petitioning the Congress of the United States to eliminate discrimination so long endured by the people of the county of Queens, N. Y., and impels the enactment into law of the bill known as H. R. 7636; to the Committee on the Post Office and Post Roads.

6944. By Mr. SCHIFFLER: Petition of the Mercer County Association of Retail Grocers, Bluefield, W. Va., urging that the sugar refining industry in the United States be amply protected by Congress in 1940 and thereafter against any further loss of business to the highly subsidized tropical refiners or by the beet-sugar industry, or both; to the Committee on Ways and Means.

6945. By the SPEAKER: Petition of the Ladies Auxiliary, No. 5, of the I. W. A., Ryderwood, Wash., petitioning consideration of their resolution with reference to antidemocratic and un-American activities and the antialien bills; to the Committee on Immigration and Naturalization.

6946. Also, petition of the United Federal Workers of America, Congress of Industrial Organizations, New York City, petitioning consideration of their resolution with reference to antialien bills; to the Committee on Immigration and Naturalization.

6947. Also, petition of the Seattle, Wash., Building Trades Council, Seattle, King County, Wash., petitioning consideration of their resolution with reference to the United States Housing Authority program; to the Committee on Banking and Currency.

SENATE

THURSDAY, MARCH 14, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God who art from everlasting to everlasting and with whom is no variableness, neither shadow that is cast by turning: We thank Thee for every good and perfect gift that cometh down from the Father of Lights, and especially for the kingdom that cannot be shaken, for the righteousness that endureth forever. Help us to realize that deep in the heart of the universe, among the imperishable treasures of life which time cannot alter, is the great joy of finding and recovering that which has been lost. Grant in this Passiontide, as we draw nearer and nearer to the Cross in contemplation, that we may find the joy in rediscovering the considerate and kindly things that overflow only from the Saviour's heart into our world's best thought and sentiment, to the upbuilding of our character and the better understanding of our fellow men. We ask it in the name and for the sake of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 13, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

LAWS OF THE NATIONAL ASSEMBLY, PHILIPPINE ISLANDS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit copies of laws enacted by the National Assembly of the Philippine Islands. Included are laws of the First National Assembly, third session, January 24, 1938, to May 19, 1938; and of the Second National Assembly, first session, January 23, 1939, to May 18, 1939; first special session, August 15, 1939, to September 18, 1939; and second special session, September 25, 1939, to September 29, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 14, 1940.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of Townsend Club No. 1, of Clinton, Iowa, praying for the enactment of the bill (S. 3255) to provide for national recovery by raising revenue and retiring citizens past 60 years of age from gainful employment and provide for the general welfare of all the people of the United States, and for other purposes, which was referred to the Committee on Finance.

He also laid before the Senate a resolution of the Board of Supervisors of the County of Los Angeles, Calif., favoring the enactment of House bill 7447, authorizing the Secretary of War to make a survey of the proposed T tunnel as a means of communication and transportation between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif., which was referred to the Committee on Military Affairs.

He also laid before the Senate a memorial of sundry citizens of the State of New York, remonstrating against the United States entering into foreign entanglements or participating in foreign wars, and praying that the armed forces of the Nation only protect America against invasion, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented the petition of members of Local Union No. 12 of the American Flint Glass Workers' Union of North America, Cumberland, Md., praying for the imposition of higher tariff duties than those now existing on glassware, and also that the control of all tariff legislation be retained in the Congress, which was ordered to lie on the table.

Mr. HOLT presented petitions of members of Local Union No. 539, of Wellsburg, and Local Union No. 557, of Morgantown, both of the American Flint Glass Workers' Union of North America in the State of West Virginia, praying for the imposition of higher tariff duties than those now existing on glassware, and also that the control of all tariff legislation be retained in the Congress, which were ordered to lie on the table.

RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY ON PRESIDENTIAL THIRD TERM

Mr. GERRY. Mr. President, I send to the desk a resolution adopted by the General Assembly of the State of Rhode Island and ask for its appropriate reference. It memorializes Congress against a third Presidential term.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GREEN. Mr. President, I also have received a copy of the resolution and was about to present it. I think I ought to say a few words to enlighten my colleagues as to the significance and value of the resolution.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BURKE. May we have the resolution read? If it is going to be discussed, I ask that it be read.

The VICE PRESIDENT. Without objection, the resolution will be read.

The Chief Clerk proceeded to read the resolution.

Mr. PEPPER. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	La Follette	Schwartz
Andrews	Downey	Lee	Schwellenbach
Ashurst	Ellender	Lodge	Sheppard
Austin	Frazier	Lucas	Shipstead
Bailey	George	Lundeen	Smathers
Bankhead	Gerry	McCarran	Smith
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Taft
Bilbo	Glass	Maloney	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrnes	Hale	Murray	Tydings
Capper	Harrison	Neely	Vandenberg
Caraway	Hatch	Norris	Van Nuys
Chandler	Hayden	Nye	Wagner
Chavez	Herring	O'Mahoney	Walsh
Clark, Idaho	Hill	Pepper	Wheeler
Clark, Mo.	Holman	Pittman	White
Connally	Holt	Reed	Wiley
Danaher	Hughes	Russell	
Davis	Johnson, Colo.	Reynolds	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present. The Senate has given unanimous consent for the reading of a resolution submitted by the Senator from Rhode Island [Mr. GERRY]. The clerk will read.

The Chief Clerk resumed and concluded the reading of the resolution adopted by the General Assembly of the State of Rhode Island, which is as follows:

Resolution memorializing Congress to enact suitable legislation to prevent any President of the United States from seeking a third term

Whereas the New York Senate yesterday adopted a resolution memorializing the Congress of the United States to enact suitable legislation to prevent any President of the United States from seeking a third term, which resolution embodies the following phraseology:

"Whereas on September 17, 1796, George Washington, first President of the United States, delivered his Farewell Address to the American people; and

"Whereas on that day the Father of our Country set down certain suggestions for the guidance of the American people; and

"Whereas by his refusal to seek election for the third time he established a tradition that to this day has remained unbroken; and

"Whereas in his Farewell Address President Washington said, 'Friends and citizens, the period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution that I have formed, to decline being considered among the number of those out of whom a choice is to be made'; and

"Whereas this tradition of a President of the United States of not seeking election for a third term forms the one remaining bulwark protecting the people of this Nation against the threat of the establishment of a dictatorship; and

"Whereas with the establishment of a dictatorship the minorities now accorded their rights under our Constitution will be swept aside and accorded the same treatment now given them in certain countries of Europe": Now, therefore, be it

Resolved, That the Congress of the United States be, and it hereby is, memorialized to enact suitable legislation to prevent any President from seeking a third term; and the secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Vice President, the Speaker of the House of Representatives, and to the Senators and Representatives from Rhode Island in Congress.

Mr. GREEN. Mr. President, another copy of this resolution has been sent me for presentation here; and I was about to send it to the desk when my colleague presented his copy.

It seems to me that my colleagues should be enlightened in a few words as to the value of this resolution.

As they may know, Republicans are in control of both the senate and the house by large majorities, and also of the governorship, all of whom joined in supporting this resolution; but it does not appear in the resolution itself that only a minority of the members of the house and only a bare majority of the members of the senate joined in passing the resolution.

How the Congress is to carry out the purpose of the resolution is not indicated. As Senators noticed when it was read, it advocates the passage by the Congress of suitable legislation to prevent any President "from seeking a third term." Nothing is said about the people electing a President for a third term, about the Electoral College electing a President for a third term, or about the possibility of Congress making a President ineligible for a third term. We are simply asked to pass legislation to prevent a President from seeking a third term.

Furthermore, if we may go to the fundamentals involved, it seems to me that it might sometime in the course of history become a President's duty, in the words of the poet Tennyson—

To strive, to seek, to find, and not to yield.

The VICE PRESIDENT. The resolution presented by the Senator from Rhode Island [Mr. GERRY] will be referred to the Committee on the Judiciary.

Mr. McKELLAR subsequently said: Mr. President, this morning the Senator from Rhode Island [Mr. GERRY] read into the RECORD a resolution from the General Assembly of the State of Rhode Island concerning a third term. In that resolution is quoted a statement from our first President, George Washington.

In order that the historical view of this subject may be complete, I now desire to read a statement by George Washington. I ask unanimous consent that my statement and what I read may follow immediately the resolution to which I refer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. McKELLAR. I now read a part of a letter from George Washington to the Marquis de Lafayette, dated Mount Vernon, April 28, 1788, on the subject of a third term:

There are other points in which opinions would be more likely to vary. As, for instance, on the ineligibility of the same person for President, after he should have served a certain course of years. Guarded so effectually as the proposed Constitution is, in respect to the prevention of bribery and undue influence in the choice of President, I confess I differ widely myself from Mr. Jefferson and you as to the necessity of expediency of rotation in that appointment. The matter was fairly discussed in the Convention, and to my full conviction though I cannot have time or room to sum up the argument in this letter.

It will be remembered that Mr. Washington was the president of that Convention.

There cannot, in my judgment, be the least danger that the President will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it, but in the last stage of corrupted morals and political depravity; and even then, there is as much danger that any other species of domi-

nation would prevail. Though, when a people shall have become incapable of governing themselves, and fit for a master, it is of little consequence from what quarter he comes. Under an extended view of this part of the subject I can see no propriety in precluding ourselves from the services of any man who, on some great emergency, shall be deemed universally most capable of serving the public.

Mr. President, my only purpose in reading this quotation from General Washington's letter to General Lafayette, just after the Constitution had been agreed to, and I believe before it had been ratified by the necessary number of States, is in order that the historical record, which was partially covered in the resolution, may be complete.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SMITH. I wish to invite the Senator's attention to certain words used by General Washington. I refer particulary to the adverb "universally," and also to the words "on some great emergency."

Mr. McKELLAR. The former President used those words, and I read them to the Senate. I think the excerpt from the letter throws much light on General Washington's idea of a third term for the Presidency.

REPORTS OF COMMITTEES

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2925) to amend the Tennessee Valley Authority Act of 1933, reported it with amendments and submitted a report (No. 1310) thereon.

Mr. CLARK of Idaho, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 433) to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940, reported it without amendment and submitted a report (No. 1311) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 2570) for the relief of Mary Boyd, reported it with amendments and submitted a report (No. 1312) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment, and submitted reports thereon:

S. 2817. A bill for the relief of J. H. Churchwell Wholesale Co., of Jacksonville, Fla. (Rept. No. 1313); and

S. 3091. A bill for the relief of Barnet Warren (Rept. No. 1314).

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (S. 3436) for the relief of Ethel G. Hamilton, reported it with an amendment and submitted a report (No. 1315) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 4388. A bill for the relief of James Henry Rigdon (Rept. No. 1316); and

H. R. 5257. A bill for the relief of R. D. Torian (Rept. No. 1317).

Mr. ELLENDER also, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 1288. A bill for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher (Rept. No. 1318); and

H. R. 5258. A bill for the relief of Betty Lou Frady (Rept. No. 1319).

Mr. HUGHES, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2161. A bill for the relief of the Pacific Airmotive Corporation, Burbank, Calif. (Rept. No. 1320);

H. R. 3769. A bill for the relief of the Keuffel & Esser Co. of New York (Rept. No. 1321); and

H. R. 3970. A bill for the relief of Charles Sidenstucker (Rept. No. 1322).

Mr. HUGHES also, from the Committee on Claims, to which was referred the bill (H. R. 3171) for the relief of George L. Sheldon, reported it with an amendment and submitted a report (No. 1323) thereon.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

S. 3578. A bill for the relief of Edward Smith; to the Committee on Indian Affairs.

(Mr. WALSH introduced Senate bill 3579, which was referred to the Committee on Finance, and appears under a separate heading.)

(Mr. WAGNER introduced Senate bill 3580, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. SCHWELLENBACH:

S. 3581. A bill for the relief of John L. Pennington; to the Committee on Claims.

By Mr. MEAD:

S. 3582. A bill relating to the status of certain natives and inhabitants of the Virgin Islands; to the Committee on Territories and Insular Affairs.

By Mr. CLARK of Idaho:

S. 3583. A bill for the relief of Isabelle Tolmie in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho; to the Committee on Indian Affairs.

By Mr. BURKE:

S. 3584. A bill to authorize the Administrator of the Federal Housing Administration to insure under title I of the National Housing Act, as amended, against losses sustained by financial institutions in financing the purchase and installation of irrigation systems on farm lands; to the Committee on Banking and Currency.

By Mr. CONNALLY:

S. 3585. A bill to regulate the practice of shorthand reporting, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN NUYS:

S. 3586. A bill conferring jurisdiction upon the Court of Claims with right of appeal to the Supreme Court of the United States to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana had and have against the United States under treaty of June 5, 1854, ratified August 4, 1854 (10 Stat. L. 1093), and as to the lineal descendants or issues of said Miami Indians pursuant to said treaty of June 5, 1854, etc., ratified and promulgated August 4, 1854; to the Committee on Indian Affairs.

By Mr. GIBSON:

S. 3587. A bill for the relief of Avis Collins, a minor; to the Committee on Claims.

By Mr. ANDREWS:

S. 3588. A bill to extend to certain persons engaged in horticultural and floricultural activities the benefits of laws providing for loans to farmers; to the Committee on Agriculture and Forestry.

(Mr. ANDREWS introduced Senate bill 3589, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

AMENDMENT OF THE SOCIAL SECURITY ACT

Mr. WALSH. Mr. President, I ask consent to introduce a bill to amend the Social Security Act, and request that it be referred to the Committee on Finance. I also request that an explanatory statement of the bill, prepared by me, be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill (S. 3579) to extend the Federal old-age and survivors insurance benefits of the Social Security Act to certain employees of religious and charitable

organizations, and for other purposes, was read twice by its title and referred to the Committee on Finance.

The statement presented by Mr. WALSH is as follows:

The bill proposes to extend the Federal old-age and survivors insurance benefits of the Social Security Act to certain employees of religious and charitable organizations. If enacted into law, it will add over a million persons to those already embraced within the provisions of the existing law.

In 1935–36 representatives of the churches, colleges, and hospitals asked for and received exemption from the Social Security Act. Many of these same organizations, for the past few years, have been considering ways and means of having their employees included within the Social Security Act without interfering with the general provisions of the law which exempt religious, educational, and charitable institutions from taxation.

The bill is the result of these deliberations and, in effect, provides for the inclusion under old-age and survivors insurance provisions of the Social Security Act, and the corresponding taxing or contribution section of the Internal Revenue Code of all employees of religious, educational, and charitable institutions except ministers of religion and members of religious orders.

In view of the fact that legislation to include these groups has been recommended by the Social Security Board in its report to the President dated December 30, 1938, and by the advisory council on social security in its report dated December 10, 1938, the action of representatives of the churches, colleges, and hospitals makes the change certain.

This bill would safeguard the tax-exempt status of the religious and charitable agency paying the tax by requiring that all revenues collected from such tax-exempt agencies "shall be paid directly into the Federal old-age and survivors insurance trust fund," and in this way the proposed amendment would, in reality, convert what otherwise would be a general tax into a true contribution to a trust fund, available only for the payment of old-age benefits, and not subject to appropriation by Congress for any other purpose.

The bill would result in extending the coverage of old-age and survivors insurance benefits to all lay employees of the tax-exempt charitable, religious, and educational agencies heretofore excluded. It would continue to exclude from old-age and survivors benefits all clergy, sisters, and brothers of religious orders attached to schools, colleges, hospitals, homes for the aged, and all other charitable institutions.

The proposed amendment would subject these lay employees and their employers to the payment of the taxes levied for the support of the old-age and survivors insurance benefits system which, at the present, are levied at the rate of 1 percent of wages received by the employee, and of wages paid by the employer and which, under the Social Security Act, may be increased gradually, but may never, without new legislation, exceed 3 percent of wages received and wages paid.

The religious, charitable, and educational institutions that have agreed to this proposal, approve of the legislation, and request favorable action, are the following: National Council Protestant Episcopal Church (speaking for itself and not the whole church), National Catholic Welfare Conferencce, Council of Jewish Federations and Welfare Funds, American Hospital Association, American Association of Social Workers, Community Chests and Councils, Inc., and National Recreation Association.

REGULATION OF INVESTMENT TRUSTS AND INVESTMENT COMPANIES

Mr. WAGNER. I ask consent to introduce a bill relative to investment trusts and investment advisers. I also request that an explanatory statement of the provisions of the bill be printed in the RECORD as a part of my remarks.

There being no objection, the bill (S. 3580) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

The explanatory statement presented by Mr. WAGNER was ordered to be printed in the RECORD, as follows:

INVESTMENT-TRUST LEGISLATION—EXPLANATORY STATEMENT

NATIONAL PUBLIC INTEREST IN INVESTMENT TRUSTS AND INVESTMENT COMPANIES

Investment trusts and investment companies constitute one of the important media for the investment of savings of the American public and an important factor in our national economy. At the present time these organizations have total assets of approximately $4,000,000,000. In addition, they control or exercise a significant influence in a great variety of industrial enterprises, public utilities, insurance companies, banks, etc., with aggregate resources of approximately $30,000,000,000.

During the past 10 years there have been approximately 4,500,000 holders of certificates or shares of investment trusts and investment companies located in every State. American investors have sustained losses exceeding $3,000,000,000 out of a total investment in such companies aggregating about $7,000,000,000. During the period between the early 1920's—when the investment companies first made their appearance in this country—and the present, approximately 1,300 investment enterprises of all types were created. However, only about 650 trusts and companies are still in existence, the remainder having disappeared either through mergers, receivership, dissolution, or bankruptcy. In addition, numerous companies controlled or influenced by investment companies went bankrupt or sustained substantial losses. A large portion of these losses is directly attributable to those managements which refused to recognize their fiduciary obligations to their shareholders and subordinated the interest of the investor to their own pecuniary advantage.

The problems with respect to investment trusts and investment companies are still acute, for new organizations of this type are still being formed in large numbers and are raising substantial funds. From the middle of 1933 up to the end of 1939 approximately $2,400,000,000 of securities of investment trusts and companies have been registered with the Commission. Although not all of these securities have been distributed, approximately $400,000,000 of investment-company securities were sold during 1936 and 1937 alone, or approximately one-sixth of all nonrefunding corporate issues sold during those years. During the last few years, sales campaigns have been vigorously conducted and investment-trust certificates are being sold upon the installment plan to individuals in the lowest economic and income strata of our population—individuals who are particularly susceptible to devious high-pressure selling methods and who have been subject to unconscionable penalties and forfeitures in all too many instances.

SECURITIES AND EXCHANGE COMMISSION INVESTIGATIONS

The abuses and deficiencies of investment trusts and companies which occasioned these losses to the American public are not academic, and not merely attributable to the financial and economic ethics which prevailed during the 1920's. Some of the most flagrant abuses and grossest violations of fiduciary duty to investors were perpetrated during the very time that the Securities and Exchange Commission was conducting its comprehensive study of investment trusts and investment companies pursuant to section 30 of the Public Utility Holding Company Act of 1935. That study conclusively demonstrates that, unless these organizations are subject to supervision and regulation, the interest of many of almost 2,000,000 American investors in these institutions will be substantially threatened.

GENERAL PURPOSES OF THE LEGISLATION

This bill provides for the registration and regulation of investment trusts and investment companies and for the registration of investment counselors and other investment advisory services. The underlying purpose of the legislation is not merely to insure to investors a full and fair disclosure of the nature and activities of the investment trusts and investment companies in which they are interested, but to eliminate and prevent those deficiencies and abuses in these organizations which have contributed to the tremendous losses sustained by their security holders.

INVESTMENT TRUSTS NOW LARGELY UNREGULATED

Investment trusts and investment companies, like banks, insurance companies, and similar financial institutions, represent large pools of liquid funds of the public entrusted to individuals for management and investment. Yet, unlike these other financial institutions, investment trusts and investment companies, although their field of activity is unlimited, have been subject to virtually no regulation and supervision by any governmental agency—Federal or State. This absence of regulation is one of the fundamental causes of the abuses which have been altogether too frequent.

FINANCIAL ABUSES

Because of this absence of safeguards, promoters and managers of investment companies have been able to determine every aspect of their affairs in an atmosphere of self-dealing and conflicting interests devoid of arms-length bargaining. Independent scrutiny, in behalf of public stockholders, of the transactions and activities of promoters and controlling groups in the organization and operation of investment companies has been and is virtually nonexistent. Too often, the organization of investment trusts and companies was motivated, not by a desire of their sponsors to engage in the business of furnishing investment management to the small investor but rather to accumulate large pools of wealth which would provide a variety of sources of profit and emoluments to their sponsors and controlling persons.

Only a small amount of capital is required to form investment trusts and companies. As a consequence, these organizations are still experiencing an unsound mushroom growth, and various individuals, regardless of their background, have been able to promote or acquire control of these organizations, with their large pools of liquid assets, with a minimum of investment. In many instances control of these institutions has been made impregnable by devices such as management voting stock; voting trusts; the common-law or business-trust form of organization in which security holders have no vote; long-term management contracts, which also assured substantial compensation, irrespective of the company's performance; option warrants to purchase the company's stock, which have the potentiality of substantially diluting the value of the public stockholder's interests; and, finally, domination of the proxy machinery for the solicitation of authority to vote the shares held by public stockholders.

In many instances the pecuniary interest of the promoters, distributors, and managers have dominated almost every phase of the organization and operation of investment companies to the detriment of investors. Capital structures, which are often confusing and incomprehensible to investors, have been created with the ulterior motive of vesting in the controlling groups complete control of the public stockholders' funds and a disproportionate share

of the companies' profits. The capitalization of investment companies was in many instances determined solely by the amount of securities the public would absorb. As a consequence, unsound capital structures have been created—structures which fostered and perpetuated sharp conflicts of interests between the holders of senior securities and junior securities. These conflicts have often been resolved to the detriment of the public senior security holders and to the advantage of the common stock held by insiders. The holders of junior securities have retained control of the funds, although in essence the assets belonged to senior security holders, and have transferred, for substantial payments for their stocks without asset value, control of these funds without the consent or knowledge of senior security holders. Many senior securities had no protective feature, or inadequate features, which were circumvented and nullified by the controlling common-stock holders, and the public investors were powerless to prevent unfair and injurious practices. These companies with senior securities have been, in essence, margin accounts—margin accounts not subject to further margin calls—for trading in common stocks for the benefit of the inside common-stock holders. Unwarranted speculative activities have resulted.

In addition, these capital structures with more than one class of security have accentuated the problem of payment of dividends in investment companies; for the controlling common-stock holders have caused the payment of dividends and other distributions on their common stock to the pecuniary injury of the senior security holders. Capital gains have been drained off by the common-stock holders in periods of rising prices, and dividends paid, although the senior securities had inadequate asset coverage.

Investment trusts and investment companies have suffered many abuses which are peculiar to that type of organization. Investment companies are permitted to be organized with the broadest powers, and in essence, constitute blind pools of public funds. As a result, sponsors, promoters, and controlling groups in many instances have directed the investment of the public's funds in a variety of activities without the consent of the stockholders and irrespective of the announced investment policies which induced the public to invest in the enterprise. In addition, the assets of investment trusts and investment companies consist of cash or marketable securities readily reducible to cash, which could be used to acquire any type of security, property, or business. As a consequence, officers, directors, managers, and other insiders have often unloaded valueless or dubious securities and other property on investment companies at extravagant prices; have borrowed the funds of their investment companies; and have caused such companies to make loans to enterprises in which these insiders were interested. Substantial amounts of these loans have never been repaid. Investment companies in many instances have been exploited by investment banker sponsors and managers to enhance their banking and brokerage business. The investment companies were caused to participate in underwritings; to stabilize the market in securities underwritten by such managing groups; and to purchase substantial blocks of stocks in industrial companies, railroads, banks, and insurance companies in order to expand the banking and brokerage business and build up the financial empires of these insiders.

To augment and intensify all of these opportunities for control and personal profits at the expense of public stockholders, insiders have often fostered excessive pyramiding of investment companies into complicated corporate systems. Funds, securities, and other property were shifted by the dominant persons among the various investment companies in the system and their controlled industrial and other enterprises, in order to promote their own personal pecuniary interests, to create misleading values and fictitious profits for the purpose of deceiving stockholders, and to centralize and perpetuate their control. In many instances, the pyramiding of investment companies involved a complete renunciation of the policies the stockholders had been led to believe their companies would pursue; management costs have been inequitably allocated among the various pyramided companies, and expenses have needlessly been duplicated.

Wholesale trafficking in, and bartering of control of the management of investment companies without the knowledge or consent of the investor has also been a frequent abuse in the history of investment companies. Stockholders have suffered large losses as a result of undisclosed overnight transfers of control of their funds to new interests who have either been incompetent or dishonest. Under existing conditions, investors are powerless to protect themselves against the consequences of such shifts in control.

Managements have also used their control of the applicable corporate and statutory machinery to subject stockholders to inequitable readjustments of the rights, privileges, preferences, and values of their securities, by judicial reorganizations, recapitalization plans, mergers, consolidations, dissolutions, and sales of the corporate assets to other companies. Existing remedies for the protection of stockholders against inequitable plans of readjustment are inadequate, cumbersome, and impractical. The financial resources of the average stockholder are usually insufficient to meet the burden of complicated and long-drawn-out judicial and other proceedings which may be necessary to oppose successfully unfair management-prepared plans.

Another fundamental abuse has been that many promoters and managers of investment companies have a greater interest in the profits which they can realize from the distribution of investment-company securities than in compensation for the avowed function of furnishing expert, disinterested investment service to investors. As a consequence, management may be subordinated to distribution. Unsound investment trusts and companies may be organized in an effort to create securities or merchandise with sales appeal; and the investments of the companies may be made, not on basis of their soundness, but on the basis of their effect on sales of the companies' shares. Selling charges are often fixed to yield a maximum of fees to distributors and frequently include many hidden fees exacted from the purchasing public. The profits to be derived in the merchandising of investment-company securities has also prompted the rapid formation of investment trusts and companies by the same sponsors in order to switch investors from old companies into new companies, each switch being accompanied by exaction of a new selling load from the security holders.

In the case of those investment trusts and companies which continuously sell their shares to the public, practices have often been countenanced which have resulted in substantial dilution of the investors' equity in the fund. Such dilutions have taken place as recently as last autumn. The small investor, purchasing investment-trust shares or contracts on the installment-payment plan, has often been subjected to excessive sales loads and onerous penalties and forfeitures.

Implementing the perpetuation of all these abuses is the management's domination of the accounting practices and the scope and content of the financial reports transmitted to the stockholders. The absence of uniform accounting principles has facilitated the transmission to stockholders of annual reports which are often misleading and incomplete.

This is not a complete catalog of the deficiencies and abuses which have existed in the investment-company industry. Of course, these abuses do not exist in equal degree in all classes of investment companies or in companies within each classification. Some abuses are peculiar to certain types of companies only. In addition, some managements have taken steps to eradicate some of the defects and malpractices prevailing in the industry. However, considering the investment-company industry as a whole, fundamental deficiencies and abuses actually or potentially exist in all classes of investment companies and, in the absence of legislative regulation, will continue or recur. The problem of the protection of the investor and the national economy is too vital to permit of haphazard voluntary solutions.

Investment trusts and investment companies have furnished but comparatively little capital to industry. For the most part these organizations have invested their funds in securities which have been outstanding for some time. On the other hand, investment trusts and investment companies could be capable of performing important functions in the national economy and of becoming one of the important institutions in this country for the investment of savings along with banks and insurance companies. As media for investment in securities, particularly equity securities, investment companies may be able to offer more diversification and more competent management than the ordinary individual himself can provide if the major present temptations to management, unrestrained by effective compulsory standards of fair conduct, are removed. Certain types of investment companies could be particularly useful to the national economy in supplying the needs of new industrial enterprises through equity financing and loans, thereby making available to these enterprises sources of capital funds which would otherwise be beyond their reach. Finally, investment companies, if made into real representatives of the participating investors and not of other interests, could become more effective advocates of the great body of investors in our industrial system than the now inarticulate small stockholder.

INVESTMENT COUNSEL AND ADVISERS

The activities of investment counsel and other investment advisory persons in many respects offer the same opportunity for abuse of trust reposed in them by investors as exists in the case of managements of investment companies. The extent of their influence is only partially indicated by the fact that the portion of these advisers studied by the Securities and Exchange Commission managed or gave advice with respect to over $4,000,000,000 of funds. The bill does not attempt to deal comprehensively with the problem of investment advisers but is intended only to eliminate the more obvious basic abuses relating to the type of individual who may register as an investment adviser, profit-sharing compensation, unloadings and perpetration of frauds upon clients, and assignment of clients' contracts.

SUMMARY OF THE BILL

The bill contains two titles. Title I relates to investment trusts and investment companies of all types. Title II relates to investment counsel and other investment advisory services. The bill deals with abuses and deficiencies in the organization, sales of the securities, and operation of investment companies. In general, the theory of the bill is to eliminate wherever possible such abuses by direct prohibition of their continuance. Only in the comparatively few cases where the problems are complex and technical is a regulatory power vested in the Commission to correct malpractices by rules, regulations, or orders promulgated in accordance with precise standards prescribed in the bill. The following résumé is not a complete description of all the provisions of the bill nor of the abuses which the bill is designed to remedy.

INVESTMENT COMPANIES

Definitions, exemptions, and classifications of companies: Investment companies are substantially defined as issuers holding themselves out as engaging primarily in the business of investing, reinvesting, and trading in securities, or issuers which own or propose

to acquire securities (other than Government securities and securities of noninvestment company subsidiaries) having a value exceeding 40 percent of their total assets (other than Government securities and cash items). The bill does not cover companies which are not investment companies. It therefore excludes companies primarily engaged, directly or through subsidiaries, in the management and operation of a noninvestment business or businesses. It also specifically excludes brokers, underwriters, banks, insurance companies, holding companies subject to the Public Utility Holding Company Act of 1935, and certain other types of companies. The bill makes provision for the exemption of employees' investment companies upon such conditions as may be prescribed by the Commission (secs. 3, 6).

Investment companies as so defined are subdivided into various types and classes according to corporate structure and investment policies, with the power in the Commission to make further subclassifications (secs. 4, 5).

Registration, disclosure of investment policies, and size: As a condition to the use of the mails and the facilities and instrumentalities of interstate commerce, every investment company is required to register with the Securities and Exchange Commission and to keep current the information contained in its registration statement. The registration statement must clearly describe the investment policy of the company. Provision is made for the simplification of the registration procedure by permitting the filing of copies of registration statements already filed under the acts now administered by the Commission (secs. 7, 8). No fundamental shift in the company's investment policy may be made without the vote of the holders of a majority of the company's voting securities (sec. 13).

To prevent the indiscriminate formation of investment companies, no investment company organized hereafter may make a public offering of its securities unless it has a net worth of at least $100,000 prior to such offering. To eliminate impediments to the efficient supervision of investments, to protect securities markets, and to prevent excessive concentration of wealth and control over industry, $150,000,000 is the maximum amount of assets which may be supervised by one management investment company (sec. 14).

Registration of management, depositors, and distributors: The bill provides for a simple registration with the Commission of individuals serving as officers, directors, investment advisers, depositors, principal underwriters, and distributors of the securities of investment trusts and companies. Registration can be denied or revoked only after a hearing and only upon the ground of conviction of a crime; an injunction by a court in connection with a security transaction; a violation of any of the provisions of this bill; or misrepresentation of material facts in the registration statement (sec. 9).

Capital structures, devices for, and transfers of control: Provision is made to eliminate in the future the evils of complex capital structures; to apportion voting power equitably among the security holders of existing companies, and to prevent unfair dilution of stockholders' interest in the company. The bill provides hereafter that investment companies may issue only common stock having equal voting rights with every outstanding share of the company's stock; and that the Commission shall, on application of security holders, and may on its own motion, after 2 years from the effective date of the bill, take steps to effect an equitable redistribution of voting rights and privileges among the security holders. The common law preemptive right of stockholders to purchase additional shares issued by their companies is restored (sec. 18). The sale of voting trust certificates is made unlawful, and rules and regulations may be formulated with respect to the solicitation of proxies (sec. 20). The bill does not contain any provision requiring the elimination from capital structure of senior securities outstanding at the present time.

In order to prevent the circumvention of the stockholders' fundamental right to elect directors—a circumvention frequently accomplished by wholesale resignations of directors and their replacement by insiders, without the knowledge of stockholders—the bill provides that directors may be replaced without a stockholders' vote only to the extent of one-third of their number (sec. 16).

To safeguard against the complete delegation of the duties of officers and directors, and against long-term and oppressive-management contracts, such contracts may run for a period of not exceeding 2 years, if approved by the company's stockholders, and may be renewed on a year-to-year basis, subject to the disapproval of stockholders. Management contracts must state precisely all compensation to be paid to the managers, may not provide for profit-sharing schemes of compensation, and may not be assigned (sec. 15).

Distribution and repurchases of investment-company securities: To prevent the rapid and unsound formation of investment companies by promoters interested primarily in "merchandising" securities and in "switching" investors from old to new companies, and to eliminate conflicting interests, the bill prohibits the promoters of one investment company, within any 5-year period, from promoting and then participating in the management or securities distributions of the new investment companies. The Commission is empowered to exempt companies and individuals from this and other closely related provisions on the basis of certain prescribed standards (sec. 11). As a further deterrent to switching operations, contracts to distribute the securities of open-end investment companies may not be long-term agreements and may not be assigned (sec. 15).

While publicly offered securities of investment companies must be registered under the Securities Act of 1933, provision is made to eliminate duplication in the material filed under that act and the present bill (sec. 24). The Commission is directed to adopt rules and regulations to protect investors against dilution of their equity caused by pricing abuses in the distribution and redemption of the companies' securities (secs. 22, 23). To prevent grosly excesive sales loads on securities of open-end companies and of unit investment trusts, the Commission, after a hearing and after giving weight to various factors prescribed in the bill, is empowered to order the cessation or modification of such charges (sec. 22).

To prevent discriminatory repurchases of their own securities by investment companies whose security holders do not have the right to require redemption, the bill authorizes the Commission to promulgate rules, regulations, and orders to prevent such discrimination (sec. 23).

Limitation on speculative and other activities: Investment companies may not trade on margin or participate in joint trading accounts in portfolio securities. The Commission is authorized to prevent the short sale of portfolio securities by rules and regulations. Some types of investment companies may engage in underwriting activities, if consistent with their declared financial and investment policies, while other types may engage in such activities only to a limited extent (sec. 12).

While loans by investment companies to natural persons are prohibited, loans to corporations may be made under certain specified conditions. Generally, investment companies are prohibited from borrowing, except for temporary purposes in an amount not exceeding 5 percent of the value of the company's total assets (sec. 21).

Elimination of conflicting interests: The bill requires that a majority of the board of directors of every registered investment company be persons having no common outside affiliation and independent of those receiving brokerage, management, or underwriting compensation. Certain other specific limitations upon the outside affiliations of persons who occupy important positions in the conduct of the investment company's business are also imposed. Each of such provisions is directed to a specific and dangerous conflict of duty or interest (sec. 10).

Prohibitions against transactions by insiders with the investment companies: The bill prohibits "self-dealing" between insiders and the investment companies—transactions with the company in which its officers, directors, managers, etc., or their affiliated companies or firms have a personal pecuniary interest. These prohibitions are concerned primarily with sales and purchases of securities and other property to or from the investment company, the obtaining of loans from the company and joint participations with the company in underwritings and other financial ventures. Gross misconduct or abuse of trust by directors, officers, managers, investment advisers, principal underwriters, and distributors is also made unlawful (sec. 17). To prevent the use of the funds of investment companies to aid affiliated underwriters in their investment banking business, investment companies may not purchase securities underwritten by such affiliated persons until more than 1 year after the public distribution of such securities (sec. 10).

Transactions among pyramided and affiliated companies: Future pyramiding of investment companies is made unlawful by a provision forbidding the purchase by investment companies of the securities of other investment companies, except in connection with reorganization plans approved by the Commission (secs. 12, 25). The bill does not require the simplification of existing systems of investment companies.

Purchases and sales of securities between companies in the same investment company system are subjected to the scrutiny of the Securities and Exchange Commission in order to insure their fairness and their consistency with the investment policies of the companies involved and the purposes of the bill (sec. 17). The Commission is authorized by rules, regulations, or order to require that a company in an investment company system supplying management services to the constituent companies render such service at cost, equitably allocated among the various companies (sec. 15).

Cross-ownership and circular ownership of voting securities between and among investment and other companies is prohibited (sec. 20). Cross-ownership and circular ownership have had the effect in the past of giving a deceptive appearance of enhanced valuation of the assets of the investment companies concerned, attributable solely to the mirroring in each company of increased values of its own cross or circularly held securities.

Voluntary and involuntary reorganization: In order to prevent unfair plans of voluntary and involuntary reorganization, recapitalization and dissolution, the bill provides that such plans may be disapproved by the Commission if it finds, after a hearing, that they are not fair and equitable to all classes of security holders affected (sec. 25).

Accounting practices: The Commission is authorized to prescribe uniform accounting and auditing methods and the scope of such audits; to require investment companies to file with it and to transmit to its security holders annual or other periodic and special reports; and to examine the books of investment companies. Independent public accountants for investment companies must be elected by the stockholders. Principal accounting officers including controllers of such companies, who participate in the preparation of financial statements filed with the Commission, must be elected by the stockholders or appointed by the directors (secs. 30, 31, 32).

Dividends: Investment companies are prohibited from paying dividends derived from sources other than their net income from interest and dividends ("ordinary" income), unless expressly authorized to do so by their charters or by vote of their security holders. In-

vestment companies with more than one class of securities outstanding may not pay dividends, unless the securities senior to the security on which the dividend is to be paid are protected by a prescribed asset coverage (sec. 19).

Fixed trusts and certificates sold on the installment plan: To prevent the "orphaning" of fixed trusts and periodic payment plans, the bill provides that only banks and trust companies may act as trustees; requires the trust indenture to contain provisions enabling the trustee to be remunerated out of the trust funds; and prohibits the trustee or depositor from resigning except under prescribed conditions. The Commission is empowered, when any such trust has in fact become an "orphan," to bring proceedings in an appropriate Federal district court for the distribution of its assets to its security holders (secs. 26, 27).

To prevent the perpetration of frauds upon investors in the lowest income levels who may purchase investment certificates upon the installment plan, provision is made against excessive sales loads and excessive penalties and forfeitures for lapses and defaults (sec. 27).

Face-amount certificate companies: Companies which sell this type of investment contract are required to have a minimum paid-in capitalization of $250,000 and must maintain reserves in an amount sufficient to meet the maturity value of their certificates on their due dates. Such reserves must be invested in securities of a character similar to those usually required for the investment of life-insurance-company reserves, and the Commission may require such investments to be deposited with corporate trustees. To eliminate excessive penalties and forfeitures, provision is made with respect to cash surrender values (sec. 28). The Bankruptcy Act is amended to provide that deposits of securities and property made with State authorities for the benefit of future certificate holders shall be void as against the trustees in bankruptcy of such companies. It is also provided that any such trustee in bankruptcy shall be appointed by the court after giving the Commission an opportunity to be heard (sec. 29).

Other provisions: Settlements of claims against investment companies and their officers and directors for breaches of official duty and settlements of class suits by security holders must be approved by a court. The Commission is empowered to submit advisory reports to the courts with reference to such settlements (sec. 33).

The remaining sections of the title follow the pattern already established in the three acts now being administered by the Commission. These sections relate to definitions; the general powers of the Commission with respect to the issuance of rules and regulations; the administration and enforcement of the title; the right to judicial review of orders of the Commission; liability for misleading statements; and penalties for violation of the provisions of the title.

INVESTMENT ADVISERS

Registration, revocation, and exemptions: Title II of the bill deals with investment advisory services—individuals or organizations engaged in the business of furnishing for a consideration investment advice with respect to the purchase or sale of securities. Banks, attorneys, accountants, engineers, etc., who give investment advice only as an incident of their primary activities are excluded from the provisions of this title (title I, sec. 45 (16)). Investment advisers are required to register with the Securities and Exchange Commission and to disclose pertinent information as to their organization, nature, and character of their personnel, and methods of operation. The Commission is empowered, after a hearing, to deny or revoke the registration of any investment adviser on grounds identical with those provided for the denial or revocation of registration of officers, directors, etc., of investment companies (sec. 204).

Conflicts of interest and unlawful activities: The bill provides that it shall be unlawful for investment advisers to employ fraudulent devices in administering the funds of clients or to engage in any transaction which would operate as fraud on the clients. An investment adviser acting as principal in selling any security to a client is required to disclose to the client his personal interest in the transaction (sec. 206). The bill also prohibits compensation to investment advisers on a profit-sharing basis (sec. 205).

CONTINUANCE OF PUBLIC-WORKS PROGRAM

Mr. ANDREWS. Mr. President, I ask unanimous consent to introduce a bill providing $300,000,000 for the continuance of the public-works program. The bill authorizes loans to public bodies and nonprofit organizations for public works and makes an appropriation therefor. It provides a self-financing and self-perpetuating revolving fund which ultimately will cost the Federal Government nothing.

The cessation of Federal assistance in the form of loans to State and local bodies in the prosecution of a public-works program will bring serious economic consequences and add to the Nation's already critical problem of unemployment—unemployment of men and money.

Last September the Public Works Administration returned some 5,000 applications of public bodies for assistance in public works because of the failure of Congress to provide for the continuation of this important undertaking.

These 5,000 applications represented a great backlog of useful, sound public undertakings. If anything, the need for this work is greater today than it was when the applications were returned last fall. The bill I am introducing today will take up where the Public Works Act of 1938 left off.

From one end of the country to the other there is pressing need not only for employment but for the public structures American communities planned to erect under P. W. A. My bill will go a long way toward filling that need.

The bill I am proposing, in brief, continues the Public Works Administration, giving it a $300,000,000 revolving fund for this purpose. And every penny of that $300,000,000 will be returned to the Treasury.

My bill goes beyond the scope of the bill introduced by the Senator from New York [Mr. MEAD] in that the projects to be financed are not limited to hospitals, water works, and sewerage systems. Just as in the 1938 act, loans are to be made to public bodies, loans may also be made to nonprofit organizations to finance hospitals, health centers, clinics, colleges, schools, recreational facilities, or facilities for handling and storage of farm products, if such projects are devoted to public use.

Every loan must mature within the useful life of the project for which made, but not to exceed 50 years.

The bill requires that all workmen, laborers, and mechanics employed in the construction of any project shall be paid the prevailing wage for the corresponding classes of workmen employed on projects of a similar character in the same locality. No workman shall be compelled to work a greater number of hours per week than the applicable maximum established by the Fair Labor Standards Act of 1938, or be compensated at a rate less than the applicable minimum rate established by that act.

The bill provides that obligations purchased thereunder, when sold by the United States, shall be guaranteed as to principal and interest by the Government. A guaranty fund for the payment of any demands which might be made under such guaranty is to be provided initially from the sales of securities now held in the P. W. A. portfolio. The interest rate is to be fixed by the Commissioner of Public Works so as to maintain the guaranty fund in a sufficient amount and to reimburse the Treasury for the interest it pays on the money placed in the revolving fund.

There being no objection, the bill (S. 3589) to authorize loans to public bodies and nonprofit organizations for public works, and making an appropriation therefor, was read twice by its title and referred to the Committee on Banking and Currency.

HOUSE BILL REFERRED

The bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENT

Mr. WILEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was ordered to lie on the table and to be printed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENT

Mr. BROWN submitted two amendments intended to be proposed by him to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. MEAD submitted an amendment proposing to adjust the compensation of the messenger at special gallery door, intended to be proposed by him to House bill 8913, the legislative appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment proposing to appropriate $185,000 for hospital facilities for the Creek Nation, and so forth, intended to be proposed by him

to House bill 8745, the Interior Department appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARK of Idaho submitted an amendment intended to be proposed by him to House bill 8745, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 6, line 14, after "$250,000" and before "Provided", insert the following clause: "For the detection, prevention, and suppression of fires on lands within grazing districts, including the maintenance of patrols, the employment of field personnel, and purchase of necessary equipment, $130,000."

SALE AND DISTRIBUTION OF NATURAL GAS AND PETROLEUM

Mr. NYE submitted the following resolution (S. Res. 245), which was referred to the Committee on the Judiciary:

Resolved, That the Judiciary Committee of the Senate is hereby authorized to take testimony, investigate, and report to the Senate (a) whether any person, partnership, or corporation has violated, or is violating, the antitrust laws by acting in a manner which created a monopoly or tends to create a monopoly for the control of the production, transportation, sale, and distribution of natural gas and petroleum, and (b) whether the antitrust laws have been fully, adequately, and impartially enforced to enable consumers and potential consumers to obtain supplies of natural gas and petroleum on a competitive basis.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-sixth Congress, to employ such assistance, to require by subpena or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ADDRESS BY REAR ADMIRAL C. H. WOODWARD BEFORE EASTERN SAFETY CONFERENCE

[Mr. WALSH asked and obtained leave to have printed in the RECORD the address delivered by Rear Admiral Clark H. Woodward, United States Navy, commandant of the third naval district, at the sixteenth annual eastern safety conference held at Newark, N. J., February 15, 1940, which appears in the Appendix.]

EXTRACT FROM REPORT BY NICHOLAS MURRAY BUTLER TO CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a portion of the annual report of Nicholas Murray Butler, director of the division of intercourse and education, to the Carnegie Endowment for International Peace, which appears in the Appendix.]

BERMUDA AND THE BRITISH WAR DEBT

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Mr. Lynn A. E. Gale entitled "If Bermuda Had Been American, Not British, Soil," which appears in the Appendix.]

RESOLUTIONS OF HOLLYWOOD CENTRAL YOUNG DEMOCRATS

[Mr. PEPPER (by request) asked and obtained leave to have printed in the RECORD a letter addressed to him by the president of the Hollywood Central Young Democrats, of Hollywood, Calif., together with resolutions adopted by that organization, which appear in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Florida [Mr. PEPPER] had the floor and expressed a desire to continue his address today. In fact, he obtained unanimous consent to do so.

Mr. SMATHERS. Mr. President——

Mr. PEPPER. I yield to the Senator from New Jersey.

Mr. SMATHERS. Yesterday a colloquy occurred between the Senator from Alabama [Mr. BANKHEAD] and the Senator from New Mexico [Mr. HATCH] upon the subject of some prosecutions taking place in the State of New Jersey, and the question was raised whether or not the prosecutions were under the Hatch Act. I ask unanimous consent to have published in the RECORD as a part of my remarks a newspaper article appearing in the Atlantic City Press under date of March 13. The heading is "Judy Clears McGrath—Dix's Fate Undecided at Midnight." At the end of the article it is stated that the prosecutions were not under the Hatch Act.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Jersey? The Chair hears none.

The article is as follows:

[From the Atlantic City Press of March 13, 1940]

JURY CLEARS MCGRATH, DIX'S FATE UNDECIDED AT MIDNIGHT

Thomas McGrath, former Pleasantville W. P. A. supervisor, was exonerated on two indictments charging him with extortion and receiving political funds from W. P. A. workers by a jury in United States district court at Camden last night.

George Dix, his codefendant, was also found not guilty on the extortion indictment.

When the jury returned at 10:30 p. m., after 10 hours of deliberation, it brought in a verdict in the second indictment finding Dix guilty of receiving political funds but finding him not guilty of soliciting the money.

Judge Biggs told the jurors that they must find the defendant either guilty or not guilty of both soliciting and receiving the money from the W. P. A. workers. He said the two acts could not be separated in the verdict.

RETIRE AT MIDNIGHT

The jury again retired and at midnight they had reached no new verdict in the Dix case.

If he is convicted under this act, passed in 1883, he faces a maximum term of 5 years in prison and $5,000 fine on each count.

Twice during the afternoon the jury returned for instructions. On the first occasion they asked Judge Biggs if the charges came under the Hatch Act. They were told they did not.

On the second trip back to the bench, the jury asked if soliciting and receiving funds were the same and were told that the two acts were equally unlawful.

PLEADS FOR DIX

George Naame, counsel for Dix, in summing up the case for the jury, said that all eight W. P. A. workers who testified for the Government were a part of the Democratic organization in Pleasantville and had made volunteer contributions to their party through Dix.

"If Dix is guilty of receiving political contributions from Federal workers, then far greater Federal officials are guilty of far greater crimes," Naame said.

"POLITICAL ENEMIES

"You have the right to infer that these men were political enemies of Dix and that this was their way of getting even. Out of the 50 or more skilled workers who received exemptions and higher pay, only these few testified against these two men," Naame continued.

Robert McAllister, counsel for McGrath, pointed out to the jury that none of the men had testified to giving any money to his client.

But William F. Smith, assistant United States attorney, declared that it was not the Democratic Party on trial, but the two defendants, who, he said, "had been taking bread and butter out of the mouths of the W. P. A. workers.

"Do you think that these W. P. A. workers went to Dix every pay day and out of $65 received for 2 weeks, gave him $10 voluntarily?" Smith asked.

SAYS CLUB GOT MONEY

Smith said that he realized there were defects in the case against McGrath, but he declared that even if he aided and abetted Dix on the witness stand, he was equally guilty.

Dix, in taking the stand in his own defense, as the trial was resumed in the morning, declared that he had turned all the money which he collected over to the treasurer of the Pleasantville Democratic Club and said that it had been given to him voluntarily by the W. P. A. workers. He said he was suspended from the W. P. A. on October 20, 1939, and denied that he had any agreement with McGrath to force the payment by the workers.

Under cross-examination by Smith, Dix admitted that he held no office in the Mainland political club and denied that he used any of the money himself.

Mr. HATCH. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. I yield.

Mr. HATCH. The information just divulged by the Senator from New Jersey is not quite complete in itself. This morning I also received information of the prosecution referred to. On yesterday I merely read into the RECORD what

the newspaper said. The prosecutions were for offenses committed long before the passage of the act which was enacted last summer.

Mr. PEPPER. Mr. President, a day or two ago a friend of mine from New York told me a story which seems to me to illustrate pretty well what might be said about State sovereignty in this day and time. He said there was in his State a certain gentleman who was very fond of the game of poker. One evening, as he had done several times before, he had his friends in for a game. They enjoyed themselves very much that evening, so much so that when 12 o'clock arrived, the agreed time for quitting, the host suggested to his friends that they continue the game. One of his friends said, "Well, what about your wife? May she not perhaps object to our staying later?" The host said, "Oh, don't you worry about that. I will take care of that, fellows. We are having a good time. Let's just play right on. When it comes to my own household, fellows, I am a Julius Caesar." The game was resumed; and about that time the door opened, and the wife arrived. She said, "Good evening, gentlemen," and they rose and spoke. She said, "Gentlemen, in the dining room you will find food and drink. I want you to go in and partake of it as you will, and I want you to enjoy yourselves and stay just as long as you will stay." Then she turned and said, "But as for Julius Caesar, here, he is going to bed." [Laughter.]

State sovereignty will be about as secure as this gentleman's domestic sovereignty, it seems to me, if this bill is passed as proposed by the able Senator from New Mexico.

Mr. NORRIS. Mr. President——

Mr. PEPPER. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator ought to have finished the story. Did Julius go to bed, as a matter of fact, or did he not?

Mr. PEPPER. The deduction of the able Senator from Nebraska was completely justified by the fact. Julius Caesar immediately retired. [Laughter.]

Mr. President, in justice to those of us who have opposed this bill, I want to say that it is our understanding of the bill, first, that it is not a clean-politics bill. It is not a bill to prevent corrupt practices in political campaigns.

It is not a bill to prevent excessive interference in political campaigns by moneyed interests of one sort or another; it is not a bill to prevent corporate enterprise or any other influence from reaching across State lines to interfere unjustly in any State campaign or election. It is not a bill for a civil-service system in the administrative agencies of this Government. It is not a bill which sets up a merit system for personnel in the agencies of the Federal Government, or in the agencies of State governments which receive Federal contributions. It is not a bill which tends to create a more competent staff of administrative officials. It strikes at no abuse which has been brought to the attention of the American Congress, because it deals with State activities, with State employees, in regard to State matters, and, so far as that subject is concerned, I know of no investigation, I know of no protest or clamor which comes from the people themselves in the several States demanding the passage of legislation of this character.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. If the Senator will come to my office I shall be glad to turn my files over to him, which include communications from every State of the Union.

Mr. PEPPER. I should be glad to know the nature of the communications and their number, to see whether they were representative of the several States of the Union. At least so far as has been disclosed on this floor, the initiative for this legislation comes from the able Senator from New Mexico, and perhaps others who have had unhappy experiences in their States, or anticipate that they might have unfortunate experiences, and it does not come from the masses of the people of America themselves. Therefore, we protest against the proposed legislation, because it is not designed to circumscribe the activities of Federal officials with respect to Federal affairs. It is not confined to curtailing coercion upon even State employees by State officials. It circumscribes the activities of the individual State employees in respect to matters in which they only may have a personal interest.

I would imagine, if I had heard just the early part of this debate, and perhaps had casually only read the bill, that it was designed to prevent the growing up of great State machines, of one sort or another, which might have some unwholesome influence in political life. If that were the only object of the bill, it would stop with the provision that State officials, if they are partially financed by Federal funds, may not coerce their employees and may not use their official power to interfere with an election. If that were the object of the bill, that would be a sufficient prohibition to reach the abuse at which it was aimed. But the able Senator from New Mexico stated on the floor of the Senate yesterday that if the language my amendment proposes to strike out, namely, "No such officer or employee shall take any active part in political management or in political campaigns," were stricken out, perhaps he would not vote for the bill.

So his point of emphasis is not the breaking down of State machines, it is not the curbing of coercion on the part of State officials against their employees, it is not intended to restrain State officials from interfering with local elections; it is to circumscribe the activities of individual men and women in their own States, in dealing with their own local affairs on their own initiative. They do not have to act in concert; they do not have to act in an organized way which might constitute a menace, which might constitute interference. They may go in either one of their several directions, and they will violate this law whether their political activity is on their own initiative or that of some relative in the family, or because of their political convictions or what not. I say that goes too far to serve the legitimate purposes of this kind of legislation, and that in carrying it too far the able Senator is going to defeat the noble purposes which lie behind this legislation.

I might give a recent example of how that principle is going to work out as to another agency of the Government. The Federal Bureau of Investigation has risen into the highest esteem which perhaps any agency of Government enjoys among the people of this country. Everyone was in favor of its activities; Congress appropriated liberally for it; we all lauded its efforts. Then what happened? It crept further and further and further in its zeal, in its interference with local affairs, until finally, not the Senator from Florida but the Interstate Commerce Committee of the United States Senate, in the last few days reported a resolution for an investigation of that agency, after the subject was pointed to by the able Senator from Nebraska [Mr. NORRIS], and after a resolution had been offered by the able Senator from Rhode Island [Mr. GREEN].

This indicates that when we go too far we get an unfavorable reaction. We do not desire to curb the activities of the Federal Bureau of Investigation. We want it to be an efficient, effective functioning agency to protect the people of America. But just as soon as it loses its sense of discretion, just as soon as it throws off reasonable restraint, just as soon as it gives way to excessive zeal there begins a reaction, and we find the Committee on Appropriations of the House of Representatives calling Mr. Hoover before it and interrogating him about his activities, with a view to diminishing his appropriation if they found him going beyond what they thought were reasonable activities of the Federal Bureau of Investigation.

Involved in the pending bill is the danger of the Federal Government, if the language to which I have referred remains in the bill, attempting to police every man and woman out of about 2,800,000 who work for the Several States of this country. It is an impossible task administratively. It will merely mean that an army of snoopers will be all through the State organizations; that employees will be encouraged to report on one another, and concoct some kind of a story just before election. Perhaps one will say, "I heard Miss Smith, the lady who got a raise when I did not, say that she was

going to vote for Mr. So-and-So." And they will be bringing it to the attention of the Attorney General, and asking him to send out an investigator to find out whether Miss Smith said, "Tonight I am getting up a little party at my house to forward the candidacy of Mr. So-and-So," or whether she said tonight she was merely going to have a little party at her house, and she only said she was in favor of Mr. So-and-So.

Mr. HILL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HILL. The Senator speaks of going too far. Have we not a perfect illustration of that kind of thing in the prohibition amendment to the Constitution, and the Volstead Act? Certainly no legislation was ever put on the statute books to carry out a higher purpose or a nobler motive than the Volstead Act and the eighteenth amendment to the Constitution. Yet they went too far. Public sentiment was not for the amendment or for the act; and what happened? There was so much violation of law, so much disregard of law, so much disregard of the American Constitution itself, that we had to repeal the amendment, and then, of course, repeal the act.

The great trouble, when we go too far, is that we not only invite violations of the act we pass, but we breed and create disrespect for all law and all constituted authority of government. In the particular instance the Senator is so well discussing and clearly pointing out, we go beyond public sentiment, we go beyond what the people themselves believe is right and justified, and we get this kind of reaction, reaction not only against the law we pass, but against all government and all constituted authority.

Mr. PEPPER. Mr. President, I thank the able Senator from Alabama, and I agree a hundred percent with every word he has said. There never was an effort made to do such a thing which did not come from a generous and a noble and a wholesome impulse. But some of the most severe criticisms which have been directed against any part of the New Deal program have come from those who have conscientiously thought that perhaps we went a little further than the facts and circumstances imperatively justified or required. If the able Senator from New Mexico is to have the great legislation which he has already put upon the statute books remain upon the statute books, if it is to be permanent American policy, he would better be satisfied with reasonable success.

I said this bill was not a civil-service bill. The Senator from New Mexico knows that there is pending in a committee of the Senate a bill which has passed the House of Representatives, sponsored by Representative RAMSPECK, of Georgia, providing broad extension of the civil service in this country. That presents a square-cut issue: Do you believe in civil service, or do you not? Do you believe in the merit system for the selection of personnel, or do you not? But the able Senator from New Mexico is not giving us a civil-service system, a merit system; he is not saying, "Let us amalgamate this bill with the Ramspeck bill." He is not saying, "Let us take a committee and hash this thing over and put into this very legislation, perhaps, a corrupt practice bill, a civil-service bill, and a bill to improve the conduct of personnel and restrict pernicious political activity."

I believe that if this bill had been limited to pernicious political activities, as was contemplated in the Miller amendment, there would not have been any substantial controversy about its passage, but to say that the Federal Government shall go into a county in Alabama, or Florida, or Nebraska, and ferret out a stenographer, ferret out a janitor, ferret out a doorkeeper, ferret out a file clerk, ferret out a State highway engineer, a man working on the road with a pick and shovel, a man running a grading machine, a girl who is perhaps running a machine such as a comptometer and shall police the political activities of every one of those men and women in respect to local affairs, is the most preposterous proposal I have ever heard suggested since I have been in the Senate.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. PEPPER. I yield.

Mr. STEWART. I wish to inquire exactly what the Senator's amendment is. As I understand, it is an amendment dealing with certain language of section 12.

Mr. PEPPER. That is correct. I wish the Senate to know exactly the purpose of my amendment. I propose by my amendment to strike out the following language in lines 21 and 22, on page 4, in section 12:

No such officer or employee shall take any active part in political management or in political campaigns.

My amendment does not affect the language which appears previous to the language which I would delete, as follows:

No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

I do not by my amendment impair that language. It deals with the pernicious political activity which the Senator from New Mexico wants to strike at, as I understand, but I do want to take out the curb which he proposes upon the activity which is engaged in by the individual employee upon his or her own initiative.

Mr. STEWART. Mr. President, the words that are proposed to be stricken from section 12 of the measure are simply:

No such officer or employee shall take any active part in political management or in political campaigns.

Mr. PEPPER. That is correct.

Mr. STEWART. In the print which appears on our desks this morning, which is a print ordered to be made of the measure, together with the amendments adopted to date, the amendment which the Senator has offered would appear in lines 23 and 24.

Mr. PEPPER. Mr. President, that is not the official bill. That print was provided simply for the convenience of the Senate.

Mr. STEWART. I wish to ask the Senator another question concerning his amendment. What effect would it have on the original Hatch Act?

Mr. PEPPER. It would not affect the original Hatch Act in any way whatsoever.

Mr. STEWART. While I am on my feet I may ask the Senator another question. In the reprinted copy of the bill which lies on our desks this morning, which is the original bill together with the amendments which have so far been adopted, on page 7, lines 21 and 22, it is provided that when any employee has violated the act, and within the period of 18 months been reemployed, a sum twice the amount of the annual salary of such employee may be withheld by the Government from its loans or grants to a State. With respect to that amount, which is referred to as twice the amount of the annual salary of such employee, is it the purpose of that provision, or could such a construction be placed on it, that the employee himself shall lose his salary?

Mr. PEPPER. No; Mr. President, I assume the fair interpretation would be that the amount is to be withheld from the State or from the agency affected, and not to be taken from the individual.

Mr. STEWART. I assume that to be correct, but I was wondering whether the amount which is to be fixed at twice the salary of the employee would affect the individual's salary or be deducted from his salary.

Mr. PEPPER. I think it would not affect his salary except, of course, that by his conviction he would lose his job, and therefore, of course, lose his salary.

Mr. STEWART. Let me ask the Senator one more question and then I am through. Section 12 provides that if an employee violates the provisions of this measure he cannot be employed for a period of 18 months, and it imposes the

penalty to which I just referred. The Senator yesterday afternoon in his argument said that the original Hatch Act, in section 9, subsection (b) thereof, provides that a United States Government employee violating the act cannot be reemployed at any time within 18 months, or after 18 months, or at any time in his lifetime.

Mr. PEPPER. He cannot be reemployed in that job under the Federal Government; that is correct. That appears in subsection (b) of section 9.

Mr. STEWART. The act reads:

No part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

He could be employed otherwise in another capacity by the United States Government.

Mr. PEPPER. But the Senator can well imagine what chance he would have for reemployment if he first had been discharged for violation of one of the provisions of the law. That would certainly be placed on his record; so it would be a black mark against him, and he certainly would not stand much chance of reemployment.

Mr. President, that concludes what I wanted to say about the bill. The able Senator from Tennessee [Mr. McKELLAR] yesterday placed in the RECORD tables published in the report of the Secretary of the Treasury, which indicated that over a billion dollars a year is given by the Federal Government in aid to the several States, and Senators will be astonished when they discover how many ramifications there will be to this bill if enacted. In other words, it is almost an assurance that the major part of all these State and local employees will in one way or another be affected by the provisions of the bill which I am trying to strike out. I submit to the able and statesmanlike Senator from New Mexico that it is wiser, it is better, it is safer, it is more just to leave the original Hatch Act as it now stands on the statute books, and retain the pernicious political activities provision of the bill—and it would still remain in this bill if my amendment should be adopted—but cut out the ultimate extension of the measure to the local activities of employees of the several States in dealing with local matters only.

In justification of the opposition of some of us who generally favor the extension of Federal power, I thought it was appropriate to say that the reasons suggested indicate why we are not in favor of this provision of the bill.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Ashurst	Frazier	Lodge	Shipstead
Austin	George	Lucas	Smathers
Bankhead	Gerry	McCarran	Smith
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Taft
Bilbo	Glass	Maloney	Thomas, Idaho
Brown	Green	Mead	Thomas, Utah
Bulow	Guffey	Miller	Townsend
Burke	Gurney	Minton	Tydings
Byrnes	Hale	Murray	Vandenberg
Capper	Harrison	Neely	Van Nuys
Caraway	Hatch	Norris	Wagner
Chandler	Hayden	Nye	Walsh
Clark, Idaho	Herring	O'Mahoney	Wheeler
Clark, Mo.	Hill	Pepper	White
Connally	Holman	Reed	Wiley
Danaher	Holt	Reynolds	
Davis	Hughes	Russell	
Donahey	Johnson, Colo.	Schwartz	

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. As I understand, the vote is on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. That is correct.

Mr. PEPPER. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 4, line 21, after the word "thereof" and the period, it is proposed to strike out the following language: "No such officer or employee shall take any active part in political management or in political campaigns."

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

RAILROADS IN THE TERRITORY OF ALASKA

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator from Maryland rise?

Mr. TYDINGS. The vote has not yet been started, and I understand no Senator has the floor. Am I correct?

The PRESIDING OFFICER. The Senator from Maryland is correct.

Mr. TYDINGS. Mr. President, in the last session of Congress—that is, the session which adjourned in 1939—the Senate passed Senate bill 1785, dealing with railroads in Alaska. The bill went to the House, and the House, instead of acting on the Senate bill, passed a similar House bill. The House bill has a slight variation from the Senate bill, which does not change the philosophy of the bill but somewhat restricts the source of the money. There is practically no difference between the two bills. I know of no objection to the bill. We have been urged to pass the bill at an early date. As the measure passed both Houses in almost idential form, I ask unanimous consent that the House bill be taken up and passed at this time, so that it may be disposed of. The work should be begun as promptly as possible.

Mr. REED. Mr. President, reserving the right to object, in the absence of the Senator from Montana [Mr. WHEELER], chairman of the Interstate Commerce Committee——

Mr. TYDINGS. This bill has nothing to do with interstate commerce. It involves the use of some busses in the public parks to augment the railroad system. So far as I know, it has not the slightest relation to interstate commerce. The Department has been urging the passage of the bill for a long time, and I have been awaiting an opportunity to ask for its consideration. The bill is a very mild local measure for Alaska.

Mr. REED. I accept the statement of the Senator.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read.

The bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That section 1 of the act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, there is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of $30,000; and the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract

or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARKLEY. That, of course, presupposes that the pending business is temporarily laid aside for the consideration of this bill, and that we automatically return to the consideration of the pending business.

The PRESIDING OFFICER. The present occupant of the chair would so rule.

Is there objection to the present consideration of the bill?

There being no objection, the bill, H. R. 4868, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The PRESIDING OFFICER (Mr. HILL in the chair). The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment reported by the Committee. On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague is unavoidably detained on important official business. If present, he would vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce the following pairs:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If the Senator from New Hampshire were present, he would vote "nay," and if the Senator from Illinois were present, he would vote "yea."

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. I am informed that if the Senator from California were present, he would vote "nay," and that if the Senator from Utah were present, he would vote "yea."

The Senator from North Dakota [Mr. NYE] with the Senator from Arkansas [Mr. MILLER]. If present, the Senator from North Dakota would vote "nay," and the Senator from Arkansas would vote "yea."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Arkansas [Mr. MILLER], the Senator from Montana [Mr. MURRAY], the Senator from Nevada [Mr. PITTMAN], and the Senator from Oklahoma [Mr. THOMAS] are absent on departmental business.

The Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. BAILEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

The Senator from Oklahoma [Mr. THOMAS] is paired with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that if present and voting, the Senator from Oklahoma would vote "yea," and the Senator from New Hampshire would vote "nay."

The Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Louisiana [Mr. OVERTON]. I am advised that if present and voting, the Senator from Nevada would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised, however, that he would vote as I intend to vote and that he has a special pair on this question. I am therefore at liberty to vote.

The result was announced—yeas 28, nays 50, as follows:

YEAS—28

Adams	Caraway	Hayden	McKellar
Andrews	Connally	Herring	Minton
Bankhead	Donahey	Hill	Pepper
Bilbo	Ellender	Hughes	Schwellenbach
Brown	Glass	Lee	Smathers
Bulow	Guffey	Lucas	Smith
Byrnes	Harrison	Maloney	Stewart

NAYS—50

Ashurst	George	McCarran	Thomas, Idaho
Austin	Gerry	McNary	Thomas, Utah
Barbour	Gibson	Mead	Townsend
Barkley	Gillette	Neely	Tydings
Burke	Green	Norris	Vandenberg
Capper	Gurney	O'Mahoney	Van Nuys
Chandler	Hale	Reed	Wagner
Clark, Idaho	Hatch	Reynolds	Walsh
Clark, Mo.	Holman	Russell	Wheeler
Danaher	Holt	Schwartz	White
Davis	Johnson, Colo.	Sheppard	Wiley
Downey	La Follette	Shipstead	
Frazier	Lodge	Taft	

NOT VOTING—18

Bailey	Johnson, Calif.	Nye	Thomas, Okla.
Bone	King	Overton	Tobey
Bridges	Lundeen	Pittman	Truman
Byrd	Miller	Radcliffe	
Chavez	Murray	Slattery	

So Mr. PEPPER's amendment to the committee amendment was rejected.

Mr. BANKHEAD, Mr. DANAHER, and Mr. THOMAS of Utah addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BANKHEAD. Mr. President, yesterday the Senate voted on an amendment which I proposed limiting contributions in campaigns to $1,000. It voted the amendment down. It is possible there may be some Members of the Senate who believe that excessive contributions constitute a pernicious political practice but feel that $1,000 is too small a limitation. I now offer an amendment exactly the same as the one voted on yesterday, except the limitation is $5,000 to any one contributor.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following:

SEC. —. (a) Excessive financial aid to any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal.

(b) Excessive financial aid to any political committee or political organization engaged in furthering, advancing, or advocating the election of any candidate or political party nominee for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity, and is hereby declared to be illegal.

(c) Presidential electors and the President of the United States for the purpose of this act are declared to be elective officers.

(d) Any amount expended, contributed, furnished, or advanced by one person, directly or indirectly, in excess of $5,000 is hereby declared to be excessive financial aid.

(e) Any person who directly or indirectly contributes more than $5,000 during any calendar year or for use in any one campaign or election in violation of the provisions of this section is guilty of pernicious political activity and on conviction shall be fined not less than $5,000 and also sentenced to the penitentiary for not exceeding 5 years.

Mr. BANKHEAD. Mr. President, I do not care to make any further remarks on the principle involved in this amendment. I ask for the yeas and nays on it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. BANKHEAD], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. CLARK of Missouri. My colleague the Senator from Missouri [Mr. TRUMAN] is unavoidably detained on important public business. If present, he would vote "nay."

Mr. THOMAS of Utah (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I have been informed that I can transfer that pair to the senior Senator from North Carolina [Mr. BAILEY], which I do, and permit my vote to stand.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. BAILEY], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Connecticut [Mr. MALONEY], the Senator from Arkansas [Mr. MILLER], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], the Senator from Ohio [Mr. DONAHEY], and the Senator from Nevada [Mr. PITTMAN] are absent on departmental business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

I am advised that if present and voting the Senator from Oklahoma [Mr. LEE] and the Senator from Connecticut [Mr. MALONEY] would vote "yea."

The Senator from Virginia [Mr. BYRD] is paired with the Senator from Missouri [Mr. TRUMAN]. The Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Louisiana [Mr. OVERTON]. I am advised that if present and voting the Senator from Virginia and the Senator from Nevada would vote "yea" and that the Senator from Missouri and the Senator from Louisiana would vote "nay."

Mr. AUSTIN. Mr. President, I announce that on this question the Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Illinois [Mr. SLATTERY]. If the Senator from New Hampshire were present, he would vote "nay," and I am informed the Senator from Illinois would vote "yea."

The Senator from California [Mr. JOHNSON] is paired with the Senator from Utah [Mr. KING]. If the Senator from California were present, he would vote "nay," and I understand the Senator from Utah [Mr. KING] would vote "yea."

The Senator from North Dakota [Mr. NYE] is paired with the Senator from Arkansas [Mr. MILLER]. If the Senator from North Dakota were present, he would vote "nay," and the Senator from Arkansas would vote "yea."

The result was announced—yeas 40, nays 38, as follows:

YEAS—40

Adams	Clark, Idaho	Hughes	Pepper
Andrews	Connally	Johnson, Colo.	Russell
Ashurst	Ellender	La Follette	Schwellenbach
Bankhead	Frazier	Lucas	Shipstead
Bilbo	Glass	Lundeen	Smathers
Brown	Guffey	McKellar	Smith
Bulow	Harrison	Minton	Stewart
Byrnes	Hayden	Murray	Thomas, Utah
Caraway	Herring	Neely	Tydings
Chavez	Hill	O'Mahoney	Wheeler

NAYS—38

Austin	George	Lodge	Thomas, Idaho
Barbour	Gerry	McCarran	Townsend
Barkley	Gibson	McNary	Vandenberg
Burke	Gillette	Mead	Van Nuys
Capper	Green	Norris	Wagner
Chandler	Gurney	Reed	Walsh
Clark, Mo.	Hale	Reynolds	White
Danaher	Hatch	Schwartz	Wiley
Davis	Holman	Sheppard	
Downey	Holt	Taft	

NOT VOTING—18

Bailey	Johnson, Calif.	Nye	Thomas, Okla.
Bone	King	Overton	Tobey
Bridges	Lee	Pittman	Truman
Byrd	Maloney	Radcliffe	
Donahey	Miller	Slattery	

So Mr. BANKHEAD's amendment was agreed to.

Mr. BANKHEAD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McKELLAR and Mr. BROWN. I move to lay that motion on the table.

Mr. CLARK of Missouri. I ask for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the motion of the Senator from Alabama to reconsider the amendment just adopted. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY], and will vote. I vote "yea."

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague the Senator from Missouri [Mr. TRUMAN] is unavoidably detained from the Senate. If present, he would vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Connecticut [Mr. MALONEY], the Senators from Arkansas [Mrs. CARAWAY and Mr. MILLER], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], and the Senator from Nevada [Mr. PITTMAN] are absent on departmental business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

I am advised that if present and voting the Senator from Oklahoma [Mr. LEE], the Senator from Arkansas [Mrs. CARAWAY], and the Senator from Connecticut [Mr. MALONEY] would vote "yea."

The Senator from Virginia [Mr. BYRD] is paired with the Senator from Missouri [Mr. TRUMAN]. The Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Louisiana [Mr. OVERTON]. I am advised that if present and voting the Senator from Virginia and the Senator from Nevada would vote "yea" and that the Senator from Missouri and the Senator from Louisiana would vote "nay."

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "nay," and the Senator from Illinois would vote "yea."

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "nay," and the Senator from Utah would vote "yea."

The Senator from North Dakota [Mr. NYE] with the Senator from Arkansas [Mr. MILLER]. If present, the Senator from North Dakota would vote "nay," and the Senator from Arkansas would vote "yea."

The result was announced—yeas 41, nays 38, as follows:

YEAS—41

Andrews	Donahey	La Follette	Schwellenbach
Ashurst	Ellender	Lucas	Shipstead
Bailey	Frazier	Lundeen	Smathers
Bankhead	Glass	McKellar	Smith
Bilbo	Guffey	Minton	Stewart
Brown	Harrison	Murray	Thomas, Utah
Bulow	Hayden	Neely	Tydings
Byrnes	Herring	O'Mahoney	Wheeler
Chavez	Hill	Pepper	
Clark, Idaho	Hughes	Russell	
Connally	Johnson, Colo.	Schwartz	

NAYS—38

Adams	Downey	Holt	Thomas, Idaho
Austin	George	Lodge	Townsend
Barbour	Gerry	McCarran	Vandenberg
Barkley	Gibson	McNary	Van Nuys
Burke	Gillette	Mead	Wagner
Capper	Green	Norris	Walsh
Chandler	Gurney	Reed	White
Clark, Mo.	Hale	Reynolds	Wiley
Danaher	Hatch	Sheppard	
Davis	Holman	Taft	

NOT VOTING—17

Bone	King	Overton	Tobey
Bridges	Lee	Pittman	Truman
Byrd	Maloney	Radcliffe	
Caraway	Miller	Slattery	
Johnson, Calif.	Nye	Thomas, Okla.	

So Mr. BANKHEAD's motion to reconsider was laid on the table.

Mr. THOMAS of Utah. Mr. President, since the Chair has ruled that an addition to the committee amendment is now in order, as was ruled in the case of the Bankhead amendment, I ask that the amendment which I offer and send to the desk be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Utah will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following:

(a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken an active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

(b) The provisions of this section shall not apply to persons appointed to the Cabinet or to persons appointed to the office of Ambassador or other public minister.

Mr. THOMAS of Utah. Mr. President, the theory of the Hatch Act and also the Hatch bill which is now involved is the theory which puts restraints upon the officeholder. My amendment would put the same restraints which are upon officeholders also upon potential officeholders. In other words, as the Hatch Act and the Hatch bill deal with actuals, my amendment deals with potentials.

The bill now before the Senate has been described by its protagonists and by newspapers supporting it as a "pure politics bill." The opponents maintain that a more accurate description might be "the purely politics bill," or "the purely Republican politics bill."

The noble purpose of the bill in theory may in practice become strictly partisan. This is demonstrated by the unanimous support given the measure by the minority Members of this body despite the fact that their party held control of Federal affairs for many years and never even attempted to put a sweeping enactment of this kind on the statute books. In fact, down through the years, the desire of the Republican Party for clean politics has been mostly conspicuous by its absence.

Of course, every boy who reads the history of the political parties in America has long ago quite glibly termed "the Republican Party, a party of expediency," one always willing to change its stand in regard to anything in order to accomplish its purposes. It is therefore even marked down in the textbooks as a "party of expediency." On the other hand, the Democratic Party has stood as a party of principle. It has faced defeat, terrific defeat, but because its feet were well grounded upon principle, never once in the history of the country has it come to the point of being completely shattered. In 1932 the Republican Party was almost completely shattered. In 1936 it received another stinging blow. Judging from the splendid way in which the unanimous vote of the Republican Members of this body has been cast to sustain the Hatch amendment in favor of pure politics, one cannot help believing that as a result of these two stinging defeats a reformation has set in, and that the party today actually stands sincerely in favor of clean politics, as it boasts.

Mr. President, I grant them all of that. I could grant them even more, and in order that they may sustain their position before the country I am offering this amendment, so that they can sincerely vote for clean politics even when it applies to a Republican. That, in a nutshell, is the reason for the amendment.

We are all cognizant of the fact that every effort made in this body to restrict or to control the use of vast sums of money from private sources to swing elections has been stubbornly fought by Republican leadership. The last vote shows that I am probably mistaken in the deduction which I made a moment or two ago, because unanimously again we find them voting against the restriction of big donations, even though every Member of this body realizes that there is no greater evil and no greater danger to the American system of free elections. When the Republican leaders have yielded on the question of controlling the money power in primaries and elections, they have done so stubbornly and grudgingly.

So it should be realized at the outset that this legislation is concerned with a comparatively minor part of the broad question of clean elections, while the major evil is left untouched and unchecked. On several occasions the Senate has found it necessary to bar duly elected Members from taking their seats here because of the corrupt and scandalous use of money in elections. This has happened on two occasions in comparatively recent times, and in each case the offender was a Republican. And it is interesting to note that on each occasion the bulk of his party members stood loyally by and tried to have him seated, despite the taint on his election credentials.

With this in mind, it is easy to understand why we question the zeal of the minority party leaders in their unanimous support of the pending legislation. Their course of action lends color and substance to the belief that they are not interested in clean government so much as they are in the patent fact that, if enacted, this legislation will give them a strong partisan advantage in the coming Presidential election.

I realize the temper of this body, and I realize the fact that many Senators are supporting the pending amendment to the Hatch Act from the highest of motives. We who are doing this sincerely believe that its enactment will tend to rub out grave abuses in the elective system. With those holding this purpose I have no quarrel.

Yet I wish to point out that in its present form the proposed legislation will work a grave hardship on the party in power and confer a corresponding advantage on the minority party. For that reason I have offered an amendment to correct that situation, which reads as follows:

SEC. —. (a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken an active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

(b) The provisions of this section shall not apply to persons appointed to the Cabinet or to persons appointed to the office of Ambassador, public minister, or consul.

The intent of the original Hatch Act and the pending amendment was to bar subordinate employees who might be receiving all or part of their income from Federal sources from participating in Federal elections or engaging in political activities of any kind. I think this should be the law. I have supported the act up to the present time, and I will, of course, vote for the amendment to the act. There is no disputing the fact that persons in power have natural advantages, and those advantages must be restrained if they are improperly used.

I had the opportunity of witnessing the second great "Ja" election in Germany, the election of 1934, which was almost unanimous in sustaining the action of the German leader. The party in power had complete control of all the activities of government. There was not a railway engine, there was not a streetcar, there was not a post-office truck which did not carry a banner, "Vote 'Ja' in this election." Every instrument of government was used to bring about the almost unanimous result.

When the Senator from New Mexico realized that American democracy might be destroyed whenever the zealots in power attempted to coerce or to use their power in an improper manner he was on the right track, and he should be sustained by every Member of this body, and I believe he will be sustained on the final vote when it is taken.

The two-party system must be maintained at all hazards or democracy will cease to exist. It is because of my respect for the two-party system, it is because of my respect for the Republicans on the other side who also have respect for the two-party system, that I realize that when it comes to this amendment they are going to be fair. They should be fair, or they will stand forever in the position of having to face the

charge which has already been made, that instead of this being a "pure-politics bill," it is a "purely Republican-politics" bill. By their votes you shall know them, Mr. President, and I am looking forward to the vote which the Senators on the other side will cast in this particular.

Members of Congress and policy-making officials of the Government are exempt from its provisions, although it may be questioned, as has already been said so many times, whether they are not in a position to wield a more unhealthy influence upon elections than some mere department clerk or stenographer who has relatively little influence and no way of imposing his beliefs and opinions upon others.

The theoretical purpose of the act is to prevent those holding Government positions from perpetuating themselves in office by their own activities. The difficulty is that, like so many other experiments noble in purpose, it is too sweeping in its provisions and actually embodies a degree of injustice which should never be tolerated.

In the first place, it gives the impression that a stigma might be attached to the young man or the young woman who secures Government employment. The bill actually prohibits pernicious activities, such as the use of official position for political purposes. In practice it may go far beyond that, and there, Mr. President, is its striking danger. If, for example, men take advantage when there is no restriction, will such men be curbed by a mere restriction when the restriction is entirely one-sided?

The act as it will stand when amended may be administered unwisely and it may therefore forbid even the most innocent kind of participation in political organization. Everyone knows that advice which is given about political activity is generally taken in stronger degree than it is given. Young officeholders are barred from giving public expression to their belief, or from taking part in political clubs, even if they confine their activity to a time outside their office hours. No one wants to interfere with such innocent activity, yet a faulty administration may prohibit it.

I imagine that every Member of the Senate on occasion has appeared before a gathering of young folks and earnestly and sincerely besought them to take an active part in public life. It is universally recognized that the wide participation of able and honest young people in politics is one of the healthiest things that can happen in a democracy. But most of the young people in this country are not financially independent. They are not in a position to carry on their interest in public affairs as a polite and interesting avocation.

We advise them to participate in public affairs and yet when they take that advice, we pass legislation which, if improperly administered, in effect may take away some of their most precious rights as citizens. The cure may be too sweeping for the alleged evil which it seeks to correct. The persons affected by the pending legislation are not in the same category as civil-service employees. They are not given the protection of the civil-service law; they are not assured of continued employment in the event of a change of administration. Their tenure of office is dependent upon the success of the party to which they belong, a fact which every fair-minded person recognizes.

Every Member of the Senate has been in politics for the greater part of a lifetime. Many Senators started by holding minor positions in the Government service, positions that now come under the ban of the Hatch Act. There was nothing to prevent them from devoting their time and enthusiasm to political activities, and no one would assert that they are unworthy of membership in this body because they took advantage of such an opportunity.

I am at a loss to know how we are going to develop a class of responsible and capable people, with the necessary knowledge and experience of government, if we propose to discourage young people from entering public life. And despite whatever protests may be made, that is exactly what this legislation may do if administered in an ill way. Still legislation is necessary to correct abuses and, therefore, one finds himself wondering where the degree of restraint should be placed. The author of the bill has been very wise, and those who have sustained him with their votes have been very wise, to limit the provisions of the bill to activities on the part of certain definitely described persons and to certain definite evils. Those who have voted against amendments which would broaden the provisions of the measure to make it comparable to an ordinary corrupt-practices act fail to realize that to accomplish a little now and a little some other time is the way in which to bring about great reforms in this land. Therefore I believe, as I said Saturday, that those who have voted against amendments directed against truly greater pernicious political activities than those proscribed in the law have been inconsistent in their votes.

However, I should like to return to my proposition that the original act and the pending bill will give a tremendous partisan advantage to the minority party, who constitute the outs. Every practical person knows the amount of drudgery and routine work connected with a national election. The task of carrying a campaign to every voting citizen in the land as it should be done in a democracy is not a simple matter. There is small reward for the labor involved and the task never could be accomplished without the tireless support of thousands of loyal workers in the ranks. The party in power has natural advantages, and if we are to be fair, those advantages should be restrained.

The pending legislation, however, forbids a person from participating in any manner if he happens to hold even the most inconsequential Federal position. But, I ask again, why put the penalty merely upon one side? I repeat that in its administration it may do more harm than good if it is allowed to remain one-sided in its nature. There is no limitation at all on those who engage in campaign activities precisely because they wish to obtain a Federal job.

Mr. President, I dislike very much to repeat, and I trust in my remarks of today I have not repeated anything I said Saturday, but I cannot refrain from calling attention to President Grover Cleveland's inaugural address, when the beginning of political reform was in the mind of all our people and when Cleveland actually was elected because he supported the idea of reform. Cleveland realized and understood that pernicious political activity could be indulged in on both sides, and in his inaugural address he condemned quite as much the dishonest and pernicious and wicked activity on the part of those hungry for jobs as on the part of those trying to keep their jobs.

I may suggest a simple illustration. If we curb the activities of a United States district attorney in attempting to protect himself in his job, should we not put some kind of restraining influence upon the person who is trying to get his job? The restraint under this amendment is a simple one. It is merely a cooling-off process. It really says that the person who is a would-be officeholder shall wait 2 years if he has taken part in pernicious political activity before he may be appointed to the office in question. Under the bill, an officeholder is barred from activity on the theory that he might do something which would help him retain his position, while the individual on the outside, who has no other motive than the desire to get an office, may participate to his heart's desire.

Mr. President, unless we make the legislation double-barreled, unless we restrict the potential as well as the actual, an exceedingly interesting conflict may arise. For example, since today the National Government is in Democratic control, and we are making our argument entirely on the basis of good government, and not on the basis of politics; since the administrators of the various acts that call for cooperative action on the part of the State and the Nation are all of Democratic persuasion; since, therefore, the money which reaches the officeholder in theory comes through Democratic channels, what will happen in a State where Democratic officeholders, who were Democratic in the beginning, have been able to keep their jobs, when a Republican administration comes in, and the Federal Government and an honest State government, attempting to emulate the ideas of civil service and to prevent the evils of the spoils system, leave those persons in their jobs? Suppose the Governor, who is responsible for the actions of his subordinates, and his subordinates are in conflict with the party in power. There is a confusion there that can be removed only by making the

restrictions applying to civil-service employees apply also to those having non-civil-service status. Make the act apply to Democrats and Republicans alike. Make it apply to actual and potential employees alike.

I have offered this amendment in an attempt to correct this manifest injustice. If the Congress intends to limit the political activities of one class of voters, it should, in all fairness, extend the same limitations to all classes. The amendment specifically states that an individual who has participated in election activities is barred for 2 years from appointment to the executive branch of the Government, or any of the departments or agencies. The amendment, of course, exempts the Cabinet and the diplomatic corps.

This amendment is in keeping with the spirit of the Hatch Act. Obviously, if we intend, by legislation, to purify the motives of those who play a part in public life, we should be consistent and apply the same test to all on an equal basis.

Mr. President, in the States which have corrupt-practice acts, the laws which govern corrupt practices restrain the activities of individuals, not the activities of Democrats or the activities of Republicans. Can we not make this act one which will actually restrain the activities of individuals instead of restraining the activities of a political party? It is obviously unfair to impose restrictions on one group and withhold them from another.

Unless my amendment is included, there is no question that the pending legislation will work a heavy injustice on the majority party. It will be hindered and handicapped while the minority party will be free to use the full corps of prospective officeholders as an integral part of its campaign machinery. Spokesmen for the opposition party have made no secret of their intention to throw out the bulk of the present non-civil-service employees in the event of their return to power. In fact, they have made this one of their outstanding campaign boasts. They have been unable to make use of the phrase "turn the rascals out" because corruption has not been a characteristic trait of the present administration. Likewise, the phrase has too many unhappy connotations for good Republican usage. But they have heralded to the world their intention to turn out the "dreamers and the visionaries," a broad term which they use to cover all those who believe that modern problems are worth some time and attention.

My amendment, then, is really a test of good faith. It is designed to reveal whether we propose to legislate against all those who take part in politics with the hope of securing employment, or only those who happen to belong to one political party. It is expected that thousands of eager hopefuls will be ranging the countryside this summer and fall pleading the cause of the minority party, and incidentally keeping a weather eye cocked for a good juicy plum for themselves. They will be indulging in politics up to the hilt, and engaging in all kinds of activities which are forbidden to present officeholders under the terms of the Hatch bill. The distinction between these two classes is too small for the normal eye and much too small for a moral eye. If the political rights of one group are to be circumscribed, then surely the same ban should apply to the other group.

I have an instinctive aversion to the restriction of political liberties, no matter under what patriotic guise it may be cloaked. No objection may be raised to the desire of those who wish to curb pernicious activities of the kind which every thoughtful citizen deplores. The practice of officeholders using their official position to influence elections is universally condemned. But the pending legislation may go far beyond any such purpose; and there is no doubt in my mind that it imposes curbs and limitations that may arise at some future time to plague Members of the Congress. We are all aware of the fact that serious proposals have been advanced in many States to take the franchise away from those unfortunates who are dependent on relief funds or W. P. A. jobs for their subsistence. Perhaps it is more than a coincidence that the arguments advanced in favor of such legislation are precisely those used in support of the pending legislation. It is a dangerous tendency, and I have no wish to give it open or even tacit support. This we might do unless we make the legislation fair and cause it to apply to the "outs" as well as the "ins."

In any event, the pending legislation as it stands is one-sided. If we are to do the job, let us be honest and go the whole way. Any Senator who honestly believes in the principle of the Hatch bill should be ready and willing to support the amendment which I have proposed. The office seeker certainly should not be given an advantage over the officeholder. What is fair for one is fair for the other.

As the law now stands, there is no ban on the right or the advantage taken by one who is out to speak or write or engage in any form of activity he sees fit, even though it be understood that he may have a large stake in the outcome of the election. The humble officeholder, however, is barred from any real political activity. If it is too much to expect that they should be made equal before the law, at least we might be able to correct a part of the injustice by putting the officeholder and the office seeker on the same footing. That is what my amendment proposes to do.

Mr. ASHURST obtained the floor.

Mr. HATCH. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. ASHURST. Will the Senator please withhold the quorum call?

Mr. President, I listened with interest, as I always do, to the remarks of the able junior Senator from Utah [Mr. THOMAS]. If I caught his amendment aright, it would render any person ineligible to appointment to office in any position in any executive branch of the Federal Government, or in any agency or department thereof, if during the 2-year period immediately preceding such appointment or employment such person had taken an active part in political management or in a political campaign.

Mr. President, subsection (b) of the amendment of the able Senator exempts persons appointed to the Cabinet or persons appointed to the office of ambassador or other public minister. I do not perceive why the amendment should make any distinction. I do not see why we should render a person ineligible to one office but not to another. The amendment is retroactive. It is not ex post facto, in the sense of the law, but it is retroactive; and, strange as it may seem, retroactive laws are not unconstitutional as such.

Mr. President, I move to strike out subsection (b) of the amendment of the able Senator, so that if the amendment should be adopted and become law it would apply to persons who seek to become Cabinet members or heads of departments. It would also apply to persons who seek the office of ambassador or other public minister.

Mr. President, some of the largest contributions that have been made to political campaign chests have been made by men who sought—and sometimes were appointed to—the office of ambassador or other public minister. Until lately it was almost impossible for a citizen to aspire to the honor of serving his country as ambassador unless, forsooth, he had a large fortune and had contributed no small part of that fortune to the campaign chest of the successful party.

Mr. President, I do not perceive any reason why the law should not apply to members of the Cabinet if it is to apply to other aspirants to office. Unless one makes a careful study of the powers which attend the office of a Cabinet minister, it is impossible to imagine or believe that it has such tremendous power. Yet under the amendment of the able Senator we are exempting from the provisions of this section, in haec verba, persons who may aspire to the Cabinet or to the office of ambassador or other public minister.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. THOMAS of Utah. I wonder if the Senator has been thoughtful about the fact that the amendment which I suggested is an amendment to the Hatch Act and also an amendment to the Hatch bill, and that under the Hatch Act the President, of course, is exempt? Therefore, the amendment should be consistent with the act itself.

Mr. ASHURST. The Senator knows how little use I have for any action which is apologized for or argued for upon the mere ground of consistency, because I believe consistency to be public enemy No. 1. [Laughter.]

I am arguing the amendment of the able Senator from its own four corners. When I say "able" I do not use that word as a mere gesture in replying to the remarks of the junior Senator from Utah. I am sincere when I say "able." He is, in my judgment, one of the philosophers of the Senate as well as one of its scholars, and he must excuse me if I address myself to his amendment as he has presented it.

I am not interested, so far as this speech is concerned, with what the other provisions of the Hatch Act may be or what the other provisions of the amendments to what is known as the Hatch bill may be. I am arguing simply as to this particular amendment.

In the first place, Mr. President, in the past 7 years we in the Senate and in all other places in America have been under tremendous excitement. We have reasoned from nonexistent premises, and we have reached such conclusion as is always reached by reasoning from nonexistent premises. We have—and I am as much to blame for this as is any other individual Senator—passed law after law without even a gesture toward syntax or accuracy in using words. That has caused great trouble to the courts. We can save the courts much trouble and save citizens much trouble if we define words or use words with the connotation of their actual meaning.

For example, consider the word "active." If this bill becomes a law, it will probably go to the courts when somebody is accused of an active interest in politics. Very well; consult any dictionary. "Active" is an antonym of and the opposite of dormant or quiescent or extinct. "Active" means quick in physical movement, not dormant, not quiescent, not extinct.

The word "perniciously" does not appear before the adjective "active" in the able Senator's amendment. If the Senator had written it "perniciously active part," he would have thrown more light on the meaning, but still the courts would be driven to explore the definition of "perniciously."

Pernicious has—and if I am in error the able Senator will correct me—a Latin root, probably the word "nex," "necis," death, destruction, and with the prefix "per"—through—meaning through or leading to ruin, to death; so that a pernicious action would be one that would cause death or some malign or malignant influence or result.

Pernicious is legitimate locution. It has been used correctly, in my judgment, by the author of the legislation. But there is quite a difference between being "perniciously active in politics" and "active in politics."

I move to strike out the word "an" and insert the words "a perniciously", in line 6 before the adjective "active"; I think this would strengthen his amendment.

Mr. President, this bill, if it becomes law, is going to be a subject of a great deal of dispute among our fellow citizens and in the courts. I believe it would popularize the measure in the Senate and in the other branch of Congress if we struck from the amendment of the able Senator that provision which exempts persons appointed to positions in the Cabinet. In fact, Mr. President, one of the most active men in politics I ever knew—and I do not say that he took an improper activity—was appointed Attorney General some years ago in a previous administration. I know of instances, in my own party as well as in other political parties, of men who were perniciously active in politics being appointed to Cabinet positions. I know of instances of men who made enormously large contributions to their party's campaign chests being appointed ambassadors and foreign ministers, though in the most remote excursion of the imagination they would never have been considered for appointment had they not made enormous contributions or been thus perniciously active in politics.

Now we are treading on, I do not say dangerous ground, but we are treading on ground concerning which many people, as good as Senators are—and we are pretty good, or we think we are—doubt the wisdom.

I am a supporter of this Hatch bill; I voted for the Hatch bill which became a law, I am supporting the pending bill, and I think the able Senator from New Mexico, with a persistency, calmness, and a courage that well becomes any man, has driven forward in presenting and advocating his bill.

This bill will fail if it shall be loaded down with many more amendments such as subsection (b) of the amendment of the able Senator from Utah.

Therefore, Mr. President, at the proper time I shall move to strike from the amendment of the able Senator, section (b), so that if it shall become law a man will not be qualified or eligible for a Cabinet position or for the position of ambassador or other public minister if he comes within the purview of the law.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly I yield to the able Senator from Michigan.

Mr. BROWN. The Senator has based his entire argument, I judge, from some of the facts he has adduced, on the assumption that a contribution of money to a political campaign fund of the appointing official is prohibited by this section.

I wish to say to the Senator that, under the statements of law the Senator from New Mexico has repeatedly made here, contribution of funds by a gentleman who wanted to be ambassador, we will say, to Belgium or Russia, or any other place, would not make him ineligible for appointment under the provisions of the Thomas amendment. I think the Senator should modify his proposal, in line 7, by adding language to this effect, so that the sentence would read:

> Such person has taken an active part in political management or in a political campaign or made any contribution to a fund for the purpose of affecting the election or nomination of any candidate—

And so forth. Unless that language shall be inserted a man could make a contribution in any amount within the limits the Senate has established this morning and not be subject to the prohibition of the amendment at all.

Mr. ASHURST. All that the able Senator from Michigan has said is true. I probably violated a rule of argument when I went off on an unreturning parabola and began to discuss campaign contributions. I should have confined myself to the question of activity.

Mr. BROWN. Does not the Senator think we ought to include campaign contributions, and does the able Senator recommend that to the Senator from Utah?

Mr. ASHURST. I was going to say I had another amendment or two in mind, and the point the able Senator mentioned was in my mind, but I thought it best to offer the amendments one at a time. However, I am grateful to the able Senator from Michigan for his suggestion.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I yield to the able Senator from Illinois.

Mr. LUCAS. Did I correctly understand the able Senator to say that he did not think, under the Bankhead amendment, ambassadors would be precluded from being appointed? I understood the Senator from Arizona to say—I may be in error—that under the Bankhead amendment some ambassadors who have been, perhaps, contributing to campaign funds in sums of $35,000, $50,000, $75,000, and up to $100,000, because they could contribute now only $5,000, would probably become ineligible.

Mr. ASHURST. No; let me say to the able Senator I did not say that.

Mr. LUCAS. I so understood, and I apologize to the Senator.

Mr. ASHURST. No apology is necessary.

Mr. LUCAS. But that is the practical effect. If the money question is responsible for the appointment of ambassadors, the amendment of the Senator from Alabama providing that an individual may contribute not more than $5,000, I take it, will eliminate many ambassadors if they are appointed solely because they have made large campaign contributions.

Mr. ASHURST. The statement and the question of the able Senator from Illinois are pungent and proper, but it so happens that, so far as I remember—and I have a pleasant habit of not remembering what I say, because I am thus caused no trouble thereafter—but I do not recall that I said it. If the Senator will pardon me, I did say that it is within the knowledge of every man that for many years there have been appointed as ambassadors and other public ministers men who have made large contributions to their party campaign fund, and who, by even the most remote excursion of the imagination, would not have been considered for an appointment had it not been for their campaign contributions. That is about what I said.

Mr. LUCAS. I am glad the Senator repeats it, because we now understand one another perfectly.

Mr. THOMAS of Utah. Mr. President, I should like to speak to that amendment, if I may.

The argument which has been made in support of the amendment offered by the Senator from Arizona is, of course, an argument against the Hatch Act as it stands, not an argument against this amendment.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. Yes.

Mr. ASHURST. Why, and in what manner, does the Senator conceive that what I have said was an argument against the Hatch Act? I am not arguing against the Hatch Act. The Senator from Utah has not offered the Hatch Act as an amendment. He has offered an amendment, and I am moving to amend the Senator's amendment.

Mr. THOMAS of Utah. Mr. President, it is easy to explain. The Hatch Act exempts the President, the Vice President, and certain others. The wording of this amendment is the same as that of the Hatch Act, of course; and the purpose of my amendment is to put under equal bans the actual officeholder and the potential officeholder.

Mr. ASHURST. That is a very worthy thing, but—will the Senator yield?

Mr. THOMAS of Utah. I should like to explain this matter for half a second. But if, for instance, we are going to say that the actual officeholder shall be allowed to do certain things which the potential officeholder may not do, then, of course, the whole logic of all I have been saying in favor of my amendment goes completely out of the window, because I have tried to make the point that the Hatch Act, in its practice, operates against parties and not against individuals——

Mr. ASHURST. That is true.

Mr. THOMAS of Utah. And that if we do not put upon the office seeker a restriction like that which we put upon the officeholder, there is no equality at all in the act, and the act becomes merely the type of thing which controls the action of the party in power. I made that whole point because of the unanimous way in which all representatives of the party out of power have been voting against the amendments that are now being offered.

Mr. BROWN. Mr. President, will the Senator yield to me on that point?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. BROWN. I call the Senator's attention to the fact that section 2 of the bill, which is the prohibition against the use of official authority, applies to members of the Cabinet and to the heads of the executive departments, and I think the amendment of the Senator from Arizona is perfectly logical in line with that idea.

These men on the outside cannot have any official authority. All they can exercise is their general personal influence. The Senator is not trying to prohibit them from the use of their official authority, because they have not any official authority. They are out of office. They are not in office. The Senator is prohibiting the use of their personal, individual influence, not as officers but as persons.

So it seems to me that the amendment suggested by the Senator from Arizona is perfectly logical, certainly with respect to section 2, which prohibits the use by a Cabinet officer or an ambassador of his official authority to affect an election.

Mr. ASHURST. Mr. President, if I may interrupt the Senator, as I said before, the amendment of the able Senator from Utah is retroactive in its nature. It is not unconstitutional because of its retroactive feature. In other words, a retroactive law is not unconstitutional simply because it is retroactive. If it be an ex post facto law, it is unconstitutional; but in enacting laws which are retroactive, very great pains and much care should be employed. Do the other parts of the present bill have any retroactive features? Is there a 2-year retroactive feature to any other part of the pending bill?

Mr. THOMAS of Utah. Mr. President, surely the time element must come into any retroactive measure. It must be retroactive from some particular time. This bill, when it goes into force, cannot apply to the campaign of 1938. It will, of course, apply to the campaign of 1940.

Mr. ASHURST. True; quite so.

Mr. THOMAS of Utah. That merely means that the prospective officeholder, the would-be officeholder, the would-be appointee, must cool his feet for 2 years, and restrain himself to that extent; that is all. If he understands that he must do that, that will correct his pernicious political activity.

Mr. ASHURST. If the Senator will pardon me, I have one question which, with his kind permission, I will address to him, and also to the able Senator from New Mexico [Mr. HATCH]:

Does the provision for a 2-year retroactivity apply in any other part of the bill, or is this the first time that this provision has been used in an amendment? Is there any 2-year retroactivity in the so-called Hatch bill which we are now discussing?

Mr. THOMAS of Utah. I think not, because the Hatch bill as it stands is a prohibition against a particular class of persons. They must be officeholders. If they resign, the prohibition is not there.

Mr. ASHURST. Mr. President, as I say, I do not wish to smother the able Senator from Utah with compliments. He does not need them. We are going to have trouble with this bill in the courts. One judge is going to say that "active" means "quick." Another judge is going to say that "active" means "busy." Another judge is going to say that "active" means "physically quick." For years now—and I again bear my share of the blame, and as much more of the blame as any other Senator feels irksome to him—we have passed law after law without a gesture toward syntax. In many of the bills we have passed during the past 10 or 12 years we have reasoned from nonexistent premises and arrived at the usual conclusion which comes from reasoning from nonexistent premises.

Since this may be a penal statute, I suggest to the able Senator from Utah—and I look upon him as a man at whose feet I could sit and learn much—that he amend his own amendment on line 6 by saying "a perniciously active part." We know what "pernicious" is. That would strengthen the Senator's amendment. Then the amendment I have offered, to strike off section (b), could be added.

Mr. President, nobility does not reside with kings or courts. Nobility does not reside with Cabinet officers. Nobility resides with the individual. The Congress is generous toward members of the Cabinet, and it should be generous. Congress affords to Cabinet members any amount of clerical help which Cabinet members need, and we do right thereby. We should be justly subjected to a terrific flail of criticism if we were to pass an appropriation affording, forsooth, to each one of ourselves an automobile and a chauffeur at Government expense. No Senator would think of such a thing; yet we do supply automobiles to Cabinet members, and I have voted for it, and I am going to continue to do so. We allow them without let or hindrance to talk upon the radio at public expense. We allow them to frank out, as we should allow them to do, millions upon millions of pieces of literature at Government expense. I have voted for all that, and I bear my share of the blame if any there be. But now, Mr. President, are we to say to the boy in the purlieus of the city, to the boy on the farm in Kansas, to the cowboy on the ranch in Ari-

zona, to the fruit gatherer or the manganese miner in your State, Mr. President [Mr. JOHNSON of Colorado in the chair], "You may not be appointed to any office if within the past 2 years you have taken an active part—not 'a perniciously active part,' but 'an active part'—in politics. You must wait 2 years before that ban is removed. Elevate your sight, raise your ambition to Cabinet member, or the head of some other department, and you will not be ineligible." It does not seem fair; and I ask for a vote on my amendment to strike off section (b).

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ASHURST. Certainly.

Mr. CONNALLY. I am going to vote with the Senator; but under section (a) would not a great number of very high-class appointments which have been made in the past have been prevented? In other words, under this amendment a man who runs for Congress and is defeated could not be appointed to a Federal position.

Mr. ASHURST. That is true.

Mr. CONNALLY. Or, in the case of a Senator who in political combat gets lame in one leg, and becomes a "lame duck," no provision could be made for his retirement in comfort. [Laughter.]

Mr. ASHURST. That is true.

Mr. CONNALLY. It seems to me it is a very radical amendment.

Mr. ASHURST. That is true, Mr. President.

Mr. CONNALLY. The Senator is familiar as no other Senator in this body with the political history of the United States, and I am sure he will bear me out in saying that the political history of the United States has been studded and jeweled by examples such as those to which I have just called attention.

Mr. ASHURST. That is very true. If I may be pardoned for a breach of modesty for a moment, we might look to Arizona for some light on this subject. A Federal official in Arizona is by custom ineligible to be a delegate to a national convention. Never has there been a Senator from Arizona, never has there been a Representative from that State, who would presume to be a candidate for the office of delegate to a Democratic National Convention. The people say, "You will bear your burden if you do your full duty as a Senator or Representative." A marshal, a district attorney, a judge, a collector of customs, a collector of revenue, by custom will leave the question of delegate to a Democratic National Convention to persons who do not hold Federal office.

Again I say, I hope the able Senator from Utah, because I believe he wants to strengthen the Hatch bill, will strike out on line 6 the indefinite article "an," and insert "a" and the words "perniciously active." There will be no great difficulty on the part of the courts in defining the phrase "perniciously active." There is a vast difference between "activity" in politics and "pernicious activity" in politics. I believe it was none other than Grover Cleveland who first used the phrase "pernicious activity." Grover Cleveland never opposed any person being active in politics, but he did wisely and patriotically inveigh against pernicious activity on the part of any postmaster, if I remember correctly.

Mr. THOMAS of Utah. Mr. President, since the wording of this amendment is made consistent, of course, with the act as it now stands, and since the act as it now stands does use the adjective "pernicious," there can be no objection at all to the amendment of the Senator in regard to inserting in its proper place the adjective "pernicious"; that is, on line 6, as I take it.

Mr. ASHURST. Mr. President, if the Senator will pardon me, I ask him to strike out the indefinite article "an" on line 6 and insert "a," and the other adjective "perniciously," so that it will read "taking a perniciously active part," and so forth.

Mr. THOMAS of Utah. I am happy to accept the amendment.

Mr. ASHURST. I thank the Senator.

Mr. THOMAS of Utah. As to the other part of the amendment, the striking out of subdivision (b), I think I should say a word about that.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Utah yield to the Senator from Colorado?

Mr. THOMAS of Utah. I yield.

Mr. ADAMS. Under the amendment which the Senator has accepted the second subdivision would exempt members of the Cabinet or Ambassadors who have been guilty of pernicious political activity.

Mr. ASHURST. Mr. President, if the Senator from Utah will yield, I regret that the able Senator from Colorado was not present when I made what, out of charity to myself, I will call a strong argument. Whenever I am aruging a matter, and I see the able Senator from Colorado listening, I feel encouraged and emboldened if and when I see him by some facial expression indicating approval, and I am rather taken aback when I see that he does not indicate approval. I value his judgment highly.

Mr. ADAMS. I approve the Senator's amendment to strike out the second subdivision.

Mr. ASHURST. Before the Senator came into the Chamber I had moved to strike out subdivision (b)——

Mr. ADAMS. It seems to me that the amendment which has just been accepted makes it absolutely imperative to accept the Senator's amendment.

Mr. ASHURST. Absolutely; in my judgment; but, even if the able Senator from Utah had not amended his own amendment, as he had the right to do—and I think he strengthened it—I nevertheless would press my amendment to strike out subdivision (b), because, forsooth I just do not have the face, I have not the nerve to go out into the country and say to a certain class of citizens, "You took an active part in politics in this country, and you therefore cannot apply for office for 2 years, unless you apply for appointment as Cabinet member or Ambassador or other public Minister.

Mr. CONNALLY. Mr. President, will the Senator from Arizona permit an interruption?

Mr. ASHURST. Certainly.

Mr. CONNALLY. If subdivision (b) had been stricken out, the Senator would have brought about a state of affairs which would have prohibited the appointment, for instance, of Mr. Justice Murphy to the Supreme Court, or of Mr. Murphy as Attorney General of the United States, because he was active in politics within 2 years before the appointment. I am sure the Senator does not want to go that far.

Mr. ASHURST. Oh, no; and I do not see the application of the remark of the able Senator.

Mr. CONNALLY. Mr. Murphy was appointed to the Cabinet.

Mr. ASHURST. Oh, the Senator means if this bill had been the law?

Mr. CONNALLY. Yes.

Mr. ASHURST. The Senator is correct.

Mr. CONNALLY. The Senator would have established a system which would have made impossible the utilization by the Federal Government of men of outstanding ability in cases of that kind.

Mr. ASHURST. Quite so.

Mr. CONNALLY. Notwithstanding that, I am somewhat in sympathy with the Senator's amendment.

Mr. THOMAS of Utah. Mr. President, I think I should repeat the reasons for the placing of subdivision (b) in the amendment. This amendment has to do only with prospective appointees; it does not have to do with officeholders. The Hatch law as it stands, and the amendment proposed to the Hatch law, with which we are dealing, have to do with actual officeholders and not with prospective officeholders. The amendment was written to be consistent with the Hatch Act. Of course, I realize that I accomplish all the purposes of the amendment without subdivision (b), but if the amendment is to be a proper amendment to the Hatch Act as it

stands—and we went to a good deal of trouble to see that it would be a proper amendment to the Hatch Act as it stands, and it is in harmony with the act—subdivision (b) seems necessary. But I have no objection if the Senate wishes to strike out subdivision (b).

Mr. HATCH. Mr. President, just a word on the amendment itself. I realize and appreciate how faithfully the Senator from Utah [Mr. THOMAS] has supported those of us who have been sponsoring the pending legislation. I should like very much to be able to agree to any amendment which the Senator from Utah would offer, because I would know that the mere fact that he offered it and sponsored the amendment was evidence, at least sufficient to me, to know that it was offered and sponsored in good faith and to strengthen the bill. I am sure that that is the purpose the Senator from Utah has in mind.

I cannot agree, however, that the amendment should be adopted. I appreciate full well the problem the Senator is seeking to approach and understand the fine reasons which are behind the offering of the amendment. But I think that for practical purposes and considerations the amendment goes so far as that it would be almost certain to defeat the bill we are now discussing if it were adopted. But I wish to repeat that I am certain the Senator from Utah has no such purpose in mind, and if he thought it would have such a result he would withdraw the amendment. I believe and I hope, Mr. President, that this particular amendment will be defeated.

Mr. ASHURST obtained the floor.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield so that I may ask the Senator from New Mexico a question?

Mr. ASHURST. I yield for that purpose.

Mr. SCHWELLENBACH. My understanding is that the amendment has been amended so as to insert the word "pernicious."

Mr. HATCH. That is correct.

Mr. SCHWELLENBACH. The Senator from Arizona has assured us that that is a word which the courts understand and which they have defined.

Mr. ASHURST. Let me say to the able Senator from Washington that the courts would have some difficulty in defining what is meant by "active" in politics, but they would have less difficulty in defining what was "perniciously active." I think that is what I stated. The courts would have far less difficulty in defining what is "perniciously active." I do not think I said, and I doubt, that they have actually defined "pernicious activity." That phrase has been defined by department heads and was defined by a President many years ago, but I do not recall for the moment any Federal court defining the phrase "pernicious activity."

Mr. SCHWELLENBACH. Would not the ordinary citizen on the street have more difficulty in defining "pernicious activity" than "activity"?

Mr. ASHURST. That might be true, but do we wish to prohibit activity? That is a serious question. I think we should prohibit pernicious activity. As I stated before, the word "pernicious" is known to everyone in the Senate. We know from what stock, from what root, it is derived. We know it means "ruinous, malignant, bad." It is really a synonym for "bad." I do not think we would have any difficulty with the phrase "perniciously active," but we might have considerable difficulty if we just leave it "active."

Mr. SCHWELLENBACH. Would not the Senator agree that to the average citizen on the street the word "pernicious" is much more difficult of definition than the word "active"?

Mr. ASHURST. That is true; but when one says "Mr. Jones has pernicious anemia," we know it means anemia that is pernicious; something that is bad. I think those who are familiar with the sources of the English language will generally concede that when we use the phrase "pernicious activity" it means an activity which in good morals is a bad activity.

The word "pernicious" is defined as "having the quality of injuring or killing; destructive; fatal; ruinous; very mischievous," as "pernicious to health."

Pernicious activity in politics would be an activity that was bad for health and morals, bad for the health of the country, bad as opposed to good.

I still insist, with due deference to the able Senator from Washington, that if this amendment is to become law "perniciously" should appear before the word "active," because I do not want to vote to prohibit activity.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield further?

Mr. ASHURST. I yield.

Mr. SCHWELLENBACH. The Senator will agree, will he not, that if, as a result of the passage of the pending Hatch bill, we destroy the right of a State to operate and to carry on its governmental functions—and the word "pernicious" means something that is persistent and continuous unto death—the new Hatch bill should be called pernicicus, because it would result in the death of our system of American government?

Mr. ASHURST. Mr. President, in pungent and ironical statements I am not in the same class with the Senator from Washington.

Mr. LUCAS. Mr. President, will the Senator yield to me?

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. LUCAS. In view of what the able Senator has just said, does he not believe that the word "pernicious," as well as the word "active," should be defined by the United States Senate, rather than passing that definition on to the Civil Service Commission?

Mr. ASHURST. The able Senator from Illinois was called out of the Chamber when I dealt with that point a moment ago. I have attempted to give a definition of the word "active." The word "active" is opposed to "dormant." The word "active" might mean quick physical power. The squirrel is active. He jumps from bough to bough. The squirrel is active—is alert—as opposed to sleep, dormant, and quiescent.

I say that the use of the word "active" alone in the bill is not sufficient and might lead to confusion. But when we say "engaged in pernicious political activity," the Senator from Illinois, who is one of the learned lawyers in this body, if he were on the bench, would not have great difficulty, if the evidence were before him, in determining whether or not a particular action were one of pernicious activity or simply activity. To post a letter is activity; it might not be pernicious activity.

Mr. LUCAS. Mr. President, does not the Senator believe that the Senate of the United States ought to place some standard or safeguard around that language by defining the term "pernicious political activity," rather than to say that we do not understand what is meant by "pernicious political activity," but we are willing to let the Civil Service Commission say to every community in the United States what is pernicious political activity?

Mr. ASHURST. Mr. President, I had no idea of getting into this debate, but I love the sound of my own voice so well that I am emboldened to go on. Let me say to the able Senator from Illinois, whose learning is too profound, who is too astute a lawyer, too experienced to fail to know that we cannot define fraud; we cannot define fraud because she assumes—or perhaps I should use the masculine——

Mr. TYDINGS. She is the mistress of too many situations.

Mr. ASHURST. As the Senator from Maryland says, she is the mistress of too many situations. Fraud appears in so many guises and disguises; it appears in so many multifarious forms—it has the heads of Cerberus and the eyes of Argus—that long ago in our jurisprudence and in English and American law we gave up any attempt to define fraud.

If the able Senator from Illinois were on the bench he would be able to say that one act was pernicious activity, but another was not. But when we attempt to define pernicious activity in a penal statute—and under the rule "the expression of one is the exclusion of the other"—we would have thousands of instances that might be pernicious but would not come within the purview of the law.

For that reason I doubt the wisdom of attempting to give an all-embracing definition of pernicious activity.

Mr. LUCAS. Mr. President, in view of the fact that we have discussed the question of whether we should define "pernicious political activity," I call attention to the language of section 15, as follows:

SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns."

In view of what the Senator has just said about the word "pernicious," and that we are unable to define it—if we cannot define "pernicious political activity," I ask the able Senator, how can the Civil Service Commission or a United States Senator define it as related to political campaigns? Is it not as difficult for one as for the other to attempt to make a definition?

Mr. ASHURST. The Senator's frankness compels me to answer in the affirmative; yes.

Mr. LUCAS. That is exactly the point I am going to raise in a few moments on a motion to recommit the bill.

Mr. ASHURST. I am bound to say, although I shall probably vote against the motion to recommit, that in frankness and candor I do see some force in the Senator's observation.

Mr. LUCAS. I thank the Senator for agreeing with me, because it is worth while to find that the Senator finds some force in any argument I put forth.

Mr. ASHURST. Mr. President, I have never heard the able Senator from Illinois [Mr. LUCAS] make other than a strong argument. In fact, he never arises unless he has something of force to say.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. ASHURST. I will yield to the able Senator from Wyoming. I wish to read an article from the Washington Star, and then I am through.

Mr. SCHWARTZ. I merely wanted to refer for a moment to the word "perniciously"——

Mr. ASHURST. Perniciously active.

Mr. SCHWARTZ. The present Hatch Act and various other Federal statutes declare certain actions in reference to elections to be unlawful.

Mr. ASHURST. Yes.

Mr. SCHWARTZ. And if this measure is passed, it will also declare certain acts to be unlawful. Why would it not simplify the amendment if, instead of saying "perniciously active", we say "unlawfully active"?

Mr. ASHURST. With due deference to the able Senator's remark, I believe that it would be better for this particular bill to use the phrase "perniciously active" than "unlawfully active", because there are acts that are pernicious which might not be unlawful.

Now, Mr. President, I wish to read an article headed "Hoover and Politicians."

This is from the Washington Star of 2 or 3 days ago, and was written by Mr. Frederic William Wile:

Undoubtedly J. Edgar Hoover's consistent refusal to permit political interference in the Federal Bureau of Investigation has something to do with the current drive to investigate him and his efficient outfit. Senator ASHURST (Democrat), of Arizona, chairman of the all-powerful Senate Judiciary Committee, can bear witness about F. B. I.'s—

That is the Federal Bureau of Investigation—

politics ban. Senator ASHURST once sought to have a young constituent appointed a G-man. The candidate took the required examination and failed to make the grade. He was flunked a second time. Then the Senator went to bat for him, only to be told by Mr Hoover there was positively nothing doing as long as the aspiring Arizonan—

That is the applicant [laughter]—

couldn't rise to required F. B. I. standards. Mr. ASHURST heads the Senate committee which, in a way, holds Mr. Hoover's fortunes in the palm of its hand.

Mr. President, while that is a correct article, the Senate Committee on the Judiciary does not hold Mr. J. Edgar Hoover's fortunes in its hands, nor does it hold any other person's fortunes in its hands. The F. B. I., under Mr. Hoover's supervision, is an almost nearly perfect example of an agency of the Government indulging in no activity of any sort in politics. There is always an irritation against the reformer. If he would reform himself and all things that come within the periphery of his influence, he would do a great work.

Reform is like a boil. A reform is for "the other fellow" and not for me. Learned physicians many years ago held an argument—one of them delivered an exegesis upon the question of where a boil should appear on the human body, but it was finally conclusively demonstrated that the proper place for a boil to appear on the human body is on the back of the neck of "the other fellow." [Laughter.]

So, Mr. President, I am not making any apology for reform. Progress and reform must keep pace with the dramatic march of events in the United States. I am proud that the able Senator from New Mexico has not been driven from his post by the words we have all uttered—and I have uttered some of them about reformers. There has been much good work done by the reformers which has been nullified in some instances, probably by the courts, in some instances by public opinion, because, Mr. President, in some cases we go too far and attempt too much at one time.

I have not said that the Hatch bill goes too far. I say, though, in amendments which would exempt Cabinet members and persons aspiring to be ambassadors or other public ministers we must not make any distinction. We must not go faster than society can go; we cannot pass a law, Mr. President, of any force and effect that goes further or faster than the most witless man in the country can go. That is a remarkable statement. We cannot successfully impose a law upon a great Nation which law is in advance of the most witless man in your country.

Mr. President, I have no desire to compare people to cattle, but my life on the ranches in early years in Arizona taught me a vast deal which has been helpful to me, even in such an august place as the Senate. You remember, Mr. President, the cowboy song Get Along, Little Dogies. What a wealth of common sense and philosophy is contained in that song. You never heard the cowboys sing "Get along, you longhorns," or "Get along, you stout and fat ones." The cowboy knew that the longhorns and the stout, fat ones would reach grass and water without any trouble, but he knew that his herd could progress and proceed only as fast as the slowest, weakest members of his herd could go and the dogies were the poor and the weak and the slow.

His day's advance with his herd of cattle was measured by the distance his slowest and weakest ones could go. So it is with reforms, Mr. President. Unfortunate and discouraging as it may seem at times, you must not get too far in advance of the main herd. You should go only as fast as the slowest of the herd can go. When we advance and say that we are going to make a young man or young woman ineligible for a certain political office, but do not impose that restriction upon him when he applies for a Cabinet position, we are going faster than the herd is going, and we shall not get there with the herd. We shall not accomplish much.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. MINTON. The Senator has referred to the cattle country jargon about the dogies. The Senator from New Mexico [Mr. HATCH] comes from that section.

Mr. HATCH. Mr. President, a very interesting conversation is going on, but I cannot hear it.

Mr. MINTON. Does not the Senator feel that this legislation is directed altogether at the dogies, and that we have not the big fat cattle in with them at all? Some of us have been trying for a week or 10 days to get the big fat cattle in. So far as we can make out, the bill is directed only at the dogies.

Mr. ASHURST. Mr. President, I voted for the amendment of the Senator from Alabama [Mr. BANKHEAD] limiting campaign contributions to a thousand dollars. I voted for the amendment limiting contributions to $5,000. I think the bill

has thereby been improved. I think if we adopt my amendment to the amendment of the able Senator from Utah, the bill will be further improved.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. BARKLEY. The Senator always embellishes whatever he discusses, and enlightens his audience. I have been especially interested in his theory of the speed of the cattle. Under his theory he assumes, of course, that the dogie is willing to move; that he goes forward, at whatever speed he can.

Mr. ASHURST. Yes; he is a part of the herd.

Mr. BARKLEY. But he does not turn around and run the other direction? [Laughter.]

Mr. MINTON. Who is the dogie?

Mr. ASHURST. If the Senator were driving a herd and were as alert with the lariat as he is with words, he would catch all the dogies that went the other way.

Mr. THOMAS of Utah. Mr. President, I had no idea that my simple amendment would turn Senators to ancient history, philosophy, and the proverbs, and to experiences on the cattle range. However, I shall keep in harmony with the atmosphere which has been created for us and merely call attention to the fact that in writing the amendment we attempted to go along with the herd. That is, we had before us an actual act. In that act were actual words. I realize that judges of the various courts interpret those words in different ways. Therefore, in writing the amendment we were careful to use only words which had been given a definite meaning by practice, regulation, and decision. Therefore, I did not object in the least to the Senator's amendment putting in the word "perniciously," because the word "pernicious" is part of the title of the act itself and is used in the act to define the kind of political activity which is supposed to be prevented. However, when we come down to the body of the act, the act gets away from the use of these various adjectives, and, with the heading "pernicious" understood in section 4, for example, the words "or any political activity" are left there, realizing that the definition for that sort of activity has already been made. Therefore I accepted the first amendment of the Senator from Arizona. I was glad to accept it. If the Senator from Arizona realizes and understands that the amendment is intended to be in harmony with the act itself, that Cabinet officers and the President are already exempted from the provisions of the act, and that therefore the amendment should exempt prospective Cabinet officers and prospective Presidents; and if the Senator realizes that that was the only purpose for the insertion of subsection (b), I have not the least objection to accepting his second suggestion, and will modify my amendment by eliminating subsection (b).

Mr. ASHURST. Mr. President, that relieves me of the necessity for further argument. I know the able Senator from Utah is acting in good faith. He does not need any words from me or from any source to be assured that his motive and object are to strengthen the Hatch Act. I know that. We all know it; so it seems unnecessary to comment.

Mr. President, may we have read the amendment in its present form, so that we may know how it reads at this time?

The PRESIDING OFFICER. The amendment of the Senator from Utah, as modified, will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following:

SEC. —. (a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken a perniciously active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. THOMAS], as modified.

Mr. SCHWELLENBACH. Mr. President, I wish to make a very brief observation about the amendment offered by the Senator from Utah [Mr. THOMAS]. It seems to me that the amendment of the Senator from Utah, as modified by the suggestions of the Senator from Arizona [Mr. ASHURST], brings us up against the question of the whole philosophy of the Hatch Act.

The philosophy of the present Hatch Act is that it is wrong for political employees to participate in politics because of the fact that their participation would not be because they believed in the political candidate whom they were supporting, but because they feared that if they did not participate they might lose their jobs. If that is a logical position, then it seems to me to be equally logical that we must accept the amendment of the Senator from Utah, because if it is wrong to participate because one is afraid of losing his job, it is equally wrong to participate because of the hope of obtaining a job. The Senator from Arizona wants to make a different rule, and the Senator from Utah has accepted the amendment, for those who are participating because of a hope, than for those who are participating because of a fear. Those who participate because of a fear cannot participate at all, but those who participate because of a hope will have to participate perniciously; they must do something malignant. It seems to me that it is clearly illogical to attach to the amendment of the Senator from Utah the amendment of the Senator from Arizona, because if the fundamental philosophy of the Hatch Act is correct that people should participate in political campaigns and elections only when they believe in a cause and in the virtue of the candidate for whom they are working, then it is as wrong to participate merely because one hopes to get a job as it is to participate just because he is afraid he will lose a job he already has.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. HILL. What the Senator is stating is that if the amendment of the Senator from Utah should be adopted, as amended by the Senator from Arizona, the amendment of the Senator from Arizona would make the Hatch Act inconsistent in its different parts. Is that correct?

Mr. ASHURST. Mr. President, if the Senator from Washington will yield to me for a moment, I thought I said that I regarded consistency as "public enemy No. 1." The able Senator from Utah pointed that out, but that, of course, did not frighten me from my position. The fact that one provision might be inconsistent with another would not have any weight in considering the matter. [Laughter.]

Mr. HILL. Mr. President, will the Senator from Washington yield to me further?

Mr. SCHWELLENBACH. I yield.

Mr. HILL. Knowing the Senator's eloquent defense at all times of inconsistency, I was sure the Senator, as the great apostle of inconsistency, would take the position he has taken, the difference being that the great and distinguished Senator from Arizona is always eminently frank in his inconsistency, whereas must of us rather—what shall I say?—sidestep, dodge, or fail "to come up to scratch," and plead guilty to the charge.

Mr. ASHURST. Mr. President, if the able Senator from Washington will pardon me, let me say that I have been the subject of considerable raillery and good-natured fun for a long time regarding my attitude on the question of consistency. I am willing that others should have fun even at my expense; but let me say that most of the truly great leaders of the United States have been inconsistent. One of the most inconsistent of our Presidents was Theodore Roosevelt, and he was successful because of his inconsistency. President Franklin Roosevelt has been inconsistent; President Woodrow Wilson was inconsistent. I would not care to serve here if an iron bed, a procrustean bed of fixity and consistency was laid out for me to which I would have to conform at all times, and if, forsooth, I was too short for the bed I must be stretched and drawn out to the required

length; and too long for it, that my head or my feet would have to be lopped off to fit such iron bed.

Mr. President, I suppose every man who comes to the Senate, in his heart, resolves to follow the bright light of consistency. It is a noble dream; but whoever comes to the Senate, and does that, will serve one term only and render no service, because the currents of public opinion, the currents of duty change and conflict, and the varying phases in which public issues confront him make it utterly fantastical for any man to lay down a rule of consistency by which he will be guided. Of course, I mean a political rule. It goes without saying that every man should provide for himself a decent, fair rule of conduct, and when I refer to inconsistency I do not mean that anyone should be dishonest or insincere in his advocacy of measures or his opposition to them.

Mr. President, in a very few days there may be a resolution before the Senate regarding a Presidential third term. As I recall, all of us on the Democratic side were opposed to a Presidential third term in 1927 and 1928. Of course, we may all be inconsistent when that resolution comes before the Senate, if it shall come before the Senate again, and may not be for it. Even if I was for it on a previous occasion, it would not trouble me. I might make no change in my previous attitude or I might do the rare thing of remaining consistent about it or I might be inconsistent. At least I am free to do just as I choose and to do it without embarrassment.

Mr. President, too long have epithets, too long have phrases in American public life guided, controlled, influenced, and frightened men. One of the reasons the Senate is a great body is that one cannot frighten the Senate by an epithet, one cannot frighten the Senate by a motto, one cannot frighten the Senate by a phrase. Many men of eminence and worth in the United States have been torn down by phrases and many an unworthy man has been elevated to great place by phrases. Logic, worth, character, intellect, courage, patriotism, honesty, devotion to public service—not epithets or phrases—should influence public affairs. What makes the Senate a body to which any citizen may aspire and be proud of the opportunity of serving is that we do what we think is right, and we do it whether or not others think it inconsistent. As the late beloved Senator Borah said, during his long service in the Senate he never worried himself about consistency. Consistency is a nice word. It rolls in the mouth like a lollypop. I ask Senators to look at their records and see if they have been consistent. If they have been consistent they have been extremely inactive, and have not rendered full duty to their States, for a problem comes up today in one phase and the same problem comes up tomorrow in another phase. I hope the time will come when men will not be abashed to be called inconsistent.

Mr. President, I came to the Senate a rip-snorting low-tariff man. For 18 years over the country I split the ears of groundlings and fulminated the sky and earth with arguments for a low tariff. But, 20 years ago, having "seen the light"—having toured Europe and other parts of the world and given the matter deep thought, I became a high-protective-tariff advocate. I am for a high tariff, and, in my judgment, the ills, woes, troubles, trials, and tribulations in this country would soon disappear if we had a high protective tariff. I think the Republicans have been recreant to their trust——

Mr. SMITH. Mr. President——

Mr. ASHURST. I will yield in a moment. They have been recreant to their own principles in failing on every proper occasion to urge a high, protective tariff on imports that come into the United States. Now I yield to the Senator from South Carolina.

Mr. SMITH. Does the Senator not consider the Smoot-Hawley bill a high-tariff measure?

Mr. ASHURST. I voted against it because the rates were too low. I stood on this floor for 8 hours trying to raise the rate on manganese and various other items, and every Democrat but two voted with me to raise the tariff rate on manganese. It is very nice to say we wish our children to go to day school and Sunday school and church and dress well and to wish that the laboring man shall have grapefruit and avocados at breafast and some of the good things of life, but we cannot have those things in America unless we have a protective tariff, because with our high standards of living we cannot compete with the outside world; and Senators know it. Prosperity will come again to the United States when we have a protective tariff, and when we take from Fort Knox about $10,000,000,000 of the gold now buried in the earth there and coin it into double eagles for circulation among the people.

I see before me at least one Member of the Senate who may be nominated for President of the United States.

Mr. SCHWELLENBACH. Mr. President, I think I have the floor; and if the Senator from Arizona is going to limit it to one, I am not going to yield further.

Mr. ASHURST. Well, the Senator from Ohio is not now present. I wish to say to the able Senator from Michigan that if he becomes President, and if he sends to the Congress a message urging a high tariff, I will vote for it. If he sends a request or a message for a bill to coin about $10,000,000,000 of the gold now buried in the earth at Fort Knox into double eagles for circulation among the people and the payment of the debt of the United States, I will vote for such a bill. If he does this he will thereby demonstrate that he is worthy to be President. He has already demonstrated that he is worthy to be considered for the Presidency. [Laughter.] I am not committing myself to him, because I am for the Democratic nominee, whoever he may be. [Laughter.]

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ASHURST. I have not the floor. I am trespassing on the time of the Senator from Washington.

Mr. VANDENBERG. May I ask the Senator from Arizona a question in the time of the Senator from Washington?

Mr. SCHWELLENBACH. I yield to the Senator from Michigan. If I may make an observation before I yield, I am very delighted to yield to somebody on the other side. This is the first time a Republican has opened his mouth since this debate started. [Laughter.]

Mr. VANDENBERG. This is the first time there has been any justification for it. [Laughter.]

I simply want to thank my distinguished friend from Arizona for his observations, and particularly for his sound economic views; and I want to add that, as I understand his discussion of consistency, he takes the position that while consistency is a jewel, too much jewelry is vulgar. [Laughter.]

Mr. ASHURST. Right, Mr. President. With all my supposed familiarity with the English language, I could not have said that. [Laughter.]

Mr. President, one other word—and it is for Democrats. You are going out pretty soon into a campaign. You have had possession of the Federal Government for 7 years, and not a single Democrat has presumed to introduce a bill to repeal the Smoot-Hawley Tariff Act. How are you going to make votes by denouncing high tariffs when after 7 years, with a majority in each House, you have not made even a gesture looking toward repealing the Smoot-Hawley Tariff Act, because if you did so you would get a reaction that would cause the Republicans to carry every doubtful precinct in the United States?

Mr. GLASS. Mr. President, have we not done that in an unconstitutional way when we have adopted these foreign-trade treaties?

Mr. ASHURST. My answer is yes. The Senator refers to the trade treaties?

Mr. GLASS. Yes.

Mr. ASHURST. I want to talk about that subject for a moment. [Laughter.]

Mr. President, I think of all the men in America—next to the President and the Vice President of the United States—who have favorably impressed not only their own country but

the world as men of a high type of ability, patriotism, and judgment, Secretary Hull's name comes to mind. I have for him an affection that is fraternal. It partakes of the affection I have for a brother. I regard him as one of the most high-minded, learned men who ever held the office of Secretary of State; and it is no small matter for me to disagree with the able Secretary of State respecting his trade agreements. I do not lightly disagree with his policy on that subject, because he profoundly believes in it, as he believes in everything he advocates; and it is a personal affliction to me to be required to announce that I cannot support treaties or trade agreements made upon the ipsi dixit of one man. Treaties and trade agreements should be ratified by the United States Senate, as the Constitution provides.

My constituents have asked me the question as to what will be my attitude on these trade-agreement treaties, and I have thus spared myself the necessity of writing several thousand letters by announcing here my attitude on that subject.

Mr. HILL. Mr. President——

Mr. SCHWELLENBACH. I yield to the Senator from Alabama.

Mr. HILL. Perhaps I should apologize to the Senator from Washington for inviting this enlightening and eloquent, though somewhat extended, interruption of his speech. As I heard the tribute to inconsistency from the distinguished Senator from Arizona, I could not fail to remember the observation of Abraham Lincoln that it was an awfully dumb man who did not have more sense today than he had yesterday.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Arizona.

Mr. ASHURST. Will the Senator allow me to thank the scholarly and able Senator from Alabama for that reference? I needed something like that in my own repertory. [Laughter.] I will add that to my repertory when I am advocating inconsistency.

Mr. SCHWELLENBACH. Mr. President, I did not anticipate starting this particular discussion, although in reference to it I should like to say that I think we have made great progress in inconsistency, even for the Senator from Arizona. He has repeatedly boasted that he did not believe in consistency; that it was all right for him one day to repudiate what he did the day before, or at 4 o'clock to repudiate what he did at 3 o'clock. So far as I know, however, this is the first time he has advocated being inconsistent with himself at the same time, and putting into a bill an amendment which is totally inconsistent with the bill itself. [Laughter.]

I really rose for the purpose of trying to get into an argument with the Senator from New Mexico upon what seems to me to be a fundamental question which is raised by the amendment of the Senator from Utah [Mr. THOMAS], and that is, what difference is there between its being wrong for one to participate in political activity because of fear of losing the job he already has, and its being wrong for one to participate in political activity because of the hope of a job he expects to get? If the whole Hatch bill is right, why is not the Thomas amendment to it right?

Mr. HATCH. Mr. President, I do not desire to engage in an argument with the Senator from Washington or any other Senator just now. I am quite anxious to vote. There is, however, a vast difference in the two situations. One man is not on the public pay roll. Another is drawing a salary paid from public funds, and devoting his time—as too often is the case, all of his time that he should be devoting to official duties—to the active work of politics.

Mr. SCHWELLENBACH. Mr. President, will the Senator let me ask him another question there?

Mr. HATCH. No; I am not going to get into any discussion with the Senator. I want to avoid all the discussion I possibly can, in the hope that we may vote on this amendment, and the next amendment, and the next amendment, and the next one, whatever number may be offered, and finally, today or tomorrow at some time, vote on the bill itself. That is my only desire at the moment.

Mr. ADAMS. Mr. President——

Mr. SCHWELLENBACH. I yield to the Senator from Colorado.

Mr. ADAMS. I merely want to point out what seems to me a bit too-inclusive definition on the part of the Senator from Washington in assuming that every man who before an election seeks to carry forward certain principles is necessarily hopeful of securing an office. The Senator knows that that is not true. The vast majority of men who take an active part in politics do so because of what they regard as the welfare of their country, frequently because of affection for a man whose candidacy they approve, and not in the hope of getting an office. So when the Senator simply makes two groups—those who have offices and those who hope for offices—I think his definition is too inclusive.

Mr. SCHWELLENBACH. Mr. President, I do not make that classification at all. There is nothing in the Thomas amendment which would stop a man who wanted to work for the Senator from Colorado for reelection because he believed in the Senator from Colorado from working for him; but, under the Thomas amendment, if the reason why a man wanted to work for the Senator from Colorado was that he thought the Senator might be able to get him a job, then he would be stopped from working for the Senator from Colorado, because he would know that he could not get a job within 2 years.

I do not classify everybody who has not been appointed to a job as working in politics for the purpose of getting a job. Certainly a goodly percentage, and, I hope, the great majority of them, do not have such a motive. Therefore the observation of the Senator from Colorado does not meet the argument I have made.

I desire, however, to revert to the answer of the Senator from New Mexico. If the Senator from New Mexico is correct in his answer to me, then his bill should provide that between 8 o'clock in the morning and 5 o'clock in the afternoon those holding political office should not take part in political activities. The prohibition should not extend on into the night and during the hours during which the man is not paid by the Government.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Indiana.

Mr. MINTON. I am glad the Senator from Washington has directed attention to that thought, because it is constantly stated by the Senator from New Mexico and his chief supporting newspaper, the Washington News, that this bill is directed at those persons only while they are working at their political jobs. Nowhere is the bill directed at them while they are working on the job.

The News starts out an editorial of March 9 as follows:

THE SENATE AMOK

The greatest deliberative body on earth has blown its top. And all over a legislative issue of whether public servants should devote their full time to public service or be at the call of party bosses.

That is not the issue. That is not the issue presented by the Hatch bill at all, and certainly the brilliant editorial writer of the Washington News knew that it was not; for this bill not only condemns a fellow who plays politics while he is on the job but it will not even let him use his own time when he is off the job, when the day's work is done, and he is around the fireside with his wife and children, and the neighbors come in to sit down with him. He would not dare, in his own home, with his neighbors gathered around his fireside, to talk to his neighbors in the interest of the man who put him in his job, or the party that gave him his job. If he did, he would be engaged in political activity.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. SCHWELLENBACH. Yes; I yield.

Mr. HATCH. I do not want to say to the Senator from Indiana what it is in my mind to say, but I do want to say that the statement he has just made has been repeatedly denied not only by myself but by all the decisions which have

been rendered in interpretation of this or similar measures. The act he so eloquently describes does not constitute political activity.

Mr. MINTON. Just what is the Senator talking about?

Mr. HATCH. The man discussing matters at home.

Mr. MINTON. Why, of course, that is denounced by this bill.

Mr. HATCH. Of course, it is not.

Mr. MINTON. If a man gathers around his fireside with his wife and children, and neighbors come in, and they become involved in a political argument, of course, he is bound to walk away from them. This is what the Civil Service Commission itself says about that. The Senator is going to apply the civil-service regulations to these persons under the bill. The Civil Service Commission, interpreting political activity, says:

An employee may participate in discussion where no political issue is involved or make an address on any moral or ethical subject.

They can sit around and talk about the Bible, they can sit around and talk about the coming of the Judgment Day, they can talk about prohibition, perhaps, or topics of that kind; but do not let them get into a political argument, because the Civil Service Commission, which is going to interpret and apply the proposed law, has said that "when two or more parties or factions become engaged in a contest for rival or antagonistic measures or policies of governmental control or regulation a political issue is created." Whenever that situation is found, and people begin arguing about politics, one having a job on the Federal pay roll must "clear out." The Senator from New Mexico wants to put those on the State pay roll in the same muzzled class. I say that the Senator from New Mexico has stated repeatedly, as he stated a moment ago, and as his chief supporting newspaper, the News, has said, that this bill is directed at employees while they are on the job, so as to keep people who have political jobs on the job, doing their duty all the time. That is not what the bill is for. If the Senator will limit it to that I will support it. If he will include a provision making it apply from 8 o'clock in the morning until quitting time in the evening, I will support it. But the Senator from New Mexico will not do that. He wants to provide for the period after a man goes home from his work in the evening, and prescribe that at that time also he must cut out any political activity. I repeat, a man cannot in his own home, with his neighbors gathered around him, engage in a political discussion without violating the Hatch Act.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LUCAS. Certainly, regardless of what the civil-service rules are, if this bill is passed as it is now written, under section 15 of the act the Civil Service Commission will have a right to define as political activity what the Senator is now discussing. Certainly there is no restraint, under the bill, as to what the Civil Service Commission may say is or is not political activity, notwithstanding they may have certain rules and regulations at present governing the matter; but now they are to widen out all over the United States of America in a new field, and in a strange field for them, if I may say so, and there is nothing in the bill, any section of it, especially section 15, which I have been discussing throughout the debate from the time it started until now, which denies the Civil Service Commission full power and authority to say what is and what is not political activity. Certainly, if, as the Senator from Indiana says, an individual were sitting by his own fireside discussing something with his neighbors, and a political question arose, for instance, as to whether or not John Jones should or should not be elected, if the individual who fell into the designated class were in his own home and took part in the discussion, I submit that the Civil Service Commission would have a right to say, under the rules and regulations, that that was political activity.

Mr. MINTON. The observations of the Senator from Illinois are, in my judgment, absolutely correct; the Civil Service Commission could make a definition which would include what I have described, a little friendly gathering, as a political activity condemned under the proposed act.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. HILL. What difference could there be in principle, in effect, in practice, between a man in his own house, say, at a meeting with his own neighbors, perhaps a meeting of a little neighborhood P. T. A., talking about the election of a school-board member, perhaps the adoption of a school tax, or something of that kind, and his doing the same talking in the school house, perhaps on the corner? There could be no difference, could there?

Mr. MINTON. There could not be any, and if such a provision were enforced, it would have to be enforced in one instance as in another.

Mr. HILL. When we boil it down, the whole measure does not go to the practices or the activities which every Member of the Senate and everyone in the country wants to end. It applies to the individual. It is too much like a doctor killing the patient merely to get rid of the disease.

Mr. MINTON. Yes; or like burning down the barn to get rid of the rats.

Mr. HILL. That is correct.

Mr. MINTON. All the time we hear talk about keeping the Federal money which we are appropriating for a Federal purpose from going into the pockets of people to be used for political purposes. If the Senator from New Mexico will draw his bill on that principle, I will support it. But what business has the Federal Government, merely because it pays a man's salary, to say to that man, "You shall not do thus and so after you are off the job"?

Let me say to the Senator from New Mexico that if he will write a bill which will attempt to prevent the playing of politics by the employee while he is on the job—and his work is what the man is being paid for, and that is why the Federal Government takes the money out of its coffers for a man's service, we will say, from 8 o'clock in the morning till 5 o'clock in the afternoon—if the Senator from New Mexico, with the aid of the Washington News, will write a measure which will say to the workers, "You shall take no part in politics from the time you go to work in the morning until your day's work is done, for which time you are paid by the State or Federal Government," I will join him in trying to have a bill of that kind passed, because I think the Federal Government and State governments are entitled to a good day's work for a good day's pay. But the Senator from New Mexico would provide, under the guise, mind you, of controlling Federal money, of seeing that the man who gets Federal money uses that money for a Federal purpose, that the Federal Government may come in and say, "No; we not only claim the right to tell you what you shall do during 8 or 9 hours a day when you work, and for which we pay you, but we claim the right to say that when you go home at night, and are on your own time, you shall not take part in any political activity whatsoever, no matter how vital you may think it may be to you, your home, or your community."

Mr. President, that is what we are objecting to. All this talk about trying to control Federal funds is beside the mark, I submit, because the proponents of the legislation do not stop there. They do not attempt to limit the application of the law to the expenditure of Federal funds; they do not attempt to limit it to the expenditure of State funds; but they try to follow the fellow long after the Government's money has quit jingling in his pocket for his day's work. They want to control his action and his activity when he gets home at night and when he is not out on the job.

The Senator from Illinois, who has manifested a keen and penetrating interest in some of the shortcomings of the pending bill, has pointed out what I think is a fatal defect in the bill, what I think is an unconstitutional provision in the bill, the provision which would permit the Civil Service Commission to write the penalties, to define the offenses under the bill, and not to fill in the details, as Chief Justice Marshall

said in a case may be done by an administrative body. They would not attempt to fill in the details; they would put in the whole thing under the delegated power we would give them here. I say that cannot be done under the Constitution, and I understand that is what the Senator from Illinois says cannot be done.

Let me point out to the Senator from Illinois that the Civil Service Commission itself has admitted that it cannot define "political activity." I will read to the Senator from Illinois, who was not in the Chamber yesterday, what I read into the RECORD from a publication of the Civil Service Commission itself. I read for the benefit of the Senator from Illinois from a publication issued by the United States Civil Service Commission entitled "Political Activities and Political Assessments of Federal Officeholders and Employees." Paragraph 2, on page 2, starts out with this statement:

> It is impossible to give a complete list of the particular activities in which an employee may not engage.

That is from the Civil Service Commission, which is to be charged not with filling in the details but defining the offense. It says itself that it cannot define it. I submit that we certainly should not delegate to them something which they admit they cannot do, and that is what the proposed act is attempting to do.

Mr. President, I want the Senate to keep before it at all times when the Senator from New Mexico is talking about controlling Federal funds and State funds in order to see that the Government gets its money's worth, that that is not what the bill is trying to accomplish at all. If it were, I would join the Senator, and everyone on this side who has been with me in this fight, I think, would do likewise; we would want to control the expenditure of money only while the fellow was on the job. No one would object to that. But unfortunately the bill goes much further, and it is to the part of it which goes further that we are strenuously objecting, because we think it unnecessarily sacrifices the American right of every free citizen of this country to be for whatever he wants to support, in his own time, when he does it voluntarily, and the mere fact that he holds a State or Federal job should not disqualify him from exercising that American right.

Mr. LEE and Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. LEE. Mr. President, Congress has approved a number of reservoirs to be constructed in Oklahoma, but the only two dams which offer any immediate probability of generating electricity——

Mr. HATCH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. HATCH. I sought the floor in my own right, and I thought I was recognized, and I desire to address the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma was first on the floor, and made a request that he be recognized to speak next. Does the Senator from Oklahoma yield?

Mr. HATCH. I do not want the Senator to yield. In view of the remarks made by the Senator from Indiana, I thought it was appropriate that the Senator from New Mexico should be recognized.

Mr. BARKLEY. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I yield.

Mr. BARKLEY. I should like to ascertain whether we can get a vote on the pending amendment right away and to offer a suggestion to limit debate on the pending amendment to 15 minutes. Would that interfere with the Senator from Oklahoma?

Mr. LEE. Mr. President, I desire to speak for only 15 minutes. I do not wish to delay the vote on the amendment, but, Mr. President, the troops are marching in Oklahoma.

Mr. BARKLEY. I realize that. If the suggestion I made would interfere with the Senator, I shall not make the request while he is on his feet, but it seems to me we ought to reach a vote on the pending amendment.

Mr. LEE. I hope we can do so. However, the Grand River Dam might be shut down for a week in Oklahoma before we could dispose of the pending bill, and I wish to speak to that subject at this time.

Mr. BARKLEY. Very well.

GRAND RIVER DAM, OKLA., AND RED RIVER DAM, TEX.

Mr. LEE. Mr. President, Congress has approved a number of reservoirs to be constructed in Oklahoma, but the only two dams which offer any immediate probability of generating electricity are the only ones which have been opposed by the Governor of Oklahoma.

One of these is the Denison-Durant Dam, being constructed on Red River between Denison, Tex., and Durant, Okla. On March 11, 1940, there appeared a United Press article in the Washington Post which said in part:

> Gov. Leon Phillips today made public a letter to Secretary of War Woodring demanding the Government halt work on the $54,000,000 Red River Dam or proceed "at your peril."

Mr. President, I ask unanimous consent to have this article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. LEE. Then, Mr. President, there is another dam being constructed in northeastern Oklahoma, known as the Grand River Dam. This dam, like the one which is being constructed on Red River near Denison, Tex., would also generate electricity. On March 11 there appeared in the Oklahoma City Times the following headlines:

> Phillips talks dynamite use to halt dam.

In this article the Governor is quoted as not being adverse to "blasting" the Grand River Dam.

Mr. President, I ask unanimous consent to have this article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. LEE. Then again on March 13, there appeared an article in the Washington Daily News under the headlines:

> Oklahoma readies troops in dam row.

On the same day there was a headline in the Washington Post which read as follows:

> Militia to halt completion of United States dam.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. NORRIS. I was wondering what was meant by the rather emphatic language used in the first of the last two headlines referred to by the Senator. What kind of a row was that?

Mr. LEE. I am reading only the headline. The Senator can put the emphasis wherever he chooses on the last word in the headline.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits C and D.)

Mr. LEE. Mr. President, bear in mind that Congress has authorized several dams to be constructed in Oklahoma, but only these two dams have been singled out for military opposition by Governor Phillips, and bear in mind further that these are the only two dams which offer any immediate probability of generating electricity.

Mr. President, I regret very much that our Governor has seen fit to take this action, because it results only in a loss to the people of Oklahoma. I ask the question: Who loses by this action? The people, of course; that is, the farmers, home owners, and industries of Oklahoma. I ask the further question: Who gains by wrecking these two power dams? The utilities gain. How much do they gain? Well, according to the comparison between the T. V. A. rates and Oklahoma rates as made by the Federal Power Commission, the people of Oklahoma in 1937 paid $11,770,600

more for electricity than they would have paid for the same electricity under the T. V. A. rates.

Mr. President, the odd thing about the Grand River Dam controversy is that an Oklahoma Governor has called out Oklahoma troops to stop work on an Oklahoma project. The Grand River Dam is being built under authority of the Oklahoma State Legislature. That legislature established a Grand River Dam Authority and the dam is entirely an Oklahoma project.

The Federal Government has made loans to the Authority, and has made a grant of almost $9,000,000. Even though the Federal Government has loaned the Authority money, and has made a grant of nearly $9,000,000, Governor Phillips is now contending that the Federal Government should pay the State $850,000 to pay for highways inundated by this reservoir, in spite of the fact that the former highway commission made an agreement with the Grand River Dam Authority that if the Federal Government would construct a bridge across a certain stream the highway department would build the approaches to the bridge.

Mr. Clark Foreman, of the P. W. A., informs me that, although it was exceptional, yet the P. W. A. agreed to have the bridge constructed across this stream.

Governor Phillips now takes the position that he is not bound by the agreement because it was verbal and because it was made by a previous highway commission. Therefore he is now threatening to stop construction of the project until the Federal Government pays more money for the construction of these highways.

The engineers inform me that the spring rains will begin at least by April 1, and that unless this dam is completed by then, great damage will result to the construction. Then they inform me that unless the spring rains are impounded, the dam will be useless from the standpoint of producing electricity for at least another year. I say it is regrettable that our Governor has not resorted to the courts as the State authority and Federal Government have suggested, to settle this dispute instead of resorting to military force.

I wish to make it plain that in my opinion the members of the Grand River Dam Authority have shown good faith and seem interested only in doing a good job.

Mr. President, the immediate controversy is not the first trouble which the Governor has caused for these two projects. Therefore, in order that the background of this situation might be available, I ask to have printed in the RECORD at this point as part of my remarks a United Press article under date of December 11, 1939, written by Mr. Ernest M. Hill, United Press staff correspondent, under the heading "State and Local Politics."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

OKLAHOMA CITY.—The under-fire resignation of R. V. L. Wright as general manager of the $20,000,000 Grand River Dam project gave Gov. Leon C. Phillips another victory in his long series of brushes with the national administration.

Although Phillips was not out in front in demanding Wright's resignation from the $15,000-a-year job, the Governor was a frequent critic of Wright. The board members who asked Wright to resign were appointed by the Governor. Some observers believe that Phillips has been overly anxious to set himself up in opposition to the national administration, sometimes with too little justification.

He has been a critic of the Grand River Dam project, has attempted to stop construction of the $54,000,000 Red River Dam project, was opposed to giving the State wage-hour set-up an appropriation, was cool to creating a State low-cost housing administration to spend Federal funds, and has taken frequent cracks at United States Senator JOSH LEE and the national administration.

Secretary of the Interior Harold L. Ickes has been accredited with sponsoring Wright for the Grand River Dam job, and Federal officials sought to keep him as manager. Phillips' board, however, had the right to fire him and fought the resignation move through successfully.

Mr. LEE. Mr. President, in this fight there has been an effort to cloud the issue by making the charges of politics and patronage, but this is only a smoke screen intended to hide the real issue, which is whether or not the people shall have cheap electricity.

Mr. President, I now ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, an article appearing in the Durant Daily Democrat, written by Mr. R. M. McClintock, who for 18 years was a Capitol correspondent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

PHILLIPS' POWER RECORD AIRED BY CAPITOL REPORTER

(By R. M. McClintock)

"I am known to be a public power man, and the utilities are strong in Oklahoma."

That explanation, given by Manager R. V. L. Wright, of the Grand River power authority, just previous to his removal by the G. R. D. A. board appointed by Governor Phillips, seems borne out in full by an examination of the fight made against the board since Phillips' election.

And the respective stake of the Oklahoma utilities, and the consumers of the State, in the control of rates, was pointed out by Senator JOSH LEE at the public hearing given in Washington to Phillips' effort to block construction of the Red River dam. Said LEE:

"These figures (electric utility rate comparisons made by the Federal Power Commission) show that the total revenue paid by the people of Oklahoma to the utilities for electricity in 1937 amounted to $25,374,800.

"The same number of kilowatt-hours figured at the Tennessee Valley Authority rates amounts to $13,604,200, and the difference between the T. V. A. cost and the present cost to the people of Oklahoma is $11,770,600. In other words, according to the T. V. A. prices of electricity, the people of Oklahoma were overcharged $11,770,600 in 1937."

CHRONOLOGY GIVEN

Incidentally, this sum is a trifle more than the total State school fund appropriation for the current year. It would be sufficient to wipe out, with some to spare, the prospective State general fund deficit.

The bare chronological record bears out the Lee intimation that Governor Phillips was determined to protect private utility rates by preventing effective public power competition.

February 6: Phillips criticizes employment by G. R. D. A. of "nonresidents." (Manager Wright came from California.)

March 29: Phillips confers with northeastern Oklahoma legislators. Promises to reappoint four of nine G. R. D. A. members. Charges old board failed to make land purchases, gave salaried jobs to several members.

April 5: House passes Phillips bill for five-man board. The five would be named by him and could be removed by the mere filing of charges. Under the original G. R. D. A. Act of 1935 the board consisted of nine men, three each appointed by the Governor, attorney general, and commissioner of labor, removable only after filing of charges and a public hearing.

May 4: Secretary Ickes says he favors further Federal aid, but under a plan similar to Bonneville system, under which consumers would be guaranteed savings in electricity costs.

May 10: Senator LEE favors $10,000,000 additional additional appropriation for Markham and Gibson Dams but says: "I shall insist that it be written into the law that the control of the sale of electricity from these projects cannot pass to the Governor of the State through his control of the members of the board by appointment. The whole purpose of constructing projects such as these is to give the people the benefit of cheap electricity, but if a Governor who is friendly to the utilities could control the sale of this electricity through his power to appoint the members of the board, then the whole purpose of such a program could be nullified."

October 11: Phillips demands G. R. D. A. pay $870,000 for highways to be inundated by the Pensacola Dam. G. R. D. A. holds amount exorbitant—later agrees to pay.

October 31: Wright negotiates with Public Service Co. for purchase of G. R. D. A. power. Denies Phillips' claim that G. R. D. A. won't produce enough power even for Tulsa. Says Tulsa peak is 37,000 kilowatts, Pensacola peak 60,000. Calls attention to third alternative for disposition of G. R. D. A. power: "Sale of part of the power to existing utilities under the agreement that the utilities pass along the benefits of cheap electricity to consumers."

November 7: Wright's resignation demanded by board.

November 9: Wright in Washington says in discussing reason for demand for resignation: "I am known to be a public power man, and the utility interests are strong in Oklahoma."

December 16: P. W. A. says manager should be one whose past record would convince the public of his qualifications and his attitude toward the use of public power for the benefit of the people of Oklahoma.

December 20: G. R. D. A. again elects McNaughton. P. W. A. says: "Any further consideration of him is, to our mind, futile, and serves only to delay final selection of a satisfactory general manager. We strongly urge the board to proceed at once to select someone qualified for the job."

Meantime, if lack of P. W. A. funds delays completion of Pensacola Dam past the spring rains, not enough water will be impounded to permit of generation of power this year, and consumers would have to wait longer for cheap power. Beneficiaries of delay would be private utilities.

EXHIBIT A

[From the Washington Post of March 11, 1940]

WORK ON DAM AT YOUR PERIL, PHILLIPS TELLS UNITED STATES

OKLAHOMA CITY, March 8.—Gov. Leon Phillips tonight made public a letter to Secretary of War Woodring demanding the Government halt work on the $54,000,000 Red River Dam or proceed at your peril.

Phillips said the State would protect its rights with all means at its command.

EXHIBIT B

[From the Oklahoma City Times of March 11, 1940]

PHILLIPS TALKS DYNAMITE USE TO HALT DAM—GRAND RIVER PROJECT THREATENED UNLESS UNITED STATES PAYS FOR ROADS

Governor Phillips declared Monday he would not be adverse to blasting Grand River Dam to prevent flooding in his fight for Federal money to replace inundated highways under the lake.

Asked to explain what he meant by closing the dam, he said, "I mean closing that hole so that we would have to dynamite it to let the water through."

PLANS TO CLOSE DAM READY

Thus, a show-down in the squabble between Phillips and the Public Works Administration over highway damages in the dam area loomed nearer.

In Vinita, W. R. Holway, chief engineer on the project, announced that plans are ready to close the last section of the dam and begin inundation soon after April 1.

DOESN'T WANT TO USE FORCE

Phillips declared he will take action to prevent the closure if the Public Works Administration does not meet his demands for $800,000 to cover the cost of replacing roads and bridges.

"I'm watching it," said the Governor.

"The thing that will start the backing up of water is what we've got to prevent. I may be able to stop it with a phone call to the Grand River Dam Authority. I don't want to use force (the militia) if I can avoid it."

The road controversy is at a stalemate. John Carmody, power director for the Public Works Administration in Washington, insists that the State waive further claims in consideration for a $350,000 bridge built across the Grand River by the Public Works Administration about 2 years ago. His suggestion that the question be settled by litigation was scorned by Phillips.

EXHIBIT C

[From the Washington Daily News of March 13, 1940]

OKLAHOMA READIES TROOPS IN DAM ROW

DISNEY, OKLA., March 13.—The Oklahoma National Guard is mobilizing today to stop construction on the $20,000,000 Grand River Dam and hydroelectric project being built in northeast Oklahoma with Federal funds.

Governor Leon Phillips, a Democrat, antinew dealer, and foe of public power projects, was preparing a proclamation of martial law for the project area. The troops are mobilizing at Muskogee, 50 miles away, ready to march to the dam when the proclamation is issued.

Governor Phillips' action is part of his fight with the Public Works Administration over the amount to be paid the State for the flooding of three highways and two bridges, caused by the dam and its reservoir.

Governor Phillips wants the P. W. A. to pay $850,000. The P. W. A. claims it had an agreement with Governor Phillips' predecessor, Governor E. W. Marland, to pay $350,000. Governor Phillips maintains the agreement was verbal if there was actually one, and is, therefore, void.

ALMOST COMPLETED

Officials of the Grand River Dam Authority, an agency created by the State which is in charge of the project, indicated there would be no resistance—that work would cease.

The project is almost completed. The dam had been scheduled to take its first water April 1. The Authority's engineer said that if the dam is left open after April 1, when the flood season begins, the unfinished foundations might be damaged seriously.

In Washington, Acting Public Works Administrator E. W. Clark pointed out that the project was being constructed under State, not Federal, authority. If Governor Phillips wanted to start a "civil war" in Oklahoma, he said, "it was just too bad."

Federal Works Administrator John M. Carmody recalled that 10 days ago he urged Governor Phillips to take his claim to the courts.

"The only marching troops I know anything about are marching in Europe and Asia," he said. "Even there, civilized people are trying to reach an armistice. Here, we are at peace and here we have courts."

P. W. A. GRANTED $9,000,000

The dam authority was established in 1935. It sold $11,000,000 in bonds to the Reconstruction Finance Corporation. The Public Works Administration granted $9,000,000. The bonds were to be retired through the sale of hydro generated electricity to private utilities serving the area. Private utilities did not oppose the project.

Governor Phillips said the dam would never earn $11,000,000. He called it a white elephant.

"They couldn't sell that much electricity in those three counties up there in 50 years," he said.

AGAINST EVERYTHING

Charles Schwoerke, critic of Governor Phillips' policies, charged he had "gotten to the point where he is against anything originating in Washington. He has been friendly to all the utilities and, I believe, fears that the competition of a hydroelectric plant will force down power rates in Oklahoma."

The project gave employment to 3,000 men when work was at its peak. The dam is 150 feet high and is 6,500 feet long. When it is closed 52,000 acres will be flooded.

RED RIVER DAM NEXT

Next in line for martial law, Governor Phillips said, is the $53,000,000 Red River Dam, a Federal power and flood-control project on the Oklahoma-Texas border. It is in the initial stages of construction on the Texas side only, but Governor Phillips threatened to send the National Guard over "as soon as they stop puttering around on the Texas side and set foot on Oklahoma soil."

He has asked the United States Supreme Court for an injunction to block construction of that dam. The project, he said, was clearly a violation of States' rights, since Oklahoma had not approved it.

Governor Phillips campaigned for the governorship on a New Deal platform but soon after his election he split with the policies of the Roosevelt administration.

EXHIBIT D

[From the Washington Post of March 13, 1940]

MILITIA TO HALT COMPLETION OF UNITED STATES DAM—OKLAHOMA GOVERNOR TO ISSUE MARTIAL LAW DECREE AT $20,000,000 PROJECT

OKLAHOMA CITY, March 12.—Gov. Leon G. Phillips said he would declare martial law tomorrow at the $20,000,000 Grand River Dam in northeastern Oklahoma and send troops to prevent its final completion.

Phillips decided he had reached a stalemate with the Public Works Administration, with whom he has been pressing a demand of the State highway department for $850,000.

The sum represents the State's claim for damages the vast lake would do to roads and bridges in the four counties it would invade.

The National Guard men will establish their rule only over the arch where the last bit of concrete would be poured to enable closing the gates and impounding water.

Phillips said he had heard from private sources that final work on the arch was under way.

The red-headed Governor said he did not know how many guardsmen would be dispatched, nor what time they would move in.

The Governor's announcement followed a telephone conversation with Ray McNaughton, chairman of the board of directors of the Grand River Dam Authority.

He said McNaughton told him he was unable to obtain satisfactory assurances from Washington that the money would be put up for the benefit of Oklahoma if the State won its claim.

The controversy over completion of the mile-long dam, which would impound 52,000 acres of water to operate as a hydroelectric project, came to a swift climax this week after months of negotiation.

Few Oklahomans would be surprised if Phillips should take similar action at the $50,000,000 Denison flood-control, hydroelectric project on Red River, if it became necessary to enforce his claims for damage to State property.

Acting Public Works Administrator E. W. Clark said last night the $20,000,000 hydroelectric dam on the Grand River, near Vinita, Okla., is being constructed under authority of the State legislature, not the Federal Government, and if Governor Phillips wants to start a civil war in his State, "it is just too bad."

Advised that Phillips had ordered out the National Guard to block construction, Clark said:

"Doesn't the Governor know that the project is being built under authority of the State legislature, with only a loan and grant by the Federal Government?"

Mr. HATCH. Mr. President——

Mr. HILL. Mr. President, will the Senator from Oklahoma yield to me?

Mr. LEE. I yield.

Mr. HATCH. Mr. President, I thought I had the floor.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. HATCH. Did the Senator yield the floor?

Mr. LEE. I was about to yield the floor, but if the Senator from Alabama wishes to ask me a question, I shall be glad to answer.

Mr. HILL. I wish to ask the Senator a question.

Mr. HATCH. That is perfectly agreeable to me.

Mr. HILL. The Senator from Oklahoma has well stated that the only issue raised in Oklahoma is in respect to two dams where hydroelectric power is generated. In other words, as I understand, no question is raised as to the dams which are being constructed in connection with which no hydroelectric power is to be generated. Is that correct?

Mr. LEE. That is correct.

Mr. HILL. Of course, since the Senator is familiar with the record, he knows that it was perfectly satisfactory through the years for the Government to spend hundreds of thousands of dollars, and millions of dollars, in the construction of dams, so long as those dams did not generate any hydroelectric power. It was only when we started constructing dams generating hydroelectric power that we were met with tremendous opposition, and every means possible was used to prevent the construction of such dams.

Mr. LEE. That is correct.

Mr. HILL. The Senator from Oklahoma has well said that, after all, this is simply a fight to get cheap electricity for the people of Oklahoma. We are all familiar with the long, devoted, and valiant fight waged by the Senator from Nebraska [Mr. NORRIS] to bring about the development of the Tennessee Valley and the Tennessee River. We know how, after disappointments and defeats, and after being confronted by seemingly insurmountable obstacles, he won that fight, and great dams have been built on the Tennessee River. The cities of Bessemer and Tarrant City, adjoining the city of Birmingham, in the Birmingham area, a few miles from that city, applied for loans from the W. P. A. in order that they might build their own municipal distribution plants. They also asked the T. V. A. to sell them power. The T. V. A. agreed to sell the power. The P. W. A. agreed to make the loans in order that the distribution plant might be built. Then what happened? These cities were thwarted in every step by the Birmingham Electric Power Co. and the Alabama Power Co., which furnished the power to the Birmingham Electric Power Co., and five different suits were brought in the courts in an effort to keep those cities from constructing their own distribution plants and from enjoying the benefit of the cheap T. V. A. power. The cities won their fight. They are now getting T. V. A. power.

What has been the result? Not only are the two cities of Bessemer and Tarrant City getting the power today at cheap T. V. A. rates, but as the result of T. V. A. power coming into the Birmingham area, the great city of Birmingham and all the other cities in that area have had their power rates reduced by the Birmingham Electric Power Co. and by the Alabama Power Co. to a point practically the same as the T. V. A. rates.

The fact of the matter is that when the T. V. A. power was turned on at Bessemer, Ala., the Birmingham Electric Power Co. carried a big advertisement telling about how it had reduced rates, and proclaiming that since 1933, when Congress passed the T. V. A. Act, and when the power program with reference to P. W. A. loans was enacted, the Birmingham Electric Power Co. had reduced electric rates in the Birmingham area not once, twice, or three times, but seven different times. I hope the people of Oklahoma will profit by the experience of the people of Bessemer and of Tarrant City and that they will fight this thing to the last, because, as the Senator from Oklahoma [Mr. LEE] has so well said, it is a battle to obtain cheap electric rates for them.

Mr. LEE. I thank the Senator; and I thank the Senator from New Mexico [Mr. HATCH].

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS—CONFERENCE REPORT

Mr. GLASS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 7, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 9, 11, 13, 14, 16, 17, and 18, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named in such amendment, insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$1,750,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Omit the matter stricken out and the matter inserted by such amendment, and on page 51 of the bill, commencing with the colon (:) in line 14, strike out the remainder of the line and line 15 and line 16 to and including the word "to"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$9,975,000"; and the Senate agree to the same.

CARTER GLASS,
KENNETH MCKELLAR,
PAT MCCARRAN,
J. W. BAILEY,
H. C. LODGE, Jr.,
Managers on the part of the Senate.

LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
GEORGE MAHON,
JOHN TABER,
CLARENCE J. MCLEOD,
FRANK B. KEEFE,
Managers on the part of the House.

The report was agreed to.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. HATCH obtained the floor.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. REYNOLDS. I have before me an editorial which I clipped this afternoon from the columns of the Washington Daily News entitled "This Is Where We Came In." I should like to have the editorial printed in the RECORD at this juncture, together with an article which I likewise clipped this afternoon from the columns of the same newspaper, the Washington Daily News, entitled "Plain Economics."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News]

THIS IS WHERE WE CAME IN

The filibustering debate on the Hatch bill has reached a point where opposition Senators are offering the same amendments over and over using different language, and making the same speeches over and over, without using different language.

All this new Hatch bill does is to give to State employees who are paid with United States funds the same protection which the existing Hatch Act already gives Federal employees—protection against coercion of their ballots or shakedowns for campaign funds. Also it applies to United States paid State employees the same rules that Federal employees are required to observe against taking active part in political management or political campaigns. All persons affected by the present Hatch law or by this new measure will be free to vote as they please, speak as they please, and keep the money they earn—or give it away if they please. These simple facts about the legislation continue to stand out despite all the far-fetched misrepresentations that have been uttered and reuttered.

The President of the United States wants this new bill passed. A majority of the Senate is eager to vote its passage. And our guess is that a preponderance of rank-and-file citizens think it is high time to call the roll.

[From the Washington Daily News]

PLAIN ECONOMICS

(By John T. Flynn)

CHICAGO, March 14.—While Democratic politicians in Congress try to beat the Hatch bill to end the corruption of Government employees, an ugly scandal grows and darkens around the corpse of

a wretched man here in Illinois who was the manager of the kind of slush fund that bill tries to kill.

Politicians, contractors, grafters, and various virtuous citizens are trembling lest the secrets of a "little black book" in which the dead F. Lynden Smith recorded the intake and outgo of the corruption fund of the State Democratic organization should become public. Smith is dead and police are trying to find out whether he killed himself or was bumped off.

There is nothing new about political leaders and bosses forcing Government employees to contribute to their war chests. But until recently it was always looked upon as disreputable. Political reformers denounced it, tried to find ways to end it.

F. Lynden Smith, who apparently has just killed himself in Illinois, was the guardian of the money bag of the State Democratic 2-percent slush fund. He was an aide of Governor Horner.

Governor Horner is supposed to be a man of great probity and social vision. In Chicago the Kelly-Nash machine is just an old-time political racket, getting its funds from racketeers, liquor, bookie, and girl joints. But the Horner machine was supposed to be touched with the great white light of civic virtue. To fight the battle of the pee-pul, to save the forgotten man, and drive back the Kelly-Nash hordes in Chicago, the State machine had its 2-percent clubs—every person on the State pay roll is supposed to kick in 2 percent out of every dollar of pay for the Horner war chest. And Lynden Smith was the custodian and comptroller general of this fund.

But, of course, if it is all right to make a poor clerk hand over 2 cents out of every dollar of pay, why is it not equally all right to make every contractor and coal dealer hand over a percentage on every dollar of profit he makes? And so the machine was compelling everybody to kick in—the coal men 10 cents on every ton they sold, the contractors on some other basis. And the fund ran into the hundreds of thousands. There was always a huge war chest. And Smith held it.

But a chunk of money like that, gathered that way, inevitably corrupts the minds of the men who control it. And so the men around Governor Horner began to fight over its custody. Smith lost that fight. The battle got noisy and stimulated investigations. Smith had a black book full of names. The air was full of scandal. And then last week Smith was found in a bathtub dead, after having attempted to stab himself a few minutes before.

But now what of the 2-percent clubs? Well, paint them any color you wish, call them anything you like, gild them as you will, they are corrupt by every standard. They are corrupt when they are run by Tammany Hall or some crooked leader in Kansas City or Louisiana, and they are corrupt when they are run by some virtuous politician under the pretense of saving the pee-pul.

Mr. HATCH. Mr. President, when I rose a few moments ago I wanted to speak briefly in reply to the Senator from Indiana [Mr. MINTON], but I hardly think I shall take the time to reply just now.

With reference to the Washington Daily News, I wish to say that I have greatly appreciated the very fine support which has been given to this particular measure, not only by the Scripps-Howard newspapers throughout the country but by practically the entire press of the country.

I will say to the Senator from Indiana that yesterday I noticed that when one or two editorials appeared in scattering newspapers in opposition to the pending bill, the opponents of the measure made great haste to insert those editorials in the RECORD. I have not done so with the various clippings which have come to me from newspapers all over the country, because I did not want to encumber the RECORD. Likewise, I thought it would serve no useful purpose. However, I do appreciate the support of the press of the country for this measure, and also for the measure which we passed last year.

Mr. President, the Senator from Indiana portrayed a very pitiful picture of a man gathering his little family about him at his fireside, and his neighbors coming in, and the man not being able to discuss or even mention politics.

I appreciate fair argument and fair debate; and I am perfectly willing at any time to meet any of the real imperfections of the bill, if there be imperfections—and I am sure there are—and to argue and debate real issues with the Senator from Indiana or anyone else. However, I grow just a little weary of the extreme, unwarranted, and altogether unfounded statements which have been continually made throughout the course of this debate as to the effect of the bill. It has been constantly referred to as a measure to deprive the people of the right of free speech. The same thing was said of the measure which we passed last year.

I am quite sure Senators read the law and know what it contains. I am just as jealous of the rights of the citizens of this country as is any other Senator, and I am just as zealous as is any other Member of this body in the protection of the rights of citizens, according to my lights and my judgment. Being zealous, I wrote into the original law this provision; and I ask Senators to listen to what the law says, and not to extreme, unwarranted interpretations:

All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

That language was written into the law, Mr. President.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. No; I do not care to yield.

Mr. BROWN. Not just now, or not at all?

Mr. HATCH. I do not care to yield just now.

The language to which I refer differs from the rule of the Civil Service Commission in this respect: The rule of the Civil Service Commission says they may express their opinions privately. I did not like the word "privately." It did not sound good to me as an American citizen, and the word "privately" was stricken out. The law stands today just as I have read it.

In the original bill which I introduced at this session the same words were included, as I intended them to be. Later, and for the first time after the bill reached the floor of the Senate, I observed that in the redraft of the committee amendment those words had been omitted. I have been waiting day after day for some hard-swinging Senators, hitting right and left, to pick that up and accuse me of some dire, mysterious, and deep-seated plot against the liberties of the citizens of this country because those words were omitted. It had been my intention all the time to do what I shall now do, Mr. President.

I ask unanimous consent to insert, on page 4, line 22, following the word "campaigns" and the period, the identical language which appeared in the bill as I introduced it, and which appears in the original act.

Mr. BANKHEAD. Mr. President, what page is that?

Mr. HATCH. Page 4, following the word "campaigns" and the period, in line 22. I ask unanimous consent to have inserted the words:

"All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. HATCH. I merely mention that matter, Mr. President, to show that we have been careful and zealous in protecting the rights of citizens.

I do not wish to drag out the discussion longer. As I said yesterday, everything that can be said on the bill probably has been said not once but a dozen times. We are going over the same arguments, back and forth. I want to vote.

Mr. BANKHEAD. Mr. President, will the Senator yield for a question?

Mr. HATCH. I yield.

Mr. BANKHEAD. Does the word "subjects" include candidates?

Mr. HATCH. Yes.

Mr. BANKHEAD. Does the inanimate term "subjects" include candidates?

Mr. HATCH. Yes.

Mr. BANKHEAD. The word "subjects" covers only inanimate things, does it not?

Mr. HATCH. No; it has never been so construed. It means what it says, that the personal liberties of citizens are not restricted; and nobody wants to restrict them.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. No; I do not think I shall yield any further. I wish to finish what I have to say.

As I previously stated, I hope we may defeat the amendment of the Senator from Utah [Mr. THOMAS], much as I appreciate his fine support. I know the high principle and motive behind his amendment. Nevertheless, I hope it may be defeated, and I hope we may now proceed to vote on this and other amendments as rapidly as possible until the bill is finished.

Mr. MINTON. Mr. President, will the Senator from New Mexico yield for a question?

Mr. HATCH. I yield.

Mr. MINTON. The right to express political opinions has been defined by the Civil Service Commission to mean the private expression of such opinions.

Mr. HATCH. Yes; the word "privately" is in the rule of the Civil Service Commission. It is not in the law.

Mr. MINTON. The Civil Service Commission has defined the right to express political opinions as the right to do so privately.

Mr. HATCH. Mr. President, that is because the word "privately" is included in the rule of the Civil Service Commission. The word "privately" is written into the rule. That is the word which I dropped out. I did it deliberately, intentionally, and I want it to remain out. As to what it means, I refer the Senator from Indiana to the message of the President of the United States in approving the Hatch Act, in which he discussed this very subject, and said that the act does not infringe upon the liberties of the citizens.

SEVERAL SENATORS. Vote! Vote!

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. SCHWELLENBACH. Let me say to the Senator that we are now on the side of the question on which I agree with him; and I ask this question on that side.

Mr. HATCH. I hope the Senator will remain on this side.

Mr. SCHWELLENBACH. No; I take the position that we should not change the present Hatch law, passed last year. We have not had an election since Congress passed it and the President signed it, and I do not think we should change it now.

I wish to ask this question about the Senator's last argument: What is the distinction between taking an active part in political campaigns and the right to express opinions on all political subjects? Take the case of the man who is going around in a precinct. He expresses his opinion. Just where does the line of distinction fall? If he expresses his opinion under one set of circumstances, it comes within the second sentence; and if he expresses his opinion under another set of circumstances, it comes within the first sentence. I should like to have the Senator explain just where the line of distinction lies.

Mr. HATCH. I appreciate the Senator's question. As I said, I do not want to take the time further to discuss this measure. The President has already pointed out in his message one distinction, which I think is a very sound distinction. It certainly would not include the case mentioned by the Senator from Indiana. Such a thing would be perfectly legitimate. However, taking the stump and making speeches in behalf of a candidate or a party would be undue political activity.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. THOMAS], as modified.

Mr. THOMAS of Utah. Mr. President, I have asked for a yea-and-nay vote; but before we vote I should like to say a few words.

The amendment which I have offered is simplicity itself. It merely does one single thing; it puts upon the person who is working politically to gain an office exactly the same restrictions that it puts upon the person who is theoretically working to retain his office. In other words, the logic of the amendment is that what is good for one party is good for two parties. A further bit of logic is that if the theory of the Hatch bill is proper, and employees of the Federal Government should be restricted in their activities, then those who are seeking to become employees of the Federal Government should at least not immediately become the beneficiaries of their acts.

The Hatch Act as it is, and as it will become when amended would be, without my amendment, an act against the party and not against individuals. It is so that the act may be against the actions of individuals, and not against actions of individuals in a particular party, that the amendment is offered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Sheppard
Andrews	Frazier	Lucas	Shipstead
Austin	George	McCarran	Smathers
Bailey	Gerry	McKellar	Smith
Bankhead	Gibson	McNary	Stewart
Barbour	Gillette	Maloney	Taft
Barkley	Glass	Mead	Thomas, Idaho
Bilbo	Green	Miller	Thomas, Okla.
Brown	Guffey	Minton	Thomas, Utah
Bulow	Gurney	Murray	Townsend
Burke	Hale	Neely	Tydings
Byrnes	Harrison	Norris	Vandenberg
Capper	Hatch	O'Mahoney	Van Nuys
Chandler	Herring	Pepper	Wagner
Chavez	Hill	Pittman	Walsh
Clark, Mo.	Holman	Reed	Wheeler
Connally	Holt	Reynolds	Wiley
Danaher	Johnson, Colo.	Russell	
Davis	La Follette	Schwartz	
Donahey	Lee	Schwellenbach	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Utah [Mr. THOMAS] on which the yeas and nays have been requested.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. AUSTIN. I announce that on this question the Senator from California [Mr. JOHNSON] is paired with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "nay" and I am informed that the Senator from Utah would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "nay" and I am advised that the Senator from Illinois would vote "yea."

Mr. MILLER. I have a pair with the Senator from North Dakota [Mr. NYE]. I am advised, however, that he would vote as I intend to, and I am, therefore, at liberty to vote, and vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from Virginia [Mr. BYRD], and will vote. I vote "yea."

Mr. CLARK of Missouri. My colleague [Mr. TRUMAN] is detained on important public business. I am advised that if present and voting he would vote "nay."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Idaho [Mr. CLARK], the Senator from California [Mr. DOWNEY], the Senator from Delaware [Mr. HUGHES], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained. I am advised that if present and voting he would vote "nay."

The Senator from Arizona [Mr. HAYDEN] is attending a committee meeting and is, therefore, unable to be present.

The result was announced—yeas 18, nays 59, as follows:

YEAS—18

Bankhead	Glass	Minton	Smathers
Brown	Guffey	Murray	Thomas, Okla.
Bulow	Herring	Pepper	Thomas, Utah
Chavez	Johnson, Colo.	Russell	
Donahey	La Follette	Schwellenbach	

NAYS—59

Adams	Bilbo	Connally	Gerry
Andrews	Burke	Danaher	Gibson
Austin	Byrnes	Davis	Gillette
Bailey	Capper	Ellender	Green
Barbour	Chandler	Frazier	Gurney
Barkley	Clark, Mo.	George	Hale

Harrison	McKellar	Reed	Townsend
Hatch	McNary	Reynolds	Tydings
Hill	Maloney	Schwartz	Vandenberg
Holman	Mead	Sheppard	Van Nuys
Holt	Miller	Shipstead	Wagner
Lee	Neely	Smith	Walsh
Lodge	Norris	Stewart	Wheeler
Lucas	O'Mahoney	Taft	Wiley
McCarran	Pittman	Thomas, Idaho	

NOT VOTING—19

Ashurst	Clark, Idaho	King	Slattery
Bone	Downey	Lundeen	Tobey
Bridges	Hayden	Nye	Truman
Byrd	Hughes	Overton	White
Caraway	Johnson, Calif.	Radcliffe	

So the amendment of Mr. THOMAS of Utah was rejected.

USE OF INSIGNIA OF VETERANS' ORGANIZATIONS

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5982) for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCARRAN. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCARRAN, Mr. VAN NUYS, and Mr. DANAHER conferees on the part of the Senate.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. BROWN. Mr. President, I have at the clerk's desk an amendment which I hope the Senator from New Mexico will accept. I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan will be stated.

The LEGISLATIVE CLERK. At the end of the committee amendment it is proposed to add a new section, as follows:

Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any person employed by the Federal Government, the State government, the municipal government, or any agency thereof, from becoming a bona fide candidate for any public office and engaging in any lawful political activity in furtherance of his candidacy and in support of his party in the event he takes a leave of absence without pay from his employment during the campaign.

Mr. BROWN. Mr. President, rule 14 of the Civil Service Rules, which is contained on a franked card sent out by the Senator from New Mexico, prohibits civil-service employees from becoming candidates for nomination or election to any National, State, county, or municipal office and would prohibit the officers and employees proscribed by this measure.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. HATCH. Of course, I am in no position to accept mandates. We are dealing with committee amendments. But so far as I personally am concerned, I have no objection to the Senator's amendment.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Washington.

SEVERAL SENATORS. Vote!

Mr. SCHWELLENBACH. Mr. President, I have not taken any time in this debate, and I do not think anybody should object because I ask a question.

I am rather disappointed that the Senator from New Mexico should accept this amendment. Certainly, if the philosophy that he has is a correct one, there should be nothing to which he would more object than a person who has contacts with a political organization taking a leave of absence during the period of the campaign and then coming back and getting his job again. It seems to me the Senator from New Mexico certainly should object to this amendment.

Mr. BROWN. I thing the Senator from Washington perhaps misapprehends the meaning of the amendment. It would not permit an official of the Government to take a leave of absence and participate in a political campaign unless he was a bona fide candidate for office. Then he could participate, of course, in his own campaign, and in the campaign of his political party which was conducted at the same time his own campaign was in effect.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. Yes; I yield to the Senator.

Mr. SCHWELLENBACH. I know of nothing which might involve more impure politics than for a man who occupies an executive position, who has under him a large number of employees, to take a leave of absence with the understanding that he is going to run for office, and then come back and again hold his position if he is defeated in the election. I am astounded that the Senator from New Mexico is willing to agree to the amendment.

Mr. BROWN. Of course, I am not in agreement with a good many of the propositions the Senator from New Mexico has advanced here; but it seemed to me that when we went so far as absolutely to prohibit a man from being a candidate for office, no matter if he was willing to lay aside his employment for the entire period of the campaign, we were going away beyond what the Senate and the House ought to do.

Mr. MILLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. BROWN. I yield to the Senator.

Mr. MILLER. I did not clearly understand the provisions of the amendment. Would it apply only to State, county, and municipal employees?

Mr. BROWN. To any employee of the Federal Government, the State governments, the municipal governments, or any of the agencies thereof.

Mr. MILLER. That is all right.

Mr. CLARK of Missouri. Mr. President, will the Senator yield for a question?

Mr. BROWN. I yield.

Mr. CLARK of Missouri. In the case of the W. P. A., the Senator's amendment would simply permit a W. P. A. administrator, let us say a State administrator, to take a leave of absence, run for Governor, Senator, or any other office he pleased, and in the meantime hold over the persons who are in the W. P. A. the threat that "As soon as this election is over I shall be back and be over you, and you had better watch your step in the meantime."

Mr. BROWN. The Senator is very unfair in the way he puts his question.

Mr. CLARK of Missouri. That would be the effect of the amendment.

Mr. BROWN. There is nothing in the amendment which permits a man to make a threat of any kind; and the present law amply protects any employee of the W. P. A. or any person who is on relief from coercion or threats of any kind.

Mr. CLARK of Missouri. In the case of a poor devil who is employed as a timekeeper, or who has come to the W. P. A. from the relief rolls, and who knows that the man who has been his boss is going to be his boss again unless he is elected to office as a candidate, does the Senator think he is going to feel perfectly free in his action because somebody says, "You shall not be coerced?" How does he know what the W. P. A. director is going to do when he comes back?

Mr. BROWN. I should not have the slightest objection, if the Senator from Missouri should propose it, to exempting officials of the W. P. A. from the provisions of this exception, because we especially legislated regarding them in the original Hatch Act; but I believe that any citizen of the United States has a right to aspire to political office, and I do not think a professor in the University of Michigan, who probably has no income other than his salary, ought to be denied

the right to run for office if he is willing to lay down his office during the period that he is a candidate.

Mr. MINTON. Mr. President——

Mr. BROWN. I yield to the Senator from Indiana.

Mr. MINTON. Does not the Senator from Michigan think the illustration given by the Senator from Missouri is more apparent than real? Because a man who happens to be the administrator of W. P. A. over a State is running for office, the Senator from Missouri seems to indicate that that fact in itself is a warning to everybody who works under him that they have to do what the administrator wants them to do, and go and vote for him on election day. How is the administrator going to know how they vote when they get in the booth and pull the curtain behind them?

Mr. CLARK of Missouri. If the Senator from Michigan will permit me, that is the same old argument that was made against the railroads threatening their employees back in 1896. I can remember the Democrats going around and telling the railroad employees, "The officials of the railroads will not know how you vote," but it was impossible to make the railroad employees believe that they would not find out; and it will be impossible to make the W. P. A. employees believe that there will not be a leak, and that the man who has in his absolute control their means of livelihood may not be able to find out how they voted. That condition applies not only to the W. P. A. but all up and down the line to Government offices.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I think the position taken by the Senator from Missouri, especially about the W. P. A., is absolutely correct; and I should very much like to see the Senator from Michigan amend his suggested amendment and certainly exclude any official of the W. P. A.

Mr. BROWN. I realize that we have applied a different rule to relief workers and relief employees of the Government than we have to others. I was particularly aiming at State officials, municipal officials, county officials, and Federal employees who are not on the relief rolls.

I am perfectly willing to accept an amendment exempting from the exception in the act officials who I think are referred to in section 3 of the existing Hatch law.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. Is there any real distinction, so far as the W. P. A. is concerned? Is not the distinction whether these people have employees under them or not? If the Senator would say that we would make an exemption of those who do not have more than five employees under them, or something of that kind, I would not object to the amendment; but I happened to run in an election against a couple of men who were in office, and I know what their employees did for them, because they knew what their bosses would do when they got back into their jobs after they lost the election. I may be personally prejudiced in the matter because I had such an experience, but I do not think anyone occupying one public office should be privileged to run for another office. I do not say we should write anything into the law which would lay down that rule, but I do say, on the other hand, we certainly should not make an exception in the proposed act and say that it is perfectly proper for someone occupying a public office to take a leave of absence and then get his job back when he meets defeat in the election.

Mr. BROWN. We have classified the W. P. A. relief workers in the original Hatch Act very differently from the way we have classified the general employees of the Government of the United States. For instance, a W. P. A. worker may not make any contribution, voluntary or involuntary, to a political campaign, while all other Government employees may make voluntary contributions.

Mr .CONNALLY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. CONNALLY. Is not the distinction the Senator says we have drawn a rather shadowy one? There may be a collector of internal revenue who has under him perhaps 75 or 200 employees. Then there may be a W. P. A. official who has a good many W. P. A. employees under him. What have those employees? In each case they have jobs, have they not? That is all they have—jobs which they are holding by virtue of the appointment or selection of their chief. So I do not see anything which differentiates the W. P. A. man who has a poor job from some other employee who has a good job.

Mr. BROWN. The Senator appreciates the fact that in the case of the W. P. A. employee the relief funds of the Treasury of the United States are being used.

Mr. CONNALLY. I grant that.

Mr. BROWN. While the other officials are officials who are conducting the general affairs of the Government of the United States, they do not have a large number of employees under them, certainly not nearly so large a number as those upon the W. P. A. rolls. While my amendment was originally drawn to give every Government employee, every State employee, every municipal employee the right to run for public office if he took a leave of absence, yet I was willing, in order to satisfy the Senator from Washington and the Senator from New Mexico, to leave out executives in the W. P. A.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BARKLEY. I think there may be legitimate objection to exempting any particular class of employees, because there may be other supervisory and administrative officials who have just as much power over their subordinates as has any supervisor or administrator of the W. P. A. Would the Senator from Michigan be willing to accept an amendment along this line, exempting from the provisions of his amendment those who occupy administrative and supervisory positions, so that it would take away, even during the period of suspension from their own employment, while they are candidates, the implied fear, the intellectual reaction of the voter to what might happen to him if the supervisory officer should be defeated and should return to his original employment? In that case we would not be picking out any particular class of employee for exemption, but we would be picking those who might exercise influence over others. I offer that to the Senator merely as a suggestion.

Mr. BROWN. I am very happy to have the suggestion from the majority leader. I do not know just to whom it would apply. For instance, a deputy highway commissioner in the State of Michigan might aspire to the office of highway commissioner, which is a perfectly logical ambition for him to have. If the activity were connected with the construction of Federal-aid highways in the State of Michigan, he would be prohibited, under the present law, and under the proposal of the Senator from New Mexico, from becoming a candidate for higher office unless he gave up what amounts to a civil-service position, which he is fairly certain to hold for a considerable length of time. Unless he were willing to give that up, he could not be a candidate.

Likewise, taking the case of a gentleman whom the Senator from Kentucky knew, of whom I spoke the other day, the famous dean emeritus of our college of engineering at the University of Michigan, Dean Cooley, who was a candidate for the United States Senate in 1930. I think he should be permitted to be a candidate for office if he is willing to retire from his position for the time being. So I do not know just how far the suggestion of the Senator would go.

Mr. BARKLEY. Let me say to the Senator in that connection that I doubt very much whether the president of the university or a teacher in a university would have such control over those under him—the students, or the professors or teachers—as really to make it necessary to worry much about it.

Mr. BROWN. I think that is true.

Mr. BARKLEY. This movement has not grown up because of any complaint connected with the universities or the teaching profession.

Mr. BROWN. But the dean of the school of engineering would certainly be an administrative officer.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BROWN. I do not believe the Senator from Kentucky has concluded his interruption.

Mr. BARKLEY. He would not, under the Senator's amendment, or the suggestion involving the W. P. A., be eliminated. He would not be exempted even under that, unless the W. P. A. were contributing to the activities of the college or the university with respect to its engineering activities. That would happen only when they were building a new structure, as many of the universities have done, including the university of my own State; but the W. P. A. has very little to do in their general engineering activities, I understand.

Mr. BROWN. I do not think the W. P. A. exception would affect the head of the school of engineering in any way.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I rose to see if I could get clear in my own mind just how far the Senator from Michigan desired to go with his amendment and what exemptions he would be willing to make from the effect of his amendment. My understanding is that he stated a moment ago that he saw a sound reason for excluding from the provisions of his amendment persons who were directing W. P. A. work. Did I understand him correctly?

Mr. BROWN. I should like to utter merely a sentence or so in that connection. I see some reason for it, and I am impelled to agree with the Senator from New Mexico, who made the suggestion, because in the original Hatch law he has differentiated between relief workers and the supervisory personnel.

Mr. O'MAHONEY. May I make a suggestion to the Senator?

Mr. BROWN. I should be very glad to have the Senator's suggestion.

Mr. O'MAHONEY. That is the purpose for which I rose; first, dealing with the W. P. A. administrative employee; and second, with regular civil-service employees. It is my understanding that under the present civil-service rule a civil-service employee who is holding a position without term——

Mr. BROWN. Let us say a postmaster.

Mr. O'MAHONEY. That is to say, holding a position for life, is not permitted to take leave of absence and become a candidate. Would the Senator object to inserting at the proper place in his amendment some such language as this, "Except persons holding regular United States civil-service positions and persons employed in a supervisory or administrative capacity and paid out of any Federal appropriation for relief or work relief"?

Mr. BROWN. What does the Senator from New Mexico think of that suggestion?

Mr. HATCH. Mr. President, I think the suggestion made by the Senator from Wyoming is a good one if the amendment is to be adopted. Would the Senator desire to accept it?

Mr. BROWN. It sounds logical to me. I had not thought of civil-service employees, except postmasters.

Mr. GEORGE. Mr. President, let me suggest that if it is desired to do what I understand the Senator from Michigan wishes to do, he could except all State, county, and municipal officers who are affected by the act and permit them to become candidates for office. But, put in the broad way in which it is now suggested, the amendment is exceedingly vicious. It has all the vice that is sought to be eliminated by the Hatch Act and under the philosophy of that act, which is to secure free elections. It is not a question of purity in politics; we will never have that. But we can make elections reasonably free from official coercion. We can save the very basis of the democratic process by preserving the freedom of elections.

There is an objection to saying that a State, county, or municipal officeholder—a member of a school board, if you please—cannot become an active candidate for office in a State because he has been engaged in administering a project to which the Federal Government has contributed. But I think the Senator could do all he desires by relieving from the ban every State, every county, every municipal officer, or the officer of any political subdivision within a State, leaving the prohibition to remain against the Federal officer. Then we would not be troubled with the question of the civil service, and we would not be troubled with any other question such as that concerning W. P. A. administrative officers.

Mr. BROWN. I thank the Senator from Georgia. I think that solves several questions.

Mr. GEORGE. I do not believe there would be any objection to the amendment if it were restricted in that way.

Mr. BROWN. I did not have Federal officials primarily in mind.

Mr. GEORGE. I understand that.

Mr. BROWN. And all through the debate I have been worried over the city and county employee—the small employee.

Mr. GEORGE. I think the Senator is quite correct. I think his amendment should be adopted.

Mr. HATCH. I may say to the Senator from Michigan in that connection that I wish he would not press his amendment at this time, but that we take time to try to work out something different, because a while ago, when I said I would not object to the amendment, I did not realize how far-reaching the language was, and all it might accomplish. After listening to the discussion on the floor, and visualizing what could take place under the amendment, absolutely contrary to the very thing I have been trying to do, I feel that if the amendment is left in its present shape, or even with the suggested modifications, I should be compelled to object to it and ask that it be defeated. If the Senator from Michigan would defer this amendment I believe we could perhaps work out provisions which would accomplish the things he wants to do, but not destroy what all of us are trying to accomplish.

Mr. O'MAHONEY. Mr. President, I believe the suggestion of the Senator from Georgia would meet the situation. Certainly it would cover the case brought up in my suggestion.

Mr. BROWN. I will say to the Senator from New Mexico that if I applied the suggestion of the senior Senator from Georgia, the amendment would read as follows:

> Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any person employed by the Federal Government, the State government, the municipal government, or any agency thereof, from becoming a bona fide candidate for any public office and engaging in any lawful political activity in furtherance of his candidacy in the event he takes a leave of absence without pay from his employment during the campaign.

Mr. HATCH. Mr. President, in this connection I do not want to change existing law. I would rather wait and see what we can do about the matter under discussion. Therefore I suggest to the Senator that action on the amendment be not pressed by him at this time.

Mr. BROWN. I do not desire to press action on the amendment against the objection of the Senator from New Mexico.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. MINTON. I think the Senator from New Mexico has advanced a sound argument. I think we all are coming to the conclusion that the bill ought to be recommitted. It is becoming so confused, so difficult to understand, that I think we ought to recommit the bill so as to give it more study.

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. BROWN. I yield.

Mr. HATCH. I am not confused, and it is not difficult for me to understand my position. The bill as it is written suits me well. I have been trying to work with Senators possibly to get a vote on the bill and dispose of it, and I have tried not to be unreasonable in my attitude. The bill is perfectly all right with me. I am ready to vote now.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. I should like for a moment to challenge the statement of the Senator by advancing one reason why there should be an exception in the case of educational institutions. It happens, so far as I am personally concerned, that prior to the time I filed for the Senate I occupied an administrative position in our State university. The first thing I did when I filed for the Senate was to resign from that position. I think it is extremely important that no one connected with an educational institution be permitted to run for public office.

One thing we must do is to keep our educational institutions out of politics. I know I could not control any votes on the faculty of that university, but I resigned because I believed I had no right to drag the university into politics.

Mr. BROWN. If the Senator felt he should resign as a trustee of the University of Washington in order to run for the Senate because there might be some influence on his part upon the officials and the members of the faculty of the university——

Mr. SCHWELLENBACH. No; that was not it. I did not delude myself that I had very much influence.

Mr. BROWN. Let me finish. Why should not the Senator resign from the United States Senate before he becomes a candidate for reelection to the United States Senate? It seems to me the same reasoning applies in both cases.

Mr. SCHWELLENBACH. No; there is a difference. I did not resign because I thought I had influence over the faculty, but because I knew that that institution should not be dragged into politics, and that if I kept my position, or if I took a leave of absence, I was going to drag it into politics.

Mr. BROWN. I happen to be a trustee of the Methodist college from which I graduated in 1911.

Mr. SCHWELLENBACH. That is not a tax-supported institution, is it?

Mr. BROWN. In part it is. It receives considerable aid from the N. Y. A. and from other Government funds, and there has, I am certain, never been the slightest suspicion that simply because I was a trustee of that institution, that college, my alma mater, was dragged into politics. If a regent or a trustee of the University of Washington, or a teacher on the faculty tried to become a candidate for the office of mayor of the city of Seattle, Wash., or for Senator of the United States, or even President, he certainly would not thereby drag that institution into politics.

Mr. SCHWELLENBACH. Does not the Senator believe if he had been occupying the same position in the University of Michigan that he occupied in the private institution, that the whole university would have been dragged into the political campaign?

Mr. BROWN. As I have instanced several times, the dean emeritus of the college of engineering was the Democratic candidate for the United States Senate in the year 1930, and certainly the great university of Michigan was not involved in that political campaign.

Mr. SCHWELLENBACH. There is much difference between a dean emeritus, who is for all practical purposes retired, except that he draws perhaps an amount equal to half of his salary, or something like that, and has an honorable connection with the institution, and someone who is actively connected with the institution, and who, if he loses his political battle, will not have ended active connection with the institution after the election is over.

Mr. BROWN. I recall, if I am not mistaken, that Prof. Marion LeRoy Burton, president of the University of Minnesota and afterward president of the University of Michigan, was once the keynote speaker at a political convention. That did not drag the university into politics.

I think we are going altogether too far with this matter. We seem to forget that we still have a secret ballot in the United States, and no matter how a person may talk, he can vote without anyone knowing how he votes.

Mr. President, I yield to the suggestion of the Senator from New Mexico, and if he is unwilling to accept this amendment, I am perfectly agreeable to let it go over until tomorrow.

Mr. HATCH. I may say to the Senator that from the conversations I have had with many Senators who are interested, I am confident we can work out something which will be agreeable.

Mr. BROWN. Very well. I temporarily withdraw the amendment, Mr. President, and will ask for its consideration tomorrow.

Mr. McNARY. Mr. President, what was the last statement made by the Senator from Michigan?

The PRESIDING OFFICER. The Senator from Michigan temporarily withdraws his amendment.

Mr. BARKLEY. Mr. President, I think the time has come when we ought to arrive at an agreement with respect to voting. We all had hoped, and I am sure I speak for those opposing the bill, as well as those who are supporting it, that we would have disposed of the proposed legislation by this time. Obviously we cannot dispose of it today; but I think we ought to dispose of it tomorrow, and if we can dispose of it tomorrow, I should be disposed to adjourn over the week end. I do not offer that as an inducement but simply to say what is on my mind.

Therefore I ask unanimous consent that not later than 5 p. m. tomorrow the Senate proceed to vote on the bill and all amendments and all motions pertaining thereto, and that no amendment shall be offered which has not been sent to the desk and read for the information of the Senate not later than 4:40 p. m. tomorrow.

Mr. THOMAS of Oklahoma. Mr. President, reserving the right to object, at the earliest possible date I intend to move to strike section 15 from the bill. My reasons are that the section is clearly unconstitutional. I am not sure that it makes much difference, but I desire the record to show that in the opinion of at least one Member of the Senate, section 15 as now printed in the bill is clearly unconstitutional.

Mr. McKELLAR. Make it two Members of the Senate.

Mr. THOMAS of Oklahoma. This section pretends to delegate congressional power. The decisions are all one way. The Congress may delegate congressional power within certain limitations, but the limitations must be clearly defined. There is no support in the Supreme Court decisions for the suggested rule. Section 15 delegates to the Civil Service Commission power even to make statutory law and to provide penalties. So before the unanimous-consent agreement is reached I shall desire enough time to make my motion and to make a record.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. The Senator's motion would be disposed of on the question of agreeing to the committee amendment. Section 15 is a committee amendment, and the question would be on the adoption or rejection of that amendment. The agreement which I have asked would not in any way interfere with the Senator's plan. It would not be necessary for him to move to strike out the section, because automatically the question would be on agreeing to the committee amendment.

Mr. THOMAS of Oklahoma. Mr. President, the effect is exactly the same.

Mr. BARKLEY. Yes.

Mr. THOMAS of Oklahoma. I am advised that a substitute will be offered for section 15. I have examined the substitute only slightly; but from my examination the substitute is not in proper form, in that it refers to the wrong place in the civil-service rules. It refers to an Executive order which extends the classified civil service and does not refer to the rules promulgated by the President. So some little discussion will be required to get this matter in shape.

I shall also hold, if I have the opportunity—as I plan to have—that even though section 15 should be stricken from the amendment and the new section substituted, that would not cure the defect of which I shall complain.

The PRESIDING OFFICER. Is the Chair to understand that the Senator objects to the unanimous-consent request?

Mr. THOMAS of Oklahoma. I shall object unless ample time is afforded to discuss section 15. I have no objection to an agreement with respect to all other parts of the bill.

Mr. BARKLEY. I am not asking at this time any limitation on debate.

Mr. THOMAS of Oklahoma. Mr. President, the Senator made a request to vote at or before a certain time. A request to vote at or before a certain time certainly puts a time limitation on every amendment.

Mr. BARKLEY. It imposes an aggregate limitation. After 5 o'clock there could be no debate, but that would not limit any Senator who obtains the floor in discussing an amendment which he offers or opposes.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. As I understood the request of the Senator, amendments might be offered until 4:40 p. m. tomorrow. If between now and 4:40 tomorrow afternoon a Senator should offer an amendment to include in the bill the antilynching bill—which would be in order—the agreement would limit debate on that amendment as well as on any other.

Mr. BARKLEY. That is true. However, I will say to the Senator that I have every reason to believe that such an amendment will not be offered. I do not think it will be.

Mr. McKELLAR. I do not think it will be, either. I hope it will not be, because, unless we have an agreement that it will not be, I am unwilling to agree to the request of the Senator.

Mr. BARKLEY. If we are to allow that contingency to prevent an agreement to vote on the bill, I do not know any way by which we can obtain an agreement, unless the Senate is willing to agree by unanimous consent that it shall not be in order for any Senator to offer that proposal as an amendment to the bill.

I do not know whether or not the Senate would agree to such a stipulation. I am perfectly willing to ask for it if it can be agreed to, because I do not think the antilynching bill ought to be offered as an amendment to the pending bill. I think that proposal should be considered on its merits, and it seems to me it does not conduce to the impartial discussion of that proposal to make it a football to be thrown in here in an effort to defeat the proposal now pending. I do not know whether or not I could obtain unanimous consent with respect to that proposal, but if I could, I certainly should be glad to do it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I will say to the Senator that I have no intention of offering such an amendment to the pending bill. I wish to suggest to the Senator a plan which might be adopted. I do not care to delay the bill. Why does not the Senator from Kentucky make a unanimous-consent request that all amendments shall be submitted by 3 o'clock tomorrow, and that no amendments offered after that time shall be considered, and at that time renew his request for a limitation of debate thereafter? That would solve the problem without putting the Senate in the position of having to enter into an agreement about any particular kind of amendment. Some of us will diligently look into the amendments then pending, and if there is no objectionable amendment we will agree to limit debate.

Mr. McKELLAR. Mr. President, I hope neither the Senator from Texas nor any other Senator will infer from the question I asked a few moments ago that I am in favor of such an amendment, because I am not.

Mr. BARKLEY. Mr. President, I renew my request made a while ago, with the proviso that if the antilynching bill shall be offered as an amendment to the pending bill, the agreement to vote at 5 o'clock tomorrow shall be null and void.

Mr. THOMAS of Oklahoma. Mr. President, may we have the request stated again?

Mr. BARKLEY. I ask unanimous consent that not later than 5 o'clock p. m. tomorrow the Senate shall proceed to vote on the bill and all amendments thereto, and that no amendment shall be offered which has not been read for the information of the Senate not later than 4:40 o'clock; with the proviso that if the antilynching bill shall be offered as an amendment to the pending bill this agreement shall lapse and be null and void. Several Senators have feared that at the last minute, after debate is concluded, some amendment may be offered which no one can explain. So we propose to vote at 5 o'clock p. m.

Mr. THOMAS of Oklahoma. Mr. President, unless section 15 shall be eliminated, I shall be forced to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. I ask unanimous consent that after the hour of 2 o'clock p. m. tomorrow no Senator shall speak more than once or longer than 20 minutes on the bill or any amendment thereto.

Mr. BILBO. Mr. President, I am as anxious as is my good friend the senior Senator from Georgia [Mr. RUSSELL] to take up the agricultural appropriation bill. I do not want to be put in the attitude of postponing action on that important bill. The farmers are very anxious about it. However, I have an idea that somewhere in the proceedings an amendment will be offered which will require considerable discussion. I have seen a suggested copy of such an amendment, and if any attempt is made to adopt that amendment I shall be forced to occupy a little time.

I understand a motion will be made, before we conclude the debate, to recommit the bill to the committee for its perfection. I think that motion will require a review of the whole gamut of the amendments and discussion which we have had heretofore. I do not see how we could possibly agree to the suggestion made by our leader to act on the bill tomorrow.

Mr. BARKLEY. Mr. President, the Senator evidently misunderstood me. I was not asking that we act on it at 2 o'clock. The request I made was that beginning at 2 o'clock there should be a limitation of 20 minutes on the bill and 20 minutes on each amendment.

Mr. BILBO. That is the point I was making. The amendment which is on the way, and also the motion to recommit, are of such character that it would take longer than the time fixed by the leader for a Senator to express his views on whether or not the bill should be recommitted, or to elaborate and to meet the objections to the amendment which I know is coming; so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. Mr. President, I move that the Senate take a recess——

Mr. RUSSELL. Mr. President, will the Senator withhold the motion?

Mr. BARKLEY. I withhold it.

Mr. RUSSELL. I hope the majority leader, seeing the position in which we are now placed with respect to the bill, which I anticipated on Monday when I endeavored to bring up the agricultural appropriation bill, will either make some unusual efforts to bring this bill to a conclusion by holding longer sessions, or lay it aside in order that the agricultural appropriation bill may be considered.

Mr. BARKLEY. I am about to make a motion that the Senate take a recess until 11 o'clock tomorrow. I think I have made every possible reasonable effort to expedite consideration of the bill. Senators on both sides of the question tell me that they want to bring it to a disposition, vote on it, and get through with it; yet when I offer a suggestion as to some method by which that can be done, I cannot obtain an agreement. If we cannot obtain an agreement to vote on the bill tomorrow, or to limit debate, I intend to move that the Senate take a recess until 11 o'clock tomorrow. If the Senate is willing to meet at 11 o'clock, I hope we can make some headway tomorrow.

Mr. RUSSELL. Mr. President, I regretted on Monday that I could not share the Senator's optimism that the bill would be disposed of by Tuesday afternoon of this week. I do not wish to be too importunate——

Mr. BARKLEY. The Senator is familiar with the old speech which we used to learn in our school days. It began:

It is natural for youth to indulge in the delusions of hope.

I did indulge in some delusions of hope on Monday as to the length of time required to complete consideration of the bill. I was a little overoptimistic. However, I think we can finish it tomorrow. I think it is almost the universal desire of Members, regardless of their position on the bill, to finish it tomorrow; and if I cannot obtain an agreement—and it seems that I cannot—I intend to ask the Senate to meet at 11 o'clock tomorrow.

Mr. RUSSELL. Mr. President, I have no objection to that course. I hope tomorrow will see the conclusion of the debate and a vote on the pending bill, because certainly delay in the consideration of the agricultural appropriation bill is not calculated to enhance the chances of final adoption of the important Senate amendments to that measure.

Mr. REYNOLDS. Mr. President, I suggest to our able leader that we meet every morning at 10 o'clock and remain in session until 12 o'clock midnight. That would give every Senator sufficient time in which to discuss the various features of the bill.

Before we recess, I should like the opportunity to submit a few remarks for the benefit of the RECORD.

Mr. SMITH. When?

Mr. REYNOLDS. Now. I dislike to detain Senators. I know they are all tired; and, so far as I am concerned, they may proceed to their respective offices. I wish to put into the RECORD some remarks on what I consider a very important matter, in view of the fact that one of the most able men in the Government service has been charged with some things which he denies. I refer to Mr. J. Edgar Hoover. I should like to submit my remarks before the Senate adjourns, for I am afraid I shall not have an opportunity tomorrow.

Mr. BARKLEY. Mr. President, it is entirely agreeable to me for the Senator to do that.

Mr. REYNOLDS. I thank our leader, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

J. EDGAR HOOVER

Mr. REYNOLDS. Mr. President, during the past few days I have read and have heard attacks upon an organization which I have greatly admired for a number of years, and which I believe has served the country splendidly in a time of stress. I cannot forget the self-sacrificing, patriotic battles of these men with desperate criminals of all kinds and types. They smashed a country-wide kidnaping ring. They have placed behind bars enemies of society who threatened the safety of law-abiding, peaceful citizens in all parts of the country. We are not going to forget all these benefits which have been rendered by these men, and to quibble in a fashion that at least might be termed ungrateful as to whether they have observed all of the rules prescribed by those whose concern appears to be more with the rights of criminals than with the protection of our citizens.

These criticisms have gone so far as even to intimate and, in some cases, definitely state that the representatives of the Federal Bureau of Investigation have extended their activities to spying upon Members of Congress. I am informed upon the best possible authority that this is untrue. As indicating the plain, unvarnished facts, I desire to read a statement issued yesterday by J. Edgar Hoover, Director of the Federal Bureau of Investigation, through the office of the Attorney General of the United States, which I hope will conclusively and finally put an end to these statements which have been heard in recent days.

As I have just stated, we have recently heard many rumors and statements in reference to the activities of Mr. Hoover. We have heard some criticisms directed to Mr. Hoover because he happened to be in Florida; and because, while there, he chose the place that suited his desires to reside, criticism even on that point has been heaped upon his shoulders.

If there is any man in the employment of the Government of the United States who really deserves some recreation and relaxation, I think that man is J. Edgar Hoover. I desire to say to you, Mr. President, and to the other Members of this body, that I do not know of a single man within the employ of the entire Federal Government anywhere in this country who, in my opinion, is more honest, more efficient, more courageous, or braver than J. Edgar Hoover. He has thrown the fear of God into the hearts of the criminals of the country. If it had not been for his courage, if it had not been for the fine training he was fortunate in receiving over the years before he was made Director of that Bureau, the country today would be worried as it was for a long, long time by kidnapers and criminals of all sorts throughout the land.

In reference to Mr. Hoover, I have here a statement which was issued on yesterday by the Department of Justice, dated March 13, 1940, reading as follows:

> Recently, statements have been reported in the press and have been made otherwise indicating that representatives of the Federal Bureau of Investigation have indiscriminately tapped the telephones of Members of Congress. This is untrue. At no time has the telephone of any Member of Congress been tapped by any representative of the Federal Bureau of Investigation since I have been Director of the Bureau.
>
> Statements have also appeared to the effect that wire tapping has been used by representatives of the Federal Bureau of Investigation in violation of existing laws. At no time has there been a single instance of any action of this kind on the part of any representative of the Federal Bureau of Investigation since I have been Director of the Bureau.
>
> Further allegations have been made to the effect that representatives of the Federal Bureau of Investigation have tapped wires indiscriminately and in violation of fundamental civil rights. At no time since I have been Director of the Bureau has this been done.
>
> In 1939 I refused to endorse proposed legislation, which had been introduced in Congress, designed to legalize wire-tapping evidence obtained by Federal officers.
>
> The Federal Bureau of Investigation has utilized wire tapping as a method of securing information of investigative value only in extraordinary situations and in an entirely legal manner, where either a human life was at stake or where the activities of persons under investigation were of such an aggravated criminal nature as to justify the use of extraordinary means to detect their activities and cause their apprehension.

Mr. President, that is the statement of Mr. J. Edgar Hoover himself Mr. Hoover absolutely denies that he ever tapped the wires of any Member of Congress, and I assume from his statement that he does not intend ever to do so; but he states that there have been times when he was investigating criminal cases when he felt it necessary for the ends of justice to tap wires, as very frankly mentioned by him.

Mr. President, I know of no other man in the United States who could adequately fill the place that is so ably occupied by Mr. J. Edgar Hoover. This is the time of all others in the history of this country when we need in that position a man of his character, his courage, his ability, and his experience. Particularly will we be convinced of that fact when we recall that prior to the declaration of war in Europe on September 3 the Bureau of Investigation of the Department of Justice received on an average only 250 complaints of espionage and sabotage annually, whereas since then Mr. Hoover's Bureau, with its limited force of law-enforcement officers, now receives on an average 250 such complaints daily. In other words, his Bureau of the Government now receives as many complaints of sabotage and espionage every day as it did every year prior to the declaration of war in Europe on September 3. Despite the fact that his Bureau has been flooded with thousands upon thousands of these complaints, I dare say that Bureau and the Department of Justice have carried on better under this condition than any other department of the Government. Not once have we heard J. Edgar Hoover or any man connected with his Bureau really complain in reference to anything.

I think the American people owe J. Edgar Hoover a vote of thanks for that which he has accomplished in this country in the protection of the American people, and I say again that of all times in the history of our Nation we were never more in need of a man of his character, ability, courage, and experience than now, as we realize when we recall that last year there was issued by the Attorney General of the United States a statement in pamphlet form in which he said that crime today costs the American taxpayers $17,000,000,000 annually, and when we recall that the same report included a statement to the effect, according to my recollection, that there are

today in this country more than 4,500,000 people engaged in the commission of crime. To me that statement is an appalling one, for, according to that report, there are today more people engaged in the commission of crime in this country than were in our uniform and under arms at the time of the armistice, on November 11, 1918.

Mr. President, this afternoon as I sat in this Chamber I was reading a copy of the Washington Daily News, and I noted an article entitled "Getting Results," by Mr. Raymond Clapper. I read the first paragraph:

There is one thing that you can't take away from J. Edgar Hoover, Chief of the F. B. I. Since the Lindbergh antikidnaping law was passed there have been, at a recent count, 163 kidnapings. All except 2 of these have been solved.

I became interested when I read that, because I recalled that I had observed in the columns of the local press statements which had been made in reference to the activities of the members of the F. B. I. I then read the balance of the article from the pen of Mr. Clapper, and I wish to read it to those of my colleagues who are interested in law enforcement in this country, because I believe the American people are vitally interested in that subject, and I believe I can say unhesitatingly that the great majority of the American people are 100 percent behind J. Edgar Hoover, because they believe that he is not permitting politics of any sort to interfere with the activities of his Bureau, and they commend him for that.

Insofar as the Hatch bill is concerned, we do not have to extend the law to the Federal Bureau of Investigation, because, so far as I have been able to learn, there is no politics there. Those fellows are busy night and day, looking after the interests of the American people and endeavoring, as best they can, to stamp out crime and to protect the homes of the fathers and the mothers of this country.

Mr. Clapper's article continues:

There are a good many people in Washington who don't like Mr. Hoover. Around the Justice Department he is considered high-handed and difficult to work with.

I have never heard anyone say that he did not like Mr. Hoover. There are naturally a great many people who are envious of Mr. Hoover, because he is a young man, he is a fine-looking man, he has an active mind, and has performed good service. It is true that he is getting an unusually large amount of beneficial publicity through the magazines and the newspapers of the country, but it is well that he does, and I hope that he will write more articles to be read by the youth of our land, because in every one he cites proofs to them that crime does not pay. I do not know of any man in this country who is serving as a greater inspiration to the youth of our land than is J. Edgar Hoover.

Mr. Clapper proceeds:

Around the Justice Department he is considered high-handed and difficult to work with.

There are times when any man who is thoroughly efficient is somewhat difficult to work with. It may be that Mr. Hoover has his mind always on his business, and has no time to discuss anything that is not considered by him directly connected with the business of his bureau.

Mr. Clapper continues:

Recently he had a run-in with the Civil Service Commission—wanted to pick his own men. His men have done good work and that is the main purpose of hiring them, so there isn't much point in being too excited about that.

I quite readily agree with Mr. Clapper. With the organization Mr. Hoover has built up, with the fine reputation he has obtained for that organization, I think he should be entitled to pick men whom he knows, because he is experienced in the enforcement of the laws, and he knows the type of men who must be engaged in this most dangerous work.

The article continues:

God knows the Government has enough inefficiency in it—

I agree with Mr. Clapper.

God knows the Government has enough inefficiency in it, chair warmers, time killers. Mr. Hoover has never been accused of inefficiency, and when you have a bureau that is getting results there ought to be some prejudice in its favor.

It is said Mr. Hoover is a publicity hunter. Well, you'd have to fire a lot of people in Washington if that is going to be a crime.

That is certainly true.

Furthermore, in the kind of work the F. B. I. is doing it doesn't do any harm for the word to spread around the underworld that the G-men are good.

Mr. President, I say the more publicity that is given to the courage and the efficiency of the G-men the better it will be for the Department of Justice and the Bureau of Investigation, and the more protection, as a matter of fact, will the American people have against the activities of these criminals.

The chances are that the enormous publicity which the F. B. I. has received has been a real crime preventive.

That, I think, is true.

Mr. Hoover irritated the press in Miami recently because he would not give interviews and have his picture taken. He was panned there because he ducked publicity.

As to how much he worked at Miami, I don't know. He was taking some vacation and he had some agents there looking over the racketeers who infest Florida during the winter season. He didn't make any real catch there. Whether he picked up any good leads may be something else.

Of course, we do not know about that. Perhaps he was working upon something of which we have not been advised.

Mr. Clapper continues:

The Detroit cases, involving apparent denial of civil rights to persons arrested for having helped the Spanish Loyalist cause, don't look very good. Mr. Hoover says that in making the arrests he only carried out the orders of Frank Murphy, then Attorney General, and that the treatment of the prisoners while in jail was in the hands of local authorities, not the F. B. I.

In respect to that, the Attorney General of the United States at that time was Mr. Frank Murphy, and it is alleged that Mr. Murphy, the Attorney General, instructed Mr. Hoover to proceed as he did, and in view of the fact that the Attorney General is the head of the department of the Government under which Mr. Hoover works, I do not think Mr. J. Edgar Hoover should be blamed, but that we should ask the then Attorney General of the United States as to whether or not he directed that action. That would soon settle the question.

The article continues:

He may have something to explain there, and whether he can explain it to his own credit remains to be seen.

According to my view of this, he has nothing to explain. It is up to Mr. Murphy, who was then Attorney General of the United States. If an explanation is to come, the explanation should come from him, and not from Mr. Hoover, because I assume he was working under the direction of the then Attorney General, as today he is working under the direction of the present Attorney General. The article concludes:

The other big complaint here now is that the F. B. I. is tapping wires all over the place, collecting dossiers on politicians and officials, as well as on private citizens, and serving as an Ogpu. Those charges ought to be investigated. Sometimes people think they are being spied on when there is nothing following them except a guilty conscience. But it is difficult for a victim to know whether his wires have been tapped, his desk rifled, and his papers photostated. There are enough rumors of this sort to warrant Congress getting at the facts.

A moment ago I read to the Members of the Senate a positive statement made by Mr. Hoover to the effect that he has never tapped any wires of the Members of Congress, and I assume he never intends to do so, but as I stated a moment ago, I was frankly advised by way of that interview or release to the press, that there have been occasions when it was necessary for him to tap wires when he was dealing with criminals.

Concluding, Mr. Clapper said:

Although Mr. Murphy, when Attorney General, had a slight touch of red-hunting fever after the European war broke out, there has been no visible evidence that the country is being subjected to Ogpu espionage at the hands of the Hoover men.

Some 200 volunteer complaints of espionage activity come into the hands of F. B. I. agents every day. Much of this is junk and is disregarded. Thus far there is no evidence of persecution as a result of such complaints. The F. B. I. has squelched the volunteer

vigilantes who wanted to take spy hunting into their own hands. I don't think many people are going around feeling that they have to look over their shoulders.

The concluding paragraph reads:

When you compare Mr. Hoover's regime with that of William J. Burns, he looks like a big improvement. If those in Congress think they have something on him, they ought to have an investigation—and Mr. Hoover ought to insist on it. Such an important law-enforcement agency should not continue under the cloud of accusation that now exists.

Mr. President, after this positive statement by Mr. Hoover that he has never endeavored to tap the wires of Members of Congress, knowing Mr. Hoover as I do, and, as an American citizen, having followed his career with much encouragement and inspiration, I am confident that he certainly would not object to an investigation. Mr. J. Edgar Hoover has always been open and aboveboard, and I believe has proved to the American people that he is a fine law-enforcement officer. Everywhere I have gone I have heard him spoken of most highly.

Now I am very happy to yield to my distinguished and beloved colleague the senior Senator from the great Commonwealth of Arizona.

Mr. ASHURST. Mr. President, I do not feel that there is any special obligation resting upon me to become the champion of any department of the Government or any official in the Government. It is a task distasteful to me to be looked upon as the particular champion of any man or any agency of Government, and what I am going to say, Mr. President, is said because I think it would be a species of cowardice, certainly of timidity, if I did not speak upon this occasion.

First, I agree with the speech of the able Senator from North Carolina.

Mr. REYNOLDS. I thank the Senator.

Mr. ASHURST. Now, as to Mr. Hoover. Some hours ago in the Senate I read an article from the Washington Star written by Mr. Frederic William Wile. It was in a manner facetious, but it was true. And if all the officials of this Government abstained from pernicious political activity as truly as Mr. Hoover and the Federal Bureau of Investigation have abstained, there would be no need for the Hatch bill.

The demand for political appointments, the demands for endorsements, come upon a Senator like a flood, and I suppose from a populous State tremendous numbers of demands for place and appointment overwhelm Senators.

It so happens that some years ago I recommended a young Arizonian for an important place in the Federal Bureau of Investigation. I sent a letter of recommendation to the Director of the Federal Bureau of Investigation. The Director, Mr. Hoover, after a careful examination, wrote me that the young man could not meet the tests. I asked for a reexamination. A reexamination of the young gentleman's qualifications was held, and he could not meet the test, and could not obtain the appointment.

Mr. President, so far from arousing any resentment in my breast, that increased my admiration for Mr. Hoover, because I happened to know that if he had been susceptible to what we call political influence he doubtless would have inclined slightly in my favor, if such a thing as a favor could be granted by that Bureau.

I am sure that I never have talked with Mr. Hoover 5 minutes alone in my lifetime. I have never had sip or sup with him. It so happens that our spheres of social activity do not meet. It so happens that I have never had the opportunity or pleasure to engage in any social amenities with him. I have judged him simply, solely, and only by his work, and I think I am familiar with his work—at least I ought to be. And while it would be ridiculous and offensive, and a presumption to say that he has made no mistakes, his mistakes—I am not prepared to characterize them or where they were, if any—are few.

Being a human being, I suppose that he makes a mistake now and then, and not being omniscient, I suppose he misjudges or miscalculates some events. But if I were called upon today, here and now, to name a man in all the width and breadth of this country, who can do the work of the F. B. I. as efficiently, honorably, capably, and as fearlessly as Mr. Hoover, I would not know whom to name.

I have said these things because I believe it is my duty to say them.

We must remember that we have invited to our shores in bygone years all kinds of persons. We invited to our shore practically all races, and I am making no invidious distinctions among races. We are a polyglot people. Moreover, I ought to be frank enough to say that these various races have made their contribution to the building up of America. Wisely we are now preventing and have been for some years preventing the immigration hither of any more persons, not because we are offensive in our attitude toward other races, but because we cannot absorb them. We are no longer the melting pot, because the metal does not melt. But many of those persons whom we invited here, forgetful of the hospitality extended to them by this generous Government, forgetful of the fact that the badge of American citizenship is a greater privilege than any other civil privilege known to man—many of these persons from foreign countries have been engaged in trying to undermine and overthrow the very Government which invited them hither and which gave them an opportunity side by side with the native-born.

As soon as Mr. Hoover or any of his G-men arrest a so-called gangster who has kidnaped some person, some child, probably tortured the child, and tortured the mother and the father worse by the terrible suspense, and the gangster is brought into court, the first thing the gangster does—and he has the right to do it—is to say, "I appeal to the Constitution. You must try me and punish me constitutionally. Aye, sir," says the gangster, "the very thing—the Constitution—that I tried to undermine and overthrow, the very thing I worked sedulously to destroy, is now the thing to which I appeal for my liberty in my day of trouble."

How paradoxical! The very instrument the Communist, the gangster, the saboteur seeks to overthrow is the first thing to which he appeals—and properly appeals—in his day of trouble. He appeals confidently to the Constitution to protect him.

I know of no man who has been deprived of his liberties contrary to our Constitution and our laws; of no instance in which any citizen has been oppressed by Mr. Hoover's bureau. If any Senator knows of such a case, it should be laid before us.

Mr. President, in speaking of the gangster, the saboteur, and the Communist appealing to the very Constitution he sought to overthrow, years ago a great orator spoke along this line—I have even forgotten the orator's name, but he said, in substance:

If all the men in America who have suffered the death penalty for a violation of the laws of the United States could be resurrected at the foot of the gallows and were charged with the function of forming a government, they would form exactly the same sort and kind of government as the one under whose justice they fell.

What greater tribute could be paid to our institutions? Could all the men who have been executed under our laws be resurrected and brought together and told to form a government for their own good, they would form exactly the same sort of government as the one under whose justice they fell.

Mr. President, surely some mistakes have been made in the activities of the F. B. I. In a company of sensible men no one would pretend that there have not been a few mistakes. Doubtless Mr. Hoover has made some. Doubtless if he displays any activity at all he will make some more but I am bound in justice to say that the result of his work is wholesome. I do not say it because of any political, social, or fraternal feeling toward Mr. Hoover. I have never had sip or sup with him. I have never partaken of the social or polite amenities of life with him. I probably have spent 5 minutes alone with him, and I have forgotten the subject of that conversation. I have never discussed political appointments or political affairs with him.

Judging him by his results and by his work, I find the results to be good and wholesome. If a considerable number of persons think there should be an investigation of the F. B. I., I shall vote for it, because I want the truth to be known. If anything has been done that is untoward and improper, I wish to know it, and if the Senate is to have an investigation the only thing I ask is that I shall not be included as a member of the committee to conduct the investigation. I have no right to speak for Mr. Hoover or the Department of Justice in the matter, but surely they would not and should not take the position that there should be no investigation.

Mr. President, I repeat, the last attitude I wish to adopt is one of apology for or championship of any particular branch of government. Each branch must stand on its own merits. The F. B. I. must stand or fall by its own activity and its own integrity. I shall vote for an investigation if any considerable number of Senators wish it. I believe the investigation would show that there has been no corruption, no untoward thing, no unconstitutional act committed. Senators will be amazed at the fertillity of intellect and the ingenuity of the trained men of the F. B. I. in following the criminal.

To be a G-man requires adaptation, inductive and accurate reasoning. A G-man must needs have a phonographic brain and a photographic eye. He must see with accuracy, and see all things, and he must remember with unerring accuracy. He must anticipate in advance what a man would be likely to do in a given set of circumstances. In the nomenclature of crime, he must be able to find the "dropped stitch." The dropped stitch is that inescapable impression, that unavoidable thing, it is the track left by all men who engage in any activity whatsoever.

When one comes to detect criminals or to detect crime, one is hopeless unless one finds the dropped stitch. After one has found the so-called dropped stitch, then one must ascertain who dropped it. Be assured that in every criminal offense there is a dropped stitch, because no man can engage in any activity without making some inescapable, unavoidable impression.

The G-men are particularly trained. A man might be a very great lawyer, a very great orator, a great physician, or a great physicist. He might understand physics; he might be a scientist; he might be all these things rolled into one, and yet not make a successful so-called G-man. A G-man must be silent. He must know just what he can say and what he may not say.

Mr. President, I hesitate in this dignified body to adopt the nomenclature of the poker table in any serious argument. In England they have adopted the nomenclature of the ocean. We adopt the nomenclature of the poker table in our affairs. So, I say the G-man, in dealing with criminals, must know when to run a bluff and when not to do so. I know of no business or profession which calls for the exercise of more mental alertness, more inductive reasoning, and more accurate thinking, more courage and true capacity of brain and heart, or a greater degree of honesty, than that of the G-man.

Mr. President, the ordinary G-man could become comfortably rich in one case if he were corrupt; but it is to the honor of the F. B. I. that thus far, so far as I know, among 1,600 men in the F. B. I. not one is accused of soiling his palm with a doubtful penny. Does the Senator know of any such case?

Mr. REYNOLDS. I have never heard of a single case.

Mr. ASHURST. Of course, Mr. President, I realize that that does not mean that there are no bad men in the F. B. I. Lord Macaulay said that it is not possible to assemble 40 men without having one defective man.

I wish to raise the ante a little—again I resort to the nomenclature of the poker table. I shall raise the ante a little and say that it is impossible to assemble 100 men without having at least 1 man who might be subject to weakness. So if All Omniscient Wisdom had a doubting Thomas, a denying Peter, and a bribe-taking Judas in His apostolic cabinet, it is useless and in vain for mortals to believe that we can assemble 1,600 men and have no doubter and no denier.

Mr. President, some days ago when this matter came up I had intended to make a short address. I gathered a few data, but I do not think I need to ask leave to print these data. Suffice it to say that all the expenditures of the F. B. I. and all the moneys used by Mr. Hoover and the F. B. I. are under the direct supervision of the Attorney General. Mr. Hoover has no authority on his own account to draw money out of the Treasury to use for rewards or other purposes. He must obtain his authority from the Attorney General of the United States. If I correctly understand the law—and I think I do—any voucher which purports to draw money from the Treasury for the benefit of the expense accounts of the F. B. I. must be submitted to the Attorney General and receive his individual approval.

I now feel that I have discharged my duty. If any investigation should show that untoward and improper things have taken place in the F. B. I., I do not feel that I would be called upon to make any apology because I have told my tale as I understand it. I have given the Senate and the country, I hope, the facts as they have appeared to me, and it has been my particular business to be required to become more or less familiar with the activities of the Department of Justice.

Mr. President, nobody is going to make any direct assault upon the Bill of Rights. Nobody is going to make any direct assault upon the Constitution of the United States. Such things are not done in that way. Such assaults will be made upon the agencies of Government. Unsocial persons will make their assaults upon the agencies of Government that are protecting the liberty and the lives and the safety of the people.

Some years ago I introduced a bill which proposed to make it a crime for anyone to offer a reward or pay a reward for the return of a kidnaped person. After giving my own bill a year of consideration, I came to the conclusion that even if I could secure the enactment of the bill such a law would be a futility. No jury in America would convict any mother or any father for redeeming their child, so I abandoned my own bill. I did not talk with Mr. Hoover about the matter, but I sent the bill to him for his report. I asked a Senator who is not now present to talk to Mr. Hoover, and Mr. Hoover sent back word that he was against my bill because, if such a measure should become a law, it would deprive him of one of his most fertile and certain avenues of apprehension of criminals, so I abandoned my own bill. I may have made a mistake, but my purpose was good. Doubtless Mr. Hoover, in his F. B. I., like other officials, while having a good purpose in something, may at times make mistakes.

I say again, if any resolution is offered proposing an investigation, I am going to vote for it.

I thank the Senator.

Mr. REYNOLDS. I thank the Senator very much for his fine contribution and his generous compliment to Mr. Hoover.

Mr. ASHURST. Will the Senator just let me say that my compliment is to Mr. Hoover's activities?

Mr. REYNOLDS. I mean his activities.

Mr. ASHURST. His work.

Mr. REYNOLDS. In view of the fact that the Senator has qualified his statement, I may add that my personal acquaintanceship with Mr. Hoover is very limited. In the years that I have been in Washington I do not believe I have ever talked with Mr. Hoover more than three times. I am going very frankly to state to the Senator that we are all subject to flattery, and we are all grateful for any little act of courtesy that is shown us.

Mr. ASHURST. Let me say to the Senator that flattery is the only commodity on earth of which the supply can never equal the demand.

Mr. REYNOLDS. I think the Senator is quite correct about that. I was about to say that I recall that several years ago Mr. Hoover invited me to deliver a commencement address at the graduating exercises of the Department of Justice police school. Of course I immensely appreciated that compliment, as the Senator from Arizona would have done, or anybody else for that matter; but I barely know Mr. Hoover.

I have never had a meal with him. Like the Senator from Arizona, I have never spent 5 minutes of my life with him, and my correspondence with him has been very limited; but I repeat that I have admired the man very much, because I think as a matter of fact he is the idol of the American youth.

I recently read either an extract from an address Mr. Hoover delivered or an article he wrote in reference to the Boy Scouts; and everywhere I go the youngsters ask me, "Do you know Mr. J. Edgar Hoover?" He is very much admired by the youngsters of the country, as well as by the parents of the country, because he is always fighting and preaching and talking clean living for the youth of the country.

This subject is not one in which I am personally interested. I have noted something in the columns of the press and have heard something said about Mr. Hoover's having tapped some wires. I secured for myself a copy of a press release which was issued by him on yesterday, and this afternoon I took advantage of the opportunity to read his denial to the Members of the Senate.

Again I want to thank the able Senator from Arizona very much for his very nice compliment to the Bureau of Investigation, and his contribution to this discussion.

CAMP BUCHANAN, PUERTO RICO

Mr. President, in view of the fact that the time now is available for a brief mention of another subject, let me say that I see in the Chamber the very distinguished chairman of the Committee on Military Affairs, the Senator from Texas, Hon. MORRIS SHEPPARD, who so ably represents all the people of the Lone Star State. So long as he and his colleague the Senator from Texas, Hon. TOM CONNALLY, continue to represent that State, I know it will be well represented, and all the people will be looked after in an admirable manner. Having noted the presence of the Senator, I remind him that I have before me a letter which I procured from him this afternoon.

Mr. SHEPPARD. Mr. President, I thank the Senator for his kind compliment.

Mr. REYNOLDS. The Senator is perfectly welcome. I am always happy to have the opportunity of speaking kindly of the Senator from Texas, because when I make remarks of that sort with regard to him I really do not have to draw upon my imagination. I will say that the Senator himself is for me a fountain of inspiration.

I have here a copy of a letter which a man by the name of B. N. Wende, of Bridgeport, W. Va., addressed to the editor of the Herald Tribune, New York City, on February 20, 1940, relating to the proposed change of name of a camp at San Juan, the capital of Puerto Rico. The present name of the camp there is Camp Buchanan. It has been suggested that the name be changed to Fort Miles. It is my recollection that General Miles has been honored on many occasions by having various barracks and other military spots named after him; but I see no reason for taking away from that camp the name of Buchanan, which it has had for many, many years.

At this juncture I ask leave to have this letter printed in the RECORD as a part and portion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

BRIDGEPORT, W. VA.,
February 20, 1940.

EDITOR OF THE HERALD TRIBUNE,
New York City.

DEAR SIR: It seems rather ridiculous that General Dailey, the commanding officer in Puerto Rico, recommended that Camp Buchanan should be changed to Fort Miles. It has been suggested that General Dailey (and I trust it is not so) made the recommendation on the belief that Camp Buchanan was named after President Buchanan, who, of course, had no intimate connection with the island of Puerto Rico. However, the late General Buchanan was more actively connected with the military establishment in Puerto Rico than Gen. Nelson A. Miles who did command the First Expeditionary Force to Puerto Rico in the Spanish-American War.

There are many monuments to the memory of General Miles outside of the camp in Puerto Rico. I know of no memorial for that distinguished officer, General Buchanan, and I think that some public-spirited Americans who are interested in Puerto Rico and also interested in the military history of the United States should see that Camp Buchanan be allowed to continue under the name "Camp Buchanan," as it has been for over 20 years.

Yours very truly,

B. N. WENDE.

REGISTRATION OF ALIENS

Mr. REYNOLDS. Mr. President, I have before me a press notice which I clipped from one of the newspapers in regard to a bill for the registration of aliens. I feel at liberty to take the time now to refer to it, because I cannot be accused of holding up the Hatch bill; but I want to bring this subject to the attention of the readers of the RECORD and to the attention of those who happen to be here at this late hour. There are times when we have to take advantage of these occasions.

This is a clipping from one of the newspapers, entitled "Jersey Bill Asks Aliens Register."

The article is dated Trenton, N. J., January 12, and reads as follows:

Designed as a safeguard against possible wartime sabotage, a revised measure now before the New Jersey State Senate would require all aliens in the State to register with the police.

I bring up this matter at this particular time in view of the fact that a moment ago I took occasion to mention the great number of complaints of sabotage and espionage which are now being filed with the Bureau of Investigation.

The article continues:

The measure, sponsored by Gov. A. Harry Moore's emergency committee, was introduced in the name of Senate President Arthur F. Foran, of Hunterdon.

It would require all aliens in the State over the age of 18 to register annually with either State or local police. Failure to do so would be a misdemeanor, subject to $100 fine or a jail sentence of 60 days.

Between 150,000 and 200,000 persons in New Jersey would be affected.

Being very much interested in this matter, a day or so thereafter I directed a letter to Governor Moore, a former Member of this body, asking that he provide me with a printed copy of the bill referred to in the article. Yesterday he sent me a copy of the bill, which is senate bill No. 2, introduced by Mr. Scott, and referred to the committee on judiciary.

Mr. President, I have read this bill, and since we have been discussing sabotage and espionage, I ask that it be published in the RECORD as a part of my remarks, with the particular idea in mind that bringing this to the attention of the Members of the Senate will probably impress them with the fact that the people of the country as a whole are demanding legislation of this sort. So thoroughly are they making this demand that they are attempting, in many instances, in the Commonwealths to bring about the enactment of laws requiring the registration and fingerprinting of aliens.

I thank our able leader very much for being good enough to afford an opportunity to make these observations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Senate, No. 2

An act requiring aliens to register with the State bureau of identification; the issuing of identification card; the protection of New Jersey citizens against undesirable aliens entering the State in violation of the United States immigration law; to enforce more successfully the State's criminal law; to maintain a record of vital statistics; to cooperate with the United States Government in the enforcement of the immigration laws; prescribing penalties, and to establish a bureau of alien registration within the State bureau of identification, supplementing article 2 of chapter 1 of title 53, of the revised statutes

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Immediately upon the passage of this act, and each year thereafter, every alien 18 years of age or over residing in this State shall register with the chief of police of the municipality in which the alien resides, and if there be no chief of police then at the nearest station of the State police, on forms to be prescribed and furnished by the State bureau of identification, and every such alien becoming a resident of this State after the first day of January 1940, shall in like manner register with the chief of police of his or her municipality within 30 days after becoming such

resident. Such registration form shall show the name, age, address, occupation, name of employer, characteristics of appearance, fingerprints, suitable photographs provided by applicant, name of wife, or husband, if any, of such alien, names and ages of all children under 18 years of age residing with him or her and, if not his or her own the names of their parents and date and port of entry into the United States, and such other information and details as the supervisor of the State bureau of identification shall direct.

2. The form of such register shall be prepared by the supervisor of the State bureau of identification and by him transmitted to the chief of police of every municipality in the State. The chief of police of each municipality shall cause each and every alien enumerated under section 1 of this act, residing in his municipality, to be registered upon the form prescribed. The form of registration shall be executed in 4 copies; 1 copy being retained by the chief of police or other police officer for their files; 3 copies shall be forwarded to central file of the State bureau of identification, who will forward 1 copy to the commissioner of labor, and 1 copy to the Federal Bureau of Investigation at Washington, D. C.

3. For each original registration and for each annual registration thereafter the person registered shall pay to the chief of police or other police officer conducting the registration a registration fee of $1 and shall receive an alien identification card.

4. The supervisor of the State bureau of identification and each chief of police shall classify such registrations in such manner as shall best serve the purpose of ready reference. All such records shall be retained for a period of at least 10 years. The supervisor of the State Bureau of Identification shall have power to make and enforce rules and regulations to carry into effect and enforce the provisions of this act.

5. The supervisor of the State bureau of identification shall establish a bureau of alien registration in the State bureau of identification with such other assistants and employees as the supervisor may deem desirable.

6. Every alien over the age of 18 who fails to register as provided in this act within any of the periods required hereby shall be guilty of a misdemeanor and upon conviction be punished by a fine of not more than $100 or by imprisonment of not more than 60 days or both.

7. A complaint, in writing and duly verified having been made to a magistrate, or other court of competent jurisdiction, that a person has violated a provision of this act, the magistrate, or judicial officer of such court may issue either a summons or warrant directed to a constable, police officer, peace officer, or an agent of the department of labor for the appearance or arrest of the person so charged. The complaint and process shall state what section or provision of this act has been violated by the defendant, and the time, place, and nature of the violation. Upon return of the summons or warrant or at the time to which the hearing has been adjourned as hereinafter authorized, the magistrate, or judicial officer, shall proceed summarily to hear and determine the innocence or guilt of the defendant, and upon conviction may impose the penalty prescribed by this act, together with the costs of prosecution for the offense. A complaint may be made to a magistrate, or other court of competent jurisdiction, for a violation of this act at any time within 2 years after the commission of the offense.

8. All proceedings for the violation of this act shall be entitled and run in the name of the State, with an agent of the department of labor, police officer, peace officer, constable, or any other person who by complaint institutes the proceedings as prosecutor. A magistrate or judicial officer may, in his discretion, refuse to issue a warrant on the complaint of a person other than an agent of the department of labor or a police officer, until a sufficient bond to secure costs has been executed and delivered to the magistrate or judicial officer.

9. Any constable, police officer, peace officer, or agent of the department of labor may serve upon him a summons, in the name of any magistrate's court, or other court of competent jurisdiction, in the county or municipality wherein such officer is authorized to discharge his duties, directing the person so summoned to appear and answer such charges as may be preferred against him, for which purpose the county or municipal clerks, respectively, shall provide such officers with a form of summons, which, when filled out, executed, and issued by any such officer, shall be good and effectual according to the purpose and intent thereof.

10. In the prosecution instituted under this act the complaint filed therein, if made by a constable, police officer, peace officer, or agent of the department of labor, will be considered duly verified if made under his oath or affirmation, which oath or affirmation may be made by the official upon information and belief.

11. A hearing to be held pursuant to this act may, on the request of either party, in the discretion of the magistrate or judicial officer or any court of competent jurisdiction, be adjourned for a period not exceeding 30 days from the return day named in a summons or warrant or from the date of an arrest without warrant, as the case may be. In such case the magistrate or judicial officer shall detain the defendant in safe custody, unless he makes a cash deposit or enters into a bond to the State, with at least one sufficient surety, or himself qualifies in real-estate security situate in this State in twice the amount fixed by the magistrate for the bond with a surety, to or in an amount not exceeding $5,000 conditioned for his appearance on the day to which the hearing may be adjourned, or until the case is disposed of.

12. A summons or warrant issued by a magistrate or other court of competent jurisdiction under this act shall be valid throughout the State. An officer who may serve the summons or warrant and make arrest on the warrant in the county in which it is issued may also serve the summons or warrant and make arrest on the warrant in any county of the State. If a person is arrested for a violation committed in a county other than that in which the arrest takes place he may demand to be taken before a magistrate or other court of competent jurisdiction of the county in which the arrest is made for the purpose of making a cash deposit or entering into a recognizance with sufficient surety. The officer serving the warrant shall thereupon take the person so apprehended before a magistrate or other court of competent jurisdiction, of the county in which the arrest has been made, who shall thereupon fix a day for the matter to be heard before the magistrate, or other judicial officer, issuing the warrant, and shall take from the person apprehended a cash deposit or recognizance to the State, with sufficient surety, for his appearance at the time and place designated in accordance with this act. The cash deposit or recognizance so taken shall be returned to the magistrate, or other judicial officer, issuing the warrant to be retained and disposed of by him as provided by this act.

13. All fees, fines, and forfeitures collected under the terms of this act shall be paid to the State treasurer on or before the 10th day of each month, for the preceding month, by the chief of police, other police officer, or magistrate. Twenty-five cents of every alien registration fee received by the treasurer of the State from a chief of police or other police officer shall be returned to the chief of police or other police officer as the cost of maintaining his files. Seventy-five cents of every alien registration fee remitted to the State treasurer shall be placed to the credit of a fund to be known as the registration of aliens fund, which fund shall be used exclusively for the purchase of supplies, equipment, salaries, and other expenses involved in the enforcement of the provisions of this act.

14. If any part or parts of this act shall in any court of competent jurisdiction be declared invalid, void, or unconstitutional, such part or parts shall be rescinded and the remainder of the act shall continue in effect.

15. All acts and parts of acts inconsistent herewith are hereby repealed.

16. This act shall take effect immediately.

HOUR OF MEETING TOMORROW

During the delivery of Mr. REYNOLDS' remarks,

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. REYNOLDS. Certainly.

Mr. BARKLEY. In order that Senators may know what the program is tomorrow, I ask unanimous consent that when the Senate concludes its deliberations today it recess until 11 o'clock a. m. tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

After the conclusion of Mr. REYNOLDS' remarks,

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. STEWART in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess, under the order previously entered.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess, the recess being under the order previously entered, until tomorrow, Friday, March 15, 1940, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 14 (legislative day March 4), 1940

FARM CREDIT ADMINISTRATION

Carl R. Arnold, of Ohio, to be production credit commissioner.

Roy M. Green, of Kansas, to be land bank commissioner.

UNITED STATES MARSHAL

William M. Lindsay, of Kansas, to be United States marshal for the district of Kansas, vice Lon Warner, removed.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 14, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, most merciful and most gracious, amid the tumult of the day enable us to hear Thy calming voice. In a dreary outlook upon a distracted world, crown our minds with unconquerable faith and our hearts with uncrushed hopes. Help us through all waiting hours to deny the claim of every earthly folly and sin, standing erect and freeing ourselves as becometh Thy children and the servants of the state. Inspire us with the mind that receives the expressions of the eternal mind and with the heart that responds to the quivering heart of the Divine. Permit no future to allow an eclipse of our faith nor the splendor of the peace of God, who brought again from the dead the Great Shepherd of the sheep with the blood of an eternal covenant, even our Lord Jesus. Almighty God, we beseech Thee to hew out of earth's prison walls portals of release, until the thundering soul of Christendom finds religious tolerance and political freedom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a memorial address delivered by former Representative Martin, of Colorado.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects, and to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Los Angeles Times on the census, and I also ask unanimous consent to extend my own remarks and include therein a letter from John McFadden, director of public information of the N. Y. A., and excerpts.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by my colleague, Hon. HAROLD KNUTSON, before the New York Board of Trade.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein excerpts from an article which appeared in the Philadelphia Public Ledger and the New York Herald Tribune in regard to the census.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. THORKELSON. Mr. Speaker, on March 4 I spoke in New York on constitutional government and the rights of the people as set forth in the Constitution of the United States. In the mail today I received a book entitled "Choice Is Mine," and appended to the book these two notices, which are a threat on my life:

THORKELSON: There seems to be truth in the saying that "there's no fool like an old fool," at least insofar as you're concerned. McWilliams' dupes have learned not their lesson, but his. Have you learned yours yet? Evidently not—but it's in this story, if you want to know what it's all about before you're called.

Don't forget: This trip may end any second. Have you the courage to face your Maker? Be prepared. Read Choice Is Mine, because next time you may be one of those on the other side.

Mr. Speaker, there is no reply to this, for the writer did not sign his name. We know, however, happenings of the past; and, while messages of this sort may be looked upon as coming from twisted mentalities or cranks, they should not be treated lightly, for it is significant that our own policing departments are lax in their obligated duties.

In reading this book, one can raise no question as to its origin, and I say now that if the Department of Justice and other law-enforcement bodies do not protect their own citizens in the performance of their duties to this Republic, the people themselves must take action and remove the menace which is now threatening our Nation.

FEDERAL SURPLUS COMMODITIES CORPORATION

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein part of certain correspondence I have received from the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, the gentleman from New York [Mr. TABER], a few days ago in the course of a speech was rather critical in referring to the Federal Surplus Commodities Corporation, calling attention to the shipment of several carloads of apples to Bentonville, Ark., for distribution. It appears the vicinity of Bentonville produces a large crop of apples. I felt this was a proper matter for the Committee on Expenditures in the Executive Departments to look into, and I have made some investigation. I now have some correspondence from the Department of Agriculture on the subject. The Secretary of Agriculture fully justifies the shipment of the apples to this territory and also shows practically everybody interested granted their approval.

Mr. Speaker, as part of my remarks I include a portion of the report I received from the Department, including the Secretary's letter. The report follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 13, 1940.

Hon. JOHN J. COCHRAN,
House of Representatives.

DEAR MR. COCHRAN: On the floor of the House of Representatives, on March 11, Mr. TABER, of New York, called attention to a quotation from the Saturday Evening Post to the effect that the Federal Surplus Commodities Corporation had shipped 3 carloads of Washington relief apples to Bentonville, Ark., where there were already 30 carloads in cold storage for lack of a market. A further statement was made that this was one of many instances of the way money is being wasted by the Federal Surplus Commodities Corporation.

I should like to present the facts both as to the shipment of apples into Bentonville and also as to the action taken by the officers of the Corporation in this instance.

On December 23, 1939, four cars of Idaho apples arrived at Bentonville, Ark., for distribution to eligible persons on relief and for use in connection with free school lunches. The shipment of these apples was made pursuant to a specific request of the

Arkanses Department of Public Welfare. The request was at first refused because of concern on the part of officers of the Corporation over the possibility of interference with local marketing. However, the Corporation was assured that proper authorities within the State were satisfied that no such interference would result. A representative of the Arkansas College of Agriculture also gave his assurance that there would be no conflict with local marketing.

In addition to this, officials of the Federal Surplus Commodities Corporation knew there were no surplus apples in northwest Arkansas, including Benton County, available for purchase for relief and school-lunch distribution. On October 16, 1939, Mr. CLYDE T. ELLIS, Representative from the Third District of Arkansas, had requested the Corporation to conduct an investigation of the apple situation in northwest Arkansas, including Benton County, and within a week thereafter a Federal representative was on the ground and an extension economist was designated by the director of extension of the State of Arkansas to accompany him on a survey. As is the usual procedure in connection with programs for the purchase of agricultural surpluses, in cooperation with county agents, numerous conferences were held with growers throughout the area. In this particular instance the result was that growers reported that they did not wish to sell apples to the Government, as the crop had been very short, and they felt that they could get a satisfactory price commercially. The grower holdings at that time in the 5 cold storages located in northwest Arkansas totaled only 31,000 bushels, as compared with normal holdings of 90,000 to 130,000 bushels.

The article quoted did appear in a Bentonville, Ark., newspaper. The Federal Surplus Commodities Corporation, therefore, again sent a representative into the area to reconcile this report with known facts. In connection with this investigation a meeting was held in Rogers, Ark., on January 5, 1940, which was attended by apple growers, officials of the chamber of commerce, Red Cross, relief agencies, mayors of towns, one State official, and public-spirited businessmen. The situation was thoroughly discussed, and the following resolution unanimously adopted by the interested parties present:

"*Resolved*, That the welfare agency be permitted and instructed to distribute the five carloads of Idaho apples which were recently shipped into Bentonville, to be distributed to relief clients in the five counties comprising this welfare district, and that are now on storage at Bentonville."

There being a limited number of apple growers present at the meeting on January 5, another meeting was held on January 8, at which the president of the Benton County Farm Bureau presided, and which was attended by many other growers, county agents, cold-storage owners, and Farm Bureau officials. It was brought out at that meeting that, instead of 30 carloads in storage in Benton County, as reported by the press, there were less than 16 carloads in all northwest Arkansas; also that none of the growers present cared to offer apples in sale to the Federal Surplus Commodities Corporation, as this would involve regrading.

There are accompanying this letter photostatic copies of seven documents which very forcibly establish the facts in connection with this alleged incompetent handling, as summarized by the mayor of the city of Bentonville in one of the documents:

"I personally contacted every responsible grower and merchant, locally, and did not find one single intelligent criticism over the shipment of these apples into our midst, for release to those upon charity."

Knowing your interest in the work concerning agricultural surpluses being carried on by this Department, I felt sure that you would be glad to know the facts in this particular case.

Sincerely yours,

H. A. WALLACE, *Secretary.*

Enclosures.

GRAHAM ORCHARDS,
Lowell, Ark., January 17, 1940.

Mr. M. A. CLEVENGER,
Washington, D. C.

DEAR MR. CLEVENGER: Had a good day at State meeting. Good program. Everybody in a good humor.

We passed a resolution, unanimously, asking the Surplus Commodities Corporation to ship all they can, of this crop, into our State. The members thought next crop may be different.

Very truly,

E. S. GRAHAM.

CITY OF BENTONVILLE,
Bentonville, Ark., January 15, 1940.

Mr. H. C. ALBIN,
Federal Surplus Commodities Corporation,
Washington, D. C.

DEAR MR. ALBIN: I simply want to tell you how well your Mr. Merritt Clevenger handled the matter of the apples shipped into our community recently and over which some complaint arose.

When Mr. Clevenger got through with the matter I think everyone understood better the working of the Surplus Commodities Corporation and were perfectly satisfied.

I personally contacted every responsible grower and merchant locally and did not find one single intelligent criticism over the shipment of these apples into our midst for release to those upon charity.

Mr. Clevenger handled the matter with intelligence and energy; we appreciate you sending anyone like him to handle such matters.

Yours truly,

D. W. PEEL, Jr., *Mayor.*

CHAMBER OF COMMERCE,
Rogers, Ark., January 27, 1940.

Mr. H. C. ALBIN,
Federal Surplus Commodities Corporation,
1901 D Street NW., Washington, D. C.

DEAR MR. ALBIN: We appreciate very much the way in which the apple question was handled by Mr. Clevenger early this month. The businessmen, welfare officials, and the majority of growers were all satisfied in the final analysis, which is somewhat unusual in many instances.

We appreciate the work that the F. S. C. C. is doing in assisting the grower, and, as a result, furnishing food for the needy.

The ease and speed with which Mr. Clevenger handled the difficult task of straightening out the northwest Arkansas apple situation is highly complimentary to your organization, and we cannot sing too loudly our praises for him.

Yours truly,

CHARLES G. HAYS,
Secretary-Manager.

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS, STATE OF ARKANSAS,
Bentonville, Ark., January 5, 1940.

Mr. M. A. CLEVENGER,
F. S. C. C. Representative,
Washington, D. C.

DEAR MR. CLEVENGER: As a result of the controversy in this district concerning apples that were sent here from Idaho to distribute to relief clients, a meeting of businessmen, professional men, and apple growers was held at the Harris Hotel, Rogers, Ark., at 10 o'clock this morning.

The following resolution was introduced by E. S. Graham, State representative and apple grower in Benton County:

"*Resolved*, That the welfare agency be permitted and instructed to distribute the five carloads of Idaho apples which were recently shipped here to be distributed to relief clients in the five counties comprising this welfare district, and that are now on storage at Bentonville."

The motion was made and seconded that this resolution be passed as presented by Mr. Graham. The motion was carried by unanimous vote of all men present except representatives of the welfare agency and agricultural extension service of the University of Arkansas, which did not vote because of the fact these men considered this matter to be decided by apple growers, business, and professional men in the affected district.

The following men were present and voted for the resolution: E. S. Graham, apple grower and State representative, Lowell; W. L. Hinton, apple grower, Rogers; M. R. Puryear, apple grower, Bentonville; W. T. Bolin, manager of the cold storage at Bentonville; Earl Harris, member of the board of directors of chamber of commerce, Rogers; E. W. Pate, editor, Rogers Daily News; T. O. C. Murphy, apple grower, Rogers; Craig Jackson, chairman of the public relation committee, chamber of commerce, Rogers; D. W. Peal, Jr., mayor of Bentonville and chairman of the county welfare board; L. A. Harris, vice president of the American National Bank, Rogers; Denver Murray, president of chamber of commerce, Rogers; E. G. Sharp, apple grower, Rogers; S. Casey, manager of the cold storage, Rogers; Charles Foster, Benton County Red Cross chairman, Bentonville; and Charles Hayes, secretary of Rogers Chamber of Commerce.

In addition to the men mentioned in the above paragraph the following men were present but did not cast a vote, either positive or negative: Clifford L. Smith, county agent, Washington County; P. R. Corley, county agent, Benton County; Kermit C. Ross, assistant county agent, Washington County; J. R. Rice, county welfare director, Benton County; Perry Arthur, superintendent of the surplus commodity warehouse, Bentonville; J. H. Pitcock, district area supervisor, surplus commodity, Fort Smith; and yourself.

Mr. J. H. Kirkpatrick, president of the Benton County Farm Bureau, and Mr. H. S. Mobley, president of the Washington County Farm Bureau, could not attend the meeting due to ice-covered roads. As you know, you and I have since contacted these men and after explaining the proposition to them, both have agreed that the logical thing to do would be to distribute the apples that are now in storage at Bentonville. They both expressed their opinion that they could see nothing to arouse criticism of the growers in this section of the State provided such apples were distributed to relief clients only.

I wish further to state that the meeting was very harmonious in that no opposition whatsoever developed to the distribution of the Idaho apples after a clear explanation had been made by you.

Yours very truly,

P. R. CORLEY,
Acting Chairman, County Agent.

BENTON COUNTY FARM BUREAU,
Bentonville, Ark., January 10, 1940.

Hon. CLYDE T. ELLIS,
Congressman, Arkansas Third District,
Washington, D. C.

DEAR CLYDE: Replying to your telegram recently received concerning surplus apples in Benton County. I am pleased to advise that conditions are better than were represented to you. Instead of 68 carloads of apples we found less than 10,000 bushels. We also found that the drought and other climatic conditions cut the grade of apples so severe that it was utterly impossible to meet standards

of the F. S. C. C. Apple growers at a meeting Monday expressed their appreciation of the efforts made to move surplus apples, but decided that they could market their fruit more profitably than through the Corporation.

Thank you on behalf of our growers as well as myself. I am,

Yours very sincerely,

J. H. KIRKPATRICK,
President, Benton County Farm Bureau.

ECONOMY

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, we heard a good deal at the beginning of this session of Congress from the other end of the Capitol with regard to economy and that they wanted to have an economy committee appointed. It did not happen. The appropriations that have already been passed this year by the House of Representatives amount to $5,480,146,435, and this includes the authorization passed the other day for the Navy. I have noticed that when appropriation bills come back here from the Senate they are padded, they are increased, they are raised; and yet that great body talked about cutting down expenses. Every appropriation bill passed at the last session they increased over the amount that passed the House of Representatives. Why? Let us see them do something about cutting down appropriations rather than increasing them all very considerably. Including the authorization for the Navy, we have appropriated already just about as much money as we received last year in taxes, which amounted to $5,667,823,625.59, and we must be careful from now on what we do in our appropriations. I predict that before this Congress adjourns it will be a squandering Congress instead of a conservative body. You still have to pass appropriations for relief, appropriations for the Army, appropriations for the District of Columbia, and other important appropriation bills. All you do is appropriate. I again ask you the great question, Where are you going to get the money?

[Here the gavel fell.]

CONTESTED ELECTION CASE—SCOTT AGAINST EATON

Mr. GAVAGAN. Mr. Speaker, by direction of the Committee on Elections No. 2, I submit a report on the contested-election case of Byron N. Scott, contestant, against Thomas M. Eaton, contestee, from the Eighteenth District of California.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 427

Resolved, That Byron N. Scott was not elected a Member from the Eighteenth Congressional District of the State of California to the House of Representatives at the general election held November 8, 1938; and

Resolved, That Thomas M. Eaton was elected a Member from the Eighteenth Congressional District of the State of California to the House of Representatives at the general election held on November 8, 1938.

The SPEAKER. The resolution, together with the report, will be referred to the House Calendar and ordered to be printed.

COMMITTEE ON PATENTS

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that the Committee on Patents may be permitted to sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. LARRABEE asked and was given permission to extend his own remarks in the RECORD.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article appearing in the Sunday Oregonian on Oregon Bankers Top Nation in Farm Activities.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two letters from a constituent on the farm problem.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein three tables compiled from records of the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short news article.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including an editorial from the New Orleans States on sugar.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—LAWS ENACTED BY NATIONAL ASSEMBLY OF THE PHILIPPINE ISLANDS

The SPEAKER laid before the House the following message from the President, which was read and referred to the Committee on Insular Affairs.

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit copies of laws enacted by the National Assembly of the Philippine Islands. Included are laws of the first national assembly, third session, January 24, 1938, to May 19, 1938; and of the second national assembly, first session, January 23, 1939, to May 18, 1939; first special session, August 15, 1939, to September 18, 1939; and second special session, September 25, 1939, to September 29, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 14, 1940.*

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1941

Mr. LUDLOW. Mr. Speaker, I call up conference report on the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 7, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 9, 11, 13, 14, 16, 17, and 18, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named in such amendment, insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$1,750,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Omit the matter stricken out and the matter inserted by such amendment, and on page 51 of the bill, commencing with the colon (:) in line 14, strike out the remainder of the line and line 15 and line 16 to and including the word "to"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$9,975,000"; and the Senate agree to the same.

LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
GEORGE MAHON,
JOHN TABER,
CLARENCE J. MCLEOD,
FRANK B. KEEFE,
Managers on the part of the House.

CARTER GLASS,
KENNETH MCKELLAR,
PAT MCCARRAN,
J. E. MILLER,
H. C. LODGE, Jr.
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Treasury Department

On No. 1: Makes a technical correction in the text of the appropriation for the United States Processing Tax Board of Review.

On Nos. 2, 3, 4, 5, 6, 7, and 8, relating to the Coast Guard: Restores the provision of the House bill, stricken out by the Senate, making $100,000 available for the Coast Guard station authorized by the act of June 29, 1936; makes $8,000 of the appropriation for aids to navigation available for buoys and lights on the American side of the international waters of the Lake of the Woods and Rainy Lake, as proposed by the Senate; inserts the clarifying language proposed by the Senate in connection with the designation of items for the "A" and "B" budgets.

On No. 9: Appropriates $688,973, as proposed by the Senate, instead of $628,470, as proposed by the House, for salaries and expenses of the Procurement Division.

On No. 10: Makes $3,000,000 of the appropriation for strategic and critical materials immediately available instead of $5,000,000, as proposed by the Senate.

Post Office Department

On No. 11: Appropriates $587,600, as proposed by the Senate, instead of $585,000, as proposed by the House, for salaries for the office of the Second Assistant Postmaster General.

On No. 12: Appropriates $111,300, as proposed by the House, instead of $119,320, as proposed by the Senate, for salaries in the office of the Solicitor of the Post Office Department.

On No. 13: Appropriates $114,120, as proposed by the Senate, instead of $111,240, as proposed by the House, for salaries in the Bureau of Accounts.

On No. 14: Makes a technical correction in the text of the appropriation for contingent expenses of the Department.

On No. 15: Appropriates $1,750,000, instead of $1,700,000, as proposed by the House, and $1,800,000, as proposed by the Senate, for miscellaneous items at first- and second-class post offices.

On No. 16: Appropriates $16,074,149, as proposed by the Senate, instead of $15,674,149, as proposed by the House, for foreign air-mail transportation.

On No. 17: Appropriates $11,500,000, as proposed by the Senate, instead of $11,100,000, as proposed by the House, for Star Route Service.

On No. 18: Appropriates $1,325,500, as proposed by the Senate, instead of $1,270,000, as proposed by the House, for power-boat service.

On No. 19: Omits the provision in both the House bill and the Senate amendment for expenses of attendance of delegates from the Post Office Department at certain international postal meetings.

On No. 20: Appropriates $9,975,000, instead of $10,000,000, as proposed by the Senate, and $9,950,000 as proposed by the House, for rent, etc., for first-, second-, and third-class post offices.

LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
GEORGE MAHON,
JOHN TABER,
CLARENCE J. MCLEOD,
FRANK B. KEEFE,
Managers on the part of the House.

Mr. LUDLOW. Mr. Speaker, I move the adoption of the report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that I may extend my remarks at this point in the RECORD and include a letter and a financial statement explaining the provisions of the bill and a final summation of the measure in its conference form.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, your conferees, when we met with the conferees of the Senate, were confronted by only a few points in disagreement. The Senate had accepted our bill as a sound and wholesome measure and had made but few changes, namely, of a minor character. Under the circumstances, a conference agreement was easily and speedily obtained. The agreement I present to you is unanimous, being signed by all of the House and Senate conferees.

The largest item subject to conference action was an amendment which the Senate adopted adding $400,000 to the bill to provide for an additional trip per week on the trans-Atlantic air-mail route. This estimate came to Capitol Hill too late to be considered in framing the bill in the House, and your conferees were faced with it for the first time in the conference committee.

Of all of the component elements of our foreign Air Mail Service, the trans-Atlantic service is the most promising in respect both to usefulness and to revenues. Notwithstanding the serious handicaps and dislocations imposed upon this Service by the war in Europe, it is developing in a way that exceeds all expectations, and your conferees did not hesitate to approve the item the Senate had inserted in the bill, which will substantially improve and strengthen the trans-Atlantic air mail and augment its advantages for the benefit of a rapidly growing patronage.

Another Senate amendment which we approved increases the appropriation for salaries and expenses of the Procurement Division in the sum of $60,503. We were assured that if this money were allowed, the Procurement Division would be able to build up its force on a basis of permanency and stability so that it never again will be necessary to transfer personnel from emergency rolls to the regular roll. The constant tendency of administrative officials to urge that emergency personnel be covered into regular jobs has been a worrisome problem to appropriating subcommittees, and we were glad to see a solution reached, if only in this instance.

The Senate had stricken out of our bill a provision appropriating $100,000 to begin the construction of a Coast Guard Station on Lake St. Clair, Mich. The records of the Coast Guard show that more commerce passes that point than any other place under consideration for such facilities and that the loss of life there has been exceptionally great. On a showing of merit the Senate conferees yielded and the item was restored to the bill.

The only other item of exceptional interest discussed by the conferees was a Senate amendment appropriating $55,500 to enable the contractor on the route from Seward via Kodiak Island, the Alaskan Peninsula, and points on Bristol Bay, Alaska, to provide boat service to those isolated communities.

This estimate was first presented to our subcommittee and although it had a very strong humanitarian flavor, we felt it to be our duty to reject it. In effect, it was proposed to

furnish a passenger service and hang it on the fiction of a postal service. Of the need of the service there is no doubt. Without it these far-away inhabitants are virtually marooned and in case of illness there would be no transportation facilities to take the sick person to a hospital. Although the postal revenue from the operation would be almost nothing compared with the expense involved it was proposed to pay for this needed service out of postal appropriations.

The plain fact is that the contemplated operation has almost no relevancy at all to the postal service. It merely foists onto the postal service another nonpostal item, of which there are already far too many. Our subcommittee acted, as we thought, to protect the integrity of the postal service.

However, notwithstanding the irregularity of the entire proposal, it could not be divested of its humanitarian aspects and when the Senate adopted the item, we House conferees, somewhat against our best judgment, perhaps, yielded to the impulses of the heart and accepted it. Postmaster General Farley, in the meantime, had approved the appropriation and had indicated his willingness to perform the service, and we believed that since he felt that the integrity of his Department was not jeopardized there perhaps was no reason why we should worry. We will be hoping that this appropriation will not establish a precedent to plague us in the years to come, but if postal appropriations can be drawn upon to establish passenger service in Alaska why cannot they be drawn upon with equal justice to establish similar service in any other remote possessions of ours?

Final favorable action on this project was a striking tribute to the ability of ANTHONY DIMOND, the delegate from Alaska, and the high esteem in which he is universally held by the Members of both the House and Senate. He pleaded the cause of his people with a persistence that was almost irresistible.

As chairman of the conferees on the part of the House I asked for some assurance that this proposed abnormal operation, masquerading as a postal service, would be temporary and Governor Gruening and Mr. DIMOND joined in a statement which I herewith present to the House and ask to have made a part of the RECORD. It is as follows:

WASHINGTON, D. C., *February 17, 1940.*

Hon. LOUIS LUDLOW,
Chairman, Subcommittee on Appropriations,
House of Representatives, Washington, D. C.

DEAR MR. LUDLOW: This is written in answer to the question which you asked us when we talked with you recently about the desired additional appropriation for powerboat service in Alaska, which has been incorporated in the Treasury-Post Office supply bill in the Senate in the amount of $55,500.

It is our considered judgment, after careful review of all of the facts, that the aid now asked for will not be needed beyond a period of 4 years; for we are confident that at the expiration of 4 years the population of the area to be served will be sufficiently increased and its industries correspondingly expanded so that the desired service can be given without assistance through the Post Office Department or any other department or agency of the Government. However, it will probably be necessary to make a 4-year contract in order to secure the service, for otherwise the contractor would not be justified in securing and fitting out a vessel which will be adequate for the job. Obviously, a contractor would not be warranted in going to large expense in securing and preparing a vessel for the run if the contract would not extend for a period longer than 1, or even 2 years.

So far as we are able to do so, we assure you that it is not our intention to renew the present request beyond the 4-year period. And if application should be made to renew it, we believe that the subject ought to be examined anew by Congress as though no authority had ever been given.

Since the bill was before the House, thorough examination has again been given to the possibility of securing the desired assistance through the Coast Guard. Admiral Waesche, Commandant of the Coast Guard, advises that it is not possible for the Coast Guard to supply the service unless Congress shall amend the basic law of the Coast Guard, and also supply funds with which to buy or build a suitable vessel.

It is now certain that unless relief can be given through making the appropriation asked for, it will not and cannot be given at all; for every other conceivable source of aid has been thoroughly explored and none found which offers the slightest chance for help.

Sincerely yours,

ERNEST GRUENING,
Governor of Alaska.
ANTHONY J. DIMOND,
Delegate from Alaska.

While the members of the conference committee on the part of the House are willing that this service shall be established on account of the humane considerations involved, we do not think it should go on forever, and we urge the gentleman from Alaska [Mr. DIMOND] and the people he represents to put their ingenuity at work in an effort to find a better plan to furnish the needed service, as we frankly do not believe the Appropriations Committee will long countenance the figment of loading onto the Postal Service an operation that has almost no relation thereto. We at least hope that this better way will be found before the expiration of the 4-year period mentioned in the statement signed by Governor Gruening and the gentleman from Alaska [Mr. DIMOND].

I present to the House a financial picture giving the picture of this appropriation bill from its beginning to a summation in its final form, as follows:

Treasury and Post Office Departments appropriation bill, 1941

Total of Budget estimates:		
Treasury Department		$226,748,680
Post Office Department		816,897,832
Total		1,043,646,512
Total of bill as passed the House:		
Treasury Department	$218,691,530	
Post Office Department	813,463,082	
		1,032,154,612
Amount of House bill under budget estimates		11,491,900
Amount of Budget estimates considered by Senate:		
Treasury Department	$226,748,680	
Post Office Department	817,297,832	
		1,044,046,512
Amount of bill as passed Senate:		
Treasury Department	218,652,033	
Post Office Department	814,132,082	
		1,032,784,115
Senate bill under Budget estimates considered by Senate		11,262,397
Senate bill exceeds House bill		629,503
(Of the Senate increase, $400,000 is for foreign air mail under a supplemental estimate not considered by the House.)		
Conference agreement:		
House agreed to Senate amendments		$646,483
Senate recedes:		
Restores to House bill		100,000
Recedes from Senate items		83,020
Added to Senate total		16,980
Total of bill as agreed in conference:		
Treasury Department		218,752,033
Post Office Department		814,049,062
Total		1,032,801,095
Bill as agreed under Budget:		
Treasury Department	$7,996,647	
Post Office Department	3,248,770	
		11,245,417

APPOINTMENT OF ADDITIONAL DISTRICT AND CIRCUIT JUDGES

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 424.

The Clerk read as follows:

House Resolution 424

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7079, a bill to provide for the appointment of additional district and circuit judges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER], and at this time reserve 5 minutes for myself.

This rule, as indicated by the resolution which has just been read, is an open rule for the consideration of H. R. 7079. The rule provides for 1 hour of general debate, and the bill, of course, is subject to amendment.

The bill provides for two additional circuit judges and for five additional district judges. The two circuit judges are, one for the sixth circuit, which comprises the States of Kentucky, Michigan, Ohio, and Tennessee; and one for the eighth circuit, which comprises the States of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. The five district judges are, one for the southern district of California, one for the district of New Jersey, one for the northern district of Georgia, one for the eastern district of Pennsylvania, and one for the southern district of New York.

All these judgeships have been recommended both by the judicial conference and the Attorney General. The report from the Committee on the Judiciary is unanimous, and a further statement in their report is to the effect that in the opinion of that committee these judgeships ought to be created and the positions thus created filled immediately.

I reserve the remainder of my time and ask the gentleman from Michigan [Mr. MICHENER] to use some of his time.

Mr. MICHENER. Mr. Speaker, the gentleman from Colorado has outlined what the bill is and what it does. This bill, as reported, is the unanimous report of the Committee on the Judiciary. I voted for the bill as reported in the Committee on the Judiciary, and I also voted for the rule to bring the bill on the floor with the understanding that the bill is to include only the judges mentioned in the bill as reported by the committee. I am opposed to including additional judges by amendment from the floor. As is well known to those who have been here some time, the Congress a number of years ago set up a body known as the judicial conference. That consists of the Chief Justice of the Supreme Court of the United States and the presiding judge in each circuit in the United States. The Attorney General of the United States is also present. That conference meets in the month of September each year, according to law, and in the city of Washington. It considers the needs of the Federal judiciary. It recommends where additional judges are needed. I have taken the position that I will not vote for a judge not recommended by the conference, because those are not political judges. I do not believe that the Chief Justice of the Supreme Court and the judges of the several circuits would vote primarily for political judges. However, the Committee on the Judiciary has always reserved the right to review those recommendations. I might also add that the Committee on the Judiciary never considers politics in connection with recommendations so far as appointments to Federal judgeships are concerned. I know that one can present a case by bringing in a lot of statistics. For instance, some people think we should have judges according to population. Nothing is further from the fact. The real criterion is: Can a litigant have his case heard before the court having jurisdiction within a reasonable time? It makes no difference if there are 5,000 cases on the docket. I remember the time when some Federal courts were carrying minor cases—even draft-evader cases from the recent World War—to pad, so to speak, the number of cases pending before the court. They never intended to try those cases; they never would try those cases; but they were cases that could be shown in a compilation of unfinished business before the court.

I think the Committee on the Judiciary is unanimously satisfied with this bill as presented by the committee, and for which a rule was granted, and that it is a good bill and is not a political bill. I expect to support the bill if no additional judges are added by amendments from the floor.

Mr. LEWIS of Colorado. Mr. Speaker, we have no requests for time on this side.

Mr. MICHENER. Then, Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. KEAN].

By unanimous consent Mr. KEAN was granted leave to print as a part of his remarks certain excerpts from newspapers and certain letters.

Mr. KEAN. Mr. Speaker, I am frank to say that I know nothing of the need for additional judges provided for by this bill in any States or districts outside of New Jersey. Therefore, I want to devote myself to the New Jersey situation.

Let us look at the history of this proposed new judgeship. In July 1938, almost 2 years ago, Judge Clark, of the district court, was promoted to the circuit court. When consideration was being given to the filling of the vacancy thus created, there arose a quarrel between Mayor Hague, from north Jersey, and the senior Senator from New Jersey, from south Jersey, as to whom should be appointed.

Both remained adamant and it seemed that these Democratic leaders could not reach an agreement as to whom should be recommended to the President.

The President apparently had no desire to take the matter into his own hands, as evidently he did not wish to offend those who were reputed to be able to produce not only the type of delegation to the Democratic National Convention which he might desire, but also a tremendous number of Democratic votes on election day.

So, in order to have no hard feelings, it was decided that a bill should be introduced providing for two judges in New Jersey to take the place of the one, and thus each of the political leaders would be able to recommend his own choice for appointment, one from north Jersey and one from south Jersey.

The fact that this additional judgeship is not needed, or that it would cost the taxpayers of the United States about $20,000 a year, was given no consideration. What is $20,000 a year to our New Deal spenders if it means a few more votes for their candidates?

When this bill came up on the Consent Calendar last winter, it was passed over. In the meantime, Federal justice in New Jersey continued to be conducted by the three judges, with the one vacancy continuing.

It is true that there was some congestion, but a most interesting point is that in spite of the fact that there were only three judges sitting from July 5, 1938, there were 347 less cases pending at the end of the fiscal year ending June 30, 1939, than there were at the end of the previous fiscal year.

Thus, you may see that with only three judges working they were gaining on the calendar.

At last, after 18 months with only three judges, in December a fourth judge was appointed.

Now if the administration found that they could get along for 18 months with three judges instead of four, what possible excuse is there for burdening the taxpayers with five, at the additional annual cost of $20,000 every year.

The hypocrisy of the administration in requesting this additional judgeship can be well seen, for in Attorney General Murphy's recommendation to the Senate committee in July 1939 he states:

> The volume of new business has been considerably increasing in this district.

And then he compares the increase in the number of actions filed in the fiscal year 1938 with those in 1937, and he gives a figure, excluding bankruptcy cases, of 235. However, he fails to state that there was a decrease from the year 1936 to 1937 of 542 cases, and again last year there was a decrease of 102. If we would include the bankruptcy cases, the showing is even better.

District Judge Merrill E. Otis in an article in the University of Kansas Law Review in June 1939 sets up a measuring stick as to the number of cases which a district judge should be able to handle: 400 criminal cases, 200 civil private cases, 20 civil cases—United States a party.

If this yardstick is correct, the 4 New Jersey judges should be able to handle 1,600 criminal cases, 800 private cases, 800 civil cases—United States a party. There were pending at the end of the last fiscal year in the New Jersey district 480 criminal cases, 588 private cases, 412 civil cases—United States a party.

Thus you may see that according to this yardstick, the four present judges, who are all conscientious, able men, should be easily able to handle the pending litigations—and still the politicians want another judge.

Mr. HART. Mr. Speaker, will the gentleman yield?

Mr. KEAN. I yield to the gentleman from New Jersey.

Mr. HART. The gentleman has quoted from several members of the bar and others in connection with an extra judgeship in New Jersey. Has the gentleman any expression of opinion from any of the members of the court now sitting as to the need for this judgeship?

Mr. KEAN. As I stated here, the members of the court sitting 2 years ago voted against it. Last year they voted in favor of it, but I call the attention of the gentleman to the fact that the number of cases pending at the time they voted against these judgeships was greater than the number of cases pending at the present time, and I feel that those judges, having been burdened with that extra 33 percent of work, through the failure of the administration to appoint that third judge——

Mr. HART. Oh, the gentleman is not even attempting to answer my question.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. KEAN. Mr. Speaker, I want to read to you certain testimony which appears in the hearings, pages 187 to 191, when this matter was being considered by the subcommittee of the Judiciary Committee of the Senate.

Mr. Morris H. Cohn, chairman of the committee on the judiciary of the Federal Bar Association of New York, New Jersey, and Connecticut, stated in his testimony:

Our association is definitely of the opinion that there exists no present need to create an additional Federal judgeship for the district of New Jersey.

Again, I quote from a letter from Henry Ward Beer, president of the same association, appearing in the same testimony:

According to statistics, there is at the present time no need for an additional district court judge in New Jersey.

I also wish to quote from a statement made on the same occasion by Mr. Ralph E. Lum, former president of the New Jersey Bar Association, who was appearing before the committee as chairman of the judiciary committee of the New Jersey Bar Association:

We appear in opposition to an additional district judge in New Jersey. Taking the situation as a whole, and I know the whole State pretty well, there is no need for the additional judge. There is no work for him to do. We do not need more than four judges. I am sure that with the four judges we have, another judge is not needed now. We do not need additional help in the district courts. I can take any kind of a case there and have it heard before summer recess this year. I do not see any need for an additional judge in New Jersey.

When this legislation was first proposed, all four of the sitting district court judges met in a conference and unanimously condemned the proposal to add a fifth judge.

It is true that last autumn, after 18 months with only three judges working, they asked for further help; but this was only natural as owing to the administration's failure to appoint the fourth judge each of them was suffering from the burden of 33 percent extra work, which has now been removed.

There were no public hearings on this bill before the House committee, though Circuit Judge William Clark, who was a member of the district court for 13 years and whose promotion to the circuit court caused the vacancy which lasted for 18 months, signified his willingness to appear before the committee in opposition to this bill.

Judge Clark is strongly opposed to the creation of this additional judgeship, and I hold in my hand a letter from him, stating his views, addressed to my colleague the gentleman from New Jersey [Mr. HARTLEY], which I ask unanimous consent to print here as a portion of my remarks.

I also wish to quote from an editorial from the Newark Evening News of July 27, 1939:

[From the Newark Evening News of July 27, 1939]

NO FIFTH JUDGESHIP

The Senate confirmed the nomination of District Judge William Clark to be a judge of the third circuit court of appeals on June 16, 1938, since which time there have been three United States district judges functioning in New Jersey instead of the statutory four. The vacancy has existed for more than 13 months. Now, on top of this, the Senate passes an act creating a fifth judgeship for this district, and the bill goes to the House of Representatives for action. The House, in the light of all the circumstances, should reject the legislation.

The fourth judgeship remained vacant during the last 6 months of Attorney General Cummings' tenure, and it has remained vacant for almost 7 months since Frank Murphy became Attorney General. The criminal docket in this district is reported to be in a serious state of congestion. Yet, Mr. Murphy announced months ago, and has restated it since, that he was going to purge the Federal courts of politics, to disregard politics in appointments to the Federal bench, to reform inefficient and laggard methods of handling court business, and to clear up congested dockets.

One might say in this connection: Mr. Attorney General, there has been a vacant judgeship in this State during almost 7 months of your term of office, during which the Congress has been in session, the Senate prepared to consider and confirm a suitable nomination. What is the reason no appointment has been made? Could it be politics? Could it be, as Senator REED, of Kansas, charged in the Senate, that Mr. Hague and Senator SMATHERS can't get together on a candidate? Can it be that the creation of a fifth judgeship is designed to liquidate this dilemma?

With one judgeship vacant for 13 months, does not the proposed creation of another place have an aroma of politics? Are you aware that when the proposal for a fifth judge was first made to the Congress, in the report of Mr. Cummings, it was stated that all four district judges had expressed themselves as opposed to Mr. Cummings' recommendation when one of his assistants, Mr. Keenan, first broached the subject to them?

Suppose we fill the fourth judgeship and see what happens. Suppose Mr. Murphy then speeds up the presentation of cases here and integrates the work of the courts, as he has promised to do everywhere in a general statement on the needs of the Federal bench. Suppose, in case of need, a retired Associate Justice of the Supreme Court of the United States is sent here to sit as a district judge, as was done in New York, or that one of the retired judges of the third circuit is designated to help out as a district judge in certain cases. Let's see what happens then.

If, in spite of all this, it can be demonstrated that congestion of dockets in this district is still serious, still prejudicial to that promptness which Chief Justice Taft once described as "the essence of justice," then it will be time for the Congress to consider the creation of a fifth judgeship, without the reproach of politics being present to hurt the prestige of the Federal bench, which all of us more than ever desire to guard and preserve.

My attention has been called to an article by Judge Otis in the December 1939 issue of the Journal of the American Judicature Society wherein he refers to the general principle which should govern the creation of district judgeships, in which he said:

They would spurn any effort of any politician to secure the creation of some new judgeship for the mere sake of patronage, although his efforts be buttressed by some specious showing or even by an honest showing of need obviously transient. Packing a district court with unneeded judges is not only an economic waste, it is degrading and humiliating to every serving judge in the district affected.

UNITED STATES CIRCUIT COURT OF APPEALS,
THIRD JUDICIAL CIRCUIT,
Newark, N. J., January 19, 1940.

Chambers of Judge Clark.

Hon. FRED A. HARTLEY, Jr.,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN HARTLEY: I have your letter of January 18, advising me of the pendency before your honorable body of Senate bill 1481, popularly known as the omnibus judiciary bill, and requesting an expression of my views with respect to the inclusion therein of an additional (fifth) district judgeship for the district of New Jersey. I should always, of course, be glad to give you my views on any subject on which you happen to feel that they should be of any value. In this particular instance, however, I feel that I may be entitled to speak for two reasons. For 13 years I was a United States district judge for the district of New Jersey, the last 7 years of which I was the senior judge of the district. During that period, as I sat in Newark, the busiest place in the district, it happened that I tried, it is fair to say, in the neighborhood of three-eighths of the cases and should therefore be familiar with conditions. For the last 18 months I have been a member of the Circuit Court of Appeals for the Third Circuit, and in accordance with an act approved on August 7, 1939, it is now the duty of the circuit judges to organize themselves as a council for the purpose of directing the administration of the business of the district courts. In that capacity, I am a member of the subcommittee appointed by the chief judge, Judge Biggs, which conferred with the district judges of the district of New Jersey with respect to the condition of their calendars.

I am sure that you will agree with the general principle which should govern the creation of district judgeships. It has been well expressed by Judge Otis in an interesting article in the December 1939 issue of the Journal of the American Judicature Society, of which I happen to be a member, at page 151:

"They would spurn any effort of any politician to secure the creation of some new judgeship for the mere sake of patronage, although his efforts be buttressed by some specious showing or

even by an honest showing of a need obviously transient. Packing a district court with unneeded judges is not only an economic waste, it is degrading and humiliating to every serving judge in the district affected. Responsible statesmen will welcome a measuring stick, if one can be devised, by the application of which to work to be done in any district it can be determined whether a new judge is needed."

It seems to me there has been a notable failure to apply that principle to the current problem in New Jersey. You will understand it is not either my desire or my place to do more than recite facts. The inferences therefrom, if any, must be made by the members of your honorable body.

I shall detail the specific efforts to increase the number of district judgeships in New Jersey.

(1) They began in February 1932. The late Judge Runyon was appointed under a commission for his lifetime. Upon his death the Congress created a new permanent position, despite a letter from me to Senator NORRIS, chairman of the Judiciary Committee, as senior judge, opposing such permanent creation. I enclose copy of that letter, dated February 3, 1932.

(2) In June 1937 the district judges of New Jersey unanimously disapproved the creation of a fifth judgeship in a letter dated June 3, 1937, to Mr. Joseph B. Keenan, assistant to the Attorney General. I enclose a copy of that letter.

(3) In spite of this disapproval, the Attorney General, without further correspondence, recommended a fifth district judgeship to the judicial conference.

(4) Not one of the district judges was requested to give his views by the judicial conference or New Jersey's representative therein, Judge J. Warren Davis.

(5) On February 24 and 25, 1938, hearings were held before a subcommittee of the Committee of the Judiciary of the Senate, Seventy-fifth Congress, third session, on S. 3233. The chairman of the judiciary committee of the Federal Bar Association and the chairman of the same committee of the New Jersey State Bar Association appeared and emphatically disapproved the creation of a fifth judgeship (Hearings, pp. 187–191). I am sure a copy of those hearings is available to you.

(6) The President promoted me to the Circuit Court of Appeals for the Third Circuit and I was sworn in on July 5, 1938. In answer to an inquiry from Senator NEELY, of the Senate Judiciary Committee, the remaining three district judges for the district of New Jersey, without notice to me, reversed their previous stand in a letter of March 15, 1939. This letter is vague and general in character and contains figures that, in my opinion, are not entirely accurate. The original must be in the files of the Senate Judiciary Committee.

(7) No member of the Senate Judiciary Committee communicated with me.

(8) The Attorney General again recommended the inclusion of a fifth district judgeship in the omnibus bill.

(9) Judge Biggs, our representative of the third circuit at the judicial conference, requested my views with respect to an additional district judgeship for New Jersey. I told him I opposed it, and I am sure he so reported it to the conference. No other member of that conference communicated with me, and the conference recommended the creation of such a judgeship.

(10) The Council of Circuit Judges was organized pursuant to the act approved on August 7, 1939, and a resolution calling attention to the vacancy which had existed for 17 months in the United States District Court for the District of New Jersey was passed and forwarded to the Attorney General. I enclose copy of that resolution.

(11) That vacancy was filled by the appointment of Judge Thomas G. Walker, who was sworn in on December 28, 1939.

(12) Upon the demand of the Council of Circuit Judges the district judges submitted a summary of every case pending in the district of New Jersey. This summary is too bulky for enclosure and so detailed that it would have to be explained to your honorable body. Generally speaking, however, it indicates, first, that the listing of many of the cases as current is due to archaic methods in the clerk's office; and, second, that even the three judges now sitting in the district of New Jersey have made considerable progress toward coming abreast of their work.

(13) Judge Walker, the newly appointed judge, began the trial of his first case exactly 1 month from the date of his appointment. That was because on the supposedly congested calendar no cases were ready for trial.

(14) The calendar of the Circuit Court of Appeals for the Third Circuit is, I am pleased to say, now actually current. As we have five judges to rotate for three places, I could quite easily be assigned to the district of New Jersey for a period sufficient to enable me to bring their calendars up to date in the next 3 months.

I conclude from these recitals that the district of New Jersey has never and does not now need more than four judges, and that to add a fifth judge in a district where there has been a vacancy for 17 months would be unwise and utterly impossible of any public explanation. I do not happen to know Chairman SUMNERS and Senior Minority Member MICHENER, but I have had some correspondence with both of them and have followed their public careers with great admiration. I should be only too pleased, therefore, to either write or talk with them if they should be inclined.

Sincerely yours,

WILLIAM CLARK.

JUNE 3, 1937.

Hon. JOSEPH B. KEENAN,
The Assistant to the Attorney General,
Washington, D. C.

DEAR MR. KEENAN: In reply to your letter addressed to the several judges of this court requesting our views as to Senate bill No. 2484, we met in conference today on the subject, and after giving full consideration to the conditions existing in the district came to the conclusion that we cannot favor the passage of this measure.

Sincerely yours,

WILLIAM CLARK,
GUY L. FAKE,
JOHN BOYD AVIS,
PHILLIP FORMAN,
Judges.

NOVEMBER 13, 1939.

Hon. FRANK MURPHY,
The Attorney General,
Washington, D. C.:

Resolved, That the examination by this council of the state of the business of the District Court of the District of New Jersey discloses a condition of congestion seriously affecting the interests of litigants, which condition, in the opinion of the council, has largely resulted from the fact that a vacancy in the office of district judge in that district has remained unfilled since July 5, 1938.

COUNCIL OF CIRCUIT JUDGES OF THE THIRD CIRCUIT.

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I delivered before the National Rivers and Harbors Congress today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address I delivered before the Mississippi Valley Flood Control Association on yesterday, March 13.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF ADDITIONAL DISTRICT AND CIRCUIT JUDGES

Mr. WALTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7079, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

Without objection, the first reading of the bill was dispensed with.

Mr. WALTER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as my distinguished friend from Michigan [Mr. MICHENER] has told you, this measure was reported unanimously by the Committee on the Judiciary. Because there has been an attack made on just one provision of the bill, I will address my remarks to that particular provision. I am quite certain that my distinguished friend from New Jersey [Mr. KEAN] did not want to create the impression that the Committee on the Judiciary was playing politics in making the recommendation that it made in this matter, but certainly he has done that very thing. I want to say to him that Chief Justice Hughes is the last person in the world I would accuse of making a recommendation that would be of benefit to the majority party. The recommendations that the Judiciary Committee has made are all recommendations made by the judicial conference, of which the Chief Justice of the Supreme Court of the United States is chairman.

I know what is back of the opposition to the creation of a new judgeship for the State of New Jersey, and I got it from the gentleman who has been supplying the gentleman from New Jersey [Mr. KEAN] with his information. Mr. Justice Clark, of the circuit court of appeals, has stated in my presence that he is opposed to an additional judge for the State of New Jersey, because he does not want Franklin D. Roosevelt to name him. Now, that is your opposition, and it comes from the lips of a judge appointed by Franklin D. Roosevelt to the circuit court of appeals.

At the present time the circuit court judges in the third district are sitting in the district court of New Jersey in an effort to give to the citizens of that State the sort of justice to which they are entitled. Every one of the circuit court judges is now placed in a position where in a few months he may be required, sitting where he belongs on the circuit court bench, to review a judgment that he, sitting as a district court judge, rendered. I will say to my distinguished friend from New Jersey [Mr. KEAN] that the Committee on the Judiciary of the House of Representatives does not approve of that practice. We do not believe that district court judges ought to sit in the circuit court, nor do we feel that circuit court judges ought to ever be placed in the embarrassing position where, subconsciously at least, they may be hesitant in overruling the judgment of one of their colleagues.

Mr. KEAN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. Not at this time. I will yield in a moment.

As far as the quarrel that the gentleman from New Jersey has mentioned between the Democratic leader of the State of New Jersey and one of the Senators is concerned, I know nothing about it and care less.

Mr. HART. May I interpolate there?

Mr. WALTER. In just a moment. Let me tell the gentleman that wherever he got his figures as to the condition of the docket in New Jersey, they are entirely erroneous. According to the report that came from the Attorney General, there were pending on July 1, 1938, 1,015 cases in the State of New Jersey.

Mr. KEAN. One thousand three hundred and thirty-nine, I have.

Mr. WALTER. They were criminal cases. Just recently the Assistant Attorney General in charge of the Criminal Division of the Department of Justice informed me that cases arising from violation of the income-tax laws were continued because they could not get a judge to try them, and witnesses had been subpenaed and were in court at Camden, waiting since October for those cases to be heard. Certainly that does not seem like good economy to me. I say that because the gentleman from New Jersey [Mr. KEAN] has stressed the iniquitous spending of the New Deal in connection with this measure.

I call attention to this fact, that it does not cost the taxpayers of the United States $20,000 a year for judges' salaries, but the salary of a judge is $10,000. In addition to this provision in the bill being recommended by the judicial conference, it was recommended by the Attorney General of the United States. There is no provision in this bill that was not recommended by both the judicial conference and the Attorney General.

I certainly feel that our committee in carefully following out our policy of accepting the recommendations of the conference as being advisory and merely making the recommendations that the hearings disclose are necessary, has not departed in the recommendations in this bill from that policy.

Mr. Chairman, I yield myself 5 additional minutes.

Mr. HART. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. HART. Permit me to state that in the course of his remarks the gentleman stated that he knew nothing about any arrangement between the Democratic leader of the State of New Jersey and the senior Senator from that State.

Mr. WALTER. I did not say "arrangement"; I said "controversy."

Mr. HART. It was referred to in the prepared speech of the gentleman from New Jersey. I merely want to advise the gentleman and advise the committee that the gentleman from New Jersey knows nothing whatsoever about it either.

Mr. KEAN. I know nothing of the kind, but I do read the newspapers.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. COOPER. Will the gentleman kindly give the Committee some explanation with respect to the proviso appearing on page 2 of the bill?

Mr. WALTER. I may say to the gentleman from Tennessee that this proviso makes all of the judgeships temporary so that upon the death, resignation, or removal of any of the present judges a vacancy would not automatically be created. The subcommittee of which I am chairman feels that we ought to be hesitant in the creation of permanent judgeships. Population shifts, business shifts, and we are certainly not in any position today to foresee the condition of a court calendar even a year hence. We therefore felt that all of these judgeships ought to be temporary.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. McLAUGHLIN. As a member of the Judiciary Committee and as a resident and a member of the bar in the eighth judicial circuit of the United States, I am familiar with the judicial situation in that circuit, as shown by reports and by showings made by the presiding judge of the circuit court of appeals. The Judiciary Committee has concluded, after consideration of the matter, that two additional judges are needed on the circuit court of appeals of the eighth circuit. I wish the distinguished chairman of the subcommittee would explain, if he has not already done so, that while the bill calls for and carries provision for only one judge in the eighth circuit, a committee amendment will be offered for two judges. Will the distinguished gentleman from Pennsylvania kindly take time at this point to explain briefly the reason for the committee's action?

Mr. WALTER. I shall be pleased to. The reason is that this bill was reported at the last session, and the information we had at that time related to the condition in that circuit as it existed then. At the time the subcommittee reported this bill despite the fact that a recommendation had been made by the judicial conference that there be two additional judges appointed for the eighth circuit they recommended only one because there were three retired judges sitting almost continuously in the eighth circuit. They were men of advanced years. I believe my distinguished colleague, the gentleman from Nebraska, has a statement from the senior circuit judge with respect to the ages and the abilities of these men.

Mr. McLAUGHLIN. The gentleman is correct.

Mr. WALTER. I would very much like to have the gentleman at this point insert in the RECORD the statement to which I referred.

Mr. McLAUGHLIN. I shall be very glad to insert it in the RECORD. My purpose in asking this question was to have brought out the necessity for the additional judge which is recommended by the Judiciary Committee.

The statement referred to follows:

STATEMENT BY JUDGE KIMBROUGH STONE, SENIOR CIRCUIT JUDGE, EIGHTH CIRCUIT

The necessity for two additional circuit judges in the eighth circuit arises from three coacting influences which are (1) increase of work, (2) decrease in number of judges to do the increased work, and (3) method of doing work.

I. INCREASE OF WORK

The increase of work is caused both (a) by increase in number of cases and (b) by increased difficulty in character of cases.

Effects of number of cases and of character of cases on judicial work

While the number of cases in a court has a direct bearing upon the work of the court, because each case must be separately examined and determined, yet the character of the cases is even more important. The difference between the effect of the number

of cases and the effect of the character of cases arises from the time and the effort required to examine a particular case. If a case presents issues on points of law frequently before the court, and has a comparatively small record, it will not require great and extended effort and time to read the record and to decide the issues. If a case presents new, unusual, or difficult law issues or has a long record, it requires, naturally, more effort and time to determine it. Where a case presents both new, unusual, or difficult law issues and also has a long record, the effort and time are of course still greater. Therefore one difficult case or one having a long record, or one having both difficult issues and a long record, may require more effort and time than a dozen of the relatively lighter kind.

Let me illustrate the relative importance of number and of character of cases. All experienced appellate Federal judges know that it is the rare criminal case which requires much effort or time. This is so because the same kind of issues are presented in criminal appeals again and again—therefore the applicable law is familiar and fresh in the judges' minds—and the records are very rarely long. On the other hand, many civil cases present novel issues of law and many have long records.

Next, let us apply the above considerations of number and character of cases to the actual situation in this circuit.

(a) Increase in number of cases

The increase in number of cases for the fiscal year ending June 30, 1938, was about 8 percent above the average for the preceding 14 years. It was almost 14 percent above the number filed the preceding year. The increase in number of cases for the fiscal year 1939 over the year 1938 was over 7½ percent. There is every reasonable assurance that the number of cases in future years will increase—certainly there is no hope for a sustained decrease.

(b) Increase in difficulty of cases

The character of civil cases coming before a Federal court of appeals depends upon many factors. One of these factors is the kind of social conditions and businesses in the particular circuit. For example, the second circuit (except for Vermont, being the seaboard States of New York and Connecticut) will have a considerable number of admiralty cases which can be rather easily disposed of, because the law is settled and the records not exceedingly long. On the other hand, the eighth circuit is located in the middle of the country, with both large rural areas and also with large cities therein. This results in a wide diversity of kinds of civil cases coming on appeal in this circuit. This diversity is convincingly shown by the fact that in 1938 over 47 percent of the cases filed in this court were not susceptible of classification under the rather detailed table of classes (15 classes) devised by the Department of Justice—this large percentage of cases had to be placed in the catch-all class, called "Miscellaneous." In 1939 the "miscellaneous" cases were almost 48 percent of the total cases, there being 17 classes.

(a) Effect of legislation: Another factor is recent legislation by Congress. Whenever Congress enacts a statute affecting many people in their mode of life or business, the natural result is an increase in litigation. First, there come attacks upon the validity of the act. If the act is sustained by the Supreme Court, there follows an extended period of tests as to the proper construction of and as to the application of the act. In the past few years Congress has enacted a more-than-usual number of such statutes, which are noticeably increasing the work of the court of appeals or of the judges therein. Examples of these are the creation of various administrative boards, the Chandler Bankruptcy Act, the new rules governing trials in district courts (authorized by Congress), and the act requiring three judges (one of whom must be a circuit judge) in all district-court cases attacking the validity of an act of Congress.

Administrative boards: The act creating the various administrative boards require direct reviews or enforcement of board orders to be brought direct in the proper circuit court of appeals. The action of these new administrative agencies is in new legal fields where there is little or no precedent, and, therefore, where a very considerable burden is placed upon the courts of appeals in trying to construe and apply these new laws so as to carry out the intention of Congress.

In addition to this the records in these review proceedings are nearly always very large. Rarely are they as little as 1,000 pages (except in reviews coming from the Board of Tax Appeals). I have on my desk now 1 such record of more than 4,000 pages. I am informed that 2 such reviews have been recently filed in this court wherein the records will exceed 20,000 pages in each case.

In most of these cases one point always urged is the sufficiency of the evidence to justify the findings and order of the board or commission. Such an issue can be determined only by a careful reading of the entire record.

Last year, 20 percent of the total cases filed in this court were reviews of administrative boards or commissions.

Chandler Bankruptcy Act: This new act (approved June 22, 1938, effective September 22, 1938) makes numerous changes in the Bankruptcy Act as theretofore existing. There can be no question but that these changes will result in much litigation extending over years until these changed provisions have received judicial interpretation.

In addition to this, the Chandler Act makes one change which is already being reflected in increasing litigation in the courts of appeals. Before the Chandler Act, appeals in bankruptcy matters were allowable by the district courts as of right only in certain described instances (secs. 24 and 25 of the act, secs. 47 and 48 U. S. C. A., title 11). In all other instances, allowance of such appeals was within the discretion of the courts of appeals and many appeals were denied. The Chandler Act gives appeals as of right except in the limited class of cases where the amount involved is $500 or less. Obviously, the number of appeals is being and will be increased.

New rules: The broad sweeping scope of these rules is stated (rule 1) as governing the procedure in the district courts "in all suits of a civil nature," with certain exceptions set out in rule 81. They make drastic changes in very many phases of procedure from the commencement of an action through to an appeal and also as to some phases of appellate procedure. Any experienced lawyer knows that there will be hundreds of appeals involving construction of these rules. Such result has followed the introduction of every code in a State. This effect is being felt already and will continue for many years—resulting in a definite increase of the number of appeals and of the work in the courts of appeals.

Three-judge cases: The act of August 24, 1937 (50 Stat. 752, U S. C. A., title 28, sec. 380a) requires three judges—at least one of whom must be a circuit judge—to sit in all injunction cases involving constitutionality of acts of Congress. Cases under this act are not numerous but they are highly important and usually involve extended hearings for taking evidence. Each such case takes at least one circuit judge away from his regular appellate court duties, usually for some time, thus interfering with his disposition of appellate business.

(b) *Erie Railroad Co.* v. *Tompkins* (304 U. S. 64): This decision (April 25, 1938) has decidedly increased the work of the courts of appeals in circuits having several States—this circuit has seven States. Theretofore many appeals involved applications of the so-called general law (defined by Mr. Justice Story in *Swift* v. *Tyson* (16 Pet. 1) in 1842). In the nearly 100 years between the Swift case and the Erie case, this general law as to many recurring situations had been fairly well defined and therefore was not especially difficult of statement or application. Of course, no matter in what State an appeal might arise, the rule was the same. The Erie case has reversed all of that. The general law has, at least as to substantive law, disappeared. Now the same issue (formerly subject to general law and governed by one rule) may come up in seven cases—one from each of the seven States in this circuit—and, instead of the easy statement and application of one rule to all, we must examine the law separately as to each case so as to ascertain and apply the law of the particular State from which the case came. Thus, until the entire field formerly covered by this general law is settled, the work on this character of appeals may be multiplied seven times because we have seven States in this circuit. It is certain that our work of this kind will be affected every year for a number of years.

(c) Generally: In outlining the above particular matters which increase the work of the court of appeals of this circuit, I have not tried to mention every such consideration but only such as are rather outstanding. There are others. One of these only will be mentioned. While the number of appeals increases, the number of criminal appeals decreases. As said hereinbefore, criminal cases are, as a class, less difficult of examination and determination. Last year (fiscal 1939) the criminal appeals in this circuit were less than one-third of the average for the preceding 4 years. Criminal appeals have tended to fall off since the criminal-appeal rules were put in force by the Supreme Court in 1934. Those rules have much discouraged criminal appeals which were frivolous or for delay. The situation is that the less meritorious, and therefore easily disposed of, criminal appeals are disappearing, while the total number of all kinds of appeals and reviews is increasing. The result is that a hundred appeals today require decidedly more time and effort than the same number did a few years ago.

The actual result is that the work of this court has materially increased in the last few years.

II. DECREASE IN JUDGES

In the past few years this court has been able to keep up with this additional work only because of the fortunate circumstance that we had additional temporary help. This help came through the valuable assistance of three experienced and able retired circuit judges. Judge Wilbur F. Booth retired on January 1, 1932; Judge Arba S. Van Valkenburgh on May 1, 1933; Judge Charles B. Faris on December 1, 1935.

We have now lost most of this assistance. Judge Faris died December 19, 1938. Judge Booth has not sat since September 1938, and will certainly not sit again because of defective hearing and other serious physical ailments—he will be 79 years old next August. Only Judge Van Valkenburgh remains. He does an excellent quality of work, but sits only from one-third to one-half as much as a single active judge. How much longer he will want to help is problematical, as he will be 78 years old next August and is not in the best of physical health.

III. METHOD OF DOING WORK

(a) Choice of method: Wherever a court is made up of more than one judge, and where more than one must sit in every case, there is a choice of method which affects both the rights of the litigants and speed of the work, and therefore the number of cases which can be disposed of within any given period of time. This choice is between doing the work properly or doing it quickly.

The same judges can turn out much more work if they want to sacrifice good, thorough work to speed. Some courts do just this

thing. For example, there are courts of three or more judges where, at the adjournment of court for the day, the judges talk over for an hour or more the three to six cases heard that day. They reach a decision in each case, and the cases are assigned for opinions. Each judge then writes the opinions assigned to him. By the time these opinions get to the other judges (who have been busy writing the other opinions assigned to them) these other judges have more or less hazy remembrance of the cases they do not write. If an opinion reads well, they concur without more. Such a method results, in essence, in a one-man decision. By this method more cases are disposed of, but the litigants have not had their rights, because they have really not had the mature, careful consideration of each of the judges who sat. Thus the substantial rights of all of the litigants have been sacrificed for the sole end of speed.

Our method of work: The act of Congress creating the circuit courts of appeals provides that each of such courts "shall consist of three judges" (U. S. C. A., title 28, sec. 212). This court has always construed this language to mean that Congress would not have required three judges unless it intended that litigants should have the careful consideration and determination of each one of the three judges and that the judgment of the court should be the result of the real work of three men.

Our entire method is designed solely to get the careful consideration of each judge and therethrough to have every judgment of this court represent the best thought which three men—not just the thought of the one judge who might write the opinion—can bring to bear. To secure this result—sought by Congress—we have evolved the following method:

Our unit of work is our week during which the same three judges usually sit. (1) At the end of each day there is an informal discussion of the cases heard that day. This discussion has two puposes: First, to ascertain if the decision in any case is so clear that it needs no further consideration (this rarely occurs); and, second, to fix the oral argument in our minds. (2) Next, each judge independently investigates each case—reading the record and briefs—and prepares his written memorandum thereon. (3) When all three judges have prepared such memorandum, a conference is held. At this conference memoranda are read and there is a full discussion as to how each case shall be decided and as to the grounds for each decision. (4) The cases are then, for the first time, assigned for opinions—usually such assignments are made to the judge who seems to have the best and clearest grasp of a particular case, as shown by his memorandum and discussion during conference.

The above method absolutely secures the independent thought and investigation of each judge. These memoranda are usually quite complete, and frequently are extended discussions of every point in the case necessary to be decided—I have one now on my desk of 24 typewritten pages of legal cap paper. Thus when the three judges gather for conference, each is thoroughly informed and prepared on each case and, therefore, can discuss it intelligently. The result is that every decision is the product of three minds which have investigated, separately, and thereafter discussed together every point presented by counsel. Through years of experience, this is the best method we have been able to develop to put into the decision the informed judgment of every judge who sat—a result intended by Congress and, therefore, one to which the litigants are entitled.

Clearly, this method involves an enormous amount of work. We could reduce our work by two-thirds if only the one judge who wrote the opinion made this thorough investigation. Also, opinions could be gotten out faster and more cases disposed of if we did not do the work this way. But such gain in dispatch of business would be at the sacrifice of good work. When Congress required three judges, it did not intend that two of them should be mere "yes men" and figureheads.

We have regarded it as our first and great duty to be as near right as possible. This is the basis of our method.

IV. NEED FOR TWO ADDITIONAL JUDGES

The net result of all of the above is that the court of appeals of this circuit has, for the past few years, had more work than the five active judges, alone, could possibly have done; that this work has been kept up to date only because of the help of the three retired circuit judges and, later, by use of district judges. The help from retired circuit judges has now, in large part, finally ceased. Either the docket must fall behind, district judges must be used, or the court must have additional circuit judges to help do the work. The necessary manpower can come only from one of two sources: By use of district judges on the court or by additional circuit judges.

Use of district judges: There has been substantial objection by the bar to having the determination of appeals participated in by trial judges. This is not the place to discuss the advantages or disadvantages of such practice, but I merely call attention to this attitude of the bar as an existing fact.

A more important thing is the practical situation in the circuit. That situation is that the district judges in this circuit have all they can do to look after the work in their own district courts, and some of them are overburdened. To place upon them the further work of service on the court of appeals is obviously unfair to them and to the litigants in their courts. While it may be better to have some districts fall behind rather than to have the court of appeals fall behind, yet this is but a choice between two evils, neither of which should be permitted and both of which can be avoided by the simple expedient of increasing the manpower of the court of appeals itself.

I have been a member of this court of appeals for more than 23 years and the senior judge for almost half of that time. During that period I think I have gained experience which is useful in estimating the situation of the appeal litigation in the circuit and in gaging the man-force necessary to take proper care of that litigation. All of the present judges work hard and intelligently. They cannot do more than they are doing. I am certain that the court needs these two additional judges. I hope the Congress will see its way to provide them during this session so that the work will not fall behind or the district courts be badly affected; either result is bound to affect litigants harmfully.

I will be happy to aid in any way in further understanding our problems.

Mr. WALTER. This statement explains very clearly the situation. The work was kept up to date because these three retired judges served and later by also using the services of a retired district-court judge. The help from the retired circuit judges has ceased. One of these judges has died, another is 79 years of age and very hard of hearing from what I understand, and the third has recently been stricken by a serious ailment. Since the committee reported the bill, therefore, the situation has changed. The eighth circuit is now deprived of the services of the three retired circuit judges and the service of one district judge.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. McLAUGHLIN. The Committee on the Judiciary is unanimous in its approval of the committee amendment providing two additional judges for the eighth circuit rather than one as set forth in the bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. MICHENER. Right in this connection, when the Committee on the Judiciary reported the bill out last July it did not include two judges for the eighth circuit because some gentleman from Nebraska at that time felt that possibly that was not necessary. The judicial conference, however, did make that recommendation.

Mr. WALTER. That is right, the judicial conference made the recommendation, but our subcommittee felt that in view of the fact there were four retired judges sitting we would see whether or not they could get along with just one additional judge.

Mr. MICHENER. That is just one reason why we should pay attention to the judicial conference. The judges there knew of the health of these men, they knew the work there was to do, they knew their abilities, and they recommended this.

Mr. McLAUGHLIN. Of course, the subcommittee and the full committee have taken into account the fact that developments subsequent to the recommendation of the judicial conference make necessary the additional judge called for in the committee's amendment.

Mr. WALTER. I may say to the gentleman that the judge who will make the recommendations this year is the judge who furnished us with the figures showing the absolute necessity for two judges.

Mr. McLAUGHLIN. That is Justice Stone, the presiding judge?

Mr. WALTER. Yes.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, this bill provides for two additional circuit judges, five district judges. One circuit judge in the sixth circuit is included. I take it there is no question about that particular circuit judge. The bill also provides for an additional circuit judge in the eighth district. The circumstances of that situation have been explained. The committee will offer an amendment providing for an additional circuit judge, which amendment should be supported, and I hope will be agreed to.

The five district judges have been recommended by the judicial conference; they have been recommended by the Attorney General and have been considered carefully by the subcommittee which unanimously recommended them to the full committee, and the full committee offers this bill. I

know there is some difficulty about the judgeship in New Jersey, but just what the political situation is there, I am sure I do not know.

Mr. THOMAS of New Jersey. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. Will the gentleman tell us who in New Jersey has recommended this additional judgeship?

Mr. WALTER. Will the gentleman yield so that I may answer that question?

Mr. GWYNNE. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Every one of the district court judges in the State of New Jersey and in addition thereto all of the circuit court judges in the circuit in which that State is located. The only opposition comes from those people who do not want to see a Democrat appointed as a district judge in that State.

Mr. THOMAS of New Jersey. May I say that I have yet to get one letter from any judge in New Jersey or from any lawyer in New Jersey or from any organization in New Jersey advocating the need for a new judgeship there, but I have received a lot of mail in opposition.

Mr. GWNNE. May I say to the gentleman that we have applied to that situation the usual test that must be applied by any committee considering a proposition of that character. In spite of what the gentleman says, that judgeship has been recommended by the judicial conference, upon which his circuit is represented; it has been recommended by the Attorney General and it has been recommended by the Committee on the Judiciary.

Mr. Chairman, some amendments will be offered to provide an additional judgeship in Oklahoma and, I understand, an additional judgeship in Florida. I do not believe those amendments should be agreed to at this time. I will not go into that particular situation at present, but I hope when either amendment is offered I may have the opportunity to oppose it.

Mr. Chairman, the Members should bear in mind that the responsibility for providing sufficient personnel and sufficient facilities for these courts is not one that devolves upon the judicial conference but is a responsibility of this Congress. Furthermore, may I remind the Members of the House that the entire expense of operating the Federal judiciary is less than one-fifth of 1 percent of the total expense of the Federal Government. Of course, that is no excuse for creating judgeships that may not be needed.

Reference has been made to a report by Judge Merrill E. Otis. Judge Otis considered the work done in the 10 largest districts of America, and I refer to the 10 districts having the greatest amount of litigation. He considered their record in 1933, which was the peak year, and arrived at the conclusion from the figures studied that the average district judge should terminate in a year 400 criminal cases, 200 civil cases in which the United States is a party, and 200 other civil cases. If you were to apply this formula to the work of many district judges, you would find they are not doing that much work, and the reason is that many of them do not have the work to do. I remind you of this because I hope you will retain in this bill the amendment put in by the subcommittee, and agreed to by the full committee, appearing on page 2, providing that the first vacancy occurring in the office of district judge in each of these districts shall not be filled.

Mr. Chairman, I believe that much could be done toward the efficient and economical administration of justice in this country if some revision were made in the boundaries of the various Federal districts and perhaps in the circuits. There was created during the last session of Congress the Office of Administrator for the Courts. When we legislate in the future on these subjects, we will have more information about what is really needed. I trust this amendment will be agreed to because it will provide this House with the opportunity from time to time to consider the needs of the various districts and permit it to legislate accordingly. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, may I say at the outset that this bill has been very carefully considered by the members of the Committee on the Judiciary. It follows the recommendations not only of the Attorney General but of the judicial conference. The judicial conference is composed of various circuit judges, presided over by Chief Justice Hughes, who meet annually to determine the needs of the various jurisdictions. Their recommendations are made after mature deliberation, and we ought to follow their recommendations. They have asked us for the additional judgeships which we have embodied in this bill. We indeed would be derelict in our duty if we would not follow that expert advice. I personally, however, deplore the provision in the bill—and I only speak personally, I do not speak for the committee—which makes these judgeships temporary. I do not believe we should make these judgeships temporary because in almost every instance during my almost 18 years in this House whenever we have added these temporary features to a bill, the temporary judgeships were subsequently always made permanent.

Let me recite a rather anomalous situation that has developed in my jurisdiction in New York. In the last session of this Congress we passed my bill to provide that the temporary judgeship in the southern district of New York, created in 1938, be made permanent. In 1938 we had provided for one additional judgeship, but we provided that this judge should be only temporarily assigned, that, in other words, the first vacancy that occurred in the southern district was not to be filled. The situation in New York is such that we need that judge beyond peradventure of a doubt. Judge Patterson was elevated to the circuit court of appeals, and there was, therefore, a vacancy, but the President was deprived of right to appoint his successor because of the condition which we appended to the original bill in 1938 precluding the right to fill that vacancy, and because thereof we in New York have suffered. He cannot have an appointee in Judge Patterson's place. My bill made the temporary judgeship in New York permanent. But my bill lags in the Senate.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. We repealed that condition.

Mr. CELLER. I am coming to that.

In the last session we provided that this temporary judgeship in New York might be filled, but this only proves my point that in almost every instance where we have provided the temporary feature we have obliterated the temporary feature on some subsequent occasion and made the judgeship permanent. If we would be forthright with ourselves, we would eliminate this temporary feature. We merely include it in the bill for the sake of getting a few votes and for the sake of the argument that it is only a temporary judgeship. For that reason, I do hope that this provision will not remain in the bill. I shall not offer such an amendment because I want to stand by my committee, but I am giving you this opinion for whatever it may be worth.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I should like to call the attention of the gentleman from Michigan [Mr. MICHENER] to the fact that our former colleague the gentleman from Tennessee, Mr. Chandler, spent several years in making a study of the advisability of offering a bill redistricting the entire United States, and, but for the fact that he has left this body, in all probability we would be considering such a recommendation. I believe the administrative officer will very shortly submit a report advocating the changing of the districts in the United States.

Mr. MICHENER. That is one reason no one should vote against this amendment.

Mr. CELLER. I have given you my opinion for what it may be worth. I shall offer no amendment. I still believe, despite what both the gentlemen have indicated, that we should not put these provisos in the bill.

Now, as to New York, I wish to say "Justice delayed is justice denied."

As far as New York is concerned, there is great delay in the trial of all cases. There has been a tremendous accumu-

lation of all manners and kinds of cases. For this reason we have asked for the additional judgeship in New York, as recommended by the Attorney General and by the Judicial Conference.

For example, we have cases in New York that take 3 years to try. There is, for example, the Aluminum Trust case, which has endured thus far for over a year and a half and, I am informed, will continue before Judge Caffey for another year and a half, so that judge is almost useless to us as far as all other cases, civil and criminal, are concerned. Judge Woolsey is intermittently ill. There is a motion-picture case about to be tried in the southern district of New York against the motion-picture combine that will take over a year to try. Therefore three judges will be hors de combat, as it were; they will be taken out of the average run of court cases. New York always has a situation of that sort.

In New York we try more admiralty cases than are tried in all the other jurisdictions. We try more patent and copyright cases in New York than are tried in all other districts. We have a plethora of alcohol-tax cases. In many of these cases the defendants number as many as 50, and sometimes more. The environs of New York City are veritable centers for the manufacture of illicit alcohol. Alcohol, non-tax-paid, is manufactured in Greater New York by bootleggers, especially since we increased the internal-revenue tax, to a much greater degree than during prohibition. As a result, a vast number of liquor-tax cases have accumulated. These bootleggers and tax evaders, out on bail, are free to recommit their crimes. For this reason we need these judges to get after these culprits and bring them to book.

I could go on and indicate something of the many fake insurance cases, the income-tax cases, and the Railway Employees' Liability Act cases. Under the Railway Employees' Liability Act most of the cases which could be brought in other States gravitate to New York. Employees are injured in Pennsylvania or Maine or Vermont. They all bring their suits in New York because practically every railroad has an office in New York, and thus jurisdiction is easily assured.

They do this for the reason that New York juries give large verdicts, verdicts which are larger in amount than the verdicts in other parts of the country. So we have a tremendous number of these cases that do not rightfully belong to us.

It is unnecessary to dwell on the denial of justice resulting when calendars of courts are congested and judges overworked. Meritorious claims are compromised on harsh terms when litigants of ordinary circumstances are confronted with interminable delays before a trial can be had and an appeal heard. A speedy trial is a constitutional right of one accused of crime. The southern district handled, for example, during the fiscal year 1938 on the general-motion calendar 4,588 motions, 2,851 bankruptcy motions, and 2,211 discharges and compositions in bankruptcy. From July 1, 1938, to March 1939 there were 4,199 general motions, 2,188 bankruptcy motions, and 1,352 discharges and compositions.

During the same period there was an avalanche of naturalization cases. There were 16.697 petitions for naturalizations. The court is woefully behind in handling naturalization proceedings. Applicants ready and anxious for citizenship must wait 2 years at times after filing their applications for final papers, due to the tremendous amount of work the judges are called upon to perform, and which superabundance of labor precludes appropriate asssignments to the naturalization part.

It is rather anomalous that we hear frequently in the House many outcrys against the tardiness of aliens in embracing citizenship ,and then we have hesitation to appoint additional judges to take care of these aliens pleading for citizenship.

Judge Knox, an able, fearless, and hard-working jurist, testified before the Senate Judiciary Committee that the criminal docket is loaded with cases that cannot be tried for many months. We have a courageous and energetic United States attorney—Mr. Cahill. He has struck at criminality in our district some hard, telling blows, so that New York is no longer a safe place for crooks and malefactors. We stay his hand if we do not cooperate by supplying judges to try the cases he prepares. We cannot bring criminals to book without judges.

At the present time one judge assigned to the criminal part is trying the McKesson-Robbins case, with many defendants. That case will take months to try. There are many such cases awaiting trial. There are scores of mail-fraud cases awaiting trial. There are not enough judges to go around. There are many fake insurance claim proceedings involving physicians and lawyers. These are important trials, involving bogus claims on disability policies. These cases will undoubtedly result in verdicts of guilt. They should be tried speedily. They cannot unless we help.

How about the many cases under the Jones Act, where men are injured on ships. These suits might be brought elsewhere, but are attracted to New York because of larger verdicts in New York than are obtained elsewhere.

There are hundreds of reorganizations under 77B. New York is a veritable vortex of such cases—New York, with all its hotels and apartment houses, which are primarily the subjects of reorganizations.

The case load per judge is over 375 cases, more than 1 a day. That load is staggering.

Statistical data for New York's southern district are as follows:

The judicial conference in September 1938 recommended the creation of two additional district judgeships for the southern district of New York.

The State of New York is divided into four districts—eastern, western, northern, and southern.

The southern district comprises two of the counties (New York and Bronx) composing New York City, the Hudson River Valley counties as far north as, but not including, Albany County, as well as Sullivan County, which adjoins Pennsylvania.

There are 11 judges in this district. A twelfth judge was authorized by section 4, paragraph d, of the act of May 31, 1938 (Public Law No. 555), which also contained a provision that the first vacancy occurring in any of the other 11 positions should not be filled. Recently one of the district judges—Judge Patterson—was elevated to the circuit court of appeals, and legislation is needed to permit this vacancy to be filled. Such legislation is recommended.

The number of civil actions filed is growing. It was 2,675 for the year ending June 30, 1937, and 3,235—an increase of almost 600—the following year.

During the past few years there has also been a marked increase in the number of criminal proceedings in this district. In the fiscal year ending June 30, 1936, there were 779 criminal cases filed; in 1937, 920; in 1938, 1,183; and for the first 6 months of the current fiscal year, 581. In addition, during the last 2 years there has been an increase in the number of civil actions filed. The number of pending cases has increased.

Thus, on June 30, 1937, there were 4,059 cases pending; on June 30, 1938, 4,318; and on December 31, 1938, 4,476. This indicates that the judges are unable to keep abreast of the work, because new cases come in faster than the old ones are disposed of.

The dockets are considerably in arrears. As of June 30, 1938, the law dockets were 3 months and the equity dockets 11 months behind. A year previous the condition was much better.

Cases in U. S. District Court for the Southern District of New York, July 1, 1935, to Dec. 31, 1938

	Fiscal year ending June 30, 1936			Fiscal year ending June 30, 1937			
	Pending June 30, 1935	Filed	Terminated	Pending June 30, 1936	Filed	Terminated	Pending June 30, 1937
Private litigation	3,603	2,268	1,963	3,908	1,980	3,028	2,860
Civil cases to which the United States is a party	981	782	845	918	695	897	716
Criminal cases	499	779	787	491	920	928	483
Total, except bankruptcy	5,083	3,829	3,595	5,317	3,595	4,853	4,059
Bankruptcy	2,948	3,038	2,629	3,357	2,908	2,954	3,311
Grand total	8,031	6,867	6,224	8,674	6,503	7,807	7,370
Average cases per judge, this district:							
Civil, except bankruptcy	----------	381	351	----------	243	357	----------
Criminal	----------	97	98	----------	84	84	----------
Average cases per judge, all districts:							
Civil, except bankruptcy	----------	248	261	----------	196	225	----------
Criminal	----------	229	232	----------	215	215	----------

Cases in U. S. District Court for the Southern District of New York, July 1, 1935, to Dec. 31, 1938—Continued

	Fiscal year ending June 30, 1938			6 months ending Dec. 31, 1938		
	Filed	Terminated	Pending June 30, 1938	Filed	Terminated	Pending Dec. 31, 1938
Private litigation	2,392	2,427	2,825	1,057	1,101	2,781
Civil cases to which the United States is a party	846	819	743	502	365	880
Criminal cases	1,183	916	750	581	516	815
Total, except bankruptcy	4,421	4,162	4,318	2,140	1,982	4,476
Bankruptcy	2,983	3,008	3,286	1,293	1,267	3,312
Grand total	7,404	7,170	7,604	3,433	3,249	7,788
Average cases per judge, this district:						
Civil, except bankruptcy	294	295	--------	130	122	--------
Criminal	108	83	--------	48	43	--------
Average cases per judge, all districts:						
Civil, except bankruptcy	183	209	--------	92	92	--------
Criminal	188	189	--------	91	90	--------

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, this bill has the lukewarm support of myself, as well as most of the other members of the Judiciary Committee, I believe.

I am extremely reluctant to vote for a bill increasing the membership of the district courts of the United States. I hate to see the Federal pay roll going up day by day, the pay roll of the Army and the Navy, the classified service, the unclassified service, the permanent part of the Government, the temporary agencies of the Government, and the judiciary itself.

When the prohibition law was repealed we all had reason to believe that the burden on the Federal courts would be considerably lightened. Such has not been the case. During the last 7 or 8 years there has been a very flourishing bankruptcy business in the United States courts, many corporations have been reorganized, a great many new criminal statutes have been placed upon the books, and the various New Deal agencies set up to control business have forced business to go to the courts to fight for their lives. I think the appropriate title for this administration will be "The Era of the More Abundant Strife." At any rate, the litigation in the courts has steadily increased.

We are limited in our knowledge of the needs of the courts almost entirely to the report of the judicial conference, the recommendations of the Attorney General, statements from the various bar associations, and the Representatives in Congress in districts where new judges are requested.

We have an extremely conscientious subcommittee that studied this question, studied the statistics, and reached a conservative conclusion. I have complete confidence in the judgment of the chairman of this subcommittee the gentleman from Pennsylvania [Mr. WALTER] and the ranking Republican on the committee the gentleman from Iowa [Mr. GWYNNE]. I am perfectly willing to abide by their judgment. They have found that these five district judges are necessary. They have specifically recommended against including an extra judge in the State of Oklahoma, and I think when the committee amendment to strike out that item of the bill is reached the House ought to support the committee. I understand that the gentleman from Oklahoma on the committee [Mr. MASSINGALE] has changed his mind about the necessity for this judge. Formerly opposed to an additional judge, he is now to ask that that provision be retained in the bill. I may say, in passing, that the State of Oklahoma now has 4 district judges with a population of a little over 2,000,000. My own northern district of New York has the same population or a little more than the State of Oklahoma, and we get along very nicely with 2 Federal judges. I see no justification whatever for giving Oklahoma five when two can do the business in New York State.

As the gentleman from Michigan has suggested, it is not entirely a matter of population; it is the amount of litigation that should be the determining factor, but it is well to bear in mind that the northern district of New York borders on Canada, and we have many deportation cases in our district court. It is also a manufacturing State, which means we have much patent litigation. It is in the heart of the industrial East, where there is a great deal of litigation caused by diversity of citizenship. I think, as a general rule, an industrial section of the country has more litigation than a rural section, because there is more business.

I hope we will not accept any amendments outside of those recommended by the committee, because their report is the result of very careful study. There is always a temptation for Members of Congress to offer amendments to get additional judges for their own districts, and I hope the House will resist such efforts. There are a number of us who cannot vote for the bill if it is loaded down beyond the committee recommendations.

As I said at the outset, this bill has my unenthusiastic support, and I think that is the general feeling. I am going to vote for it, though with some hesitancy, exactly as the committee have reported it, and I hope it will be the last judgeship bill reported to the Congress for many years to come.

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARTIN J. KENNEDY].

Mr. MARTIN J. KENNEDY. Mr. Chairman, the Representatives from New York are deeply interested in the pending bill because our district court calendars are growing longer, and the present personnel of the court seems unable to promptly dispose of much urgent business. I would like to see five additional district judges appointed for the Southern District of New York instead of just one as is provided by this bill. I believe we should also have an additional circuit court judge. An increase in the number of judges seems to be the only solution to the problem of crowded calendars and long delays.

It would seem that, year after year, our local district courts are lapsing into a slower pace. They are continually falling behind in the disposition of important business and unless we take action the situation will become unbearable. My colleague the gentleman from New York [Mr. CELLER] spoke about the great amount of work in the southern district. The gentleman mentioned a few big Government cases that are occupying the full time of some of our district judges, and at the rate the judges have been proceeding they will probably take the rest of their lives to try them. The judge assigned in these special cases are very estimable gentlemen, but they are quite old and do not appear to be in any rush to finish the cases.

Many of these cases being prosecuted by the Government and requiring the full time of a judge could and should be tried in other districts. For some reason best known to the Attorney General they are moved into the southern district of New York. As a result, New York is busy doing the work of every other district and its own. Only a few weeks ago another one of our judges was assigned to the Associated Gas case. This case originated up-State New York, but by some agreement it was transferred to our district. This case involves millions of dollars, and you can readily see how this judge will be required to devote practically all of his time to advising with the trustees and hearing the many motions arising out of this litigation.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN J. KENNEDY. Yes.

Mr. CELLER. Also, the judicial conference recommended two additional judges, although this bill complies with only half of that request.

Mr. MARTIN J. KENNEDY. I would like to see at least five judges created by this bill. One Member, in speaking today, introduced the subject of politics in connection with this bill. He intimated that it would mean jobs for Democrats.

This is not so, because when the President recently had a vacancy in the circuit court he appointed a Republican and passed over the Democrats on our district bench. We have a senior judge in our jurisdiction who is a Democrat, appointed by Woodrow Wilson, but he finds time to go around delivering speeches condemning not only the administration but everyone connected with it. Certainly there is no politics as far as we New York Democrats are concerned. I hope the Members will give serious thought to this bill and help us create additional facilities in our jurisdiction. I wish all of you gentlemen who are not especially interested, because your State is not to have any judgeships under this bill, will consider the problem of our courts in the southern district and vote favorably, so that my home district may obtain these much-needed additional judges. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, the bill now before the House has been very carefully considered by the subcommittee of the Committee on the Judiciary, and I desire to take this opportunity to express my appreciation of the ability and integrity of the chairman of the subcommittee, who has handled this particular legislation, the gentleman from Pennsylvania [Mr. WALTER]. In this bill we have provision for one circuit judge in the sixth circuit. That question was determined originally by the subcommittee at the time it considered the bill. An amendment will perhaps be offered by the committee providing for a circuit court judge in the eighth circuit. I propose to vote for it and fully support the committee in that proposed amendment. This bill provides for five additional district judges. There will probably be two amendments, one providing for an additional district judge in Oklahoma and one in the State of Florida. I shall compare briefly for your consideration the question respecting Oklahoma and some of the other States in which we have a less number of judges than they now have in the State of Oklahoma. In the State of Oklahoma, as I understand it, there are now four district judges, who serve a population in that State of approximately two and a third millions of people. I turn to my own State of Indiana, having a population of more than 3,000,000 people and we have in that State two district judges—one in the northern district of Indiana and one in the southern district, both of whom are alert and active in the disposition of the business of the court. Those two district judges, in my own State, take care of and handle the tremendous volume of business in the courts in that State. As I understand, in the State of Oklahoma, they have the two districts with two judges in one district and with one roving judge who sits in the other districts and aids in handling the judicial business in part, at least, in those particular districts. They are abundantly equipped in that State at this particular time, and at the time this bill was considered, my fine colleague the gentleman from Oklahoma [Mr. MASSINGALE] expressly stated before the committee that the extra judge was not needed in that State. Since that time, however, he has stated that he has asserted the well-known prerogative and has changed his mind in that respect. However, the volume of business in the State of Oklahoma, as it appears from the records, fails to justify an additional judge in that State. The four judges there at the present time are certainly able to handle all of the business in that State.

Also, in the State of Florida it is expressly stated, and the subcommittee had a statement before it, and the whole committee had the same statement before it at the particular time it considered this measure, that there was no necessity for an additional judge in the State of Florida.

As I understand, in that State one of the judges has practically reached the age of retirement. That retirement will occur in a short time. That judge will retire and a new judge will be appointed to take his place, and then they will be equipped to handle all the business in the State of Florida. One of the judges, Judge Holland, of Miami, as I understand, has been ill. That is only temporary, and with the new appointment in the not far distant future, they will be well equipped to handle all of the business coming before the Federal courts in the State of Florida.

I propose to support the committee in this matter with respect to the creation of these courts. I am opposed, Mr. Chairman, to the appointment of additional judges where they are not necessary. We have other problems in this country. We have the problem of the unemployed. We have the farmers' problems, which must be solved. The questions which affect labor must be determined, and a just and proper solution made. I am unalterably opposed to the appointment of any additional Federal court judges in districts where they are not absolutely necessary. We can get along without them. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. EDELSTEIN].

Mr. EDELSTEIN. Mr. Chairman, the gentleman from Indiana [Mr. SPRINGER] has announced his opposition to the appointment of additional judges in districts where they are not necessary. I believe that a careful consideration of the hearings held by the Senate's "special committee to study reorganization of the courts of the United States and reform judicial procedure" on April 17, 1939, would convince him of the necessity for the appointment of an additional judge for the Federal District Court of the Southern District of New York. I come from that district. I have only been a Member of this House for a period of 3 weeks. However, for 29 years I practiced very extensively before the Federal court of that district. From my experience I can affirm without hesitation or qualifications that that district needs the additional judge recommended by the House Judiciary Committee. I am surprised that the committee reported in favor of only one additional judge. I believe that the southern district could easily use five additional judges. I would like to see the time when this will be done.

The southern district of New York is a unique district in our Federal court system. In territorial extent it is one of the smallest. In the size of business that it handles, year in and year out, it is one of the largest. In complexity of cases which come before it, it exceeds any other court. As you all know the southern district of New York has within it the financial capital of the United States, if not of the world. It has jurisdiction in admiralty over the enormous shipping activities carried on in the port of the city of New York. Numerically, it has more district court judges than any other district, but in comparison with the amount of business handled, the number is absolutely inadequate.

Let me point out to the Members of this House in some greater detail the different types of cases which exist in this district in large number and which rarely arise in any of the other districts. In the first place the Antitrust Division of the Department of Justice is instituting most of its very important prosecutions under the Sherman Act in this district. The long heralded prosecution against the motion picture industry is now pending in this district. This case is not one that will be disposed of in a day, a week, a month, or possibly even in a year. Other antimonopoly prosecutions will also be instituted in this district, I understand, whenever there are sufficient facts to lay a proper venue for bringing the suit in the southern district of New York.

Under the Judicial Code citizens of another State residing in New York are given the privilege, when sued by a resident of New York, to remove cases begun in the State courts into the Federal District Court of the Southern District of New York. Most of the corporations whose offices are located in the financial and business sections of New York City have their domicile in some other State. The tremendous amount of litigation which naturally flows from their contracts and their torts provides much of the case load in the southern district. Many of the negligence actions which could well be begun in other jurisdictions are brought in the southern district court. This situation does much to swell the aggregate number of cases on the calendar in the southern district of New York.

I have already referred to the obvious fact that the southern district contains the financial center of this country. In recent years a tremendous number of cases in bankruptcy, which includes 77B proceedings for reorganization of realty corporations and industrial corporations, have been instituted in the southern district of New York. Although these proceedings can be handled somewhat more expeditiously than equity cases, since most of them involve corporations whose assets are in the tens of millions of dollars, the proceeding is likely to continue anywhere from 1 to 3 years. This is in addition to the usual run of bankruptcy cases arising out of ordinary small business.

Finally, let me refer to the condition of the criminal calendar. New York City, because of its close relation to business enterprises, has many cases of use of the mails with intent to defraud. There are also criminal cases which are likely to arise in any metropolitan center of population.

The calendar steadily falls behind. This is in no sense a criticism of any of the hard-working judges who are members of the southern district court. I know that these judges, in an effort to keep up with their work, after sitting on the bench all day—and they do not adjourn on the minute—come back to their offices in the evening and on Saturday afternoons and Sundays to take care of the work which has piled up, to study cases they have heard, and to prepare their decisions and opinions. Nor is it an attack upon the handling of these cases by the United States attorney for that district, who, with his capable assistants, has been solicitous of the constitutional rights of those who have been accused of crime.

The district attorney and his assistants are aware of this distressing condition. They spare no effort to minimize it as much as possible. They work nights, Sundays, and holidays, but if there are not enough judges to hear the cases their endeavors go for naught.

Notwithstanding the strenuous efforts of the judges and the United States attorney for that district, those who are accused of crime and who cannot furnish bail, are being deprived of the right guaranteed to them by the sixth amendment of the Constitution of a speedy trial. They must stay in jail for a considerable period of time, while those who are fortunate enough to raise bail, can walk the streets free. If some of those who are held in jail until tried are found not guilty, there is no redress for the prison term they have served.

Considerations of justice should move this House to provide for an additional judge for the southern district of New York so that these cases of hardship will be eliminated as much as is humanly possible. We can do no less than that at this time. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. VREELAND].

Mr. VREELAND. Mr. Chairman, at the outset I want to say that while I was not a member of the Judiciary Committee at the time this matter was considered, I have since become a member of that committee and I have sufficient confidence in the chairman and members of the subcommittee to go along with their judgment on the measure.

For a minute let us consider, if we may, what brings about the necessity of an additional judge. I speak of New Jersey alone, because as a member of the bar of that State I am fairly familiar with the situation. In these times of stress and economic difficulties that have arisen in the past few years we lawyers—and I include myself in that category—have been inclined to start cases in some instances where we might have tried to settle or perhaps thought twice before we did start the action. As a result, there has been a very great congestion in the calendars of our courts, not only the Federal courts but the State courts. Also there has been considerable increase in bankruptcy, reorganization, criminal, and the many various types of cases that the Federal courts handle. As that calendar has increased, the number of judges have not increased, nor has the staff been increased in the Federal departments. The attorneys general and the assistant district attorneys have not had an increase in their staff, yet there has been an increase in the criminal cases before the Federal courts.

We attorneys know—and perhaps this is an admission out of school that I should not make—that in the rush of business and public life sometimes when the court calendar is made up for the trial day we can find many thousands of excuses why we should not try our case on that particular day, and have it postponed. After all, the court must set a calendar in order to function. When we postpone these cases, sometimes the judges are left without any cases to try on that day, further congesting the list. New Jersey is not any exception. Being as close as it is to the metropolitan section and New York City, our calendar has increased alarmingly. In 1938 we suddenly found a very peculiar situation. With our calendar increasing daily, there was a vacancy created by reason of the elevation of Judge William Clark to the circuit court of appeals. Immediately the powers that be in the State tried to determine who might be the probable or possible successor. Unfortunately, those who would have the choice of naming that person did not agree. I may say, incidentally, that it was in the newspapers, so it is public property. They did not agree for 18 months, during which time the calendar increased daily and the cases were not tried. Because of the clamor of the citizens of our particular section, the civil cases took precedence over the criminal cases and few days could be given for such trials.

At this time I want to commend our assistant United States district attorney, Hubert Harrington—he is a very close friend of mine—for the admirable work he has done in trying to relieve the condition. Working day and night and being able to devote only 1 or 2 days a month to criminal cases, he has kept the calendar down to a minimum, as the figures will show. He tried 327 criminal cases in a period of a year.

Then there was an appointment. Incidentally, during the entire time that there was a disagreement on the appointment of the judge, a special appeal was made for an additional judgeship in New Jersey. No one paid any particular attention to the fact that there was a vacancy which had not been filled. Then, 18 months afterward, after the calendar had piled up for the lack of this one judge, a new man was appointed; and let me say that the ultimate choice was worth waiting the 18 months to have him appointed, because Judge Thomas Walker is one of the finest men I know, a classmate of mine, and will make a good addition to the Federal court.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. VREELAND. I yield.

Mr. THOMAS of New Jersey. Is it not true that much of the congestion in New Jersey is due to the vacancy which existed over a period of months?

Mr. VREELAND. Considerably.

Mr. THOMAS of New Jersey. And that just as soon as that vacancy was filled the congestion began to disappear.

Mr. VREELAND. The gentleman is right.

Mr. THOMAS of New Jersey. So there is really no necessity for the additional judgeship in New Jersey such as there was while the vacancy existed.

Mr. VREELAND. I disagree with my colleague from New Jersey on that point. I do not feel that this vacancy should have occurred, but it did occur, unfortunately, and we are advised cases have piled up so that an additional judgeship is necessary to serve our litigants, to take care of the criminal cases that are awaiting trial, and to take care of the interests of the United States Government.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey.

Mr. VREELAND. I am, however, going along with this mainly for the reason that the additional judgeship is temporary. I believe firmly, after the congestion has been relieved and the calendar cleared, four judges can handle the job, just as has always been done.

Mr. HART. Mr. Chairman, will the gentleman yield?

Mr. VREELAND. I yield.

Mr. HART. Answering our good friend and colleague the gentleman from New Jersey [Mr. THOMAS], will the gentleman permit me to read a statement by the presiding judge of the district court with reference to the need for the five judgeships, despite the vacancy?

Mr. VREELAND. I would like to very much, but I have only 1 minute left.

Mr. HART. I appreciate the gentleman's lack of time, but I have a statement from Judge Fake showing why an additional judge is necessary despite the filling of the vacancy.

Mr. VREELAND. I also want to point out, Mr. Chairman, if I may, that while the figures which have been quoted of 3,284 cases pending are staggering, nevertheless 1,804 of these cases are bankruptcy actions. We attorneys know that in bankruptcy the referees handle most of the cases, and, in fact, are not usually heard by the judges.

Mr. KEAN. Mr. Chairman, will the gentleman yield?

Mr. VREELAND. I yield.

Mr. KEAN. The gentleman seems to be using the same figures which were criticized by the able chairman of the committee when I used them. Will the gentleman tell us where he got these figures?

Mr. VREELAND. These figures were sent to me by Administrative Assistant to the Attorney General Thomas D. Quinn.

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, in this brief time I shall try to explain the Oklahoma judgeship situation.

The impression has been left by certain Members that this is just an afterthought on the part of Oklahoma. I have studied the report of the judicial conference, signed by Chief Justice Hughes, and I find that Oklahoma is just as strongly mentioned therein as is any other State.

Attention has been called to the fact that Indiana requires but two judges, whereas Oklahoma, with a similar population, requires four. Let me remind you that Oklahoma is a new State, and within her borders is approximately one-half of the Indian population of the Nation. Practically all litigation involving Indians must go through the Federal courts, both cases with respect to the person of the Indian as well as to his land and property. Indian land titles present one of the most complex questions of law that any court can be called upon to decide.

In some instances it involves old tribal customs which must be studied. Since the Federal Government has made Oklahoma the home of the Indians and put upon us the duty of trying these cases in the Federal court, our load naturally is heavy.

The 4 Oklahoma judges in 1938 terminated 2,090 cases. Virginia, with a population almost identical with Oklahoma's, has 4 judges and terminated 1,345 cases. Oklahoma terminated 645 cases more than Virginia. Louisiana, with a comparable population and 4 judges, terminated 1,173 cases; in other words, Oklahoma terminated 817 more cases. Tennessee, with a population comparable to Oklahoma and with 4 judges, terminated 1,442 cases; in other words, Oklahoma terminated 548 more cases. The number of cases terminated by the 4 Oklahoma judges was 2,090 against an average for these 3 other States of 1,320 cases. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, practically every Member who has spoken this afternoon on the pending bill is a member of the Committee on the Judiciary. I yield to no one in my respect for the Judiciary Committee, but today we have seen an example of one of the great committees coming in with a bill upon which there has been no unanimity of opinion on the part of the committee for it. I have seen member after member of this great committee take the floor this afternoon and apologetically say he expects to support this measure; but he says he is not completely sold on it. This confirms an opinion that I have had for some time, which is that providing new judgeships and filling them is done without the consideration that such important matters should have.

There are those of us who have been against this judgeship racket for years. Now is the time for us to rally together and beat this poorly prepared measure. Let us remove this uncertainty in the minds of these fine brethren on the Judiciary Committee. Let us take the position that we do not need any more judges until it can be shown conclusively that we need them. So long as such a large number of these splendid fellows do not agree, then it is our duty to act cautiously and vote "no." We have voted many additional judges for New York, but the more judges that are given to New York the more they want. The more you give to Ohio the more they want. There has been no definite or persuasive facts or figures set forth here today that we need more judges any place. I take the position that we do not need these judges. I am a lawyer also and I have practiced a great deal in the United States courts. I have the highest regard for those courts, but there is no use rushing into something when we are not sure of our way.

What we need in connection with the selection of judges is to select better judges. Occasionally men are selected as judges who have seldom ever tried a lawsuit. We have seen a fine example of that in the last year or two when men have been elevated to the Supreme Court, some of whom have never been recognized as practicing lawyers.

Some of these men who have been appointed judges throughout the country also have not been considered as real lawyers. Of course such men cannot dispatch the business of the court. They do not know how to do it. I can give you an illustration of how these courts are loaded down with men who should not have been appointed. I know a man who I think is in the process of being prepared for a place on the Supreme Court, and if anybody wants to ask me who it is I will tell him. I have seen him appointed as counsel for the T. V. A. investigating committee. I have seen him perform that service, just as his master told him to perform. Was he rewarded for his tractable and servile service? I can only suggest that he received an appointment to a place on the circuit court of appeals of the United States. He received this appointment almost before he had finished his work helping whitewash the T. V. A. How long did he hold this most honorable position of circuit judge for the United States? He only held it for a few months. They resigned him from that high and honorable place at the behest of the administration to accept a place as Solicitor General of the United States—that place is not to be compared to a place on the highest court next to the Supreme Court—and I think he is being prepared for the Supreme Court of the United States. I am opposed to that sort of method of picking judges. I am opposed to that way of handling our courts. Why do we not rise up here this afternoon and defeat this proposition? Let us put it aside for a while. We can get along without any more judges at this time, and when we have done that we will have done what our constituents want us to do, what we ought to do and we will have done right. [Applause.]

Mr. COCHRAN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Missouri.

Mr. COCHRAN. Does the gentleman from Ohio [Mr. JENKINS] challenge the report of the judicial conference wherein it is stated that there is a need for another judge in the gentleman's circuit?

Mr. JENKINS of Ohio. I have great respect for the judicial conference. But there are several things involved in putting a man on the bench. In the first place, you need a competent man, and in the second place he should be put on there in the right way. I am not ready to say that we need another judge in Ohio. For instance, one of the persons appointed to the Federal bench from Ohio had not tried a case for many years, yet he was appointed on the circuit court of appeals to decide the important matters that claim the attention of that court. This is not a wise course to pursue.

Mr. COCHRAN. We are not considering the appointee. We are considering the recommendation of the judicial conference.

Mr. WALTER. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The gentleman has referred to the distinguished Philadelphian, Francis Biddle?

Mr. JENKINS of Ohio. Yes.

Mr. WALTER. It is too bad the gentleman did not read the speech delivered at a dinner recently by George Wharton Pepper, one of the leaders of the gentleman's party, extolling Mr. Biddle.

Mr. JENKINS of Ohio. I probably know as much about that matter as does the distinguished gentleman to whom my friend refers. I have no desire to discuss personalities. I say that the selection of Mr. Biddle to the court of appeals was not above unfavorable comment, and that the withdrawing him from the court and putting him in another position does not reflect credit on him or those at whose beck and call he responds, and it is almost an insult to the high judicial position with which the parties were playing hide-and-seek.

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BELL].

Mr. BELL. Mr. Chairman, I want to call attention to the need for additional circuit judges in the eighth circuit. The work of that circuit has been very, very heavy for a long time. The appellate work in that circuit has been such that it has been necessary to call members of the district bench, already overburdened with duties of the district courts, to assist on the circuit bench. This is not a good condition.

May I say a word about the Committee on the Judiciary? I have watched its work in connection with this bill and I feel that committee has approached the subject purely from the standpoint of the needs of the people of this country. One of the most vital needs of every people is justice, and a justice which is not delayed. Justice delayed is justice denied. In spite of the tireless efforts, the industry and ability of the splendid judges who occupy our Federal bench, justice will be delayed and denied unless we provide a sufficient number of judges. Whenever we are so niggardly in our appropriations and in our arrangements for the judiciary of this country that we do not provide a sufficient number of judges to do the work carefully, thoughtfully, and in an orderly manner, we are denying justice to the people of this country. I do not think the Congress wants to do that. So I urge the Members here to vote for the pending bill because I think it is a very good bill.

Mr. COCHRAN. Will the gentleman yield?

Mr. BELL. I yield to the gentleman from Missouri.

Mr. COCHRAN. May I suggest to my colleague that he also bring out the fact that unfortunately the two retired judges in the eighth circuit are now physically unable to answer the call to serve in emergencies, which requires the eighth circuit at the present time to call upon the district judges in that circuit? That certainly is a very bad practice and the judicial conference recognizes that fact and recommends two additional judges.

Mr. BELL. I am familiar with that condition, and it is a condition that needs remedying.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, following the gentleman from Ohio [Mr. JENKINS], I want to remark that it appeals to me that the committee has made a good report and has, perhaps, proved to us the need of these additional judgeships. They have been very polite, indeed, and very careful not to discuss the practical situation as to how and by whom these judges are to be appointed. We are well informed as to the appointments already made by this administration. I listened yesterday to your side say that they refused a large number of appointees and funds to the old Librarian of Congress because a new Librarian was coming in. Why not be as courteous today and wait for the new President to come in within a few months? We certainly have had enough of a certain type of judges. That is what causes present objections. I believe it is proper and a fair criticism, and that we may warn ourselves that, although the need may exist, "what may we get?"

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I was surprised this morning to find that some Members do not believe there is any need for certain of these additional judgeships. I ask your indulgence for a few minutes to tell you of my experience in the northern district of Georgia. I came directly from the district attorney's office in that district to this House last August, having served more than 5 years there as assistant United States attorney. In the northern district of Georgia we tried, during the year ending July 30, more than 1,100 cases. We have only one judge and during that year we constantly had with us visiting judges. Judge Kennemer served almost half his time there, coming from Montgomery to assist Judge Underwood in that court. Judge Barrett and Judge Deaver spent almost a third of their time in disposing of this large number of cases.

You may ask why so many cases are tried there. It is mostly because of the heavy habeas corpus docket. We have, in Atlanta, the Federal penitentiary, and there are more than 3,600 prisoners there constantly. Almost every one of these men files an application for a writ of habeas corpus, and the judge has tried more than 300 habeas corpus cases each year for the last 5 years; the hearings on some of the cases lasting several days. The hearings in the famous Al Capone case, the Beard case, the case of Lupo the Wolf, and the Farnsworth case, all took a long time. If you will look at the records you will see that this district court has tried more habeas corpus cases than all the other United States district courts combined.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Is not the Atlanta Penitentiary in that district?

Mr. CAMP. Yes; that is what I am speaking of. All these cases come from the Federal penitentiary.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from New York.

Mr. CELLER. As a member of the Committee on the Judiciary, may I say that I emphatically agree with what the gentleman says. May I say, also, that there has been no increase in the judicial personnel in Georgia since the act of May 28, 1926.

Mr. CAMP. May I also say that within the northern district of Georgia lies a great Federal reserve, known as Chickamauga Park. There is a peculiar law in effect, giving to the Federal courts exclusive and original jurisdiction over that area. Therefore, the district court in the northern district of Georgia has to try even misdemeanor cases originating in that great tract of land.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Georgia.

Mr. COX. While I believe a great many of our Federal judges are little more than fancy loafers, and while I do not like the philosophy of a great many men who have been promoted to the Federal bench, I am familiar with the situation to which the gentleman is addressing himself, and I know there is a real need for relief through the appointment of an additional judge. The inquiry I have made discloses that this situation is true with respect to the other four judgeships provided in the bill.

Mr. CAMP. The judicial conference in September 1938 recommended an additional judge for the northern district of Georgia. Georgia has three districts—the northern, middle, and southern.

The northern district includes the city of Atlanta, one of the most important industrial and railroad centers of the South. The United States penitentiary, known as Atlanta Penitentiary, being there results in the filing of the large number of habeas corpus proceedings. The volume of business in this district is the heaviest of any district in the

United States having only one judge. Judge Underwood, the present judge, is the most overworked Federal judge in this country. During the fiscal year ending June 30, 1938, there were filed in the northern district of Georgia 419 civil actions and 496 criminal proceedings, a total of 915 cases, while the average number of cases filed per judge for the whole country in the same period was 183 civil actions and 188 criminal proceedings, a total of 371 cases. Thus, there were nearly three times as many cases filed before the one judge in this district during the fiscal year of 1938 as was the average per judge for the entire country during the same period.

Moreover, the number of cases pending on December 31, 1938, was 423, an increase of 32 cases over the number pending on June 30, 1938. During that 6-month period 495 cases were terminated, while 527 were filed.

I desire to appeal to you to remedy this situation not only in the interest of justice and fairness, but I ask it for the relief of this overworked judge and the understaffed office of the district attorney.

To keep up with this growing docket and to dispose of this large volume of business it is the custom of the judge when presiding in the divisions of his court outside of Atlanta to open his court early and adjourn very late, often holding court open until after darkness has set in. This has resulted in much inconvenience to jurors, parties, and witnesses who live in the rural sections.

We really need this judgeship. There has been no increase in the judicial personnel of the State of Georgia since the act of May 28, 1926 (44 Stat. 870), which increased the number of districts in the State from two to three.

The CHAIRMAN. The time of the gentleman from Georgia has expired; all time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, two additional circuit judges as follows:

One for the sixth circuit and one for the eighth circuit.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, line 6, after the word "circuit", strike out "one" and insert "two."

Mr. WALTER. Mr. Chairman, this is the amendment that the Judiciary Committee agreed on this morning. I have already discussed the amendment. It provides for two judges in the eighth circuit.

The amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I want to suggest to the gentleman from Pennsylvania that inasmuch as the amendment has just been agreed to that he move to strike out the word "two" in line 4, and insert "three."

Mr. WALTER. I shall offer a perfecting amendment later.

The Clerk read as follows:

SEC. 2. The President is authorized to appoint, by and with the advice and consent of the Senate, seven additional district judges, as follows:

One for each of the following districts: Southern district of California, district of New Jersey, western district of Washington, western district of Oklahoma, eastern district of Pennsylvania, southern district of New York, and one who shall be a district judge for the northern and southern districts of Florida.

With the following committee amendments:

In line 8, on page 1, strike out "seven" and insert "five."

In line 11, on page 1, after the word "Jersey", strike out the remainder of the line, and all of line 1, on page 2, and insert "northern district of Georgia."

On page 2, line 3, after the word "New", strike out the remainder of the line and all of line 4, and insert "York: *Provided*, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled."

The committee amendments were agreed to.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 1, line 11, after the word "California", insert "northern district of Illinois."

Mr. WALTER. Mr. Chairman, while this amendment is not recommended by the judicial conference, nevertheless it appealed to the members of the Judiciary Committee who gave considerable thought to this proposition that certainly there ought to be a temporary judge provided immediately for the northern district of Illinois. This need arises from the incapacity of one of the judges, who is past retirement age. This judge has not been on the bench for many months, with the result that the criminal cases have increased from 150 pending on the 30th of June 1938, to approximately 300 today. All of the cases in that district have increased from a grand total of 3,900 to 4,288.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. WALTER. Yes; certainly.

Mr. KEEFE. The gentleman has used the words "temporary judge." Will the gentleman explain what he means by a temporary appointment?

Mr. WALTER. By that I mean when there shall be a vacancy due to the death, resignation, or removal of any of the present judges, the vacancy cannot be filled except by an additional act of Congress. All of the judges in this bill are popularly known as temporary judges. The judges themselves are appointed for life, but the judgeship is a temporary position.

I certainly feel that in this case we ought to create this additional, temporary judgeship.

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment has not been considered by the Judiciary Committee, other than as suggested in a meeting of the committee this morning.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. I would like to call the gentleman's attention to the fact that at the last regular meeting of the committee we did discuss this matter, and the committee agreed to offer this as a committee amendment. The gentleman from Michigan was not at that meeting. We again discussed the matter this morning.

Mr. MICHENER. If the gentleman says that is true, it is true. I did not know I had missed a committee meeting, but I possibly was a little late on some occasions. The other members of the committee would probably know about that, but the fact is, and the real thing to be considered is that the judicial conference has not recommended this judgeship. I am absolutely opposed to all political judges. I go along with the bill when it has the recommendation of the bar association—the people who know—the businessmen of the community—the people who know—the judicial conference, composed of the Chief Justice of the United States and the judges who should know, but I am opposed to political judges, and I am opposed to creating judgeships momentarily or on the spur of the moment here on the floor of the House.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Miss SUMNER of Illinois. It seems to me that the question ought to be commented on whether it is better to appoint these judges now or wait, perhaps, until the next Congress or the next administration comes in. It seems to me that always before this administration, Presidents of both parties have appointed independent men and able lawyers as judges, and it might be, we hope, that the next administration, regardless of party, will adopt that traditional policy.

Mr. MICHENER. For my part, I am a Republican, and I would possibly appoint all Republican judges if they were as capable as available Democrats; but I am saying that the Judiciary Committee is not partisan. I am saying that we have found, after careful study, and as recommended by a Republican Chief Justice, that the country needs these additional judges provided in this bill; and I, for one, am not going to deprive the litigants of the country of the right to have the courts function now, simply because we are going to get a Republican President in 1940. If the Democrats have as

much trouble in selecting judges and in settling their political quarrels about the appointment of judges as they have had in the State of New Jersey, we need not fear any appointments for at least a year, and so I, for one, am ready to start the thing going; but I do think we are going far afield—and I am not talking politics—when we come on the floor and attempt to create new judgeships. Perhaps the majority have the political votes to do that, but you are going to do it by political votes, if you do.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. WALTER. The gentleman does not believe it political where the judge is incapacitated and is in California for his health and has been there for 5 months, and as a result of that the entire calendar has become congested?

Mr. MICHENER. That is possibly true. The judicial conference is going to meet shortly, and the judicial conference will recommend, and if it does recommend that we need that judge there, the gentleman from Pennsylvania knows that I will be the first man to advocate the appointment.

Mr. WALTER. But the judicial conference will not meet again until October.

Mr. MICHENER. But you have your summer vacation right ahead of you. If I were making a speech against this bill and wanted a real excuse, I would say the judges would not be appointed so that they could do anything during the summer anyway. The summer vacation comes very soon; however, we must remember that the next Congress does not convene until next January. Judges appointed now will be available for the fall terms.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MICHENER) there were—ayes 86, noes 70.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were ordered and the chair appointed Mr. WALTER and Mr. TABER to act as tellers.

The Committee again divided and the tellers reported—ayes 105, noes 89.

So the amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 11, after the word "Jersey" insert the following: "Eastern district of Missouri."

Mr. COCHRAN. Mr. Chairman, I especially would like to have the attention of the gentleman from Michigan [Mr. MICHENER]. I approve of the method of selecting additional judges when the committee accepts the recommendations of the judicial conference. Such a procedure removes the political issue. Surely we can trust Chief Justice Hughes and his associates.

The gentleman from Michigan said a moment ago to the gentleman from Pennsylvania [Mr. WALTER] that the gentleman from Pennsylvania knows that he, the gentleman from Michigan, would be the first one to support an amendment recommended by the judicial conference. The judicial conference in 1938 and again in 1939 recommended an additional district judge for the eastern district of Missouri. So I hope the gentleman from Michigan will be consistent and not only vote for my amendment, but make a speech for it.

It so happens that included in the eastern district of Missouri is the city of St. Louis. It is one of the greatest railroad centers in the United States. It is not a flag station. No train ever goes through that city. It either is made up there or it ends its run there. We have in our district courts a number of cases where large railroads are in the hands of receivers, and that is taking the entire time of one of our district judges. There is nothing that I can say concerning the situation in the eastern district of Missouri that has not been said by the conference of circuit judges, headed by Chief Justice Hughes. Here is the recommendation—

The judicial conference in September 1938 recommended an additional district judge for the eastern district of Missouri.

Missouri is divided into two districts—the eastern and western. The eastern district is composed of 48 counties and includes the city of St. Louis.

There are two judges in this district, who are assisted a part of the time by the judge authorized by the act of June 22, 1936 (49 Stat. 1804) to serve both the eastern and western districts.

The volume of business is large, and during the fiscal year of 1938 the case load per judge of 406 cases exceeded somewhat the average per judge for the entire country, which was 371 cases. The business is increasing, as appears by the fact that during the fiscal year ending June 30, 1938, there were 515 civil actions and 499 criminal proceedings filed, while during the fiscal year ending June 30, 1937, there had been 425 civil actions and 512 criminal proceedings filed.

Then followed the 1939 recommendation for an additional judge.

If we are going to follow the recommendation of the judicial conference, I think you should accept the recommendation not only for 1938 but also for 1939, and accept my amendment. [Applause.]

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. REES of Kansas. As I understand it, the provision for this judge is not in this bill?

Mr. COCHRAN. It is not in the bill, but it has been recommended by the conference of circuit judges for 1938 and 1939. I introduced a bill immediately following this recommendation.

Mr. REES of Kansas. Did the gentleman appear before the Judiciary Committee and ask for this judge?

Mr. COCHRAN. I did not. I felt there was no necessity if they would follow precedents and would accept the recommendation of the judicial conference.

Mr. REES of Kansas. Does not the gentleman think that it comes with rather poor taste to add these judges on the floor of the House when the Judiciary Committee has not had a chance to give consideration to the question?

Mr. COCHRAN. If there is one Member of this House who has offered amendments on the floor, it is the gentleman from Kansas; and I am just wondering if the gentleman has appeared before the legislative committees on all the amendments he has offered to all bills on this floor before he submitted the amendments. [Applause.]

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. ZIMMERMAN. I would like to ask the gentleman if it is not a fact that the two Federal judges in the city of St. Louis also serve the entire eastern district of Missouri by holding court at stated intervals in northeastern Missouri at Hannibal and southeastern Missouri at Cape Girardeau, and if those courts do not take up a large part of the time of those two judges? Is that not the fact?

Mr. COCHRAN. Yes; that is the fact, as the record will show. They serve a territory with over 2,000,000 people.

Mr. ZIMMERMAN. And I will ask the gentleman if it is not further the fact that, because of the amount of business in the eastern district of Missouri, those judges are months behind in transacting the business on the dockets of those courts?

Mr. COCHRAN. The conference of circuit judges so reports. I do not know that exists; but when the conference says so, I feel the proper answer to the question is "yes."

I do not know the conditions existing in other parts of the country; but I say if there is any district that is entitled to an additional district judge, it is the eastern district of Missouri. It so happens for about 10 days on a recent visit to St. Louis I stayed at a hotel where also stayed the judge who serves part of his time in the eastern district and the other part in the western district of Missouri. I am a competent witness in this matter, because I know this judge worked every night until at least midnight in an effort to keep up with his assignments. That is not fair. Is it any wonder so many of our judges are ill? I do not ask you to provide this judge solely

on my recommendation but on the recommendation of the conference of circuit judges.

In view of that report, I again say I hope the House will accept my amendment. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Missouri [Mr. COCHRAN] questioned my statement made a moment ago as to just what my position was on the recommendations of the judicial conference. The Judiciary Committee has not recommended to Congress in this bill all of the judges suggested by the judicial conference. As I recall, the Missouri judgeship was never before the committee for consideration. Possibly a bill might have been introduced, but these gentlemen certainly did not come before the Judiciary Committee and present their case. Certainly no one else appeared before the Judiciary Committee asking that this judge be included. Certainly the Department of Justice did not appear before the committee and ask that this judge be included. Therefore the Judiciary Committee has not included it.

I always favor a judgeship where that judgeship has been suggested by the judicial conference and where the Judiciary Committee, after careful study, has determined that it is needed. We scan those matters carefully before including them in a bill. The approval of the judicial conference is a prerequisite with me. I stand today squarely for the bill which the Judiciary Committee, after careful consideration, reported to this House. I shall vote against the bill if these political judges are included.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; I yield to the gentleman.

Mr. COCHRAN. The gentleman has added a proviso to his statement, but I will say to the gentleman that when the judicial conference made its report I immediately introduced a bill to carry out the recommendations of the conference. When the Judiciary Committee of the House considered this legislation, it certainly had before it the report of the judicial conference, not only for 1939 but also the report for 1938. How could I add anything that would have more weight than the statement of the judicial conference headed by Chief Justice Hughes?

Mr. MICHENER. I suggest that the gentleman come before the next Congress and show his interest in the bill. He is one of the most industrious and influential Members and his presence always carries conviction.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. LAMBERTSON. Did the judicial conference ever recommend that two judgeships be consolidated or that any be eliminated, or do they just advise when they need an extra one?

Mr. MICHENER. No; I do not recall that they ever did, but the Judiciary Committee of this House has set up an agency which is now studying this thing and is going to make a report in the next Congress. It is my hope and the hope of every man here, I think, that those judges that are not needed should be eliminated. There are a number of them that were political judges, put on on the floor of this House, just as we are trying to put on this judge under this bill. Where they are not needed they should be eliminated.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. VORYS of Ohio. Is this same organization of your committee that is making this study also studying the matter of additional judges, so that we might wait until that report is presented before acting on this matter?

Mr. MICHENER. They are making an investigation of conditions throughout the entire country. They may report back to the Judiciary Committee and that committee will report a bill to the floor just as soon as it feels one should be reported. Therefore, since there is no politics in the matter and we are not acting as Republicans or Democrats, but as a committee, I think the House should be very cautious about adding additional judges on the floor of this House when they have not been considered by a committee of this House.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. The gentleman asked why the subcommittee did not include this judgeship despite the fact that it was recommended by the judicial conference. That was because the statistics which we considered showed a considerable falling off of the work in that district.

Mr. MICHENER. Mr. Chairman, that is the chairman of the subcommittee speaking.

Mr. COCHRAN. When were those statistics prepared?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MICHENER] has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word in order to call to the attention of the membership certain facts which appeared in the hearings on similar bills before the Senate Judiciary Committee.

With reference to the situation in Missouri we find these facts: There are two judges in this district who are assisted part of the time by a judge authorized by the act of June 22, 1936, to serve in both the eastern and western districts. The volume of business is large. During the fiscal year 1938 the case load of 406 cases per judge exceeded somewhat the average per judge for the entire country, which was only 371 cases. In this district, therefore, you have an average case load of 406, whereas the average case load throughout the length and breadth of the land is only 371. It was this very fact which caused the judicial conference, as I understand it, to vote for this additional judge. There may have been a falling off of the number of cases recently, but we know that the case load may fall off one month and increase the next. In the light of these circumstances and this case load, I think it is only reasonable that there should be this additional judge.

Mr. JENKINS of Ohio. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, there is no reason in the world why we should not support the amendment offered by the gentleman from Missouri if we are going to support this bill. I shall be consistent and support neither. Why should not the gentleman from Missouri have an additional judge? He represents the great city of St. Louis. He has made out as good a case as the others. How will he explain to his constituents that you deny him? He told you that the judicial conference recommended an additional judge for the great city of St. Louis, but still you deny him. You allowed an additional judge for Illinois. I hope the gentleman from Missouri [Mr. COCHRAN] will call you to account for discriminating against him.

In the State of Ohio an additional judgeship is needed, so they say. The distinguished gentleman from Cleveland [Mr. CROSSER] stated that he might offer an amendment for an additional judgeship in Ohio; I should be sorry to find myself in opposition to him, but I shall oppose it. This is a poor time to be adding additional expenses. In proof of what I have been saying, let me point out certain language in the bill. Page 1, lines 10 and 11:

> One for each of the following districts: Southern district of California, district of New Jersey, western district of Washington, western district of Oklahoma.

They struck out "western district of Washington, western district of Oklahoma," and they also struck out one who should serve in both the northern and southern districts of Florida. Why did they make that change?

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I am sorry, I cannot yield to the distinguished gentleman at this time.

Mr. WALTER. The gentleman has asked a question. Does he not want an answer?

Mr. JENKINS of Ohio. I cannot yield until I have followed this up. Then, I will let the gentleman answer.

Why did they insert these States and then strike them out? It is just as I stated a while ago, this is simply a logrolling

proposition. Like children playing a game, they put their finger down at random and say, "We will have a judge here, we will have a judge there, and another there." Do we need these judges? Why not send some of those who have little to do to help those who are rushed; that is the way to do it.

Mr. Chairman, we know that we now have enough judges in this country to do this business if they could be sent from one district to another. Let me point out some other language in this bill that needs defining.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I am sorry, but I cannot yield.

Let me point out certain language on the last page of the bill which it seems to me needs some explaining:

Provided, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

What sense is there in this kind of legislating? In effect, it provides for the appointment of a new judge, but provides that if any of the judges at that time serving should quit or die that that vacancy would not be filled. It means that a new judge is needed and will be appointed, and that when he is appointed he will serve for life, and that if Judge A, who is the acting judge, and may be a hard-working, efficient judge, dies soon thereafter, that his place shall not be filled. It would appear that if they needed another judge to assist A, that if A would die they would need another judge to assist the new man recently appointed.

Mr. COCHRAN. If the gentleman will yield, that matter can be explained.

Mr. JENKINS of Ohio. No; I cannot yield at this time, for this language that I read explains itself. And, besides, the gentleman from Missouri is not going to get an extra judge.

Mr. Chairman, I just want to point out the inconsistencies in this language that I have quoted. Why do we not do the rational thing? Why do we not send this bill back to the Committee on the Judiciary and let them come in here after full thought and then if they demonstrated the need of new judges Congress can act. Only two or three of the members of this great committee are really for this measure, some only half-heartedly for it, while several other members of the committee are against it. Why do we not do the right thing, the sensible thing; send this bill back where it came from and let them bring out a real bill, which will command our respect and support?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from New York.

Mr. CELLER. The gentleman asks why we do not send judges to different districts to try cases. I remind the gentleman that we have reduced allowances to judges for travel expense and subsistence from $10 to $5 a day. How can one expect a judge to go to New York or any large industrial center and live on $5 a day plus travel expenses? It just cannot be done. The judges will not do it because they have to pay too much out of their own pockets.

Mr. JENKINS of Ohio. Just as the gentleman from Michigan told us, if this bill is passed and these judges are appointed, not one of them can get to work before next fall. Why not just wait until next fall before we pass this bill? [Applause.]

(Here the gavel fell.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. HANCOCK and Mr. MICHENER) there were—ayes 71, noes 77.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. TABER moves that the Committee do now rise and report the bill back to the House, with the recommendation that the enacting clause be stricken out.

Mr. TABER. Mr. Chairman, the House has already adopted an amendment which declares that this bill is not necessary. The committee amendment on page 2 says:

Provided, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

That committee amendment has been agreed to. Now, how can we tell our constituents that we were justified in voting for a bill to increase the number of judges throughout the country and at the same time place a provision in the bill that they are not needed? It is the most ridiculous bill I have ever heard of.

I have the greatest respect, Mr. Chairman, for the Committee on the Judiciary, but I cannot stultify myself to the extent of supporting a bill which declares on its face that it is not necessary and ought not to be agreed to.

Mr. MICHENER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. MICHENER. This is a common provision in many bills heretofore enacted. The gentleman has stood on the floor and advocated those bills himself. It is only for the purpose of meeting existing conditions and preventing overstaffing the courts as conditions change. The gentleman has supported many similar provisions.

Mr. TABER. I have never once in my career in this House voted for any bill providing for additional judges that contained any such provision as this. Maybe some of them have been passed, but not with my vote.

Mr. HANCOCK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. HANCOCK. May I remind the gentleman of something that happened near home. I refer to the bill that created an additional judge for the northern district of New York, which contained this identical language. The gentleman lives in northern New York?

Mr. TABER. It was not advocated by me.

Mr. HANCOCK. It was necessary because the sitting judge was so old and infirm that he was unable to transact any business. So we thought if we were going to have any court business attended to we ought to have an able-bodied young man on the bench. The additional judge was provided; a younger man was appointed, with the provision that when the older judge died there would only be one judge. That was in the northern district of New York.

Mr. WALTER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr WALTER. May I call the gentleman's attention to the fact that the language which he has described as ridiculous appeared in a bill passed by unanimous consent while the gentleman was on the floor several years ago.

Mr. TABER. That may be so, but I do not know of it. It was not passed with my knowing that language was in there. I do not see how the House can possibly vote for a bill that absolutely declares right on its face that it is unnecessary. I cannot do it. I do not know what the rest of you are going to do.

The judge from northern New York referred to is still on the bench and holds court every day 10 years after the bill was passed.

Mr. Chairman, I hope the motion to strike out the enacting clause will be agreed to, which will put an end to this bill.

[Here the gavel fell.]

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 67, noes 88.

So the motion was rejected.

Mr. WALTER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 2, line 3, after "New York", insert "and one who shall be a district judge for the northern and southern districts of Florida."

Mr. TABER. Mr. Chairman, I make the point of order that that particular language has already been stricken out of the bill by action of the committee. It has already been disposed of once by the committee. The committee acted on this identical language.

Mr. PETERSON of Florida. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The point of order raised by the gentleman from New York [Mr. TABER] does not come too late, because no debate has occurred on the amendment.

The Committee of the Whole acted on a committee amendment striking out this identical language; therefore, the point of order is sustained.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word so that I may secure some information before finally voting on this bill.

Mr. Chairman, I refer specifically to the language found on page 2, at the end of the bill. May I ask the chairman of the subcommittee if he will be kind enough to state just how many of the proposed new judges provided in this bill, including the amendment adopted here, will take the places of judges who are now incapacitated through illness or disease or inability to perform their work?

Mr. WALTER. There are two. In the other cases the additions are required because of congested calendars.

Mr. KEEFE. It appears then that the thinking of the committee is based on the theory that because there are two judges who for some reason or other are incapacitated, there must be other judges appointed to do their work?

Mr. WALTER. Oh, no. The committee feels that the American citizens are entitled to the justice that they can get only through a speedy trial. In the case of some of the districts we have considered, it takes 38 months to get a case tried, and we do not think that is justice.

Mr. KEEFE. If the gentleman will confine himself to answering my questions, I would appreciate it. I am asking for information, if I can get it.

Two of these judges are incapacitated, yet you expect to provide additional judges in those districts in order to do the work these judges are not able to do.

Mr. WALTER. That is right.

Mr. KEEFE. If the judge who is incapacitated finally dies or resigns, that vacancy will not be filled?

Mr. WALTER. Precisely.

Mr. KEEFE. Then, as far as the judgeships in the districts where additional judgeships are asked, based on the overcrowding of calendars and overwork are concerned, there certainly will not be a situation other than that those judges will be permanent. Is not that true?

Mr. WALTER. No; that is not true, because every district court judge to be appointed under this bill will be appointed under the same conditions.

Mr. KEEFE. He is appointed under the same conditions; he is appointed for life.

Mr. WALTER. The gentleman is correct.

Mr. KEEFE. The only situation is that if one of them is appointed for life in a district that has an overcrowded calendar and where the judges are active, he will stay there for life and until some judge decides to quit or dies or passes out of the picture.

Mr. WALTER. No; of course not.

Mr. KEEFE. Will he not?

Mr. WALTER. The gentleman is asking me to discuss something I cannot answer.

Mr. KEEFE. The gentleman is chairman of the subcommittee, and I respect the gentleman's ability.

Mr. WALTER. The gentleman is asking me to tell him what is in the minds of these judges.

Mr. KEEFE. No.

Mr. WALTER. Of course he is. The gentleman is asking me what they are going to do. How do I know what they are going to do? All I know is that we are creating temporary judgeships.

Mr. KEEFE. As far as the four districts in which you are creating judgeships because the calendars are overcrowded are concerned, there is no question about the appointments at all. These judges are appointed for life, and they will stay there as long as they live.

Mr. WALTER. That is correct.

Mr. KEEFE. The only situation that might arise would be one that would arise normally, if in those districts a sitting judge were to die or become incapacitated and so resign. Then, under the provisions of this bill, in those districts in which you claim the calendar is overcrowded there would be no appointment to fill that vacancy, and Congress would again have to act.

Mr. WALTER. Correct.

Mr. KEEFE. That is the information I sought, and I thank the gentleman.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Iowa.

Mr. GWYNNE. Does not the gentleman believe that is a good provision?

Mr. KEEFE. As far as I am concerned, I believe the objective to be a laudable one. However, I have definite doubts as to the constitutional right of Congress to place a limitation upon the appointing power vested under the Constitution in the President. Having created the office, I doubt the power of Congress to try to limit the right of the President to fill the vacancy.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Florida.

Mr. GREEN. That has been the practice of the Congress on many other occasions.

Mr. KEEFE. I do not know anything about that, being just a new Member of Congress, but I do know, having given some thought to this situation, that I do not know how you could accomplish the purpose in any other way to provide the litigants with help.

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 2, line 1, after the comma, strike out "western district of Oklahoma."

Mr. HANCOCK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANCOCK. Is not this the language that was just stricken out of the bill?

The CHAIRMAN. The gentleman is correct. The language has been stricken out already by committee amendment.

Mr. HOUSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON: On page 1, line 11, after the comma following "New Jersey", insert "Kansas."

Mr. HOUSTON. Mr. Chairman, I am asking for one additional judgeship for Kansas. This does not mean I am asking for a new district or marshal—only one additional judgeship.

The State of Kansas has only 1 Federal judge today to serve approximately 1,882,000 people. The District of Columbia has 1 Federal judge to serve each 40,572 residents. The State of Nevada has 1 Federal judge serving only 91,055 people. The average for the United States is 1 Federal judge for each 693,644 of population, and remember that Kansas has only 1 judge for 1,882,000 people.

The Kansas population per judge is almost three times the average, and it is the largest population per judge in any State of the Union.

Delaware has 220 lawyers to each Federal judge. Kansas has 1,940. The average is 901 lawyers per judge, and Kansas has more than twice that number.

With the exception of one State, Kansas has the greatest area in square miles per judge of any State in the Union—80,000 square miles for one judge.

Under the Republican rule we had two judges, and they operated under the same provision as the one to which the gentleman from Wisconsin [Mr. KEEFE] referred a moment ago. In 1926, under that provision, an additional judge was appointed because the older judge was incapacitated physically, but as he still was able to work now and then he remained on the pay roll and did not retire. In 1929 the second judge was elevated to the circuit court of appeals and a new judge appointed under that provision, and he is still serving.

The elder judge died a few years ago, and our one district judge out there has to handle an average of three cases per day for every working day in the year. I think this is too many cases for one judge to handle if he is to give them the proper time and attention, and I therefore hope that my amendment will be adopted. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, there is no more use for another Federal judge in Kansas than there is for a fifth wheel on an automobile. [Laughter.] Three times the Judiciary Committee of the House by a majority vote, composed of Democrats, has declared against this judgeship. Likewise, the Senate Judiciary Committee unanimously opposed it. The district judge of Kansas has declared that he will try any case or motion that is on the docket of the court in Kansas within 3 days if such trial is demanded.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. GUYER of Kansas. Yes.

Mr. HOUSTON. Is it not a fact that in 1935, 1936, 1937, and 1938, the judicial council endorsed an additional judge for Kansas?

Mr. GUYER of Kansas. They did, but they quit it when they found it was not necessary.

Mr. HOUSTON. Would the gentleman say that the judicial council was wrong?

Mr. GUYER of Kansas. The point is that in spite of that fact the Judiciary Committee, believing it unnecessary, reported against it.

Mr. HOUSTON. Does the gentleman discount what the judicial council recommended for 4 consecutive years?

Mr. GUYER of Kansas. Yes; I disagree with them. We did not need a judge then and we need one less now, because the dockets are going down not only in the State courts, but also in the Federal courts. I say again that we need no Federal judge in Kansas.

Mr. HOUSTON. Is it not a fact that the gentleman is waiting for the Republican Party to come back into power and then they will need a Republican judge in Kansas?

Mr. GUYER of Kansas. No; I shall oppose it then just the same as I am opposing it now, if it is still unnecessary, and if I am on the Judiciary Committee the gentleman will find that is true.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. GUYER of Kansas. I yield.

Mr. LAMBERTSON. Does our colleague from Kansas admit that we are coming back?

Mr. GUYER of Kansas. Well, I do not know about that. These New Dealers are optimistic.

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise in opposition to the amendment. I regret very much that I find it necessary to take the floor in opposition to the amendment submitted by my colleague from my own State, who wants, by this legislation, to provide another Federal judge for the State of Kansas. I cannot agree with his views and am opposed to his amendment. I just don't believe he can justify his argument in favor of it.

This proposition of another Federal judge for Kansas has been before this Congress at other times. The gentleman knows that he and I appeared on opposite sides of this question before the Judiciary Committee of the Senate about 2 years ago. The Senate committee, after hearing the evidence on both sides of the question, turned it down. That committee went over the matter carefully and decided Kansas did not need an extra judge. We do not need another judge any more now than we did at that time. The gentleman talks about facts and figures. I have here a copy of a letter that was written to the distinguished gentleman from Kansas who presented this amendment. It was written by the clerk of the United States district court, and here is what he had to say in one of the paragraphs:

> The docket in this district is in good condition and indicates a reduction of business in the district. Judge Hopkins hears all cases, demurrers, and motions of every kind as soon as they are ready for hearing and disposition and counsel are able to present them. Judge Hopkins is continually urging counsel to get their cases ready for trial. He has especially crowded attorneys to prepare and try the war-risk-insurance cases.

The gentleman also called attention to the crowded dockets, but this same letter states:

> These cases pending at this time are for the most part cases filed some years back, but due to the necessity of extensive investigation by the Government since most of the plaintiffs ceased paying premiums and relied upon permanent and total disability at the time of their discharge, 18 years ago, to keep their policies in force, it has been difficult to get them ready for trial.

Now, Mr. Chairman, here is another bill that has not had the approval of the Judiciary Committee of the House. I do not want to criticize the committee too much, but I have been led to believe that the Judiciary Committee of the House is one of the most important, most powerful, and most influential committees of the House of Representatives. That committee has held hearings on these extra amendments. That committee as such is not expressing its views now. We are providing for additional judges without the opinion of that committee as to whether or not they are really needed. We are entitled to the judgment of the Committee on the Judiciary on these matters. I do not think this House has the right to pass any of these amendments unless they are at least heard by the Judiciary Committee of the House, and I think your good common sense will approve that sort of practice.

We should not vote, either, on these measures on party lines. The majority party has voted almost solidly for every amendment providing for additional judges in various parts of the country. We are already providing for a number in the original bill. I believe we could get along well without most of the new ones asked for in the original bill.

On this amendment asking for an additional judge in Kansas you have made no investigation. You have no evidence for the creation of this new judgeship in the State of Kansas except only a 5-minute speech by the distinguished gentleman from the Fifth District of Kansas.

Mr. Chairman, we do not need the additional judge in Kansas. The majority of our State does not want it. The present judge is taking care of the situation. He has plenty of time to hear all the cases when they are ready for hearing. For the good of our State and for the good of the taxpayers of this country you should vote this amendment down. If I really thought we needed the extra judge, I would not be here opposing this legislation.

I realize that while other Members of Congress are getting new judgeships it is somewhat tempting to ask for one in our part of the country.

Mr. HOUSTON. Will the gentleman yield?

Mr. REES of Kansas. Yes.

Mr. HOUSTON. Is it is not a fact that this same Republican clerk appointed by a Republican Federal judge 3 years ago wrote a letter to the committee that only 3 cases were pending, when the Department of Justice said there were about 1,100?

Mr. REES of Kansas. All that I can say is that I have been reading from a copy of a letter directed to the gentleman who proposed this amendment by the clerk of the United States court of that district. He has charge of the records and should know the facts. I believe that letter states the situation in pretty good shape.

Mr. Chairman, I hope the membership of the House will exert their independence, use a little backbone, and vote against this amendment. Then go further and vote against these other amendments creating more and more judgeships. You and I know very well the country can well get along without these additional judgeships. There will be no miscarriage of justice. I do not think there are very many overworked Federal judges in this country. You do not, either. I regret to say it, but this judgeship bill, in my opinion, is mostly another patronage proposition at the expense of a Treasury that shows a deficit and an additional

charge against the people of this country, who cannot afford it.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on the amendment of the gentleman from Kansas [Mr. HOUSTON].

The question was taken; and on a division (demanded by Mr. HOUSTON) there were—ayes 69, noes 90.

So the amendment was rejected.

Mr. MASSINGALE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The clerk read as follows:

Amendment offered by Mr. MASSINGALE: Page 1, line 11, after the words "New Jersey" insert "one additional judge for western district of Oklahoma."

Mr. MICHENER. Mr. Chairman, I rise to a point of order. This same proposition has already been passed upon by the Committee of the Whole, and this judge was stricken from the bill.

The CHAIRMAN. The Chair states to the gentleman from Michigan that this amendment, apparently, is in somewhat different language.

Mr. MICHENER. Assuming that it is in a little different language, under the rule, as I interpret the rule, the result is what counts. The purpose of the Committee on the Judiciary in reporting the bill was to strike out the Oklahoma judgeship. That was before the Committee of the Whole voted to strike it out. The gentleman now offers the same thing in another amendment—that there be created an additional Oklahoma judgeship. Under the circumstances I submit that it is clearly out of order.

The CHAIRMAN. The Chair will look at the language and not at the result. The point of order is overruled.

Mr. MASSINGALE. Mr. Chairman, since we have finished the political feature of the Kansas situation I presume it is all right to go back to a discussion of amendments that are worth while in the present bill.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. I cannot yield at this time. Let me say this to the members of the Committee on the Judiciary. I know them all quite well and I appreciate them very much. We have this situation in regard to this particular bill—at least I look at it in that way. I have worked harmoniously with that great committee and have enjoyed it very much. Take the distinguished members of it, like my friend the gentleman from Michigan [Mr. MICHENER], the gentleman from Iowa [Mr. GWYNNE], the gentleman from New York [Mr. HANCOCK], and the gentleman from Indiana, Judge SPRINGER. All of those gentlemen are wanting to punish me, and do you know why? I shall tell you why I am about to be punished, or that they are making an effort to punish me. They are all against me apparently. I think the reason may be found in that old story about Old Dog Tray. I went before this committee last year when this bill was under consideration and told them emphatically that I thought it better not to report out a bill creating an additional judgeship in Oklahoma because I doubted the necessity for it, and on that recommendation that I made, those gentlemen in agreement with the others concluded that they would just scratch out Oklahoma. I told them at the same time that I was going to investigate the facts. I did investigate the facts, and I came back here this year and told them that Oklahoma needed that additional judgeship, and now these boys are going to punish me because I went in there and had the nerve to tell a bunch of my associate lawyers the truth. Sometimes it just does not do to tell the truth to a lot of lawyers, and that is where I am about to get into trouble. I told them the truth about that Oklahoma situation, and the truth is this: In Oklahoma now the case load is 174 cases greater than the number of cases per judge in the entire United States. Do you tell me that that does not argue that Oklahoma needs an additional judge? Listen to this: In addition to that, as my colleague the gentleman from Oklahoma [Mr. MONRONEY] told you, Oklahoma's record for disposing of cases in the Federal court is 2,090 per year.

The next State under that, with an equal population and an equal number of Federal judges, is Tennessee, which disposed of 1,442 cases. Then we come to Virginia, which disposed of 1,345 cases. Then Louisiana. Those are the only four States in the Union having four judges and having comparable population to the State of Oklahoma.

One of these friends of mine, Judge Springer, from Indiana, complains that Oklahoma should not have any more judges, because Indiana only has two judges. That is not our fault. Indiana ought to work up some business; ought to spread out its industries or business of some sort. Do not penalize Oklahoma, because it has outstripped Indiana in court business and in the dispatch of court business.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. No; I do not have time to yield.

Now, this is the situation: Oklahoma has a population of 2,396,000. It has four judges and has disposed of 2,090 cases, and, as I said, the case load in the State is 174 cases greater than the case load all over the United States in Federal courts. [Applause.]

[Here the gavel fell.]

Mr. GWYNNE. Mr. Chairman, I rise in opposition to the amendment.

I dislike to oppose my friend the gentleman from Oklahoma [Mr. MASSINGALE]. I find he is usually right. One of the troubles is that the gentleman made two conflicting statements before the subcommittee examining this question. Unfortunately for him, perhaps, the subcommittee heard him the first time. [Laughter.]

Now, seriously, I see no reason why there should be an additional judge in Oklahoma. It is true it was recommended by the Judicial Conference and, I believe, by the Attorney General. Let me remind you, however, that the responsibility is in neither of those places, but it is right here. I want to give you the facts. If you think there should be an additional judge in Oklahoma, you should vote for it. In Oklahoma they have three districts. That is unusual to start with. They have one judge in each district and one roving judge, or a total of four judges for a population of some 2,500,000 people.

Now, here is the situation as far as cases pending are concerned: The cases pending July 1, 1938, criminal and civil, were 502. Cases filed during the year, 661. Cases terminated during the year, 781. They were keeping up with their work and, in fact, they were getting ahead.

So the cases pending on June 30, 1939, were 382. Now, if you would compare the cases filed in the western district of Oklahoma of all kinds, with the cases filed in other districts of Oklahoma, I think you will conclude that there is no real reason why this judgeship should be included at this time.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MASSINGALE].

The question was taken; and on a division (demanded by Mr. MASSINGALE) there were ayes 80 and noes 86.

Mr. MASSINGALE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MASSINGALE and Mr. GWYNNE to act as tellers.

The Committee again divided and the tellers reported there were ayes 104 and noes 89.

So the amendment was agreed to.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, line 10, before the word "one" insert "one for the northern and southern districts of Florida."

Mr. TABER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. That has already been voted upon by the Committee and has been stricken from the bill. There is no difference whatever between that and the language of the bill, with the exception of the word "one" and the word "one" was already there in line 10. So that it does not change the

amendment from the language in the bill which was stricken out, in any degree whatever.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALTER] desire to be heard?

Mr. WALTER. Mr. Chairman, the language in the amendment is not the same as the language in the bill. The Chair will note that the language in the bill provides "who shall be a district judge." That is not in the amendment that was just offered. That was in the committee amendment which was acted on when the bill was first taken up.

The CHAIRMAN (Mr. DUNCAN). The Chair believes that while there is some similarity, there is sufficient difference to justify submission of the amendment.

The point of order is overruled.

Mr. WALTER. Mr. Chairman, I could not conceive of a worse situation existing anywhere in the United States than that which appears in Florida today. There are three judges in Florida, all of whom are critically ill. One man had a heart attack just about a month ago. Another one is suffering from diabetes and it is a serious question if he will ever serve again. The people in that State are in the position today that they cannot get a judge to sign an injunction.

At the time the committee took up the bill, as a matter of fact an additional judge was provided in the Senate bill—we felt that it would be possible to carry on without this additional judge.

Since the committee acted the above-described situation has arisen. Certainly the membership of this House does not want to deprive the great State of Florida of the services of at least one judge.

Mr. Chairman, I hope the amendment will be agreed to.

Mr. GWYNNE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the cold figures would convince anyone that there is no justification for giving an additional judgeship to Florida. The only reason the problem is here before us is because, unfortunately, some of the judges are now physically incapacitated. I believe, however, this is something that need not be called to the attention of Congress. We have in the law at the present time a provision which allows the President, under such circumstances, to appoint a judge to take care of this emergency. His means of knowledge are at least equal to ours and he has taken no action in the matter. Furthermore, let me remind you that in such cases the law allows the assignment of a judge from another district to take care of the situation temporarily. There is no showing here that that had been done in this case. I think the people of Florida should first utilize these other remedies they have been given before they apply for an additional judge, the need for which cannot be justified under the record.

Mr. HENDRICKS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I would like to have the attention of the Members for just a moment, because I believe the situation is misunderstood. There is a very amusing and ironic situation existing today, anyway, particularly in regard to this Florida judgeship. I have heard a good many Members on the Republican side of the House say that it was purely politics that we bring in this bill providing certain judgeships.

In regard to the Florida judgeship let me say that we all remember the Hatch Act which is cleaning up politics to a great extent. The gentleman who passed that act through the Senate and passed it through the House, with the help of these gentlemen on my left, also reported a bill providing an additional judgeship for the State of Florida, and I am sure the Republican Members would not accuse him of politics.

I think the best way to answer the opposition to this amendment is to quote what your own Republican judge in the State of Florida has said concerning politics. What I am about to read is from a letter written by the Honorable Alexander Ackerman when he was judge. This letter was written to the chairman of the Judiciary subcommittee of the Senate, the gentleman to whom I have just referred. In his letter to this Senator, Judge Ackerman said:

> I beg to assure you that in making the foregoing statements I am in no way influenced by political or personal concern. Prior to my appointment as judge I was rather active in Republican politics and was appointed as a Republican. Of course, I have endeavored in every way possible since my judicial appointment to avoid any participation in politics other than to exercise a citizen's right to vote, but as the appointee to this additional position could only be expected to be a Democrat, such appointment would in no way be pleasing to me politically, and as to a personal consideration, I will be eligible for retirement in about 20 months, and I expect to retire as soon as possible. Therefore, the additional judgeship would not be of any great personal relief to me, but as one who as senior district judge has been responsible for the dispatch of business in the district, I would rejoice to see it made possible for the dockets in this district to be made current and avoid the general criticism of the law's delay.

That came from Judge Alexander Ackerman. I will not at this time read further from the judge's letter but will just say, as Judge Ackerman pointed out, that we have a peculiar problem in Florida. People come there to live just for the winter. This gives rise to cases involving automobile accidents, and because people are from outside of the State and there is diversity of citizenship the cases must be tried in the Federal court. We have the sponge industry. These people use boats. We have our ports and our harbors. This gives rise to admiralty cases which must be tried in the district courts. All our fruits and produce is shipped into and out of the State in the stream of interstate commerce; we have insurance companies operating in the State but incorporated in other States; we have railroads operating within the State but incorporated elsewhere; and we have many other situations which give rise to cases which must be taken to the Federal court instead of the courts of the State of Florida. If we could do away with the problem of diversity of citizenship, if our State courts could handle a lot of these cases the situation would be different; but they have not been able to solve this problem. Now let me say something about the disability of our judges in Florida.

One Member of the House said that if we would appoint better judges we would clear our dockets. Let me say that I do not believe better judges have been appointed anywhere in this country than the present judges in Florida. These men have worked hard. Because, as I say, of cases arising out of diversity of citizenship the Federal judges of our State have been overworked in the past 2 years. Every judge now sitting except the one just recently appointed, Judge Barker, has had serious illness. Because of this fact and because of the further fact that we have so many cases there our dockets are crowded. Let me read a brief table showing something of the cases now pending in the State of Florida as compared with other States.

These figures are for 1937. Alabama had pending 197 cases, Georgia 312, Florida 771, Mississippi 238, and Louisiana 539.

I would like to say that we deserve a judge in Florida and we actually need him. I hope the Members will vote for an additional judge in the State of Florida.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I want to call to the attention of the Committee a very strange situation. This bill, no doubt, was prepared by the subcommittee and reported to the full committee for final action, and when the bill was first introduced it provided for a judge for Florida. Then the Judiciary Committee apparently changed its mind and struck the Florida provision out of the bill. They did this after the bill was printed. You will see that it has been stricken out, but it was necessary for the chairman of the committee here this afternoon to ask you to vote an amendment taking it out. You adopted that amendment, and now that same chairman is asking you to reinsert that matter into the bill and pass it. The same gentleman comes forward and asks you to do the exact opposite from what he asked you to do an hour ago. This is a very strange situation, and it justifies what I said previously this afternoon—that this bill has not been prepared properly, and it is not a credit to this fine, important Committee on the

Judiciary. They can do better than this, and they should have another chance.

The Judiciary Committee probably know more about this than I do, but in justice to those of us who are not on the committee, and in justice to those of us who want to vote intelligently and conscientiously, this bill should be sent back to the Committee on the Judiciary, and that committee should report a proper bill.

In considering amendments you have been asked to adopt an amendment to provide an additional judge for Kansas, and the gentleman from Kansas [Mr. HOUSTON] made an effort to get another judge for his State and cited the recommendation of the judicial conference in support of his contention; but you refused to give Mr. HOUSTON's State of Kansas another judge.

The gentleman from Kansas [Mr. HOUSTON] is a strong supporter of the New Deal, but you deny him; and the distinguished New Deal gentleman from Missouri [Mr. COCHRAN] asked for another judge. He made a tearful plea, but you turned your back upon him. But it is different with the gentleman from Oklahoma [Mr. MASSINGALE], who is a member of the Judiciary Committee. You give him another judge when his State has not nearly as many people as Indiana, but has twice as many judges. When you get through with this bill you will be ashamed of it. You who are the chief proponents of this measure have admitted by your vacillation that you have no set convictions about this matter. Since this is true, why not send the bill back to the committee and let that committee bring in a bill in line with right and justice? [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALTER].

The question was taken; and on a division (demanded by Mr. HENDRICKS) there were—ayes 79, noes 94.

Mr. HENDRICKS and Mr. PETERSON of Florida demanded tellers.

Tellers were ordered, and the Chair appointed Mr. WALTER and Mr. HANCOCK to act as tellers.

The Committee again divided, and the tellers reported there were—ayes 89, noes 93.

So the amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Page 1, line 11, after the comma, and following the words "New Jersey", insert "district of the Virgin Islands."

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offered this amendment in order to speak for 5 minutes on the pending bill. While I was in Congress for 10 years prior to being washed out by the New Deal tidal wave of 1932 many new judgeships were created under a Republican administration. The statistics indicated that these judgeships had to be created on account of congestion in the calendars of the various districts, particularly on account of the then existing Prohibition Act, with its wave of prohibition tyranny. Now we find Federal prohibition with reference to beer, wine, and whisky gone with the wind, and instead of reducing the number of judges, as we promised during the repeal fight, the number of judges has steadily increased since the repeal of prohibition.

At first blush I thought I would oppose this bill, which provides for additional Federal judges. I find, however, upon careful examination, that prohibition tyranny with reference to beer, wine, and whisky has gone with the wind; but we now have a New Deal prohibition tyranny under which the New Deal attempts to regulate or prohibit almost everything done or used by man from the cradle to the grave under a system of espionage and persecution which almost parallels a combination of the German Gestapo and the Russian Ogpu.

In Kenosha, Wis., the New Deal "Ogpu" recently arrested and tried to throw into the Federal penitentiary a poor, hard-working tailor, claiming that he had failed to answer some of their inquisitorial questions with reference to the housing census. In view of the fact that the calendars are loaded in the many judicial districts, and since we can expect until after the 1940 election at least many more cases such as that of this Wisconsin tailor, I shall support this bill in order that the people of America will not have to wait to have their day in court, when they are persecuted and prosecuted by the chosen tribe of New Deal Karl Marx disciples.

Some of our economy peddlers on the Republican side have been threatening us with a roll call because they oppose this bill in the name of economy. I do not intend to be clubbed into line by any economy peddlers on my side of the aisle who in the name of economy want to oppose the expenditure of several hundred thousand dollars to expedite the trial of the great rank and file of our people who are persecuted and prosecuted by our New Deal brethren, particularly since some of these economy peddlers stood up without blushing and voted $100,000,000 so that the Export-Import Bank could play Santa Claus in a big way to foreign countries and people in foreign lands.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Kansas.

Mr. HOUSTON. Is the gentleman's amendment to create a judgeship in the Virgin Islands?

Mr. SCHAFER of Wisconsin. I believe they ought to have one. I know the New Deal is going out in 1940 as sure as the sun rises in the east and sets in the west. I am not fearful that this bill will provide jobs on the Federal bench for "lame ducks" because "lame duck" Members of Congress will not be able to qualify for those jobs. Furthermore, I believe that after the New Deal goes out with the wind in November and New Deal Federal bureaucratic tyranny is ended we will be able to reduce the number of judgeships we already have. I offer this amendment to create a judgeship in the Virgin Islands so that you can find a good "lame duck" berth for an expert on the Virgin Islands, Prof. Rex Tugwell, so that when the New Deal goes out in 1940 he can go back to the Virgin Islands and dispense his pure conceptions of Karl Marx socialism.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. KEAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: On page 1, line 11, after "California", strike out "district of New Jersey."

Mr. WALTER. Mr. Chairman, I make the point of order that the amendment is not in order, because it strikes out a provision that was voted on by the Committee.

Mr. TABER. Mr. Chairman, this provision has not been voted on at all by the Committee.

The CHAIRMAN. This provision is part of the original bill. The point of order is overruled.

Mr. KEAN. Mr. Chairman, may I say to the chairman of the subcommittee who criticized my statement that these district judgeships cost $20,000 apiece, that I got my information as to that from the Director of the Administration Office of the United States Courts, who stated that that estimate was moderate.

As far as this judgeship is concerned, it is not needed. It was conceived in politics merely to satisfy the patronage desires of two political leaders who could not agree on a candidate for one vacancy. For 18 months the district court litigation was taken care of by three judges, and during that time they gained on the calendar. Now the politicians say they need five judges. Before their judgment was influenced by the fact that they had 33 percent more work, due to the fact that there were only three judges, the sitting district judges unanimously opposed the creation of this extra judgeship. There are now fewer cases pending than there were when they took this action. The circuit judge whose promotion caused the vacancy says this judgeship is not needed. The New Jersey Bar Association in its testimony before the Senate committee stated it was not needed. The leading

independent newspaper of the State says it is not needed. I feel that this amendment should be approved.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. KEAN. I yield to the gentleman from Missouri.

Mr. COCHRAN. I notice that the recommendation of the conference of circuit judges states that there is an increase in the number of cases, and they cite 900 civil actions and 439 criminal proceedings, whereas the year before there were 768 civil actions and 336 criminal proceedings.

Mr. KEAN. To which years is the gentleman referring?

Mr. COCHRAN. I am referring to 1937 and 1938, and these are the figures that are recorded in the report of the judicial conference.

Mr. KEAN. That is correct. The number of cases increased from 1937 to 1938, but there was a large decrease from 1936 to 1937, and there was also a decrease from 1938 to 1939.

[Here the gavel fell.]

Mr. HART. Mr. Chairman, my distinguished friend who has just addressed the Committee has, of course, produced nothing with respect to the motion he has just made that was not contained in the prepared address that he delivered when the rule was under consideration. The gentleman has been very careful to cite the statements of several more or less eminent members of the bar, one of whom at least does not live in the jurisdiction affected by this particular section of the bill. However, the Committee will recall that much has been said here today about the recommendations of the judicial council having included a judgeship for New Jersey in 1938 and again in 1939; likewise, the Attorney General of the United States has recommended the inclusion of an additional judgeship in New Jersey in this bill. The subcommittee reported this judgeship to the Judiciary Committee and the Judiciary Committee has announced that it has reported it to the House unanimously.

Now, Mr. Chairman, another question was asked by my very distinguished colleague and good friend the gentleman from New Jersey [Mr. THOMAS] as to whether or not there were any recommendations besides those which I have mentioned in behalf of the inclusion of an additional judgeship for the district of New Jersey. I wish to state that I have in my possession two letters, one dated March 1939 and another dated in January of 1940, the first of them signed by the then three remaining Republican sitting judges in the district of New Jersey, all of whom were in favor of the creation of this additional judgeship. The letter of January 1940 is signed by the presiding officer of that court, the Honorable Judge Fake, a Republican, an eminent jurist, and in that letter he reiterates his support of the proposal to include this additional judgeship.

Nobody brought politics into this discussion prior to the statement of the distinguished gentleman from New Jersey, who is in opposition to this provision in this bill, but he essayed to describe to the House some sort of fantastic or fictitious agreement or arrangement supposed to have existed, and still to exist, between two political figures on the Democratic side in the State of New Jersey. Of course, that is just a familiar red herring being drawn across the trail. As a matter of fact, his opposition to this bill stems from nothing other than a political desire to permit this vacancy to go over in the hope—vain, as I am sure it is—that with an incoming Republican administration, for which they are all praying on that side, this vacancy may then be provided for and an appointment made by a Republican President.

For 20 years, Mr. Chairman, we had four, or, rather, let us say, three, Republicans sitting in the district of New Jersey, and besides those we had Judge Clark. I do not know what Judge Clark's politics were or are. I know that he is not a Democrat. I should hesitate to assume the responsibility of charging that he is a Republican. [Laughter.] I do know that he gave hope to the Democrats' hearts in New Jersey on one or two occasions by declaring that he contemplated being the Republican candidate for Governor; but, alas, he violated his promise and our hopes fled through the night. [Laughter.] He is the source of the opposition to this bill. He has stated, and he has been quoted by the chairman of the subcommittee as having stated, that he does not want this judgeship created because he does not want Franklin D. Roosevelt to have the power of appointment, and that, Mr. Chairman, from the beneficiary of the present President of the United States, who elevated him—and some of us in New Jersey are glad he did so—from the district court to the Court of Appeals. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. KEAN].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COOPER) having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges, pursuant to House Resolution 424, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. HANCOCK. Mr. Speaker, I demand a separate vote on the Massingale amendment establishing a new judgeship in the State of Oklahoma.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. MICHENER. Mr. Speaker, I demand a separate vote on the Walter amendment, providing a new judgeship in Illinois.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 1, line 11, after the words "New Jersey" insert "one additional judge for western district of Oklahoma."

The question was taken; and on a division (demanded by Mr. HANCOCK) there were—ayes 89, noes 82.

Mr. HANCOCK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 145, not voting 93, as follows:

[Roll No. 44]

YEAS—192

Allen, La.	Cox	Griffith	McGranery
Anderson, Mo.	Cravens	Harrington	McKeough
Barden	Crosser	Hart	McLaughlin
Barnes	Crowe	Harter, Ohio	McMillan, Clara G.
Barry	Cullen	Havenner	McMillan, John L.
Bates, Ky.	D'Alesandro	Hendricks	Magnuson
Beam	Davis	Hill	Mahon
Bell	Delaney	Hobbs	Maloney
Bland	Dempsey	Houston	Marcantonio
Bloom	Dies	Hunter	Massingale
Boehne	Dingell	Izac	Merritt
Boland	Disney	Jacobsen	Mills, Ark.
Boren	Doughton	Jarman	Mills, La.
Bradley, Pa.	Doxey	Johnson, Okla.	Mitchell
Brown, Ga.	Drewry	Johnson, W. Va.	Monroney
Bryson	Duncan	Johnson, Luther	Murdock, Utah
Buckler, Minn.	Dunn	Kefauver	Myers
Bulwinkle	Durham	Kelly	Nelson
Byrns, Tenn.	Edelstein	Kennedy, Martin	Nichols
Byron	Edmiston	Kennedy, Md.	Norrell
Camp	Elliott	Kennedy, Michael	Norton
Cannon, Fla.	Ellis	Keogh	O'Connor
Cartwright	Evans	Kerr	O'Day
Celler	Faddis	Kilday	O'Leary
Chapman	Fernandez	Kirwan	O'Neal
Clark	Fitzpatrick	Kitchens	Pace
Claypool	Flannagan	Kocialkowski	Parsons
Cochran	Flannery	Kramer	Patman
Coffee, Nebr.	Folger	Lanham	Patrick
Coffee, Wash.	Ford, Miss.	Larrabee	Patton
Cole, Md.	Fries	Leavy	Pearson
Connery	Gathings	Lesinski	Peterson, Fla.
Cooley	Gavagan	Lewis, Colo.	Peterson, Ga.
Cooper	Gore	Lynch	Pittenger
Costello	Gossett	McAndrews	Rabaut
Courtney	Gregory	McGehee	Ramspeck

Randolph	Sasscer	Smith, Va.	Thomas, Tex.
Rankin	Satterfield	Smith, Wash.	Thomason
Rayburn	Schaefer, Ill.	Snyder	Tolan
Richards	Schafer, Wis.	Somers, N. Y.	Vincent, Ky.
Risk	Schuetz	South	Vinson, Ga.
Robertson	Schulte	Sparkman	Vreeland
Robinson, Utah	Schwert	Spence	Walter
Robsion, Ky.	Shanley	Sullivan	Ward
Rogers, Okla.	Shannon	Sutphin	Warren
Romjue	Sheppard	Tarver	Weaver
Ryan	Sheridan	Tenerowicz	West
Sacks	Smith, Conn.	Terry	Zimmerman

NAYS—145

Alexander	Engel	Jonkman	Rich
Andersen, H. Carl	Englebright	Kean	Rockefeller
Anderson, Calif.	Fenton	Keefe	Rodgers, Pa.
Andresen, A. H.	Fish	Kilburn	Rogers, Mass.
Andrews	Ford, Leland M.	Kinzer	Routzohn
Angell	Fulmer	Kunkel	Rutherford
Arends	Gamble	Lambertson	Sandager
Austin	Gartner	Landis	Schiffler
Ball	Gearhart	LeCompte	Seccombe
Barton	Gerlach	Lewis, Ohio	Seger
Bates, Mass.	Gifford	Luce	Short
Beckworth	Gilchrist	Ludlow	Simpson
Bender	Gillie	McDowell	Smith, Maine
Blackney	Goodwin	McGregor	Smith, Ohio
Bolles	Graham	McLean	Springer
Bolton	Grant, Ala.	McLeod	Stefan
Brooks	Gross	Maas	Sumner, Ill.
Brown, Ohio	Guyer, Kans.	Marshall	Taber
Burdick	Gwynne	Martin, Iowa	Talle
Cannon, Mo.	Hall, Leonard W.	Martin, Mass.	Thill
Carlson	Halleck	Mason	Thomas, N. J.
Chiperfield	Hancock	Michener	Thorkelson
Church	Hare	Miller	Tinkham
Clason	Harness	Monkiewicz	Treadway
Clevenger	Harter, N. Y.	Moser	Van Zandt
Cluett	Hawks	Mott	Vorys, Ohio
Cole, N. Y.	Hess	Mundt	Wadsworth
Colmer	Hinshaw	Murray	Wheat
Corbett	Holmes	O'Brien	Whittington
Culkin	Hope	Oliver	Wigglesworth
Curtis	Hull	Osmers	Winter
Dirksen	Jenkins, Ohio	Poage	Wolcott
Ditter	Jennings	Polk	Wolverton, N. J.
Dondero	Jensen	Powers	Youngdahl
Dworshak	Johns	Reece, Tenn.	
Eaton	Johnson, Ill.	Reed, N. Y.	
Elston	Johnson, Ind.	Rees, Kans.	

NOT VOTING—93

Allen, Ill.	Douglas	Jones, Tex.	Smith, Ill.
Allen, Pa.	Eberharter	Kee	Smith, W. Va.
Arnold	Fay	Keller	Starnes, Ala.
Boykin	Ferguson	Kleberg	Steagall
Bradley, Mich.	Flaherty	Knutson	Stearns, N. H.
Brewster	Ford, Thomas F.	Lea	Sumners, Tex.
Buck	Garrett	Lemke	Sweeney
Buckley, N. Y.	Gehrmann	McArdle	Taylor
Burch	Geyer, Calif.	McCormack	Tibbott
Burgin	Gibbs	Maciejewski	Voorhis, Calif.
Byrne, N. Y.	Grant, Ind.	Mansfield	Wallgren
Caldwell	Green	Martin, Ill.	Welch
Carter	Hall, Edwin A.	May	Wheichel
Case, S. Dak.	Hartley	Mouton	White, Idaho
Casey, Mass.	Healey	Murdock, Ariz.	White, Ohio
Collins	Hennings	O'Toole	Williams, Del.
Crawford	Hoffman	Pfeifer	Williams, Mo.
Creal	Hook	Pierce	Wolfenden, Pa.
Crowther	Horton	Plumley	Wood
Cummings	Jarrett	Reed, Ill.	Woodruff, Mich.
Darden	Jeffries	Sabath	Woodrum, Va.
Darrow	Jenks, N. H.	Scrugham	
DeRouen	Johnson, Lyndon	Secrest	
Dickstein	Jones, Ohio	Shafer, Mich.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Pfeifer (for) with Mr. Wolfenden of Pennsylvania (against).
Mr. Hennings (for) with Mr. Plumley (against).
Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Edwin A. Hall (against).
Mr. Dickstein (for) with Mr. Jeffries (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (against).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Fay (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Hartley (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr. Smith of Illinois (for) with Mr. Gehrmann (against).

General pairs:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Burch with Mr. Horton.
Mr. Caldwell with Mr. Welch.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Wheichel with Mr. Crowther.
Mr. Kleberg with Mr. Jones of Ohio.
Mr. McCormack with Mr. Lemke.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Hook.
Mr. Allen of Pennsylvania with Mr. Wallgren.
Mr. Garrett with Mr. Mouton.
Mr. Sweeney with Mr. Kee.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Smith of West Virginia.
Mr. Taylor with Mr. Boykin.
Mr. Geyer of California with Mr. Healey.
Mr. Secrest with Mr. Green.
Mr. Lea with Mr. Pierce.
Mr. Sabath with Mr. Murdock of Arizona.
Mr. Lyndon B. Johnson with Mr. Keller.

Mr. COOLEY changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Clerk will report the other amendment upon which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, line 11, after the word "California", insert northern district of Illinois."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MICHENER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 150, not voting 82, as follows:

[Roll No. 45]

YEAS—198

Allen, La.	Doxey	Kitchens	Randolph
Anderson, Mo.	Drewry	Kleberg	Rankin
Barden	Duncan	Kocialkowski	Rayburn
Barnes	Dunn	Kramer	Richards
Barry	Durham	Lanham	Risk
Bates, Ky.	Edelstein	Larrabee	Robertson
Beam	Edmiston	Leavy	Robinson, Utah
Bell	Elliott	Lesinski	Rogers, Okla.
Bland	Evans	Lewis, Colo.	Romjue
Bloom	Faddis	Lynch	Ryan
Boehne	Fay	McAndrews	Sacks
Boland	Fernandez	McGehee	Sasscer
Boren	Fitzpatrick	McGranery	Satterfield
Boykin	Flannagan	McKeough	Schaefer, Ill.
Bradley, Pa.	Flannery	McLaughlin	Schafer, Wis.
Brooks	Folger	McMillan, Clara G.	Schuetz
Brown, Ga.	Ford, Miss.	McMillan, John L.	Schulte
Bulwinkle	Fries	Magnuson	Schwert
Byrns, Tenn.	Gathings	Maloney	Shanley
Byron	Gavagan	Marcantonio	Shannon
Caldwell	Gerlach	Massingale	Sheppard
Camp	Gore	Merritt	Sheridan
Cannon, Fla.	Gossett	Mills, Ark.	Smith, Conn.
Cannon, Mo.	Green	Mills, La.	Smith, Va.
Cartwright	Gregory	Mitchell	Smith, Wash.
Celler	Griffith	Monroney	Snyder
Chapman	Harrington	Moser	Somers, N. Y.
Clark	Hart	Murdock, Utah	South
Cochran	Harter, Ohio	Myers	Sparkman
Coffee, Nebr.	Havenner	Nelson	Spence
Coffee, Wash.	Hendricks	Nichols	Sullivan
Cole, Md.	Hennings	Norrell	Sutphin
Connery	Hill	Norton	Tarver
Cooley	Hobbs	O'Connor	Tenerowicz
Cooper	Houston	O'Day	Terry
Costello	Hunter	O'Leary	Thomas, Tex.
Courtney	Izac	O'Neal	Thomason
Cravens	Jacobsen	Pace	Tolan
Crosser	Jarman	Parsons	Vincent, Ky.
Crowe	Johnson, Luther A.	Patman	Vinson, Ga.
Cullen	Johnson, Okla.	Patrick	Walter
D'Alesandro	Johnson, W. Va.	Patton	Ward
Davis	Kefauver	Pearson	Warren
Delaney	Kelly	Peterson, Fla.	Weaver
Dempsey	Kennedy, Martin	Peterson, Ga.	Welch
Dickstein	Kennedy, Md.	Pfeifer	West
Dies	Kennedy, Michael	Pierce	White, Idaho
Dingell	Keogh	Pittenger	Zimmerman
Disney	Kilday	Rabaut	
Doughton	Kirwan	Ramspeck	

NAYS—150

Alexander	Andresen, A. H.	Arends	Barton
Andersen, H. Carl	Andrews	Austin	Bates, Mass.
Anderson, Calif.	Angell	Ball	Beckworth

Bender	Gifford	Landis	Rogers, Mass.
Blackney	Gilchrist	LeCompte	Routzohn
Bolles	Gillie	Lemke	Rutherford
Bolton	Goodwin	Lewis, Ohio	Sandager
Brown, Ohio	Graham	Luce	Schiffler
Bryson	Grant, Ala.	Ludlow	Seccombe
Buckler, Minn.	Gross	McDowell	Seger
Burdick	Guyer, Kans.	McGregor	Short
Carlson	Gwynne	McLean	Simpson
Chiperfield	Hall, Leonard W.	McLeod	Smith, Maine
Church	Halleck	Maas	Smith, Ohio
Clason	Hancock	Mahon	Springer
Claypool	Hare	Marshall	Stefan
Clevenger	Harness	Martin, Iowa	Sumner, Ill.
Cluett	Harter, N. Y.	Martin, Mass.	Taber
Cole, N. Y.	Hawks	Mason	Talle
Colmer	Hess	Michener	Thill
Corbett	Hinshaw	Miller	Thomas, N. J.
Culkin	Holmes	Monkiewicz	Thorkelson
Curtis	Hope	Mott	Tinkham
Dirksen	Hull	Mundt	Treadway
Ditter	Jenkins, Ohio	Murray	Van Zandt
Dondero	Jennings	O'Brien	Vorys, Ohio
Dworshak	Jensen	Oliver	Vreeland
Eaton	Johns	Osmers	Wadsworth
Elston	Johnson, Ill.	Poage	Wheat
Engel	Johnson, Ind.	Polk	Whittington
Englebright	Jones, Ohio	Powers	Wigglesworth
Fenton	Jonkman	Reece, Tenn.	Winter
Fish	Kean	Reed, N. Y.	Wolcott
Ford, Leland M.	Keefe	Rees, Kans.	Wolfenden, Pa.
Fulmer	Kilburn	Rich	Wolverton, N. J.
Gamble	Kinzer	Robsion, Ky.	Youngdahl
Gartner	Kunkel	Rockefeller	
Gearhart	Lambertson	Rodgers, Pa.	

NOT VOTING—82

Allen, Ill.	DeRouen	Johnson, Lyndon	Shafer, Mich.
Allen, Pa.	Douglas	Jones, Tex.	Smith, Ill.
Arnold	Eberharter	Kee	Smith, W. Va.
Bradley, Mich.	Ellis	Keller	Starnes, Ala.
Brewster	Ferguson	Kerr	Steagall
Buck	Flaherty	Knutson	Stearns, N. H.
Buckley, N. Y.	Ford, Thomas F.	Lea	Sumners, Tex.
Burch	Garrett	McArdle	Sweeney
Burgin	Gehrmann	McCormack	Taylor
Byrne, N. Y.	Geyer, Calif.	Maciejewski	Tibbott
Carter	Gibbs	Mansfield	Voorhis, Calif.
Case, S. Dak.	Grant, Ind.	Martin, Ill.	Wallgren
Casey, Mass.	Hall, Edwin A.	May	Whelchel
Collins	Hartley	Mouton	White, Ohio
Cox	Healey	Murdock, Ariz.	Williams, Del.
Crawford	Hoffman	O'Toole	Williams, Mo.
Creal	Hook	Plumley	Wood
Crowther	Horton	Reed, Ill.	Woodruff, Mich.
Cummings	Jarrett	Sabath	Woodrum, Va.
Darden	Jeffries	Scrugham	
Darrow	Jenks, N. H.	Secrest	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Secrest (for) with Mr. Plumley (against).
Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Hall, Edwin A. (against).
Mr. Sweeney (for) with Mr. Jefferies (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (aganst).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Sabath (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Hartley (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr Smith of Illinois (for) with Mr. Gehrmann (against).

General pairs:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Steagall with Mr. Horton.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Hook.
Mr. Allen of Pennsylvania with Mr. Wallgren.
Mr. Garrett with Mr. Mouton.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Smith of West Virginia.
Mr. Taylor with Mr. Healey.
Mr. Geyer of California with Mr. Cox.
Mr. Lea with Mr. Kerr.
Mr. Johnson, Lyndon B., with Mr. Ellis.
Mr. Burch with Mr. Wood.
Mr. Murdock of Arizona with Mr. Sumners of Texas.
Mr. McCormack with Mr. Kee.

Mr. MURDOCK of Arizona. Mr. Speaker, I desire to vote "aye."

The SPEAKER pro tempore. Does the gentleman qualify?

Mr. MURDOCK of Arizona. I do not, Mr. Speaker.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. SCHAFER of Wisconsin. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies, and the Clerk will report the motion.

The Clerk read as follows:

Mr. SCHAFER of Wisconsin moves to recommit the bill to the Committee on the Judiciary for further consideration.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MICHENER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 137, not voting 83, as follows:

[Roll No. 46]

YEAS—210

Allen, La.	Durham	Larrabee	Richards
Allen, Pa.	Edelstein	Lea	Risk
Anderson, Mo.	Edmiston	Leavy	Robertson
Barden	Elliott	Lesinski	Robinson, Utah
Barnes	Evans	Lewis, Colo.	Robsion, Ky.
Barry	Faddis	Lynch	Rogers, Okla.
Bates, Ky.	Fay	McAndrews	Romjue
Bell	Fernandez	McGehee	Ryan
Biand	Fitzpatrick	McGranery	Sacks
Bloom	Flannagan	McKeough	Sasscer
Boland	Flannery	McLaughlin	Satterfield
Boykin	Ford, Leland M.	McMillan, Clara G.	Schaefer, Ill.
Bradley, Pa.	Ford, Miss.	McMillan, John L.	Schafer, Wis.
Brooks	Fries	Magnuson	Schuetz
Brown, Ga.	Gathings	Maloney	Schulte
Bulwinkle	Gavagan	Marcantonio	Schwert
Byrns, Tenn.	Gerlach	Massingale	Shanley
Byron	Gore	Merritt	Shannon
Caldwell	Gossett	Mills, Ark.	Sheppard
Camp	Grant, Ala.	Mills, La.	Sheridan
Cannon, Fla.	Green	Mitchell	Smith, Conn.
Cannon, Mo.	Gregory	Monroney	Smith, Maine
Cartwright	Griffith	Moser	Smith, Va.
Celler	Gwynne	Murdock, Ariz.	Smith, Wash.
Chapman	Harrington	Murdock, Utah	Smith, W. Va.
Clark	Hart	Myers	Snyder
Claypool	Harter, Ohio	Nelson	Somers, N. Y.
Cochran	Havenner	Nichols	South
Coffee, Nebr.	Hendricks	Norrell	Sparkman
Coffee, Wash.	Hennings	Norton	Spence
Cole, Md.	Hill	O'Connor	Sullivan
Connery	Hinshaw	O'Day	Sutphin
Cooley	Hobbs	O'Leary	Tarver
Cooper	Hook	Oliver	Tenerowicz
Costello	Hunter	O'Neal	Terry
Courtney	Izac	Osmers	Thomas, Tex.
Cox	Jacobsen	Pace	Thomason
Cravens	Jarman	Parsons	Tolan
Crosser	Johnson, Luther	Patman	Vincent, Ky.
Crowe	Johnson, Okla.	Patrick	Vinson, Ga.
Cullen	Johnson, W. Va.	Patton	Vreeland
D'Alesandro	Kefauver	Pearson	Walter
Davis	Kelly	Peterson, Fla.	Ward
Delaney	Kennedy, Martin	Peterson, Ga.	Warren
Dempsey	Kennedy, Md.	Pfeifer	Weaver
Dickstein	Kennedy, Michael	Pierce	Welch
Dingell	Keogh	Pittenger	West
Disney	Kilday	Powers	White, Idaho
Doughton	Kirwan	Rabaut	Whittington
Doxey	Kitchens	Ramspeck	Wolverton, N. J.
Drewry	Kocialkowski	Randolph	Zimmerman
Duncan	Kramer	Rankin	
Dunn	Lanham	Rayburn	

NAYS—137

Alexander	Dondero	Jonkman	Rees, Kans.
Andersen, H. Carl	Dworshak	Kean	Rich
Anderson, Calif.	Eaton	Keefe	Rockefeller
Andresen, A. H.	Elston	Kilburn	Rodgers, Pa.
Andrews	Engel	Kinzer	Rogers, Mass.
Angell	Englebright	Kleberg	Routzohn
Arends	Fenton	Kunkel	Rutherford
Austin	Fish	Lambertson	Schiffler
Ball	Fulmer	Landis	Seccombe
Barton	Gamble	LeCompte	Seger
Bates, Mass.	Gartner	Lemke	Short
Beckworth	Gifford	Lewis, Ohio	Simpson
Bender	Gilchrist	Luce	Smith, Ohio
Blackney	Gillie	Ludlow	Springer
Bolles	Graham	McDowell	Stefan
Bolton	Gross	McGregor	Sumner, Ill.
Boren	Guyer, Kans.	McLean	Taber
Brown, Ohio	Hall, Leonard W.	McLeod	Talle
Bryson	Halleck	Maas	Thill
Buckler, Minn.	Hancock	Mahon	Thomas, N. J.
Burdick	Harness	Marshall	Thorkelson
Carlson	Harter, N. Y.	Martin, Iowa	Tinkham
Chiperfield	Hawks	Martin, Mass.	Treadway
Church	Hess	Mason	Van Zandt
Clason	Holmes	Michener	Vorys, Ohio
Clevenger	Hope	Miller	Wadsworth
Cluett	Houston	Monkiewicz	Wheat
Cole, N. Y.	Hull	Mott	Wigglesworth
Colmer	Jenkins, Ohio	Mundt	Winter
Corbett	Jennings	Murray	Wolcott
Culkin	Jensen	O'Brien	Wolfenden, Pa.
Curtis	Johns	Poage	Youngdahl
Dies	Johnson, Ill.	Polk	
Dirksen	Johnson, Ind.	Reece, Tenn.	
Ditter	Jones, Ohio	Reed, N. Y.	

NOT VOTING—83

Allen, Ill.	DeRouen	Jarrett	Scrugham
Arnold	Douglas	Jeffries	Secrest
Beam	Eberharter	Jenks, N. H.	Shafer, Mich.
Boehne	Ellis	Johnson, Lyndon	Smith, Ill.
Bradley, Mich.	Ferguson	Jones, Tex.	Starnes, Ala.
Brewster	Flaherty	Kee	Steagall
Buck	Folger	Keller	Stearns, N. H.
Buckley, N. Y.	Ford, Thomas F.	Kerr	Sumners, Tex.
Burch	Garrett	Knutson	Sweeney
Burgin	Gearhart	McArdle	Taylor
Byrne, N. Y.	Gehrmann	McCormack	Tibbott
Carter	Geyer, Calif.	Maciejewski	Voorhis, Calif.
Case, S. Dak.	Gibbs	Mansfield	Walgren
Casey, Mass.	Goodwin	Martin, Ill.	Whelchel
Collins	Grant, Ind.	May	White, Ohio
Crawford	Hall, Edwin A.	Mouton	Williams, Del.
Creal	Hare	O'Toole	Williams, Mo.
Crowther	Hartley	Plumley	Wood
Cummings	Healey	Reed, Ill.	Woodrum, Va.
Darden	Hoffman	Sabath	Woodruff, Mich.
Darrow	Horton	Sandager	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Edwin A. Hall (against).
Mr. Sweeney (for) with Mr. Jeffries (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (against).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Sabath (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Goodwin (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr. Smith of Illinois (for) with Mr. Gehrmann (against).
Mr. Beam (for) with Mr. Sandager (against).

Until further notice:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Walgren.
Mr. Garrett with Mr. Mouton.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Hare.
Mr. Taylor with Mr. Healey.
Mr. Geyer of California with Mr. Boehne.
Mr. Lyndon B. Johnson with Mr. Ellis.
Mr. Burch with Mr. Wood.
Mr. McCormack with Mr. Kee.
Mr. Folger with Mr. Plumley.
Mr. Creal with Mr. Hartley.
Mr. Steagall with Mr. Carter.
Mr. Secrest with Mr. Gearhart.
Mr. Keller with Mr. Sumners of Texas.
Mr. Kerr with Mr. Thomas F. Ford.

The result of the vote was announced as above recorded.

By unanimous consent a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. LUDLOW. Mr. Speaker, my colleague the gentleman from Indiana [Mr. LARRABEE] was called home unexpectedly this afternoon by serious illness in his family. In his behalf I ask unanimous consent that he may be given indefinite leave of absence.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of the legislative program for the day and any other special orders that may have been entered, I may address the House for 25 minutes.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, on what date?

Mr. PATRICK. On next Monday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. PATRICK and Mr. BURDICK asked and were given permission to revise and extend their own remarks.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend in the RECORD an address delivered by Maj. Gen. Julian Schley, Chief of Engineers, on March 13 in this city before the Mississippi Flood Control Association.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an address delivered by Maj. Gen. Julian Schley, Chief of Engineers, before the Rivers and Harbors Congress in session in Washington today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a quotation of 19 words.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks, and to include therein extracts from an address delivered by the Reverend William A. Foran, and I may say that I fully concur in the views expressed therein.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include therein an address I delivered before the Rivers and Harbors Congress in Washington today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a statement from the Washington Herald of March 14 on Mannerheim's message to the Army of Finland.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Bender	Gifford	Landis	Rogers, Mass.
Blackney	Gilchrist	LeCompte	Routzohn
Bolles	Gillie	Lemke	Rutherford
Bolton	Goodwin	Lewis, Ohio	Sandager
Brown, Ohio	Graham	Luce	Schiffler
Bryson	Grant, Ala.	Ludlow	Seccombe
Buckler, Minn.	Gross	McDowell	Seger
Burdick	Guyer, Kans.	McGregor	Short
Carlson	Gwynne	McLean	Simpson
Chiperfield	Hall, Leonard W.	McLeod	Smith, Maine
Church	Halleck	Maas	Smith, Ohio
Clason	Hancock	Mahon	Springer
Claypool	Hare	Marshall	Stefan
Clevenger	Harness	Martin, Iowa	Sumner, Ill.
Cluett	Harter, N. Y.	Martin, Mass.	Taber
Cole, N. Y.	Hawks	Mason	Talle
Colmer	Hess	Michener	Thill
Corbett	Hinshaw	Miller	Thomas, N. J.
Culkin	Holmes	Monkiewicz	Thorkelson
Curtis	Hope	Mott	Tinkham
Dirksen	Hull	Mundt	Treadway
Ditter	Jenkins, Ohio	Murray	Van Zandt
Dondero	Jennings	O'Brien	Vorys, Ohio
Dworshak	Jensen	Oliver	Vreeland
Eaton	Johns	Osmers	Wadsworth
Elston	Johnson, Ill.	Poage	Wheat
Engel	Johnson, Ind.	Polk	Whittington
Englebright	Jones, Ohio	Powers	Wigglesworth
Fenton	Jonkman	Reece, Tenn.	Winter
Fish	Kean	Reed, N. Y.	Wolcott
Ford, Leland M.	Keefe	Rees, Kans.	Wolfenden, Pa.
Fulmer	Kilburn	Rich	Wolverton, N. J.
Gamble	Kinzer	Robsion, Ky.	Youngdahl
Gartner	Kunkel	Rockefeller	
Gearhart	Lambertson	Rodgers, Pa.	

NOT VOTING—82

Allen, Ill.	DeRouen	Johnson, Lyndon	Shafer, Mich.
Allen, Pa.	Douglas	Jones, Tex.	Smith, Ill.
Arnold	Eberharter	Kee	Smith, W. Va.
Bradley, Mich.	Ellis	Keller	Starnes, Ala.
Brewster	Ferguson	Kerr	Steagall
Buck	Flaherty	Knutson	Stearns, N. H.
Buckley, N. Y.	Ford, Thomas F.	Lea	Sumners, Tex.
Burch	Garrett	McArdle	Sweeney
Burgin	Gehrmann	McCormack	Taylor
Byrne, N. Y.	Geyer, Calif.	Maciejewski	Tibbott
Carter	Gibbs	Mansfield	Voorhis, Calif.
Case, S. Dak.	Grant, Ind.	Martin, Ill.	Wallgren
Casey, Mass.	Hall, Edwin A.	May	Whelchel
Collins	Hartley	Mouton	White, Ohio
Cox	Healey	Murdock, Ariz.	Williams, Del.
Crawford	Hoffman	O'Toole	Williams, Mo.
Creal	Hook	Plumley	Wood
Crowther	Horton	Reed, Ill.	Woodruff, Mich.
Cummings	Jarrett	Sabath	Woodrum, Va.
Darden	Jeffries	Scrugham	
Darrow	Jenks, N. H.	Secrest	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Secrest (for) with Mr. Plumley (against).
Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Hall, Edwin A. (against).
Mr. Sweeney (for) with Mr. Jefferies (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (aganst).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Sabath (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Hartley (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr Smith of Illinois (for) with Mr. Gehrmann (against).

General pairs:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Steagall with Mr. Horton.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Hook.
Mr. Allen of Pennsylvania with Mr. Wallgren.
Mr. Garrett with Mr. Mouton.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Smith of West Virginia.
Mr. Taylor with Mr. Healey.
Mr. Geyer of California with Mr. Cox.
Mr. Lea with Mr. Kerr.
Mr. Johnson, Lyndon B., with Mr. Ellis.
Mr. Burch with Mr. Wood.
Mr. Murdock of Arizona with Mr. Sumners of Texas.
Mr. McCormack with Mr. Kee.

Mr. MURDOCK of Arizona. Mr. Speaker, I desire to vote "aye."

The SPEAKER pro tempore. Does the gentleman qualify?

Mr. MURDOCK of Arizona. I do not, Mr. Speaker.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. SCHAFER of Wisconsin. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies, and the Clerk will report the motion.

The Clerk read as follows:

Mr. SCHAFER of Wisconsin moves to recommit the bill to the Committee on the Judiciary for further consideration.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MICHENER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 137, not voting 83, as follows:

[Roll No. 46]

YEAS—210

Allen, La.	Durham	Larrabee	Richards
Allen, Pa.	Edelstein	Lea	Risk
Anderson, Mo.	Edmiston	Leavy	Robertson
Barden	Elliott	Lesinski	Robinson, Utah
Barnes	Evans	Lewis, Colo.	Robsion, Ky.
Barry	Faddis	Lynch	Rogers, Okla.
Bates, Ky.	Fay	McAndrews	Romjue
Bell	Fernandez	McGehee	Ryan
Bland	Fitzpatrick	McGranery	Sacks
Bloom	Flannagan	McKeough	Sasscer
Boland	Flannery	McLaughlin	Satterfield
Boykin	Ford, Leland M.	McMillan, Clara G.	Schaefer, Ill.
Bradley, Pa.	Ford, Miss.	McMillan, John L.	Schafer, Wis.
Brooks	Fries	Magnuson	Schuetz
Brown, Ga.	Gathings	Maloney	Schulte
Bulwinkle	Gavagan	Marcantonio	Schwert
Byrns, Tenn.	Gerlach	Massingale	Shanley
Byron	Gore	Merritt	Shannon
Caldwell	Gossett	Mills, Ark.	Sheppard
Camp	Grant, Ala.	Mills, La.	Sheridan
Cannon, Fla.	Green	Mitchell	Smith, Conn.
Cannon, Mo.	Gregory	Monroney	Smith, Maine
Cartwright	Griffith	Moser	Smith, Va.
Celler	Gwynne	Murdock, Ariz.	Smith, Wash.
Chapman	Harrington	Murdock, Utah	Smith, W. Va.
Clark	Hart	Myers	Snyder
Claypool	Harter, Ohio	Nelson	Somers, N. Y.
Cochran	Havenner	Nichols	South
Coffee, Nebr.	Hendricks	Norrell	Sparkman
Coffee, Wash.	Hennings	Norton	Spence
Cole, Md.	Hill	O'Connor	Sullivan
Connery	Hinshaw	O'Day	Sutphin
Cooley	Hobbs	O'Leary	Tarver
Cooper	Hook	Oliver	Tenerowicz
Costello	Hunter	O'Neal	Terry
Courtney	Izac	Osmers	Thomas, Tex.
Cox	Jacobsen	Pace	Thomason
Cravens	Jarman	Parsons	Tolan
Crosser	Johnson, Luther	Patman	Vincent, Ky.
Crowe	Johnson, Okla.	Patrick	Vinson, Ga.
Cullen	Johnson, W. Va.	Patton	Vreeland
D'Alesandro	Kefauver	Pearson	Walter
Davis	Kelly	Peterson, Fla.	Ward
Delaney	Kennedy, Martin	Peterson, Ga.	Warren
Dempsey	Kennedy, Md.	Pfeifer	Weaver
Dickstein	Kennedy, Michael	Pierce	Welch
Dingell	Keogh	Pittenger	West
Disney	Kilday	Powers	White, Idaho
Doughton	Kirwan	Rabaut	Whittington
Doxey	Kitchens	Ramspeck	Wolverton, N. J.
Drewry	Kocialkowski	Randolph	Zimmerman
Duncan	Kramer	Rankin	
Dunn	Lanham	Rayburn	

NAYS—137

Alexander	Dondero	Jonkman	Rees, Kans.
Andersen, H. Carl	Dworshak	Kean	Rich
Anderson, Calif.	Eaton	Keefe	Rockefeller
Andresen, A. H.	Elston	Kilburn	Rodgers, Pa.
Andrews	Engel	Kinzer	Rogers, Mass.
Angell	Englebright	Kleberg	Routzohn
Arends	Fenton	Kunkel	Rutherford
Austin	Fish	Lambertson	Schiffler
Ball	Fulmer	Landis	Seccombe
Barton	Gamble	LeCompte	Seger
Bates, Mass.	Gartner	Lemke	Short
Beckworth	Gifford	Lewis, Ohio	Simpson
Bender	Gilchrist	Luce	Smith, Ohio
Blackney	Gillie	Ludlow	Springer
Bolles	Graham	McDowell	Stefan
Bolton	Gross	McGregor	Sumner, Ill.
Boren	Guyer, Kans.	McLean	Taber
Brown, Ohio	Hall, Leonard W.	McLeod	Talle
Bryson	Halleck	Maas	Thill
Buckler, Minn.	Hancock	Mahon	Thomas, N. J.
Burdick	Harness	Marshall	Thorkelson
Carlson	Harter, N. Y.	Martin, Iowa	Tinkham
Chiperfield	Hawks	Martin, Mass.	Treadway
Church	Hess	Mason	Van Zandt
Clason	Holmes	Michener	Vorys, Ohio
Clevenger	Hope	Miller	Wadsworth
Cluett	Houston	Monkiewicz	Wheat
Cole, N. Y.	Hull	Mott	Wigglesworth
Colmer	Jenkins, Ohio	Mundt	Winter
Corbett	Jennings	Murray	Wolcott
Culkin	Jensen	O'Brien	Wolfenden, Pa.
Curtis	Johns	Poage	Youngdahl
Dies	Johnson, Ill.	Polk	
Dirksen	Johnson, Ind.	Reece, Tenn.	
Ditter	Jones, Ohio	Reed, N. Y.	

NOT VOTING—83

Allen, Ill.	DeRouen	Jarrett	Scrugham
Arnold	Douglas	Jeffries	Secrest
Beam	Eberharter	Jenks, N. H.	Shafer, Mich.
Boehne	Ellis	Johnson, Lyndon	Smith, Ill.
Bradley, Mich.	Ferguson	Jones, Tex.	Starnes, Ala.
Brewster	Flaherty	Kee	Steagall
Buck	Folger	Keller	Stearns, N. H.
Buckley, N. Y.	Ford, Thomas F.	Kerr	Sumners, Tex.
Burch	Garrett	Knutson	Sweeney
Burgin	Gearhart	McArdle	Taylor
Byrne, N. Y.	Gehrmann	McCormack	Tibbott
Carter	Geyer, Calif.	Maciejewski	Voorhis, Calif.
Case, S. Dak.	Gibbs	Mansfield	Wallgren
Casey, Mass.	Goodwin	Martin, Ill.	Whelchel
Collins	Grant, Ind.	May	White, Ohio
Crawford	Hall, Edwin A.	Mouton	Williams, Del.
Creal	Hare	O'Toole	Williams, Mo.
Crowther	Hartley	Plumley	Wood
Cummings	Healey	Reed, Ill.	Woodrum, Va.
Darden	Hoffman	Sabath	Woodruff, Mich.
Darrow	Horton	Sandager	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Edwin A. Hall (against).
Mr. Sweeney (for) with Mr. Jeffries (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (against).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Sabath (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Goodwin (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr. Smith of Illinois (for) with Mr. Gehrmann (against).
Mr. Beam (for) with Mr. Sandager (against).

Until further notice:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Walgren.
Mr. Garrett with Mr. Mouton.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Hare.
Mr. Taylor with Mr. Healey.
Mr. Geyer of California with Mr. Boehne.
Mr. Lyndon B. Johnson with Mr. Ellis.
Mr. Burch with Mr. Wood.
Mr. McCormack with Mr. Kee.
Mr. Folger with Mr. Plumley.
Mr. Creal with Mr. Hartley.
Mr. Steagall with Mr. Carter.
Mr. Secrest with Mr. Gearhart.
Mr. Keller with Mr. Sumners of Texas.
Mr. Kerr with Mr. Thomas F. Ford.

The result of the vote was announced as above recorded.

By unanimous consent a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. LUDLOW. Mr. Speaker, my colleague the gentleman from Indiana [Mr. LARRABEE] was called home unexpectedly this afternoon by serious illness in his family. In his behalf I ask unanimous consent that he may be given indefinite leave of absence.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of the legislative program for the day and any other special orders that may have been entered, I may address the House for 25 minutes.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, on what date?

Mr. PATRICK. On next Monday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. PATRICK and Mr. BURDICK asked and were given permission to revise and extend their own remarks.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend in the RECORD an address delivered by Maj. Gen. Julian Schley, Chief of Engineers, on March 13 in this city before the Mississippi Flood Control Association.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an address delivered by Maj. Gen. Julian Schley, Chief of Engineers, before the Rivers and Harbors Congress in session in Washington today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a quotation of 19 words.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks, and to include therein extracts from an address delivered by the Reverend William A. Foran, and I may say that I fully concur in the views expressed therein.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include therein an address I delivered before the Rivers and Harbors Congress in Washington today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a statement from the Washington Herald of March 14 on Mannerheim's message to the Army of Finland.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects: First, to extend my remarks regarding the Wheeler-Lea bill amendments, and, second, to revise and extend my remarks regarding the Neely bill and to insert therein two letters.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD, and to include therein testimony given by myself before the Appropriations Committee of the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

GREAT BRITAIN'S DEBT TO THE UNITED STATES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, on March 4 I introduced House Resolution 482, looking toward the acquisition of certain British islands, negotiations to be entered into by this country with Great Britain, as partial payment of the war debt which that country owes the United States. A similar resolution was introduced in the other body by the able Senator from North Carolina [Mr. REYNOLDS]. I am sure I speak for him also when I say we have received splendid support from many sections of the country as evidenced by the editorials and the correspondence which has come to our attention.

Mr. Speaker, I ask unanimous consent to include as a part of my remarks at this point three letters supporting this resolution which I believe are typical of the hundreds of communications which both Senator REYNOLDS and myself have received. I trust that the Committee on Foreign Affairs of the House and Senate will give prompt consideration to what we believe is a worthy proposal.

[Here the gavel fell.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

The letters referred to follow:

CHICAGO, ILL., *March 6, 1940.*

Hon. JENNINGS RANDOLPH,
Member of Congress, Washington, D. C.

DEAR MR. CONGRESSMAN: I would like to see a copy of your bill with reference to the acquisition of Caribbean possessions of the British and French.

When one visualizes a string of islands, partially submerged reefs and banks, with comparatively few navigable passages, stretching from within a short distance of our Florida coast for a distance of some 1,600 miles to Trinidad, off the coast of Venezuela, one has a picture of what might be developed into a most effective barricade against any navigation from the Atlantic into the Caribbean, or from our eastern seaboard into the Gulf of Mexico.

These islands, the Bahamas and the Lesser Antilles, are now in possession of friendly foreign powers, but it is not difficult to imagine developments in Europe resulting in their ownership passing to unfriendly powers. A few strategically located naval and airplane bases would afford a control of navigation to and from the Atlantic that would minimize materially the value of the Panama Canal to the United States and to other American nations not on friendly terms with the new owners.

Knowing the Caribbean, it has long been my conviction that, when opportune, something should be done about this matter, and it appears that you have seen an opportunity in the war-debt situation that might be utilized to this end. I hope so.

Very truly yours,

M. D. CARREL.

NICHOLAS VOLK & CO., INC.,
New York, March 6, 1940.

Hon. JENNINGS RANDOLPH,
Washington, D. C.

DEAR SIR: The resolution to be introduced asking President Roosevelt to negotiate with Great Britain for acquisition of certain Western Hemisphere islands in payment of the war debts is an excellent idea; in fact, it is the very best proposition that we could submit to Great Britain at the present time, and if Great Britain refuses they certainly never intend to honor this debt.

I have spoken with a number of my friends about your resolution and we are all agreed that this is a fair and reasonable proposition to submit to Great Britain, and we hope that your resolution will be approved.

We shall be eagerly waiting to learn the outcome of your efforts and hope that you will be successful, as this certainly is a step in the right direction.

Sincerely yours,

NICHOLAS VOLK.

EAST LYNN, MASS., *March 9, 1940.*

Representative RANDOLPH,
House of Representatives, Washington, D. C.

MY DEAR MR. RANDOLPH: In a recent newspaper, I read of your proposed resolution, authorizing the President to negotiate for the acquisition of British islands off the coast of North and South America.

I think that this is the first time that a resolution like this has been asked for in either House of Congress, and I certainly congratulate you on your thought, but think that you should go a step further, if possible, and ask for a law to take them over.

If I owe anyone money on a note, they can sue me for recovery; if I own a piece of land which holds a mortgage and do not pay the interest or the mortgage, the mortgagee can foreclose and take it away from me; if I do not pay taxes on that property, the city can take it away from me.

In this instance, we have loaned Britain, as well as other countries money, and they simply throw up their hands and say, "What are you going to do about it?"

Taking the islands certainly is a logical conclusion to this matter.

Cordially yours,

E. W. WILLIAMS.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ALEXANDER, until March 22, on account of official business.

To Mr. DARDEN, for 10 days, on account of official business.

To Mr. MAGNUSON, for 10 days, on account of official business.

To Mr. BOEHNE, for 2 weeks, on account of important business.

ST. PATRICK'S DAY

Mr. DUNN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. DUNN]?

There was no objection.

Mr. DUNN. Mr. Speaker, if it is in order, I want to wish everybody in the whole world a happy St. Patrick's Day.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House, under its order heretofore adopted, adjourned until Monday, March 18, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective natuical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Friday, March 15, 1940, for the consideration of H. R. 7615 and H. R. 8511.

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Monday, March 18, 1940, for the consideration of H. R. 6939 and H. R. 7633, the identical titles of both bills being "Prescribing tolls to be paid for the use of locks on all rivers of the United States."

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 19, 1940, at 10 a. m., for the consideration of H. R. 8239, Creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(Wednesday, March 20, 1940)

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m. Wednesday, March 20, 1940, for the consideration of H. R. 4582, to provide for the acquisition of certain property for public use in the District of Columbia.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING MARCH 18, 1940, AT 10 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

1. Monday, March 18: Maj. Gen. Julian L. Schley, Chief of Engineers, has been requested to make a general statement with his recommendations covering a general flood-control bill and the projects that should be included in the bill. He, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

2. Tuesday, March 19: Sponsors and representatives of the Corps of Engineers, from New England, New York, and the Atlantic seaboard on all reported projects and pending bills.

3. Wednesday, March 20: Sponsors and representatives of the Corps of Engineers, from the upper Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

4. Thursday, March 21: Sponsors and representatives of the Corps of Engineers, from the lower Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

5. Friday, March 22: Sponsors and representatives of the Corps of Engineers, for the upper Mississippi and tributaries, and Missouri River and tributaries.

6. Saturday, March 23: Sponsors and representatives of the Corps of Engineers for projects on the Arkansas River and tributaries.

7. Monday, March 25: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

8. Tuesday, March 26: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

9. Wednesday, March 27: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

10. Thursday, March 28: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

11. Friday, March 29: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

12. Saturday, March 30: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

13. Monday, April 1: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold hearings Wednesday, March 20, 1940, at 10:30 a. m., on House Joint Resolution 470, to authorize the appropriation of an additional sum of $425,000 for Federal participation in the New York World's Fair, 1940.

EXECUTIVE COMMUNICATIONS, ETC.

1463. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on examinations of Touchet River, Wash., a tributary of Walla Walla River, authorized by the Flood Control Act approved June 22, 1936, and by acts of Congress approved June 13, 1934, and May 6, 1936 (H. Doc. No. 662), was taken from the Speaker's table, referred to the Committee on Flood Control, and ordered to be printed, with an illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GAVAGAN: Committee on Elections No. 2. House Resolution 427. Resolution relating to the contested election case of Byron N. Scott, contestant, versus Thomas M. Eaton,

contestee, from the Eighteenth District of California; without amendment (Rept. No. 1783). Referred to the House Calendar.

Mr. HILL: Committee on the Public Lands. H. R. 7736. A bill authorizing the Secretary of the Interior to issue patents for lands held under color of title; with amendment (Rept. No. 1785). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on the Public Lands. H. R. 6575. A bill to authorize and direct the adjustment of land-ownership lines within the General Grant National Park, Calif., in order to protect equities established by possession arising in conformity with a certain survey, and for other purposes; with amendment (Rept. No. 1786). Referred to the Committee of the Whole House on the state of the Union.

Mr. DUNN: Committee on the Census. S. 2505. An act to amend an act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionments; with amendment (Rept. No. 1787). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE: Committee on the Post Office and Post Roads. S. 1214. An act to provide for a more permanent tenure for persons carrying the mail on star routes; with amendment (Rept. No. 1788). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 8379. A bill for the relief of Izaak Szaja Licht; without amendment (Rept. No. 1784). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. S. 2598. An act for the relief of Kurt Wessely; without amendment (Rept. No. 1789). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RANKIN:

H. R. 8930. A bill to amend section 202 (3), World War Veterans Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. HAVENNER:

H. R. 8931. A bill to provide for the settlement and development of Alaska; to the Committee on the Territories.

By Mr. BARRY:

H. R. 8932. A bill to prohibit discrimination against anyone because of age in employment directly and indirectly under the United States; to the Committee on the Civil Service.

By Mr. DITTER:

H. R. 8933. A bill to amend chapter 28 of the laws of 1929, being the act of June 18, 1929 (46 Stat. L. 21), and for other purposes; to the Committee on the Census.

By Mr. GERLACH:

H. R. 8934. A bill to authorize the Secretary of the Interior to purchase the Trexler hatchery in Lehigh County, Pa.; to the Committee on Merchant Marine and Fisheries.

By Mr. LEA:

H. R. 8935. A bill to provide for the registration and regulation of investment companies and investment advisers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT:

H. R. 8936. A bill to amend the income-tax law to provide credit for dependents under 22 years of age while at school or college; to the Committee on Ways and Means.

By Mr. O'CONNOR:

H. R. 8937. A bill to authorize an appropriation for the relief of ill-clothed, ill-fed, and ill-housed needy American Indians through the utilization of surplus American agricultural and other commodities; to the Committee on Indian Affairs.

By Mr. SMITH of Washington:

H. R. 8938. A bill to authorize a preliminary examination and survey of the Columbia River and its tributaries in Clark County, Wash., extending from the downstream point of the Vancouver Lake area to the upstream point of the Bachelor Island area, a distance of approximately 3 miles, with a view to providing flood control in said area; to the Committee on Flood Control.

By Mr. RANKIN:

H. R. 8939 (by request). A bill to provide more adequate pension for certain disabled World War veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

H. R. 8940 (by request). A bill to provide more adequate compensation for certain dependents of World War veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. FULMER:

H. R. 8941. A bill authorizing the coinage of 50-cent pieces in commemoration of the arrival of the Marquis de Lafayette at North Island, near Georgetown, S. C., on June 14, 1777; to the Committee on Coinage, Weights, and Measures.

By Mr. HARE:

H. R. 8942. A bill to aid State and local education by extending the benefits of the Civil Service Retirement Act to teachers in State and other public educational institutions; to the Committee on the Civil Service.

By Mr. SHANLEY:

H. J. Res. 491. Joint resolution to provide reciprocal Finnish debt scholarships; to the Committee on Ways and Means.

H. Con. Res. 53. Concurrent resolution for the relief of Finland; to the Committee on Foreign Affairs.

By Mr. GAVAGAN:

H. Res. 427. Resolution relating to the contested-election case of Byron N. Scott, contestant, versus Thomas M. Eaton, contestee, from the Eighteenth Congressional District of California; to the Committee on Elections No. 2.

By Mr. O'LEARY:

H. Res. 428. Resolution providing for permanent tenure of the officers of the Capitol Police who are World War veterans; to the Committee on Accounts.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Rhode Island and Providence Plantations, memorializing the President and the Congress of the United States to consider their resolution, H. 780, January session, A. D. 1940, concerning the elections of Presidents, of the United States of America; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H. R. 8943. A bill for the relief of James E. Clark; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT:

H. R. 8944. A bill for the relief of W. A. Facht; to the Committee on Claims.

By Mr. LELAND M. FORD:

H. R. 8945. A bill authorizing the Commissioner of Patents to register and to admit to practice before the United States Patent Office William E. Baff; to the Committee on Patents.

By Mr. LANHAM:

H. R. 8946. A bill for the relief of Rufus K. Sanderlin; to the Committee on Claims.

By Mr. McANDREWS:

H. R. 8947. A bill to enable Elizabeth Hipp to remain permanently in the United States; to the Committee on Immigration and Naturalization.

By Mr. McGREGOR:

H. R. 8948. A bill granting an increase of pension to Sarah E. Priest; to the Committee on Invalid Pensions.

H. R. 8949. A bill granting an increase of pension to Laura Moore; to the Committee on Invalid Pensions.

By Mr. REED of New York:

H. R. 8950. A bill for the relief of Nathan P. Taft; to the Committee on Claims.

H. R. 8951. A bill granting an increase of pension to Mary F. Warren; to the Committee on Invalid Pensions.

By Mr. TIBBOTT:

H. R. 8952. A bill for the relief of Ivan Rightnour; to the Committee on Military Affairs.

H. R. 8953. A bill authorizing the President of the United States to present the distinguished-service cross to Samson Goldstein; to the Committee on Military Affairs.

By Mr. PETERSON of Florida:

H. J. Res. 492. House Joint Resolution conferring jurisdiction upon the Court of Claims to hear and determine the claim of Trent Trust Co., Ltd., a corporation of the Territory of Hawaii, and Cooke Trust Co., Ltd., a corporation of the Territory of Hawaii, as receiver for said Trent Trust Co., Ltd.; to the Committee on Claims.

By Mr. GRAHAM:

H. Res. 429. Resolution to pay a gratuity to Belle G. Schmoyer, widow of the late Harry A. Schmoyer; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6948. By Mr. BELL: Memorial of the First Methodist Episcopal Church of Lee's Summit, Mo., that the Congress should legislate to enforce an embargo on the shipments of war materials to Japan; to the Committee on Foreign Affairs.

6949. By Mr. BLOOM: Petition of the Industrial Council of the National Woman's Party, favoring the submitting of the equal rights amendment to the States for ratification; to the Committee on the Judiciary.

6950. By Mr. CONNERY: Resolution of the Massachusetts Women's Political Club, protesting against the enforcement of the 30-day furlough for relief workers, and requesting a sufficiently large appropriation to provide work for the employed; to the Committee on Appropriations.

6951. Also, resolution of the Central Labor Union of Boston, Mass., protesting against Treasury Decision No. 49682, and insisting that American labor be given an oportunity to be heard upon any and all proposed changes in customs, regulations, rules, or decisions affecting American fishermen; to the Committee on Merchant Marine and Fisheries.

6952. Also, resolution of the Atlantic Fishermen's Union, Local 21455, Boston, Mass., requesting a congressional investigation of the fishing industry be made by the Committee on Merchant Marine and Fisheries by sending a subcommittee to Boston and other North Atlantic ports and inviting members of labor unions and other interested parties to testify; to the Committee on Merchant Marine and Fisheries.

6953. Also, resolution of Local 21455, Atlantic Fishermen's Union, Boston, Mass., protesting against Treasury Decision No. 49682, which redefined the American fishery to allow a shore station to be located in Newfoundland; to the Committee on Merchant Marine and Fisheries.

6954. Also, resolution of the Gloucester Seafood Workers' Union, Local 1, series 1572, Gloucester, Mass., protesting against Treasury Decision No. 49682 and asking that steps be taken to guarantee that American labor will be given an opportunity, hereafter, to be heard upon any and all proposed changes in legislation, rulings, or decisions, affecting American fishermen or shore labor; to the Committee on Merchant Marine and Fisheries.

6955. Also, petition of the Peabody Cooperative Bank of Peabody, Mass., opposing the extension of the activities or increase in appropriation of the United States Housing Authority; to the Committee on Banking and Currency.

6956. Also, petition of the Massachusetts Cooperative Bank League, Boston, Mass., opposing the extension of the activities or increase in appropriation of the United States Housing Authority; to the Committee on Banking and Currency.

6957. Also, petition of the Equitable Cooperative Bank of Lynn, Mass., opposing the extension of the activities or increase in appropriation of the United States Housing Authority; to the Committee on Banking and Currency.

6958. Also, resolution of the Massachusetts State Federation of Labor, protesting against Treasury Decision No. 49862, and insisting that American workers and interested union representatives be given an opportunity to be heard upon any proposed changes in customs, regulations, rules, or decisions affecting American fishermen; to the Committee on Merchant Marine and Fisheries.

6959. Also, resolution of the Massachusetts State Federation of Labor, requesting that a committee be established to make inquiry into the general conditions of the New England fishing industry, or that some existing committee in Congress, with authority and with powers of subpena, make such an inquiry; to the Committee on Merchant Marine and Fisheries.

6960. By Mr. JACOBSEN: Resolution of the Townsend General Welfare Club, No. 1, of Clinton, Iowa, Dick F. Hartvigsen, president, voting unanimously to send petition of 700 members present calling upon Congress to act favorably on House bill 8264 for a national pension law to increase the buying power of millions of empty pockets, to relieve the old aged and unemployment suffering; to the Committee on Ways and Means.

6961. By Mr. KEOGH: Petition of the Lane Democratic Club, Inc., first assembly district, county of Kings, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar refinery workers; to the Committee on Foreign Affairs.

6962. Also, petition of the Ladies' Aid Society of Rugby Congregational Church, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar refinery workers; to the Committee on Foreign Affairs.

6963. By Mr. KRAMER: Resolution of the Board of Supervisors of the County of Los Angeles, State of California, relative to the Geyer bill, authorizing the Secretary of War to make a survey of the proposed "T" tunnel as a means of transportation and communication between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif.; to the Committee on Military Affairs.

6964. Resolution of the Screen Writers' Guild, Inc., relative to the Dies committee; to the Committee on Rules.

6965. By Mr. LAMBERTSON: Petition of Ada Crosswhite and 34 other citizens of Topeka, Kans., urging the passage of the improved General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

6966. By Mr. MAGNUSON: Petition of the King County Independent Grocers Association, Inc., containing 552 signatures favoring the enactment of House bill 1, Patman chain-store tax bill, submitted by J. W. Wardel, editor, the Radio Review; to the Committee on Ways and Means.

6967. By Mr. MILLER: Petition of 30 residents of Manchester, Conn., favoring House bill 5620; to the Committee on Ways and Means.

6968. By Mr. RISK: Memorial of the General Assembly of the State of Rhode Island, memorializing Congress to enact suitable legislation to prevent any President of the United States from seeking a third term; to the Committee on the Judiciary.

6969. Also, petition of the General Assembly of the State of Rhode Island, to name the United States military reservation on West Main Road, Little Compton, R. I., in honor of Col. Benjamin Church; to the Committee on the Library.

6970. By Mr. RUTHERFORD: Petition of sundry residents of Bradford County, Pa., favoring passage of the General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

6971. By Mr. SANDAGER: Memorial of the General Assembly of the State of Rhode Island, requesting that the

Hull, reported to the distinguished chairman of the Foreign Relations Committee that, in his opinion, the Litvinov agreements had been violated; and the chairman of the Foreign Relations Committee had that letter inserted in the RECORD.

In 1933 there was much misgiving about recognizing Russia at all. Indeed, the President had so much fear of doing so that before he would undertake to give recognition to that country he demanded assurances in writing. These assurances in writing were known as the Litvinov agreements, or Litvinov letters, and, among other things, Russia undertook in these agreements to maintain a policy of nonintervention in any internal affairs of the United States. As the senior Senator from Michigan has so well pointed out, those agreements have been flagrantly, openly, and, I might say, almost admittedly violated. Hence the very foundation upon which rested the United States recognition of Russia has now crumbled away; and I think we, as a government, owe it to our citizens, now that Russia has cynically violated its part of the bargain, to withdraw that recognition, which probably never should have been given in the beginning.

Add to that the distressing event of which we read in the press a few days ago: Finland has concluded peace—a tragic peace—a peace that once more destroys every vestige of international honor that may have been left in Europe. Finland chose peace rather than to commit suicide, as Poland had done before her. She chose peace rather than depend upon help that never would have come. She chose peace rather than go further as a bloody pawn upon the chessboard of European power politics. I am glad that she chose it because she has at least achieved a temporary respite. She has at least saved thousands and perhaps millions of her people from useless slaughter. She has at least preserved a semblance of her independence, and she has once more taught the world that the farther removed we can keep from the power politics and the duplicitous treachery of Europe, the better off we shall be.

I am glad she did not carry her trust to the bitter end, as did Poland. But she was made the victim of a wanton aggressor—the victim of a man whose only claim to distinction is the same as the claim which Nero has to distinction. That is why I think our voice should be raised at least in condemnation of this terrible thing which has happened in Europe. I think that the farther we can remove ourselves from Europe the better, and I think that the place to start now is Soviet Russia. I think we should face the issue.

Of course, I realize that the control of the foreign policy of this country is in the hands of the President of the United States, but I also realize that the Senate has the right—and I even think the duty—to express to the President its sense as to what should be done in connection with this foreign policy.

I respectfully urge, therefore, that the Committee on Foreign Relations give this resolution due consideration, that it request an opinion on it from the Secretary of State, Mr. Hull, and that it report it to the Senate for action in order that one voice may be raised, amidst, all the international chaos and anarchy, as evidence that civilization still remains.

FARM SECURITY ADMINISTRATION LOANS IN NEW YORK STATE

[Mr. MEAD asked and obtained leave to have printed in the RECORD a letter dated March 12, 1940, addressed to him by Will W. Alexander, Administrator, Farm Security Administration, relating to farm loans made by the Farm Security Administration, particularly in the State of New York, which appears in the Appendix.]

ANALYSIS OF EUROPEAN WAR—ARTICLE BY RALPH M'GILL

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD an article by Ralph McGill, published in the Atlanta Constitution of Thursday, March 14, entitled "One Word More," which appears in the Appendix.]

BURKE-GILLETTE FARM BILL

[Mr. BURKE asked and obtained leave to have inserted in the RECORD an editorial from the Sioux City (Iowa) Tribune relative to the Burke-Gillette farm bill, which appears in the Appendix.]

POLICY RELATING TO PUBLIC EXPENDITURES

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a statement of policy relating to public expenditures, issued by Montanans, Inc., which appears in the Appendix.]

POLITICS FROM 1750 TO 1940

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Star-Times of Monday, March 11, 1940, under the headline "Politics from 1750 to 1940," which appears in the Appendix.]

THE 1940 CENSUS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Shore Line Times, of Guilford, Conn., under date of Thursday, March 14, 1940, under the headline "We pity the census taker," which appears in the Appendix.]

AMERICA'S ATTITUDE TOWARD EUROPE—ARTICLE BY J. R. BURROW

[Mr. REYNOLDS asked and obtained leave to have published in the RECORD an article by J. R. Burrow, president of the Central National Bank and Central Trust Co., Topeka, Kans., entitled "America's Biggest Job Is To Save Itself, Not Europe," which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

ROLAND HANSON, A MINOR, AND DR. E. A. JULIEN

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1160) for the relief of Roland Hanson, a minor, and Dr. E. A. Julien.

Mr. WILEY. I move that the Senate disagree to the amendments of the House of Representatives, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ELLENDER, Mr. SCHWARTZ, and Mr. WILEY conferees on the part of the Senate.

REPORT OF THE RAILROAD RETIREMENT BOARD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Interstate Commerce:

To the Congress of the United States:

In compliance with the provisions of section 10 (b) (4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12 (1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith, for the information of the Congress, the report of the Railroad Retirement Board for the fiscal year ended June 30, 1939, together with supplementary information covering the period July 1 to September 30, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 15, 1940.*

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. MINTON. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 6, after "(1)", it is proposed to insert the words "any officer or"; on page 1, line 7, to strike out the word "administrative"; on page 2, line 4,

after "(2)", to insert the words "any officer"; and on page 2, line 5, to strike out the word "administrative."

Mr. MINTON obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BARKLEY. This is not an amendment to the pending committee amendment, is it? It is an amendment to the text of the bill, it seems to me. So that probably under the order heretofore entered, for the consideration of committee amendments first, I doubt whether the amendment is in order at this time. Of course, I do not desire to cut off the Senator from offering the amendment, but it is an amendment to the text of the bill, not to the pending committee amendment.

Mr. BROWN. Mr. President, will the Senator from Indiana withhold the amendment temporarily?

Mr. MINTON. Yes.

Mr. BROWN. I have an amendment which I have sent to the clerk's desk, to which I ask the particular attention of the Senator from New Mexico [Mr. HATCH] and the Senator from Georgia [Mr. GEORGE].

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to add a new subsection to section 12, to read as follows:

(e) The provisions of the first two sentences of section 12 (a) shall not apply to employees in an activity of a State or of a local agency not financed as to such particular activity in whole or in part by Federal loans or grants.

Mr. BROWN. I have sent a copy of the amendment to the Senator from Georgia, who is the chairman of the Committee on Privileges and Elections, at the suggestion of the Senator from New Mexico. After the Senator from Georgia has read the proposed amendment, I should like to have his attention.

I may say that the amendment refers to the provision in section 12 which prohibits political activity on the part of State employees. In various exchanges I have had with the Senator in charge of the bill, the Senator from New Mexico, he has indicated to me that he is perfectly willing to make certain that the prohibition should not apply to activities of a State department which are not financed in any way by Federal funds. For example, the office of the secretary of state of the State of Michigan, through a division in his office headed by an executive, and having a number of employees, handles old-age pensions. They are financed in part, of course, by funds from the Federal Government. The Senator from New Mexico has assured me that the employees of the secretary of state whose duties are in connection with matters wholly disconnected from old-age pensions, having nothing to do with old-age pensions, but involving the chartering of corporations, and so on, might possibly be construed to be within the terms of the pending bill, within its prohibitions.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I have been listening to the Senator and reading the amendment, and, as I understand, it merely states negatively what is already in the bill. I think the amendment is not needed, because the activities which the Senator proposes to take out are not included in the bill.

Mr. BROWN. During the course of the debate the Senator stated, upon inquiry to apply the matter to a highway department, that all of the employees of a State highway department would be subject to the provisions of the bill. He later stated, upon inquiry from me, that he did not think the provisions would apply to employees of a highway department who were engaged in maintenance work, which is not financed in any way by the Federal Government, whereas the construction of highways is financed by the Federal Government.

I contend that the employees of the maintenance department should not in any way be included within the provisions of the bill. Yet there is not a newspaper article I have seen upon the subject which has not stated that all State highway employees are covered by the measure. Therefore I thought that my amendment would quite clearly distinguish those activities which were financed by Federal funds from those which were not financed by Federal funds.

Several references have been made to teachers in various schools. In a university a department of agriculture might be financed in part by Federal funds; but should we attempt by Federal law to control the faculty of the law department in the same university in which agricultural activities are covered? I do not think we should. Therefore I seek to make a distinction, and I fully believe, I will say to the Senator from New Mexico, that unless we insert a provision of this kind there will be serious danger that the general public will feel that the persons to whom I refer are covered by the bill, because of the newspaper publicity concerning this matter, and because of remarks in which Senators on my side of this controversy have asserted that persons are covered by the bill who, in my judgment, are not covered under the most liberal construction of it. Therefore I believe we ought to make plain that the prohibition applies to particular activities financed by Federal funds and not to all activities within a particular department.

Mr. ADAMS. Mr. President, will the Senator yield for what is possibly an impertinent question?

Mr. BROWN. I yield.

Mr. ADAMS. The Senator referred to the faculty of a law school.

Mr. BROWN. Yes.

Mr. ADAMS. Does not the Senator feel that, if we are to carry out the policy now advocated, we should stop some of the unsound teaching at the law schools and require sound doctrines to be taught or not give them any Federal money?

Mr. BROWN. I would not construe that as an impertinent inquiry, as the Senator indicated it was; but I do not think it has much to do with the particular question before us.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I believe there are a great many employees who are not covered by the bill as it is drawn, and whom I should like to cover, but on account of the limitations of power the bill itself is confined to officers or employees exercising functions in connection with an activity financed in whole or in part by the Federal Government. I think what it means is perfectly clear, and the Senator in his amendment in merely expressing a negative.

Mr. BROWN. I am afraid the Senator does not understand the import of the amendment, because I would write into the law a limitation, which I believe is necessary, particularly in view of remarks which have been made during the debate on the floor of the Senate. The amendment would merely provide that—

The provisions of the first two sentences of section 12 (a) shall not apply to employees in an activity of a State or of a local agency not financed as to such particular activity in whole or in part by Federal loans or grants.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. CLARK of Missouri. I agree with the Senator from New Mexico——

Mr. BROWN. The Senator has done so all through the debate.

Mr. CLARK of Missouri. I have. I agree with the Senator from New Mexico that the amendment of the Senator from Michigan is not necessary; but I see no particular objection to it. For instance, in my State, under the food and drug commissioner, who is one of the ablest, most efficient, and most high-minded officials in any State, there are certain activities which are largely financed by the Federal Government to the extent of three or four times as much as the State contributes.

Mr. BROWN. That is correct.

Mr. CLARK of Missouri. On the other hand——

Mr. BROWN. Let me interrupt the Senator right there. If 25 percent, or even 10 percent, of the funds which are necessary to run that department came from the Federal

United States military reservation on West Main Road in the town of Little Compton, R. I., be named in honor of that illustrious colonial soldier, Col. Benjamin Church; to the Committee on Military Affairs.

6972. Also, memorial of the General Assembly of Rhode Island, memorializing Congress to enact suitable legislation to prevent any President of the United States from seeking a third term; to the Committee on Election of President, Vice President, and Representatives in Congress.

6973. By Mr. SEGER: Petition of 30 employees of the Van Dyk Furniture Co., Paterson, N. J., protesting against the form of the proposed 1940 census; to the Committee on the Census.

6974. By Mr. VAN ZANDT: Petition of the Greater Washington Unit of the Aircraft Owners and Pilots Association, endorsing House bill 5844 for a civilian air reserve; to the Committee on Military Affairs.

6975. By the SPEAKER: Petition of the United States Department of Agriculture, Windom, Minn. (seventh anniversary farm program dinner), petitioning consideration of their resolution with reference to the agricultural conservation program; to the Committee on Appropriations.

6976. Also, petition of the Board of Supervisors of the County of Los Angeles, petitioning consideration of their resolution with reference to House bill 7447, authorizing a survey of proposed T tunnel; to the Committee on Military Affairs.

SENATE

FRIDAY, MARCH 15, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Lord, God Almighty, who art of infinite perfection and who amidst the treacherous sands of time standest firm, our Rock of Ages: We turn to Thee from our perplexities and imperfections like men who turn from dusty toil to cleansing streams, for in life's desert places Thou art a spring whose waters never fail. As we pause in silence, let this place be made a holy shrine, a veritable chamber of reflection. We need a peace far deeper than the world can give, for there haunt us at this hour memories of duties unperformed, deeds of kindness left undone, words untrue, acts unworthy, thoughts impure, the stain of which is on us all. Hear us now, O blessed Christ, and as Thou hearest, forgive; appear to our waiting eyes; welcome us with outstretched arms; nor let us go until the sense of unfading light, of spotless purity, of long-suffering love steals upon us, making it possible for us to share in Thy redemptive work. We ask it in Thy holy name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 14, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	George	Holman
Andrews	Capper	Gerry	Holt
Ashurst	Caraway	Gibson	Hughes
Austin	Chandler	Gillette	Johnson, Colo.
Bailey	Chavez	Glass	La Follette
Bankhead	Clark, Idaho	Green	Lee
Barbour	Clark, Mo.	Guffey	Lodge
Barkley	Connally	Gurney	Lucas
Bilbo	Danaher	Hale	Lundeen
Bridges	Davis	Harrison	McCarran
Brown	Donahey	Hatch	McKellar
Bulow	Downey	Hayden	McNary
Burke	Ellender	Herring	Maloney
Byrd	Frazier	Hill	Mead
Miller	Pittman	Smith	Van Nuys
Minton	Reed	Stewart	Wagner
Murray	Reynolds	Taft	Walsh
Neely	Russell	Thomas, Idaho	Wheeler
Norris	Schwartz	Thomas, Okla.	White
Nye	Schwellenbach	Thomas, Utah	Wiley
O'Mahoney	Sheppard	Townsend	
Overton	Shipstead	Tydings	
Pepper	Smathers	Vandenberg	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 7079) to provide for the appointment of additional district and circuit judges, in which it requested the concurrence of the Senate.

BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

Mr. SHEPPARD, as chairman of the Committee on Military Affairs, presented an announcement, which was read, as follows:

UNITED STATES SENATE,
March 15, 1940.

To the Senate:

By virtue of the authority vested in me by the act approved May 17, 1928, I hereby appoint the following members of the Senate Military Affairs Committee to the Board of Visitors to the United States Military Academy for the third session of the Seventy-sixth Congress: Senator MINTON, Senator SLATTERY, Senator CHANDLER, Senator GURNEY, Senator THOMAS of Idaho.

MORRIS SHEPPARD,
Chairman, Senate Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the board of directors of the Philadelphia (Pa.) Bourse, protesting against the enactment of legislation which might bring further reduction in the amount of unrefined cane sugar entering the port of Philadelphia, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a letter from John D. Harris and Bertha Harris, of Victoria, Tex., relative to their property and certain difficulties with the Home Owners' Loan Corporation, which was referred to the Committee on Banking and Currency.

He also laid before the Senate the petition of the Polish Relief Committee of St. Hedwiges Parish and Polish societies, all of Manchester, N. H., praying for the enactment of the so-called Dingle bill, to authorize the appropriation of $20,000,000 for the relief of destitution among the civilian population of the subjugated Republic of Poland and the refugees in exile therefrom in other countries, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition from the Chinese University Club of Hawaii, Honolulu, T. H. (whose membership is composed of American citizens), praying for the enactment of the so-called Pittman resolution empowering the President to place an embargo on the shipment of war supplies to Japan, which was referred to the Committee on Foreign Relations.

REPORT OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 258) to amend section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended, reported it with an amendment and submitted a report (No. 1324) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 3590. A bill conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the

claim of the Bolinross Chemical Co., Inc.; to the Committee on Claims.

(Mr. BROWN introduced Senate bill 3591, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. MEAD:

S. 3592. A bill to create United States Civil Service Board of Appeals; to the Committee on Civil Service.

By Mr. WALSH:

S. 3593. A bill for the relief of Philip V. Sullivan, lieutenant (junior grade), United States Navy, retired; and

S. 3594. A bill to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the marine barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939; to the Committee on Naval Affairs.

By Mr. WALSH (for himself and Mr. LODGE):

S. 3595. A bill to amend the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended; to the Committee on Agriculture and Forestry.

By Mr. SCHWELLENBACH:

S. 3596. A bill to enable Eva Sofia Bildstein and her minor son, Jorg Bildstein, to remain permanently in the United States; to the Committee on Immigration.

By Mr. HAYDEN:

S. 3597. A bill for the relief of Vernon C. Brown and F. L. Copeland; to the Committee on Claims.

By Mr. HOLMAN:

S. 3598. A bill making an appropriation for the construction of a diversion dam on the Sandy River, Oreg.; to the Committee on Appropriations.

By Mr. BAILEY:

S. 3599. A bill to amend an act entitled "An act to increase the efficiency of the Coast Guard," approved January 12, 1938; and

S. 3600. A bill to provide for the enlargement of the Coast Guard depot at Seattle, Wash., and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tenn.; to the Committee on Commerce.

By Mr. ANDREWS:

S. J. Res. 231. A joint resolution to provide for the participation of the United States in the Florida Centennial Exposition to be held in the State of Florida during the year 1945; to the Committee on Commerce.

HOUSE BILLS REFERRED

The bill (H. R. 7079) to provide for the appointment of additional district and circuit judges was read twice by its title and referred to the Committee on the Judiciary.

OLD-AGE ASSISTANCE—AMENDMENT

Mr. DOWNEY submitted an amendment intended to be proposed by him to the bill (S. 3255) to provide for national recovery by raising revenue and retiring citizens past 60 years of age from gainful employment and provide for the general welfare of all the people of the United States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO THE INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. HOLMAN submitted an amendment intended to be proposed by him to House bill 8745, the Interior Department appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 126, between lines 18 and 19, insert the following:

"For the construction, improvement, maintenance, and operation of a diversion dam and related works on the Sandy River, Oreg., for the conservation of fish in the Columbia River Basin, as authorized by the act of May 11, 1938, $30,000."

RELATIONS WITH RUSSIA—PROPOSED LOAN TO FINLAND

Mr. CLARK of Idaho. Mr. President, I submit a resolution which I send to the desk and ask to have read.

The VICE PRESIDENT. Without objection, the resolution will be received and read.

The resolution (S. Res. 246) was read, as follows:

Whereas President Roosevelt has declared that ending of the Russian-Finnish conflict "does not yet clarify the inherent right of small nations to the maintenance of their integrity against attack by superior force"; and

Whereas the United States respects Finland for its heroic stand against overwhelming odds, and declares its condemnation of wanton aggression; and

Whereas the United States views with disfavor the diplomatic exchange by which the Republic of Finland has been forced to yield a substantial portion of its territory to the Soviet Union; and

Whereas the Union of Soviet Socialist Republics, in the opinion of the Department of State, has failed to abide by the Litvinoff agreements of 1933: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States should recall the United States Ambassador to the Union of Soviet Socialist Republics, and suspend further diplomatic relations with that country.

Mr. CLARK of Idaho. I ask unanimous consent that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK of Idaho obtained the floor.

Mr. BROWN. Mr. President, will the Senator yield to me for just a moment?

Mr. CLARK of Idaho. I shall be glad to yield to the Senator from Michigan.

Mr. BROWN. I ask the Senator to yield so that I may introduce a bill; and I should like the privilege of having the bill read, because it relates to the subject matter to which the Senator has alluded, and I should like briefly to comment on it.

The VICE PRESIDENT. Does the Senator from Idaho yield for that purpose?

Mr. CLARK of Idaho. I yield.

The VICE PRESIDENT. Without objection, the bill will be received and read.

The bill (S. 3591) to provide for broadening the lending authority of the Export-Import Bank of Washington, and for other purposes, was read the first time by its title, the second time at length, and referred to the Comittee on Banking and Currency, as follows:

Be it enacted, etc., That section 9 of the Act approved January 31, 1935 (49 Stat. 4), as amended, is further amended by adding the following: "*Provided further*, That in the case of loans to the Republic of Finland which has recently concluded a peace treaty, said bank may make a direct cash loan, unrestricted as to use, of any amount within the limitations as to amount heretofore fixed by the act of March 2, 1940."

Mr. BROWN. Mr. President, I desire to say briefly, particularly for the attention of the Senator from Idaho—because he is about to discuss this subject—that the purpose of this bill is to amend the recently enacted law so that loans may be made by the Export-Import Bank to Finland for any purpose. By that I mean particularly that Finland may obtain a loan in an amount not to exceed $20,000,000, part of which, of course, has already been used, for the purpose of rehabilitating her country, without being required to purchase the materials and commodities in the United States, as she is required to do under the provisions of the present law.

Mr. CLARK of Idaho. Mr. President, I desire to make a few very brief comments on the resolution I have submitted this morning.

If it is adopted, the effect, of course, will be to advise the President of the United States that it is the sense of this body that diplomatic relations with Russia should be severed. I realize that that is a very serious and important step. I offer the resolution, I hope, without bitterness; but it is my considered judgment that it is not only in the interest of the United States but in the ultimate interest of the entire world that we have no further traffic at this time with the Union of Soviet Socialist Republics.

Earlier this year the able and distinguished senior Senator from Michigan [Mr. VANDENBERG] submitted a resolution asking the President of the United States to report to the Senate whether or not the Litvinov agreements of 1933 had been broken by Russia. The Senator from Michigan took the position that the agreements had been violated in the most flagrant manner. Last month the Secretary of State, Mr.

Hull, reported to the distinguished chairman of the Foreign Relations Committee that, in his opinion, the Litvinov agreements had been violated; and the chairman of the Foreign Relations Committee had that letter inserted in the RECORD.

In 1933 there was much misgiving about recognizing Russia at all. Indeed, the President had so much fear of doing so that before he would undertake to give recognition to that country he demanded assurances in writing. These assurances in writing were known as the Litvinov agreements, or Litvinov letters, and, among other things, Russia undertook in these agreements to maintain a policy of nonintervention in any internal affairs of the United States. As the senior Senator from Michigan has so well pointed out, those agreements have been flagrantly, openly, and, I might say, almost admittedly violated. Hence the very foundation upon which rested the United States recognition of Russia has now crumbled away; and I think we, as a government, owe it to our citizens, now that Russia has cynically violated its part of the bargain, to withdraw that recognition, which probably never should have been given in the beginning.

Add to that the distressing event of which we read in the press a few days ago: Finland has concluded peace—a tragic peace—a peace that once more destroys every vestige of international honor that may have been left in Europe. Finland chose peace rather than to commit suicide, as Poland had done before her. She chose peace rather than depend upon help that never would have come. She chose peace rather than go further as a bloody pawn upon the chessboard of European power politics. I am glad that she chose it because she has at least achieved a temporary respite. She has at least saved thousands and perhaps millions of her people from useless slaughter. She has at least preserved a semblance of her independence, and she has once more taught the world that the farther removed we can keep from the power politics and the duplicitous treachery of Europe, the better off we shall be.

I am glad she did not carry her trust to the bitter end, as did Poland. But she was made the victim of a wanton aggressor—the victim of a man whose only claim to distinction is the same as the claim which Nero has to distinction. That is why I think our voice should be raised at least in condemnation of this terrible thing which has happened in Europe. I think that the farther we can remove ourselves from Europe the better, and I think that the place to start now is Soviet Russia. I think we should face the issue.

Of course, I realize that the control of the foreign policy of this country is in the hands of the President of the United States, but I also realize that the Senate has the right—and I even think the duty—to express to the President its sense as to what should be done in connection with this foreign policy.

I respectfully urge, therefore, that the Committee on Foreign Relations give this resolution due consideration, that it request an opinion on it from the Secretary of State, Mr. Hull, and that it report it to the Senate for action in order that one voice may be raised, amidst, all the international chaos and anarchy, as evidence that civilization still remains.

FARM SECURITY ADMINISTRATION LOANS IN NEW YORK STATE

[Mr. MEAD asked and obtained leave to have printed in the RECORD a letter dated March 12, 1940, addressed to him by Will W. Alexander, Administrator, Farm Security Administration, relating to farm loans made by the Farm Security Administration, particularly in the State of New York, which appears in the Appendix.]

ANALYSIS OF EUROPEAN WAR—ARTICLE BY RALPH M'GILL

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD an article by Ralph McGill, published in the Atlanta Constitution of Thursday, March 14, entitled "One Word More," which appears in the Appendix.]

BURKE-GILLETTE FARM BILL

[Mr. BURKE asked and obtained leave to have inserted in the RECORD an editorial from the Sioux City (Iowa) Tribune relative to the Burke-Gillette farm bill, which appears in the Appendix.]

POLICY RELATING TO PUBLIC EXPENDITURES

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a statement of policy relating to public expenditures, issued by Montanans, Inc., which appears in the Appendix.]

POLITICS FROM 1750 TO 1940

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Star-Times of Monday, March 11, 1940, under the headline "Politics from 1750 to 1940," which appears in the Appendix.]

THE 1940 CENSUS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Shore Line Times, of Guilford, Conn., under date of Thursday, March 14, 1940, under the headline "We pity the census taker," which appears in the Appendix.]

AMERICA'S ATTITUDE TOWARD EUROPE—ARTICLE BY J. R. BURROW

[Mr. REYNOLDS asked and obtained leave to have published in the RECORD an article by J. R. Burrow, president of the Central National Bank and Central Trust Co., Topeka, Kans., entitled "America's Biggest Job Is To Save Itself, Not Europe," which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

ROLAND HANSON, A MINOR, AND DR. E. A. JULIEN

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1160) for the relief of Roland Hanson, a minor, and Dr. E. A. Julien.

Mr. WILEY. I move that the Senate disagree to the amendments of the House of Representatives, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ELLENDER, Mr. SCHWARTZ, and Mr. WILEY conferees on the part of the Senate.

REPORT OF THE RAILROAD RETIREMENT BOARD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Interstate Commerce:

To the Congress of the United States:

In compliance with the provisions of section 10 (b) (4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12 (1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith, for the information of the Congress, the report of the Railroad Retirement Board for the fiscal year ended June 30, 1939, together with supplementary information covering the period July 1 to September 30, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 15, 1940.*

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. MINTON. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 6, after "(1)", it is proposed to insert the words "any officer or"; on page 1, line 7, to strike out the word "administrative"; on page 2, line 4,

after "(2)", to insert the words "any officer"; and on page 2, line 5, to strike out the word "administrative."

Mr. MINTON obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BARKLEY. This is not an amendment to the pending committee amendment, is it? It is an amendment to the text of the bill, it seems to me. So that probably under the order heretofore entered, for the consideration of committee amendments first, I doubt whether the amendment is in order at this time. Of course, I do not desire to cut off the Senator from offering the amendment, but it is an amendment to the text of the bill, not to the pending committee amendment.

Mr. BROWN. Mr. President, will the Senator from Indiana withhold the amendment temporarily?

Mr. MINTON. Yes.

Mr. BROWN. I have an amendment which I have sent to the clerk's desk, to which I ask the particular attention of the Senator from New Mexico [Mr. HATCH] and the Senator from Georgia [Mr. GEORGE].

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to add a new subsection to section 12, to read as follows:

(e) The provisions of the first two sentences of section 12 (a) shall not apply to employees in an activity of a State or of a local agency not financed as to such particular activity in whole or in part by Federal loans or grants.

Mr. BROWN. I have sent a copy of the amendment to the Senator from Georgia, who is the chairman of the Committee on Privileges and Elections, at the suggestion of the Senator from New Mexico. After the Senator from Georgia has read the proposed amendment, I should like to have his attention.

I may say that the amendment refers to the provision in section 12 which prohibits political activity on the part of State employees. In various exchanges I have had with the Senator in charge of the bill, the Senator from New Mexico, he has indicated to me that he is perfectly willing to make certain that the prohibition should not apply to activities of a State department which are not financed in any way by Federal funds. For example, the office of the secretary of state of the State of Michigan, through a division in his office headed by an executive, and having a number of employees, handles old-age pensions. They are financed in part, of course, by funds from the Federal Government. The Senator from New Mexico has assured me that the employees of the secretary of state whose duties are in connection with matters wholly disconnected from old-age pensions, having nothing to do with old-age pensions, but involving the chartering of corporations, and so on, might possibly be construed to be within the terms of the pending bill, within its prohibitions.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I have been listening to the Senator and reading the amendment, and, as I understand, it merely states negatively what is already in the bill. I think the amendment is not needed, because the activities which the Senator proposes to take out are not included in the bill.

Mr. BROWN. During the course of the debate the Senator stated, upon inquiry to apply the matter to a highway department, that all of the employees of a State highway department would be subject to the provisions of the bill. He later stated, upon inquiry from me, that he did not think the provisions would apply to employees of a highway department who were engaged in maintenance work, which is not financed in any way by the Federal Government, whereas the construction of highways is financed by the Federal Government.

I contend that the employees of the maintenance department should not in any way be included within the provisions of the bill. Yet there is not a newspaper article I have seen upon the subject which has not stated that all State highway employees are covered by the measure. Therefore I thought that my amendment would quite clearly distinguish those activities which were financed by Federal funds from those which were not financed by Federal funds.

Several references have been made to teachers in various schools. In a university a department of agriculture might be financed in part by Federal funds; but should we attempt by Federal law to control the faculty of the law department in the same university in which agricultural activities are covered? I do not think we should. Therefore I seek to make a distinction, and I fully believe, I will say to the Senator from New Mexico, that unless we insert a provision of this kind there will be serious danger that the general public will feel that the persons to whom I refer are covered by the bill, because of the newspaper publicity concerning this matter, and because of remarks in which Senators on my side of this controversy have asserted that persons are covered by the bill who, in my judgment, are not covered under the most liberal construction of it. Therefore I believe we ought to make plain that the prohibition applies to particular activities financed by Federal funds and not to all activities within a particular department.

Mr. ADAMS. Mr. President, will the Senator yield for what is possibly an impertinent question?

Mr. BROWN. I yield.

Mr. ADAMS. The Senator referred to the faculty of a law school.

Mr. BROWN. Yes.

Mr. ADAMS. Does not the Senator feel that, if we are to carry out the policy now advocated, we should stop some of the unsound teaching at the law schools and require sound doctrines to be taught or not give them any Federal money?

Mr. BROWN. I would not construe that as an impertinent inquiry, as the Senator indicated it was; but I do not think it has much to do with the particular question before us.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I believe there are a great many employees who are not covered by the bill as it is drawn, and whom I should like to cover, but on account of the limitations of power the bill itself is confined to officers or employees exercising functions in connection with an activity financed in whole or in part by the Federal Government. I think what it means is perfectly clear, and the Senator in his amendment in merely expressing a negative.

Mr. BROWN. I am afraid the Senator does not understand the import of the amendment, because I would write into the law a limitation, which I believe is necessary, particularly in view of remarks which have been made during the debate on the floor of the Senate. The amendment would merely provide that—

The provisions of the first two sentences of section 12 (a) shall not apply to employees in an activity of a State or of a local agency not financed as to such particular activity in whole or in part by Federal loans or grants.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. CLARK of Missouri. I agree with the Senator from New Mexico——

Mr. BROWN. The Senator has done so all through the debate.

Mr. CLARK of Missouri. I have. I agree with the Senator from New Mexico that the amendment of the Senator from Michigan is not necessary; but I see no particular objection to it. For instance, in my State, under the food and drug commissioner, who is one of the ablest, most efficient, and most high-minded officials in any State, there are certain activities which are largely financed by the Federal Government to the extent of three or four times as much as the State contributes.

Mr. BROWN. That is correct.

Mr. CLARK of Missouri. On the other hand——

Mr. BROWN. Let me interrupt the Senator right there. If 25 percent, or even 10 percent, of the funds which are necessary to run that department came from the Federal

Government, then clearly the employees should come under the proposed law.

Mr. CLARK of Missouri. I was about to say that, on the other hand, the same department has under its jurisdiction a department having to do with the inspection of cosmetologists, to which, as I understand, the Federal Government contributes nothing. The whole food and drug office at the present time is absolutely subject, so far as appointments are concerned, to the Governor, who may prescribe directly or indirectly such political activities as he pleases on the part of employees. The Governor even undertook recently to appoint as the head of that department of the State a woman who was not even qualified under the State law to be a cosmetologist at all.

This amendment would not interfere in any way with any Governor's control of that activity paid for wholly by the State, but it would prevent people receiving all or part of their support from Federal funds engaging in pernicious political activities. I think that is the proposed law as it is at present drawn, and as it has been considered during the past 2 weeks; but I have no objection to the amendment of the Senator from Michigan.

Mr. BROWN. Mr. President, will the Senator from New Mexico accept the amendment?

Mr. HATCH. I cannot accept the amendment. I have no authority to do so. I would rather have it acted upon by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BROWN. Mr. President, I have another amendment along the same general line, which I now offer.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to add a new section, as follows:

Nothing in this act or in said act of August 2, 1939, shall be construed to prevent:

1. The free expression of opinions on any and all subjects except the making of political speeches in a political campaign.

2. Making voluntary contributions to a campaign committee and to political organizations within the limits fixed by law, provided that this exception shall not apply to persons designated in section 5 of said act of August 2, 1939.

3. Any lawful political activity in an election at which there are no candidates on party tickets representing a party which polled over 100,000 votes in the last preceding national election; nor lawful political activity respecting any issue not particularly identified with any National or State political party, such as revision of the Constitution of the United States or of a State; referendums; approval or disapproval of city or municipal statutes or ordinances, and other issues of similar character.

Mr. BARKLEY. Mr. President, is this an amendment to the pending committee amendment, or is it a new section to the bill?

Mr. BROWN. It is a new section.

Mr. BARKLEY. To the bill?

Mr. BROWN. Yes.

Mr. BARKLEY. It is not in order now unless it is an amendment to the pending committee amendment.

Mr. HATCH. I suggest we pass that over until we finish with the committee amendments, which will give us time to read the Senator's amendment and have an understanding of what it means.

Mr. BROWN. I am perfectly willing to have it passed over for the present, but would the Senator from Kentucky object if I made a very brief explanation of it?

Mr. BARKLEY. No; but I wish to say that from a parliamentary standpoint nothing is in order except an amendment to the committee amendment.

Mr. BROWN. The Senator from Kentucky is correct. I hope I may have the attention of the Senator from New Mexico, because I believe this is an amendment which ought to be adopted, or possibly somewhat modified and adopted.

The amendment arises out of my desire to attempt to define, if I possibly can, what is political activity. I drew a long amendment upon that subject, and I became dissatisfied with it. Like the Senator from New Mexico, I find it most difficult to define "political activity," but I thought we could lay some three or four limitations upon the power of the Civil Service Commission, and with the exception of the last one, the limitations I suggest are identical in substance with the limitations the Senator from New Mexico has approved in his various statements on the floor of the Senate.

I say, first, that the free expression of opinion on any and all subjects, except the making of political speeches in a political campaign, may not be restricted by the Civil Service Commission.

Then my amendment provides that the act shall not be so construed as to prevent the making of voluntary contributions to a campaign committee and to political organizations within the limits fixed by law, provided that this exception shall not apply to persons designated in section 5 of said act of August 2, 1939. That is the section which prohibits voluntary or involuntary contributions on the part of the employees of the W. P. A.

It is difficult for me to see why or how those in charge of the bill can object to either of those provisions, or to having them written into law, because they have repeatedly said on the floor of the Senate that these things may be done under the present rules of the Civil Service Commission. I am unwilling to authorize the Civil Service Commission to make rules of any character which would contravene the right of free speech and which would prevent the making of voluntary contributions. I am not sure that they would make any change, but I think we ought to state what we want done in that respect.

The third provision of the amendment is a limitation which would prevent the Civil Service Commission from interfering with any lawful political activity in a campaign or an election in which there are no candidates on party tickets representing a party which polled over 100,000 votes in the last preceding national election. For instance, in a great many communities in Michigan we have the citizens' ticket and the peoples' ticket—I think that is true in many other States of the Union—and there is absolutely no connection between the Democratic Party and the Citizens' Party or the Republican Party and the Peoples' Party. They relate entirely to local issues, and I do not believe we ought to interfere with the right of any citizen to participate in an election involving a local issue.

The Senator from Missouri [Mr. CLARK], in an aside, has asked a question to which I should like to advert. In the last general election the 4 parties—the Democratic, Republican, Socialist, and Third Party—I think it was called the Third Party—each polled greatly in excess of 100,000 votes.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. CLARK of Missouri. What I was getting at was whether the Senator had not excepted the Communists from the operations of the legislation. I do not know how many votes they polled, but I do not think they polled in excess of 100,000 votes in the last election.

Mr. BROWN. I do not know of any Communists, in the State of Michigan, at least, who are on the public pay roll, but I should be delighted to do anything necessary to cover the particular situation referred to by the Senator from Missouri. He understands what I am getting at—local parties that have no connection with national affairs.

Mr. SCHWARTZ. I want to ask the Senator from Michigan whether his amendment would protect nonpartisan activities. In many of the States judges are elected on nonpartisan tickets.

Mr. BROWN. It would protect such activity. Nor shall the Civil Service Commission make any rules prohibiting political activity—I want the Senator to understand this—

Respecting any issue—

Not person, but issue—

not particularly identified with any National or State political party, such as revision of the Constitution of the United States—

For example, when the prohibition amendment was repealed the State of Michigan had a State-wide election in which were elected to a constitutional convention 100 delegates, who decided for the State of Michigan whether we would or would not approve the adoption of the amendment which abrogated the prohibition amendment to the Contitution—

Such as revision of the Constitution of the United States or of a State; referendums; approval or disapproval of city or municipal statutes or ordinances and other issues of similar character.

Mr. HUGHES. How about the recall?

Mr. BROWN. I will say to the Senator from Delaware that I included "recall" in the first draft of this amendment, but I struck it out later, because oftentimes recall could become a partisan political issue if there were an attempt to recall a Democratic official largely upon the petition of Republican registered voters, as has been the case in my State in some instances. Therefore I left out the matter of recall.

Mr. CLARK of Missouri. Mr. President, will the Senator again yield?

Mr. BROWN. I yield.

Mr. CLARK of Missouri. I should like to suggest to the Senator that it seems to me his amendment may be open to the same objection that he and others have made against some of the other provisions of the bill introduced by the Senator from New Mexico, in the matter of vagueness of terms, and that is the question of what is a partisan issue. For instance, when the famous court-packing bill was before the Senate it was contended on the part of many of us who were opposed to the court-packing bill that that was in no sense a partisan issue; that it was a fundamental issue that had nothing to do with partisan politics. On the other hand, it was contended very stoutly by the chairman of the Democratic National Committee, by several other Cabinet officers, and by some Senators and numerous other Federal appointees, that it was a partisan issue and that all Democrats were bound to be for it whether or not it was repugnant to all their convictions.

Therefore, it seems to me, the Senator's amendment is rather indeterminate. Who is to decide whether an issue is partisan or not? In the instance I have just cited I and many others very stoutly denied it was a partisan issue, and several members of the President's Cabinet and a number of Senators very stoutly maintained that it was a partisan issue in which Democrats were bound.

Mr. BROWN. Certainly the character and make-up of the opposition to that bill demonstrated that it was not a partisan issue, no matter if the chairman of the national committee did say it was.

Mr. CLARK of Missouri. I think that is true; but I do not think that district attorneys, or collectors of internal revenue, or the Commissioner of Indian Affairs, to use a specific example, and men prominently connected with the Relief Administration, with the W. P. A., or with the Youth Administration, had any right to go out making speeches over the radio in connection with that sort of issue pending before Congress, and it seems to me that they would be permitted to do it under the Senator's amendment.

Mr. BROWN. That is where my idea and that of the Senator from Missouri meet head on. I think that upon any issue affecting the American people which is not tied up in the partisan politics of the Democratic, Republican, Socialist, or Communist Parties, there ought to be the widest and greatest freedom of speech and freedom of effort on the part of everyone concerned to do what he thinks he wants to do with respect to such an issue.

Mr. CLARK of Missouri. Will the Senator permit me again to interrupt him? And then I do not intend to interrupt him further.

Mr. BROWN. I yield.

Mr. CLARK of Missouri. I agree thoroughly, and am willing to go as far as the Senator from Michigan, or anyone else is willing to go, to the farthest limits I can think of, in behalf of free speech. I cited an instance a moment ago when the Director of the W. P. A. suddenly appeared on the radio one night to deliver a flaming oration about the court-packing bill, a subject about which he knew nothing. The next night the Director of the P. W. A. appeared on the radio to deliver a flaming harangue in behalf of the court-packing bill, a subject which had nothing on the face of the earth to do with his department. The next night the Director of the C. C. C., who knew nothing whatever about the court-packing bill, appeared on the radio to deliver a flaming harangue in behalf of it. Reasonable men would conclude that that was not an ordinary free expression of opinion, but that, because they were the heads of the great disbursing agencies of the Government they were using that means to notify their subordinates, who held office at their pleasure, what they wished done about that question.

Mr. BROWN. I will say to the Senator that subdivision 3 of my limiting amendment would not apply to the situation to which he refers, because the court issue was not involved in a political campaign at an election. I am referring solely to campaigns at an election, in which there are no candidates on party tickets representing the party. So I do not think it would apply.

Furthermore, I have heretofore said on the floor of the Senate that I do not object in the slightest degree to the Governor of my State, the President of the United States, or any other Government official calling me up and giving me his arguments as to how I should vote on a certain question. I could detail the names of many prominent citizens in the United States holding high official positions, not only in the State, but in the Nation, who urged upon me their views on the court issue. I thought they had a right to express them. I did not agree with any of them. I still persisted in my opposition to the court bill; but I think they had a right to talk to me about it, and I do not want to restrict them in that respect.

Mr. HATCH. Mr. President, will the Senator yield to me for just a moment?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. HATCH. I wish to say to the Senator that I appreciate what he is trying to do by the amendment, and I really think that very likely under the law none of these things is prohibited. However, I must object to the amendment for several reasons, some of which the Senator from Missouri [Mr. CLARK] has mentioned. I am wondering if perhaps the Senator is not restricting the bill. He is restricting it by announcing and writing into the bill certain exceptions. There is a Latin legal maxim, expression unius est exclusio alterius, the expression of one thing is the exclusion of another. I do not think we need to be concerned about these things or unduly alarmed about the Civil Service Commission's interpretation of this language. As I have so often said, under the power now given by Congress to the Commission—delegated authority, if we wish to call it such, or the power to define—the Commission has made rules over a period of more than 50 years, and I have heard of no oppression of anyone by virtue of them. I really would not like to see such provisions written into the law, and I will say to the Senator that, for the most part, the activities to which he refers would not be prohibited by the law.

Mr. BROWN. The Senator certainly cannot object to subdivision 1, which relates to freedom of expression of opinion on any and all subjects.

Mr. HATCH. I thought I wrote such a provision into the bill yesterday. I think it is already there.

Mr. BROWN. I do not agree with the Senator. I do not think he has done so.

The second matter relates to the making of voluntary contributions. It will be admitted that the Civil Service Commission may take away that privilege at any time it desires. Certainly the Senator will recall that when he made his opening speech I asked him specifically about school elections, and he stated that he feared that the language of the bill would cover school elections. I want to make certain that it does not. We could certainly cover the rule expressed in the Latin maxim to which the Senator referred to by adding

a subsequent section which would say, in effect, that the enumeration of these limitations is not to be considered as exclusive of any other limitations which might be fixed.

Mr. HATCH. We shall have time to discuss the matter further.

Mr. BROWN. I realize, as the Senator from Kentucky pointed out, that this amendment may not be brought up until the committee amendments have been disposed of. I am glad to have had this discussion, and I hope the Senator will look over the proposed amendment and see if he can either accept it or improve it.

Mr. THOMAS of Oklahoma. Mr. President, I rise to oppose the approval of section 15 in the committee amendment. I ask that such section 15 be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The section is as follows:

SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, the term "active part in political management or in political campaigns," as used in this act, shall have the meaning ascribed to it by such rules or regulations. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

Mr. THOMAS of Oklahoma. I ask that immediately following the printing of section 15, the explanation of such section 15 found in the committee report be likewise printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The explanation is as follows:

Section 15: This section authorizes and directs the Civil Service Commission to promulgate rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, they will be controlling as to the meaning of such term when it is used in this act with respect to Federal employees as well as when it is used with respect to State and local employees. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

Mr. THOMAS of Oklahoma. Mr. President, in my opinion section 15 attempts to delegate to the Civil Service Commission whatever power Congress has on this particular subject. The Civil Service Commission is composed of three members, appointed by the President. Not more than two members may belong to the same political party. In the original law, creating the Commission, the duties of such Commission were set forth—one duty being—

To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, * * *.

Under the Constitution the President, undictated to, has power to make appointments. Under the law the Civil Service Commission is simply an assistant to the President in the making of appointments, the qualifying of appointees, and the controlling of appointees in the Federal service.

Section 15, as it appears in the committee amendment, directs the Civil Service Commission to promulgate rules and regulations. Then the bill sets out what the Commission is to define. Among other things, section 15 directs the Commission to define what is meant by the language "active part in political management or in political campaigns."

Mr. President, as I understand this section it directs the Civil Service Commission to write the law defining what is meant by the language "active part in political management or in political campaigns." To define the language set forth the Commission must go further. The Commission must define what is "pernicious political activity." It must go still further. It must define, by inference, what is "clean politics."

Mr. President, Congress has the power to delegate its power under certain conditions. Article I, section 1 of the Constitution reads as follows:

All legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

The Supreme Court has held that Congress may delegate powers by fixing conditions and setting definite limitations.

Mr. ADAMS. Mr. President, will the Senator yield for a suggestion?

Mr. THOMAS of Oklahoma. I yield.

Mr. ADAMS. I may be in error, but I gathered from the votes which the Senator has cast that he does not approve of the pending bill. If I am correct in that assumption, I believe the Senator, as a matter of strategy would be in error. I think section 15 is not only invalid in itself, but it makes the bill invalid, because that part of the bill which prohibits political activity must refer for its understanding to section 15, which is invalid; and I think if section 15 stays in the bill we shall have wasted our time passing it.

Mr. THOMAS of Oklahoma. I agree entirely with the able Senator from Colorado; but I am not willing that this bill shall become a law without at least stating my objections to section 15. After the discussion we have had for the past 2 weeks, I am not willing that the bill shall become a law and later be attacked in the courts and to have the Supreme Court set the act aside without calling the attention of the Senate to provisions which I think are clearly unconstitutional.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield to the Senator from Nebraska.

Mr. NORRIS. Let me suggest to the Senator that if we follow the precedent already established by the passage of the Harrison resolution, the report of the committee on the Tobey resolution, and the pending resolution with regard to Russia, when the law gets into court we can simply say that it is the sense of the Senate that the court should do so and so, and that will end it.

Mr. THOMAS of Oklahoma. The Senator from Nebraska may act upon that theory; but for myself, I am not willing to act upon such an assumption.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I am glad to yield to the Senator from New Mexico.

Mr. HATCH. As I understand, the Senator proposes to strike out section 15 in its entirety.

Mr. THOMAS of Oklahoma. The effect of my position would be that the Senate should not approve the section, which would mean that it should be stricken from the committee amendment.

Mr. HATCH. What effect does the Senator think that would have on the remainder of the bill?

Mr. THOMAS of Oklahoma. I regard section 15 as the heart and brain of the bill. Without section 15 I can see no good purpose in enacting the remainder of the bill.

Mr. HATCH. The Senator must remember that in the other sections of the bill there are prohibitions against political activity and political management of campaigns, which provisions would still be enforced. They are not contained in section 15.

Mr. THOMAS of Oklahoma. Mr. President, this bill, if enacted, together with the original so-called Hatch Act, will affect literally millions of citizens of the United States. The number has been estimated as high as 4,000,000 Federal and State employees.

Mr. HATCH. I think that number is greatly overestimated.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BROWN. Let me clear up that situation. I am the Senator who gave those figures, and I think what I said was not taken quite accurately in the CONGRESSIONAL RECORD. I said that 1,200,000 Federal employees were subject to the provisions of the original Hatch Act, and there were 2,600,000 State, municipal, and local employees, many of whom would be subject to the act; but I did not mean to imply that all of them would be subject to the act.

Mr. THOMAS of Oklahoma. It is obvious to anyone who understands our system of government that, if this bill should become a law, it would affect a very large number of citizens of the United States.

Mr. President, I desire the RECORD to show, as best I can, the interpretation of the Supreme Court of the delegation of congressional power. Mr. President, I wish to refer to some authorities. I first call attention to a book entitled "Constitution of the United States, Annotated." Under the heading "Delegation of legislative powers," on page 956, we find the following language:

The Congress manifestly is not permitted to abdicate or to transfer to others the essential legislative functions with which it is thus vested.

Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the National Legislature cannot deal directly.

The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality which will enable it to perform its function in laying down policies and establishing standards by leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the Legislature is to apply.

The foregoing interpretation is based upon the following citations:

Panama Refining Co. v. *Ryan* (293 U. S. 388).
Morrill v. *Johns* (106 U. S. 466).
Schechter Poultry Corporation v. *United States* (295 U. S. 495).

Further in the same book we find the following additional paragraphs:

Congress may also, in enacting legislation, provide either that its operation shall be suspended or that it shall go into effect upon the occurrence of certain events, the existence of which shall be ascertained and declared by administrative officers.

Citation: *Marshall Field & Co.* v. *Clark* (143 U. S., p. 649); *Hampton & Co.* v. *United States* (276 U. S., p. 394).

The true distinction, therefore—

Says the Constitution Annotated—

is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be and conferring an authority or discretion as to its execution to be exercised under and in pursuance of the law.

The first cannot be done; to the latter no valid objection can be made.

Mr. President, the conditions under which the Congress may delegate its power is discussed at length in the case of the Panama Refining Co. against Ryan, which is to be found in United States Reports, volume 293, beginning on page 388. I shall read some paragraphs from the syllabus:

3. Section 9 (c) of the National Industrial Recovery Act, purporting to authorize the President to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amounts permitted by State authority, attaches criminal penalties to every violation of such an order; and persons who would thus become subject to repeated penalties in carrying on their business are entitled to invoke the equitable jurisdiction to restrain enforcement of the order if found unconstitutional.

Another paragraph from the syllabus reads as follows—it is part of paragraph 4:

The declarations of section 1 of title I of this act are simply an introduction in broad outline, leaving the legislative policy as to particular subjects to be declared and defined, if at all, by subsequent sections. The Court can find nothing in section 1 or elsewhere in the act which limits or controls the authority sought to be conferred by section 9 (c).

I now read from the fifth paragraph of the syllabus:

5. The question whether the delegation is permitted by the Constitution is not answered by the argument that it should be assumed that the President has acted, or will act, for what he believes to be the public good. The point is not one of motives but of constitutional authority, for which the best of motives is not a substitute.

I shall read next from paragraph 7:

7. The principle forbidding Congress to abdicate, or to transfer to others, the essential legislative functions with which it is vested by article I, section 1, and article I, section 8, paragraph 18, of the Constitution, has been recognized by the Court in every case in which the question has been raised.

I read next from paragraph 8 of the syllabus:

8. Congress may lay down its policies and establish its standards and leave to selected instrumentalities the making of subordinate rules, within prescribed limits, and the determination of facts to which the policy, as declared by Congress, shall apply; but the constant recognition of the necessity and validity of such provisions, and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate, if our constitutional system is to be maintained.

I next read from paragraph 12 of the syllabus:

12. If the citizen is to be punished for the crime of violating a legislative order of an executive officer, board, or commission, due process of law requires that it shall appear that the order is within the authority of the officer, board, or commission; and, if that authority depends on determinations of fact, those determinations must be shown.

Mr. President, I submit that section 15 attempts to delegate legislative power without laying down any limitations whatever, and to that extent and for that reason the attempted delegation is wholly void and without effect.

Mr. Chief Justice Hughes wrote the opinion in the case of the Panama Refining Co. against Ryan and others, and I shall read a few paragraphs from the opinion of the Chief Justice:

On July 11, 1933, the President, by Executive order, prohibited "the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder, by any board, commission, officer, or other duly authorized agency of a State." This action was based on section 9 (c) of title I of the National Industrial Recovery Act of June 16, 1933.

Paragraph (c) of section 9 of the National Recovery Act, in which Congress sought to delegate to the President the power which the Court held had not been properly delegated, reads as follows:

(c) The President is authorized to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder by any board, commission, order, or other duly authorized agency of a State. Any violation of any order of the President issued under the provisions of this subsection shall be punishable by fine of not to exceed $1,000 or imprisonment for not to exceed 6 months, or both.

That is the end of the power sought to be delegated. It is that section that the Supreme Court held to be invalid and void. The President proceeded to act under this authority and made his rules and regulations, but the Supreme Court held that the rules and regulations made under this so-called delegation of power were void and could not be enforced.

I shall read only a few paragraphs from the reasoning of the Court. From page 414 I read the following:

Section 9 (c)—

That is the section I have just read—

is assailed upon the ground that it is an unconstitutional delegation of legislative power. The section purports to authorize the President to pass a prohibitory law. The subject to which this authority relates is defined. It is the transportation in interstate and foreign commerce of petroleum and petroleum products which are produced or withdrawn from storage in excess of the amount permitted by State authority. Assuming for the present purpose, without deciding, that the Congress has power to interdict the transportation of that excess in interstate and foreign commerce, the question whether that transportation shall be prohibited by law is obviously one of legislative policy. Accordingly we look to the statute to see whether the Congress has declared a policy with respect to that subject; whether the Congress has set up a standard for the President's action; whether the Congress has required any finding by the President in the exercise of the authority to enact the prohibition.

Section 9 (c) is brief and unambiguous. It does not attempt to control the production of petroleum and petroleum products within a State. It does not seek to lay down rules for the guidance of State legislatures or State officers. It leaves to the States and to their constituted authorities the determination of what production shall be permitted. It does not qualify the President's authority by reference to the basis or extent of the State's limitation of production. Section 9 (c) does not state whether, or in what circumstances, or under what conditions the President is to prohibit the transportation of the amount of petroleum or petroleum products produced in excess of the State's permission. It establishes no criterion to govern the President's course. It does not require any finding by the President as a condition of his action. The Congress, in section 9 (c), thus declares no policy as to the transportation of the excess production. So far as this

section is concerned, it gives to the President an unlimited authority to determine the policy and to lay down the prohibition, or not to lay it down, as he may see fit. And disobedience to his order is made a crime punishable by fine and imprisonment.

I shall read only two more brief sections from the opinion of Mr. Chief Justice Hughes.

On page 421:

The Constitution provides that "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives" (art. I, sec. 1). And the Congress is empowered "To make all laws which shall be necessary and proper for carrying into execution" its general powers (art. I, sec. 8, par. 18). The Congress manifestly is not permitted to abdicate, or to transfer to others, the essential legislative functions with which it is thus vested. Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the National Legislature cannot deal directly. The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. Without capacity to give authorizations of that sort, we should have the anomaly of a legislative power which, in many circumstances, calling for its exertion would be but a futility But the constant recognition of the necessity and validity of such provisions, and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate if our constitutional system is to be maintained.

On page 433 I read the conclusion.

Says Mr. Chief Justice Hughes:

We see no escape from the conclusion that the Executive orders of July 11, 1933, and July 14, 1933, and the regulations issued by the Secretary of the Interior thereunder are without constitutional authority.

Mr. President, I submit the case of Panama Refining Co. against Ryan as one of the leading authorities sustaining my objection to the approval of section 15.

In order that the record may be more complete, I submit a case in which the Congress did delegate authority and power to the President, and thereafter the President used the authority delegated, and then still later the Supreme Court sustained his use of such delegated power.

In connection with the passage of the Agricultural Adjustment Act of 1933, the Congress delegated powers to the President. These powers are stated in title III of the Agricultural Adjustment Act enacted in 1933, and approved on May 12 of that year. I shall read the delegation of authority:

SEC. 43. Whenever the President finds, upon investigation, that (1) the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currency of any other government or governments in relation to the present standard value of gold, or (2) action under this section is necessary in order to regulate and maintain the parity of currency issues of the United States, or (3) an economic emergency requires an expansion of credit, or (4) an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion—

To do certain things.

Some of the things authorized to be done, if the President should find certain facts to exist, are set forth, as follows:

(a) To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks and with the Federal Reserve Board whereby the Federal Reserve Board will, and it is hereby authorized to, notwithstanding any provisions of law or rules and regulations to the contrary, permit such reserve banks to agree that they will, (1) conduct, pursuant to existing law, throughout specified periods, open-market operations in obligations of the United States Government or corporations in which the United States is the majority stockholder, andl (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of $3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11 (c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11 (c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

(1) To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the act entitled "An act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the United States," approved February 25, 1862, and acts supplementary thereto and amendatory thereof, in the same size and of similar color to the Federal Reserve notes heretofore issued and in denominations of $1, $5, $10, $20, $50, $100, $1,000, and $10,000; but notes issued under this subsection shall be issued only for the purpose of meeting maturing Federal obligations to repay sums borrowed by the United States and for purchasing United States bonds and other interest-bearing obligations of the United States: *Provided*, That when any such notes are used for such purpose the bond or other obligation so acquired or taken up shall be retired and canceled. Such notes shall be issued at such times and in such amounts as the President may approve but the aggregate amount of such notes outstanding at any time shall not exceed $3,000,000,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Treasury to retire and cancel 4 percent annually of such outstanding notes, and the Secretary of the Treasury is hereby directed to retire and cancel annually 4 percent of such outstanding notes. Such notes and all other coins and currencies heretofore or hereafter coined or issued by or under the authority of the United States shall be legal tender for all debts public and private.

(2) By proclamation to fix the weight of the gold dollar in grains nine-tenths fine and also to fix the weight of the silver dollar in grains nine-tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 percent.

After these several powers were delegated in the language stated, the President made an investigation and issued a proclamation. The proclamation was issued on January 31, 1934. In issuing the proclamation the President recited the authority, and after reciting the authority he made the following finding:

Whereas I find, upon investigation, that the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currencies of other governments in relation to the present standard value of gold, and that an economic emergency requires an expansion of credit; and

Whereas, in my judgment, measures additional to those provided by subsection (a) of said section 43 are required to meet the purposes of such section; and

Whereas I find, from my investigation, that, in order to stabilize domestic prices and to protect the foreign commerce against the adverse effect of depreciated foreign currencies, it is necessary to fix the weight of the gold dollar at 15 5/21 grains nine-tenths fine.

Then the President proceeds to exercise the authority and reduces the weight of the gold dollar from 25 8/10 grains to 15 5/21 grains of gold nine-tenths fine.

I ask unanimous consent that the entire proclamation of the President may be printed at this point in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The proclamation is as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas by virtue of section 1 of the act of Congress approved March 14, 1900 (31 Stat. L. 45), the present weight of the gold dollar is fixed at 25.8 grains of gold nine-tenths fine; and

Whereas by section 43, title III, of the act approved May 12, 1933 (Public, No. 10, 73d Cong.), as amended by section 12 of the Gold Reserve Act of 1934, it is provided in part as follows:

"Whenever the President finds upon investigation that (1) the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currency of any other government or governments in relation to the present standard value of gold, or (2) action under this section is necessary in order to regulate and maintain the parity of currency issues of the United States, or (3) an economic emergency requires an expansion of credit, or (4) an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion—

"(a) To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks and with the Federal Reserve Board whereby the Federal Reserve Board will, and it is hereby authorized to, notwithstanding any provisions of law or rules and regulations to the contrary, permit such Reserve banks to agree that they will (1) conduct, pursuant to existing law, throughout specified periods, open market operations in obligations of the United States Government or corporations in which the United States is the majority stockholder; and (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of $3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11 (c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11 (c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

"(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

* * * * * * *

"(2) By proclamation to fix the weight of the gold dollar in grains nine-tenths fine and also to fix the weight of the silver dollar in grains nine-tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 percent. Nor shall the weight of the gold dollar be fixed in any event at more than 60 percent of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire 2 years after the date of enactment of the Gold Reserve Act of 1934 unless the President shall sooner declare the existing emergency ended, but the President may extend such period for not more than 1 additional year after such date by proclamation recognizing the continuance of such emergency"; and

Whereas I find, upon investigation, that the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currencies of other governments in relation to the present standard value of gold, and that an economic emergency requires an expansion of credit; and

Whereas, in my judgment, measures additional to those provided by subsection (a) of said section 43 are required to meet the purposes of such section; and

Whereas I find from my investigation that, in order to stabilize domestic prices and to protect the foreign commerce against the adverse effect of depreciated foreign currencies, it is necessary to fix the weight of the gold dollar at 15 5/21 grains nine-tenths fine:

Now, therefore, be it known that I, Franklin D. Roosevelt, President of the United States, by virtue of the authority vested in me by section 43, title III, of said act of May 12, 1933, as amended, and by virtue of all other authority vested in me, do hereby proclaim, order, direct, declare, and fix the weight of the gold dollar to be 15 5/21 grains nine-tenths fine, from and after the date and hour of this proclamation. The weight of the silver dollar is not altered or affected in any manner by reason of this proclamation.

This proclamation shall remain in force and effect until and unless repealed or modified by act of Congress or by subsequent proclamation; and notice is hereby given that I reserve the right by virtue of the authority vested in me to alter or modify this proclamation as the interest of the United States may seem to require.

In witness whereof I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done in the city of Washington at 3:10 o'clock in the afternoon, eastern standard time, this 31st day of January, in the year of our Lord one thousand nine hundred and thirty-four, and of the independence of the United States the one hundred and fifty-eighth.

[SEAL] FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,
Secretary of State.

Mr. THOMAS of Oklahoma. The foregoing are some of the reasons for my objection to Senate approval of section 15 of the committee amendment.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment of the committee, as amended.

Mr. HATCH. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HATCH. The vote on the amendment for those who sponsor and those who favor the pending bill would be "yea."

The PRESIDENT pro tempore. That is the view of the Chair.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNARY (when the name of Mr. JOHNSON of California was called). The Senator from California is necessarily detained on official business. If he were present, he would vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Ohio [Mr. DONAHEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The Senator from Florida [Mr. ANDREWS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from New York [Mr. MEAD], the Senators from Wyoming [Mr. O'MAHONEY and Mr. SCHWARTZ], and the Senator from Maryland [Mr. TYDINGS] are absent on departmental business.

The Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Kansas [Mr. REED]. I am advised that if present and voting, the Senator from Louisiana would vote "nay," and the Senator from Kansas would vote "yea."

Mr. AUSTIN. I announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "yea," and the Senator from Utah would vote "nay."

The Senator from New Hampshire [Mr. TOBEY] has a pair with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "yea," and the Senator from Illinois would vote "nay."

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague [Mr. TRUMAN] is unavoidably detained from the Senate on important public business. If he were present, he would vote "yea."

The result was announced—yeas 47, nays 30, as follows:

YEAS—47

Austin	Frazier	La Follette	Shipstead
Barbour	George	Lee	Taft
Barkley	Gerry	Lodge	Thomas, Idaho
Bridges	Gibson	McCarran	Thomas, Utah
Burke	Gillette	McNary	Townsend
Capper	Green	Neely	Vandenberg
Chandler	Gurney	Norris	Van Nuys
Clark, Idaho	Hale	Nye	Walsh
Clark, Mo.	Hatch	Overton	Wheeler
Danaher	Holman	Reynolds	White
Davis	Holt	Russell	Wiley
Downey	Johnson, Colo.	Sheppard	

NAYS—30

Adams	Connally	Lucas	Pittman
Bailey	Glass	Lundeen	Schwellenbach
Bankhead	Guffey	McKellar	Smathers
Bilbo	Harrison	Maloney	Smith
Brown	Hayden	Miller	Stewart
Bulow	Herring	Minton	Thomas, Okla.
Byrnes	Hill	Murray	
Caraway	Hughes	Pepper	

NOT VOTING—19

Andrews	Donahey	O'Mahoney	Tobey
Ashurst	Ellender	Radcliffe	Truman
Bone	Johnson, Calif.	Reed	Tydings
Byrd	King	Schwartz	Wagner
Chavez	Mead	Slattery	

So the first amendment of the committee, as amended, was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment of the committee was, on page 8, line 2, where it is proposed to strike out "States", and the quotation marks and to insert the word "States", and a new section, as follows:

SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, the term "active part in political management or in political campaigns," as used in this act, shall have the meaning ascribed to it by such rules or regulations. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

Mr. HATCH. Mr. President, I send to the desk a substitute for section 15, and offer it as a substitute for the entire section. I may say, briefly, that all the substitute does is to prescribe in the law itself that the present prohibitions against employees in the classified civil service as to political activities shall be the political activities prohibited by the act; that it shall be limited to those interpretations. It does away with the question of the delegation of power, and the other questions about which I realize some Senators have been concerned.

The PRESIDENT pro tempore. The clerk will state the amendment proposed by the Senator from New Mexico.

The LEGISLATIVE CLERK. On page 8, it is proposed to strike out lines 4 to 13, inclusive, and in lieu thereof to insert the following:

SEC. 15. The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined to be prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

Mr. LUCAS obtained the floor.

Mr. DANAHER. Mr. President, will the Senator yield to a question?

Mr. LUCAS. I yield.

Mr. DANAHER. I understood the clerk to read lines 4 to 13 on page 8. Is that correct?

The PRESIDENT pro tempore. That is correct, as the Chair understands. The Senator from New Mexico has offered to strike from page 8 lines 4 to 13 and to substitute the language which has been read.

Mr. DANAHER. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DANAHER. Does this particular amendment apply to the original text of the bill, or the text as amended?

Mr. BARKLEY. Mr. President, there seems to be some confusion about the text.

Mr. LUCAS. I understood I had the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Illinois has the floor. He yielded to the Senator from Connecticut.

Mr. LUCAS. I yield to the Senator from Kentucky.

Mr. BARKLEY. There is some confusion as to the text of the bill. In the copy of the bill I have the Senator's amendment does not apply to the matter on page 8.

Mr. HATCH. I can explain that in a second. The confusion arises from the fact that yesterday or day before yesterday there was a reprint made of the bill containing the amendments which had been adopted. The substitute which I have offered is a substitute for section 15, no matter on what page of the bill it appears.

Mr. BARKLEY. That is at the bottom of page 9 in the text which I have.

Mr. HATCH. In the print of the bill which I have it is on page 8. If the Senator will permit me further to identify it, in the new bill it is in lines 14 to 23, inclusive, on page 9.

Mr. LUCAS. Mr. President, I should like to ask the distinguished Senator from New Mexico whether or not the amendment which is submitted strikes out section 15?

Mr. HATCH. Yes.

Mr. LUCAS. I should like to ask a further question, as to whether or not the Senator from New Mexico has heretofore submitted to the Senate, through the CONGRESSIONAL RECORD or in any other way, to any Members of the Senate this very important amendment?

Mr. HATCH. I have discussed it with several Senators. It has not been printed in the RECORD. I may say to the Senator that I am sure I mentioned it to him. I told him I was going to offer a substitute.

Mr. LUCAS. Yes; the Senator mentioned it to me just a moment ago, after I learned for the first time from the Senator from Oklahoma [Mr. THOMAS] that there was a possibility of a substitute for section 15 being offered. That was the first time in the 2 weeks of debate that I learned the Senator from New Mexico expected to eliminate section 15 completely, and to offer something in lieu thereof, which, as I understand, he says is constitutional.

Mr. HATCH. Oh, yes. I do not say that the other section 15 was unconstitutional; but I want to say to the Senator that it has been mentioned on the floor during the debate that the amendment would be offered.

Mr. LUCAS. Mr. President, this is the first time, I will say to the Senator, I have heard of it. Regardless of what the Senator may say with respect to the constitutionality of section 15, as it is now presented, I am constrained to disagree with him on that point, and I seriously doubt whether there is any other constitutional lawyer who is going to agree with the Senator from New Mexico that section 15 as it is now written is constitutional.

Mr. President, as the Senator from Oklahoma [Mr. THOMAS] said a moment ago, section 15 is, in my opinion, the real heart of this legislation. This is the one question in which the Senator has been interested from the beginning to the end, and I say to the Senate that I dislike now to go into a most serious question here in the last hours of the debate, and merely from what I have heard read by the Senator attempt to say whether or not the amendment he now offers is or is not constitutional.

Mr. President, it seems to me that the particular amendment which is now placed before us for consideration in lieu of section 15 could have been given to the Senate and to Senators long before this moment in the closing hours of the debate.

Wednesday a week ago in the Senate I discussed the constitutionality of section 15. No one in the Senate up to this time has taken the floor and discussed that question from that standpoint. All the time we have been engaged in this debate the serious question, the very heart and brain, as the Senator from Oklahoma said, of the entire bill, has been before the United States Senate, and no one has discussed it—not even the Senator from New Mexico. The Senator is a conscientious individual, a man with a great deal of zeal, a man with a great deal of integrity, and according to some columnists practically the only Senator who is conscientious about the legislation before us. Mr. President, I call to the attention of the Senate that no statement of any kind, no brief of any kind, no argument of any kind, has been made up to this hour by the proponents of this legislation that section 15 is constitutional.

I have made an examination of what has happened in the past when important measures of this kind have been before the United States Senate. Oh, some can smile about this measure. Some can say that no one is serious. Some can charge politics. Some can charge this and that, according to their own like or dislike. Some may question the motives of individuals on the floor of the United States Senate, but the Senator from Illinois from the beginning to the end has constantly said that there is a question of personal political liberty involved in this bill which goes deeper than any other consideration so far as the Senator from Illinois is concerned.

Yes, Mr. President; this, in my humble opinion, is a serious question. Other important legislation has been discussed and passed in the days gone by. The N. R. A., the Triple A, the Gold Clause Act, the antilynching bill, and others. But in all that legislation someone in connection therewith took the position that it was either constitutional or unconstitutional. I reiterate that in connection with every important piece of legislation which has been debated on the floor of the Senate or in the House of Representatives since I have been a Member of either of the two branches of the Congress, during the last 6 years, there has always been an advocate for the constitutionality of the act. The unconstitutionality of a measure has always had its advocates. Take the antilynching bill, which Senators have heard discussed on the floor of the Senate in connection with this legislation. Senators will find that the late brilliant Senator from Illinois, J. Hamilton Lewis, made an argument in defense of the constitutionality of that measure. Senators will also find that the senior Senator from New York [Mr. WAGNER] made an argument in favor of the constitutionality of that measure on the floor of the Senate, while others have proclaimed it unconstitutional.

We have been for almost 2 weeks debating this measure. In the beginning of the debate the constitutionality of the proposed legislation was questioned, but no one dared to rise in the Senate at any time to answer the argument I made a week ago last Wednesday. Now at the last moment an amendment is brought in seeking to displace section 15, in the hope that the Senate will forget what has transpired in connection with the discussion of the constitutionality of section 15 and that the measure will go to the other branch of the House in the hope that they can there, perhaps in conference or through their friends, draft the delegation of power which is unconstitutional in this measure.

Mr. President, no one yet has said that this measure as now constituted does not constitute an unconstitutional delegation of power from the legislative branch of the Government to the executive. That is a question in which I have been interested from the beginning of the discussion of this legislation. I have taken little or no part in the debate other than upon this one question.

Mr. President, how was the bill reported out? A subcommittee of the Committee on Privileges and Elections handled the matter. The distinguished chairman of the committee, the Senator from Georgia [Mr. GEORGE], is a great lawyer. He has never made an argument upon the question of the constitutionality of section 15. The distinguished lawyer, the Senator from Vermont [Mr. AUSTIN], a member of the subcommittee which wrote the bill, has made no argument upon this bill. I should like for him to reply to the argument of the Senator from Oklahoma or to the argument I made upon the question of delegation of power from the legislative branch to the executive.

Mr. President, I made the argument 10 days ago. There are great lawyers in the United States Senate. None of them has answered my argument. They have remained silent on that one question to this very moment. The argument remains unanswered.

Mr. President, the authorities are all one way on this question. We cannot find a single authority when we construe section 15 as it is now included in the present legislation, which does not say that in these words there is an unwarranted delegation of power from the legislative to the executive branch of this Government.

Mr. President, why all the silence? Why for the first time in the history of a great piece of legislation have we not found someone somewhere in the United States Senate who would get up to defend the constitutionality of the measure? Oh, you can defend it now, but, Mr. President, it comes too late. Where have Senators been for 2 weeks upon this very, very important question? I cannot believe that the United States Senate will send this measure to the House of Representatives in the present form. I cannot believe that the substitute as it now comes to us and proposed by the Senator from New Mexico will serve the proper purpose.

As a Member of the United States Senate, I am not willing to say to the Civil Service Commission, "Take what you have in the way of rules and regulations," without any real investigation of what those rules and regulations are. It is the duty of the Committee on Privileges and Elections to find out about each and every rule and to see whether or not those rules are applicable to political situations, to political management, and political campaigns in every section of the United States. I am told by the Senator from Michigan that there are only 18 rules, and yet by this bill it is proposed to say to the Civil Service Commission, "Take those 18 rules and run the politics of the country." If the Commission follows the course it has pursued in the past, it is not prevented from changing its rules at every whim and caprice, according to the individual notions of members of the Civil Service Commission. In the bill we place no standards or safeguards around the Civil Service Commission. We give them the power, even under the new amendment submitted by the Senator from New Mexico [Mr. HATCH], to do exactly what they have been doing in the past, and that is to make rules and regulations in line with what they conceive to be best. Is that an unlawful delegation of power? There are no safeguards or standards in the bill. There is nothing in line with the Hot Oil case, the Schechter case, the N. R. A. case, and other cases which the Senator from Oklahoma [Mr. THOMAS] cited in his argument a few moments ago.

Mr. President, as a result of all the amendments which have been discussed, if there ever was a bill which demonstrated implications and ramifications which were never disclosed before the Committee on Privileges and Elections at the time the bill was considered it is this particular bill. Here is a legislative measure dealing with the political liberties of certain individuals. Here is a measure which intrudes itself into the very wellsprings of true democracy. Here is a measure which extends its long and vicious Federal arm into the sovereignty of the States. Here is a measure which exploits the political freedom and rights guaranteed to every man under the Bill of Rights. Here is a measure which curtails participation in political campaigns in every State, the one instrument of free government which holds public policy in a fashion to which the majority agree. Here is a measure which deals a death blow to party responsibility.

Can any conscientious Senator successfully challenge these statements? With all the glaring imperfections in the bill which have been pointed out from time to time, does not the situation with which we are now dealing say to us that the bill ought to be rewritten or restudied in the light of what has been discovered on the floor of the Senate during the past few days? That is especially true with regard to section 15. Is the Senate of the United States willing at this moment, without much study and consideration, to accept the substitute brought in at the zero hour of this battle? I should like to know what the Civil Service Commission is going to say before the committee with respect to political activity, with respect to political management, and with respect to political campaigns in my State of Illinois.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Colorado.

Mr. ADAMS. As I recall, the amendment which is now submitted as a substitute provides that the interpretations of the Civil Service Commission of its own rules as to what constitutes political activity shall be written into the law. My inquiry is, Do we have available to us those various interpretations? Are they codified? Are they available, or are

they scattered through the administration of the Civil Service Commission over the period of years since its creation? I am asking whether or not that which we seek to write into the law is available to us, so that we may know today what is the law which we are passing.

Mr. LUCAS. I will say to the Senator from Colorado that, insofar as the Senator from Illinois is concerned, I have never seen any of the rules and regulations which are to guide the destinies of political parties throughout the United States of America. That is the thing about which I am complaining. I contend that if the Civil Service Commission is to have the authority to define political management and political campaigns; if it is to say what political activity is in the precinct where the Senator from Colorado lives, the Commission ought to be brought before the committee for the purpose of a thorough examination in order that we may obtain the views of the Commission and find out what the regulations are, and whether or not the present rules of the Commission are to be applicable to the broad field to which the bill makes them applicable if the amendment of the Senator should become the law. That is what I am complaining about.

Mr. President, I have a right to complain. The situation is serious. The strange thing to me is that Senators on this side of the aisle, fine lawyers, great statesmen, sit idly by and say nothing. Here is my friend the Senator from Connecticut [Mr. DANAHER]. Somebody muzzled him. I do not know who. He is a fine man—a thought-provoking Senator—a man who always adds something to every debate in which he participates. However, from the time he offered his amendment giving to the trench digger on the highway the right of appeal from the action of the Civil Service Commission, he has said hardly a word. That is not like him. He frequently engages in debate, not because he wants publicity and notoriety but because he is a good statesman, and usually has something worth while to offer. From that time on he has been as silent as the tomb, yet I know how he feels down in his heart on this thing. I know how a good lawyer feels with regard to section 15.

Mr. President, no one can tell me that the great Senator from Vermont [Mr. AUSTIN] would make an argument upon the constitutionality of section 15—not at all. Notwithstanding all this silence, apparently we are ready to pass the bill without sending it back where it belongs for further study and consideration. It seems that the die is cast. I plead with Senators in this zero hour to forget the past for a moment, look to the future, and think seriously of the present. Think what this great deliberative body is about to do.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Indiana.

Mr. MINTON. The Senator would not be of the opinion that perhaps the very able and alert Senator from Connecticut [Mr. DANAHER] has become a "rubber stamp," would he?

Mr. LUCAS. I would not say that at all about the Senator from Connecticut. I know the Senators on this side of the aisle. They are all my friends and I like them. However, I regret that from beginning of the debate no voice on this side has really, honestly and seriously, taken a part in the debate. If it had been otherwise, we should have had a better bill. Probably we should have had no bill at all.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Colorado.

Mr. ADAMS. In this body some years ago there was a prominent statesman from Virginia who was noted for very pertinent maxims. He is recently deceased. I refer to Hon. Claude Swanson. One maxim he often gave to Senators was, "When you expect to vote wrong, do not make a speech about it." [Laughter.]

Mr. GEORGE. Mr. President, I observe that that rule does not now seem to be in effect in the Senate. [Laughter.]

Mr. LUCAS. I thank the Senator from Colorado; but I am really serious. I am not attempting to be facetious about this matter at all. I say with the utmost sincerity that I regret that the voices of Senators on this side of the aisle have been stilled. I know the power which exists on this side of the aisle with respect to constructive legislation. Senators on this side do not hesitate at times to discuss very important measures of Government. I regret that they did not see fit on this occasion to discuss this very, very important measure.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. LUCAS. Mr. President, the distinguished Senator from New Mexico [Mr. HATCH] has gone about his task with zeal and industry. In the beginning he was practically alone in his battle. He had no particular help from the individuals who were responsible for helping to report the bill from the Committee on Privileges and Elections.

I now yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. I was about to make the observation that yesterday I announced that I planned to discuss the constitutionality of section 15, whereupon I was advised that a substitute would be offered for section 15. I examined the substitute section proposed. Today I find that the substitute offered is not the section which I saw yesterday.

Mr. LUCAS. I regret the discovery.

Mr. THOMAS of Oklahoma. One further observation. The section which is now proposed in lieu of section 15 as an amendment proposes to make the present civil-service rules the law. This section extends the present civil-service laws to the citizens of the Senator's State and of my State, whose salaries in whole or in part are paid by the Federal Government. This section makes pages 13 to 80, inclusive, in the civil-service acts, rules, statutes, executive orders, and regulations, the law. We are now asked to vote upon one section which presumes to make approximately 80 sections of the existing rules and regulations the law relating to 3,000,000 citizens of the States of the United States.

Mr. LUCAS. Mr. President, that is a demonstration of how futile it is to come in at the last minute upon an important measure of this kind and attempt to legislate by striking at the heart of the entire bill and substituting something different today.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from New Mexico.

Mr. HATCH. I substituted nothing on yesterday and something different today. I had two amendments drawn on yesterday.

Mr. LUCAS. I will say that the Senator is resourceful.

Mr. HATCH. One of them, which I think I gave to the floor leader and the Senator from Oklahoma [Mr. THOMAS] was broader than the one I showed to them, but I had it prepared. Under the one yesterday, the Civil Service Commission would have had power to continue to define or make rules in the future, and this one today relates the power to the present time.

Mr. LUCAS. Anyway, the Senator admits that the proposal he submitted yesterday was different from the one he submitted today.

Mr. HATCH. I never made any proposal yesterday.

Mr. LUCAS. No. The Senator did not make any to me.

Mr. HATCH. I did not make any to the Senator from Oklahoma or anybody else.

Mr. LUCAS. I misunderstood the Senator, then.

Mr. THOMAS of Oklahoma. Mr. President, may I at this point interject a remark? Yesterday, when I was serving notice that I planned to discuss this matter, I was advised that there was a substitute. The substitute apparently had been drawn by the legislative drafting service. The substitute came from this aisle. The Senator sits in the second seat from that side of the aisle. I did not see the Senator have the substitute, but——

Mr. HATCH. I am sure that was the substitute, but I had not made any proposal. I gave it to the floor leader to be passed around.

Mr. BARKLEY. Mr. President——

Mr. THOMAS of Oklahoma. So far as I knew, that was the only substitute which was in existence. I made some

comment about that substitute. This morning, when the substitute actually was introduced, I saw it, and it is not the same document. There is nothing wrong about that.

Mr. HATCH. Insinuations have been made that it was wrong; that somebody was misled. That is what the Senator from Illinois was saying. That is what I take objection to and take offense at.

Mr. LUCAS. The Senator has a right to take offense at that, and if I misunderstood him I apologize. A moment ago I used a word that perhaps was wrong; but what the Senator from Oklahoma did say was that yesterday he talked to the Senator from New Mexico about section 15, and at that time the Senator from New Mexico gave the Senator from Oklahoma——

Mr. THOMAS of Oklahoma. That is hardly correct.

Mr. LUCAS. Will the Senator give us the true version of it? I certainly do not want to do any injustice to the Senator from New Mexico.

Mr. THOMAS of Oklahoma. I know the Senator does not, and, of course, I do not desire to do an injustice to the Senator from New Mexico.

I learned on yesterday that there was in existence a proposed substitute for section 15. I saw the substitute, not in the hands of the Senator from New Mexico. I procured a copy, and I read it. When I read it I sent it back by a page to the Senator from New Mexico. That is all I know about the substitute yesterday. Today the Senator from New Mexico introduced another substitute. That is the one which is now before the Senate. They are not the same. They do not have the same effect, and the language is not the same.

Mr. LUCAS. Mr. President, do I correctly understand the Senator to say that they do not have the same effect?

Mr. THOMAS of Oklahoma. No; they do not. One is broader than the other.

Mr. BARKLEY. Mr. President——

Mr. LUCAS. I yield to the Senator from Kentucky.

Mr. BARKLEY. I think I may be able to clear up this profound mystery.

Mr. LUCAS. There is nothing profound about it, so far as I am concerned.

Mr. BARKLEY. Just plain mystery, then.

Mr. LUCAS. I suggest the distinguished leader make it "plain."

Mr. BARKLEY. While I was seeking yesterday to get a unanimous-consent agreement to vote on something, the Senator from Oklahoma [Mr. THOMAS] indicated that he desired to move to strike out section 15 of the bill, which is a Senate amendment now under consideration. I suggested that the same purpose would be attained by simply voting, up or down, the Senate committee amendment. The Senator from New Mexico stated to me that he had drawn a tentative amendment which he hoped would satisfy the Senator from Oklahoma. I obtained that amendment from the Senator from New Mexico, and myself brought it to the Senator from Oklahoma, and he read it; and on the floor, as the Senator will observe in the RECORD of yesterday, the Senator from Oklahoma announced that that amendment was not satisfactory to him.

Certainly the Senator from New Mexico, like any other Senator, has the right to, and frequently does, improve an amendment that he himself intends to offer. I do not think the Senator from New Mexico is to be criticized because overnight he has improved the amendment.

Mr. HATCH. I am perfectly willing for Senators to criticize me if they so desire.

Mr. BARKLEY. I understand that; but there is nothing peculiar about the Senator from New Mexico seeking to perfect his amendment before he offers it. That is done here all the time, and it ought to be done. It is commendable in Senators, when they have an idea, to try to improve it before it is actually offered to the Senate for their consideration. I think the Senator from New Mexico is entitled to the same consideration in that regard that other Senators are.

Mr. LUCAS. I appreciate what the majority leader has said in connection with the pending legislation, and I appreciate the fact that every Member of the Senate always has the right to improve legislation. That is the reason why from the very beginning of the consideration of the bill, I have attempted in my feeble and limited way to discuss section 15. But now we are right to the point of passing or not passing the bill; and in view of the tremendous importance I attach to that section, I cannot sit idly by. I must make my protest. Now this section may not be important to anybody else; it may not be important to the Senator from New Mexico, as to the constitutionality of section 15, but I have always thought it was an extremely serious matter to pass this kind of legislation, and so made my opposition known some time ago.

Mr. President, with all of the amendments that have been offered; with all of the implications that are in the bill; with all of the ramifications of the bill; with section 15 absolutely and beyond the shadow of a doubt constituting a delegation of legislative authority to the Executive, which cannot be sustained by the court, and that, I submit, also applies to the substitute that is submitted by the able Senator from New Mexico, I contend that this legislation should be returned to the committee for further study and consideration, and at this time, Mr. President, I, therefore, move that the pending bill, Senate bill 3046, be recommitted to the Committee on Privileges and Elections for further study and consideration, special reference being had to section 15.

Mr. HATCH. Mr. President, just a word or two.

As to section 15——

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. Will the Senator from Indiana permit me to retain the floor?

Mr. MINTON. I merely wanted to ask the Senator from New Mexico if he would let me call for a quorum.

Mr. HATCH. Oh, it is not necessary. I thank the Senator.

Mr. MINTON. I know everybody wants to hear the Senator.

Mr. HATCH. I thank the Senator from Indiana, but it is not necessary.

Section 15 has never been, to me, an important part of the bill. I have so stated on many occasions. I stated on the opening day of the debate that probably there would be objections and criticisms, and perhaps imperfections would be found in the bill, so I was not at all surprised when the Senator from Illinois spoke, with his usual eloquence, learning, and ability, directing his charge of unconstitutionality at section 15—a charge with which I do not agree, and upon which I have considerable authority here on my desk if I chose to argue the question of the constitutionality of that section. But, Mr. President, deeming that that particular language was not important, and conceiving that Senators might have an honest doubt as to its constitutionality, that they might have deep and honest concern as to whether section 15 should be enacted in that language, I took the Senators at their word. When they argued here on the floor of the Senate that it was unconstitutional, I thought they meant what they said and that they wanted it corrected. Although nearly 2 weeks have elapsed, not a Senator has come to me, so far as I recall, and certainly not the Senator from Illinois, offering any suggestion for a redraft of the bill or an improvement therein.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HATCH. No; I will not yield now. Always he has made his argument to defeat section 15 because it is unconstitutional. Why? Because he objects to section 15. I still give him credit for being honest. I think he did object to section 15 when he made his argument; but, Mr. President, the closing motion he made this day shows what has been throughout the entire debate—not a desire to get rid of section 15 but a desire to kill the bill and everything that is in it.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. LUCAS. Very well; I will make this proposition to the Senator: If he will send the bill back to the committee, and bring back section 15 in line with what the majority of the members believe is constitutional, I will vote for the bill.

Mr. HATCH. I will say to the Senator that is too high a price to pay for section 15. I would rather see it entirely stricken from the bill——

Mr. LUCAS. Very well; let us strike it out.

Mr. HATCH. Because it is not of enough importance to do either one of those things, and it is not of a great deal of importance whether it remains in the bill or not.

Mr. LUCAS. Mr. President——

Mr. HATCH. But what I am objecting to—and I am not yielding now—is offering amendments and making objections and motions to send the bill back—with the utmost good faith, I hope—but the undoubted effect would be to kill the bill.

I have had propositions made all the time. I heard a proposition made on the floor of the Senate, "Let the bill go back to committee." I said, "No; pass the bill. It is going to take weeks and months over in the House. If you want to write a new bill, choose your own committee, and I will work with you day or night, or at any time"; and I will still do it. If this bill is bad, bring in a better one and pass it through the Senate, and you can easily substitute it in the House.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Why does the Senator think Senators serving on the committee would be any more apt to kill his bill now than they were before?

Mr. HATCH. Because almost every move that is possible to be made to kill a bill has been made against this bill.

Mr. MINTON. It has not been done in the committee. What has been done has been done by certain Members of the Senate not even members of the committee.

Mr. HATCH. If the Senator could have the bill sent back to the committee, he—very able Senator that he is—would fight the bill in the committee, and he knows he would.

Mr. MINTON. I promise the Senator that.

Mr. HATCH. The Senator from Illinois [Mr. LUCAS] would do the same thing.

Mr. MINTON. If the Senator will yield, the Senator from Illinois and the Senator from Indiana and the Senator from Tennessee stood alone in the committee. What has happened to our committee since then?

Mr. HATCH. Not a thing.

Mr. MINTON. This bill came out on the floor of the Senate from a committee that the Senator is afraid to go back before with his precious bill.

Mr. HATCH. Afraid to go back after 2 weeks! That would be smart! The Senator from Indiana would do that, would he not? If he had stood up here for 2 weeks, fighting a bill through, when it was right up to the point of passage, would he say, "We will let it go back to the committee, and start the fight all over again"? We would get a great deal of legislation by such tactics as that. The fact of the matter is, We would get no legislation, and that is what is wanted.

I shall not detain the Senate. I say let us vote on the motion to recommit and let us do it quickly. Let the Senate say whether or not the bill shall go back to the committee.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	George	Holman
Andrews	Capper	Gerry	Holt
Ashurst	Caraway	Gibson	Hughes
Austin	Chandler	Gillette	Johnson, Colo.
Bailey	Chavez	Glass	La Follette
Bankhead	Clark, Idaho	Green	Lee
Barbour	Clark, Mo.	Guffey	Lodge
Barkley	Connally	Gurney	Lucas
Bilbo	Danaher	Hale	Lundeen
Bridges	Davis	Harrison	McCarran
Brown	Donahey	Hatch	McKellar
Bulow	Downey	Hayden	McNary
Burke	Ellender	Herring	Maloney
Byrd	Frazier	Hill	Mead
Miller	Pittman	Smathers	Tydings
Minton	Reed	Smith	Vandenberg
Murray	Reynolds	Stewart	Van Nuys
Neely	Russell	Taft	Wagner
Norris	Schwartz	Thomas, Idaho	Walsh
Nye	Schwellenbach	Thomas, Okla.	Wheeler
Overton	Sheppard	Thomas, Utah	White
Pepper	Shipstead	Townsend	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. TYDINGS. Mr. President, I understand a motion to recommit the bill has been made by the Senator from Illinois [Mr. LUCAS]. I desire to offer a substitute for the motion, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The clerk will read the proposed substitute.

The Chief Clerk read as follows:

That the bill S. 3046 be recommitted to the Committee on Privileges and Elections with instructions to rewrite the bill and report it to the Senate not later than Monday, March 25, and that on Tuesday, March 26, at 12 o'clock noon, said bill be made the special order of business for the consideration of the Senate.

Mr. TYDINGS. Mr. President, I do not wish to take the time of the Senate to reiterate what I stated about a week or 10 days ago, namely, that I thought the Senator from New Mexico had tried sincerely and diligently to write a good bill and that there was much in it which should be retained. However, I believed that the bill, as drawn, would tend too much to exclude persons rather than to exclude pernicious political activity; that the law ought to be designed primarily to define and outlaw pernicious political activities rather than to exclude persons. There would certainly be no question about the constitutionality of such a law, and, in my judgment, there would be no question about its wisdom. What we are trying to do is to define and make illegal activities by anyone—the President, members of the Cabinet, Members of the Senate, Members of the House, or anyone else—which we all know are in the category of improper political activities.

I am hopeful that if the bill could be recommitted with that idea in mind, and the language modified in some respects, we would have a bill which would be satisfactory to the country and to the Congress.

I reiterate, I do not wish to detract at all from the fine work which the Senator from New Mexico has been doing and attempting to do and sincerely working to do, namely, to make elections more responsive to democratic processes. I have stayed with him in this whole contest, and do not intend to desert him now; but I can see a great deal of room for improvement in the general writing of the bill.

If the bill is merely to be recommitted and to die in committee, that would not be fair. I have provided in my substitute motion that the measure be reported to the Senate on the 25th of March, just about 10 days away, and that it be made the special order of business for March 26, so that the position of the bill would not be lost. I do not think it is necessary to do that, but I am making this motion as one who is friendly to the objectives of the bill, but who doubts that some of the provisions now written are either sound or wise.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HATCH. I appreciate fully the attitude of the Senator from Maryland, and I know he is stating his exact position. However, I feel that any recommitment of the bill will serve the very purpose which he does not want to accomplish. I think it would mean the death of the bill. I feel that to report it back on the day the Senator suggested and make it the special order would mean that everything we have gone through in the past 2 weeks would be lost. We could not possibly get the bill to the House in time for action at this session. If we defeat the motion to recommit and pass the bill and it goes to the House, every good thing the Senator desires to accomplish can be worked out in conference. That is the reason why I do not gladly agree to the motion.

Mr. TYDINGS. Mr. President, there is a great deal in what the Senator says, and I know he is sincere and realistic when he says that when the bill goes to the House and is acted on there, and finally goes to conference most of the

things in the bill which might be the subject of fair criticism will in all likelihood be eliminated. I think the Senator is sound and realistic in that viewpoint, but I wish to suggest to the Senator that I have seen the same procedure tried before. I saw it tried in the case of the Wagner Labor Relations Act, and most of the friends of that act today believe that if we had tried to write a better act than the one we then wrote, the country, the administration, the party, and labor and capital would have been better off.

Letting things go and working them out in conference is a dangerous practice. The place where legislation should be made as good as we can make it is right here in the Senate of the United States. This is the place to do that. If we let measures go through about which we have serious doubt, there is no guaranty that the provisions about which we have serious doubt will not be in the law after the measure is enacted. I have seen it happen so many times that I am reluctant to see it happen once more without making some effort before it leaves this body to put the proposed law in better shape than as we find it now.

Mr. BARKLEY and Mr. HATCH addressed the Chair.

Mr. TYDINGS. I will yield to the Senator from New Mexico as soon as I have yielded to the Senator from Kentucky, who rose first.

Mr. BARKLEY. Mr. President, I wanted to suggest to the Senator from Maryland, whose sincerity about this matter I do not in any way doubt——

Mr. TYDINGS. I thank the Senator.

Mr. BARKLEY. I wish to suggest another objection to his proposed substitute. He would direct the Committee on Privileges and Elections to rewrite the bill. No one knows whether the Committee on Privileges and Elections, which reported the bill, would be able to rewrite it or to carry out the instruction, and I assume, by analogy, that if they could not rewrite the bill they would have to come back with it as it is.

The Senator seeks to make the bill the special order for March 26. In all probability we will be in the midst of the discussion and consideration of the trade-agreements bill at that time. Under the Senator's substitute that would have to be set aside, and we would have to take the pending measure up again, with the probability that every effort which has been made to interfere with its passage now would be repeated then.

The bill has been reported by the Committee on Privileges and Elections, presided over by the great Senator from Georgia [Mr. GEORGE], for whose legal and legislative ability I have as much respect as for that of any other man in the United States, and in whose membership are other lawyers, who have been sincerely seeking to frame legislation which would accomplish a certain purpose. If the Senate does not desire to vote on the bill, as that committee has sent it to the floor of the Senate, and as it has been amended on the floor, let the bill be sent back to the committee, and let us take chances on it. But I do not believe it is fair to the committee itself, or to the Senate or to our legislative program, to say to the committee, "You have to rewrite the bill and bring it back here on a certain day, and on that day it will be the special order, no matter what we are doing."

For these reasons I cannot vote for the substitute offered by the Senator from Maryland, or for the motion of the Senator from Illinois.

Mr. TYDINGS. Mr. President, if we should recommit the bill to the committee without some definite day indicated on which it was to return it, every Member of this body knows it would mean the death of the bill. I am not one of those who believe that we should not have some legislation regarding pernicious political activity. I do not at this time wish to review some unpleasant personal history, and I do not care to bring into the debate at this time certain phases of improper political activities which perhaps should be included in the legislation, at least, but I do wish to leave the thought, that insofar as I know, 90 percent of election activities of which the people do not approve come from sources which are not encompassed in the bill.

For example, if I may leave my own State, I do not believe it was proper for Mr. Harry Hopkins to go into a Western State where a Member of this body was a candidate and say whatever he did say, which had the effect of telling the W. P. A. voters to vote for their "friend," when he was the head of the campaign-fund organization. I do not believe that is proper. Yet there is not a provision in the pending bill, so far as I know, which would prevent Mr. Hopkins from taking off the roll those who receive largess from the Government——

Mr. HATCH. Mr. President, I think that is rather definitely accomplished already in the law.

Mr. TYDINGS. It may be, but my reading of it and understanding of it leads me to say that I question whether it is covered.

I shall not offer further illustrations; it is not necessary. They are too recent and too well known to the Members of this body to need repeating. But I believe the criticism which has been directed toward the pending bill, namely, that it goes after the little fellow too much and does not go after the big fellow enough is sound criticism; and while the little fellow, if he does wrong, should be dealt with, I do not like to punish the little fellow and let the big fellow walk out wholly free.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from New Mexico.

Mr. HATCH. The things the Senator has been discussing have been already accomplished in the law we passed last year, and there is now pending in a committee of the Senate a bill which goes very far in providing against the use of political influence. I do not believe we could go any further than we have already gone. I wish the Senator would examine that legislation passed last year, and if he has an amendment to that measure, I hope he will offer it; and if he will get it out of the committee I will support him. The subject is pretty well dealt with in the legislation already on the books.

Mr. TYDINGS. Mr. President, I do not believe it is possible by amendment to give consideration to all the phases of this subject which should be given.

Mr. HATCH. Will the Senator yield?

Mr. TYDINGS. In just a moment. I do say that the Senator, in his righteous and proper desire to improve the election conditions in this country, has been seeking to exclude political participation by employees rather than seeking to outlaw the pernicious practices themselves, regardless of from what source they come.

I say that to the Senator, and I am going to say further that if the motions to recommit fail, I shall vote for the Senator's bill. I cannot give him any better evidence of my complete good faith and cooperation with him than that. But it would not be fair for him or anyone else to assume that I think that the bill as drawn is the best kind of law we can fashion to deal with this subject. I am convinced that if it goes back to the committee after this debate we shall have a better proposal than the one which is now pending. In past experience too often when we have relied on the other branch and the conferees to clear up imperfections in a then pending measure, we have lived to rue the day, and I think we have reached the time when what may be called resoluting rather than legislating ought to be abandoned.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield once more to the Senator.

Mr. HATCH. The point I made did not relate to the pending bill. I wanted to call the attention of the Senator from Maryland to the fact that in the bill we passed last year all the activities he is talking about are actually prohibited and made violations of criminal law. Some of them were not framed by me. I remember one section was drafted by the Senator from Vermont [Mr. AUSTIN]. But if the law we passed last year does not go sufficiently far, I want the Senator to study it, and if it can be improved, suggest an amendment, and let the amendment go to the committee and be reported. I shall work with the Senator, because no man wants to make it stronger or better than I do.

Mr. TYDINGS. I am sure the Senator is absolutely correct in his last statement. I do not question for a moment that he has had other than a single purpose in mind, and that is the welfare of the country at large. I am with him in that respect. I am not convinced, however, that the method he has proposed to accomplish that result is the best method which this body can devise.

Mr. McNARY. Mr. President, I am not interested in the controversy. I shall vote against both proposals. I disagree with my very distinguished leader the able Senator from Kentucky. If a special order is made the rule, it does not displace the unfinished business. So if next Monday the Senate should be considering the Reciprocal Trade Agreements Act, and we had not concluded the debate, and the bill had not been put on its final passage, the special order would not interfere with nor would it in any way displace the pending business.

Mr. TYDINGS. Mr. President, in line with what the Senator from Oregon has just said, within my right as the proposer of the amendment, I move to strike out the words "special order" and to insert the words "unfinished business," which would bring the measure before the Senate instantly.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BARKLEY. There is no difference between the Senator from Oregon and me. The result would be, of course, that whatever was pending at the time would be temporarily laid aside for the consideration of this bill, if reported back by the committee.

Mr. McNARY. There cannot be any collision between the two orders. Action under the special order comes whenever the opportunity is given.

Mr. TYDINGS. Mr. President, I shall surrender the floor, but before I do so I wish to make a brief statement. This is the final word I shall say in defense of my motion to recommit to the committee and require a new report. I want the Senator from New Mexico to listen to me, particularly with respect to this matter, for while the realm of prophecy is a dangerous one, and I am not going to undertake the role of a prophet, I am going to suggest what might be a likely happening. If the bill passes the Senate in the shape in which it now is, it is my conjecture, at least, that it will never become law. It is my conjecture that if it passes the Senate in its present form it will not be passed at this session, unless the Congress stays in session practically the whole year, in which event my conjecture perhaps would not be quite sound.

Therefore, feeling that in its present shape at some place or other along the way it is going to run into difficulty and perhaps be defeated, I made the motion feeling that, if it were acted upon, the worthy ambitions and the work which the Senator from New Mexico has done to accomplish them would not be lost. I am very hopeful that others may see it as I do.

Mr. McNARY. Mr. President, I had not quite concluded my remarks. I say I am not interested in the controversy. I think I shall have to make a point of order against the so-called substitute of the Senator from Maryland. A special order requires a two-thirds vote in order to prevail. It is not in the same parliamentary classification as the motion made by the Senator from Illinois [Mr. LUCAS], which requires a majority vote to prevail. In my opinion, the mere deletion of the words "special order" and insertion of the words "unfinished business" does not change the character of the motion. Therefore I make a point of order against the motion made by the Senator from Maryland.

Mr. TYDINGS. Is the Chair ready to rule?

The PRESIDING OFFICER (Mr. MURRAY in the chair). The Chair is advised by the Parliamentarian that, under rule X, a two-thirds vote of the Senators present is required for the adoption of the special order.

Mr. TYDINGS. Such a motion is in order, according to the ruling of the Chair, but it would require a two-thirds vote to adopt it. Am I correct in that assumption?

The PRESIDING OFFICER. Yes; the Senator is correct.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

Mr. TYDINGS. Mr. President, just a moment. Let me obtain an answer from the Chair, so I may know what I am talking about.

The PRESIDING OFFICER. The statement of the Senator from Maryland is correct.

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. If I were to change the wording in the latter part of my motion to recommit, namely, that the measure be reported to the Senate not later than Monday, March 25, and that on Tuesday, March 26, or as soon thereafter as the then pending business before the Senate shall be concluded, it be made the unfinished business, would such motion require a two-thirds majority for its adoption?

The PRESIDING OFFICER. That would be the same sort of motion as a motion to make the measure a special order.

Mr. TYDINGS. In other words, it would require a two-thirds vote?

The PRESIDING OFFICER. Yes.

Mr. TYDINGS. Then I prefer to let it stand as it is and stand or fall on the two-thirds vote.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. As I understood the point of order made by the Senator from Oregon, it was that a motion requiring a two-thirds vote could not properly be substituted for a motion requiring only a majority vote, because they are in different parliamentary categories?

The PRESIDING OFFICER. The amendment suggested by the Senator from Maryland would require a two-thirds vote.

Mr. McNARY. Mr. President, the point of order I made was stated plainly a moment ago. I contend that the motion cannot be in the form of a substitute, since the motion requires a different vote than the one originally offered. For instance, the motion made by the Senator from Illinois requires a majority vote. The motion made in the nature of a substitute by the Senator from Maryland requires a two-thirds vote. Therefore they are not in the same category, and one cannot be a substitute for the other. That is just as plain as anything in the world.

The PRESIDING OFFICER. The Senator from Oregon is correct in his interpretation.

Mr. TYDINGS. Then, Mr. President, I offer my motion, as follows, under my right to modify it: That the bill S. 3046 be recommitted to the Committee on Privileges and Elections with instructions to rewrite the bill and report it not later than Monday, March 25. After that date, of course, it will be in order by a majority vote of this body to take up the bill at any time when the then pending unfinished business is disposed of. There cannot be any question about that.

The PRESIDING OFFICER. The motion is in order.

Mr. GEORGE. Mr. President, on that matter I merely wish to say that if the Senator from Maryland really wants to kill the legislation the motion he suggests is an effective means of doing it.

Mr. TYDINGS. Mr. President, I do not want to kill it.

Mr. GEORGE. Very well, Mr. President. I know it has been said here often that amendments have been offered in all good faith, and not for the purpose of killing the measure, and I know that the Senator from Maryland feels as he now expresses himself; but if the motion should prevail, the Committee on Privileges and Elections, of which I happen to be chairman, would be compelled immediately to resolve itself into a session and commence work upon this legislation. Everyone knows that there is pending here and ready to be taken up the agricultural appropriation bill. Because I come from a State which is three-fourths or nearly 85 percent agricultural, I am obliged to give some attention to that measure. I happen also to be a member of the Committee on Finance of the Senate, and everyone famil-

iar with the legislative program knows very well that the bill to renew the Reciprocal Trade Agreements Act has already been favorably reported to the Senate, and that it awaits action on the agricultural appropriation bill and will be taken up immediately following the action on that bill.

Mr. President, it is hardly possible that anyone familiar with the legislative processes of this body can believe that the two measures to which I have referred can be concluded in time to enable the Committee on Privileges and Elections to do what the motion suggests. Several members of that committee are on the Committee on Appropriations, from which comes the agricultural appropriation bill, and some of its members are also members of the Finance Committee. I think it is known that the chairman of the committee necessarily will be interested in the other legislation pending before this body.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GEORGE. I will yield in just a moment.

Mr. TYDINGS. I think I can simplify the matter if the Senator will yield to me.

Mr. GEORGE. Yes; I will be glad to yield, but I am simply saying to the Senator that what he is proposing is an impossibility.

Mr. TYDINGS. Mr. President, it is perfectly apparent from the brief discussion which has taken place here, in which very sincere opposition has been manifested by the majority leader, the minority leader, and the chairman of the committee involved, as well as Members on both sides, that this debate is simply wasting time and that the motion which I have proposed in all good faith has not a chance of being adopted. I have no desire to delay the bill, and therefore withdraw my substitute.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois [Mr. LUCAS] to recommit.

Mr. BARKLEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMITH. I should like to have the motion of the Senator from Illinois read.

The PRESIDING OFFICER. The motion made by the Senator from Illinois will be read.

The legislative clerk read the motion of the Senator from Illinois [Mr. LUCAS], as follows:

I move that the bill be recommitted to the Committee on Privileges and Elections for further study and consideration, special reference being had to section 15.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Holt	Reed
Andrews	Davis	Hughes	Reynolds
Ashurst	Donahey	Johnson, Colo.	Russell
Austin	Downey	La Follette	Schwartz
Bailey	Ellender	Lee	Schwellenbach
Bankhead	Frazier	Lodge	Sheppard
Barbour	George	Lucas	Shipstead
Barkley	Gerry	Lundeen	Smathers
Bilbo	Gibson	McCarran	Smith
Bridges	Gillette	McKellar	Stewart
Brown	Glass	McNary	Taft
Bulow	Green	Maloney	Thomas, Idaho
Burke	Guffey	Mead	Thomas, Okla.
Byrd	Gurney	Miller	Thomas, Utah
Byrnes	Hale	Minton	Townsend
Capper	Harrison	Murray	Tydings
Caraway	Hatch	Neely	Vandenberg
Chandler	Hayden	Nye	Van Nuys
Clark, Idaho	Herring	Overton	Walsh
Clark, Mo.	Hill	Pepper	Wheeler
Connally	Holman	Pittman	Wiley

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Illinois [Mr. LUCAS] to recommit the bill to the Committee on Privileges and Elections. On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Wyoming [Mr. O'MAHONEY] are detained in Government departments.

The Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from New York [Mr. WAGNER] are detained on important public business.

I am advised that, if present and voting, the Senator from Wyoming, the Senator from Maryland, and the Senator from New York would vote "nay."

Mr. AUSTIN. I announce the following pairs:

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "nay," and the Senator from Utah would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "nay," and the Senator from Illinois would vote "yea."

The Senator from Maine [Mr. WHITE] is detained on official business. If present, he would vote "nay."

Mr. CLARK of Missouri. My colleague the Senator from Missouri [Mr. TRUMAN] is unavoidably detained from the Senate. If present, he would vote "nay."

The result was announced—yeas 31, nays 52, as follows:

YEAS—31

Adams	Connally	Hill	Pepper
Bailey	Donahey	Hughes	Pittman
Bankhead	Ellender	Lucas	Schwellenbach
Bilbo	Glass	Lundeen	Smathers
Brown	Guffey	McKellar	Smith
Bulow	Harrison	Maloney	Stewart
Byrd	Hayden	Miller	Thomas, Okla.
Byrnes	Herring	Minton	

NAYS—52

Andrews	Davis	Johnson, Colo.	Schwartz
Ashurst	Downey	La Follette	Sheppard
Austin	Frazier	Lee	Shipstead
Barbour	George	Lodge	Taft
Barkley	Gerry	McCarran	Thomas, Idaho
Bridges	Gibson	McNary	Thomas, Utah
Burke	Gillette	Mead	Townsend
Capper	Green	Neely	Tydings
Caraway	Gurney	Nye	Vandenberg
Chandler	Hale	Overton	Van Nuys
Clark, Idaho	Hatch	Reed	Walsh
Clark, Mo.	Holman	Reynolds	Wheeler
Danaher	Holt	Russell	Wiley

NOT VOTING—13

Bone	Murray	Radcliffe	Truman
Chavez	Norris	Slattery	Wagner
Johnson, Calif.	O'Mahoney	Tobey	White
King			

So the motion of Mr. LUCAS to recommit was rejected.

Mr. NEELY. Mr. President, I propose an amendment in the nature of a substitute, which I ask to have read.

The PRESIDING OFFICER. The amendment in the nature of a substitute offered by the Senator from West Virginia will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert the following:

That after 60 days from the enactment of this act no officer or employee of the United States shall pay to any State or any agency or political subdivisions of such State any moneys appropriated by the Congress for payment or allocation to the States or agencies or political subdivisions thereof, nor shall any such officer or employee order or approve the allocation or delivery to any State or agency or political subdivision of such State of anything of value otherwise authorized to be delivered or allocated to States or agencies or political subdivisions thereof, unless such State has in operation a State civil-service plan currently approved by the United States Civil Service Commission (hereinafter referred to as "the Commission").

SEC. 2. (a) A State civil-service plan must—

(1) provide that any person (other than an officer elected by direct vote of the people) employed in a civil capacity, any part of whose compensation is paid from any such moneys or from any fund into which any such moneys are placed, or who is employed in connection with the expenditure or distribution of any such moneys, or whose duties are in connection with the use or distribution of any such thing of value, shall be selected solely upon

the basis of merit after an open, competitive, fair, and practical examination;

(2) provide that no such person shall be promoted to a more remunerative position unless he has performed the duties of the position from which he is promoted with a sufficient degree of efficiency to warrant his promotion;

(3) provide that no such person shall be under any obligation to contribute to any fund for political purposes or to render any political service;

(4) prohibit any such person from taking any active part in any political management or in any political campaign;

(5) provide that no such person shall be denied the right to vote as he pleases and privately to express his opinions on all political subjects;

(6) provide that no such person shall be retained in such employment if such person, or any other person who is the husband, wife, father, mother, brother, sister, child, father-in-law, mother-in-law, brother-in-law, or sister-in-law of any such person, is an officer or member of any National, State, county, district, city, or other political committee or any other organization performing substantially the same functions as any such committee;

(7) provide that any officer or employee of the State or any of its agencies or political subdivisions who attempts or is a party to any attempt to coerce the political action of any such person, to collect or exact a contribution to a fund for political purposes from any such person, or to remove any such person from his position or demote or degrade him because of his failure to render any political service or make any such contribution, shall, upon conviction thereof by a court of competent jurisdiction, be removed from his office or employment and be subject to imprisonment;

(8) provide for such methods of administration as are found by the Commission to be necessary for the efficient operation of the plan;

(9) provide that the agency administering such plan shall make such reports, in such form and containing such information, as the Commission may from time to time require, and comply with such provisions as the Commission may from time to time find necessary to assure the correctness and verification of such reports;

(10) provide for the establishment by the agency administering such plan, but only after open, competitive, fair, and practical examinations, of registers of persons eligible to fill vacancies in the various classes of positions required by this act to be filled in accordance with such plan and provide that the officer or employee filling any such vacancy shall make his selection from among the three available persons on the register who rank highest in order of merit; and

(11) provide that the agency administering such plan shall be a commission and that the members of such commission shall not all be affiliated with the same political party.

(b) Nothing in this section shall be deemed to prohibit any such plan from providing that in the appointment of any such person a preferential allowance may be granted to him on account of his having served in the Army or Navy of the United States.

(c) The Commission shall approve any plan which fulfills the conditions specified in subsection (a).

(d) In the case of any plan which has been approved by the Commission, if the Commission, after reasonable notice and opportunity for hearing to the State agency administering such plan, finds that the plan has been so changed or is so administered that there is a failure to comply with any provision required by subsection (a) to be included in such plan, the Commission shall withdraw its approval of such plan and shall notify the Governor of such State that its approval of such plan has been withdrawn. Such plan shall not be again approved until the Commission finds that there is no longer any such failure to comply.

(e) The Commission shall cause notice to be printed in the Federal Register of any action taken by it under the provisions of subsections (c) and (d) of this section.

SEC. 3. (a) The application of the provisions of the first section of this act with respect to any State may be suspended until April 1, 1942, by order of the United States Civil Service Commission if such Commission is satisfied, on the basis of evidence submitted to it by or on behalf of such State: (1) That action by the legislature of such State is necessary for the establishment of a civil-service plan which conforms with the provisions of section 2 (a), and (2) that conditions in such State are such that there is in fact substantially actual compliance with the requirements which are specified in section 2 (a) to be contained in a civil-service plan.

(b) Any order of the United States Civil Service Commission issued under subsection (a) may be revoked or suspended by such Commission if, after reasonable notice and opportunity for hearing to the State, such Commission finds that conditions in such State are not such that there is in fact substantially actual compliance with the requirements which are specified in section 2 (a) to be contained in a civil-service plan.

(c) The Commission shall cause notice to be printed in the Federal Register of any action taken by it under this section.

SEC. 4. (a) The Commission is authorized, upon request from the agency administering a State civil-service plan, to give examinations for the purpose of determining the qualifications of applicants for employment under the provisions of the civil-service laws of such State, to grade the examination papers of such applicants, and to prepare registers of applicants found to be qualified as a result of such examinations.

(b) Expenses incurred by the Commission in carrying out the provisions of subsection (a) shall be reimbursed to the Commission by the State on behalf of which such expenses are incurred. Any sums paid to the Commission under the provisions of this subsection shall be covered into the Treasury and shall be credited to the appropriate appropriation.

Mr. NEELY. Mr. President, during the last 2 weeks the Senate has repeatedly demonstrated its determination to extend to certain State employees Federal protection against the tyranny of unscrupulous politicians and the oppression of ruthless political machines.

In choosing between the toothless bill and the far-reaching substitute before us, let us emulate the wisdom of Lord Chesterfield's famous observation that "whatever is worth doing at all is worth doing well."

The bill provides no standard of merit for the selection of State employees. The substitute does. The bill does not even attempt to deliver State employees from the bandits who are pillaging them of 2 percent of their compensation for political purposes. The substitute proposes absolute protection for these plundered victims of State political machines.

If the substitute becomes a law, Federal funds will thereafter be granted to the States only upon satisfactory guaranties that the money supplied will be expended for the benefit of all the people and that none of it will be used to finance the waging of factional warfare or the winning of political battles.

Ample, conclusive, and unquestioned evidence of the extortion of money from State employees in West Virginia for political purposes has been laid before you.

The prevalence of this degrading evil from the Potomac to the Ohio and from the southern border of our State to the Mason and Dixon's line has long been a matter of common knowledge and general condemnation. Until after the Senate began to consider the pending measure no West Virginian was ever foolish enough or base enough publicly to attempt to justify the systematic political highway robbery of State employees that is so notoriously pursued by the operators of the statehouse machine.

But at last the indefensible has a self-constituted champion and defender. The little Governor of West Virginia, who is the titular head of the racketeers who are blackjacking untold thousands of dollars out of those on the State pay roll for political and factional purposes, has rushed headlong into the press in an effort to justify the 2-percent levy which his administration is laying on the pay envelopes of those in the service of the State.

Our little Governor does not attempt to controvert the evidence before us which proves the guilt of the greedy henchmen who are subject to his control. No; the little Governor simply abuses me for having attempted to outlaw his racket. He even charges, in effect, that my efforts in behalf of the pending measure constitute an attempt to destroy the Democratic Party. My reply to this petulant outburst of passion on the part of our irritated little Governor is that my devotion to the principles of the historic and honorable party of Jefferson is such as to impel me to protect it to the limit of my capacity against all who commit intolerable offenses against all the people in its name.

I challenge the little Governor's implied contention that democracy can assure its prosperity by maintaining a partnership with rascality.

Among many other things our little Governor says:

> No one denies that many State employees voluntarily contribute to the legitimate expenses of the party. No one denies that the members of some of the various party organizations have more or less established the sentiment that instead of biennial solicitations for necessary campaign funds just before the elections, it is more practicable for small amounts to be contributed periodically and the thought seems to be that 2 percent of the wages earned is a reasonable standard of ability to contribute.

Does the Senate concur in this opinion? Does it approve the extortion of 7 cents tribute from the man who drew $3.50 pay in a month from the State Highway Department of West Virginia in the case which was recently presented to you?

But are the contributions under consideration voluntary?

I read from a letter dated Parkersburg, W. Va., March 10, 1940. In confidence I invite any Member of the Senate or any official of this body to come forward and inspect it. But the name of the man who wrote it must be withheld because he is today on the State pay roll and he would be discharged immediately if his identity were made known.

The letter is as follows:

MY DEAR SENATOR NEELY: As a matter of principle, I would like to give three loud cheers for your action in regard to the Two Percent Club, but as a matter of personal policy, being employed by the S. R. C.—

The State Road Commission of West Virginia—

I feel that I should keep silent, but I cannot resist telling you of a little incident.

On yesterday forenoon Mr. Robert Gover, of Fayetteville, W. Va., who is engineer for this, the third district, called all of the employees into conference. He is about as popular with employees and public as a rattlesnake. He strutted pompously in carrying a morning paper which gave an account of your action before the Senate. He read it with various uncomplimentary remarks, and announced to all assembled, especially those in arrears, that they must come across with their assessment by the 1st of April.

That is a month and 14 days before the next primary election to be held in West Virginia.

He asked them to say nothing about the meeting. They all agreed to this, but I think it safe to say that everyone had murder in his heart at the "must" attitude that was used by Mr. Gover.

With kindest regards, I remain,

Most sincerely yours,

——— ———.

This correspondent's reputation and veracity are above suspicion.

Here is a letter from Belington, W. Va., dated March 12, 1940, addressed to me:

I notice in the paper where you are going to bring charges against the State administration for extortion from the State employees.

Here is a statement I wish to make: Two years ago I was working at the mines. I got laid off. I needed work, so I went to the State road office in Barbour County and asked for work. I was given a few days' work, which I accepted; and when pay day came the boss gave me my check. He said I owed him 60 cents. I asked him what for, and then he explained that I was to pay back so much for campaign funds, which I did pay, and on different times.

* * * * * * * *

I am ready to make a sworn affidavit or appear as a witness any time.

Yours respectfully,

G. P. ERVIN, *Belington, W. Va.*

A merchant in a small town in West Virginia writes as follows:

MARCH 12, 1940.

In regard to your stand and the statements made by you about the Two Percent Club of our statehouse gang, I have had direct knowledge of this ever since it was formed. I run a store at the above address, and I have had to pay this 2 percent, or "flower money," as it is called, for these men working on State highways here, and during the winter these men were not making but 2 and 3 days a month, possibly one check for $3.20, the next for $6.40 per month, and the 2 percent had to be paid, though these men had no other income of any kind.

On several occasions one assistant supervisor * * * has collected this money and did not turn it in, so the men had to pay it again. * * * I am sincerely hoping you can and will help to clean up things like this.

Respectfully yours.

Signed by the man who wrote the letter, who requests that his name be withheld from the public. Any Senator is at liberty to inspect this communication.

Mr. President, thus we fully understand what the little Governor of West Virginia means by "voluntary contributions." He means the 2-percent contribution, which his appointees are, with the indispensable aid of their blackjacks, filching from the pay envelopes of State employees.

It is my hope that, regardless of whatever else the Senate may or may not do, it will express its unmeasured condemnation of the voluntary contributions which are so dear to the heart of the little Governor of West Virginia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Mexico [Mr. HATCH] in the nature of a substitute for section 15.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Hughes	Reynolds
Andrews	Davis	Johnson, Colo.	Russell
Ashurst	Donahey	La Follette	Schwartz
Austin	Downey	Lee	Schwellenbach
Bailey	Ellender	Lodge	Sheppard
Bankhead	Frazier	Lucas	Shipstead
Barbour	George	Lundeen	Smathers
Barkley	Gerry	McCarran	Smith
Bilbo	Gibson	McKellar	Stewart
Bridges	Gillette	McNary	Taft
Brown	Glass	Maloney	Thomas, Idaho
Bulow	Green	Mead	Thomas, Okla.
Burke	Guffey	Miller	Thomas, Utah
Byrd	Gurney	Minton	Townsend
Byrnes	Hale	Murray	Tydings
Capper	Harrison	Neely	Vandenberg
Caraway	Hatch	Norris	Van Nuys
Chandler	Hayden	Nye	Wagner
Chavez	Herring	Overton	Walsh
Clark, Idaho	Hill	Pepper	Wheeler
Clark, Mo.	Holman	Pittman	White
Connally	Holt	Reed	Wiley

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

The question is on the amendment offered by the Senator from New Mexico [Mr. HATCH] in the nature of a substitute for section 15.

Mr. HATCH. Mr. President, may we have the amendment stated? I have made a slight modification in it.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The CHIEF CLERK. On page 8, it is proposed to strike out lines 4 to 13, inclusive, and in lieu thereof to insert the following:

SEC. 15. The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time of the passage of this act prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

Mr. MINTON. Mr. President, may I ask the Senator from New Mexico a question? How many of those regulations and rules are there?

Mr. HATCH. I am not familiar with them. They have been printed in the CONGRESSIONAL RECORD.

Mr. MINTON. Are they on this card which has been shown to Senators?

Mr. HATCH. Yes; those are the entire rules, as I have been informed.

Mr. MINTON. That is all that the Civil Service Commission has in the way of prohibitions against political activities on the part of those in the classified civil service?

Mr. HATCH. That is my information.

Mr. MINTON. Did the Senator merely take someone else's word for that?

Mr. HATCH. I asked the Civil Service Commission.

Mr. MINTON. Did the Senator make some investigation of the matter?

Mr. HATCH. I made some investigation, and am perfectly satisfied to have the list placed in the RECORD at this point.

Mr. MINTON. Mr. President, are the various items 1, 2, 3, 4, and so on, the Senator's interpretation of the rules? Is that the form in which the rules were sent to the Senator by the Civil Service Commission?

Mr. HATCH. They have been condensed somewhat.

Mr. MINTON. I thought so. So if they are published in the RECORD, they are not the verbatim report of the Civil Service Commission, which has put its interpretation of these various prohibitions?

Mr. HATCH. I think there is no question that they cover the entire substance of the rules. I mean it is not possible for anyone to be misled by them in any degree whatever.

Mr. MINTON. At least the Senator says they are not the rules of the Civil Service Commission?

Mr. HATCH. For the most part they are.

Mr. MINTON. But in some part they are not; that is true, is it not? In some part they are not the rules of the Civil Service Commission?

Mr. HATCH. That is correct.

Mr. MINTON. In other words, this list is the Senator's version of what the Civil Service Commission's rules are. Is that correct?

Mr. HATCH. It is copied from the rules themselves.

Mr. MINTON. I hold in my hand an official publication of the United States Government, obtained from the library of the United States Senate, called the Civil Service Act. Rules, Statutes, Executive Orders, and Regulations, Amended to June 30, 1939.

The civil-service rules with reference to politics begin on page 13 and extend to and include page 80. Has the Senator investigated the various rules on pages 13 to 80, in the light of the card which he has circulated throughout the country as the official rules of the Civil Service Commission?

Mr. HATCH. Has the Senator finished his question?

Mr. MINTON. Yes.

Mr. HATCH. I have not examined the publication the Senator has in his hand. Of that I am quite sure. I sent to the Civil Service Commission for a copy of its rules with respect to political activity. They had published a digest, a list of those rules, in a separate publication. I thought I had it here with me, but I do not see it at this time. The Senator can obtain it. It is a public document. I will furnish it to him, or he can obtain a copy from the Civil Service Commission. It was from that that the information was gleaned which was placed on this card.

Mr. MINTON. The Senator does not have with him the communication from the Civil Service Commission from which he compiled these rules?

Mr. HATCH. No.

Mr. MINTON. Then there is nothing authentic to put into the RECORD to show what the rules are.

Mr. HATCH. I ask permission at this time to place that matter in the RECORD, and I shall furnish it to the reporters at a later time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

III. PARTICULAR TYPES OF PROHIBITED ACTIVITIES

11. As has been pointed out, it is impossible to make a complete enumeration of all the particular types of political activities in which Government employees may not engage. The general scope of the political-activity rule has been defined in section 2 above. In the following sections some of the types of political activity which occur more frequently are discussed in detail.

12. Activity by indirection: Any political activity which is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in open or secret cooperation with others. Whatever the employee may not do directly or personally, he may not do indirectly or through an agent, officer, or employee chosen by him or subject to his control. Employees are therefore accountable for political activity by persons other than themselves, including wives or husbands, if, in fact, the employees are thus accomplishing by collusion and indirection what they may not lawfully do directly and openly. Political activity in fact, regardless of the methods or means used by the employee, constitutes the violation.

This does not mean that an employee's husband or wife may not engage in politics independently, upon his or her own initiative, and in his or her own behalf. Cases have arisen, however, in which the facts showed that the real purpose of a wife's activity was to accomplish a political act prohibited to her husband, the attempt being made for her husband's benefit and at his instigation or even upon his coercion. This may be true of individuals or it may occur among groups of employees' wives, associated for the purpose of securing for their husbands what their husbands may not secure for themselves. In such situations it is obvious that the prohibitions against political activity are being indirectly violated. The collusion or coercion renders the wife's activity imputable to the husband, he being guilty of the same infraction as if he were openly a participant.

13. Conventions: Candidacy for or service as delegate, alternate, or proxy in any political convention or service as an officer or employee thereof is prohibited. Attendance merely as a spectator is permissible, but the employee so attending must not take any part in the convention or in the deliberations or proceedings of any of its committees, and must refrain from any public display of partisanship or obtrusive demonstration or interference. (See secs. 4 and 19.)

14. Primaries—caucuses: An employee may attend a primary meeting, mass convention, beat convention, caucus, and the like, and may cast his vote on any question presented, but he may not pass this point in participating in its deliberations. He may not act as an officer of the meeting, convention, or caucus, may not address it, make motions, prepare or assist in preparing resolutions, assume to represent others, or take any prominent part therein.

15. Committees: Service on or for any political committee or similar organization is prohibited. An employee may attend as a spectator any meeting of a political committee to which the general public is admitted, but must refrain from activity as indicated in the preceding paragraphs.

Whether a committee has an ultimate political purpose determines whether a classified employee may properly serve as a member. Assignment may be to duties which, if considered alone, would seem far removed from active politics, but which, when considered as a part of the whole purpose, assume an active political character. No attempt can be made to differentiate between workers on or under political committees with respect to the degree to which they are politically active.

16. Clubs and organizations: Employees may be members of political clubs, but it is improper for them to be active in organizing such a club, to be officers of the club, or members or officers of any of its committees or to act as such, or to address a political club. Service as a delegate from such a club to a league of political clubs is service as an officer or representative of a political club and is prohibited, as is service as a delegate or representative of such a club to or in any other organization. In other words, an employee may become a member of a political club, but may not take an active part in its management or affairs, and may not represent other members or attempt to influence them by his actions or utterances. (See secs. 4 and 19.)

Section 6 of the act of August 24, 1912 (37 Stat. 555), provides in part—

"That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said Postal Service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service."

Section 9A of the act of August 2, 1939 (Public, No. 252, 76th Cong.), provides as follows:

"(1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

"(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

17. Contributions: An employee may make political contributions to any committee, organization, or person not employed by the United States, but may not solicit, collect, receive, or otherwise handle or disburse the contributions. (See provisions of the Criminal Code, discussed in secs. 36 to 50.)

18. Meetings: Service in preparing for, organizing, or conducting a political meeting or rally, addressing such a meeting, or taking any part therein, except as a spectator, is prohibited.

19. Expression of opinions: Although section 9 (a) of the act of August 2, 1939 reserves to Federal officers and employees the right to express their opinions on all political subjects, officers and employees in the competitive classified service are subject also to section 1 of civil-service rule I, under which such employees must confine themselves to a private expression of opinion. Nonclassified and excepted employees may not indulge in such public expression of opinion as constitutes taking part in an organized political campaign. (See foregoing secs. 1 and 4.)

20. Activity at the polls and for candidates: An employee has the right to vote as he pleases, and to exercise this right free from interference, solicitation, or dictation by any fellow employee or superior officer or any other person. It is a violation of the Federal Corrupt Practices Act to pay or offer to pay any person for voting or refraining from voting, or for voting for or against any candidate for Senator or Representative in, or Delegate or Resident Commissioner to, Congress. It is also a violation of the law to solicit, receive, or accept payment for one's vote or for withholding one's vote. (See U. S. Code, title 2, sec. 250.)

Under the act of August 2, 1939, it is a criminal offense for any person to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote as he may choose in any election of a national character. It is also a criminal offense to promise any employment, position, work, or compensation, or other benefit made possible by an act of Congress, as a consideration, favor, or reward for political activity or for the

support of or opposition to any political candidate or party. (See secs. 48 and 50 herein.)

It is the duty of an employee to avoid any offensive activity at primary and regular elections. He must refrain from soliciting votes, assisting voters to mark ballots, helping to get out the voters on registration and election days, acting as the accredited checker, watcher, or challenger of any party or faction, assisting in counting the vote, or engaging in any other activity at the polls except the marking and depositing of his own ballot. Rendering service, such as transporting voters to and from the polls and candidates on canvassing tours, whether for pay or gratuitously, is held to be within the scope of political activities prohibited by the rule, even if such service is performed without regard to political party.

21. Election officers: Service as judge of election, inspector, checker, teller, or as election officer of any kind is prohibited.

22. Newspapers—publication of letters or articles: A classified employee may not publish or be connected editorially or managerially with any political newspaper, and may not write for publication or publish any letter or article, signed or unsigned, in favor of or against any political party, candidate, faction, or measure. An employee who writes such a letter or article is responsible for any use that may be made of it whether or not he gives consent to such use. (See secs. 4 and 19.)

23. Liquor question: Activity in campaigns concerning the regulation or suppression of the liquor traffic is prohibited. An employee may be a member but not an officer of a club, league, or other organization which takes part in such a campaign. The dissemination of temperance propaganda is permissible, but any endeavor for or against the regulation, control, or suppression of the liquor traffic through political agencies is prohibited.

24. Betting or wagering on elections: Betting or wagering upon the results of primary and general elections is penalized by the laws of most States and is improper political activity.

25. Activity in civic organizations and citizens' associations: Activity in organizations having for their primary object the promotion of good government or the local civic welfare is not prohibited by the act of August 2, 1939, or civil-service rule I, provided such activities have no connection with the campaigns of particular candidates or parties.

26. Parades: An employee may not march in a political parade, organize, or be an officer or leader of such a parade.

A Government employee may not take part in the activities of a musical organization in any parade or other activity of a political party.

27. Signing petitions: The first amendment to the Constitution of the United States provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Section 6 of the act of August 24, 1912 (37 Stat. 555), provides that "the right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or Member thereof, shall not be denied or interfered with."

The right guaranteed by the Constitution and the statute extends only to petitions addressed to the Government, or to Congress or Members thereof. It does not extend to petitions addressed to State, county, or municipal governments, or to other political units. A classified employee is permitted to sign petitions of the latter class as an individual, without reference to his connection with the Government, but he may not initiate them, circulate them, or canvass for the signatures of others.

28. Applying for Presidential positions not in the classified service: [1] When a classified employee seeks promotion by appointment or transfer to a Presidential office not in the classified service, there is no objection to his becoming a candidate for such an office, provided the consent of his department is obtained, and provided he does not violate section 1 of rule I, prohibiting the use of his official authority or influence in political matters, and provided further that he does not neglect his duty and avoids any action that would cause public scandal or semblance of coercion of his fellow employees or of those over whom he desires to be placed in the position he seeks.

A classified employee may circulate a petition or seek endorsements for his own appointment to a Presidential position, subject to the qualifications above stated, and he may, as an individual, sign a petition or recommend another person for such an appointment; but he may not circulate a petition or solicit endorsements, recommendations, or support for the appointment of another person to such a position, whether such other person is a fellow employee or one not at the time in the Government service.

When an unofficial primary or election is held for the purpose of determining the popular choice for the Presidential office, a classified employee may permit his name to appear upon the ticket, but he may not solicit votes in his behalf at such a primary or election, or in any manner violate section 1 of rule I. He may vote and express privately his opinions, but may not solicit votes or publicly advocate the candidacy or election of himself or any other person.

[1] Appointment is made by the President by and with the advice and consent of the Senate to postmaster positions of the first, second and third classes, but these positions are in the competitive classified service under the act of June 25, 1938.

Although it is permissible for a classified employee, as an individual, to sign a petition or recommend another person for appointment to a nonclassified position, he is not permitted to sign such a petition as a Government employee or in any other way to use his official authority or influence to advance the candidacy of any person for election or appointment to any office. Classified employees are permitted to exercise the right as individuals to sign a petition favoring a candidate for any office, but they may not do so as Government employees or as a group or association of Government employees.

29. Other forms of political activity: Among other forms of political activity which are prohibited are the distribution of campaign literature, badges, or buttons, and assuming general political leadership or becoming prominently identified with any political movement, party, or faction, or with the success or failure of any candidate for election to public office.

IV. CANDIDACY FOR OR HOLDING LOCAL OFFICE—CLASSIFIED AND NONCLASSIFIED EMPLOYEES

30. Candidacy for local office: Candidacy for a nomination or for election to any National, State, county, or municipal office is not permissible. The prohibition against political activity extends not merely to formal announcement of candidacy but also to the preliminaries leading to such announcement and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of candidacy. The fact that candidacy is merely passive is immaterial; if an employee acquiesces in the efforts of friends in furtherance of such candidacy, such acquiescence constitutes an infraction of the prohibitions against political activity.

31. Federal employees holding local office: [2] Persons holding Federal civil office by appointment, whether in the competitive classified service or not, are prohibited from accepting or holding any office under a State, Territorial, or municipal government by an Executive order of January 17, 1873, which is as follows:

"Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him or otherwise under the Constitution and laws of the United States while holding such Federal positions accept offices under the authority of the States and Territories in which they reside, or of municipal corporations, under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority:

"And whereas it is believed that, with but few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service; and, moreover, is not in harmony with the genius of the Government:

"In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that, from and after the 4th day of March A. D. 1873 (except as herein specified), persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation; and, further, that the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office as aforesaid under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office held by such person, and will be taken to be and will be treated as a resignation by such Federal officer of his commission or appointment in the service of the United States.

"The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, of bail, or to administer oaths, shall not be deemed within the purview of this order and are excepted from its operation, and may be held by Federal officers.

"The appointment of deputy marshals of the United States may be conferred upon sheriffs or deputy sheriffs. Any deputy postmasters, the emoluments of whose office do not exceed $600 per annum, are also excepted from the operation of this order and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmasters.[3] Heads of departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order, and to see to the enforcement of its provisions and terms within the sphere of their respective departments or offices and as relates to the several persons holding appointments under them, respectively.[4]"

32. Interpretation of the order of January 17, 1873: An Executive order of January 28, 1873, as amended by Executive order of August 27, 1933, is as follows:

"Inquiries having been made from various quarters as to the application of the Executive order issued on the 17th of January relating to the holding of State or municipal offices by persons hold-

[2] See sec. 35.

[3] See sec. 8.

[4] A Federal employee who resigns at the expiration of his accrued leave may accept a State or municipal position after his last day of active Federal service (16 Comp. Gen. 776, Feb. 19, 1937).

ing civil offices under the Federal Government, the President directs the following reply to be made:

"It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman or of a common councilman in a city, or of a town councilman of a town or village, or of appointments under city, town, or village governments. By some it has been suggested that there may be distinction made in case the office be with or without salary or compensation. The city or town offices of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary or compensation, are of the class which the Executive order intends not to be held by persons holding Federal offices.

"It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority. Positions and service on such boards and committees, and professorships in colleges[5] are not regarded as 'offices' within the contemplation of the Executive order, but as employments or service in which all good citizens may be engaged without incompatibility and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may therefore engage in such service, provided the attention required by such employment does not interfere with the regular and efficient discharge of the duties of their office under the Federal Government. The head of the department under whom the Federal office is held will in all cases be the sole judge whether or not the employment does thus interfere.

"The question has also been asked with regard to officers of the State militia. Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus, in some sense, under the control of the General Government, and is, moreover, of the greatest value to the public, the Executive order of the 17th January is not considered as prohibiting Federal officers from being officers in the militia in the States and Territories.

"It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments, also whether it applies to mechanics employed by the day in the armories, arsenals, and navy yards, etc., of the United States. Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the Executive order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office, of which the head of the department under which the office is held will in each case be the judge.

"Mechanics and laborers employed by the day in armories, arsenals, navy yards, etc., and master workmen and others who hold appointments from the Government or from any department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order."

33. Eligibles holding local office: Eligibles who are holding a local office not excepted from the prohibitions of the order of January 17, 1873, on selection for and acceptance of any position in the competitive classified service or of unclassified laborer must immediately resign the local office. Such resignation must be effected whether the service in the local office is compensated or uncompensated or whether the employee is on active duty or leave without pay. The holding of a local office not excepted from the prohibitions of the order of January 17, 1873, is an absolute disqualification for appointment, and unless persons otherwise eligible for appointment are willing immediately to resign the local office in the event of selection for appointment, their appointments cannot be approved.

34. Minor local offices which may be held by Government officers and employees: Although the Executive orders of January 17 and January 28, 1873, prohibit generally any person holding Federal civil office by appointment, from accepting or holding an office under a State, Territorial, or municipal government, certain offices of a minor character are excepted from this general prohibition. Among these are positions of justice of the peace; notary public; commissioner to take acknowledgment of deeds, of bail, or to administer oaths; positions on boards of education, school committees, public libraries, and in religious or eleemosynary institutions. In addition, Federal employees are, under certain conditions, permitted to hold other local offices under authority of the Executive orders set forth in section 35. The permission to hold local offices granted by these Executive orders, however, is now subject to the general prohibition of section 9 of the act of August 2, 1939 (see sec. 1), against participation in political management and in political campaigns by Federal employees.

In view of the broad language of section 9 of the act of August 2, 1939, the incumbency by a Federal employee of any elective office whatever under a State, Territorial, or municipal government is prohibited, regardless of whether or not the office is of such character that its incumbency was permitted by Executive order prior to the enactment of the act. The incumbency by a Federal employee of an appointive office under a State, Territorial, or municipal government is permissible, provided such incumbency is specifically authorized by some statute or Executive order. In securing such offices, however, and in the discharge of the duties thereof, Federal employees must not engage in political management.

[5] Includes assistant professorships in a State college, assistant lectureships in an evening school of a municipal university, instructorships in a State college, and similar positions in State and municipal colleges and universities. (Minutes of Commission, August 7, 1937.)

Mr. MINTON. Of course, it will not do us much good to lock the stable after the horse is stolen. It will not do much good to put into the RECORD the rules and regulations we are writing into the statute, if we do not know what they are. No one on the floor of the Senate, not even the Senator from New Mexico, now knows what these rules and regulations are. Yet we are going to write them into a statute. We are going to make them the law of the land, and we are going to muzzle a couple of million employees of the States of the United States on the basis of something which the Senator from New Mexico does not know. He does not have the document here. He cannot tell us what these regulations are? He cannot tell us what the prohibitions are. He cannot tell us what the limitations are. He cannot tell us where the halter is. Yet he wants us to write that into the law of the land.

Take the substitute which he brings out on the floor of the Senate. The Senator makes a motion to delete a section of his bill and submits an amendment by way of a substitute providing that a lot of regulations shall be written into the law, when there is not a Senator who has even read them other than the Senator from New Mexico. The Senator himself cannot tell us what they are, and he cannot put them in the RECORD now. Yet we are supposed to legislate with that kind of situation confronting us. That is what we did when we came to act upon the original Hatch Act. We acted on the representation that we were protecting people on W. P. A., and we stuck our heads in that halter. Without examining the original Hatch Act we passed it, and I am indicting everyone in the Senate, including myself, for that. I did take a little look at it, when it came back from the House, and the Senator from New Mexico flew into a rage because I assumed to look at the bill which came back from the House and to examine the amendments, as if it were something that the Senate was not entitled to take a look at. We adopted the original Hatch Act without reading it. We did not debate it a minute on the floor of the United States Senate. No Senators knew what was in it. Then the newspapers turned on a big campaign and said it was pure. If the label "pure" is stuck on something there will always be people who will work for it.

This was the purity-in-politics bill. That is what the people of the country thought it was, because that is what certain newspapers said it was. Yet there were more impurities in it than there are in the sewers of Washington.

So we accepted that kind of legislation, and down in your beards every one of you is apologizing now for having accepted the original Hatch Act. Down in your beards you are now mumbling that this is vicious legislation; and yet we want to make matters worse by adopting something about which we do not even know the first letter or syllable.

Mr. President, so far as I am concerned, I am through swallowing such bills because somebody in whom I have confidence tells me they are pure. I myself shall take a little look in the future into this purity business. Whenever there are brought before the Senate any more bills designed to strangle the voters of the country and brand their activities as pernicious simply because they want to exercise their God-given American rights to vote as they please, voluntarily, without compulsion or coercion or threats, then I want to rise in my place and nail that thing for what it is.

Mr. President, that is exactly what this bill is. What we are now trying to do is to ram something down the throats of the people of this country under the misleading assumption that we are legislating against pernicious political activity, that we have something pure here, and that everyone who is against it is impure.

I am becoming sick and tired of such implications against those of us who happen to be against this proposed legislation, which has occupied the serious attention of the Senate

for the first time, it having been debated now for 2 weeks. I am done with accepting such legislation until serious consideration is given to it.

Mr. President, how much consideration was given to the pending bill in the Committee on Privileges and Elections? I am a member of that committee. Forty-five minutes was given to it. That is how much time the committee gave to it, and only a bare quorum was present. Three of us stood up in the committee and objected to this vicious legislation, and pointed out, as well as we could in 45 minutes, some of the unwise things we thought were being attempted by this legislation. We might just as well have been whistling against the wind. Forty-five minutes' consideration was given in the committee to a bill that Senators have now been considering for 2 weeks. And now the Senator from New Mexico wants to take Hamlet out of the bill and to substitute someone else right at the last minute.

We asked him, "Who is this newly adopted child of yours that you want to hang on the tail end of the bill?" He said "Well, it is one of the stepchildren of the Civil Service Commission."

"What is its name?" "I don't know."

"How old is it?" "I don't know."

"Boy or girl?" "I don't know."

"What is the disposition of the child?" "I don't know."

"Black or white?" "I don't know."

Yet we are asked to take that thing, swallow it whole, and write it into the law. Other Senators may be willing to do that. I am not, as much regard as I have for the Senator from New Mexico [Mr. HATCH], because I think the Senator and I are far apart on construction as to what the bill does and does not do. From this point on, at least, I shall stand on my own two feet and put my own interpretations upon Hatch Acts.

The Republicans have been sitting over there for a couple of weeks expecting us to "lay an egg," and they would hatch it. [Laughter.] We have plenty of time to save this vicious legislation from passing the Senate, if we want to do so. In reply to the Senator from Maryland [Mr. TYDINGS] the other day the Senator from New Mexico said: "Oh, no; I could not agree to have the bill go back to the committee. The time is getting short."

What time is getting short? What is the rush about this bill? An election is coming in November. Is that what he is talking about? We have been having elections in November for 150 years. No one on the other side of the aisle ever worried about purity in elections. The party on the other side of the aisle has been in existence for more than 75 years, and it has not brought in any purity-in-elections bill.

In his colloquy with the Senator from Maryland the other day the Senator from New Mexico said that: "Daily there come to my attention things that ought to be corrected, that we do not think of today." He admits that every day he finds something wrong with his bill, something that ought to be corrected.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. HATCH. The Senator has misconstrued my remark. I spoke of conditions in politics that were developing every day.

Mr. MINTON. The Senator is now referring——

Mr. HATCH. I then referred to such conditions.

Mr. MINTON. The Senator then referred and now refers to conditions he expects to get around to. He expects to get around to taking care of those things. He has something that goes with this bill that we have not yet seen.

I am reminded of a story told by Chauncey Depew. When he was a boy he and his brothers bought a dog at a county fair and brought him home. Their father objected very strenuously. They had spent all their money on the dog. They took the dog out hunting the first opportunity they had. It was raining, but they took him anyway. But when they got out in the rain hunting with the dog—a black and white spotted dog—the spots on the dog began to run and fade into the white. So they took the dog back to the man from whom they had bought him, and the man said, "Oh, yes; a slight mistake has been made. An umbrella goes with that dog." [Laughter.]

So the Senator from New Mexico has some other bills which go with this bill before the thing will be fit to take. But certainly the Senator from Maryland did not think the bill was in good shape. The Senator from Maryland said:

> In our efforts to cure this defect we have left the activities themselves untouched by the legislation. We have simply excluded the employee in certain lines.

The Senator from Maryland said:

> I think the opponents have pretty good ground in that they say we are only taking out a few of the persons who occupy smaller positions and letting the heads escape.

So we have reached the point where we cannot get anybody, with the possible exception of the Senator from New Mexico, to admit that the bill is a good bill; and yet we are asked to take it. We are asked to take it blindfolded, and holding our noses, not even seeing what we are taking in the last dose. We do not even know what the last dose is. We are asked to take it on faith.

So, Mr. President, I think we ought to call a halt. I think we ought to have the courage to stand up as Democrats and meet the onslaught of the solid phalanx of the Republican Party from the other side. That exhibition of trained fleas over there for the past 2 weeks has not been equaled in Washington in 150 years. [Laughter.] Of course they are for the bill. Is it not an amazing thing that a bill which has engaged the attention and serious consideration of 40 Democrats on this side of the aisle who are violently opposed to the bill, and who have debated it seriously for 2 weeks, fails to arouse any interest whatever in the Republicans.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. SCHWELLENBACH. That is a very natural and understandable situation. How could the Republicans talk about pure politics? They have never had any experience with it.

Mr. MINTON. I think that is correct. They certainly would not be the ones to be talking about pure politics. I see the Senator from Connecticut [Mr. DANAHER]. He can hardly sit still. He wants so badly to say something about this vicious bill that he can hardly sit still. He is coming over here with the Democrats to sit down a while. [Laughter.]

Mr. DANAHER. Only to bring the average up. [Laughter.]

Mr. MINTON. Up to what? The Senator picked out a good place to sit down, if he is averaging. The Democrats could always use a bright, intelligent man like the Senator from Connecticut. We thought we had him for a day or two when we started the consideration of the bill. For 2 days he was "jitterbugging" all over the Chamber. For the first 2 days there was not an amendment he was not exploring from A to izzard. Then something happened. All at once everything that came in met the approval of the Senator from Connecticut. He went right along, hooked up with the rest of the elephants, trunk-to-tail. Down the line they went, and we never heard another chirp out of the keen-minded, alert Senator from Connecticut. [Laughter.]

Mr. CONNALLY. Or grunt.

Mr. MINTON. The Senator from Texas suggests the word "grunt" as applied to elephants.

I was interested in an article which appeared in the newspaper the other day, which indicated that the Senator from Oregon [Mr. MCNARY] was the mahout or elephant trainer, who hooks them up trunk-to-tail, gigs them a little in the side if they step out of line, punches them, and gets them back into line. If one of them starts to roar and trumpet he smacks him on the trunk and keeps him in line. [Laughter.]

Mr. President, Senators on the other side of the aisle cannot fool anybody in this country about purity in politics. The people of America will never forget—the Democrats will not let them forget—Harding, Fall, Denby, Forbes, Miller,

Daugherty, and all the Ohio gang that was in Washington a few years ago.

I hope the other Ohio gang that is now mustering out on the banks of the Ohio will not be anything to compare with that outfit. The people of this country will never forget that crowd. There was impurity in politics. There was pernicious political activity. There was the expenditure of large sums of money to obtain political results. I should like to stop such things. The Senator from New Mexico [Mr. HATCH] would like to stop them, but he is not ready to start on that line yet. He merely wants to reach the little fellows.

In my State at the same time we had a pretty spectacle. We had a Republican Governor who spent a good deal of time down in Atlanta at the request of the Federal Government after an indictment, the verdict of a jury, and the sentence of a court. The men to whom I shall refer were all Republicans. Pure people. Purity in politics.

His successor, another Republican, the fellow who succeeded the one whom we sent to the penitentiary, came into court and pleaded the statute of limitations to keep from going to the penitentiary.

Then there was the mayor of the great city of Indianapolis, who was indicted and convicted and who served his time. These men were all Republicans.

Then we had a Representative in Congress from the First District of Indiana who was indicted and sent to the penitentiary. To prove that it was not just the officeholders, the Republican State chairman was indicted and sent to the penitentiary.

Purity in politics. If the grand juries had done what they ought to have done, they would have indicted the Republican national chairman, who had $100,000 of Harry Sinclair's rotten, stinking bonds in the box of the Republican National Committee.

So let us not talk about purity in politics. Mr. President, I am ready to vote on the bill. I had hoped that some of my Democratic friends might see the light. I have long since given up any hope on the other side of the aisle. I had hoped that some of the Democrats might see the light, but apparently they have not. We shall have to take the Hatch bill. I suppose in a few minutes we shall close our eyes, hold our noses, and take the last dose, without knowing whether it is ipecac or what it is. I shall not do it willingly. I shall protest to the last minute. However, Mr. President, it seems inevitable. It seems that there is nothing we can do by way of reason and persuasion to bring the prodigals back home. They have wandered away to worship strange gods and have set up their household gods in strange lands. They will come back. They will come back.

Mr. President, we are at the end of our rope. We are about to march the "last mile." I am ready to go. [Laughter.] I thought at one time I should like to see somebody put the lynching bill on the Hatch bill and lynch it; but no, no! I like to think I have a kind heart—and I should not want to do to the Senator's bill what I think he is doing to the Democratic Party.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CHANDLER. I hope the Senator from Indiana will not be too harsh with the Members on this side who have had to make a choice between following the leader and following the whip.

I have not been here very long, but I was told when I came here that I should follow the leader. The first thing I undertook to do was to find out who the leader was. We had a meeting one day, and I was told that my distinguished colleague [Mr. BARKLEY] was the leader, and they gave the Senator from Indiana a whip. As we come to the end of this debate, with all the lamentations that my friend from Indiana seems to suffer, I lament the fact that he seems to have lost the whip handle; but I hope he will regain the handle when this controversy is over.

Many in their turn before this time have followed what seems now to the Senator to be his solitary way. It may be that in the future each one of us in his turn will have to suffer and take the cup of defeat; but if I correctly understood the Senator yesterday, after he was called to attend a meeting in a white house not so far away, he was the one who promised to come back when the war was over; and those of us who were following the leader were not expected to come back, because we are already there. We expect to welcome the Senator after this bitter cup shall have passed from his lips. [Laughter.]

Mr. MINTON. Mr. President, I am delighted to hear from the junior Senator from Kentucky. In fact, I have been wanting to hear from him. You know, Mr. President, there is not anything so impressive, so soul inspiring, as a man hitting the sawdust trail—a man with a humble and contrite heart who going down the sawdust trail to confess his sins on his bended knees.

Mr. CHANDLER. The Book says there is more rejoicing over the one that was lost and has returned than the ninety and nine that did not stray. [Laughter.]

Mr. MINTON. That is true; and we are going to have a little rejoicing, because the one that has returned is the junior Senator from Kentucky; for if it had not been for the genial junior Senator from Kentucky, we should not be here hatching Hatch laws. [Laughter.] So I say it is always an inspiring sight to see a man who perhaps glimpses the light, and follows it on to embrace a great ideal.

I do not know my Bible very well, but it seems to me I remember a story about a man going down the road toward Damascus, and he heard a voice saying, "Saul, Saul, why persecutest thou me?" And he changed around, and, seeing the light, he embraced the opportunity, and followed the light down a new trail which changed the whole course of civilization. And so it is an awe-inspiring thing, it is a beautiful thing, it is a touching thing to see a sinner come to judgment. [Laughter.] We witnessed that spectacle here. Ah! It is well to come to judgment alone, singing "Hallelujah! Praise the Lord!" But how much more joyous it is if you bring somebody with you. [Laughter.] And so we see the junior and senior Senators from Kentucky come in together, arm in arm, and hit the sawdust trail together. [Laughter.]

So I am glad the Senator from Kentucky said what he did, in order that I could pay my tribute to him.

Mr. CHANDLER. The Senator knows that we are bringing along with us the senior and junior Senators from West Virginia, does he not?

Mr. MINTON. Yes; and that is something to warm the cockles of one's heart. [Laughter.]

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from Tennessee.

Mr. McKELLAR. They are also bringing along the entire Republican Party over here, too. [Laughter.]

Mr. MINTON. Yes. We shall have a real, old-fashioned camp meeting. Yes, sir; we shall all hit the sawdust trail together.

You know, the scenes on the floor of the Senate that we have been referring to in the last few minutes are wonderful. They are really inspiring. I suppose there is nowhere else in the world that these things could happen as we have seen them happen on the floor of the United States Senate. So I am glad to see Jonathan and David, Damon and Pythias, coming down the sawdust trail together.

So, Mr. President, we have now reached the end of this long, long trail, and we are about to vote. I accept the verdict beforehand, knowing full well what it is going to be, remembering that the swan, dying, sings; and, having sung, dies.

Mr. HATCH. Mr. President, I desire to insert in the RECORD at this time a brief summary of the rules of the Civil Service Commission as applied to political activities of employees in the classified service.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The pertinent language in section 9 is practically a duplication of the civil-service rule prohibiting political activity of employees under the classified civil service.

The section provides in substance, among other things, that no such officer or employee shall take any active part in political management or in political campaigns.

The same language of the civil-service rule has been construed as follows:

1. Rule prohibits participation not only in national politics but also in State, county, and municipal politics.
2. Temporary employees, substitutes, and persons on furlough or leave of absence with or without pay are subject to the regulation.
3. Whatever an official or employee may not do directly he may not do indirectly or through another.
4. Candidacy for or service as delegate, alternate, or proxy in any political convention is prohibited.
5. Service for or on any political committee is prohibited.
6. Organizing or conducting political rallies or meetings or taking any part therein except as a spectator is prohibited.
7. Employees may express their opinions on all subjects, but they may not make political speeches.
8. Employees may vote as they please, but they must not solicit votes; mark ballots for others; help to get out votes; act as checkers, marker, or challenger for any party or engage in other activity at the polls except the casting of his own ballot.
9. An employee may not serve as election official unless his failure or refusal so to do would be a violation of State laws.
10. It is political activity for an employee to publish or be connected editorially, managerially, or financially with any political newspaper. An employee may not write for publication or publish any letter or article signed or unsigned in favor of or against any political party, candidate, or faction.
11. Betting or wagering upon the results of a primary or general election is political activity.
12. Organization or leadership of political parades is prohibited but marching in such parades is not prohibited.
13. Among other forms of political activity which are prohibited are distribution of campaign literature, assuming political leadership, and becoming prominently identified with political movements, parties, or factions or with the success or failure of supporting any candidate for public office.
14. Candidacy for nomination or for the election to any National, State, county, or municipal office it within the prohibition.
15. Attending conventions as spectators is permitted.
16. An employee may attend a mass convention or caucus and cast his vote, but he may not pass this point.
17. Membership in a political club is permitted, but employees may not be officers of the club nor act as such.
18. Voluntary contributions to campaign committees and organizations are permitted. An employee may not solicit, collect, or receive contributions. Contributions by persons receiving remuneration from funds appropriated for relief purposes are not permitted.

Mr. ADAMS. Mr. President, I ask the Senator if he will yield to an inquiry or two in reference to these summarized rules.

I find in this summary the preservation of the right of employees to express their opinions, but now I find that they are forbidden to write any letter or anything for publication. The Senator thinks, does he, that that is entirely consistent with the right to express their opinions?

Mr. HATCH. Yes; especially in view of some things that developed last year, I think it is really necessary in this bill.

I was going to say to the Senator from Colorado that I merely insert this summary at this time; but I want to say to the Senator from Indiana that the language is practically the exact language of the civil-service rules, or rather the interpretation which has been placed upon them by the Commission. I am quite sure that anyone will understand it with perfect ease.

Mr. ADAMS. Mr. President will the Senator interpret to my un-understanding mind section 13 of this summary, which says:

Among other forms of political activity which are prohibited are * * * becoming prominently identified * * * with the success or failure of supporting any candidate for public office.

I can understand how one could be disassociated from the success of a candidate, but to be disassociated from failure to support a candidate is a matter as to which I am a little in doubt.

Mr. HATCH. It has frequently happened that a person in the civil service has been penalized for failing to support a candidate.

Mr. ADAMS. For not supporting some candidate?

Mr. HATCH. Yes. I think the rule speaks for itself.

Mr. ADAMS. May I ask the Senator one other question? These rules apply to civil-service employees with permanent tenure. Now, the Senator has included in the rules a prohibition against candidacy for nomination or election to any office. Is that a fair thing to apply to a man holding a term office?

For instance, a man may be appointed or elected to a 2-year office or a 4-year office. Perhaps I may illustrate. In my State we have certain offices to which a man may not be reelected. There are some other offices to which a man may be reelected. This prohibition would seem to forbid a man who held an office to which he was appointed or elected from seeking reappointment or reelection to that office, or aspiring to a higher place.

Mr. HATCH. I do not quite follow the Senator, but, the way I understand him, I do not think he has the correct interpretation.

Mr. ADAMS. The Senator does not think, then, that a man holding an office should be forbidden from aspiring to another office?

Mr. HATCH. I think that when a man is occupying one of these appointive positions, and seeks or aspires to or becomes a candidate for office, he ought to resign from his position, just as we discussed sometime ago.

Mr. ADAMS. Even though it is right at the end of his term? That is, where the man has, say, a 2-year or a 4-year term, and the end of his term is approaching, he ought not to be permitted to be a candidate for another office the term of which does not begin until after the expiration of his term?

Mr. HATCH. I think so; and I am not at all extreme in that view. I do not want to discuss this question, because it would take too long; but I have in mind a very good friend of the Senator's. I wish I had time to tell the story. I will not do it today. I will tell it privately some time, as showing what a real brave Democrat does under such circumstances.

Mr. GUFFEY. Mr. President, will the Senator yield for a question? Does the Senator mean to say that a man who has been serving a 4-year term as township constable should be debarred from becoming a candidate for a higher office?

Mr. HATCH. Oh, no; and the question has not anything to do with the bill or with the subject we are discussing.

Mr. GUFFEY. That is the interpretation the Senator is putting on this matter.

Mr. HATCH. Certainly not.

Mr. McKELLAR. Mr. President, I should like to ask the Senator a question, if he will answer it.

Section 7 of this summary says:

Employees may express their opinions on all subjects, but they may not make political speeches.

Would candidates be a subject, if employees wanted to talk about candidates?

Mr. HATCH. I think so.

Mr. McKELLAR. Employees would have a right to talk about candidates?

Mr. HATCH. I think so.

Mr. McKELLAR. Then I want to ask the Senator about number 10:

It is political activity for an employee to publish or be connected editorially, managerially, or financially with any political newspaper.

What kind of a newspaper is a political newspaper? What is the Senator's definition of a political newspaper? Would an employee be allowed to edit a religious newspaper, or only a newspaper which talked about politics? How would the Senator make a distinction?

Mr. HATCH. I think "political newspaper" means just what the language would imply, just what the Senator would understand from it; and I do not think the Senator would include a religious newspaper.

Mr. McKELLAR. Sometimes even religious newspapers talk politics, as the Senator knows. I have known that to happen.

Mr. HATCH. I should think it would be far preferable for an employee, if he is engaging in a type of newspaper business which is even tinged with being political, to resign his job and run his newspaper.

Mr. McKELLAR. If it were just an ordinary newspaper, he had better let it alone.

Mr. ADAMS. Mr. President, I have been considerably disturbed in heart by the comments of the junior Senator from Kentucky [Mr. CHANDLER] about deserting our leadership and about following instructions.

Mr. President, I had thought I was following my leader, and I had thought my leader had departed from his flock. Simply to justify myself, not in any sense seeking to embarrass anybody else, I want to read a paragraph or two which sank into my political mind when this matter was under discussion in 1938. At that time my leader said on the floor of the Senate:

> I myself think it would be most unfortunate if we were to deny to everyone who holds a Federal appointment the right to engage in the activities of good citizenship merely because he is a Federal employee; in other words, if we were politically to sterilize him because he happened to be on the pay roll of the Government.
>
> We cannot reach the State employees in a bill of this kind. There is no power in Congress to prohibit the activities of State employees. We all know that in nearly every State in the American Union there is some form of political machine, which is built up by a State administration, which goes out and actively espouses a cause, or opposes the renomination of Members of Congress, United States Senators, or even opposes candidates for President of the United States; and since we cannot deal with them, it seems to me to be unfair to Federal employees to prescribe their right to engage in making their choice for the nomination of anyone from Congressman to President of the United States. That is my view of the situation.

A few pages further along appears this statement of my leader:

> The bill is based upon the theory that every Government employee, whether he is under the civil service or not under the civil service, is more sordid and more selfish than anyone else in the United States, and that he will be actuated in his political conduct by the rewards which come to him in the way of checks from the Government of the United States, or reappointment, or some other political favor which may be conferred upon him by the appointing power. I am not prepared to admit, nor do I believe, that the thousands of Federal employees in the United States are any worse than the rest of our citizens. I have always believed that our Federal employees, no matter by what method they were appointed, were representative, law-abiding, taxpaying, God-fearing American citizens, and the mere fact that they draw salaries from Uncle Sam should not militate against their enjoyment of every right every other citizen of the United States enjoys.

Again my leader said, as appears a few pages further:

> I believe this bill is unnecessary. I believe there is no evil which requires the enactment of the bill into law; and because I believe it is an invasion of the right of petition and the right of assembly of the American people in the smallest subdivision of their political system, which is the voting precinct, I am opposed to the bill, and I hope it will be defeated.

I am still following my leader.

Mr. BARKLEY. Mr. President, I wish to thank the Senator from Colorado for paying me the compliment, which he rarely does, of quoting me in support of his own position. The position I took at the time to which he refers was absolutely consistent with the position I now take. One of the main reasons why I objected to the original proposal, as it was offered as an amendment to the relief appropriation bill, was that it set up a special class of Federal officeholders and did not apply the same standard to others.

Regardless of my opinion, at that time, that we could not deal with State officials, because I realized then we had no power to discharge them or to punish them for a violation of the law, it is always in order, whenever a situation which needs correction is before us for attention, to find the necessary ways by which it can be reached. Now that we are undertaking to place all employees who draw their compensation out of Washington on the same basis, I find no inconsistency between the position which I took at that time and the position which I take at this time. I am not in the slightest degree embarrassed by the quotation the Senator has read from the speech which I made in 1938.

Mr. ADAMS. Mr. President, if the Senator will permit, I would not seek to embarrass him. I knew I could not embarrass him. I was merely trying as best I could to justify what the junior Senator from Kentucky rather characterized as a departure from the flock; that is, along with some forty-odd Democrats we wandered off and got out of step with the other 20. [Laughter.] I was merely trying to justify that in a measure, and my mind not being as resourceful as that of my leader, I am rather asking forgiveness, and that there might be some understanding of my evil doing.

Mr. BARKLEY. I am not concerned about who is staying with the flock or who is deserting. I have never accused anyone of deserting any flock, or anyone who pretends that he is the head of a flock. I have not in the slightest degree criticized any of my colleagues for the position which they have taken. I have always contended that this is a nonpartisan matter; and while the junior Senator from Kentucky, my colleague, did a while ago refer to the subject which has been discussed here for 2 weeks, in which my name has been bandied about, as the Senator will recall, in the most gracious and friendly way, I have not retaliated in kind, and I do not feel it in my heart to do so, because I recognize the right of every Democrat to vote as he pleases on the pending legislation, as they have been doing for a long time on all other legislation.

I accord to all Democrats the right to vote their own conscientious convictions on the pending bill, as on all other bills, and I do not recall that I have ever, by any public statement, on the floor of the Senate or anywhere else, chastised any Democrat who did not see fit to vote as I voted on numerous measures which have come before us in the last 7 years; and I do not do so now.

Mr. ADAMS. The chastisement came from the junior Senator from Kentucky, who saw fit, very kindly and gently, to chastise those of us who had wandered from the flock.

Mr. BARKLEY. I do not think it was intended as a chastisement in the slightest degree.

Mr. CHANDLER. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I am glad to yield.

Mr. CHANDLER. The junior Senator from Kentucky made the observation that he was following his leader. Does the Senator from Colorado say that is not correct?

Mr. ADAMS. Will the Senator make that a little clearer?

Mr. CHANDLER. I made the assertion that I was following the leader. Is that a correct statement, or not?

Mr. ADAMS. There is apparently some confusion as to leadership here.

Mr. CHANDLER. I admit some are running toward the wrong goal; but I am following the leader.

Mr. ADAMS. I am speaking of the leader of the Democratic majority.

Mr. CHANDLER. I am following the leader of the Democratic majority. Is that correct, or not?

Mr. BARKLEY. Mr. President, will the Senator permit me to say a word?

Mr. ADAMS. I am not being critical of anyone. I am merely trying to defend myself.

Mr. BARKLEY. I hope the question of whether any Democrat is following the titular or so-called leader of the majority will not enter into the discussion or affect anyone's vote.

Mr. ADAMS. Mr. President——

Mr. BARKLEY. I agree with the Senator from Indiana, I think we should vote, and whether it means that I am going home or that he is coming home is of no consequence.

Mr. ADAMS. Oh, yes; it is of very decided consequence.

Mr. BARKLEY. Not at all. It is of no consequence to me. The hope I do cherish is that under some roof we will be able to meet. Whether it is my home or his, or whether the next-door neighbor's, makes no particular difference to me.

Mr. ADAMS. We would much rather have the senior Senator meet under the roof over here. [Laughter.]

Mr. BARKLEY. I am still under that roof, and I think that roof is broad enough and safe enough to cover us all, regardless of our differences in this particular.

Mr. CHAVEZ. Mr. President, I have listened to the discussion of the Hatch bill for some 10 or 12 days. I happen to be one Senator who is familiar with New Mexico; I am of New Mexico; and it grieves me to feel that some folks are inclined to believe that the so-called Hatch law was based upon something which may have happened in New Mexico.

Mr. President, I was born and reared in New Mexico. I did not go there in order to get into the good graces of the people of New Mexico who could vote in order that I might be sent to the Senate of the United States or to the House of Representatives. But things have happened during the debate on the bill of my colleague which appear to have led them to believe that this bill was brought about because of something which may have happened in New Mexico.

Mr. President, I for one am standing here for New Mexico. When the time comes when I am through so far as life is concerned, I shall be buried in New Mexico. I will not be sent to Oklahoma or to New York; I will be in New Mexico.

Mr. President, I know much has been said about so-called W. P. A. matters. I know much has been said by many with reference to what brought about the so-called Hatch bill. I know much has been said, and that there have been political implications, as to why the bill was brought forward. But I am here today to say that for one, I, who will be buried in New Mexico, desire to state that New Mexico has been true blue, and has not been responsible in any way, shape, or manner for trying to prescribe what should be good political manners in Uncle Sam's country, whether it be New Mexico or elsewhere.

I have read the headlines; I have listened to the so-called radio news, with reference to New Mexico in this particular. I am going to talk for New Mexico. My kith and kin have been in New Mexico for a long, long time. My kith and kin have been there for hundreds of years. My kith and kin did not go there in order to get into the good graces of the people of New Mexico in order to be sent to Congress. My kith and kin are willing to stand up before the world, before the Stars and Stripes, and say, "We are going to do what is fair and just in Uncle Sam's country in the interest of the entire Nation."

Irrespective of news items, irrespective of whatever may have happened in 1939 concerning W. P. A., I, for one, deny that New Mexico and its people were guilty of any infraction which may have impelled my colleague to bring about the enactment of the so-called Hatch law.

There is before the Senate and the Congress the report of the Senator from Texas [Mr. SHEPPARD], who investigated what were supposed to be activities which may have in any manner, shape, or form interfered with free government, with free politics, during the 1938 election. Did you hear New Mexico mentioned in that report? You did hear about Kentucky; you did hear about Pennsylvania; you did hear about Tennessee; but New Mexico, which has only one Representative, had to be the guinea pig.

Very well. I admit that, notwithstanding that the free men, the free citizens, of my State, our own peers, decided that there was nothing involved in those transactions which violated the law; there was some evidence that poor citizens, citizens who were so poor that they had to eat a free meal at the Masonic Temple at Albuquerque in order to get any sustenance, had sold some tickets for 25 cents, but they were declared to be not guilty. Have you heard one thing about the dollar and a half in Pennsylvania, or something else in Tennessee, or something else in my leader's State, the State of Kentucky?

Mr. President, I am defending the citizenship of my State. I am defending those people who dare to go before their peers to be judged. I am defending those who dare to go before a United States court and lay their liberty before the court, and go before a jury of their peers and have the jury pass on the question of their guilt.

Mr. President, certain statements which have been made concerning my State make me angry. I believe that my vote is just as good as that of my leader, the Senator from Kentucky [Mr. BARKLEY]. I think my vote is just as good as that of my colleague the Senator from New Mexico [Mr. HATCH]. I believe my vote is as valuable as that of my neighbor, the Senator from Arizona [Mr. ASHURST]. I become angry when I think of my State being held up as a horrible example. Forty-eight of my friends in the State of New Mexico were accused and indicted, for what reason? Not for taking one penny of the Government's money, but for the reason that supposedly they had used their efforts to advance the cause represented by our side.

I say to the Senate in all sincerity that there is not one Member of the Senate who is as poor as I am, but I pay my debts. I have not taken one penny from a soul in all my days. I have not sold a gallon of gasoline in my State. I have not ridden on a railroad pass. I have not sold any railroad equipment or highway equipment. But I stand before the Senate in all honesty of purpose, representing those persons in my State who sent my colleague and me to the United States Senate, and say that they are not guilty of the things of which they are accused.

I want Senators, both Republicans and Democrats, to know that I have a 59-year-old sister who lives in my State. She is as poor as a church mouse. She is dependent on her other brothers and sisters and on me for her livelihood. But she is a Democrat, bless her soul. She is that kind of person who, if she had 25 cents, would buy a soup bone and make soup and distribute it around the block to her neighbors. She goes to every wake. She goes to every wedding. She goes to every mass. That lady was accused of pernicious political activity. She was so accused while persons in Kentucky and in the State of Pennsylvania and in other States were permitted to engage freely in political activities. She was accused of having a political meeting in her house. It was charged that she said to someone "I wish to hold a political meeting in my home." She has had political meetings in her home and always will have them. She has had such meetings in the cause of the President. She has had them in the cause of my colleague. She has had them in my cause, as well as that of New Mexico's Representative in the other House. That was the crime of which she was accused.

Mr. President, I want the people of the United States to know that we are not begging for mercy, not by a great deal, not in any way whatsoever. If we violate the law, we expect to take the consequences. But we do not want to have Mr. Harry Hopkins, on the same night he makes a political speech in Los Angeles, Calif., telegraph to New Mexico and discharge our responsible men in W. P. A. and say, "You are interested in political matters."

Mr. President, I also want to say to my colleagues that I am one of that type who does not care a dime for political consequences. In my State it would be to my interest now to say, "Let us keep the local politicians out of this proposition." But I am one of those who believe in Americanism from every point of view and in every meaning of the word. I am not one who believes that every Government employee needs legislation passed by Uncle Sam in order to keep him going straight. I am not of the type of those who feel that State employees who are paid in part through the Federal highway money need Federal legislative action in order to make them behave themselves.

Mr. President, I hope I shall always continue to feel that my neighbors and my fellow countrymen are honest until they are proven not to be—I would rather think of them in that light—and that they do not need to have Federal legislation enacted to make them behave themselves. I am one of that type who feels that every man is honest until I know he is not. I am one of those who believe that every Government employee is trying to do what is right. If it is necessary to pass a law in order to make him behave himself, in my opinion it is just as necessary to pass a law to make Senators and Representatives behave themselves.

We have heard a great deal about "honesty in government"; we have heard a great deal about "honesty in politics"; we have heard a great deal about "clean politics." All Members of the Senate believe in those things. But I, for one, deny that it is necessary to pass a Federal law in

order to make clean a poor woman who works as a charwoman in a Federal building, or collectors of customs or United States attorneys, whose appointment the Senator from Arizona or the Senator from Texas may have dared to recommend.

I prefer to think that everyone is kind and honest. I shall believe they are until I know otherwise.

Mr. President, New Mexico is just as good and just as bad and just as indifferent as any other State. We have people in our State who are good; we have those who are bad, and we have the indifferent kind. Let no one rise here and say that New Mexico is bad and that it is necessary to have national legislation in order to make its people behave. Anyone who makes such a statement does not know what he is talking about.

Mr. President, we in New Mexico are kind-hearted. We trust people and believe in them. We believe in my colleague, and we will send him back to the Senate. We trust him so much that once in a while folks elsewhere may think that we are easy marks, and that everything is wrong in New Mexico. Nothing is wrong in New Mexico. It is not different from any other State.

So far as the W. P. A. cases are concerned, we were a "bunch of pikers" compared to those in Pennsylvania and Kentucky. [Laughter.] Our only trouble and our only sin was that we had only one Representative. Had we had eight or nine Mr. Hopkins would have forgotten about the matter.

Mr. President, I do not attempt to say that what was done in New Mexico and what was done in Kentucky and what was done in Pennsylvania were right. We never wanted anything in New Mexico in connection with the W. P. A. to be wrong.

I do not mind telling my colleagues that, so far as the junior Senator from New Mexico is concerned, he never tried to coerce a soul in his State.

My campaign expenses have never amounted to as much as $1,000. But I do love that old cowhand, and the little girl with the shawl over her head who has trusted me. I would rather have her trust than a $5,000 or $10,000 campaign contribution any day in the week.

We have tried to clean up W. P. A. politics in New Mexico. I was one of those who did not approve, in the effort to have some particular W. P. A. project approved, telling one of our officials about it, and then having the official go over and tell the people of the particular community, "I got it for you." I knew differently. Other Senators have worked, and I have worked, in order to secure appropriations which would bring the things we desired to our States, give work to our people, and cause such construction to be undertaken as would be permanent and in keeping with good American morals and good American philosophy. Irrespective of what may be the opinion of so-called enforcing officers, they can say about the Senator from New Mexico that he loves his relatives, and he does. They can say that he is a Democrat, and he is. They can say that he is for Roosevelt, and he is. But they have not once said that he has taken one penny from anyone. So far as the junior Senator from New Mexico is concerned, he can say that there is not a State in the Union which has better political morals, higher ideals concerning the American system of government, and more real honesty and sincerity of purpose and clean politics than has the State of New Mexico. But because we believe in clean politics, because we do believe in getting away from a system under which the State governments are controlled, we maintain that the way to do it is the American way of doing such things, and if someone violates the law in the State of Arizona, if someone violates the law in the State of West Virginia or in Mississippi, that any action to be taken should be taken by the people of those individual States.

I do not have anything in common with the powers that be that collect the kick-back from my State. It would be to my political interest to vote for my colleague's bill. I have nothing in common with our State Government. I do not believe in some ways of doing things, but they are done. It is thought to be right. The political complication with reference to this particular matter does not affect my State at all, but I am against this particular bill. I am against it because I think it is un-American. I think it is not in keeping with what my colleague has in mind trying to correct. I think it is not in keeping with those things we hold sacred.

I know it is popular, even back home, to talk about clean politics. But I know that the folks who really want to clean up politics are not the folks who say, "All right. You give me the contract to publish the sample ballots for the Democratic ticket and I will be strong for you." I know there are some folks in my State who are very strong for the bill, but if you ask them to be for or against a candidate they will say, "Give us $350 and we will be for him." I do not believe in such things. I may be for the Senator from Kentucky, or the Senator from Arizona, but I do not think that should be dependent upon whether or not I receive the contract to print the sample ballots.

Please do not treat New Mexico so badly. We are too good. We take folks in from other States. We love them and elect them to the Governorship, to the Supreme Court, and to other offices. We are good to them, but we are not crooked. I still maintain that if one looks at the Sheppard report New Mexico will still seem pretty good.

Mr. STEWART. Mr. President, at this time I offer an amendment for the consideration of the Senate.

The PRESIDENT pro tempore. Further amendments are not now in order. The amendment offered by the Senator from New Mexico as a substitute for section 15 is pending.

Mr. STEWART. I thought we were about to vote on the bill.

Mr. GEORGE. I ask for the regular order, Mr. President.

The PRESIDENT pro tempore. The amendment offered by the Senator from New Mexico [Mr. HATCH] as a substitute for the committee amendment in section 15 is pending.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CONNALLY. Would it not be in order for the Senator from Tennessee to offer his amendment and let it lie on the table, and speak to it now if he so desires?

The PRESIDENT pro tempore. That would be in order.

Mr. STEWART. I misunderstood the parliamentary situation.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. HATCH. Will not the Senator permit us to dispose of the pending amendment? The Senator may then be recognized to offer his amendment.

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Hughes	Reynolds
Andrews	Davis	Johnson, Colo.	Russell
Ashurst	Donahey	La Follette	Schwartz
Austin	Downey	Lee	Schwellenbach
Bailey	Ellender	Lodge	Sheppard
Bankhead	Frazier	Lucas	Shipstead
Barbour	George	Lundeen	Smathers
Barkley	Gerry	McCarran	Smith
Bilbo	Gibson	McKellar	Stewart
Bridges	Gillette	McNary	Taft
Brown	Glass	Maloney	Thomas, Idaho
Bulow	Green	Mead	Thomas, Okla.
Burke	Guffey	Miller	Thomas, Utah
Byrd	Gurney	Minton	Townsend
Byrnes	Hale	Murray	Tydings
Capper	Harrison	Neely	Vandenberg
Caraway	Hatch	Norris	Van Nuys
Chandler	Hayden	Nye	Wagner
Chavez	Herring	Overton	Walsh
Clark, Idaho	Hill	Pepper	Wheeler
Clark, Mo.	Holman	Pittman	White
Connally	Holt	Reed	Wiley

The PRESIDENT pro tempore. Eighty-eight Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. HATCH] as a substitute for the committee amendment in section 15.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCARRAN. Mr. President, may we have the amendment stated?

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from New Mexico [Mr. HATCH] offers the following substitute for section 15:

SEC. 15. The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time of the passage of this act prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

Mr. BROWN. Mr. President, I desire to make a few inquiries of the Senator from New Mexico and to make a suggestion to him.

Late last evening I submitted an amendment covering the classes of State and municipal employees who are to be covered by this proposed legislation. It was then suggested that the amendment lie over until the following day so that the Senator from New Mexico [Mr. HATCH] and the Senator from Georgia [Mr. GEORGE], chairman of the Committee on Privileges and Elections, could have an opportunity to examine it.

This morning I presented an amendment restricting the Civil Service Commission in certain respects. It was suggested that that amendment lie over for a few hours so that it might be considered by the chairman of the committee and the Senator in charge of the bill.

I wish to say that I seriously object to voting upon or considering the pending substitute for section 15 without having an opportunity to know what the rules of the Civil Service Commission are. I think it is an entirely reasonable request to ask the Senator from New Mexico and the majority leader to have those rules—not a summary of the rules, such as the statement which was sent out under the frank of the Senator from New Mexico, not a statement of what the rules mean, but the rules themselves—before the Senate of the United States.

What are we doing? We are making those rules statute law.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. In just a moment. I decline to yield at present.

Those rules are to have the effect of statute law. The Civil Service Commission, under the amendment which is the pending question before the Senate, may not change those rules in any particular whatsoever. They must remain as they now are. Remember, those rules were established, constituted, and made up to cover Federal employees, who are paid their entire salaries by the Federal Government and are not by any stretch of language employees of a State government. Those rules do not apply to State officials. They were not intended to apply to State officials. They can apply to State officials only by implication, by applying the situation of a State official to the rules. I say it is very careless legislation in effect to write into statute law 62 pages of civil-service rules and interpretations by the Civil Service Commission, without knowing what we are doing.

The Senators to whom I refer made a request of me respecting my first amendment, which was contained in six or eight typewritten lines. The other amendment, relative to the exceptions that I thought should be made with respect to the application of the rules, was contained on one short sheet of typing paper. If the Senator from New Mexico and the Senator from Georgia, the chairman of the committee, needed time to understand the implications of my two amendments, both of which they concede have considerable merit, is it unreasonable for the Senator from Michigan to ask to be advised what the civil-service rules are before he votes on the pending measure, the substitution of a new section 15 which none of us knew anything about until the present hour?

I am not disposed to prevent a vote on this bill. I am ready to agree to any sort of unanimous-consent request that will bring about a vote on this bill either Saturday or Monday; but I think the Senate is entitled to know what these rules are before we write them into the statute. It will be admitted by the Senator from New Mexico that the statement he made on the back of a franked card which was sent out through the country on August 5, 1939, is the only information we have as to what the rules are. I submit to any Senator who reads the so-called rules that he will find that they are not rules. They do not read like rules. One says:

Betting or wagering upon the results of a primary or general election is political activity.

The people of the State of Michigan do not need any legislation from the Congress of the United States to prohibit betting. We prohibit it now. Perhaps we do not enforce the prohibition in all cases, but it is now prohibited. You may go down the line, and you will find that practically everything that is prohibited in the 18 statements of rules which the Senator from New Mexico sent out under frank, and the purpose of which obviously was to tell people that they could make voluntary contributions to campaign funds, is already prohibited by the statute law of the State of Illinois, the State of Michigan, the State of Indiana, and the other States of the Union. We do not need that type of legislation.

I am willing that political activity shall be defined in the manner the Senator has pointed out; but I want to know what the definition is before I place my stamp of approval or of disapproval upon it. Perhaps I shall find that the definitions laid down by the Civil Service Commission are entirely satisfactory to me. Should I be compelled by the Senator from New Mexico to decide that question when there is not a single rule in the entire 18 which in my judgment is in the language of the rule that the Civil Service Commission has established?

I ask the majority leader, is that, or is it not, a reasonable request on the part of a Senator representing a great State? Am I entitled to know what the rules are before they are written into the statute law of the United States?

Mr. BARKLEY and Mr. HATCH addressed the Chair.

Mr. BROWN. I yield.

Mr. BARKLEY. Mr. President, I doubt whether I am in a position to determine the reasonableness or the unreasonableness of the request. I do not know what the request is, unless it is, by implication, to let the bill go over and not vote on it today.

Mr. BROWN. No; I am perfectly willing to go on with the two amendments which the Senator from Virginia has, the several amendments which the Senator from Indiana has, and the three amendments which I have. I am perfectly willing to go on this afternoon and discuss those amendments; but I ask—and I think it is a reasonable request—that the leadership on the Democratic side, responsible for legislation, join me in making some arrangement in order that we may know what the civil-service rules are; not what the Senator from New Mexico says they are in a digest he has made, and I say it was obviously made for the purpose of letting the Government officeholders throughout the United States know that they could make voluntary political contributions. It is very obvious that that was one of the prime purposes of the card.

Mr. HATCH. Mr. President, let me answer the Senator as to that and some other things he has said.

Mr. BARKLEY. I do not understand that the Senator from New Mexico sent around this printed, franked card for the purpose of creating the impression that the card contained the substantive legislation that would be included in this bill, if it should be enacted.

Mr. BROWN. The Senator has already asked that the card be printed in the RECORD to show what is contained in these rules.

Mr. BARKLEY. I was under the impression that from time to time the Senator from New Mexico has had printed in the RECORD various documents and pamphlets showing what the rules of the Civil Service Commission are.

Mr. BROWN. The Senator is wrong about that.

Mr. BARKLEY. I had that impression from the Senator from New Mexico.

Mr. BROWN. My authority is that the Senator from New Mexico told the Senator from Indiana—and the Senator from Indiana is here and listening; I listened to the statement very carefully—that he did not have with him here today the rules which defined political activity.

Mr. HATCH. Mr. President, I myself prefer to answer, if the majority leader will let me, when the Senator from Michigan gets through.

Mr. BROWN. I am willing to yield to the Senator from New Mexico.

Mr. HATCH. I would rather speak in my own time, in view of the accusation the Senator has just made.

Mr. BROWN. I will continue my inquiry, if the Senator does not care to answer now.

The rules we make by the enactment of this bill will become part of the law of the United States. We will write them into the United States Code, and they cannot thereafter be changed by the Civil Service Commission. I ask if it is unreasonable in me, as representing my State of Michigan, to ask my leader—and he is my leader—to join in a request that we lay aside this amendment, consider the other amendments, and have the civil-service rules which apply to this amendment printed in the CONGRESSIONAL RECORD, so that we may know what they are?

Mr. BARKLEY. I will say to the Senator that, so far as I am personally concerned, I have no objection to temporarily laying aside the amendment now pending in order that the rules may be brought here and put in the RECORD, if that will not delay a vote on the bill.

We know that the amendment put in the bill by the committee provided that the Civil Service Commission might make rules hereafter. Certainly we were up no greater blind alley in the consideration of the substitute than Senators contend we were in leaving this whole situation to future regulations of the Civil Service Commission. While I think it may be said that none of us is always meticulously or accurately informed as to what the rules and regulations of the Civil Service Commission are, they are always available to us; and, as between the original proposition and the Senator's substitute, from the standpoint of those who have opposed the legislation and opposed section 15, I think we are infinitely better off with the substitute than we are with the original language of the bill.

I should like to hear what the Senator from New Mexico has to say with respect to what efforts he has made to familiarize the Senate with these rules and regulations before I pass on the reasonableness of the request of the Senator from Michigan.

Mr. HATCH. Mr. President——

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. HATCH. The reason why I desired to take my own time in replying to the Senator from Michigan was the very gratuitous, wholly unfounded, and, to me, offensive remark that I had prepared this card for the purpose of sending out information that employees could voluntarily contribute to political campaigns.

Mr. BROWN. That is what the Senator's card says in section 18.

Mr. HATCH. It is one of the things stated on the card, because that is what the Civil Service Commission has ruled; but it had nothing whatever to do with my purpose. The reason why I prepared that digest was that the so-called Hatch law had just been passed; I had said on the floor of the Senate when the bill was being considered that it used the exact rule of the Civil Service Commission; and people were writing to me and writing to Colonel Halsey on the subject. I remember that the Senator from Washington [Mr. SCHWELLENBACH] was perplexed at the time that statement was put into the RECORD. He said, "Just what does that mean?" So, as best I could, I digested, not the rules—I am going to tell the Senator about the rules in a minute—but all the holdings that had been made by the Civil Service Commission during the years, using the exact language of the Commission, and prepared this card at some effort, some work on my part, simply in order that Senators as well as others might have the benefit of that information. The Secretary of the Senate was the man who requested me to do it; and why the Senator threw in the statement that the digest was prepared for the purpose of sending it out for campaign contributions is as ununderstandable to me as some of the abuse which was heaped on me during the remarks of the Senator from Indiana a while ago.

Mr. BROWN. While the Senator is on that point let me say that those of us who, with the best of intentions, have opposed this bill have been continually charged with being political spoilsmen, with being in favor of corrupt elections. The Senator knows that is not the fact.

Mr. HATCH. Yes.

Mr. BROWN. And I do not know why he should be credited with being so sincere, while we are charged with that sort of thing.

Mr. HATCH. The Senator from New Mexico has never made that charge against anyone.

Mr. BROWN. The Senator's newspaper supporters have.

Mr. HATCH. I never have referred in debate to the motives of an individual Senator except to praise him for them and to acknowledge that he could have views entirely different from mine and be thoroughly honest in those views. I accord that courtesy to every Senator, and I expect to continue doing so. I regret that some Senators have not accorded me the same courtesy and the same treatment.

Mr. President, there is but one rule of the Civil Service Commission. I have it here. I have obtained it since the colloquy between the Senator from Indiana and myself; and I will read the rule of the Civil Service Commission into the RECORD:

> No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

As I have so frequently said over and over again, that is almost the exact language of the pending bill and the exact language of the law that was passed.

Mr. BROWN. But where——

Mr. HATCH. Let me finish. Under that rule, which has been in existence for more than 50 years, the Civil Service Commission has made certain definite findings that this thing is political activity within the meaning of the rule, or that something else is not; and those are the interpretations which are included on this card.

Mr. BROWN. Let me interrupt the Senator. I ask the Senator if his substitute for section 15 relates to the interpretation of the rule?

Mr. HATCH. Yes.

Mr. BROWN. Does it say so?

Mr. HATCH. Yes; it says that the provisions of the act shall be deemed to prohibit the same activities on the part of the persons affected by it as the United States Civil Service Commission has heretofore determined are at the time of the passage of the act prohibited on the part of employees in the classified civil service, limiting it to that particular time.

Mr. BROWN. Then, Mr. President, we not only are writing the rule into the statute——

Mr. HATCH. But we are writing into the statute the intepretation of it.

Mr. BROWN. But we are writing into the statute the interpretation of the Civil Service Commission.

Mr. HATCH. Yes; exactly.

Mr. BROWN. So I say that there is greater need than I expected there would be. I thought we would have some 67 pages of civil-service rules. Now we come to the proposition that we have to take the many interpretations which heretofore have been made by the Civil Service Commission. I say

that before we make those interpretations in effect the statute law of the United States by writing them into the law we ought to have those interpretations of this one rule before us, because, as the Senator says, it is not only the rules but it is the interpretation of the rules that become part of the statute law of the country.

Mr. HATCH. And those are the interpretations which appear on the card.

Mr. BROWN. There are 18 statements of interpretation besides 6, 7, or 8 exclusionary statements as to what is covered and as to what is not covered.

Mr. HATCH. The first ones—A, B, C, and so forth—relate specifically to the act that was passed.

If the Senator will yield to me once more, let me say that I made this argument on the floor of the Senate last summer when the former bill was being considered: I said, "We have adopted the civil-service rules, and, under a well-known rule of law, when we adopt, for instance, the statute of a sister State, we adopt the construction the courts have placed on that statute"; and my friend the Senator from Colorado [Mr. ADAMS] rose and rather severely criticized me——

Mr. ADAMS. Not severely—never.

Mr. HATCH. Because it was not certain that these interpretations would be applied. The proposal seemed to meet with general approval, if Senators but knew that the rule would have the same interpretations, and that those construing it would not go off on some side road. I am endeavoring to have all employees put under exactly the same rule, and it seemed to me to be very wise not to give the Commission any more power to interpret further in the future.

Let me say to the Senator that I have no objection at all, as the Senator from Kentucky has stated he has not, if it will not delay a vote, if there is some other amendment to be taken up, to doing what is suggested. I want to go ahead to a vote this afternoon, if possible, and I shall take every possible means to get a vote.

Mr. BARKLEY. Mr. President——

Mr. BROWN. I do not believe we should do so, with respect, at least, to section 15. Let me say one word, and then I will yield to the Senator from Kentucky.

As the Senator from Illinois well put it earlier in the day, there is a great difference between section 15 of the committee amendment, which delegated all the authority, I think, without proper constitutional limitations, to the Civil Service Commission. Regardless of whether I favor the bill in the end or not, I might be much better satisfied, as I think I will be, with the proposed substitute for section 15, than with the original section 15, because I think that the proposed substitute is much more likely to come within the constitutional power of the Congress than was the original section 15, which, I think, in agreement with the Senator from Illinois, the Senator from Oklahoma, and others, was unconstitutional.

How am I intelligently to vote upon the substitute for section 15 unless I know what is in the proposed substitute? And no one knows what is in it, in detail and in substance, as he should know before voting.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I wanted to make this observation, to which I think the Senator from Michigan will agree, that there are probably as many interpretations of this section read by the Senator from New Mexico as there have been cases before the Civil Service Commission upon which it had to pass.

Mr. BROWN. In other words, the Senator thinks that the Civil Service Commission has been somewhat inconsistent.

Mr. BARKLEY. No; I think that the question of political activity depends upon the facts in every single case. For instance, if because a rural mail carrier on his route has talked to some patron about a political situation, and someone gets a notion that he has been perniciously active politically, and files charges against him and they are investigated, there must be an interpretation of his acts in connection with the rule in order to determine whether he has been guilty of pernicious political activity or not.

Undoubtedly there are thousands of such cases, and in each one there is probably a separate interpretation. Some of them may fall in a certain category with others, so that we might group them, but if we are to delay consideration of the pending bill and the substitute until we can get all the interpretations which have been placed by the Civil Service Commission upon this language, and then discuss them here on the floor, and determine whether we agree with the interpretations or whether we want them to be a guide to the Commission in the interpretation of this law, we can never come to a vote.

I would say to my friend from Michigan that I think it would be unreasonable to ask that the Senate do that, because the rule itself is very simple. It may be that the interpretations are complicated, depending on the facts in each separate case.

Mr. BROWN. That is exactly my point; if we confined ourselves to the rule, the Senator would be right, but we are not confining ourselves to the rule. We are asked to fix into hard and fast statute law every interpretation which has heretofore been made. Not a single one of those interpretations may be hereafter changed, no matter how wrong, no matter how far out of line those interpretations may be. We are making not only the rules, but we are making the interpretations, statute law. It would be as if we took a decision of the Supreme Court under a particular statute and bound the courts thereafter to follow the interpretations which they had theretofore made. In other words, there could be no building up of a body of judicial interpretations which might hereafter change. It would be hard and fast. So I think we ought to know what those interpretations are before we write them into the law.

Mr. BARKLEY. There will be found an interpretation and a statement of fact and a decision by the Commission on every single case which has come before it. It may be that in the administration of the act there would never be a case which would be altogether on all fours with some case they have had before them, and, of course, they would have to interpret the new case according to the facts developed.

Mr. BROWN. However, they would have to follow the interpretation they made, no matter how wrong the first interpretation may have been.

I suggest this to the Senator from New Mexico and the Senator from Kentucky: What is wrong with taking the rule of which the Senator has spoken, and the 18 interpretations which appear on the card I have before me, and letting the committee work out a provision which will contain the language of the 18 interpretations which appear on this card? That is the proper way to legislate; not to legislate with respect to something which no one in the Senate now fully and completely understands.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. I have consulted some of the records of the Commission in order to enlighten myself, and I find that in 1939 the Civil Service Commission issued Form No. 1236, which they entitled "Political Activities and Political Assessments of Federal Officeholders and Employees." This pamphlet consists of 25 pages. I have not had an opportunity to go through everything in it, but I notice in the other publication, from which the Senator from Indiana read, that there are a large number of citations at the bottom of each page—citations to Supreme Court decisions, Attorneys General opinions, citations to two or three rules of the Commission—which merely read:

Minutes of Commission July 19, 1937. See pages 152 and 154.

Then—

Minutes of the Commission September 7, 1920.

They would apparently be included in what we adopt if we agree to this amendment. We will have to go through

the minutes of the Civil Service Commission for the last 50 years and find every minute of the Commission which they have ever written into their book.

Mr. BROWN. I presume they will be considered interpretations by the Commission.

Mr. SCHWELLENBACH. Then I notice that they have different rules for the regular rural carriers and the substitute rural carriers. A substitute rural carrier can participate in politics to a somewhat greater extent than a regular carrier can.

I notice that upon recommendation of the Secretary of the Navy or the Secretary of War the Commission may, after necessary investigation, permit Government employees in military establishments to participate actively in local elections affecting their material welfare. That is Executive Order 3158. Citizens of certain towns in Maryland—there seem to be about fifteen or twenty of them—and four in Virginia are excepted from the provisions of the regulations of the Civil Service Commission.

Mr. BROWN. The Senator understands that he would be writing into the statute law all the facts to which he has been referring in his remarks. Am I not right?

Mr. BARKLEY. Mr. President, will the Senator yield for a suggestion to the Senator from Michigan and also to the Senator from New Mexico?

The PRESIDING OFFICER (Mr. BILBO in the chair). Does the Senator from Michigan yield?

Mr. BROWN. I yield.

Mr. BARKLEY. Personally, I do not think it is very material whether we attempt to freeze all the determinations heretofore made by the Civil Service Commission in this proposed statute. So far as I am concerned, it would seem to me to be sufficient if, in attempting to define the political activities we are trying to prohibit, we say that they are the same sort of political activities which are prohibited in rule 1, section 1, of the Civil Service Rules on political activity, and so forth. I would suggest this language, if it would meet with the approval of the Senator from Michigan, and also the Senator from New Mexico:

> The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as are prohibited in section 1, rule 1, of the regulations of the Civil Service Commission, pertaining to political activities.

That is a definite reference to the language of the rule and not to any interpretation of it.

Mr. BROWN. Are we not right back to the same proposition? We might just as well say, then, that political activity and political management should be prohibited because that is all that rule 1 covers. It provides:

> No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof.

That is familiar language. That is the identical language found in the pending Hatch bill. The next phrase is:

> Persons who, by the provisions of these rules, are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or political campaigns.

That is the identical language of the Senator's measure, and there is no necessity for section 15 at all, if we take that view.

Mr. ADAMS. Mr. President, the Senator has put his finger on the very thing we should do—to strike out section 15. That is what the leader has suggested in substance.

Mr. BROWN. I think it would be a splendid idea to strike out section 15 and have no section 15 at all.

Mr. GEORGE. Mr. President, will the Senator permit me to interrupt?

Mr. BROWN. Just one word and then I will immediately yield to the Senator from Georgia.

The suggestion which the majority leader makes is that we write into section 15 what we have already said in section 12. Yet we are told in section 12 to go to section 15 to find out what section 12 means.

Mr. BARKLEY. Mr. President, the Senator has objected to section 15 in substance——

Mr. BROWN. Strenuously.

Mr. BARKLEY. On the ground that we undertake to write into law all the hundreds and thousands of interpretations of the Civil Service Commission on all the cases they have had before them. In order to meet his objection, as I thought, I was suggesting that we do not write into the law their interpretations but write into the law their rule, which is almost identical with the rule which we set up in the law itself, but, by identification and recognition and connection, link the two provisions, to mean practically the same thing.

Mr. BROWN. I know the Senator is trying hard, but it seems we are running right around in a circle and getting back to the proposition that political activity is prohibited.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I feel that I must yield to the senior Senator from Georgia.

Mr. GEORGE. I have no question.

Mr. HATCH. The Senator knows that I do not mean to cut off any debate, but does he think it would be possible that we might get a vote on the bill this afternoon if we would eliminate section 15?

Mr. BROWN. That is a hard question to put up to me. So far as I am concerned, I see no reason why, if we eliminate section 15, we could not rapidly get through the other amendments. But I cannot give the Senator an answer for everyone. I can for myself.

Mr. HATCH. As I stated before, I have never attached very great importance to section 15, either the substitute or the original provision. I have never thought it made a great deal of difference. I would be perfectly willing right now, looking to the end of the debate, and possibly a vote this afternoon, at this time to withdraw the proposed substitute, or let it be laid aside temporarily, rather, and proceed with the other amendments; and if that is the only thing preventing a vote this afternoon, we can take that course.

Mr. BROWN. Does the Senator ask the withdrawal of his substitute?

Mr. HATCH. That it be temporarily laid aside.

Mr. BURKE. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BURKE. A yea-and-nay vote having been ordered on the substitute, can it be laid aside other than by unanimous consent?

The PRESIDING OFFICER. The Chair understands that when the yeas and nays have been ordered it can be laid aside only by unanimous consent.

Mr. HATCH. I demand the yeas and nays.

Mr. BARKLEY. I suggest that the Senator withdraw his substitute and let us vote now on section 15 as it is in the bill; and if the Senator from New Mexico is indifferent about it, I am willing to join him in eliminating it now, and not waiting.

Mr. HATCH. Mr. President, I am not exactly indifferent about it.

Mr. BARKLEY. I do not mean that the Senator is indifferent, because I do not think the Senator is indifferent about anything which he advocates. But if it is of no great consequence, if it is not vital to the bill, I myself see no objection to eliminating it, because the measure does in other sections define what can and what cannot be done.

Mr. HATCH. It is not vital, but it would be a help in the general enforcement of the act.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. LUCAS. The Senator from New Mexico says that section 15 is not vital to the bill. Who is going to enforce the provisions of section 12 in the event section 15 is eliminated?

Mr. HATCH. Each department that loans or grants funds then would have to enforce its provisions, just as they now enforce the provisions of the act passed last summer. Of course, they are enforcing it in many places.

Mr. BARKLEY. Even the elimination of section 15 would not eliminate the provision that the Civil Service Commission shall make an investigation and report.

Mr. HATCH. No. That provision would still remain.

Mr. BARKLEY. And then it would be up to the agency or department in question whether it would take action necessary to correct the situation.

Mr. HATCH. Yes.

Mr. LUCAS. Mr. President, will the Senator again yield?

Mr. BROWN. I yield.

Mr. LUCAS. In other words, if section 15 were eliminated, do I understand that the Civil Service Commission would still have the power under this bill to make investigations throughout the country upon complaints that have been legitimately filed with them?

Mr. HATCH. Yes; that provision appears on page 5 of the reprint of the bill. The Civil Service Commission's power in that respect would remain the same. All that section 15 does relates to the definition and the issuance of rules and regulations.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. BROWN. I yield.

Mr. LUCAS. Will the Senator from New Mexico point out to me what part of the bill particularly designates that the particular departments shall enforce the law, in the event section 15 is eliminated?

Mr. HATCH. I think the obligation would still rest on the Civil Service Commission. The departments would report to the Civil Service Commission, just as they now do, under the bill, and the Civil Service Commission, upon the receipt of that information, would make the investigation and give notice to the States and the employees, all of which is provided in section 12 rather than section 15. Section 15 relates only to the issuance of rules and regulations, and to the power to define the term "active political management," and so forth.

Mr. LUCAS. If the last interpretation of the Senator from New Mexico is correct, he now says that section 15, after all, is mere surplusage and that the act can function and will function without it.

Mr. HATCH. I did not say that it is mere surplusage. I think it has a very definite value. But I think the act can function and will function without section 15. That is quite true.

Mr. LUCAS. Mr. President, will the Senator from Michigan yield to me further?

Mr. BROWN. I yield.

Mr. LUCAS. If the Senator is correct, then, without section 15, if I understand the statement of the Senator correctly, the act will function just as though section 15 were in it?

Mr. HATCH. I did not say it that way, but I will say that it will function. Section 15 gives the Commission power to define the term "political management and political campaigns" and the power to issue rules and regulations. If that section is stricken out, the Commission will not have that power. In my opinion, it could function without section 15, but not as well.

Mr. LUCAS. Not as well, but under other sections they would still have the power to do what they are presumed to do under section 15.

Mr. HATCH. No; I would not make any such statement as that.

Mr. BROWN. I should like to have the attention of the Senator from New Mexico for a moment. I have reached the point where I am satisfied that the Senate is going to pass the bill. Therefore I feel that we must improve the bill as much as we can. It is very evident that the Republicans have decided to take the dose of castor oil that we administered to them yesterday. So I want to make the bill a good one. I agree with the Senator from New Mexico and the Senator from Illinois that it is a great deal better to have the rules and regulations enforced by one commission rather than by any one of 50, 60, or 70—I do not know how many there are—agencies which would administer it if section 15 were eliminated. I think the Senator has designed his bill in a logical manner in that respect, and that there ought to be one body administering the law.

I wish to make a suggestion to the Senator from New Mexico and to the Senator from Kentucky. I handed the Senator from New Mexico an amendment yesterday. I do not suppose he did me the honor to read it.

Mr. HATCH. Oh, yes; I did.

Mr. BROWN. It is a three-page amendment, in which it is provided—

That the term "active part in political management or in political campaigns," as used in section 9 of said act—

And in section 12 of the pending bill—

is defined as follows:

Then I took each item in the 18 statements as to rules, contained on the franked card sent out by the Senator from New Mexico, and I used substantially the same language, trying to put it in a little more lawyerlike phraseology than appears on the card, in defining the term "political activity." I also placed in it the limitations. The amendment which I proposed could very well be considered, redesigned, and reshaped by the Senator from New Mexico, and be back here tomorrow morning. If we are going to pass this bill, as I think we are, I think we can state the civil-service rules in the law. I think we can state the several important interpretations that have been made and make them the statute law in this measure. That is the lawyerlike way to do this thing, rather than to leave it to the Civil Service Commission, or to their former interpretations.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BARKLEY. Recurring to what the Civil Service Commission can do if section 15 is eliminated, I wish to call the Senator's attention to the fact that the bill provides, under the amendment which has already been agreed to, section 12, that whenever there is cause or reason to believe that any officer or employee has violated the law report shall be made to the Civil Service Commission. The Civil Service Commission makes an investigation. It reports back the facts in the matter to the agency having in charge the employment of the offender. Those things are done under the direction of the Civil Service Commission; and there is a provision for withholding certain funds unless the situation is corrected.

In the same amendment, on page 8, the Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section.

In other words, in order to carry out the functions of section 12, which have already been adopted by the Senate, the Commission is authorized to adopt rules and regulations governing the performance of its functions.

Section 15 does say that they can make rules and regulations interpreting political activity. I do not know whether or not the Civil Service Commission has made rules that govern every case that may arise in the future. I doubt it, because each case depends upon the set of facts developed in connection with it.

I agree with the Senator from New Mexico in the statement that the Civil Service Commission can function under the general authority given it in subsection (d) of section 12 to make rules and regulations governing the performance of its duties in the matters that do not originate with it, but which are referred to it for investigation, and upon which it makes a report to the agency employing the offender.

So I do not think that the Senator from New Mexico is going awry in suggesting that under the language already agreed to in section 12 the Civil Service Commission can function and make its rules for procedure in each case as it may arise.

Mr. BROWN. I agree quite generally with what the Senator from Kentucky says. First, I think it is better to have administration by the Civil Service Commission, and I think that that could be done under the pending bill. But the

Senator from Kentucky will agree that no definition is provided of the term "active part in political management or political campaigns."

Mr. BARKLEY. No; and I will say to the Senator that, so far as I recall, Congress has never attempted in any of its civil-service laws to define what is pernicious political activity, for the situations are so variable, the facts are so different. Rarely, if ever, are the facts in two cases precisely alike. So I do not know how far Congress could go, or how wise it would be for Congress to define what is pernicious political activity. It is not like defining a corporation or a person. It is not like defining a utility or many other things which we do define by law. This is such a flexible term, depending on the facts in each case, that I believe Congress by undertaking to include certain things, might not include many other things which ought to be included, simply because of inability to think of all of them at once.

Mr. BROWN. Mr. President, if the Senator will agree to write into section 9 of the Hatch law and into section 12 of the Hatch bill the substance of what has just been said, I will withdraw my opposition to the bill. The Senator was not talking about political activity. He continually used the words "pernicious political activity." I would not want any definition of "political activity." We would not need it if we had the word "pernicious" in the statute. But we are not talking about that kind of a statute. We are talking about a statute which condemns all political activity which has heretofore been considered entirely legitimate, and when we do that I want to define what the political activity is that must be proscribed by the statute.

Write the word "pernicious" in the measure, and I think right now the opposition to the bill would fall.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. The whole philosophy of this bill is that all political activity engaged in by certain individuals is pernicious.

Mr. BROWN. I do not agree with that philosophy, and I do not think the Senator from Washington agrees with it. Does he?

Mr. SCHWELLENBACH. I do not.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BARKLEY. It is almost as difficult to write a definition of "political activity" as "pernicious political activity." Suppose, for instance, a city mail carrier in the Senator's home town or in mine delivers a package of mail to a business house and somebody says, "Who do you think is going to be elected Governor, or Congressman, or Senator, or sheriff?" and he says, "I think Bill Jones is going to be elected." Is that political activity? Is the mere expression of his opinion that someone is going to get a majority of the votes, political activity, or would it be pernicious political activity? Or suppose he were asked, "Have you heard anything about how they are going to vote in the Ninth Magisterial Precinct in McCracken County?" And he would answer, "I have heard that John Smith is going to carry that precinct." Is that political activity, or pernicious political activity?

Mr. BROWN. If we write in the provision that is contained on the franked card sent out by the Senator from New Mexico, which I have written into the following suggested amendment:

> Nothing in this act shall be construed to prevent the free expressions of opinions on any and all subjects except in the making of political speeches in a political campaign.

That would cover the situation to which the Senator has referred. I think a great deal of the opposition to the bill would disappear if that language were written in it. I think the Senator's statements on his franked card should be written into the law. That is what I am asking for.

Mr. BARKLEY. Let me ask the Senator a question. Suppose it covers the case I have cited, of a man who is asked a question and expresses an opinion.

But suppose, instead of that, he is going around electioneering, advocating the election of somebody, but is not making political speeches. How would the Senator cover that situation?

Mr. BROWN. I am positive that that is covered in one of the rules on the Senator's card.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BROWN. I shall be glad to yield in just a moment. I will yield to the Senator while I am looking for that statement on the card.

Mr. STEWART. I call attention to section 3 on the card, which says:

> Whatever an official or employee may not do directly he may not do indirectly or through another.

It seems to me that covers a multitude of things.

Mr. BROWN. Also section 8:

> Employees may vote as they please, but they must not solicit votes; mark ballots for others; help to get out votes; act as checkers, marker, or challenger for any party, or engage in any other activity at the polls except the casting of his own ballot.

I think that would pretty well cover what the Senator has in mind.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BROWN. In just a moment.

Mr. STEWART. I wish to inquire what a checker is, since we are going into these things. I am familiar with the game of checkers.

Mr. BROWN. We have Checker cabs in Michigan. A checker might be some gentleman like Mr. Du Pont, or Mr. Pew, or some of the others who write enormous checks for the Republican National Committee.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. ADAMS. Mr. President, yesterday, relying upon the card which the senior Senator from New Mexico [Mr. HATCH] has issued, I think I made a misstatement, which I wish to correct.

Section 12 on the card says:

> Organization or leadership of political parades is prohibited, but marching in such parades is not prohibited.

That rather amused me. However, I find that the Senator from New Mexico did not correctly digest the rule. The rule in the book provides that no employee may march in a political parade. He may not play in a band in a political parade.

Mr. BROWN. Perhaps it is a little better to make a complete prohibition than a partial one. I referred to that case the other day. Assuming that section 12 of the statement sent out by the senior Senator from New Mexico—and not the one to which the Senator has referred—is the correct rule:

> Organization or leadership of political parades is prohibited, but marching in such parades is not prohibited—

Might we not find a situation of this kind? Suppose the Senator and I, as Federal officials in the city of Denver, were marching in the second rank of the parade, and suddenly the two gentlemen in front of us should happen to step out of line for some purpose or other: Then the Senator and I would be leading the parade and would lose our jobs as Federal employees. That is the real effect of section 12.

Mr. ADAMS. I was particularly concerned with the fact that if one were a Federal employee, he could not play nights in the band or play for political parades.

Mr. BROWN. If the cornetist leads the band, and the tuba player is at the end of the line, the cornetist violates the law because he is in front, but the tuba player and the drummer at the end are perfectly within the law.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HILL. The word "leadership" is contained in rule 12. How many leaders does a parade have? How would the Senator know? Is the fellow with the baton the leader; or are the first four, six, or eight the leaders?

Mr. BROWN. I think the Senator would have to send a communication to the Civil Service Commission in Washing-

ton and obtain a ruling from the Commission as to whether the baton wielder or the cornetist is the leader of the parade.

Mr. HILL. Suppose it should be a very hot day in July or August. If the leader of the band, in front, should faint and fall down, and happen to be taken out of the parade, then the other fellow, who did not mean to be the leader, would suddenly find that he was automatically made the leader. Would he violate the law and lose his job and never again be eligible for that job?

Mr. BROWN. Never again. He never again could take that job. That is the situation to which I referred when I placed the Senator from Colorado and myself in the parade in Denver.

Mr. HILL. There is another rule which has given me much trouble. It says that employees may not write for publication, or publish any letter or article——

Mr. BROWN. Will the Senator give the number of the rule?

Mr. HILL. It is the second sentence of No. 10:

> An employee may not write for publication, or publish any letter, or article signed or unsigned, in favor of or against any political party, candidate, or faction.

If someone writes a letter and does not sign it, how are we to catch him? How are we to enforce the law? How are we to take his job away from him and make him ineligible for the rest of his life? Suppose he does not sign his name. We have a practical problem. We, as legislators, have to look down and see the administration of the law. In the fair, equitable, and just administration of the law, how are we to catch the fellow who does not sign his name?

Mr. BROWN. We shall have to hire J. Edgar Hoover and join him with the Civil Service Commission.

Mr. HILL. I see.

Just the other day the Senate Committee on Interstate Commerce, of which I happen to be a member, reported a resolution to investigate wire tapping. Of course, if we are not to have wire tapping, we could not use that method to find this fellow, could we?

Mr. BROWN. No.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. I have a really serious problem to present.

Yesterday we talked about educational institutions. During the past few years there has been built up in the educational institutions of the country the very delightful custom of having beautiful young ladies as drum majorettes to lead the university bands at their football games, and so forth. If one of these beautiful young ladies who is skillful as a drum majorette happened to be receiving money from the National Youth Administration, or happened to be in a school which received money from the Federal Government, I inquire whether or not she would be denied the opportunity of being a drum majorette.

Mr. BROWN. It would depend on whether she led the parade or marched in the ranks.

Mr. SCHWELLENBACH. She would lead the parade as drum majorette.

Mr. BROWN. Then surely she would be condemned under the Hatch Act, and she never again could receive any money from the N. Y. A.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. LUCAS. In view of all the questions which have been raised about the band, would it not be proper for the members of the band to come to Washington and submit themselves to the Civil Service Commission before they started out?

Mr. BROWN. I think the Senator is correct about that.

Mr. LUCAS. One other question, which is really serious:

Getting back to section 15, it is my understanding that the Senator from New Mexico is about ready to abandon section 15, because he believes that under the provisions of the bill the Civil Service Commission can function practically as well under paragraph (d) of section 12. Paragraph (d) of section 12 says:

> The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. Any determination made by the Commission under this section shall be final—

And so forth. Does the Senator agree with me that from the standpoint of the delegation of power from the legislative branch of government to the executive branch, section 12 is even more vulnerable than section 15?

Mr. BROWN. I will ask the Senator what power is delegated in section 12.

Mr. LUCAS. I read:

> The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section.

In other words, the Commission has full power to do the very thing provided for by section 15, to lay down rules and regulations, governing what? Political activity, political management, political campaigns, pernicious political activity, and all other types of politics involved in the bill.

Mr. BROWN. In other words, the Senator believes that section 15 is superfluous, and that if we strike out section 15 everything proposed to be done by section 15 could be done under the powers conferred in section 12?

Mr. LUCAS. That is the position which the Senator from New Mexico is taking; and I agree with him, except that I say that from the standpoint of delegation of power from the legislative to the executive branch of the Government, section 12 is even more vulnerable than section 15.

Mr. BROWN. Everything the Senator from Illinois and the Senator from Oklahoma [Mr. THOMAS] have said as to the unconstitutionality of section 15 would apply to section 12 if it were used as the basis for the power of fixing and establishing rules and regulations.

Mr. LUCAS. There can be no question about that in my mind; and the only reason why the Senator from Illinois never referred to section 12 was because if section 15 is unconstitutional, as we contend it is, the same argument automatically pertains to other sections dealing with section 15. In other words, we must construe the statute as a whole; and section 12 would be construed by a court along with section 15 in determining whether or not the act is constitutional.

Mr. BROWN. Let me say to the Senator from Illinois and the Senator from New Mexico that I think everything the Senator from Illinois and the Senator from Oklahoma have said about section 15, and its now apparent application to section 12, would be eliminated if the Senator from New Mexico, the Senator from Georgia, and the subcommittee should write a new section 15 which would define political activity and fix its limitations.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. GEORGE. So far as I am concerned, I very frankly say to the Senator from Michigan and to all other Senators that I will agree to have nobody write the definition; nor will I be a party to writing a definition which is intended to emasculate the whole philosophy underlying the bill.

Mr. BROWN. Has the Senator read the amendment which I offered?

Mr. GEORGE. Yes; I have read it.

Mr. BROWN. Is there anything in that amendment which is not contained in the statements made on the franked card of the Senator from New Mexico?

Mr. GEORGE. Mr. President, I have not been interested enough in it to compare it with anything else; but I wish to make my position clear. I will not be a party to the complete emasculation of the bill.

Mr. BROWN. Does the Senator consider that we cannot write a definition of political activity?

Mr. GEORGE. I consider that every man who raises any question about what political activity means knows exactly what it means. It has been defined over and over and over again by the Civil Service Commission and other agencies of Government. I consider also that the difficulty is not in

defining it. Everybody knows what it means and what is intended to be prohibited by such language.

Mr. BROWN. Then why is the Senator unwilling to write into the statute law the definition which the Civil Service Commission has made? That is what I am asking this afternoon.

Mr. GEORGE. Substantially all the definition is in the bill. Let us be clear about it. It is very well to profess friendship for the bill. I do not care whether or not Senators wish to engage in a filibuster. That is immaterial to me. However, I wish to say that the thing which lost the Democratic Party seats in the House and Senate in 1938 was the fear and feeling throughout the country that we were willing to use Federal funds in Federal agencies to affect elections. Go on into the campaign of 1940 with the conviction that the Republicans are deliberately playing a game against the Democratic Party and see what consolation can be obtained from that attitude.

Mr. BROWN. Mr. President, I still say to the Senator——

Mr. GEORGE. The Senator asked me a question and I wish now to answer him.

Mr. BROWN. I yield further to the Senator.

Mr. GEORGE. There is not any difficulty about the language of this bill. There is not any real difficulty about the construction which would be put upon the bill by the courts, the Civil Service Commission, or any other department of the Government. The difficulty is that the construction is known by everybody who wants to know what the law means. The courts and every agency of the Government which has had anything to do with the matter have repeatedly said exactly what this bill would be construed to mean.

Mr. BROWN. Now, let me read to the Senator what the Civil Service Commission said:

> Definition of political activity: It is impossible to give a complete list of the particular activities in which an employee may not engage.

Mr. GEORGE. Why, certainly it is, just as the courts throughout the ages have refused to define fraud, because they could not imagine every conceivable circumstance under which a practice would be fraudulent or in good faith. They knew very well that when they did define it, those who wanted to defraud would take advantage of the definition and get around it; so the courts have always said that no absolute, rigid, exhaustive, and exclusive definition of fraud could be made. They have put it upon the ground that all men might well understand—to wit, that the moment they defined fraud, the man who wanted to commit it would find his way around the definition.

Mr. BROWN. Does the Senator, splendid lawyer that he is, compare the term "political activity" with the term "fraud"?

Mr. GEORGE. No.

Mr. BROWN. I was not quite sure. I am yielding to the Senator, but I think he ought to yield to me to make my statement.

Mr. GEORGE. The Senator has been speaking most of the afternoon.

Mr. BROWN. No; I have not, I will say to the Senator. I started about 4 o'clock.

Mr. GEORGE. I should not have interrupted the Senator if he had not asked me a direct question.

Mr. BROWN. Let me finish my point. The Senator cannot compare the perfectly legitimate and proper term "political activity" with the term "fraud," which has an entirely different meaning in English common law.

Mr. GEORGE. I am not saying that the words are synonymous; but I am saying that any American lawyer who wants to know what political activity is can find it out, because upon that question there is no reasonable doubt.

Mr. President, I do not want to take the Senator off the floor.

Mr. BROWN. The Senator is not going to.

Mr. GEORGE. However, I have a few words to say.

Mr. BROWN. Certainly; I yield to the Senator.

Mr. GEORGE. A great deal has been said here about what the Republicans were doing; that they were voting solidly. I have never considered this a political issue. I do not consider the freedom of elections in America a political issue; and I exceedingly regret to learn that any Democrat will consider the freedom of elections in America a political issue or a political question.

We must know, if we exercise the slightest reason, that this bill has not been aimed at any particular State; that it has not been aimed at anything that was done in the campaigns of previous years. I myself have refrained from speaking on the bill because I did not want to inject into it a single thing that would partake in any manner, even remotely, of a political discussion, particularly of things that may have happened in my State or in any campaign in which I have been engaged.

Now I come to this point, and it is the basis of this legislation: The bill does not invade States' rights, and it is not intended to invade States' rights. It is intended to protect the States, but it is intended to protect both the State governments and the General Government, because it is intended to preserve freedom in elections; and without the free election there is no democratic process as we know it, whether in the State or in the Federal Government.

Within the past 7 and a fraction years, under our party, there has been the most rapid concentration of power in the Federal Government that has taken place at any given period of time in our whole history. In order to relieve many of the conditions which we found in 1933 to be intolerable, in order to relieve conditions which we as Democrats knew should be relieved, we found it necessary to appropriate the largest sums of money that have ever been appropriated by our Government in peacetimes.

We found it necessary to create in the country the vastest army of Federal officials that we have ever had in peace or in war; and included in that army are also State officials and employees who are really and in truth engaged in administering Federal funds.

If no abuse had arisen in any American State, if there had been no suspicion that the W. P. A. was being used for political purposes, if no charge had been made that there was any abuse of Federal activities in any State, or any abuse on the part of those who were administering Federal funds, whether they were denominated State officials or Federal officials, let me say to my party that the moral obligation would have rested upon the Democratic Party to follow these large appropriations of funds from the hands of Federal officials down into the hands of every official of the State and of every employee in the State, and to safeguard those funds as far as humanly possible against their misuse for political purposes in any circumstances.

Not only that, Mr. President, but my distinguished friend the senior Senator from North Carolina [Mr. BAILEY], in the most engaging and entertaining and enlightening address—as his addresses always are—reminded us that this was an attempt to have the Federal Congress say to the States upon what condition they could have Federal appropriations.

Mr. President, with the profoundest love for my friend, let me say to him now, and to all here, that we have made appropriations to be used in the States in increasing numbers since the Democratic Party came into power; and those appropriations will be continued throughout the years. They will go to the farmers. They will go for many activities within all the States that are not now even directly supported by Federal funds. We are not going to discontinue that practice altogether. Some of us may desire to see it discontinued, but it will not be discontinued, and in my opinion it cannot be wholly discontinued.

Mr. SMITH. Mr. President, may I ask the Senator from Georgia a question?

Mr. GEORGE. Mr. President, I do not want to get away from the thread of my remarks now, but I will yield to the Senator in a minute.

What does it mean? It means that the State must assent to the conditions under which it receives appropriations.

What does the bill propose to do? To give to the Federal Government power to impose conditions upon the States? Not at all. It is a simple and feeble attempt to write one prohibition against further Federal imposition of power upon the States. We say that whatever the Federal Government may do about funds that are going to be sent into Virginia or into Georgia, funds shall not be sent down there to be used for political purposes; that we will not permit the political use of those funds in the States to corrupt the elections in those States.

We have gone further. We have said that if a State wants to have Federal money, and desires to administer it through a State agency, through a State official, a State employee, we, the Federal Government, will say to the States, and to their agents, that they cannot misuse, for the purpose of controlling an election, the fund sent there for the purposes for which the Congress deems wise to send the money into the States.

At the bottom of the democratic process, aye, at the bottom of free government as we know it in the United States, is the free election. The enormous concentration of power, the appropriation of enormous funds, puts the burden upon every man who votes for those funds, and especially upon the party which has voted them, to safeguard elections, not because we wish to take any liberties away from the little individual citizen who is working on W. P. A., not because we wish to restrict his freedom, but because we wish to restrict the power of the Federal Government through its officers and of the State government through its officers to coerce that citizen, and we want to leave him free to vote as he pleases, and even to express his opinion.

It is true that in order to make effective the provisions adopted for the safeguarding of the enormous sums of money which we are appropriating to the several States and for the use of the general Government, we must say that certain political activities must cease within these organizations, whether they are Federal or whether they are State. But the purpose of the proposed legislation, let me say to the Democratic Party, is to preserve freedom of elections.

I voted against the amendment offered by the distinguished Senator from Alabama [Mr. BANKHEAD], not because I would oppose the amendment upon principle, not because I did not think he would vote for the bill even if that amendment were adopted—and he very frankly said he would not—but we were not by this legislation, and are not now, attempting to correct all the abuses of politics, we are not attempting to destroy all the pernicious practices which have grown up in American politics; we are not attempting to purify American politics in the broad sense, or in the restricted sense in which that word has been used here.

We are merely undertaking to do one thing; and is not the Democratic Party willing to do that? We are saying that we recognize as basically true that elections must remain free, that they must not be controlled by the Federal Government, or by State officials who are administering Federal funds. We are saying that we do not care what party is in power, we ourselves as a party have made these great contributions to human welfare, to the betterment of the condition of our people within our States, and we recognize the undoubted moral obligation, as well as the political obligation, resting upon us to safeguard elections, not only against what is involved in the pending measure, but of course anything else which may threaten to destroy the freedom of elections.

Mr. President, need I remind the Senator that the Democratic Party will not live if Aubrey Williams addresses the workmen, who are receiving Federal funds, with the declaration, "Vote for those who gave you this money"? The Democratic Party will not live if such practice is indulged; it will not live on that kind of platform, and it will not live on that kind of philosophy.

The invidious distinction has been drawn here repeatedly that 40 Democrats were standing against this measure and a handful of some 20 standing with the majority leader, and opprobrium has been heaped upon the majority leader because the Republicans have been voting with the minority of the Democrats under his leadership.

Mr. President, that argument has saddened me. I am a Democrat; I have always been a Democrat, and expect to remain a Democrat. No one can drive me out of my party under any circumstances, so long as the party stands for any Democratic principles. I am not concerned, indeed I am not even voting in connection with the proposed legislation, because of anything done in my State. I am not even critical because the leader of my party, the President of the United States, entered my State in my last campaign. It is inevitable—and that is the argument I am trying to make—that when any political leadership, whether Democratic or Republican, whether Socialist or Communist, or what not, is given the great power we have seen fit to bestow on the Federal Government at the hands of the Democratic Party during the last 7¼ years, when such vast powers, I repeat, are given to any political party in power, and such vast sums of money are given, to be spent in all the States for various human activities, most of them good and desirable and even necessary, it is unavoidable that sometimes the head of that political party will make use of that power and will make use of that money in an attempt to control the organizations which have been built up on the money. To argue otherwise is childish, in my humble judgment. At least no argument to the contrary has ever addressed itself to my intelligence, or ever will.

Mr. BROWN. Mr. President, will the Senator do me the honor of listening to me for awhile, as I have to him?

Mr. GEORGE. I will be through in just a moment, and then I will listen to the Senator.

So when the Federal Government has been compelled to follow the course of action which the Federal Government, under the leadership of our party, has had to follow, it has been inevitable that these abuses would arise.

I do not blame the President of the United States. I do not even blame Mr. Hopkins. If he had not been at the head of W. P. A., someone else would have been, and he would have been human, and in the excitement of a political campaign would have used his vast power. Other representatives of our party will use it, and representatives of the Republican Party will use it when they come into power. Make no mistake about that. But that is beside what I have tried to say: That whenever we find it necessary to create such vast power in the Federal Government, and especially to accumulate and to appropriate such vast sums of money, the undoubted moral obligation rests upon the party which must do these things, whether from choice or necessity, or both, to safeguard every vital activity of democracy which may be adversely affected by the use of such power and the use of such tremendous sums of money.

First and foremost is the election, which must remain free from the coercive control of any vast governmental machinery in possession of enormous sums of money into whatever political hands that machinery may be for the time entrusted, because it is perfectly obvious that human beings, in order to perpetuate themselves in political power, will first of all abuse the power which they have been given for a good purpose, out of weakness, if for no other reason, and try to influence and control an election which may be regarded as vital to themselves.

Mr. President, I am not going to criticize any Senator because of the way he votes. But under my conscience I would not take the responsibility of saying that upon any ground whatever I should refuse to follow and safeguard the vast sums of money that have been appropriated and will again be appropriated, and which will go down into our States, through the hands of officers of the States, and through those of Federal officeholders, through the hands of employees of both the Federal and State Governments. I would not assume the responsibility of saying that I would not safeguard those things which are vital in our life, the freedom of humble men and women to walk uprightly to the polls, to vote without fear of molestation, to vote without any thought that their jobs are in the balance.

Mr. President, I need not tell Senators that already there have been some abuses. The Senator from West Virginia has brought some things to the attention of the Senate, as have other Senators also. But even if no abuses had occurred up to this time, we all know that they would ultimately appear in our body politic. We cannot escape the conclusion that they would ultimately manifest themselves.

So I shall not be deterred by any thought that perhaps I am taking away from the American citizen a little bit of his privilege to engage actively in a political campaign, when the large army of civil-service employees for 50 years have been denied that privilege. Nor shall I concern myself about the rights of the States, because I know the States are receiving the money and will continue to receive the money. And today there is not a solitary restriction upon the Federal power, when it offers money to the State of Georgia, or Virginia, or North Carolina.

I want the legislation to contain provisions by which we shall try to safeguard the elections and keep them free. I do not say "pure." I know very well that the use of large sums of money is a corrupting influence in a political campaign. I know very well that certain types of organized voting are directly against the democratic form of government. I can appreciate that. All those abuses cannot be corrected immediately. Certainly we cannot correct them all in a bill which takes—not a drastic, but rather a feeble step, although it is the very best we can do now—a very limited step toward the preservation of free elections as against the influences that would be built up around enormous sums of Federal money, unlimited grants of Federal power handled by men not always deeply and piously devoted to the American principles of government, both State and Federal.

I am not critical of the President. I want to repeat that. I never have cared because he went into my State and made an attack upon my public record. That did not matter. The people of my State answered that. But they answered it, let me say to the Senator from Michigan, whom I respect, and to all my able colleagues—they answered it because there is a free election in Georgia.

If freedom of election shall ever be destroyed through the enormous power of the Federal Government, linked perhaps with the activity of a State administration that is willing, as some may have been, to sell their own States down the river for a mess of Federal pottage; if the time ever comes when, because of the enormous power lodged in the hands of the Federal Government through great armies of men and women who must labor for a living, and who are grateful for the opportunity to earn even a subsistence wage on any kind of Federal activity or project, the freedom of election is destroyed, then what happened in Georgia in 1938 will be only a memory.

Let me say, in conclusion, that our whole political system depends upon free elections, plus the freedom of the American press. I have seen many things which to me looked discouraging, but I have always been heartened when I have seen how willing the people were to try to keep elections free, so men and women could express themselves without fear, and without coercion, and without compulsion, and I am heartened because the American press, by and large, almost without exception, has been willing to seek the truth upon many vital questions.

Although my good friend the Senator from Indiana [Mr. MINTON] spoke of one newspaper which had been supporting our distinguished friend the author of this bill, the Senator from New Mexico [Mr. HATCH], let me say to the Senator from Indiana that there are many other newspapers in the United States which are supporting the bill not because it is perfect, not because one cannot find things in it which ought to be corrected, not because one cannot find things in it which will be corrected next year and the years after that—not by any means—but they have supported it because they sensed precisely what I have been trying to say, that the freedom of elections in America is involved, and they desire to prevent the slightest coercion, or opportunity to coerce, the voters who happen to hold Federal offices, or who occupy positions under a State administration, because of the influence of the money in the hands of the Government. They have sensed, as I have said, the vital purpose of this bill to do that, and to do exactly that.

Mr. BROWN. I thank the Senator from Georgia. I wish to say to Senators that I do not want to yield for a few minutes, and I hope the Senator from Georgia will sit in his seat and turn around and look at me, so he can give me the same attention I have given him.

I have always looked upon the Senator from Georgia as one of the great statesmen not only of the Senate but of the entire American Nation. I have sat with him in subcommittees as a minor member of his committee. I have sat with him in the Finance Committee during the 4 years that I have been honored by being given the privilege of representing the State of Michigan in the Senate of the United States. I not only admire and revere him as one of the elder statesmen, but I have an uncommon affection for the Senator from Georgia.

The Senator from Georgia says he is a Democrat. I, too, am a Democrat. As the senior Senator from Michigan [Mr. VANDENBERG] can testify, I have been a Democrat through all the mature years of my life, in a State of the American Union where it was a little harder to be a Democrat than it was for the Senator from Georgia to be a Democrat in his State. He lives in a State where to be a Democrat means certain election to public office, once the nomination is received. I come from a State where, until 1932, it meant certain defeat to be a candidate on the Democratic ticket, as I was, in election after election, for Member of the House of Representatives, judge of the supreme court, and other offices.

I will say to the Senator from Georgia that at one time I was the only Democratic prosecuting attorney in the entire 83 counties of my State of Michigan. I have heard gentlemen from the South talk about the torn and tattered army which marched home after Appomattox. We Democrats in Michigan, Wisconsin, Illinois, and Indiana are the torn and tattered army of Democracy. It has been hard for us to adhere to a party which has met defeat after defeat. Each election was another Appomattox.

Mr. President, in 1924 my party was defeated by a majority of 800,000. The Senator never adhered to a political party like that in the State of Georgia. If he is entitled to the honor of being a Democrat when he has been affiliated with a party whose constant rule is success, then I say that those of us here in the back row, who came to the Senate somewhat more recently, are entitled to the same honor for adhering to the Democratic Party through all the lean years of its existence in our States.

The Senator from Georgia would not be chairman of the Committee on Privileges and Elections if he depended upon the Democratic Party south of the Mason and Dixon's line. He is chairman of that committee because we carried the flag for years and years in Michigan, Indiana, Minnesota, Pennsylvania, and other States which made the Senator from Georgia the chairman of this committee in 1932.

Let no man from Georgia tell me that his Democracy is any better than mine. I think my record in that respect fully measures up to his.

Mr. GEORGE. Mr. President, I do not know whether or not the Senator wishes me to interrupt him.

Mr. BROWN. I did not interrupt the Senator.

Mr. GEORGE. I merely wish to say that I was not comparing the votes during the past 2 weeks with a group of Republicans and a mere handful of Democrats. That comparison has been made by others.

Mr. BROWN. I take it that the Senator was proving that he is a Democrat, because he went through the fires of the election in Georgia in 1938, in which I was with him 100 percent, as he knows. I was calling his attention and the attention of the Senate to the fact that I, too, have a record in democracy which entitles me to defend my vote as a Democrat in this body, just as he is defending his vote.

Mr. President, I do not wish this question to be decided upon the basis of personalities. The Senator says I have been conducting a filibuster. I am the only Democrat on this

side, with the exception of the Senator from Alabama [Mr. BANKHEAD], who has proposed amendments to which the Senator from Georgia has agreed and to which the Senator from New Mexico has agreed and to which the Senate has agreed in an effort to help the bill. I have not conducted a filibuster. I have tried to obtain a definition in the law which ought to be written into the law.

Now we come down to another question. The Senator from Georgia says that free elections are what we need in this country. I do not know what the Senator means by that statement. For 150 years we have been operating without the Hatch law—either the present existing law or the provisions of the pending bill—and I defy any man under heaven to deny that elections in America have been substantially, essentially, free elections. No country in the history of the civilized world has advanced as far as has the United States of America in giving democracy to the people and giving the control of their Government to the people. We do have free elections.

But, Mr. President, there are provisions in the Constitution of the United States which are just as important as free elections. Let me digress to ask the Senator from Georgia, chairman of the committee which reported the bill, whether he thinks he would have free elections in Georgia if we followed the implications of the bill to their logical conclusion. I was thinking about that question last night. If we have the right to say that certain individuals shall not electioneer at the public polling places, have we not the right to say that, instead of the citizens of Georgia counting the ballots which are cast in Georgia for the office of President of the United States, the citizens of Michigan, chosen as Federal officials, shall go down into Georgia and conduct elections in Georgia? I am sorry to say that some of the citizens of Michigan, not with pen and ink, but with bayonets dripping with blood, once conducted in the State of Georgia elections which were not free elections. I say, if the implications of the bill are carried through to their logical and final conclusion, the Federal Government of the United States will determine who shall count the ballots—not merely the men who shall go from door to door ringing door bells; not the men who shall go from man to man and say, "Will you vote for the Democratic ticket?" or "Will you vote for the Republican ticket?" No. If we follow logically the legal propositions which the distinguished Senator lays down, then I say that federally appointed men from Michigan and Illinois and Indiana will be counting the ballots in Georgia, and federally appointed men from Georgia may be counting the ballots in Michigan cast for the President of the United States.

Mr. GEORGE. Mr. President——

Mr. BROWN. I refuse to yield. I did not interrupt the Senator. I decline to yield.

Mr. GEORGE. Very well, if the Senator does not want to be interrupted. I merely wanted to remind him that already there is written in the Constitution a single provision which would protect the States as to the time and place of holding the elections, and every other principle involved in it might well be enacted.

Mr. BROWN. I will say to the Senator from Georgia that I am not going into another subject along that line, and I hope he does not provoke me to going into it——

Mr. GEORGE. Mr. President, I am not trying to provoke the Senator.

Mr. LUCAS and other Senators. Regular order!

Mr. GEORGE. But I have never been frightened by any threat to do something to my State.

Mr. LUCAS. Mr. President, I demand the regular order in this debate.

Mr. BROWN. I wish the Senator from Illinois would not do that. I want to be courteous to my friend from Georgia. I revere him now as much as I did before he made what I consider a rather bitter attack upon me. I still think as much of him as I ever did.

Mr. GEORGE. I did not mean to make any attack on the Senator personally.

Mr. BROWN. The Senator charged me with being insincere in my advocacy of this position.

Mr. BURKE. No, no.

Mr. BROWN. I beg to differ with the Senator from Nebraska, who says, "No," "No."

Mr. GEORGE. I did not intend——

Mr. BROWN. I decline to yield.

Mr. GEORGE. Very well; I rise to a question of personal privilege.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator will state it.

Mr. GEORGE. I did not intend to make the slightest unkind reference or implication as to the Senator personally; not at all.

Mr. BROWN. I thank the Senator for that; and I do not mean to be unkind to him. We are debating here a fundamental, a deeply important principle of American liberty. I go back to the proposition upon which I started. The Senator talk about free elections. Let the people be free and your elections will be free. I say that when the Senator, by the passage of this bill, lays these prohibitions upon a man who is not a Federal official, but a State official so remotely connected with the Federal Government that no one could find that connection except through the trickling of perhaps 10 cents a day out of the Federal Treasury, we will say, into the salary of a professor in my University of Michigan—a man who must hold his job in order to live and support his family—the Senator takes away from him that which was guaranteed him by the first amendment to the Constitution of the United States, written by one of the demigods of early American politics. He denies to that man freedom of speech just as effectively as if he wrote into a statute a statement that a professor in the University of Michigan should not be permitted to open his mouth upon a subject of political contention throughout the United States.

Why do I say that? The most powerful of all compulsions upon people are not the gates that close the prison walls. The most powerful compulsions in American public life are economic compulsions. When we say to the teacher in the University of Michigan: "You shall not talk about the tariff; you shall not talk about President Roosevelt; you shall not talk about or condemn ARTHUR H. VANDENBERG or PRENTISS M. BROWN, unless you give up your means of livelihood, unless you give up the means by which you live and support yourself by giving up your salary as a teacher in this university," I say we are placing upon him a much more powerful and potent compulsion than if we sent him to the county jail of Washtenaw County, Mich., for 30 days. He would rather serve those 30 days in the interest of human liberty than to lose the means by which he supports himself, his wife, and those who are dependent upon him.

That is the kind of liberty I am pleading for in this case. The Senator from Georgia, because of his unfortunate experience, because of an experience in Georgia with political manipulators that I condemn and am willing to condemn upon this floor, an unfair use of Federal money, assumes from that that all men who are connected with the Government of the United States, be they employees of the Department of the Interior, be they minor officials in the office of the Secretary of State administering old-age pensions, are so certain to attempt to corrupt elections in the United States that neither they nor any of the total of all twelve hundred thousand Federal employees may enjoy the constitutional privilege of free speech that is guaranteed by the first amendment to the Constitution of the United States.

That is one thing I am fighting for. I am fighting for another thing; and these are the two fundamental points that affect me in this bill. Let me remind the Senator from Georgia that I was with him and with the Senator from New Mexico upon the first two vital votes, on the Miller amendment and the Adams amendment, because I wanted to retain section 9 of the law if I could, but not to impose upon my State and the Senator's State the onerous provisions of section 12.

But I do not want to be diverted. My second point—and it is an important point—is that any individual, be he a State employee, be he a Federal employee, or what not, in connection with the Government of the United States or of any State, has a right to know, not from a Civil Service Commission but from the Congress of the United States, through the imposition of its statements of law—not speeches, not rules and regulations, but statute law—what is a violation of the law. Am I wrong about that?

No citizen in my State should be bound by a Federal statute which merely says that he may not engage in political activity. He has a right to know what political activity is to be condemned; and the storm which we have had in the late hours of the afternoon was caused by a simple request upon my part that the Senator from Kentucky, the Senator from New Mexico, and the Senator from Georgia accept the amendment I proposed, which, line for line and sentence for sentence, takes everything that is in the franked card that the Senator from New Mexico mailed, and says, "These things you may not do."

That is what my people back in Michigan want to know: When will they be engaged in political activity, and when will they not be engaged in political activity?

I am fighting for just two things: First, the right of all citizens to the fundamental privileges of free speech for which our forefathers fought and died, and which they wrote into the first amendment to the Constitution; and, second, an absolute, certain statement as to what constitutes the kind of political activity which Congress seeks to condemn.

I beg the pardon of the senior Senator from Georgia if I have exhibited some undue heat here this afternoon. I think he likewise was somewhat earnest in his argument. I say now that I extend the right hand of fellowship to him. I have the same warm admiration for him I had before he said anything upon this bill. I consider him one of the great Senators in this august body. A few weeks or months ago, when someone sent out a list of the 10 greatest and most influential Members of the Senate of the United States, he made a grievous error when he did not place the senior Senator from Georgia among the first of those Senators.

Mr. President, we are all the victims of our circumstances. Our mental processes are affected by those things which happen around us, and that, I am sorry to say, probably affects most of us in the Senate. I may be selfish in my attitude toward the pending bill. If so, I am not conscious of it. My conscience is clear. The Senator from Georgia may be affected by the circumstances surrounding his election in 1938. I do not think he is conscious of that fact. But, as I have stated, we are all victims of the circumstances which surround us, and if the Senator from Georgia implies that I am interested in the bill in the manner in which I am, I want him to accord to me the same high motives in my opposition to the bill which I accord to him in his advocacy of the bill.

Mr. President, I renew my request that the majority leader, the Senator from New Mexico, and the Senator from Georgia—although the Senator from Georgia started out by utterly refusing to do any such thing—consider the proposition of nominating in the bond, of naming in section 15, to be added to the statute, the pernicious political practices which they wish to condemn.

Senators, I ask nothing more, and in behalf of the people of my State I think I am entitled to ask that that matter be given consideration during the evening hour, and that tomorrow the committee endeavor at least to write into the statute law the particular, certain, and definite things which they seek to deny by way of political activity to all the Federal and State employees who are subject to the onerous and heavy provisions of the law and this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. HATCH] in the nature of a substitute for section 15 of the law. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNARY (when Mr. NORRIS' name was called). The senior Senator from Nebraska is absent on official business. If present, he would vote "yea."

Mr. CLARK of Missouri (when Mr. TRUMAN'S name was called). My colleague the gentleman from Missouri [Mr. TRUMAN] is unavoidably detained from the Senate. If present, he would vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arkansas [Mrs. CARAWAY], the Senator from Virginia [Mr. GLASS], and the Senator from California [Mr. DOWNEY] are unavoidably detained.

The Senator from Louisiana [Mr. OVERTON], the Senators from Arizona [Mr. ASHURST and Mr. HAYDEN], the Senators from Iowa [Mr. GILLETTE and Mr. HERRING], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is paired with the Senator from Arkansas [Mrs. CARAWAY]. I am advised that if present and voting, the Senator from Louisiana would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. AUSTIN. I announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "yea," and, if present, the Senator from Utah would vote "nay."

I also announce the pair of the Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Illinois would vote "nay."

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia [Mr. GLASS], and in his absence I cannot vote. If permitted to vote, I would vote "yea." I am informed that if the Senator from Virginia were present and voting he would vote "nay."

The result was announced—yeas 42, nays 34, as follows:

YEAS—42

Austin	George	McCarran	Thomas, Idaho
Barbour	Gerry	McNary	Thomas, Utah
Barkley	Gibson	Maloney	Townsend
Bridges	Green	Mead	Tydings
Burke	Gurney	Neely	Van Nuys
Capper	Hale	Nye	Walsh
Chandler	Hatch	Reed	Wheeler
Clark, Mo.	Holman	Reynolds	White
Danaher	Holt	Russell	Wiley
Davis	La Follette	Sheppard	
Frazier	Lodge	Taft	

NAYS—34

Adams	Chavez	Johnson, Colo.	Pittman
Andrews	Clark, Idaho	Lee	Schwartz
Bailey	Connally	Lucas	Schwellenbach
Bankhead	Donahey	Lundeen	Smathers
Bilbo	Ellender	McKellar	Smith
Brown	Guffey	Miller	Stewart
Bulow	Harrison	Minton	Thomas, Okla.
Byrd	Hill	Murray	
Byrnes	Hughes	Pepper	

NOT VOTING—20

Ashurst	Glass	Norris	Slattery
Bone	Hayden	O'Mahoney	Tobey
Caraway	Herring	Overton	Truman
Downey	Johnson, Calif.	Radcliffe	Vandenberg
Gillette	King	Shipstead	Wagner

So Mr. HATCH'S amendment in the nature of a substitute for section 15 of the law was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. BARKLEY. Mr. President, I wish to see if we cannot come to an understanding about procedure in the immediate future. Many Senators have urged that we continue in session tonight and try to conclude action on the bill. I am entirely willing to do that, or I am entirely willing to see if we can arrive at an agreement for a vote tomorrow. I do not know how the Senate feels about continuing in session

tonight. I do not wish to force Senators to remain here unless they are willing to. In fact, I could not do so if I wanted to. So I shall see if we can arrive at a unanimous-consent agreement to fix the time for a vote.

The PRESIDING OFFICER. The Parliamentarian calls the Chair's attention to the fact that there still is another vote necessary with respect to section 15, the committee amendment as amended. The last action was on a substitute.

Mr. BARKLEY. I am perfectly willing to have the Senate dispose of that.

Mr. ADAMS. Mr. President, I have a suggestion to make in reference to that matter. I do not want to take more than 2 or 3 minutes of the Senate's time to express my views.

I am very much in accord with the premise which I understand was laid down by the Senator from Georgia [Mr. GEORGE]. I differ with that of the Senator from Michigan. The original Hatch Act provided that—

> No officer or employee * * * shall take any active part in political management or in political campaigns.

That language was in the original act without definition. It seems to me that the wise thing to do is to allow those words to stand in the supplemental bill as they stand in the original act.

I think we will make a mistake if we adopt section 15 in any form. As the Senator from Georgia has said, there is not a Senator, there is hardly a citizen, who does not have a very clear understanding of what is meant by "political management and political campaigns," and if we forbade those things in terms, I think the act would be more flexible, I think it would be easier to enforce than if we were to attempt to lay down, as the substitute proposes, a series of unchanging definitions. The substitute lays down definitions of things which have arisen in the past. From the standpoint of the purpose of the Senator from New Mexico, I think it would be a mistake to put into the bill a series of definitions based upon regulations of the Civil Service Commission. Therefore it seems to me much wiser to have section 15 go out of the bill, and leave stand its positive declaration, as we find it in the original Hatch Act. As the Senate knows, I concurred in that argument. I am anxious to see the bill, if it is to be enacted, in understandable and proper form.

Mr. MALONEY. Mr. President, I voted for the substitute for section 15 in the bill. I desire to associate myself with the remarks of the Senator from Colorado. I am anxious to see section 15 go out, but I thought that the substitute just offered an improvement over the committee amendment.

Mr. BARKLEY. Mr. President, in view of the fact that in order to complete the present parliamentary situation the vote is necessary on the amendment as amended, I shall desist from making any effort in respect to a unanimous-consent agreement until that matter is disposed of.

The PRESIDING OFFICER. The question is on the committee amendment as amended by the last amendment of the Senator from New Mexico. [Putting the question.] The ayes appear to have it.

Mr. ADAMS. I ask for a division.

On a division, the ayes were 40, the noes 31.

So the committee amendment, as amended, was agreed to.

Mr. BARKLEY. I now ask unanimous consent that not later than 5 o'clock p. m. tomorrow the Senate shall proceed to vote on the bill and all amendments and all motions pertaining thereto; that no amendment shall be offered which has not been read for the information of the Senate by 4:40 p. m. tomorrow; and that this agreement shall be null and void in the event the antilynching bill is offered as an amendment to the bill.

Mr. THOMAS of Oklahoma. Mr. President——

Mr. BARKLEY. I yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. In order that we may try to complete the consideration of the pending measure at this time, I object.

The PRESIDING OFFICER. Objection is heard.

The bill is still before the Senate and open to further amendment.

Mr. STEWART. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Tennessee will be stated.

The CHIEF CLERK. It is proposed to add a new section to the bill, to be known as section 16, as follows:

> *Provided*, That the words or phrase "in part" heretofore used in sections 2 and 12 in this amendment, as amended, with reference to loans and grants made by the United States to any State, county, or municipality, shall be construed to mean a major part of such loan or grant.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. STEWART. I yield.

Mr. BARKLEY. Inasmuch as objection was made to my request a moment ago, I ask unanimous consent that during the remainder of the consideration of the bill no Senator shall speak more than once or longer than 20 minutes on the bill or any amendment thereto, with the proviso that if the antilynching bill is offered as an amendment to the bill that limitation shall not apply.

The PRESIDING OFFICER. The Senator from Kentucky submits the unanimous-consent request that throughout the remainder of the consideration of the bill no Senator shall speak more than once or longer than 20 minutes upon the bill or any amendment thereto, provided that if the antilynching bill is offered as an amendment to the bill the unanimous-consent request shall be voided. Is there objection?

Mr. BROWN. Mr. President, reserving the right to object, I did not hear what was said. Does the unanimous-consent request mean that we shall now adjourn?

Mr. BARKLEY. I do not know. I cannot say.

Mr. BROWN. If the Senator will add to his unanimous-consent request a provision that we go over until tomorrow immediately upon the adoption of the unanimous-consent request, I shall not object. I wish to say to the Senator that after having been on the floor since 11 o'clock this morning, and having taken a more active part in the consideration of the bill during the past 2 weeks than I have done with respect to any other measure, I think it is unfair to those of us who have been carrying on the battle to ask us to stay here until a late hour this evening.

Mr. BARKLEY. Mr. President, I entertain the hope that the Senator from Oklahoma will withdraw his objection to my former request, which was that we vote not later than 5 o'clock tomorrow, and that no amendment shall be taken up which is not read for the information of the Senate not later than 4:40 o'clock, and that in the event the antilynching bill is offered as an amendment to the pending bill, the unanimous-consent agreement shall be void.

Mr. THOMAS of Oklahoma. Mr. President, reserving the right to object, we have had a great many amendments voted on, and on all the substantial amendments there has been a majority to sustain the philosophy of the bill. We have just had a very decisive vote. It was my understanding, and perhaps my hope, that the remainder of the amendments could be passed upon quickly, and that when we should conclude today the bill would have been passed. However, if that is seemingly out of the question, of course, the reasons for my objection disappear, and I am glad to withdraw my objection.

Mr. BARKLEY. I thank the Senator.

Mr. McNARY. Mr. President, I have tried to be wholeheartedly cooperative. I am advised that a number of Senators who would like to be present at the time of final passage of the bill will be absent tomorrow on important business. I suggest to the able Senator that he make the date Monday at 4 o'clock.

Mr. BARKLEY. The difficulty about that is that two or three proposals have been suggested to me, including the one now suggested by the Senator. We all know that the Senator from Georgia [Mr. RUSSELL] is anxious to take up and dispose of the agricultural appropriation bill, and we are all

anxious to assist him. To fix the hour of voting at 5 o'clock, or even 4 o'clock, on Monday would practically consume the entire day of Monday, although, so far as I am concerned, I do not know that 1 day makes much difference. So far as I am individually concerned, with the understanding that we can dispose of the bill, and that if an agreement is entered into we shall recess from now till Monday, I am willing to modify the agreement so as to apply to Monday instead of tomorrow, except that the hour shall be 4 o'clock p. m. instead of 5 o'clock.

Mr. RUSSELL. Mr. President, I am not sure that I understood all of the request.

Mr. BARKLEY. The request, as modified, is that not later than 4 p. m. on Monday the Senate proceed to vote on the bill and all amendments and all motions relating thereto.

Mr. RUSSELL. Why does not the Senator from Kentucky wish to have a session tomorrow?

Mr. BARKLEY. I am willing to have a session tomorrow, and I made my original request for tomorrow; but it seems that I cannot obtain an agreement for tomorrow, on the ground that some Senators will be absent from the city. With important legislation like this on the calendar and under consideration, and with a vote almost arrived at, I do not quite understand why Senators feel that they can absent themselves tomorrow because it happens to be Saturday. However, I do not wish to quibble. I am perfectly willing to let the bill go over until Monday. I will cooperate with the Senator from Georgia [Mr. RUSSELL] to the extent of my ability.

Mr. RUSSELL. I understand that the Senator from Kentucky has been willing to have the agricultural appropriation bill come up, but I have felt very keenly the fact that on Monday of this week, for the first time in my experience, the Senate voted down a motion to consider a general appropriation bill on the assumption that the pending business would take only 1 or 2 days. We are now approaching the week end. I regard it as vitally important that the Senate proceed to the consideration of the agricultural appropriation bill at the very earliest possible date.

It may be truly said that the action of the Senate could well be taken at a later date; but the effect of delay on the agricultural appropriation bill is certainly not to strengthen the chances of the Senate committee amendments being finally enacted into law. What I am seeking to promote is the final passage of the bill through all the ramifications of the legislative process, rather than mere approval by the Senate.

I hope those who have objected to the unanimous-consent request for tomorrow will withdraw the objections. It would not seriously hurt the Senate to work a while on Saturday, and I think it would promote the chances of the agricultural appropriation bill not to delay it until next week.

Mr. BARKLEY. Mr. President, I fully appreciate what the Senator has in his mind, and I am sympathetic with his viewpoint; but I do not believe a delay of 1 day will affect that situation. I do not believe the delay up to the present time has affected it.

Mr. RUSSELL. I wish I could share the optimism of the Senator from Kentucky. I regretted that I could not share his optimism on Monday that the consideration of the pending bill would be concluded by Tuesday afternoon at the latest. I have already heard of movements under way, as a result of this delay, which are likely to impair the chances of the Senate amendments to the agricultural appropriation bill when that bill reaches the House.

Mr. BARKLEY. I hope the Senator will not object to this request.

Mr. RUSSELL. Will the Senator from Kentucky make the hour 3 o'clock, so that we may make some progress on the agricultural bill? The Senator well knows that if we are to vote at 4 o'clock on the pending bill the Senate will not make any progress with the agricultural appropriation bill on Monday.

Mr. BARKLEY. I will say to the Senator that I believe the agricultural appropriation bill can be passed in 1 day. Perhaps I am more optimistic than is the Senator in that hope.

Mr. RUSSELL. I hope the Senator is correct. I am inclined to share that belief.

Mr. BARKLEY. I believe we can finish the agricultural appropriation bill on Tuesday. I am now ready to vote on the pending bill, as the Senator knows, and any hour tomorrow or Monday will suit me; but I am trying to obtain an agreement.

Mr. RUSSELL. Could not the Senator make the hour of voting 3 o'clock, so that we may start on the agricultural appropriation bill on Monday? The Senate can meet at 11 o'clock on Monday and have just as many hours to consider the pending bill.

Mr. BARKLEY. I have no objection to fixing the hour at 3 o'clock, and I so modify my request.

Mr. BURKE. Mr. President, the request is made to go over until Monday because some Senators will be away tomorrow, and want to vote on the bill. I have been waiting all the week to vote on the bill, as I have to go away tomorrow, and will not be here Monday. Therefore, I feel constrained to object to a unanimous-consent agreement fixing an hour to vote on Monday. I think it would be very much better to stay here now and finish the bill before we adjourn.

Mr. McNARY. Mr. President——

Mr. BARKLEY. Am I to understand that the Senator from Oregon will object to my original request to fix a time for a vote tomorrow?

Mr. McNARY. Mr. President, personally I have wanted to vote on the bill since the day it was read by the clerk, and I think that is the attitude of the other Republican Members of the Senate. A number of Members some time ago accepted engagements to speak before patriotic societies on the occasion of the anniversary of the birth of St. Patrick. These engagements were accepted some weeks ago, and Senators are unable to break them at this time. I cannot see any reason why 1 day should have a material bearing on this matter; and I prefer either to vote on Monday or to go forward tonight. So I shall object to fixing an hour to vote on Saturday.

SEVERAL SENATORS. Regular order!

Mr. STEWART. Mr. President, I am going to speak for only a very few minutes on this amendment. The amendment has to do with the portion of the section which reads:

> Any activity which is financed in whole or in part by loans or grants made by the United States—

And so forth. These words are substituted for the portion of the section dealing with the same subject. I ask that the amendment be stated from the desk, since the Senator from New Mexico [Mr. HATCH] has interrogated me about it.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The amendment offered by the Senator from Tennessee will be stated for the information of the Senate.

The CHIEF CLERK. It is proposed to insert in the bill, as a new section, the following:

> SEC. 16. *Provided*, That the words or phrase "in part" heretofore used in sections 2 and 12 in this amendment, as amended, with reference to loans and grants made by the United States to any State, county, or municipality shall be construed to mean a major part of such loan or grant.

Mr. STEWART. Mr. President, the reason why I offer this amendment—and, as I say, I desire to speak for only a moment or two on it—is because I make this distinction:

The bill introduced by the Senator from New Mexico provides that the employees of the States, counties, and municipalities which have been granted or loaned money by the United States Government shall be subject to the provisions of this act, and that the control of the Government shall continue over these employees whether the grant is 1 percent, 10 percent, 50 percent, or 100 percent. I think a distinction should be made. I mean that since it is impossible to fix a degree of control over the political activity of an employee of a State government or of a county or municipality, this statute should fix some amount or some portion of an amount which should control. The same control over the employee is retained to the United States Government by the bill as it stands whether the Government contributes the entire

amount to the particular project or whether it contributes only 1 percent.

I have some figures which I will not tire the Members of the Senate by undertaking to read, because I said I was going to speak for only a moment; but I want to refer to one or two instances of Government grants, loans, and so forth, which would be affected by this measure.

For instance, in the case of old-age pensions the Government, I believe, contributes 50 percent. The remainder is made up by the States, and sometimes a portion of it is made up by the counties within the States which participate. I think there should be a considerable difference between a case in which the Government contributes 50 percent or more to any particular project or activity, and one in which, as in many instances like the game and fish department, perhaps, or the health department, it contributes a much smaller amount. So I believe this amendment to be a good one, because no degree of control can be fixed by reason of the percentage or portion of the grant or loan which the United States Government makes to the State, or to the county, or to the particular municipality.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. STEWART. I yield; yes.

Mr. RUSSELL. Does the amendment of the Senator apply in the case of a loan or grant with respect to a construction project under P. W. A., or does it apply to the portion of the Federal loan or grant which is devoted to the payment of the compensation of the employee?

Mr. STEWART. I simply undertake to add a new paragraph to the amendment offered by the Senator from New Mexico as it has been amended, so as to provide that before the act shall apply, a major part of the loan or grant must have been made by the United States. I do not undertake to change the wording or the meaning of the law at all. I merely want the Hatch Act to apply only in cases in which the United States Government contributes a major portion of the fund by way of grant or loan.

Mr. RUSSELL. Whether it is applied to a construction project, as in the case of a P. W. A. grant, or whether it is applied to the payment of compensation of employees selected by the State, as in the case of those who administer the Unemployment Compensation Act?

Mr. STEWART. In any instance in which the Hatch Act otherwise would apply, I do not want it to apply unless the United States Government contributes a major portion of the amount of money which is directed to the particular project.

Mr. RUSSELL. In other words, the contention of the Senator from Tennessee—and it seems to me to be a reasonable one—is that the Federal Government should not undertake to control those who are State employees in cases in which the Federal Government contributes less than one-half of the compensation which goes to those employees?

Mr. STEWART. That is the distinction I am endeavoring to make; and I thank the Senator for his contribution.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. STEWART. I yield.

Mr. LUCAS. In the beginning of the debate upon this bill I cited this example, which is apropos the amendment now being debated by the Senator from Tennessee.

Take the example of the highway department in Illinois. If we obtain from the Federal Government a grant of $50,000, and that $50,000 is thrown into a general fund of $10,000,000, and the $10,050,000 is used in the construction of highways, in every foot of highway some part of that $50,000 is lodged, and every individual engaged in employment upon the highway would be subject to the Hatch bill as it is now written.

I think the Senator's amendment is a good one. It does seem to me that where a major portion of the money is being furnished by the State, the Federal Government should not step in and have anything to say about the political activities of the individual who happens to be the beneficiary of that fund.

Mr. STEWART. I thank the Senator, and I remember very well in the early days of the consideration of the pending bill the Senator contributed that idea.

The argument has been presented by the proponents of this measure that the United States Government had the right to control the political activity of those engaged in enterprises financed in whole or in part by the United States Government in any State, county, or municipality.

As the law now stands, to repeat what I have already stated, if the United States Government should contribute only 1 percent to a particular project in an affected area, it would mean that every employee, everyone engaged in work on that particular project, would be affected by the provisions of the proposed law, and if the argument is good, that the United States Government has the right to invade the States because of the fact that it contributes money for the upbuilding of the States, then it seems to me just as reasonable to insist that the question might be asked, How much money do they contribute?

The Government contributes to each and every State of the Union, as I understand, 50 percent of the old-age pension money paid to pensioners throughout the country. Yet, if a contribution is made toward the erection of a schoolhouse in some county or municipality in any part of this Nation, under the present law the limit which might be paid by the Government toward the erection of that schoolhouse is, I believe, $52,000. Suppose the building cost $500,000; there would be a contribution of about 10 percent which the United States Government would make toward the cost of the entire project, but they would exercise the same control over those actively interested and engaged in the project as they would in instances where the Government contributed 75 percent, or contributed the entire amount, to any particular project.

I think it is interesting in this connection—and I do not think it has yet been pointed out—to learn of the number of people there are in the United States who are employed in government. I have here a copy of the National Municipal Review for March 1939, and at page 204 of that issue of the magazine, under the title "1 in every 9 works for the Government" it is pointed out that in 1937 there were employed in government, that is, by the United States Government and the governments of the various States of the Union, the counties and the municipalities, about 3,800,000 public servants.

Out of that number, 1,200,000, I believe, are employed by the United States Government. This number has been constantly increasing, as we know, because by comparison with the figures for the 2 years just prior to the issuance of this magazine, we find there has been an increase of about 600,000 people on the public pay rolls of the Nation. This does not include W. P. A. workers and those on relief. I am speaking of those employed and actually at work in various departments of the Government. So we find 1,200,000 at work for the Federal Government, and the remainder, or about 2,600,000, at work in county, State, and other types of government.

All the employees of the Federal Government, the 1,200,000, are affected by the Hatch Act.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. BROWN. How many State employees are shown in that estimate?

Mr. STEWART. In 1937 there were 1,202,000 Federal employees, there were 367,000 State employees, 697,000 city employees, 298,000 county, township, and minor unit employees, and 1,200,000 employed in public education.

Mr. BROWN. What is the total for State, municipal, county, and city employees?

Mr. STEWART. Let me read one paragraph, which I want to have in the RECORD, anyway:

> The latest comprehensive estimate of Government employees, published by the Bureau of Foreign and Domestic Commerce in its study of national income for 1937, places the number of persons working directly for State and local governmental units at 2,600,000.

Mr. BROWN. That is the figure I was trying to reach. I may say to the Senator that I was and am chairman of the

special committee created by the Senate to investigate the matter of reciprocal taxation of State and Federal employees, and in the hearings which we held last February the testimony was to the effect that in 1937 there were 2,600,000 State and local employees who would be subject to the Federal income tax.

I do not mean by that to imply that they would all be taxable, but there are that many State and local employees, and, as the Senator has said, a million two hundred thousand Federal employees. So we can call it 4,000,000.

Mr. STEWART. Yes; approximately 4,000,000. All the Federal employees, the 1,200,000, are affected by the existing law.

Mr. McKELLAR. Mr. President, will my colleague yield?

Mr. STEWART. I yield.

Mr. McKELLAR. As I understand the Senator's amendment, it merely applies the provisions of the Hatch Act to cases where the Federal Government furnishes a major portion of the funds.

Mr. STEWART. A major portion of the money contributed to a particular activity.

Mr. BROWN. I did not understand it was the major portion. I think that if the Federal Government contributes 10 percent, or 5 percent, or 1 percent, the evil, if it be an evil, permeates all of the employees.

Mr. McKELLAR. That is under the Hatch bill, but I am talking about the amendment of the Senator from Tennessee.

Mr. BROWN. I beg the Senator's pardon.

Mr. McKELLAR. His amendment changes the Hatch bill only to the extent of making it apply when the Federal Government supplies a major portion of the money expended in an activity, as I understand.

Mr. STEWART. That is correct. In other words, the portion of the bill to which this amendment would apply would read, if the amendment were adopted:

> No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or the major part of which is financed by loans or grants made by the United States or by any Federal agency—

And so forth. To repeat, if I may, just for the purpose of emphasis, it has been argued, and there is, of course, good sense in the argument, that if the United States Government contributes money to my State of Tennessee, or to any other State of the Union, they probably might have a right—and it is claimed by some that they do have a right—to control the political activity of those who benefit directly, as employees, from the money that is sent into the State by the United States Government. If that is reasonable, it seems to me it is just as reasonable to say that a certain amount or a certain percentage of the contribution should be fixed by this measure, and not permit the United States Government to control the activity of a group of persons employed on a project to which the Government itself contributes only 1 percent, or perhaps 10 or 15 percent, or some other small amount.

I have provided in this amendment that the Federal Government must contribute a major portion of the cost of the particular project or activity before the employees who benefit from the Government money shall come under the Hatch Act.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. MINTON. In other words, the Senator thinks that if the Federal Government is going to control the expenditure of its money, the State has a right to control the expenditure of its money. The Federal Government is not furnishing all the money; therefore, it does not have the right to dictate the whole policy. It is the Senator's contention that the State has something to say with respect to policy.

Mr. STEWART. To answer the question with respect to State rights, it seems to me that if the State contributes, say, 75 percent of the cost of a project, and the United States Government contributes only 25 percent, the United States Government should not have a right to dictate to those who are employed on the project.

I said I did not want to talk at length about this matter, but I am in earnest about the amendment. I believe it is a common-sense amendment. I believe the Hatch law will be much more workable and will have a much more salutary effect if passed with my amendment in it.

Mr. President, I do not think it is right for the United States Government to claim that it has the right to control every project in every town and in every county in every State of the Union simply because it contributes a small percentage of the total cost of the project.

I have a good many ideas on various other phases of the bill, but I do not care to discuss them now. I should like to have the amendment acted upon, and if it seems to the Members of the Senate that it is a common-sense provision, I should like to see it adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. STEWART].

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Russell
Austin	Donahey	Lodge	Schwartz
Barbour	Ellender	Lucas	Schwellenbach
Barkley	Frazier	McCarran	Sheppard
Bridges	George	McKellar	Stewart
Brown	Gerry	McNary	Taft
Bulow	Gurney	Maloney	Thomas, Idaho
Burke	Harrison	Mead	Thomas, Okla.
Byrd	Hatch	Minton	Thomas, Utah
Capper	Hill	Neely	Townsend
Chandler	Holman	Nye	Tydings
Clark, Idaho	Holt	Pepper	Van Nuys
Clark, Mo.	Hughes	Pittman	White
Connally	Johnson, Colo.	Reed	Wiley
Danaher	La Follette	Reynolds	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. STEWART].

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered and the Chief Clerk called the roll.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senators from South Carolina [Mr. BYRNES and Mr. SMITH], the Senators from Arkansas [Mrs. CARAWAY and Mr. MILLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from California [Mr. DOWNEY], the Senators from Iowa [Mr. GILLETTE and Mr. HERRING], the Senator from Virginia [Mr. GLASS], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. LUNDEEN], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

I am advised that, if present and voting, the Senator from Arkansas [Mr. MILLER] and the Senator from New Jersey [Mr. SMATHERS] would vote "yea."

I am also advised that if present and voting, the Senator from Louisiana [Mr. OVERTON], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] would vote "nay."

The Senator from Pennsylvania [Mr. GUFFEY] is paired with the Senator from Rhode Island [Mr. GREEN]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Rhode Island would vote "nay."

The Senator from Mississippi [Mr. BILBO] is paired with the Senator from Montana [Mr. WHEELER]. I am advised that if present and voting, the Senator from Mississippi would vote "yea" and the Senator from Montana would vote "nay."

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Vermont [Mr. GIBSON] with the Senator from South Carolina [Mr. SMITH]. If the Senator from Vermont were present, he would vote "nay," and if the Senator from South Carolina were present, he would vote "yea."

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. If the Senator from California were present, he would vote "nay," and if the Senator from Utah were present, he would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If the Senator from New Hampshire were present, he would vote "nay," and if the Senator from Illinois were present, he would vote "yea."

The Senator from Maine [Mr. HALE] with the Senator from South Carolina [Mr. BYRNES]. If the Senator from Maine were present, he would vote "nay," and if the Senator from South Carolina were present, he would vote "yea."

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS]. If the Senator from Minnesota were present, he would vote "nay," and if the Senator from Virginia were present he would vote "yea."

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Alabama [Mr. BANKHEAD]. If the Senator from Michigan were present, he would vote "nay," and if the Senator from Alabama were present, he would vote "yea."

Mr. MCNARY. The senior Senator from Nebraska [Mr. NORRIS] and the senior Senator from Michigan [Mr. VANDENBERG] are both necessarily absent. If they were present, they would vote "nay."

The result was announced—yeas 21, nays 38, as follows:

YEAS—21

Adams	Donahey	McKellar	Schwellenbach
Brown	Ellender	Minton	Stewart
Bulow	Harrison	Pepper	Thomas, Okla.
Byrd	Hill	Pittman	
Clark, Idaho	Hughes	Russell	
Connally	Lucas	Schwartz	

NAYS—38

Austin	Frazier	Lodge	Taft
Barbour	George	McCarran	Thomas, Idaho
Barkley	Gerry	McNary	Thomas, Utah
Bridges	Gurney	Maloney	Townsend
Burke	Hatch	Mead	Tydings
Capper	Holman	Neely	Van Nuys
Chandler	Holt	Nye	White
Clark, Mo.	Johnson, Colo.	Reed	Wiley
Danaher	La Follette	Reynolds	
Davis	Lee	Sheppard	

NOT VOTING—37

Andrews	Gibson	Lundeen	Smith
Ashurst	Gillette	Miller	Tobey
Bailey	Glass	Murray	Truman
Bankhead	Green	Norris	Vandenberg
Bilbo	Guffey	O'Mahoney	Wagner
Bone	Hale	Overton	Walsh
Byrnes	Hayden	Radcliffe	Wheeler
Caraway	Herring	Shipstead	
Chavez	Johnson, Calif.	Slattery	
Downey	King	Smathers	

So Mr. STEWART's amendment was rejected.

Mr. BARKLEY. Mr. President, I ask unanimous consent that not later than 3 o'clock p. m. on Monday next the Senate shall proceed to vote on the pending bill and all amendments and all motions relating thereto; that no amendment shall be voted on that has not been read for the information of the Senate not later than 2:40 o'clock p. m.; that this agreement shall be null and void in the event the antilynching bill shall be offered as an amendment to the pending bill; and that the requirement of the rules for a quorum call at this time shall be waived.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MINTON. Would an amendment be considered as having been read that has been printed and is lying upon the table?

Mr. BARKLEY. Yes; I should so consider it. I am willing to include that in the agreement, if it is necessary.

Mr. MINTON. I just want an understanding that an amendment which has been printed and lying on the table shall be considered as having been read.

Mr. BARKLEY. Any amendment which has been offered and printed and is lying on the table shall be considered as having been read.

Mr. RUSSELL. Mr. President, may we have the request stated by the clerk?

Mr. BARKLEY. The request is that we shall vote not later than 3 p. m. on Monday, with the other conditions that have been attached to it.

The PRESIDING OFFICER. Is there objection?

Mr. BURKE. Mr. President, this is a request to vote at 3 p. m. on Monday?

Mr. BARKLEY. Yes.

Mr. BURKE. When the request was presented some time ago, I objected, for this reason: It seemed to me that we should stay here tonight and finish the bill and meet tomorrow at 11 o'clock and take up the agricultural appropriation bill and pass it before adjourning. It appears that in all likelihood neither of those things can be brought to pass. I find it necessary to leave Washington tomorrow night to return to Nebraska; so if the agricultural appropriation bill cannot come up in any event before Monday, I lose something of my interest in staying here tonight. Further than that, I have been supplied with a live pair, one which will not be transferred to anyone else. Under those circumstances, I do not object to the agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered into.

Mr. NEELY. Mr. President, I send to the desk an amendment, which I ask to have read, printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be received and read.

The CHIEF CLERK. On page 4, in line 22, after the word "campaigns", it is proposed to strike out the period, insert a comma and add "or directly or indirectly coerce, attempt to coerce, command, or advise any officer or employee embraced by this section to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. NEELY. Mr. President, as no other amendment is pending, I ask that that be the pending amendment when the Senate reconvenes.

The PRESIDING OFFICER. The Senator's amendment will be the pending amendment when the Senate reconvenes.

Mr. BROWN. Mr. President, I send to the desk an amendment, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

CENSUS OF 1940

Mr. BROWN. Mr. President, I have a letter from Mr. Clark Tibbitts, director of the Horace H. Rackham School of Graduate Studies of the University of Michigan, in which he urges upon the Senate the retention of the present rules and regulations and questions relative to the census.

The Rackham Foundation is a foundation established by a gift from Horace H. and Mary A. Rackham, residents of the city of Detroit, by which they donated the sum of $12,500,000—

> For such benevolent, charitable, educational, scientific, religious, and public purposes as will promote the health, welfare, happiness, education, training, and development of men, women, and children, particularly the sick, aged, young, erring, poor, crippled, helpless, handicapped, unfortunate, and underprivileged, regardless of race, color, religion, or station, primarily in the State of Michigan and elsewhere in the world.

I read that statement merely to show that the Rackham Foundation is vitally interested in obtaining answers to the questions which are asked citizens of the United States and

persons living in the United States with respect to their financial condition. The letter from Mr. Tibbitts, the director of the Rackham Foundation, requests that the Congress keep the present questionnaire without change.

I ask unanimous consent that the letter be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MICHIGAN,
INSTITUTE FOR HUMAN ADJUSTMENT,
Ann Arbor, March 9, 1940.

The Honorable PRENTISS M. BROWN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am writing to urge that you use your influence to defend the proposed 1940 census schedule in its present form. I have been a consistent user of census data as well as other data for research and other activities designed to throw light on problems of social welfare and thereby to better the status of the people of our community. I believe that one of the most important items of information we need in Michigan is that of income. It is basic to an understanding of virtually every welfare program operated or considered.

For the past 10 years I have been intimately acquainted with the work of the Census Bureau. I know that every question which appears on its schedules has been carefully considered in the light of the needs of the greatest number of potential consumers of the data and from the viewpoint of the welfare of the people of the United States. I am impressed by the fact that no outstanding business or research group has been cited as opposed to the questions which appear on the present schedule. On the contrary, I know that such groups are almost uniformly desirous of having the data.

Nor am I disturbed about any possibility that this information will be misused. To the best of my knowledge the Census Bureau has never violated the confidence of those of us who give information, and I am not afraid that it will do so in the future. In 1935 the Michigan census of unemployment called for and received information on the wages of more than 300,000 people in this State. That was 5 years ago, and no one has suffered yet. The statement that the census is discriminatory, because it has a number of questions which are to be asked of only 10 percent of the population is nonsense. The sample is to be chosen in such a way that every member of the population will have an equal chance of having to answer these extra questions. This is certainly not discriminatory.

I have had a great deal of experience with house-to-house canvasses seeking information similar to that of the population census. I am strongly convinced that most people will answer any questions asked of them, provided they are convinced of the seriousness of the undertaking and provided the interrogator makes a good, businesslike impression on them. The real problem in connection with such an undertaking seems to me to be to select supervisors and field workers primarily on the basis of their ability to do the work and their interest in it and then to train them properly not only in the technical phases of the job but also in how to approach the informant. The fact, however, that there is political preference in the selection of employees in connection with the forthcoming census is no reason to oppose it; there has been similar preference shown in every population census.

Sincerely yours,

CLARK TIBBITTS, *Director.*

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk read the nomination of Alva M. Beers to be postmaster at Alburtis, Pa., which had been adversely reported.

Mr. McKELLAR. Mr. President, I ask that this nomination be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McKELLAR. I ask that the other nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

That concludes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 7 o'clock and 6 minutes p. m.) the Senate took a recess until Monday, March 18, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 15 (legislative day of March 4), 1940

UNITED STATES DISTRICT JUDGE

David A. Pine, of the District of Columbia, to be an associate justice of the District Court of the United States for the District of Columbia, vice Hon. Joseph W. Cox, deceased.

UNITED STATES ATTORNEY

Edward M. Curran to be United States attorney for the District of Columbia, vice Hon. David A. Pine, who has been nominated to succeed the late Hon. Joseph W. Cox as an associate justice of the District Court of the United States for the District of Columbia.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Capt. Walter Grant Bryte, Jr., Air Corps, to be major from March 11, 1940.

PROMOTIONS IN THE REGULAR ARMY

Capt. Thomas Hay Nixon, Ordnance Department, to be major from March 11, 1940.

TO BE CAPTAINS WITH RANK FROM MAY 8, 1940

First Lt. James McKinzie Thompson, Air Corps.
First Lt. Gerald Hoyle, Air Corps.
First Lt. Arthur Francis Merewether, Air Corps.
First Lt. Jarred Vincent Crabb, Air Corps.
First Lt. Tom William Scott, Air Corps.
First Lt. John Hubert Davies, Air Corps.
First Lt. Anthony Quintus Mustoe, Air Corps.
First Lt. Edwin William Rawlings, Air Corps.
First Lt. Julius Kahn Lacey, Air Corps.
First Lt. Theodore Bernard Anderson, Air Corps.
First Lt. George Frank McGuire, Air Corps.
First Lt. Oliver Stanton Picher, Air Corps.
First Lt. Dyke Francis Meyer, Air Corps.
First Lt. Hugh Francis McCaffery, Air Corps.
First Lt. Minthorne Woolsey Reed, Air Corps.
First Lt. Morley Frederick Slaght, Air Corps.
First Lt. Roy Dale Butler, Air Corps.
First Lt. Berkeley Everett Nelson, Air Corps.
First Lt. Archibald Johnston Hanna, Air Corps.
First Lt. Richard August Grussendorf, Air Corps.
First Lt. John Hiett Ives, Air Corps.
First Lt. Frederick Earl Calhoun, Air Corps.
First Lt. Carl Ralph Feldmann, Air Corps.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15 (legislative day of March 4), 1940

APPOINTMENTS AND PROMOTIONS IN THE NAVY

MARINE CORPS

William P. Upshur to be major general.
Lloyd L. Leech to be colonel.
Samuel A. Woods, Jr., to be colonel.

POSTMASTERS

ALABAMA

Bryan Whitehurst, Abbeville.
Una B. Bowden, Ariton.
Robert B. Evans, Elkmont.
Robert H. Reid, Elmore.
Robert Gaston Bozeman, Evergreen.
Louie Glenn Collier, Huntsville.
James F. Freeman, Sr., Phenix City.

CALIFORNIA

Ford E. Samuel, Alameda.

CONNECTICUT

James M. Tomney, Cos Cob.
Philip T. Lewis, East Killingly.
Martin W. Sinnott, New Hartford.
Walter G. Barker, Niantic.
Frank P. Ablondi, Stony Creek.

GEORGIA

Irene McLeod, Abbeville.
Lucius Hannon, Atco.
Elizabeth H. Quinn, Barnesville.
Martha C. Aultman, Byron.
Jesse S. Weathers, Cairo.
Estelle G. Pierce, Chamblee.
Marcus Watson Miller, Colquitt.
Telford M. Oliver, Franklin Springs.
Mae W. Dukes, Gibson.
Ivey M. Cox, Newton.
John Stanley Newton, Norman Park.
Grover C. Alston, Richland.
William H. Brock, Trenton.
Jesse W. Slade, Zebulon.

INDIANA

James Frank Durr, Sheridan.

IOWA

Ethel M. Knudson, Lytton.

MISSOURI

Edwin A. Williams, Boonville.
Birdie Lee See, Corder.
Adrian A. Fults, Crystal City.
John E. Davis, Eureka.
Roy Carter Hendren, Hamilton.
William H. Kendrick, La Belle.
Elton C. Cook, Lathrop.
William H. Nanney, Marble Hill.
Kathryn Barry, Mendon.
Phares K. Weis, Moberly.
William G. Nunnelly, New Florence.
Emmett H. Bond, Osceola.
Roy Cooper, Puxico.
Edna E. Saunders, Stewartsville.

NEW JERSEY

Sam Epstein, Lake Hiawatha.
Victor R. Keller, Northfield.
Curtis J. Gray, Pine Beach.

NEW YORK

Lillian P. Rock, Bloomingdale.
Henry J. Rourke, Gansevoort.

OREGON

Harry L. Price, Aloha.
Florence N. Pearson, Timber.

PENNSYLVANIA

Watson W. Wright, Andalusia.
Emilie D. Stoneback, Black Lick.
J. Russell Clayton, Bryn Athyn.
C. William Boozer, Centre Hall.
Sylverius A. Waltman, Chicora.
Charles H. Reisinger, Dallastown.
Joseph J. Quinn, Gallitzin.
James J. O'Mara, Laceyville.
Virginia G. Kingsley, Pleasantville.
Cliffe A. Benjamin, Rices Landing.
William C. Salberg, Ridgway.

VIRGINIA

William A. White, Arrington.
Bernice E. Utz, Barboursville.
Daniel W. Buckley, Jr., Clifton Station.
Bernard P. Nearhood, Jewell Ridge.
William F. Shipe, Middletown.
Lois Hurt, Tazewell.

WASHINGTON

George Janssen, Bellingham.
William C. Pearson, Ocean Park.

WEST VIRGINIA

Fred Gainer, Parkersburg.

SENATE

MONDAY, MARCH 18, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Most merciful God, who art of purer eyes than to behold iniquity, and hast promised forgiveness to all those who confess and forsake their sins: We come before Thee realizing our unworthiness, acknowledging our manifold transgressions, and beseeching Thy mercy and pardon. Grant us Thy grace and protection for the ensuing day; keep us temperate in all things, and diligent in our service to our country; help us to be true to our ideals and upright in our dealings with each other, full of compassion and ready to do good to all men according to our abilities and opportunities.

Incline our hearts to keep Thy righteous law; and in every decision that we shall be called upon to make in these momentous days, in the strife of truth with falsehood, grant that we may never betray, deny, or forsake the truth as it is in Christ Jesus our Lord, whose cross of love alone can save a sorrowing, sin-sick world, and in whose name we offer up these, our imperfect prayers. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Friday, March 15, 1940, was dispensed with, and the Journal was approved.

ATTENDANCE OF A SENATOR

HOMER T. BONE, a Senator from the State of Washington, appeared in his seat today.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his sercretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On March 14, 1940:

S. 1449. An act for the relief of George Stockman;

S. 2157. An act for the relief of George H. Eiswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2843. An act granting easements on Indian Lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam site and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purpose," approved July 1, 1902 (52 Stat. 662), relative to the payment of the commuted rations of enlisted men.

On March 15, 1940:

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;

S. 2973. An act for the relief of Inez Gillespie;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va.; and

S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

LOTS IN HARDING TOWN SITE, FLORIDA—VETO MESSAGE (S. DOC. NO. 164)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying bill, ordered to lie on the table and to be printed:

To the Senate:

I am returning herewith, without my approval, S. 538, a bill for the relief of certain purchasers of lots in Harding town site, Florida.

It is the purpose of this bill to direct the Secretary of the Interior to issue a patent to any person who, as a result of an auction sale of lots in Harding town site, Florida, conducted during February 1924, agreed to purchase a lot in such town site and who (1) prior to the date of approval of this act, has paid to the United States 75 percent or more of the agreed purchase price of such lot, or (2) within 12 months after the date of approval of this act makes payment to the United States which, together with payments previously made, amounts to 75 percent of the agreed purchase price of such lot.

Approval of the bill would relieve the purchasers of 71 lots in the Harding town site of paying into the Federal Treasury approximately $52,000, representing the final installment due and payable more than 10 years ago. When the 133 lots in this town site were offered for sale in 1924, 128 were purchased. None of the purchasers paid in cash. All elected to pay one-fourth of the bid price in cash and the balance in three equal installments, 1, 2, and 3 years after the date of sale. The purchasers of 57 lots have completed payments aggregating $179,770.

While the appraisal for these lots in 1924 was only $59,000, the purchasers entered into binding contracts for paying to the United States a sum several times more than the then appraised value. It is to be assumed that the purchasers had assured themselves that the lots were worth the amount they contracted to pay. The controversy concerning this legislation led the Secretary of the Interior to have the property reappraised by three local independent appraisers. This new appraisal made as of May 5, 1938, less than 2 years ago, placed the fair value of the 128 lots at $575,800. According to this appraisal, the 57 lots were valued at $297,150, and the 71 lots affected by this bill were appraised at $278,650, as compared with a purchase price of $208,775. Thus according to this appraisal the value of the lots on which payments are due is $69,875 in excess of the contract price.

While it is true that some of the purchasers who have not made full payment for their lots contracted to pay more than their value as indicated by the 1938 appraisal, a substantial majority of the purchasers who still owe balances on their lots will, according to the same appraisal, have a value greater than the contract price, even though the full amount is paid. In some instances the appraised value is three or four times greater than the contract price. Moreover, approval of this bill would discriminate against those who have paid the entire contract price on their lots and in favor of those who have been delinquent.

No good reason appears for relieving the purchasers of the obligations which they assumed many years ago. They have not been required to pay interest on the deferred payments, and it is my understanding that no taxes have been collected on these lots.

In the circumstances, I am compelled to withhold my approval of this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 18, 1940.*

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Russell
Ashurst	Downey	Lodge	Schwartz
Austin	Ellender	Lucas	Schwellenbach
Bailey	Frazier	Lundeen	Sheppard
Bankhead	George	McCarran	Shipstead
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Smith
Bilbo	Gillette	Maloney	Stewart
Bridges	Guffey	Mead	Taft
Brown	Gurney	Miller	Thomas, Idaho
Bulow	Hale	Minton	Thomas, Okla.
Byrd	Harrison	Murray	Thomas, Utah
Byrnes	Hatch	Neely	Tobey
Capper	Hayden	Norris	Townsend
Caraway	Herring	Nye	Tydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Van Nuys
Clark, Idaho	Holt	Pepper	Wagner
Clark, Mo.	Hughes	Pittman	Walsh
Connally	Johnson, Calif.	Radcliffe	Wheeler
Danaher	Johnson, Colo.	Reed	White
Davis	La Follette	Reynolds	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. TRUMAN], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

ENFORCEMENT OF CUSTOMS AND IMMIGRATION LAWS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930, which, with the

accompanying paper, was referred to the Committee on Finance.

ACTS OF THE LEGISLATURE OF PUERTO RICO

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a certified volume comprising the acts of the second special session of the Fourteenth Legislature of Puerto Rico, 1939, which, with the accompanying document, was referred to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the convention of the California State Council of Carpenters at San Jose, Calif., protesting against the continuation of public-building projects under the supervision of the W. P. A. rather than under the P. W. A., which was referred to the Committee on Appropriations.

He also laid before the Senate a letter in the nature of a petition from the president of the board of directors of Cameron County Water Control and Improvement District, No. 6, Los Fresnos, Tex., praying for the enactment of the so-called West bill, for the conservation of flood waters of the lower Rio Grande Valley of Texas, which was referred to the Committee on Commerce.

He also laid before the Senate a resolution adopted at a regional conference of the W. C. T. U. of Minnesota and North Dakota at Grand Forks, N. Dak., favoring peace and keeping the United States out of war, which was referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions adopted by the Social Justice and Civil Liberties Council of the Community Church, of Boston, Mass., and the Fourth Annual Conference of the American Committee for Protection of Foreign Born, held in Washington, D. C., protesting against the enactment of pending antialien legislation, which were referred to the Committee on Immigration.

He also laid before the Senate a resolution of Union Chapter, No. 525, State, City, Municipal Workers of America, of the Bronx, New York, protesting against the enactment of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by Southern California District, No. 4, Maritime Federation of the Pacific, San Pedro, Calif., favoring the enactment of legislation to authorize the Secretary of War, in the interest of the national defense, to make a survey of the proposed T-tunnel as a means of communication between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif., which was referred to the Committee on Military Affairs.

Mr. HOLT presented a resolution of the West Virginia Chamber of Commerce, protesting against the proposed construction of dams at Letart, W. Va., and Greenup, Ky., and also the installation of hydroelectric power facilities at these sites, which was referred to the Committee on Agriculture and Forestry.

He also presented a paper in the nature of a petition of the post officers' area conference of the American Legion, Department of West Virginia, meeting in Sistersville, W. Va., representing Wheeling, Moundsville, McMechen, Weirton, Cameron, New Martinsville, Wellsburg, Follansbee, Benwood, Pine Grove, Hundred, Weston, Buckhannon, Clarksburg, Lumberport, West Union, Shinnston, Gassaway, Salem, Parkersburg, Spencer, Point Pleasant, Glenville, Middlebourne, Elizabeth, Sistersville, St. Marys, Grantsville, Pennsboro, Ripley, and Ravenswood, all in the State of West Virginia, praying for the enactment of legislation to acquire additional ground for the national cemetery at Grafton, W. Va., which was referred to the Committee on Public Lands and Surveys.

PROPOSED EQUAL-RIGHTS AMENDMENT TO THE CONSTITUTION

Mr. BROWN presented resolutions adopted at the Women's City Club, Detroit, Mich., which were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

RESOLUTIONS UNANIMOUSLY PASSED ON FEBRUARY 15, 1940, AT THE WOMEN'S CITY CLUB, DETROIT, MICH.

Whereas in the State of Michigan there exist several laws which discriminate against women in the economic, political, and civil fields; and

Whereas the Supreme Court of the United States has ruled that such restrictive legislation for women, alone, does not violate the Constitution; and

Whereas it is necessary to tirelessly fight proposed legislation which discriminates against women in every session of Congress and the Michigan Legislature, while the equal-rights amendment is buried in the Judiciary Committee of both the Senate and House of Representatives; and

Whereas the only permanent vehicle to prevent such invasions of fundamental rights is a constitutional amendment: Therefore be it

Resolved, That the Michigan branch of the National Woman's Party demands as a simple matter of justice to the women citizens of the United States that the equal-rights amendment be favorably reported immediately to both Houses of Congress and by them submitted to the people of the country for ratification; and be it further

Resolved, That a copy of this resolution be sent by the Michigan branch of the National Women's Party to the chairmen and the members of the Judiciary Committee of both the Senate and the House of Representatives, and to the Michigan delegation in Congress individually.

REPORTS OF COMMITTEES

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges, reported it with an amendment.

Mr. FRAZIER, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 6480) to amend the Agricultural Adjustment Act of 1933, reported it without amendment and submitted a report (No. 1325) thereon.

Mr. BULOW, from the Committee on Civil Service, to which was referred the bill (S. 3368) to amend the Civil Service Retirement Act and other retirement acts, reported it without amendment and submitted a report (No. 1326) thereon.

Mr. MEAD, from the Committee on Civil Service, to which was referred the bill (H. R. 5784) to provide for the conservation and transfer of accumulated sick leave and vacation time due classified civil-service employees who succeed to the position of postmaster, and for other purposes, reported it without amendment and submitted a report (No. 1327) thereon.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF (S. DOC. NO. 165)

Mr. HAYDEN, from the Committee on Printing, to which was referred the report of proceedings of the Thirty-first meeting of the Convention of American Instructors of the Deaf, held at Berkeley, Calif., June 18 to 20, 1939, reported it with the recommendation that it be printed as a Senate Document; and, on motion by Mr. HAYDEN, it was

Ordered, That the report of proceedings of the thirty-first meeting of the Convention of American Instructors of the Deaf, held at Berkeley, Calif., June 18 to 20, 1939, be printed as a document.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. MILLER, from the Committee on the Judiciary, reported favorably the nomination of Roulhac Gewin, of Alabama, to be United States marshal for the southern district of Alabama.

Mr. CHANDLER, from the Committee on the Judiciary, reported favorably the nomination of Henry C. Walthour, of Georgia, to be United States marshal for the southern district of Georgia.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of John E. Sloan, of Pennsylvania, to be United States marshal for the western district of Pennsylvania.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOWNEY:

S. 3601. A bill to authorize the use for general road and trail construction purposes of the unexpended balance of funds

paid by the city and county of San Francisco to the United States for road and trail construction purposes in Yosemite National Park, Calif., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. SHIPSTEAD:

S. 3602. A bill to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to all postmasters who have rendered at least 40 years of service; to the Committee on Civil Service.

S. 3603. A bill for the relief of Howland & Waltz Co., Ltd.; to the Committee on Claims.

S. 3604. A bill to extend the times for commencing and completing the construction of a bridge across the St. Louis River at or near the city of Duluth, Minn., and for other purposes; to the Committee on Commerce.

(Mr. MILLER introduced Senate bill 3605, which, with the accompanying paper, was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. THOMAS of Oklahoma:

S. 3606. A bill for the relief of C. L. Newcomb (with accompanying papers); to the Committee on Claims.

By Mr. MURRAY:

S. 3607. A bill to authorize research by the Public Health Service relating to the cause, diagnosis, and treatment of dental diseases; to the Committee on Education and Labor.

By Mr. WALSH:

S. 3608. A bill to authorize an exchange of lands between the people of Puerto Rico and the United States; to the Committee on Naval Affairs.

By Mr. SCHWELLENBACH:

S. 3609. A bill to authorize a preliminary examination and survey of the Columbia River and its tributaries in Clark County, Wash., extending from the downstream point of the Vancouver Lake area to the upstream point of the Bachelor Island area, a distance of approximately 3 miles, with a view to providing flood control for said area; to the Committee on Commerce.

By Mr. McKELLAR (for himself and Mr. STEWART):

S. 3610. A bill to authorize the use of Tennessee Valley Authority funds for alteration, reconstruction, or relocation of certain highway and railroad bridges; to the Committee on Agriculture and Forestry.

By Mr. LUCAS:

S. 3611. A bill to amend the Migratory Bird Treaty Act and the regulations made pursuant thereto; to the Committee on Agriculture and Forestry.

By Mr. TAFT:

S. 3612. A bill to authorize the Secretary of War to accept, as loans, from States, and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

S. 3613. A bill for the relief of Inez Smith (with accompanying papers); and

S. 3614. A bill for the relief of the legal guardian of Howard Burkette; to the Committee on Claims.

By Mr. JOHNSON of California:

S. 3615. A bill to admit the American-owned steamship *Port Saunders* and steamship *Hawk* to American registry and to permit their use in coastwise and fisheries trade; to the Committee on Commerce.

S. 3616. A bill to amend the records at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence; to the Committee on Immigration.

By Mr. BARKLEY:

S. 3617. A bill granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River Drainage Basin; to the Committee on Commerce.

By Mr. SHEPPARD:

S. 3618. A bill making appropriation for additional research in respect to the effects of the present wars upon agriculture, for the Department of Agriculture, and for other purposes; to the Committee on Appropriations.

S. 3619. A bill relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth; to the Committee on Military Affairs.

By Mr. PEPPER:

S. J. Res. 232. Joint resolution to determine the feasibility of extending the activities of the Bureau of Reclamation to the Southern States; to the Committee on Irrigation and Reclamation.

BRANCH BANKS AND OFFICES OF FINANCIAL INSTITUTIONS

Mr. MILLER. Mr. President, I ask unanimous consent to introduce a bill to restrict the establishment of branch offices by financial institutions, and so forth, and request that a statement accompanying the bill may be printed in the RECORD.

There being no objection, the bill (S. 3605) to restrict the establishment of branch offices by financial institutions chartered or insured under the laws of the United States, was read twice by its title and, with the accompanying paper, referred to the Committee on Banking and Currency; and the statement above referred to was ordered to be printed in the RECORD, as follows:

The bill does not interfere with the legal branch banks that are now in existence but does prevent the organization or establishment of any other branch banks. It preserves the status quo of such existing institutions. The bill, if enacted, will prevent the establishment of any branch offices hereafter by all financial institutions chartered by or pursuant to any law enacted by the Congress, or any financial institution whose shares, accounts, investments, or deposits are insured to any extent by the United States or any agency or instrumentality of the United States.

The bill is designed to protect the existing banking system and to preserve the independent bank as a vital force in our economic system. The present trend toward branch banking is pronounced. In 1920 only 4 percent of all banking offices belonged to branch systems, as compared with 24 percent in 1938.

On April 29, 1938, the President of the United States transmitted a message to the Congress in which he recommended the strengthening and enforcement of the antitrust laws. In that report, at page 8, he said:

"It is hardly necessary to point out the great economic power that might be wielded by groups which may succeed in acquiring domination of banking resources in any considerable area of the country. That power becomes particularly dangerous when it is exercised from a distance and notably so when effective control is maintained without the responsibilities of complete ownership."

It is thought by many citizens that it is necessary to stop the trend toward branch banking, and this bill is designed for that purpose; but it will not disturb the operation of the banks now in existence.

CENSUS OF 1940

[Mr. TOBEY asked and obtained leave to have printed in the RECORD a telegram sent by him to the President of the United States on March 15, relative to the census of 1940, a letter from Hon. Harry L. Hopkins and Senator TOBEY'S reply thereto, as well as several editorials, which appear in the Appendix.]

FORTY-FOURTH ANNIVERSARY OF THE FOUNDING OF THE VOLUNTEERS OF AMERICA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a statement prepared by him on the occasion of the forty-fourth anniversary of the founding of the Volunteers of America, which appears in the Appendix.]

ADDRESS BY SENATOR LODGE BEFORE CHARITABLE IRISH SOCIETY

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by Senator LODGE before the Charitable Irish Society in Boston, Mass., March 16, 1940, which appears in the Appendix.]

LETTER FROM SENATOR SMATHERS TO PRESIDENT OF NEW JERSEY STATE ASSEMBLY ON PRESIDENTIAL THIRD TERM RESOLUTION

[Mr. LEE asked and obtained leave to have printed in the RECORD a letter written by Senator SMATHERS to the president of the New Jersey House of Assembly relative to a resolution passed by the house of assembly memorializing Congress to enact legislation to prevent any President from seeking a third term, which appears in the Appendix.]

ADDRESS BY SENATOR LUCAS ON RECIPROCAL-TRADE AGREEMENTS

[Mr. BARKLEY asked and obtained leave to have inserted in the RECORD a radio address by Senator LUCAS on the Ameri-

can Forum of the Air Sunday, March 17, 1940, discussing the reciprocal-trade agreements, which appears in the Appendix.]

ADDRESS BY SENATOR CAPPER ON RECIPROCAL-TRADE AGREEMENTS

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on the American Forum of the Air on March 17, 1940, on the subject of reciprocal-trade agreements, which appears in the Appendix]

WIRE TAPPING

[Mr. ASHURST asked and obtained leave to have printed in the RECORD a statement by the Attorney General of the United States of March 19, 1940, and a statement by Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, of March 13, 1940, on the subject of wire tapping, which appear in the Appendix.]

ADDRESS BY POSTMASTER GENERAL FARLEY BEFORE FRIENDLY SONS OF ST. PATRICK

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a radio address delivered by Postmaster General Farley at the annual dinner of the Friendly Sons of St. Patrick held at the Hotel Mayflower, Washington, D. C., March 16, 1940, which appears in the Appendix.]

OPINION OF JUDGE PARKER IN NATIONAL LABOR RELATIONS BOARD AGAINST HIGHLAND PARK MANUFACTURING CO.

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the opinion of Senior Circuit Judge Parker, in the United States Circuit Court of Appeals for the Fourth Circuit, in the case of National Labor Relations Board against Highland Park Manufacturing Co., which appears in the Appendix.]

RECIPROCAL-TRADE AGREEMENTS

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an article on the renewal of the reciprocal trade treaty powers written by Edward H. Snyder and published in the Pioche (Nev.) Lincoln County Independent of Thursday, March 14, 1940, which appears in the Appendix.]

ADDRESS BY CECIL F. BATES ON FEDERAL TAXATION OF MUNICIPAL BONDS

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address on the subject of Federal taxation of municipal bonds delivered on March 8, 1940, by Cecil F. Bates, mayor of Mobile, Ala., at the Southern Regional Conference of the United States Conference of Mayors, held at Birmingham, Ala., which appears in the Appendix.]

ARTICLE BY DR. JOHN J. WICKER, PRESIDENT OF FORK UNION MILITARY ACADEMY, VIRGINIA

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article by Dr. John J. Wicker, president of the Fork Union Military Academy, Virginia, entitled "Is It a Crime to Have a Dollar?" which appears in the Appendix.]

PREPARING COERCION—EDITORIAL FROM WASHINGTON POST

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an editorial from the Washington Post of Friday, March 15, 1940, entitled "Preparing Coercion," which appears in the Appendix.]

AUTHORITY VESTED IN GOVERNMENT BUREAUS

[Mr. MILLER asked and obtained leave to have printed in the Appendix of the RECORD an editorial published in the El Dorado (Ark.) Daily News of March 13, 1940, dealing with the authority vested in Government bureaus, which appears in the Appendix.]

EDITORIAL FROM NEW YORK TIMES ON REGULATION OF INVESTMENT TRUSTS

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an editorial from the New York Times of March 16, 1940, relative to the regulation of investment trusts, which appears in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. When the Senate took a recess last Friday the Senator from West Virginia [Mr. NEELY] had offered an amendment and asked that it be pending. The Senate understood that the Senator's amendment was pending. The Chair understands that the Senator's amendment is to an amendment which has been adopted by the Senate. In order to consider that amendment to the amendment which has been adopted, the Senator must get unanimous consent to offer the amendment, or a motion must be made and carried to reconsider the amendment adopted by the Senate.

Mr. NEELY. Mr. President, in order to avoid the difficulty stated by the Chair, I offer my amendment as a new section and number it 12½. In the circumstances, neither reconsideration nor unanimous consent will be necessary.

The VICE PRESIDENT. The Senator offers his amendment as a new section.

Mr. NEELY. Mr. President, I ask that it be reported by the clerk.

The VICE PRESIDENT. Without objection, the amendment will be stated as a new section.

The CHIEF CLERK. It is proposed to add a new section, to be known as section 12½, to read as follows:

No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall directly or indirectly coerce, attempt to coerce, command, or advise any officer or employee embraced by this section to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

Mr. NEELY. Mr. President, by virtue of the Bankhead amendment, we have protected the wealthy against all demands of the politicians for campaign contributions in excess of $5,000.

The pending amendment, if adopted and enacted, will completely protect all employees who are within the purview of the bill against the State machines which are now plundering them of a part of their compensation for factional and political purposes. It will deal a death blow to the indefensible 2-percent political clubs of West Virginia. Under their operation an employee who has earned but $3.50 in a whole month is compelled to pay 7 cents tribute to the State political machine in order to obtain his check.

If the Senate adopts this amendment, it will thereby assure the relief which I seek to obtain for the people of West Virginia, and the request for a vote on my proposed substitute for the bill will be withdrawn.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. I was absent from the Senate most of Saturday afternoon. Is there a unanimous-consent agreement to vote at a specified time?

The VICE PRESIDENT. The Senate will vote at 3 o'clock this afternoon.

Mr. NORRIS. Then I desire to be heard on the amendment briefly. I have been voting against amendments because I felt the Senate was fairly evenly divided on what I believed to be a filibuster against the bill, and while I have no fault to find with those who engage in filibusters, because I have often been guilty of it myself, however, when I was on the side trying to break a filibuster, there were two things I considered very important. One was to keep quiet and compel the others to do all the talking. The second was to vote against any amendment which might be offered.

Candidly, I confess I did not give the consideration to some of the amendments offered to the pending bill which I would have given to amendments under any other circumstances. But now we have agreed to vote at a specified time, and I feel just a little different about amendments. It cannot be charged that one is filibustering, and in the nature of things a filibuster cannot exist where a definite time has been fixed for a vote.

I cannot see anything wrong with the amendment just offered. In fact, it seems to me to be a good amendment. It seems to me that it strikes at one of the evils which we desire to cure, and I do not see why anyone who is in favor of the pending legislation cannot conscientiously vote for the amendment. I feel like voting for it unless some good reason can be given why I should not. I wonder whether the Senator from New Mexico is opposed to the amendment.

Mr. HATCH. Mr. President, as I understand the amendment offered by the Senator from West Virginia, he is really trying to carry out the fundamental purposes of the measure now before us.

Mr. NORRIS. I think so.

Mr. HATCH. As I have understood the amendment from his explanation of it, it is my intention to vote for the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

Mr. MINTON. Mr. President, I send an amendment to the desk which I ask to have reported.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to add the following new section at the end of the bill:

SEC. 16. All officers and employees of the United States affected by the provisions of this act, as approved August 2, 1939, and by this or any amendments thereto, shall, on the date of the approval of this act, be covered into the civil service, and entitled to all the rights, privileges, immunities, and safeguards now accorded by law to officers and employees of the United States now in civil service.

Mr. MINTON. Mr. President, the amendment which I have sent to the desk proposes a new section to the bill, to apply only to Federal employees affected by the Hatch Act, or any who might be affected by the pending amendment to the Hatch Act. It merely provides that from the date the amendment shall go into effect all Federal employees affected by the so-called Hatch Act and the proposed amendment shall be covered into the civil service, and shall enjoy all the rights, privileges, and safeguards of the civil service.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. McKELLAR. How many employees would be affected?

Mr. MINTON. I am advised there are about 271,000. It must be remembered that those who are affected by the Hatch Act, and who would be affected by the amendment now pending, if any would be caught under the amendment—a matter as to which I cannot state definitely—are denied the right to take any part at all in politics, and fight for the jobs they hold, while someone on the outside who might want one of the jobs, who might want the political party in power to fail, is at liberty to do anything he desires to do, in a political way, in order to get one of the jobs, or to defeat the party in power. The amendment I have offered would merely provide that those, who have had taken away from them the right to participate in politics at all, shall have the same safeguards the civil-service employees have.

We have heard much about the civil-service employees in the course of the debate and how they have been under the ban not to take part in politics. What I am seeking to apply to those who come under the Hatch Act is the same thing the civil-service employees have been under for 50 years. If it is good for them to stay out of politics, and be rewarded by being secure in their jobs, not being kicked out without a trial, and having pensions provided for them, then, since we take away from those who are affected by the Hatch Act the right to participate in politics at all, why should we not give them the same safeguards we give those who are in the civil service, provide that they may have their jobs for life, except, of course, as they may be removed for cause, and that they cannot be removed unless they have a trial, just as anyone in the civil service is entitled to a trial. After they have served their time and have given their lives to the service, they should be retired with pensions, just as are the others in civil service.

Will some Senator stand on the floor—and I will yield in my time, brief as it is—and tell me why, in justice and fairness, those who are placed under the ban of taking part in politics under the Hatch Act should not have all the benefits of the civil service which the civil-service employees, who are under the same ban, now have? The Senator from New Mexico is simply applying the civil-service ban to those who are in politics, taking them out of politics; but he is not giving them any of the safeguards employees in civil service have enjoyed for 50 years. So I say that in fairness to those who are being muzzled, in fairness to those from whom is being taken the right to participate in politics, we should give them the same so-called safeguards which are given other employees in civil service.

Mr. President, that is all there is to the amendment; and I should like to hear any Senator give a good reason why these employees should not be under civil service. There is not a thing to it except an attempt to be fair to employees to whom the act is to be applied, to be as fair to them as to other "dehorned" employees in the civil service. They cannot take any part in politics, but they get a benefit in the way of security of position, in the way of pensions, and all that sort of thing. There is no use taking the time of the Senate in further discussing the amendment.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CONNALLY. That is pretty good for the Federal employees, but how about the State employees? What is the Senator proposing to do for them?

Mr. MINTON. That is a bigger problem, and it was a little too difficult for me to reach with a simple amendment. I do not know whether they can be reached or not, but if that problem is to be reached, it would have to be reached by an amendment which would require a great deal more study and consideration than I was able to give to the matter. But the amendment I have offered is a simple one.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BARKLEY. The House of Representatives has passed a civil-service bill providing that certain employees not now in the civil service shall be qualified for the civil service, and I am told that that bill is being considered by the Senate Committee on Civil Service, or will be within the next few days. It seems to me that any measure covering a great many employees, hundreds of thousands of them, into the civil service, should receive the consideration of a committee which is familiar with the subject. It seems to me that one of the troubles is that attempting to reach this question by an amendment to the pending bill, without any consideration being given it by the committee charged with the consideration of that kind of legislation, is more or less like going up a blind alley on this subject. It might include many employees the Civil Service Committee would never report as being entitled to go under civil service. If such legislation is to be given the careful consideration it should receive—and I am sympathetic with it, I will say to the Senator—I doubt whether it should be attempted as an amendment to the pending bill. I should like to know the Senator's reaction to the situation, in view of the fact that the Committee on the Civil Service is considering a bill involving a kindred subject.

Mr. MINTON. This amendment is quite simple. These employees are now being told that they shall not take part in politics. I am proposing to put the employees affected by the Hatch Act under the same ban, to put the same muzzle on them that applies to employees in civil service and which has applied to them for 50 years. It is a simple matter. The Senate has been discussing it for 2 weeks, and everyone understands it. We know exactly what we would be doing to these employees. We would be extending to them the same provisions which have governed the civil service for 50 years, and if we have been doing it that long, merely increasing the number should not make any difference.

Mr. CONNALLY. If we put these employees under civil service, would we not remove practically all temptation to engage in politics?

Mr. MINTON. Yes.

Mr. CONNALLY. When most of them engage in politics they do so in order to get a job or to hold a job. If we make them secure in their jobs, they will not be very active in politics. Many of them do not desire to be, anyway. If one of them can get a job and hold it, he will forget all about the man who helps him get the job.

Mr. MINTON. If we are going to dehorn them, we should take them away from the longhorns. We should put them in the same category with the employees who have these safeguards, because we are putting them under the same ban which applies to the civil-service employees.

Simple as this proposal is, I cannot see how anyone can resist it. It cannot be said that it would emasculate the bill; it cannot be said it is an attempt to defeat the bill, or destroy it. This certainly must be in consonance with what the Senator from New Mexico is trying to do. He is trying to protect people from the vicious thing known as politics. He wants to get the employees out of politics. He certainly wishes to treat them fairly after he gets them out. If he is to put a civil-service muzzle on them, he should put a civil-service leash on them. They should have the same protection in all respects as the other employees enjoy.

There is no reason why this matter should go to the Committee on Civil Service. It is merely a question of whether 271,000 more should come under the protection and safeguards of the civil service when a civil-service muzzle is put on them. They are being prevented from taking any part in politics, and they should be safeguarded against the things which will happen to them in politics.

How long would these employees last in their jobs if someone came along who was unfriendly to them in politics? They cannot do anything to defend themselves; they are helpless. They go out if they do anything to try to protect themselves. So in all fairness we should give these employees the same safeguards we give the civil-service employees. It is a simple proposal, and it will not do, it seems to me, for the Senator from New Mexico and the Senator from Kentucky to say, "Well, I am going to consider this thing later on. I have been considering a bill which the Committee on Civil Service, or some other committee, has," when the matter is as simple as this amendment is.

The time is getting short, as the Senator from New Mexico said. It is getting very short for those opposed to the bill. We have to vote at 3 o'clock, and we want this amendment adopted now, in order that those affected by it may be protected, in order that they may have the shield about which the Senator from Kentucky talked a few days ago.

I want to shield these people. I do not want to see them knifed. I do not want to see them caught on the sword. It is evident that they are in the same class as civil-service employees, but they do not get the benefit of civil service. By this simple amendment we want to bring them in and give them the benefit of civil service.

Mr. SMITH. Mr. President, the other day the Senator from North Carolina [Mr. BAILEY] made a speech on the subject of processes of democracy. He took occasion to point out that the pending bill, in its operations, following the appropriation of Federal money, would invade the rights of the States. This morning I noticed that the press contained the startling information that a district Federal court in Georgia had ordered the arrest of the Governor of Georgia. I am not familiar with the details of the fight in Georgia, but it seems that the Governor had some difficulty with the highway department, and in the exercise of his authority as Governor he called out the troops; he ejected the chairman of the highway commission, and locked up the office.

Mr. President, I thought that if there was a matter which was wholly within the jurisdiction of a sovereign State it was the State's internal improvements. It seems that the Federal judge in question, in the exercise of the new power and the interpretation of States' rights extant today, enjoined the Governor from exercising his power to call out the troops and to declare martial law for a certain district. Along came the Federal judge and enjoined the Governor. The Governor paid no attention to the injunction, but did that which we have heretofore been taught to believe was his right. The Governor of a sovereign State was arrested by order of an inferior court because the Governor, in his sovereign capacity, exercised the function of Governor of a sovereign State. The Governor was addressing a great body of teachers, and the United States marshal went up on the platform and arrested him. He is now under the jurisdiction of the marshal to make his appearance before the court next Friday.

Mr. President, I do not hold any brief for the Governor of Georgia. I do not care a snap of the finger about the person in question, but I care about the principle involved. What has happened in this instance is indicative of the principle that is rampant today. It is also indicative of just where the present measure is leading us, as the Senator from North Carolina well said in his able address.

Mr. President, the proposed legislation strikes at the very foundation of democratic processes. We now see a Federal judge enjoining a State Governor. It does not place very much of a strain on one's imagination to imagine that the whole cabinet of that Governor and all the officers charged with administrative and ministerial duties were particeps criminis, and that all of them were enjoined by the Federal court. Where, then, would be the government of the State? Its representatives would be under arrest, incarcerated. It was proposed to take the Governor and put him in jail, but he squabbled around and got a stay of proceedings upon his humble promise to appear before the judge of the inferior Federal court to show why he should not be punished for disregarding the order of a court which we, the Congress, established. The Constitution provides for only one Court and limits its jurisdiction. I took pains this morning to read just how far the Supreme Court could go. Its duties involve no function of interfering with the processes of a sovereign State. That, Mr. President, is something which is pertinent to the very bill under consideration. The judge in question issued his injunction because the Governor was interfering with the expenditure of certain Federal money. So the State of Georgia must sink to the level of a county. The State is now wholly under the jurisdiction of the Federal Government.

Mr. President, I want to warn all those who are rushing in with legislation of the type now under consideration that they are giving hostages to fortune.

I have inquired of the legal minds in this town, and none of them can recall a case of a judge enjoining a Governor and having him arrested. That came very near being done in the old days before the War between the States, and the reply came in what occurred from 1860 to 1865. We got licked, but we let them know that we were fighting. Oh, yes; we did. We astonished the world with the intrepid bravery and patriotism of the devoted followers of the immortal Lee and Jackson. No American needs to be ashamed of those two names.

Mr. President, clothed as the Court is with limited authority, an injunction cannot issue except in cases of equity. The case in question was wholly one to be decided by Georgia.

I am not sorry for Governor Rivers. I think he deserves everything that is being done to him. I wish he could be divorced from his high relations to the State of Georgia, and then let them put him in jail. I think he deserves to go there. I am speaking solemnly. He backed up packing the Supreme Court and asked the proponents to that plan to pour their sheckels into Georgia, and they converted sheckels into shackles. Now he is threatening to call out the militia. He ought to do it. He is sovereign in the State of Georgia. But I want my colleague to understand what this thing in Georgia foreshadows.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. SMITH. I yield.

Mr. CONNALLY. I may suggest to the Senator from South Carolina that the Governor of Georgia could probably get a very quick test of the matter by applying to the Supreme Court of the United States directly for a writ of habeas corpus.

Mr. SMITH. I know it, but I do not know whether the Governor would like to do that or not.

Mr. CONNALLY. He would rather do that than go to jail.

Mr. SMITH. Within the sovereign rights he has as Governor and the limitation of the power of the Federal courts over the States he would not go to jail. If I were the Governor I would fight it out in Georgia. I would not go to the Supreme Court. As it is now constituted he must be worse off if he went there than he is now. I think I would advise him to stay away from the Supreme Court.

Mr. President, I do not want my colleagues to lose the implication in the Georgia incident. What has taken place there is exactly in line with the implications of the pending bill; that the Federal Government has plenary power wherever its money goes, and Congress is turning over to the Civil Service Commission the power to determine what is or what is not a violation of the law. It is provided in the bill, it is true, that some poor devil who may violate its provisions shall have access to the Court. But how many such violators of this law would be able to take advantage of that particular provision? How many of them would be able to get access to the Court?

Mr. President, an inferior court has arrested the supreme executive of the only supreme, unregulated, and unspecified power in America, namely, a State. Georgia helped create the Federal Government. Now the Federal Government has become so large that it is destroying its creator. It is an embarrassing position for the Governor. I hope this body will appreciate the significance of that incident. It is the natural logic of events growing out of our departure from the Constitution of the United States.

Heretofore on the floor of the Senate I have enumerated certain things which every lawyer and every other person who loves the dual form of government knows are violations of the Constitution. Mark my words—a false principle wrought into real life will work itself out in disaster. The most horrible thing in public life is an unfortunate precedent. We are scattering them broadcast all over America. Of course, when we appropriate money we want to be the beneficiaries, politically and otherwise, of the appropriation. In the main that is what we appropriate money for. There are certain things that ought to be done.

Mr. President, some one very pertinently sends me a note saying, "Sherman is marching through Georgia again."

Mr. CLARK of Missouri. Who? SHERMAN MINTON?

Mr. SMITH. The note says, "Sherman is marching through Georgia again."

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. SMITH. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. Does the Senator mean SHERMAN MINTON?

Mr. SMITH. Well, the note says, "Sherman." The Senator can apply it as he pleases. [Laughter.]

Mr. President, I do not give a continental about the civil service. My observation has been that it has been the most uncivil thing ever incorporated into our political life. It puts certain men in office and keeps them in regardless of their fitness. Everyone knows that. It is an ingenuity by which the ins remain in, and the outs want to have some modification made of it until they get in.

There are many strange things connected with this bill, whose purpose is supposed to be to purify politics. I want to ask, When in the name of the God who made us do Senators expect to see pure politics? Senators know there is no "pure politics." They do not expect any pure politics. Pure politics are not in operation here now.

Every man who has sense enough to become a Member of this body wants his little playhouse for his own benefit. He says, "I do not care a continental what the Constitution says, or what anything else says, but do not knock down my playhouse. I am going to stay where I will get the benefit of my breach of the rights of the people. You cannot pour out billions of dollars and not make me the beneficiary of it."

What saddens me is to see the great principles involved in our Government ignored when they affect our personal interest. God knows I have tried to adhere to those principles without regard to my political fortunes. I hate to inject myself into the debate, but I have never regarded my sitting in this body as essential to the welfare of America. Once I have assumed this responsibility, I believe that my duty is plain, and I shall live up to the fundamental principles of the Constitution so long as I am a Member of this body, regardless of who is in power.

This is a monstrous thing we are doing. We are saying to a man, "If you get a job, you must shut your mouth. You must not engage in politics." Along comes a Federal judge and enjoins the Governor of Georgia. The Governor disregards the injunction and is arrested. He is now under the jurisdiction of the United States marshal. The Senator from Texas [Mr. CONNALLY] suggests that the Governor go to the Supreme Court.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. CONNALLY. I merely suggested that he could go to the Supreme Court. I did not suggest that he do so. That is up to him. I do not mean to suggest.

Mr. SMITH. We have discarded the Constitution. I hope—and it is only a hope—that so long as men love freedom and their own self-respect, so long as men feel in their hearts that they have a right to life, liberty, and the pursuit of happiness and to enjoy the proceeds of their own efforts, so long will the Constitution and the immortal Bill of Rights be a glorious fact in their lives. There is not a liberty-loving man, one who loves genuine essential liberty, who would not fight and die for the Constitution of the United States, just as our forbears did.

I wish to take occasion again to refer to the injunction and arrest of the Governor of the sovereign State of Georgia because he interfered with the expenditure of certain Federal moneys in the State of Georgia. The Senator from North Carolina [Mr. BAILEY] called attention to that situation. I hope and trust that some day there will be enough real Americans to get back that for which our forbears bled and died. There are many articles in the Constitution. The first seven deal largely with the relation of sovereign States to the Federal Government. The first 10 amendments define the inalienable rights of the individual.

As I have said, and now repeat, at one time we had patriots. We have them now. However, the modern crowd are p-a-y-t-r-i-o-t-s. We have more of those today than we have of p-a-t-r-i-o-t-s.

I hope that the Governor of Georgia will do his duty as a man and restore the sovereign power of the State, which was never given to the Federal Government. Were I the Governor of the State of Georgia there would be another local secession.

I think shortly we shall have amendments to the Constitution denying to the States their reserved powers. Today we have a government of men and not of law. That is what is the matter with us. We are bowing down and worshiping certain men because they have exhausted the Treasury and scattered their largess broadcast over the land.

Friday I sat in this Chamber and heard a Senator for whom I have the profoundest respect—or did have—say that this administration had done the necessary thing in ruthlessly scattering abroad billions of the hard-earned money of the people, and that he did not criticize the President of the United States for going into his State and denouncing him. His statement is in the RECORD. When I reach that level I

will quit this body. Whenever I shall honor a man belonging to my party who comes into my State and denounces me and say that I do not criticize him I will quit this body.

Senators do not seem to care to listen to my criticism or to what is going on, but so far as I am concerned I resent the tendency of this body to bow down and worship at the corrupt throne of money. That is what we are doing. We are selling everything dear to us to have a bridge built, or to have a courthouse built, or to have the W. P. A. or the P. W. A. come into the State and spend money. God grant that somewhere, somehow, the inherent love of liberty and individuality that characterized our forbears may be restored, and that the divine fire may touch the American people so that they will repudiate, in ignominy and shame, those who have prostituted the Government under which we live.

Mr. HATCH. Mr. President, just a word on the pending amendment offered by the Senator from Indiana [Mr. MINTON]. In substance, as the Senator explained, this amendment, if adopted and enacted into law, would automatically blanket into the civil service all the employees of the Federal Government not now under the civil service. It would do so without any examination as to qualifications or fitness for office, and would give full lifetime service and privileges to those employees.

I think the Senator from Indiana is moving in the right direction. I think he is going in the direction I want to go. One of the arguments I have made in behalf of legislation such as we have sponsored is that eventually, once we can remove employees from political activity, we shall be enabled to work out a really comprehensive merit system for all Federal employees. I want to do that. I think it should have been done a long time ago, but I do not believe that blanketing all Federal employees into the civil service with one stroke of the pen is working out an efficient merit system. In fact, I think the adoption of this amendment would be detrimental to the civil service itself, and would bring it into discredit and confusion.

The Ramspeck bill, which has passed the House of Representatives, is now before the committee presided over by the distinguished Senator from South Dakota [Mr. BULOW]. If I am not mistaken, hearings have already been set. Am I correct in that statement?

Mr. BULOW. They have not been set.

Mr. HATCH. But it is planned to have hearings on that bill in the near future, is it not?

Mr. BULOW. Yes.

Mr. HATCH. I should very much like to have the Senator from Indiana [Mr. MINTON] submit his amendment to that committee and let the committee consider it before we take such a step.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. The Senator has pointed out that certain employees would go into the civil service without examination. That is what happens when the President covers them in under an Executive order, is it not?

Mr. HATCH. Yes.

Mr. MINTON. All the amendment would do would be to cover them in under an act of Congress rather than an Executive order. That is the only distinction.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BARKLEY. It is not always true that they are covered in without an examination. Some Executive orders which have been issued required the incumbent to take an examination to determine his fitness for the position which he held; but it is true that many Executive orders have covered employees into the civil service without examination.

Mr. MINTON. That is the general rule.

Mr. HATCH. Mr. President, it is not my intention to take the time of the Senate to argue the various amendments which may be proposed. However, I think it would be a mistake to adopt this particular amendment—a mistake so far as the civil service is concerned, and a serious mistake so far as the pending legislation is concerned. I hope the amendment will be defeated.

Mr. BAILEY. Mr. President, I do not intend to address myself to the pending amendment. I listened with a great deal of interest to the eloquent remarks of the senior Senator from South Carolina [Mr. SMITH] and with unusual interest to his remarks on the subject of the arrest of the Governor of Georgia at the instance of the judge of the Federal court in that State under proceedings in contempt. The matter is a very unusual one, and it presents rather grave difficulties.

I do not know enough of the facts to undertake to discuss the matter. I may undertake to do so when I do know the facts; but it is my impression—this is from the newspapers—that the Governor of Georgia undertook to dismiss, and actually did dismiss, from the Highway Commission of the State of Georgia a ministerial officer—not an elective officer but an appointive officer—the chairman of the highway commission; whereupon the officer undertaken to be dismissed resisted, but was put out by the State troops at the instance of the Governor of Georgia. Now the situation is reversed; the Federal jurisdiction and power are invoked, and the Federal Government undertakes not to put the Governor of Georgia out of office but to put him into jail.

A man under arrest and in the jail or penitentiary for imprisonment is under disability. One cannot function in jail as a lawyer or as a contractor. He is under disability. I take it that when the Governor of Georgia is placed in jail for contempt by the Federal judge, certainly to a very considerable extent the Governorship of Georgia will be vacated. I take it further that if the Governor of Georgia should resist the United States marshal it would be the duty of the Federal judge to protect the dignity of his court and, if necessary, to call out Federal troops. The State troops having been called out in the first instance, and the Federal troops having been called out in the second instance, we might have another Battle of Manassas.

All of that is very serious. It is so far from our minds that it seems facetious, but fundamentally it is very serious. There is a grave conflict down there. I am not going to undertake to pass on the merits of it, but I am going to undertake to settle it. I think the Congress should act and act at once. I think it should act constructively. We have here this bill; and if we will apply the principles of this bill to that situation, it will all be solved in 24 hours.

This bill declares that if a State officer does certain things he shall be dismissed; he shall be removed. It declares that if the State Highway Commissioner of North Carolina, the head of that entire activity, shall engage in politics, he shall be removed. Why not say that the Governor of Georgia shall be removed if, having accepted gifts or loans from the Federal Government, he does not do just as the Federal judge down there says, or as Mr. Hopkins says, or as Mr. Ickes says? That is in precise analogy with this bill. Then suppose he says, "Well, now, that is the law, but I am not going to get out"—then apply the principle of this bill and say, "We will withdraw all the aid, all the loans, and all the grants of the Federal Government to your State of Georgia. Now you had better get out, and you will get out." I think Governor Rivers would be sure to get out, because he has been very active in the matter of obtaining—I say this to his credit, of course—loans, gifts, grants, and other aid from the Federal Government.

The whole incident perfectly illustrates what we are doing. We are setting up here the principle of Federal control of State officers by means of the Federal power through loans and grants. We are setting up the right to remove a State officer. Why not remove a Governor if we can remove a highway commissioner? Why not remove a Governor if we can remove a clerk? How does the Federal Government acquire jurisdiction over any local officer in North Carolina by merely lending us money which it collected from us or giving us money which it took from us?

I propose my solution; and if the time were not so brief, I would draw an amendment aimed directly at the Georgia situation. I think I could solve it upon the passage of this

bill. I think it is a solution which is much better than this warlike affair we have down there. It is not the use of the force of arms but the use of the force of money. The force of arms may be more honorable, but it is also more bloody and more disagreeable.

That is a serious situation. That is what this bill presents to us. I have never been concerned about the professed objective. I have never thought the bill would accomplish it, because I have been concerned about the interference with the process and the structure of our Government, our democracy.

My faith in my State is unshaken, and that is why I stand where I stand. If any Senator's faith in the capacity of his State to control the activities of its officers and clerks and sheriffs, and so on, has been lost, of course, he may vote for this legislation. He ought to get aid from the Federal Government; but nothing has happened to destroy my faith in North Carolina.

We have had many experiences, Mr. President. I am going to relate one which went far to restore my faith when it was shaken. I do not like to refer to disagreeable subjects. It is not good to linger by the bitter waters; but rarely in my life have I been more stirred than I was by the so-called purge in our party, when the Federal power was broadly invoked in order that the Senator from Iowa [Mr. GILLETTE], the Senator from Indiana [Mr. VAN NUYS], the Senator from South Carolina [Mr. SMITH], the Senator from Georgia [Mr. GEORGE], and the Senator from Maryland [Mr. TYDINGS] might be driven out of the Senate. I was tremendously aroused and very gravely concerned, and I watched each contest with an overpowering interest. If I could tell the personal story, you would understand just how overpowering it was.

The culminating contest was the contest in the State of Georgia. I think my interest was tending to grow, anyway, with each contest; and it was beyond bounds, as the hour approached, when the right to a seat in the Senate of one of the noblest men I have ever known, one of the worthiest Senators in all the history of the Senate, one of the truest and most faithful Democrats who ever breathed the breath of our free land, was called in question by the President of the United States. I do not think I thought of anything else as I heard of the approach of the President to Georgia on that mission.

I have never spoken disrespectfully of the President of the United States or of any President, and I never intend to do so. When I heard of his approach to Barnesville all my thoughts were there, and I listened to his address when he called upon the Democrats of Georgia to strike down my friend, my fellow Democrat, a man whom I have always honored and always will honor, a man whose views and speeches differing from me could not possibly affect my high regard for him, my abiding confidence in him. I knew, as I heard that message, that the senior Senator from Georgia was on the platform. I was deeply stirred. I wondered what I would have said in the circumstances. I hoped and I prayed that the senior Senator from Georgia would find the right words; and he found them:

> Mr. President, I regret that you have taken this occasion to attack my record and call in question my democracy. I wish you to know that I accept the challenge.

Historic words—immortal words! I am glad I can put them in the RECORD here. He summed up the whole substance of the relation of the State to the Federal power:

> I accept the challenge.

It was not a personal challenge, and it was not a personal acceptance. It was an acceptance by the senior Senator from Georgia of the challenge of the Federal power to the dignity and the rights and the power of the State of Georgia. Georgia answered.

When the returns came in that September night—and I did not know what they were, because the radio accounts were not complete—I wondered whether Georgia would respond. I had a dread that she might not respond. I had a sense of horror. I thought of nothing else. Sleep meant nothing. I wished to know. It was on the following night that I was informed of the fact that Georgia had given assurance to the United States that Georgia was equal to the challenge; that Georgia could attend to her own affairs; that she would choose whom she wished to choose for Senator; and I thanked God for Georgia. My faith in Georgia is not gone. My faith in the American people is not gone. I do not know enough about some of the American States, to be sure, but I am not going to lose my faith in the States. I never have lost that faith in North Carolina.

As I thought of it, I was reminded of an incident in the history of the English in which a certain matter was settled. There had been a time when the King appointed the ministers. There had been a time in the Roman history when the king or the dictator appointed the senators. Slowly, through the ages, the spirit of liberty, working in the form of democracy, had asserted the right of the people to represent themselves by men of their own choosing.

A contest began in England under George III, and the people lost. George insisted upon his right to appoint the ministers and denied the right of the Commons—the House of Representatives of England—to appoint the ministers. Under George IV the issue was made again. The Commons appointed a minister, and the King refused to recognize him. The Commons said, "You must recognize him," and he, considering the fate of Charles I, recognized him. From that day to this, even the ministers in England, the Cabinet officers, have derived their authority by no means from the King, but from the representatives of the people.

Coincident with that, the House of Commons took pains to give King George IV a further notice; that is to say, "From this day forward, so long as you or any of your successors sit upon the throne of England, you shall not interfere in the slightest degree with the election of a member of the House of Commons."

And from that day to this, the kingly head of the British Government has never so much as dared intimate that the humblest little borough in all England should listen to him in such a matter.

Mr. President, that was the fountain of local self-government and the right of representation breaking forth on the other side of the sea in the early days of our Republic, and it was not without its influence here. With that we thought we had set our standards, but today we have to assert and protest, in vain, I think, as the hour of 3 approaches, that the State of North Carolina, or the State of Georgia, or the State of South Carolina, is competent to say what shall be done and what shall not be done by the State and county and city officials, whether political or nonpolitical, whether moral or immoral, or whether of high degree or low degree. That is the issue here.

I think it was necessary for us to embark upon some of these Federal gift and loan activities, but if this is to be the consequence of it, whatever relief it has brought about, whatever apparent good it has done, will be as nothing compared with the destruction of local self-government, and of the dual form of the American structure, and our progress of democracy.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BAILEY. I yield to the Senator from Nevada.

Mr. McCARRAN. The Senator very correctly recited the history of England, but there was one thing which I think the Senator might have stated as having occurred following the mandate of the Commons; that is, that the King did take notice, and did follow the mandate.

Mr. BAILEY. I thank the Senator. I thought I had stated that from that day to this no King of England, and no Queen, has ever so much as given the suggestion of a nod to the contrary. Those who have read the story of Queen Victoria, who followed George IV, will remember how that young Queen did not like her Ministers. She liked Malborne, but she did not like Disraeli. However, she had to like Disraeli. Then she came to like Disraeli. She did not like Gladstone. She made one of the most scorching remarks about Mr. Gladstone,

a beautiful sort of thing. She said, "Why, Mr. Gladstone addresses me as if I were a public assembly." She did not like him; but she had to like him. She did not like the liberal government, but she had to like the liberal government.

The kingly power was very great, but the power of the people in their right of representation was greater. The divine right of kings is a very great and historical doctrine, but the divine right of the American people to choose representatives of their own selection to govern their ways, in politics and otherwise, is greater than the divine right of kings, and more important to the progress of the world.

The pending bill may to some seem trivial, and there are those who are laboring under the delusion that it relates only to Federal officeholders, and there are others who have been led to believe that it is going to bring about the millennium of "clean politics." Even the newspapers put "clean politics" in half quotes, meaning "so-called," which is the idea of the half quote. While all those things are going on, we are comforted somewhat with the assurance that the bill may yet be defeated in the other body, although I know nothing about it, and I do not intend to say anything about what the House has ever done or may do. This bill is not by any means the end of the matter. If it shall pass, we will have established a policy which the instincts of the American people will in due season repudiate. If we do not pass it, there will be those who will continue to come here with this sort of proposal, and I should not be surprised if before I leave the Senate I do not see an effort to have the States controlled in their schools, their laws against crime, and in all other ways, by the demand that their officers be removed, and if they are not removed, Federal loans and grants will be taken from the States.

Since we have to pay our share of the taxes, that becomes a very drastic threat of fines and penalties. I am looking across the aisle now to a very able lawyer, the senior Senator from Vermont [Mr. AUSTIN], and I refer to the old system of fines and recoveries under the common law. They can fine my State $3,000,000 in the matter of the highway funds alone; and, what is more, may recover.

I read in the Charlotte Observer this morning about some projects allowed in my State. This is Monday morning, and I suppose these were allowed on Saturday. I will refer to a few of them:

C. C. McGinnis, State W. P. A. administrator, has announced approval of 19 projects, to cost $638,380.

That may all be very good, but I call attention to how it will operate.

Granville County: To improve Creedmore streets, $19,846.

That means the end of all activities down there by every officer except the mayor. He may call his soul his own, but no one else can.

Wilkes: Extend water and sewer systems at Wilkesboro, $5,924.

There will be no more political activity by anyone in Wilkesboro who is administering these funds. And these funds are going to municipalities.

Pitt County: Improve street at Fountain, $5,982.

For $5,982 Fountain and all her officers connected with the Government go out of politics.

Edgecombe: Build home-economics cottage for Tarboro High School, $23,708.

That is a county activity, and I take it that everyone in the county, and in the city of Tarboro—a very ancient city—everyone who has to do with the municipal government will go out of politics. "Home-economics cottage." That takes in the county officers and clerks.

Harnett: Erect building at Ridgeway School near Lillington, $11,125.

I am not sure but that that takes out of politics the entire school organization of 23,000 teachers of North Carolina, because our school system is a State unit.

Alexander: Erect vocational building at Stony Point High School, $3,381.

That is Alexander County.

Northampton: Improve streets, $10,069.

It does not say where the streets are to be improved, but I dare say they will improve streets all around in Northampton. That is a great rural county, from which Gen. Matt Ransom came to the United States Senate. For $10,069 they get the Northampton officers out.

Lenoir: Improve LaGrange streets, $19,600.

That takes care of LaGrange.

Now they come to my county of Wake:

Wake, install sewer and water lines, $22,461.

I take it that ends activities there by the county officers of Wake County; and that is a very big county. It has in it about 110,000 people.

Then we come to the next:

Improve North Carolina State College grounds, $55,080.

I dare say that takes in the entire State government, because the State College is a State institution, supported by the State. That gets them all.

Then we come to Apex, Mallaby Cross Roads, Fuquay Springs, and Garner, $81,804. All those are towns in my county.

That is what we are doing. How are we doing it? We are saying, "You do as the Federal Government says in this matter of political activity. We will be the judges, not you. If we catch anybody down there not doing as we say, we will report him, and if you do not turn him off the job, we will take the money away from you."

Mr. President, that tends to destroy the dual form of government in the United States. That is running the whole thing on the basis of Federal loans and grants which were intended to relieve the people of America, and not to control the States and the counties and the cities.

My friend the Senator from Michigan [Mr. BROWN] asks me not to forget to tell whose money it is. I told that the other day, but I will tell it again today. The money is taken from the States by the power of taxation, or is borrowed by the Federal Government on the credit which is derived from the power of the Government to tax the people in the States. We are using the taxing power of the Federal Government to hand out loans or grants throughout the United States, using it not for the purpose of doing the good intended by the appropriations but for the purpose of controlling activities which heretofore have always been in the control of the States, and which to this day I have always thought the States were fully capable of attending to, to their own satisfaction, and much better in the long run than the Federal Government can ever do it.

So, Mr. President, while viewed superficially, this is a simple matter, and it might be considered a trivial matter; viewed by way of its implications, it is a very great matter. That is all I have to say about it.

I am not troubled that the vote is going against us today. I would be very greatly troubled if I were not making my record of opposition here today, and that is all I have to do. I hope I may live long enough to see those who make a different record, in the very best of motives, to be sure, learn by bitter experience to repent establishing a precedent which cannot but redound to the destruction of the States, the localities, and of representative government.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bulow	Danaher	Guffey
Ashurst	Byrd	Davis	Gurney
Austin	Byrnes	Donahey	Hale
Bailey	Capper	Downey	Harrison
Bankhead	Caraway	Ellender	Hatch
Barbour	Chandler	Frazier	Hayden
Barkley	Chavez	George	Herring
Bilbo	Clark, Idaho	Gerry	Hill
Bridges	Clark, Mo.	Gibson	Holman
Brown	Connally	Gillette	Holt

Johnson, Calif.	Minton	Russell	Tobey
Johnson, Colo.	Murray	Schwartz	Townsend
La Follette	Neely	Schwellenbach	Tydings
Lee	Norris	Sheppard	Vandenberg
Lodge	Nye	Shipstead	Van Nuys
Lucas	O'Mahoney	Smathers	Wagner
Lundeen	Overton	Smith	Walsh
McCarran	Pepper	Stewart	Wheeler
McKellar	Pittman	Taft	White
McNary	Radcliffe	Thomas, Idaho	
Maloney	Reed	Thomas, Okla.	
Mead	Reynolds	Thomas, Utah	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

The question is on the amendment of the Senator from Indiana [Mr. MINTON]. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this vote I have a pair with the Senator from Nebraska [Mr. BURKE]. If at liberty to vote, I should vote "yea," and, if present, the Senator from Nebraska would vote "nay."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote as I shall vote. Therefore I am at liberty to vote. I vote "nay."

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague the junior Senator from Missouri [Mr. TRUMAN] is unavoidably detained from the Senate. If present, he would vote "nay" on this question.

The roll call was concluded.

Mr. ELLENDER (after having voted in the negative). I have a pair with the junior Senator from Wisconsin [Mr. WILEY]. I am advised that if present he would vote as I have voted. Therefore I allow my vote to stand.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Arizona [Mr. ASHURST], the Senator from Nebraska [Mr. BURKE], the Senator from Rhode Island [Mr. GREEN], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

The Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], the Senator from Arkansas [Mr. MILLER], and the Senator from South Carolina [Mr. SMITH] are detained in Government departments.

I am advised that if present and voting the Senator from Virginia [Mr. GLASS] and the Senator from Rhode Island [Mr. GREEN] would vote "nay."

The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Missouri [Mr. TRUMAN]. I am advised that if present and voting the Senator from South Carolina would vote "yea" and the Senator from Missouri would vote "nay."

The result was announced—yeas 24, nays 57, as follows:

YEAS—24

Bailey	Donahey	Lundeen	Schwellenbach
Bankhead	Guffey	McKellar	Smathers
Brown	Hayden	Minton	Stewart
Byrnes	Herring	Murray	Thomas, Okla.
Caraway	Hill	Pepper	Thomas, Utah
Connally	La Follette	Pittman	Wheeler

NAYS—57

Adams	Downey	Lodge	Sheppard
Austin	Ellender	McCarran	Shipstead
Barbour	Frazier	McNary	Taft
Barkley	George	Maloney	Thomas, Idaho
Bilbo	Gerry	Mead	Tobey
Bridges	Gibson	Neely	Townsend
Bulow	Gillette	Norris	Tydings
Byrd	Gurney	Nye	Vandenberg
Capper	Hale	O'Mahoney	Van Nuys
Chandler	Hatch	Overton	Wagner
Chavez	Holman	Radcliffe	Walsh
Clark, Idaho	Holt	Reed	White
Clark, Mo.	Johnson, Calif.	Reynolds	
Danaher	Johnson, Colo.	Russell	
Davis	Lee	Schwartz	

NOT VOTING—15

Andrews	Glass	King	Smith
Ashurst	Green	Lucas	Truman
Bone	Harrison	Miller	Wiley
Burke	Hughes	Slattery	

So Mr. MINTON's amendment was rejected.

Mr. BYRD. Mr. President, I send to the desk an amendment presented by me on March 6 and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

SEC. —. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, it is in the domestic interest of persons to whom the provisions of this act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

Mr. BYRD. Mr. President, in certain areas of the country, and especially adjacent to Washington, a majority of the residents of certain towns and counties are employees of the Federal Government. My amendment is for the purpose of giving the Civil Service Commission the authority to permit a Federal employee to take part in purely local elections when it is considered in the interest of the public welfare to do so.

If that is not done, Mr. President, those Federal employees will be denied the right even to hold a nonprofit office, such as member of the school board or member of the town council; and, in my judgment, serious injury to the cause of good government will be done unless those Federal employees are permitted, under regulations adopted by the Civil Service Commission, to take part in purely local affairs.

I have discussed this amendment with the Senator from New Mexico [Mr. HATCH], and it is my understanding that he has no objection to it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BARKLEY. Without naming the particular locations to which the Senator's amendment would apply, am I to assume that the "special or unusual circumstances" which exist in any municipality would be intended to cover the situations in Maryland and Virginia, for instance, where many Federal employees who work in Washington live, who otherwise might not participate in any way in their local affairs? Is that the intention?

Mr. BYRD. It is. The amendment gives to the Civil Service Commission the same power it now has with respect to civil-service employees, to permit them to participate in local elections.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. O'MAHONEY. I desire to ask the Senator from Virginia if it would not be possible for him so to draft his amendment as to name specifically in the amendment the facts which the Civil Service Commission must find? As the amendment is drafted, it seems to me, it gives the Civil Service Commission almost carte blanche authority to determine for itself what the "special or unusual circumstances" are which should operate to exempt persons from the rule. I understand that the Senator is endeavoring to reach a perfectly obvious situation which arises when civil-service employees of the Federal Government who are working in the Capital at Washington reside in communities in Virginia and Maryland, in which, perhaps, the bulk of the population is likewise so employed; so that not to exempt them might have a very detrimental effect upon the community. The amendment is so drawn that it is not limited by geography, by boundaries of States, or by character of employment. It seems to me that in its present form it would set up a precedent for transferring to the Civil Service Commission complete power to grant exemptions.

Mr. BYRD. Only with respect to local elections.

Mr. O'MAHONEY. Yes; but no rule is set forth in the amendment to control the delegation to the Civil Service Commission of legislative power. No standard is set up.

Mr. BYRD. I will say to the Senator from Wyoming that I would like the amendment to be more specific. I conferred with the Senator from New Mexico. This was the only amendment which I presented to the Senator from New Mexico to which he would agree; and I was so anxious to permit my constituents in Virginia to take part in purely local affairs that I acquiesced in the language of the amendment as it is now written.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. BYRD. I yield to the Senator from New Mexico.

Mr. HATCH. The Senator from Virginia correctly states the situation. However, I was not opposed to any particular amendment. The matter related to a subject with which I was not familiar. A great many persons from nearby towns came to see me and discussed the situation, and I suggested that they confer with the Senators from Maryland and Virginia, all of whom probably have conferred with various persons on the subject. I think at one time the Senator from Virginia prepared an amendment which actually set forth the towns to be listed in the order of the Civil Service Commission.

Mr. BYRD. No.

Mr. HATCH. Someone did. I saw such an amendment. The Senator from Washington [Mr. SCHWELLENBACH] called attention to a similar condition in one of the towns in his State, which such an amendment would have met. Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power it had, and which it exercised before the passage of the act last year, I thought perhaps it was wise to give general authority to meet local or domestic situations. I have no particular opinion on the matter, one way or the other. Any way the Senator from Virginia and the Senator from Wyoming wish to work out the situation is perfectly agreeable to me.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. BYRD. I yield.

Mr. BARKLEY. What is meant by the phrase "or other political subdivision"? The amendment mentions "any municipality," which is clearly understood. What is meant by the following phrase, "or other political subdivision"? Would it be a county or congressional district?

Mr. BYRD. No. It would be a subdivision of the municipality. It would be a township, or a magisterial district, such as we have in our State.

Mr. BARKLEY. In order to limit the amendment to subdivisions of municipalities the Senator ought to have the word "thereof" after "subdivision," so as to read, "any municipality or political subdivision thereof."

Mr. BYRD. If the Senator will read further, the language is—

It is in the domestic interest of persons to whom the provisions of this act are applicable—

It means in the interest of the people of the particular locality.

Mr. BARKLEY. The trouble is that the language "political subdivision" is not necessarily limited to a municipality. It might be the entire county, because that is a subdivision.

Mr. BYRD. It is intended to apply to the entire county.

Mr. BARKLEY. Would it apply to a judicial district, in which a candidate might be running for the office of district judge or district attorney? Would it apply to a congressional district, which is a political subdivision so far as elections are concerned? All I am trying to do is to clarify the language, so that we may see what we really shall be doing if the amendment shall be agreed to.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BROWN. I desire to make an inquiry. Are the persons in the municipalities to which the Senator refers interested in an election in which the Democratic or the Republican Party is involved; or are the parties purely local?

Mr. BYRD. They are the regular parties.

Mr. BROWN. They are the regular Democratic and Republican Parties?

Mr. BYRD. So far as Virginia is concerned, they are the regular Democratic and Republican Parties.

Mr. BROWN. I myself had an amendment, to which the Senator from Georgia [Mr. GEORGE] and the Senator from New Mexico [Mr. HATCH] have substantially agreed, which covered somewhat the same general situation. My amendment provided that nothing in the act shall be construed to prevent any lawful political activity in an election and a preceding campaign, at which there are no candidates on party tickets representing a party which polled votes for President in the previous election. Would such an amendment help the Senator?

Mr. BYRD. It would not help this particular situation.

Mr. BROWN. I thought it might.

Mr. BYRD. In this particular case perhaps the best citizens of the counties are employees of the Federal Government.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. HATCH. I have understood that in one county almost the entire population is employed by the Federal Government.

Mr. BYRD. In Arlington County 80 percent of the citizens are employees of the Federal Government. The other night I talked with a gentleman from Arlington County. He would have to resign his position on the school board, a position he has filled for many years with great satisfaction to the people of the community, and for which he has not received a dollar of compensation.

Mr. President, I hope the amendment will be adopted.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. O'MAHONEY. Would the Senator object to inserting, in line 4, after the word "subdivision", the phrase "in the immediate vicinity of the National Capital, in the States of Virginia and Maryland." Such language would refer specifically to the case which he desires to cover.

Mr. BYRD. Mr. President, I have no objection to that modification, but I do not wish to accept any amendment to the amendment which would endanger its passage because the matter is of very vital importance to my constituents.

Mr. O'MAHONEY. I entirely sympathize with the objective which the Senator from Virginia is trying to attain, but it is clear that the language of the amendment is so broad that it might throw down the bars to almost any kind of exemption, should the Civil Service Commission decide to make it, because there is nothing in the language of the amendment to determine what sort of "special or unusual circumstances" the Civil Service Commission would have to find.

Mr. BYRD. I will say to the Senator that if that amendment is satisfactory to the Senator from New Mexico, it is satisfactory to me.

Mr. HATCH. Mr. President, I have no objection at all to the language proposed by the Senator from Wyoming. The amendment of the Senator from Virginia applies chiefly to the situation around the District of Columbia. There may be other cases, such as the Senator from Washington [Mr. SCHWELLENBACH] says he had, in which the employees were practically all Federal employees because of construction work going on in the State, and they could not have any city government.

I will say to the Senator from Wyoming that the power is exactly the same power which the Civil Service Commission has been exercising. The language of this amendment is taken from the order made by the Civil Service Commission in 1912, when they exempted towns in the immediate vicinity.

Mr. BYRD. Mr. President, I will accept the amendment of the Senator from Wyoming.

The PRESIDING OFFICER. Does the Senator from Virginia modify his amendment?

Mr. BYRD. The Senator from Wyoming, as I understood, offered an amendment to my amendment. I should like to say that I have no objection to that amendment. I shall be glad to accept it.

The PRESIDING OFFICER. The Senator from Virginia modifies his amendment in accordance with the suggestion made by the Senator from Wyoming.

Mr. CLARK of Missouri. Mr. President, I wish to address myself very briefly to this amendment, although I do not intend to talk on the subject of the amendment. I wish to speak in my own right.

The PRESIDING OFFICER. Does the Senator from Virginia yield the floor?

Mr. BYRD. I yield the floor.

Mr. CLARK of Missouri. Mr. President, I desire at this time, very briefly, to call attention to an editorial which appeared on Saturday, March 16, in the Washington Daily News, entitled "Barkley Comes Through." Since the editorial is very brief, I am going to take the liberty of reading it:

BARKLEY COMES THROUGH

Senator BARKLEY, of Kentucky, has taken some heavy ribbing from a few of his Democratic colleagues in the course of the long and often bitter debate on the new Hatch bill.

It has been repeatedly charged, and not without point, that had it not been for the conduct of Senator BARKLEY'S campaign for reelection in 1938 there might never have been any such thing as either the Hatch Act of 1939, forbidding Federal employees to take active part in politics, or the pending Hatch bill, which applies the same rules to State employees paid with United States funds.

That may be true. Certainly the Barkley-Chandler campaign of 1938, in which the Federal pay-roll machine in Kentucky locked horns with the State pay-roll machine, was one contest which, above all others, dramatized the great need for putting strings on the public-tax purse. The people of this country are willing to pay taxes, and in emergencies even to borrow against future taxes, to provide relief for the needy, pensions for the aged, work for the jobless, and to carry on other essential services of government. But the people, thus burdened, have every right to demand—and have demanded—that their tax money be spent for the purposes for which it is appropriated, and those purposes only. Hence the growing public insistence on the Hatch safeguards against using public money to perpetuate political power.

But we stray. We are writing now about the Democratic leader of the Senate, Mr. BARKLEY. He has been no special hero of ours. We did not spare him in 1938. Nevertheless, there is no grudging in the tribute we pay him for his performance in 1940. If he is by 2 years a wiser man, that is more than can be said for some of his colleagues who have been ridiculing him through the 2 weeks in which he has patiently and successfully advanced the new Hatch bill to a final Senate vote.

In championing this reform which his own experience has shown to be the right thing to do, which the people have demonstrated they want, and which his own President has approved, Mr. BARKLEY has performed a notable service for the Democratic Party and the country.

The Senate will pass the bill Monday. And in no small way that final vote will be a monument to ALBEN BARKLEY'S persistence and parliamentary skill.

Mr. President, I have not always agreed with the majority leader in this body, although I have, for many years, entertained for him a deep affection, and have always held him in the highest respect and esteem; but I desire to join, as many another American must join, in this tribute paid him by the Washington Daily News for the excellent tact, the urbanity, the vigilance, the industry, the courage, the brilliant parliamentary skill, and the fine eloquence which have brought this bill to its present final status.

Mr. HOLT. Mr. President, I do not desire to discuss this amendment, but I do desire to say in a few moments something about the pending bill.

When I originally started to attack politics and corruption in the distribution of Federal and State money it was not popular with many on this side of the aisle. We are making progress, however, and I am glad to say that in this bill we are taking another step forward. We are not taking liberty away from the voters, as some try to say, but it is a step toward protecting the voters in the States from the coercion by money, not the money of any party but the money of all the taxpayers.

The greatest coercion we have in politics today is the coercion of officials using Federal and State money to suit their own purpose. Some say that if we pass this bill the Federal Government will have its control in every county in the United States. It has today. Let a local subdivision try to challenge one of the bureaucrats in Washington, and just see how long it will be until the project in that local subdivision is shut down. It is not the question of liberty that is involved in the passage of the pending bill.

There are two groups against the Hatch bill: First, the State spoilsmen; second, those who believe in States' rights. The first group are fighting a battle of self-preservation, and I do not say that they have not a right to do so. The second group are wrong in their contention. I think the mistake of those who are fighting for States' rights is in the fact that they tolerated and continued and promoted the action of the Federal Government in dumping money into the States.

Some individuals on the floor of the Senate opposing this bill as an invasion have been 98 percent for the Federal Government going into the States, but they do not want it to bother their 2 percent. They are 100 percent for taking the money, but they say the Federal Government has no right to regulate how the money is used.

It is really ridiculous to hear some who have wanted to regulate the least part of State and local and individual liberty now talking about this bill interfering with the liberty of individuals. Are they interested in the liberty of individuals? Or are they interested in distributing and using the Federal money to oil and control State politics?

I could tell about conditions in my State, and go into the subject at length. My colleague the gentleman from West Virginia [Mr. NEELY] has done so. Copies of much of that evidence I have in my possession, and much more I could add; but I do not intend to take the time of the Senate by so doing, because many other Senators desire to speak in the limited time. I do say that it is high time for the Federal Government to stop the use of Federal money in attempting to control local, State, and Federal elections.

Some of the opposition to this bill is not beceause of a fear of the bill invading the liberty of individuals. It is because they want to take away the liberty of individuals to vote as they desire. They want the liberty to fire employees who dare to oppose the State machine.

I heard one Senator say, "You are going to stop individuals from going around at night and knocking on the doors and asking persons to help the party." They know the bill is not aimed to stop legitimate political activity. What the proponents of the bill desire to do, in my opinion, is to stop State officials who are paid in whole or in part from Federal funds going around during the day, when they are employed to work, and rounding up votes, and coercing employees to go along with the machine.

Let me read what a Senate committee has said about the use of the Federal authority and the State authority in the corruption of politics. I quote from the volume issued by the Special Committee to Investigate Senatorial Campaign Expenditures and Use of Governmental Funds, with reference to the State of Pennsylvania. That is what it says on page 186:

That W. P. A. workers and employees throughout the State of Pennsylvania have been threatened, intimidated, and coerced to change their voting registrations as the result of undue persuasion and pressure upon them, not only by officials and employees of the State highway department and other lesser political subdivisions of the State, and by political leaders therein, but by officials and supervisory employees of the Works Progress Administration as well.

Further it says, and I quote:

That in numerous instances high officials of the Works Progress Administration and employees of other agencies the expenses of which are, in part at least, paid with Federal funds, the officials and employees of the Pennsylvania State Highway Department, and the officials and employees of lesser political subdivisions of the State, stepped aside from their official duties and devoted their time

to an active furtherance of political matters and interests, without the formality of resigning or taking any proper leave of their official positions and duties.

Let me add that that is the type of liberty the Hatch bill is trying to take away on the part of individuals who are playing politics on Government time, while being paid by the Government taxpayers—the liberty to force workers to vote as the machine says or lose their jobs.

The committee says further:

That workers and employees of the Works Progress Administration, of other Federal agencies, of the State highway department, and of other lesser political subdivisions of the State were imposed upon, intimidated, and coerced in the matter of attending political meetings and functions by and through representations by political leaders.

That is the type of coercion this bill attempts to reach. It is not really a question of liberty; it is a question of going one step farther and trying to protect the ballot box. When the ballot box is controlled by political spoilsmen of the State, it is just as bad as having it controlled by political spoilsmen of the Federal Government. There is no difference at all. I am opposed to both types of control.

It is said that this bill does not go far enough; that it does not touch enough persons. Why not go as far as we can, and then gradually increase the scope of legislation until we give a death blow to political corruption?

As I said originally, I opposed political corruption of the W. P. A. I was for the original Hatch Act. I am for the pending Hatch bill, because I do not believe public money should be used for political purposes. That is what is happening. But the Senator from Tennessee [Mr. McKELLAR] the other day said this bill could not be enforced because of the cost. Oh, no; the cost of government would not be increased by the passage of the pending bill. It would be lessened, because just as soon as those in charge of some of the rotten, corrupt State machines learn that they cannot use Federal money to control elections, they will not be so much interested in putting people on the State and Federal pay rolls and spending the money extravagantly.

The way to reduce the cost of government is to strike at the individuals who want to use the money of the Federal and State Governments for political purposes. We are now seeing a vast army of State and Federal officials doing nothing except playing politics on the public pay roll. This bill reaches out and stops some of them.

In my State, some individuals work for the State roads commission and are paid partly by the State government and partly by the W. P. A. If they are paid entirely by the W. P. A. they are now covered under Federal law. Under the present circumstances, those who are paid partly by the State and partly by the W. P. A. are exempt. The pending Hatch bill will cover both of them.

The argument of the Senator from Indiana [Mr. MINTON] and others is that because some are now exempt, all should be exempt. In other words, his argument is, since those committing a wrong are running loose in the country, we should open the doors and let all the wrongdoers loose.

Mr. President, that is not my idea of good government. I say another wrong will not correct the original wrong.

The time has come when we should keep the ballot box inviolate. When we are talking about war for democracy across the seas, remember that the heart of democracy here is the ballot box, and when that is corrupted through Federal funds, through coercion, or through any of the many things I could mention, there is a blow at the heart of democracy. The purpose of the Hatch Act is not to take away the liberty of individuals, but to protect their liberty.

Mr. President, I have been suffering from a severe sore throat, and I wish I could speak longer, but I cannot. Therefore I ask unanimous consent that there be inserted at this place in the RECORD a statement of my own in furtherance of my position on the Hatch Act.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

When the Hatch bill passes the Senate this afternoon, as I am confident it will, it will add another safeguard to the protection of elections in this country. On February 17, 1936, I spoke on the floor of the United States Senate against the use of the Federal W. P. A. funds for political purposes. Many times thereafter I arose to condemn the use of Federal funds for building political machines.

When there was an amendment submitted to the W. P. A. appropriation bill to prohibit political activity of W. P. A. officials I supported it with my voice and vote.

When the original Hatch bill was presented to the Senate, I publicly praised it as a step toward protecting the Federal workers from pressure of those controlling political machines and from officials who expected to "play politics."

Today we shall see the Senate take another step forward in the path of cleaning up politics.

Tomorrow some of the holes, of which the opponents speak, will be plugged by suitable legislation.

I believe the people in 1938 called for cleaning up the elections. I believe the people wanted no more of the scandal they had seen in the corruption of the ballot box through the use of Federal money as was the case in Pennsylvania and other States.

THE DAY OF THE SPOILSMAN IS GONE

The day of the pernicious spoilsman is gone. He may be in the saddle in some of the States of the Union, but I have confidence in the people that there will be a definite move to clean up those machines that have coerced the employees and degraded the democratic process of the ballot box.

For a long while the Government employees under civil service have been protected in their liberty of casting their votes as their consciences dictated. When that act was passed, no doubt the statement was made that the liberty of those individuals was being impaired.

Since I have been in the Senate I have seen moves to free the W. P. A. workers from the control of the politicians who would deprive them from sharing in relief if they failed to vote right. Next, the Hatch Act lifted the coercion and pressure from Federal officials. Now this bill lifts such pressure from the State officials paid in whole or in part by Federal funds.

WHOSE LIBERTY?

The argument of those opposing this legislation that it takes the liberty from the little fellow is all wrong. It gives him liberty, the liberty to do his work—work he was paid to do and not political work for which he was not employed. It gives him the liberty to vote as a free man.

The only individuals who will lose liberty under this bill are those who feel they have the liberty to force Government workers to get active in politics or lose their jobs. The liberty of those who want the Federal Government to pay for political machinery is curtailed. It should be. The liberty of coercing the little fellows is taken away from those who have and are misusing their official positions. The liberty to blackjack the employees out of part of their meager salaries is taken away. That is the liberty lost, not liberty for the good of the country but liberty of officials to take others' liberties from them.

Why should Federal-State workers be prohibited from pernicious political activities? I have never believed it is the duty of the taxpayers to pay for campaign workers. I feel that Government workers are employed to administer the activities of government as set out in the laws of this country, not to play politics. If the campaign worker is employed for political activity, his job should be eliminated and save the already overburdened taxpayer that much money.

The best type of political work any Government official can do is to do his or her job well. The great majority of the American people are more interested in those working on the Federal-State highways doing their work in building highways than building political fences.

JEFFERSON'S QUALIFICATIONS

The father of our party set forth three qualifications for public officials that we can afford to follow. They are fidelity, capacity, and honesty.

There has always been in my mind the feeling that the American people will reelect that party that serves the best interest of the country. I do not believe it is necessary that a party has to appropriate money out of the Treasury to finance a party machine unless that party has failed to do its duty. The surest way a party can stay in power is to appoint men who have Jefferson's qualifications, fidelity, capacity, and honesty. No party has to purchase its reelection unless it has failed in its duty and its promise. To those who say this bill is a blow at the Democratic Party, I say they are heaping abuse on the record of the party. It is not a blow to the party but its passage will be a great help. The Democratic Party came into power and has stayed in power through the independent votes, those individuals who vote for one party and another depending upon the issues involved. The great independent vote of America does not want corruption or coercion in elections. I do not subscribe to the theory that we must buy our way back. If we must, we do not deserve the support of the people.

Has the Democratic Party reached the stage that its existence depends upon the pernicious political activity of Government employees? I think not. These pernicious spoilsmen have hurt the party in their selfish desire to control their States. Many States went Republican in 1938 because of the resentment of

the people against Democratic spoilsmen in those States. The American people, when they find out the facts, are not going to tolerate corruption of the ballot box. Our party will make its greatest growth when it eliminates those spoilsmen within our ranks whose sole reason for interest in the party is to get something from it.

I have heard it said that these State machines who are using the Federal money for their perpetuation are not compelling workers to do things they would not do voluntarily. Nonsense. Anyone who knows politics knows that pressure has been used. By whom was the amount of 2 percent arrived at? By the little fellow? No. By the official up at the top in whose hands the little fellows' jobs were at stake. Of course, a worker does not have to donate 2 percent. He can quit his job. There isn't a Senator in this body but who knows that these assessments in many States are at the point of the political shotgun. Why is it the little fellow, for whom many words have been spoken, writes and says he cannot sign his name to a letter for fear of losing his job? Why is it the stenographer, many of whom are supporting their elderly parents, gives 2 percent of her salary? Because she knows it is to protect the other 98 percent, or at least protect it unless the machine gets in desperate need of money. The only compulsion used is if the donation is not made, the worker loses her job. She has the right to voluntarily contribute or quit.

May I say here, I do not think this bill is perfect. I, for one, want to see the time come when individuals employed in the Government hold their position as a matter of merit. This, of course, does not go that far, but some day that will happen and we will have a better Government as a result of it.

EXTENSION OF FEDERAL BUREAUCRACY

I have heard it said that this bill is an extension of Federal bureaucracy. Those who make that claim would be in better position to raise that argument had their record shown they opposed the extension of the Federal Government when it was stepping through act after act into the State.

They have supported restriction after restriction on the individual citizen within the States. They have set up bureau after bureau on the State. But now we hear their voices being raised that the Federal Government must stop—not stop sending money to control elections through the State machines but stop trying to control that money from its wrongful use.

Some individuals raising that argument have voted for legislation that controls the farmer's right to plow his own land and plant thereon. They have voted for legislation that controls the smallest business in the smallest towns. They have voted for legislation to have the Government pry and snoop into the everyday activities of citizens.

No voice was raised then. Why? A large officeholding bureaucracy was set up to enforce these regulations and the individuals employed were named as part of political patronage. There was no voice raised by these individuals against that; but when the Senate attempts to pass a bill to regulate the pernicious political activity of the politically appointed regulators, then they yell and scream "Invasion of Federal bureaucracy."

Their viewpoint would have had sounder ground had they raised their objections when the Government set up these alphabetic agencies that have regulated the smallest detail of the life of many. They believed in political regulation by the regulators but no congressional prohibition against stopping the pernicious political activities of those job holders who owe their job to working on Government time for the continuation of the spoils system.

The Senator from Florida [Mr. PEPPER] said: "If the argument made by the proponents of this legislation prevail, and we pass it, we had just as well get ready to see the greatest curtailment of Federal expenditures and the greatest curtailment and restriction of Federal extension that we have seen in a long time in this country."

How true! How wonderful!

We will see the desire to spend money greatly curtailed when State machines know they have to spend that money for the purpose for which it was appropriated and not for politics. Some of us have been wanting to see a restriction of Federal spending. The Senator from Florida, an opponent to this bill, has pointed a way. It will be a step to stop Federal bureaucracy, not a step to promote it.

STATES' RIGHTS

Some say this bill invades States' rights. Some of the finest men in the Senate believe that. Some of the most intellectual of our body say that, but I believe they are wrong. I believe this bill protects States' rights. It protects the State against Federal slush funds. Its purpose is to preserve freedom in elections. That is toward States' rights, not away from it. When the Federal group makes a political alliance with a State machine to control elections it is a blow against the rights of the people of that State. Such a combination forces the citizens into an unfair election with the cards stacked against them—the people from whom this Government must get its rights.

This bill says that the money we appropriate to build roads shall be used to build roads in the States, not to be used to control election machinery of that State by putting on employees whose divided duties are part-time work and part-time politics. It says: You who are paid by the Federal Government shall have the right to vote as you please. You shall have the right to select those you believe to be the best public servants, and that you may select them without fear of losing your job, and if you do not do the bidding of the political boss. The one purpose, as I see it, of this legislation is to preserve the freedom of elections, and I hold that is no violation of the rights of any State.

FREE GOVERNMENT

We must protect the heart of democracy—elections. Without free elections we cannot have a free government. Without free government there are no rights. The Federal Government is spending millions and millions of dollars on projects for which the State government names the employees. We are determined that money shall be used for the purpose for which it is appropriated, not as a slush fund to coerce and compel the citizens of the States to accept the control of the State boss and his machine.

The Hatch Act is a protection to the liberties of the employees and not a restriction against their liberties.

The Hatch Act is a move to stop the State political machines from using Federal money to buy elections and coerce employees.

The Hatch Act is a move toward a more efficient Government service—giving the employees a chance to devote their time and their effort to the job they are employed to do and not force them to divide their time and their effort between their jobs and their political activity.

The Hatch Act is a move to protect the heart of democracy—the freedom of elections. It is a step toward better government. It is not a cure-all, but it is the proper medicine to help the patient improve from a terrible case of political spoils.

Ten years ago this January, in my first public office, that of a member of the West Virginia House of Delegates, I raised my voice against extending and promoting the spoils system. I opposed requiring the taxpayers to pay for political workers. If we have the spoils system, let us not make it worse by coercion. I believe in the statement of a great Democrat, "He who serves his people best serves his party best." I do not believe the Public Treasury is a party Treasury. It belongs to all of the people, and when it is used for political purposes it is in violation of a sacred trust. Corruption never built a party. We must demand fidelity, capacity, and honesty.

Mr. DAVIS. Mr. President, I desire to make a few brief remarks on the pending measure.

I voted for the original Hatch Act, and I expect to vote for the pending Hatch amendment. During the 4-year period 1934–38 of the Democratic administration in Pennsylvania political macing and forced changes of registration were so common as to constitute a national disgrace. Pennsylvania has been charged with all sorts of political corruption, but never was it proven so convincingly as in the report of the Sheppard Senate Campaign Expenditures Committee following the election of 1938.

The most extreme abuses were found in connection with the administration of W. P. A. During these many years I have voted consistently for the W. P. A. appropriations, knowing that these funds when used for relief would be used by the then existing administration to build a political machine which would attempt to oppose me. I did not allow thought of my own political future to deter me from voting to meet human needs. However, I never lost an opportunity to protest the partisan administration of W. P. A.

The forced collections from W. P. A. personnel through the sale of picnic tickets and work-relief cards in Pennsylvania has been branded indelibly on the minds of our citizens. This was a decisive factor in the defeat of the Democratic ticket in our State in 1938. These abuses were so widespread, and the knowledge of them so common, that there came to be a general revulsion of public opinion against them. It was not necessary to attempt to produce extensive arguments to prove that these unsavory conditions existed. Charges of political corruption were made in the campaign of 1938, and the conditions were so terrible that no attempt was made to answer the charges. Indeed, Mr. President, they could not be answered. It was shown beyond the shadow of a doubt that the most extreme partisanship had prevailed among federally appointed officials operating the W. P. A. and other Government agencies in our State. The result of the election of that year should stand forever in the annals of our State as a lasting signpost warning against the waste of public-welfare funds for selfish partisan purposes.

In view of these conditions, which I am glad to say have since improved, and yet which will require eternal vigilance, I believe the enactment of the pending amendment is required. It should not be viewed as a partisan measure but as a genuine safeguard of public morality.

I shall vote for the pending bill.

Mr. SCHWELLENBACH. Mr. President, I have an amendment to suggest to the amendment of the Senator from Virginia, as modified by the amendment of the Senator from Wyoming. I have been unable to find the Senator from Wyoming in the last few minutes—he has left the floor of the Senate—and I am wondering whether I might offer my amendment and, if it is acceptable to the Senator from Virginia and the Senator from New Mexico, have it accepted, with the understanding that if it meets with opposition on the part of the Senator from Wyoming, I will have no objection to its being reconsidered between now and 3 o'clock.

The amendment which I propose is to insert after the words inserted by the Senator from Wyoming, the following language:

In municipalities the majority of whose voters are employed by the Government of the United States.

In proposing this amendment I have in mind only one situation. In the State of Washington is the city of Bremerton, at which place is located the Puget Sound Navy Yard. The Puget Sound Navy Yard is the industry of the city of Bremerton. A majority of the citizens of Bremerton are either employed by or are members of the family of someone employed by the Government at the navy yard.

For many years there has been an understanding, no official understanding, but one that has been carried out, that the navy-yard employees should be entitled to a certain number of places on the school board. The school board is a nonpolitical organization, membership on it does not carry any salary, and the work of the members is done in a way similar to that in which such work is done by citizens in other communities.

The citizens of Bremerton have been very much disturbed, since the enactment of the present Hatch law, for fear the employees of the navy yard would be deprived of their representation on the school board because of that law. I offer this amendment merely to meet that situation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BARKLEY. Would that situation probably not also be found to exist at the town of Norris, in Tennessee, where a majority of the voters of the town are employed by the Tennessee Valley Authority? Would it apply to that locality?

Mr. SCHWELLENBACH. I should think it would.

Mr. BYRD. Mr. President, in my opinion the proposal of the Senator from Washington is eminently fair, and I accept it as a modification of my original amendment.

The PRESIDING OFFICER. The Senator from Virginia modifies his amendment again. The question is on the amendment of the Senator from Virginia as modified.

Mr. AUSTIN. Mr. President, may we have the amendment restated now?

The PRESIDING OFFICER. The amendment as modified will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to insert at the proper place the following:

Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

Mr. SCHWELLENBACH. Mr. President, I notice that the Senator from Wyoming is now in the Chamber, and I should like to inquire of him whether or not the amendment which I have proposed is satisfactory to him.

Mr. O'MAHONEY. Mr. President, my comments this morning were prompted solely by the feeling that the original language which was presented was too broad, and would convey to the Civil Service Commission certain powers without any rule or standard to control the discretion of the Civil Service Commission in deciding when to grant an exemption. For example, the amendment provided that "Whenever the Civil Service Commission determines that by reason of special or unusual circumstances," and so forth, without any hint as to what the Commission should hold to be a special or unusual circumstance. After having addressed one or two questions to the Senator from Virginia I elicited the information that his purpose was to grant exemptions to employees in communities close to the Capital, in which it would be practically impossible to carry on local municipal government if an exemption were not granted, because so many of the voters are employed by the Federal Government.

Mr. McKELLAR. Mr. President, at the little town of Norris, in east Tennessee, where the Norris Dam has been established, on the Clinch River, a majority of the inhabitants of the town are working for the Government, directly or indirectly. I dare say a majority of the voters are working for the Government, and they certainly should be exempted.

Mr. O'MAHONEY. The Senator is quite correct in that observation, and I take it that the language now offered by the Senator from Washington will cover the situation wherever it exists.

Mr. McKELLAR. I think it will, and I hope the Senate will agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia, as modified.

The amendment, as modified, was agreed to.

Mr. BYRD. Mr. President, I will ask the clerk to report the second amendment I have offered.

The PRESIDING OFFICER. The clerk will state the further amendment proposed by the Senator from Virginia.

The LEGISLATIVE CLERK. It is proposed to insert at the proper place the following new section:

SEC. —. No person, firm, or corporation entering into any contract with the United States or any department or agency thereof, or performing any work or services for the United States or any department or agency thereof, or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such work, services, material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance or furnishing of, such contract, work, services, material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person, firm, or corporation for any such purpose during any such period. Any person who violates the provisions of this section shall upon conviction thereof be fined not more than $5,000 or imprisoned not more than 5 years.

Mr. BYRD. Mr. President, 5 years ago the distinguished Senator from New Mexico [Mr. HATCH] prepared a bill designed to prohibit contributions for political purposes from those who make money out of governmental contracts. He came to the Senator from Virginia and did me the great honor and courtesy of requesting that I become a patron with him of the legislation. The language just read by the clerk is identical with the bill that was prepared by the Senator from New Mexico 5 years ago and introduced jointly by the Senator from New Mexico and the Senator from Virginia.

This bill was referred to the Committee on Appropriations, and, notwithstanding diligent efforts on the part of the Senator from New Mexico and the Senator from Virginia we were unable to secure a favorable report on the bill, and it therefore did not come to the floor of the Senate.

Mr. President, I wish to say to the distinguished Senator from New Mexico that I pay tribute to the fine sincerity with which he has, from almost the very first day when he came to the Congress of the United States, worked for pure and honest elections. I heartily and sincerely commend him, for his effort. I am not in accord with all the measures he

proposes in his attempt to accomplish laudable objects, but I am in accord with much of what he has proposed.

I wish to say to the Senator from New Mexico that the amendment I have just offered is not in any way an amendment hostile to his bill. It is in complete harmony with the proposed legislation that we should prohibit those who have governmental contracts, contractors who deal with the Government, contractors who make great sums out of governmental contracts, from making contributions to political parties for any purpose whatsoever.

Mr. President, we propose under this legislation to prevent Tom Jones, who works on the road for $3 a day, from taking any part whatsoever in political campaigns, even to the extent of providing as I read the terms of the bill, that he cannot in the privacy of his family say for whom he is going to vote, because that would be regarded as affecting an election.

Mr. President, it seems to me that if we propose to do that we ought to take the further step and prevent those who are making money out of governmental contracts from making contributions to any political party; to prevent them from making contributions which may be considered in some instances as bribery in order to secure governmental contracts for themselves.

Senators, we talk about controlling the subordinates of the State governments and the Federal Government. The greatest source of corruption in American politics today is the use of money obtained from those who make profit out of contracts with the Government.

I shall not take up the time of the Senate, because I know we are approaching a vote on the proposed legislation, but I want to appeal to the Senator from New Mexico. I know his great power in connection with the legislation. I know—and I have seen it happen here for a week—that every amendment which has been offered has been voted down if he disapproved it. I ask him not to kill his own child. It is true that this baby has been sleeping peacefully for 5 years, but he can breathe the breath of life into that child which was born 5 years ago by making this amendment a part of the bill.

Mr. President, the amendment is offered with no hostile purpose in mind whatsoever. It is offered in entire sympathy with the philosophy of the bill. I hope the amendment, which is identical in language with the measure which the Senator from New Mexico and the Senator from Virginia offered 5 years ago, will be made a part of the bill.

Mr. HATCH obtained the floor.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. ADAMS. I should like to have an amendment read so it would not be caught under the limitation of 20 minutes before 3 o'clock.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

> Nothing in this act shall prohibit any official or employee subject to its provisions from becoming a candidate or accepting a nomination for an appointive or elective office or position, provided such official or employee shall not use his official authority or influence to secure such nomination or appointment, and further provided that such official or employee shall resign from his office or employment upon receipt of such nomination or appointment.

Mr. PITTMAN. Mr. President, will the Senator yield to me?

Mr. HATCH. I yield.

Mr. PITTMAN. I should like to have a very short amendment read at the desk also.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following new section:

> SEC. —. Section 9 (a) of said act of August 2, 1939, is further amended by inserting after the words "political subjects", in the ninth line of said subdivision (a), the following: "and candidates."

Mr. HATCH. Mr. President, I could not help but feel gratification and take some pleasure at the remarks of the Senator from Virginia [Mr. BYRD]. He stated quite correctly that the bill was introduced in April 1935 by me and the Senator from Virginia. The bill then offered and the amendment he offered today strike at one of the most corrupting influences in politics, and certainly I am not going to stand on the floor of the Senate today and ask the Senate not to adopt this amendment, in which I believe so firmly. On the contrary, Mr. President, I think the adoption of this amendment will vastly improve the pending measure. The entire subject would have been included by me originally if the original bill had not been confined to one subject, but we have included other matters in the bill now, and I see no reason why this amendment should not be adopted.

There is one thing in connection with it, however, which I think should be corrected. I see in the first line—and probably this was my error in the first instance—that the prohibition runs against a corporation making a campaign contribution. As I understand, the present Corrupt Practices Act precludes and prohibits any campaign contribution by a corporation. This might be construed as lessening or loosening in some degree the present Corrupt Practices Act, and rather than do that I will ask the Senator from Virginia if he will not agree that we may strike out the words "or corporation" where they appear in the amendment; and after the word "firm", strike out the words "or corporation" where they appear in the amendment. And also that there be inserted between "person" and "firm" the word "or", so as to read "no person or firm."

Mr. BYRD. I agree to the modification proposed by the Senator from New Mexico to the bill which he prepared 5 years ago.

The PRESIDING OFFICER. The Senator from Virginia has modified his amendment, which he has a right to do.

Mr. BYRD. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Virginia, as modified.

The amendment as modified was agreed to.

Mr. PITTMAN. Mr. President, I have offered a very simple amendment. In section 9 of the Hatch Act we find this language:

> All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

I think the Senator from New Mexico was interrogated as to whether the word "subjects" included "candidates." I was under the impression that he thought it did. At any rate, I wish to add to that language the words "and candidates" so it will be certain.

In this particular case it is provided that the rules of the Civil Service Commission shall govern. Those rules expressly provide that civil-service employees are not permitted to speak in campaigns, if I recollect aright, and that they must not write or publish articles dealing with political campaigns. In other words, they are very stringently limited as to how they may express themselves with regard to political subjects.

I wish to add to the word "subjects" the words "and candidates." Under the restrictions of the Civil Service Commission I think no one should be denied the privilege of expressing opposition to a candidate or favor for a candidate. I think it touches very closely the arguments which have been made about school teachers having the right to approve or oppose the election of a superintendent of schools or director of public instruction.

Under the act as it now exists we have every protection against coercion. In section 2 officers are prohibited from using their official authority in any way to influence an election.

In section 3 we find that they are prohibited from using their power of employment to bribe people to vote either for subjects or for candidates.

In section 4 we find that they are prohibited from making any kind of threat whatever or exercising any form of coercion against an employee to induce him to vote for or against a certain subject or for or against a certain candidate.

In section 5 we find that officers having charge of employment are prohibited from soliciting or receiving any contributions.

Mr. President, it seems to me that by those sections of the law coercion or even inducement of those employed is prevented. We come, then, to the question of what liberties the employees shall have. The employees under the civil service are very much restricted in their liberties with regard to elections. They are allowed to express themselves on subjects. They should be allowed to express themselves on candidates. Under the restrictions which exist in the civil-service rules, namely, that they cannot make public speeches, that they cannot take part in management, that they cannot write or publish articles, they are limited solely to the right of expressing themselves for or against the candidate.

If we do not place the language of my amendment in the bill, every employee coming under this measure will be constantly in danger of losing his position, or at least being prosecuted, by reason of the fact that inadvertently he may sometime say to his wife, or to his son, or to a brother-in-law, "Well, I think JOHN GARNER should be the nominee of the Democratic Party."

I therefore insist that the amendment is a reasonable one.

Mr. HATCH. Mr. President, is the Senator proposing an amendment to the act we passed last year?

Mr. PITTMAN. It is an amendment to the general act.

Mr. HATCH. I hope the amendment may be defeated. The question which the Senator has raised has been discussed quite frequently on the floor, and I am quite sure that the act as it now is permits the doing of the things that the Senator is arguing for. But I do not want to loosen that act, and further extend its provisions.

Under the amendments which were made to the act permitting expression of opinion on all subjects, and eliminating the word "privately," I think the field was fully covered, and every needful protection given.

Mr. PITTMAN. Mr. President, if the Senator is right in that matter, if this amendment means exactly what the Senator means, why take a chance on the Civil Service Commission? There is one thing we seem to agree is included, and knowing that that is included in the word "subject," why not say so?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada. (Putting the question.) The ayes appear to have it.

Mr. CLARK of Missouri. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is called for.

Mr. BARKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROWN. It is very obvious that the calling of the roll will take up the entire time between now and 3 o'clock. In that case those of us who have amendments—and I have one on the desk which is agreeable to the Senator from New Mexico—cannot have the amendments considered, as there will not be time to have them read or discussed.

The PRESIDING OFFICER. The hour has passed when new amendments may be offered.

Mr. BROWN. But the amendment I refer to is on the desk.

The PRESIDING OFFICER. Amendments on the desk may be called up for action.

Mr. BROWN. Do I understand that by this maneuver no more explanations may be made from now on as to the purpose of the amendments?

Mr. BARKLEY. Mr. President, I should like to say to the Senator that I do not think his use of the word "maneuver" is a happy one. We have the same right to have a roll call with respect to the pending amendment as to others.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Michigan that although the yeas and nays have been ordered, if the Senator from Michigan desires to make an explanation of his amendment at this time he may do so.

Mr. BROWN. Mr. President, I ask particularly the attention of the Senator from New Mexico. My proposed amendment states that no employee of a State government, or of a municipal government, or of any agency thereof, is barred from being a candidate if he takes a leave of absence during the time.

Mr. HATCH. That amendment relates only to State officials?

Mr. BROWN. Yes.

Mr. HATCH. Did the Senator submit it to the Senator from Georgia?

Mr. BROWN. Yes.

Mr. HATCH. I have no objection to it.

Mr. CLARK of Missouri. So far as the remarks of the Senator from Michigan referring to the demand for the yeas and nays as a "maneuver" are concerned, the Senator from Missouri would like to say that if that is a maneuver, a similar maneuver took place in the Constitutional Convention, because that was where the right of having the yeas and nays was guaranteed.

Mr. BROWN. Mr. President, I withdraw the word "maneuver." I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROWN. The Bankhead amendment as it passed the Senate, as I understood——

Mr. McNARY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Oregon raises a point of order that the Senate is not in order. The Senator is perfectly correct. There is so much confusion on the floor of the Senate that it is almost impossible for those at the desk to hear what is going on. The Senate will be in order, and the Chair asks the occupants of the gallery to be as quiet as possible.

Mr. BROWN. Mr. President, the parliamentary inquiry I desire to make is this: On page 2852 of the CONGRESSIONAL RECORD of March 14 the Bankhead amendment limiting campaign contributions to $5,000 contains, in its subsection (d), the following language:

> Any amount expended, contributed, furnished, or advanced by one person, directly or indirectly, in excess of $5,000 is hereby declared to be excessive financial aid.

According to the RECORD, it appears that the Senate adopted the amendment in that manner. I understand from the Senator from Alabama [Mr. BANKHEAD] that his amendment as submitted did not contain the words "or corporation" in subsection (d). I now ask the Senator if I am correct in that statement?

Mr. CLARK of Missouri. Mr. President, I make the point of order that that is not a parliamentary inquiry.

Mr. BANKHEAD. If necessary, I rise to a question of personal privilege, because there has been criticism of my draftsmanship.

The PRESIDING OFFICER. Will the Senator from Alabama withhold his question of personal privilege until the Chair has had an opportunity to answer the parliamentary inquiry?

Mr. BANKHEAD. Some objection was made to the Senator from Michigan [Mr. BROWN] proceeding on this subject, and I wanted to aid——

Mr. BROWN. Mr. President, I think I can satisfy the Chair that this is a parliamentary inquiry. I ask what the language was which was actually agreed to. What was the language of the Bankhead amendment which was submitted? Did it contain the words "or corporation" or not?

The PRESIDING OFFICER. The Chair is advised that the official record does not contain the words on which the question has been raised.

Mr. BROWN. I ask unanimous consent that the RECORD be corrected to show that the amendment as adopted did not contain the words "or corporation."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Alabama [Mr. BANKHEAD] is recognized on the question of personal privilege.

Mr. BANKHEAD. Mr. President, my only purpose in rising to a question of personal privilege is to answer the statement of Mr. Weir, the Republican money collector, that this amendment had been carelessly drafted. I do not intend to engage in any cross criticism, but Mr. Weir was merely misinformed. I corrected the original amendment, as it appears on page 2720 of the RECORD, and presented an amendment omitting all reference to corporations and their officers, and stated that it was done to avoid any controversy about its effect on the Corrupt Practices Act. That was well understood in the Senate.

I first offered an amendment containing the figure $1,000. That appears in the RECORD on page 2790. The amendment did not contain the word "corporation." The next morning I offered a similar amendment, with the statement, which appears in the RECORD, that the only change in the amendment then offered was to change the figure "$1,000" to "$5,000." So it is perfectly clear all the way through the RECORD that the word "corporation" was omitted; and I am advised that the official Journal of the Senate for that day so states. I therefore ask unanimous consent, merely to clarify the situation and to avoid confusion, to have reprinted following my remarks a copy of the Journal entry as to the contents of the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the Journal entry will be printed at this point.

The Journal entry is as follows:

On motion by Mr. BANKHEAD to further amend the part proposed to be inserted by the reported amendment, as amended, by inserting on page 7, after line 18, the following:

"SEC. — (a) Excessive financial aid to any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal.

"(b) Excessive financial aid to any political committee or political organization engaged in furthering, advancing, or advocating the election of any candidate or political party nominees for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity and is hereby declared to be illegal.

"(c) Presidential electors and the President of the United States for the purpose of this act are declared to be elective officers.

"(d) Any amount expended, contributed, furnished, or advanced by one person, directly or indirectly, in violation of this section in excess of $5,000 is hereby declared to be excessive financial aid.

"(e) Any person who directly or indirectly contributes more than $5,000 during any calendar year or for use in any one campaign or election, in violation of the provisions of this section, is guilty of pernicious political activity, and on conviction, shall be fined not less than $5,000 and also sentenced to the penitentiary for not exceeding 5 years."

It was determined in the affirmative, yeas, 40; nays, 38.

Mr. MINTON. Mr. President, I have had upon the desk for several days an amendment with which Senators are familiar. I wish to take a moment to explain it, because it is due to come to a vote.

Section 2 of the Hatch Act provides that any one in politics who uses his official authority to influence an election commits a crime. For this crime he may be punished by a fine of $1,000, or imprisonment in jail for 1 year, or both. If anyone uses his official authority to influence an election he commits a crime. That is a provision of section 2. I simply wish to include in that category not only politicians, but also employers of labor and lenders of money at interest.

We have said in the first section of the Hatch Act that no one shall coerce or threaten anyone else in the exercise of his franchise. Coming down to the next section, which deals with the use of official authority, making it a crime to use official authority to influence an election, I wish to provide that such conduct shall be a crime not only for politicians, who hold political jobs, but also for those who employ labor and those who lend money at interest. I am in favor of the section as far as it goes. However, I wish to include in the same category those who employ labor and those who lend money at interest in order than they may not use their positions as employers of labor and lenders of money to oppress anyone in an election.

Senators know that no one is so oppressive in politics as a banker. If a banker holds a mortgage against the home of a person, he can threaten him with foreclosure of the mortgage on his home. He has a strangle hold. Some of the most pernicious politicians I have known in my life have been bankers. We have some of them in southern Indiana who play the highest-handed kind of politics, and I want to reach them under this act. I want to provide that they may not use their banks in order to carry out their purpose in politics.

The other day while I had the floor I mentioned this amendment, and a county chairman from my State happened to be in the gallery. I saw him afterward, and he said, "Of course, bankers are the worst politicians we have to deal with." He told me about an election for superintendent of schools in his county. The township trustees elect the superintendent of schools. There were the same number of Democrats as Republicans on the board. There was a tie vote, but the banker of the town was a Republican, and he wanted a Republican superintendent of schools, so he called in one of the Democrats who expected to vote for a Democratic superintendent of schools and said, "We have a mortgage on your place, and if you do not vote for the Republican candidate for superintendent of schools we will foreclose the mortgage." Of course, what the Democrat did was to vote for the Republican candidate for superintendent of schools. That sort of thing happens. Senators know that it happens.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CONNALLY. Did the Republican keep his promise not to foreclose the mortgage?

Mr. MINTON. Oh, yes. He kept his promise, because the township trustee had delivered his vote for the Republican candidate for superintendent of schools.

Everybody knows that the bankers use their power over the people to whom they have loaned money to oppress them in the matter of their votes. All I want to do is to put the bankers of Indiana and other States in the same category with the rest of us. We may not use our official authority to influence an election. I want to say to the bankers that they may not, the day before election, bring in the people on whose property they hold mortgages and say, "If you do not vote the way we want you to vote tomorrow, we will foreclose the mortgage on your homes." I want to say to those who employ labor that they may not herd the laborers in the day before election and say to them, "You vote the way we want you to vote, or we will close the factory."

Why should not bankers and employers of labor be in the same category as politicians? They are in the same category in the first section, as to intimidation and coercion. I want to put them under the provisions of section 2, which says that official authority may not be used to influence or control an election. I want to say that the man who lends money at interest and the man who employs labor shall not use their money or positions to influence or control elections. This section applies only to Federal elections, with respect to which we have ample authority.

That is all my amendment does. It is in perfect harmony with the objective of the bill, which seeks to protect the people in the exercise of their franchise, and to protect the freedom of elections. I hope that when the time comes it will be agreed to. There can be no question about the amendment being in thorough harmony with all the purposes of the bill. It is merely a broadening of the base of section 2 to include employers of labor and lenders of money, so that they may not use their positions as employers of labor and lenders of money to drag in some poor unfortunate fellow and tell him how he shall vote on election day. That is all the amendment does.

Mr. ADAMS. Mr. President, it seems to be in order to explain amendments. I had an amendment read from the desk. The reason for its submission was that on yesterday the Senate adopted as part of the law the regulations of the

Civil Service Commission and the interpretations which it had put upon the words "political activity" and "participation in campaigns." Subsection 30 of those regulations absolutely forbids candidacy for a nomination or election by anyone governed by the act. That is, the Federal inspector of meats in a packing plant, who might have an opportunity to run for county clerk or for sheriff, is absolutely barred. It seemed to me that the regulation which the Civil Service Commission adopted was perfectly proper as related to persons who have permanent positions, that is, those in continuing positions in the civil service. It is perfectly proper to stop them from being candidates while under permanent tenure. However, the man who holds a petty Federal place, subject to termination with a change of administration, or subject to discharge at the will of his employer without cause or without reason, is entitled to an opportunity, if he wishes, to have his name submitted as a candidate for promotion or appointment, provided he does not violate any of the fundamentals. That is all I seek to do by the amendment.

Mr. HATCH. Mr. President, the time will shortly arrive when further discussion of the various amendments which are to be voted on will not be permitted, a matter which I regret, in a way. I think amendments ought to be fully discussed if they are to be voted on.

I wish to say to the Senator from Indiana that I think the very thing he talked about is already prohibited in section 1. It was my design in drafting that section last year to do the very thing he is talking about. The Senator from Indiana was the first Member of the United States Senate to grasp the significance of section 1 in that connection.

Mr. BANKHEAD. Is the Senator referring to the original act?

Mr. HATCH. I am referring to the original act which prohibits intimidation or coercion by any person against any other person at any election in which a Federal official is to be chosen. That includes the banker, the employer of labor, and everyone else.

As a matter of draftsmanship, section 2, to which the amendment is directed, refers to the use of official authority by officials. The banker or money lender, or the employer of labor, has no official authority that could be used. The amendment is simply out of place. The matter sought to be covered by the amendment is covered by section 1, and I am glad it is so covered.

As to the other amendments which are to be voted on, I told the Senator from Michigan [Mr. BROWN] that I would not object to his amendment, with respect to which he had conferred with the Senator from Georgia [Mr. GEORGE]. However, in view of the fact that we are not permitted to discuss other amendments, I hope other amendments will be defeated, and that we may proceed to vote on the bill.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN], which will be stated for the information of the Senate.

The CHIEF CLERK. At the proper place in the bill it is proposed to add a new section 22, as follows:

SEC. 22. Section 9 (a) of said act of August 2, 1939, is further amended by inserting, after the words "political subjects", in the ninth line of said subdivision (a), the following: "and candidates."

So that the sentence shall read as follows:

All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

The PRESIDING OFFICER. On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this question I have a pair with the Senator from Nebraska [Mr. BURKE], and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. ELLENDER. I have a general pair with the junior Senator from Wisconsin [Mr. WILEY], and withhold my vote. If the Senator from Wisconsin were present, he would vote "nay" on this question, and if I were at liberty to vote, I should vote "yea."

Mr. SHIPSTEAD. I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that, if present, he would vote "yea" on this question. If I were at liberty to vote, I should vote "nay." I withhold my vote.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

The result was announced—yeas 44, nays 41, as follows:

YEAS—44

Adams	Clark, Idaho	Lee	Pepper
Ashurst	Connally	Lucas	Pittman
Bailey	Donahey	Lundeen	Russell
Bankhead	Frazier	McCarran	Schwartz
Bilbo	Guffey	McKellar	Schwellenbach
Brown	Hayden	Maloney	Smathers
Bulow	Herring	Miller	Smith
Byrd	Hill	Minton	Stewart
Byrnes	Hughes	Murray	Thomas, Okla.
Caraway	Johnson, Colo.	O'Mahoney	Tydings
Chavez	La Follette	Overton	Wheeler

NAYS—41

Austin	Gerry	McNary	Thomas, Utah
Barbour	Gibson	Mead	Tobey
Barkley	Gillette	Neely	Townsend
Bridges	Green	Norris	Vandenberg
Capper	Gurney	Nye	Van Nuys
Chandler	Hale	Radcliffe	Wagner
Clark, Mo.	Hatch	Reed	Walsh
Danaher	Holman	Reynolds	White
Davis	Holt	Sheppard	
Downey	Johnson, Calif.	Taft	
George	Lodge	Thomas, Idaho	

NOT VOTING—11

Andrews	Ellender	King	Truman
Bone	Glass	Shipstead	Wiley
Burke	Harrison	Slattery	

So Mr. PITTMAN's amendment was agreed to.

The PRESIDENT pro tempore. The offering of amendments which were read prior to 2:40 p. m. is now in order.

Mr. BROWN. Mr. President, I offer an amendment to which the Senator from New Mexico and the Senator from Georgia have indicated that they have no objection.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following as a new section:

SEC. 19. Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any person employed by the State government, the municipal government, or any agency thereof from becoming a bona fide candidate for any public office and engaging in any lawful political activity in furtherance of his candidacy in the event he takes a leave of absence without pay from his employment during the campaign.

Nothing in this act or in said act of August 2, 1939, shall be construed to prevent—

Any lawful political activity in an election and the preceding campaign at which there are no candidates on party tickets representing a party which polled votes for President in the last preceding national election; nor lawful political activity in an election and the preceding campaign respecting any issue not particularly identified with any national or State political party, such as revision of the Constitution of the United States or of a State; referendums, approval or disapproval, of city or municipal statutes or ordinances, and other issues of similar character.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN]. [Putting the question.] By the sound, the "noes" appear to have it.

Mr. BROWN and Mr. MINTON called for a division.

On a division, there were ayes 50, noes 9.

So Mr. BROWN's amendment was agreed to.

Mr. ADAMS. Mr. President, I call up the amendment which I have on the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert:

SEC. 21. Nothing in this act shall prohibit any official or employee subject to its provisions from becoming a candidate or accepting a nomination for an appointive or elective office or position, provided such official or employee shall not use his official authority or influence to secure such nomination or appointment: *And provided further*, That such official or employee shall resign from his office or employment upon receipt of such nomination or appointment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado. [Putting the question.] By the sound, the "ayes" appear to have it.

Mr. CLARK of Missouri. I call for a division.

On a division, the ayes were 41, noes 39.

So the amendment of Mr. ADAMS was agreed to.

Mr. MINTON. Mr. President, I call up the amendment which I discussed a few moments ago.

The PRESIDENT pro tempore. The amendment offered by the Senator from Indiana will be stated.

The CHIEF CLERK. On page 2, line 16, after the comma, it is proposed to insert:

Any person who employs labor or lends money at interest.

Following the word "authority", in line 16, it is proposed to insert:

Or his position as employer of labor or lender of money.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Indiana. [Putting the question.] In the opinion of the Chair, the "ayes" have it.

Mr. CLARK of Missouri. I call for a division.

The PRESIDENT pro tempore. A division is called for.

The Senate proceeded to divide.

Mr. CLARK of Missouri. I call for the yeas and nays.

The PRESIDENT pro tempore. The ayes are 32. The noes are 41.

Mr. CLARK of Missouri. I withdraw the request for the yeas and nays.

The PRESIDENT pro tempore. The amendment is rejected.

Mr. BROWN. Mr. President, I call up the amendment relative to the exemption of teachers in public schools and in State eleemosynary institutions.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to add to the bill a new section, as follows:

SEC. 20. Nothing in this act shall be construed as in any way affecting educational, religious, eleemosynary, philanthropic, or cultural institutions, establishments, and agencies, together with the officers and employees thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. MINTON. Mr. President, I send to the desk an amendment which has heretofore been printed and which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 6, after "(1)", it is proposed to insert "any officer or."

On page 1, line 7, it is proposed to strike out "administrative."

On page 2, line 4, after "(2)", it is proposed to insert "any officer."

On page 2, line 5, it is proposed to strike out "administrative."

Mr. BARKLEY. Mr. President, may we have the amendment stated as that part of the bill will read if the amendment is agreed to?

The PRESIDENT pro tempore. The amendment will be stated in such a way as to show how the bill will read if amended as proposed by the Senator from Indiana.

Mr. MINTON. If the Senate will give me unanimous consent to do so, I think I can explain the amendment in a minute.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent to explain the amendment. Is there objection?

Mr. GEORGE. Mr. President, let the amendment be read.

The CHIEF CLERK. As proposed to be amended, section 2 would read:

SEC. 2. It shall be unlawful for (1) any officer or any person employed in any position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any officer or any person employed in any position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality or agency)—

And so forth.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HATCH. In a comparison of the amendment with the text of the bill before me—and I will ask the Chair to follow me and tell me whether I am correct or not—on page 2, line 4, after "(2)", the amendment proposes to insert the words "any officer." I find no such figure in line 2.

The PRESIDENT pro tempore. The Senator evidently has the late print. The Chair is following the first print. All amendments refer to the first print.

The question is on agreeing to the amendment offered by the Senator from Indiana. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. MCNARY. I ask for a division.

The Senate proceeded to divide.

The PRESIDENT pro tempore. On this vote the ayes are 16, the noes are 52, so the amendment is rejected.

Mr. BROWN. Mr. President, my amendment on the clerk's desk, which defines political activities which are proscribed, has not been voted on, and I ask unanimous consent that section 3 be eliminated from the amendment, because that has been adopted. I withdraw section 3 of the amendment, which was adopted earlier in the day.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent to withdraw section 3 of his amendment. Without objection, it is so ordered. The amendment will be stated with section 3 eliminated.

Mr. BROWN. Mr. President, there is possibly a slight misunderstanding between the Senator from New Mexico and myself. The Senator from New Mexico tells me that he supposed I would not offer this amendment if he accepted a substitute for section 3. I did not understand it that way. But I take what the Senator says to be the fact, and I will not press the amendment.

Mr. HATCH. Mr. President, I do not care to have the Senator think I am holding him to the agreement I have suggested.

Mr. BROWN. I understand the Senator's position.

The PRESIDENT pro tempore. The amendment is withdrawn. The bill is open to further amendment.

Mr. O'MAHONEY. Mr. President, I offer the following amendment, on page 2, line 23——

Mr. HATCH. The time for offering amendments has expired.

The PRESIDENT pro tempore. The Senator's amendment evidently has not been offered in time. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. BARKLEY and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ELLENDER (when his name was called). On this vote I have a pair with the junior Senator from Wisconsin [Mr. WILEY]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. HARRISON (when his name was called). On this vote I have a pair with the Senator from Nebraska [Mr. BURKE]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague is unavoidably detained from the Senate on important public business. If present, he would vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] is absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Florida [Mr. ANDREWS] is paired with the Senator from Illinois [Mr. SLATTERY]. I am advised that if present and voting the Senator from Florida would vote "yea," and the Senator from Illinois would vote "nay."

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is unavoidably absent. I am requested by him to announce that were he present he would vote in the negative.

Mr. SHIPSTEAD (after having voted in the affirmative). I have a pair with the senior Senator from Virginia [Mr. GLASS]. The Senator from Viriginia is not present, and I withdraw my vote.

The result was announced—yeas 58, nays 28, as follows:

YEAS—58

Ashurst	George	Lodge	Sheppard
Austin	Gerry	McCarran	Taft
Barbour	Gibson	McNary	Thomas, Idaho
Barkley	Gillette	Mead	Thomas, Utah
Bone	Green	Murray	Tobey
Bridges	Gurney	Neely	Townsend
Capper	Hale	Norris	Tydings
Caraway	Hatch	Nye	Vandenberg
Chandler	Herring	O'Mahoney	Van Nuys
Clark, Idaho	Holman	Overton	Wagner
Clark, Mo.	Holt	Radcliffe	Walsh
Danaher	Johnson, Calif.	Reed	Wheeler
Davis	Johnson, Colo.	Reynolds	White
Downey	La Follette	Russell	
Frazier	Lee	Schwartz	

NAYS—28

Adams	Byrnes	Hughes	Pepper
Bailey	Chavez	Lucas	Pittman
Bankhead	Connally	Lundeen	Schwellenbach
Bilbo	Donahey	McKellar	Smathers
Brown	Guffey	Maloney	Smith
Bulow	Hayden	Miller	Stewart
Byrd	Hill	Minton	Thomas, Okla.

NOT VOTING—10

Andrews	Glass	Shipstead	Truman
Burke	Harrison	Slattery	Wiley
Ellender	King		

So the bill S. 3046 was passed.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill as passed, including all the amendments agreed to, be printed in the RECORD for the information of Senators.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The bill, S. 3046, as passed by the Senate, is as follows:

An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939

Be it enacted, etc., That section 2 of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, is amended to read as follows:

"SEC. 2. It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession."

SEC. 2. Section 10 of such act of August 2, 1939, is amended to read as follows:

"SEC. 10. The provisions of this act shall be in addition to and not in substitution for any other provision of law."

SEC. 3. Such act of August 2, 1939, is further amended by adding at the end thereof the following new sections:

"SEC. 12. (a) No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. When used in the second sentence of this subsection, the term 'officer or employee' shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3 officers holding elective offices.

"(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity in connection with which any function is exercised by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the 'Commission'). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall forthwith by registered mail give notice to any such officer or employee and to the State or local agency employing such officer or employee of the pendency of the charge, in which notice shall be set forth a summary of the alleged violation and of the time and place for a hearing upon said charge, at which hearing (which shall be not earlier than 10 days thereafter) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard, whereupon said Commission shall determine whether any violation of such subsection has occurred. If the Commission determines that any such violation has occurred, and that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination, whereupon such officer or employee or the appropriate State, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39c, Public Law No. 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C., Supp. title 11, sec. 67c). No such officer or employee shall be dismissed as a result of such determination by said Commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall certify the fact to the appropriate Federal agency, which shall thereupon withhold from its contributions, loan or grant to such State or local agency within such State, a sum twice the amount of the annual salary of such officer or employee.

"(c) In determining the amount to be withheld under subsection (b) on account of violations of subsection (a), the Commission shall take into account the nature of such violations and

the circumstances under which they occurred: *Provided*, That in no event shall loans or grants pledged by a State or local agency as security for its bonds or notes be withheld where such action would jeopardize the payment of principal or interest on such bonds or notes.

"(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. Any determination made by the Commission under this section shall be final and conclusive upon all accounting and other officers of the United States and all other persons.

"(e) The provisions of the first two sentences of section 12 (a) shall not apply to employees in an activity of a State or of a local agency not financed as to such particular activity in whole or in part by Federal loans or grants.

"(f) For the purposes of this section—

"(1) The term 'State or local agency' means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.

"(2) The term 'Federal agency' includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System).

"SEC. 13. (a) Excessive financial aid to any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal.

"(b) Excessive financial aid to any political committee or political organization engaged in furthering, advancing, or advocating the election of any candidate or political party nominees for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity and is hereby declared to be illegal.

"(c) Presidential electors and the President of the United States for the purpose of this act are declared to be elective officers.

"(d) Any amount expended, contributed, furnished, or advanced by one person, directly or indirectly, in violation of this section in excess of $5,000 is hereby declared to be excessive financial aid.

"(e) Any person who directly or indirectly contributes more than $5,000 during any calendar year or for use in any one campaign or election, in violation of the provisions of this section, is guilty of pernicious political activity, and on conviction, shall be fined not less than $5,000 and also sentenced to the penitentiary for not exceeding 5 years.

"SEC. 14. No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall directly or indirectly coerce, attempt to coerce, command, or advise any officer or employee embraced by this section to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

"SEC. 15. For the purposes of this act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the recorder of deeds of the District of Columbia shall not be deemed to be officers or employees.

"SEC. 16. The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time of the passage of this act prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

"SEC. 17. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

"SEC. 18. No person or firm entering into any contract with the United States or any department or agency thereof, or performing any work or services for the United States or any department or agency thereof, or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such work, services, material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance or furnishing of, such contract, work, services, material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person or firm, for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 5 years.

"SEC. 19. Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any person employed by the State government, the municipal government, or any agency thereof, from becoming a bona fide candidate for any public office and engaging in any lawful political activity in furtherance of his candidacy in the event he takes a leave of absence without pay from his employment during the campaign.

"Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any lawful political activity in an election and the preceding campaign at which there are no candidates on party tickets representing a party which polled votes for President in the last preceding national election; nor lawful political activity in an election and the preceding campaign respecting any issue not particularly identified with any National or State political party, such as revision of the Constitution of the United States or of a State; referendums; approval or disapproval of city or municipal statutes or ordinances, and other issues of similar character.

"SEC. 20. Nothing in this act shall be construed as in any way affecting educational, religious, eleemosynary, philanthropic, or cultural institutions, establishments, and agencies, together with the officers and employees thereof.

"SEC. 21. Nothing in this act shall prohibit any official or employee subject to its provisions from becoming a candidate or accepting a nomination for an appointive or elective office or position provided such official or employee shall not use his official authority or influence to secure such nomination or appointment: *And provided further*, That such official or employee shall resign from his office or employment upon receipt of such nomination or appointment.

"SEC. 22. Section 9 (a) of said act of August 2, 1939, is further amended by inserting after the words 'political subjects,' in the ninth line of said subdivision (a), the following: 'and candidates.'

"SEC. 23. As used in this act, the term 'State' means any State, Territory, or possession of the United States."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes; and

S. 2739. An act to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR, Mr. WOODRUM of Virginia, Mr. CANNON, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

FIRST DEFICIENCY APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

AGRICULTURAL APPROPRIATIONS

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 8202, the general appropriation bill for the Department of Agriculture.

There being no objection, the Senate proceeded to consider the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, in view of the misinformation which has been going the rounds in regard to the extent of the amendments approved by the Committee on Appropriations to the pending bill, I feel that, in justice to the committee, I should make a general statement in regard to the bill.

Mr. BARKLEY. Mr. President, this is one of the most important bills that has been before the Senate, and I ask that we have better order so that we can hear the Senator from Georgia.

The PRESIDENT pro tempore. The confusion is very largely caused by large numbers of the occupants of the galleries leaving and others entering. The Doorkeppers will preserve order in the galleries, and the Senate will be in order.

Mr. RUSSELL. Mr. President, the pending legislation, the agricultural appropriation bill, provides for the most far-flung and varied activities of Government of any measure considered each year by the Congress. Something like 2,000 different projects related to almost every conceivable phase of plant, animal, and human life are supported by the funds carried in this measure.

After having wrestled with this bill for 6 years, I am convinced that it is beyond the ability of any one human being to familiarize himself in detail with the scope and extent of all of the work that is done or supposed to be done in the program carried on by this Department.

The task of the committee handling this bill is always a difficult one. Not only are the hearings where departmental witnesses testify rather tedious and involved, but this bill also attracts a large number of persons who wish to present problems which peculiarly affect their business or section in an effort to obtain appropriations to help with their solution.

These witnesses, some representing national organizations, come before the committee with recommendations for appropriations to help with the solution of their problems.

Senators are familiar with the fact that the Bureau of the Budget this year dealt very drastically with the recommendations of the Department affecting agricultural appropriations. There are four different sets of figures that are sometimes used in explaining the amount of money that is involved in the agricultural appropriation bill. Each set of figures includes different items. One of those sets of figures applies only to the new money that is appropriated. Another contains the so-called new money that is appropriated and, as well, the reappropriations, but excludes trust funds and cooperative funds.

There is another which contains new money and the permanent appropriations. It has always been my thought that the figures which more truly represented a true picture of the appropriations for the Department of Agriculture were those which included funds from all sources, the new money that was appropriated, the permanent appropriations that are established by law, the amount of reappropriations, cooperative funds, and funds from all sources that are included in the agricultural bill or by existing law, and which will be available to the Department of Agriculture for expenditure in a given year.

Using those figures, the amount of the appropriations for the year 1940, being funds that are available from all sources, amounted to about $1,428,334,430. When the Bureau of the Budget undertook the consideration of this bill to make its recommendations to the Congress this amount was reduced to $864,000,000. That is a reduction by the Bureau of the Budget of $564,000,000, or approximately a 40-percent cut in the appropriations as contained in the legislation for the current year.

When the bill reached the House of Representatives the House proceeded to make still further reductions, though the Bureau of the Budget had already cut the appropriations for the agricultural activities of the country to the bone. The bill as it passed the House appropriated $796,973,132, or a reduction below the appropriations for the year 1940 of $631,000,000, being a reduction of 44 percent that had been leveled against the agricultural appropriation bill.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. VANDENBERG. Before the Senator leaves that figure will he now tell me how the $796,000,000 appropriated by the House compared with the Budget estimate?

Mr. RUSSELL. The $796,000,000 appropriated by the House compared with Budget estimates of $864,000,000, being a reduction below the Budget estimate.

Mr. President, I might say, to be perfectly fair, that $60,000,000 of money that was contained in the bill as it passed the House has been made available immediately to the Department for use in the soil-conservation program under the provisions of the first deficiency act, which has, as I understand, passed both branches of Congress. And in all fairness that amount of money should be added to the Budget estimates, to the House figures, and to the Senate figures, because that amount was made available earlier than the next fiscal year in order to bring the conservation program into line.

I might say further that the appropriations for the Rural Electrification Administration and for the farm-tenancy program, which have heretofore been made as direct appropriations by the Congress, were dealt with differently this year by the committee. The committee will offer amendments which will provide that the funds for these two activities of the Department shall be obtained from the Reconstruction Finance Corporation, just as other loan programs of the Government are handled. This involves legislation, and the committee could not under the rules include it in the bill, but authorized me to offer it from the floor.

The Bureau of the Budget recommended that the appropriation for the Rural Electrification Administration be handled in that manner. The committee, after going into the fine record of repayments that have been made by those who have borrowed funds in order to become home owners under the farm-tenant purchase program, concluded that they were fully justified in also financing that program from the Reconstruction Finance Corporation rather than from a direct appropriation from the Treasury.

Mr. President, I ask that table A, showing Department of Agriculture appropriations, to which I have referred, be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

TABLE A.—*Department of Agriculture appropriations (inclusive of "Loans, relief, and rural rehabilitation" carried in emergency relief acts, permanent appropriations, and trust funds)*

	Appropriation, 1940	Budget estimate, 1941 [1]			House bill, 1941 [1]			Senate committee bill, 1941		
		Amount	Reduction below 1940		Amount	Reduction below 1940		Amount	Reduction below 1940	
			Amount	Percent		Amount	Percent		Amount	Percent
Total appropriations (includes reappropriations)	$1,428,334,430	$864,001,667	−$564,332,763	40	$796,973,132	−$631,361,298	44	$1,067,241,716	−$361,092,714	25
On this basis, House bill is below Budget estimates $67,028,535, or 7.8 percent. Senate committee bill is above Budget estimates $203,240,049, or 24 percent.										
Total direct appropriations (excludes reappropriations)	1,290,289,427	832,976,664	−457,312,763	35	765,948,129	−524,341,298	41	1,034,916,713	−255,372,714	20
On this basis, House bill is below Budget estimates $67,028,535, or 8.0 percent. Senate committee bill is above Budget estimates $201,940,049, or 24 percent.										

[1] Exclusive of $60,000,000 for "Conservation and use of agricultural land resources" to offset similar amount now in first deficiency appropriation bill, 1940.

Mr. RUSSELL. Mr. President, I wish to call the Senate's attention to the fact that, whereas the total amount of over-all reductions in the Budget submitted to the Congress upon its convening in January amounted to 8 percent, the bill for the agricultural interests of the country was reduced by the Bureau of the Budget by approximately 40 percent. I have stated on the floor of the Senate previously that there is nothing in the general farm picture, nor in any evidence that was submitted to the Appropriations Committee in the consideration of this bill, to justify this tremendous and disproportionate reduction in the agricultural appropriation bill.

The committee was confronted with these alternatives. We could either accept the bill as it came before us with these drastic reductions made by the Bureau of the Budget, and accentuated in the House, and by so doing slash the very heart out of the farm program, and reduce still further the farmer's already diminished and pathetic share of the national income, or we could proceed to exercise our own judgment in writing appropriations that we considered the very minimum under which the farm program could operate in the year 1941.

In my opinion the amount provided by the Senate amendments is the very minimum on which the farm program can operate. And certainly if any reductions are made in the total recommended by the committee to the Senate the farmer will be compelled to bear an unfair proportion of the reduction in the National Budget.

Having deducted the exchange of the $60,000,000 in the first deficiency bill, and the rearrangement of funds provided for in the pending bill, by transfer to loans by the Reconstruction Finance Corporation, the bill as reported to the Senate by your committee is $361,000,000 below the appropriations for the current year, or a reduction of approximately 25 percent. And I challenge anyone to show a reduction of 25 percent in any other general appropriation bill that has heretofore been or will hereafter be passed by the Congress to operate an active program which continues from year to year.

The committee has endeavored to be as careful as possible in this matter. Some of the members of the committee exercised considerable self-restraint, and did not even offer amendments providing for appropriations for purposes in which they have been interested for years—amendments, I might say, that have been approved by the Senate on more than one occasion.

There has been a great deal of criticism of the committee, particularly on the part of a large section of the metropolitan press, because the committee recommendations exceed the recommendations of the Bureau of the Budget for this measure.

It is always pleasant to stay within the budgetary limitations on any bill, but it is not the duty of the Congress to be bound absolutely by the recommendations of that agency as to any specific item or any single bill.

The recommendations of the Bureau of the Budget are merely advisory to the Congress. They are vastly important, because the Federal activities have so increased of recent years that it is difficult for the Congress to make a detailed investigation of every item in every appropriation bill.

The recommendations of the Bureau of the Budget should be considered; but if the Budget proposes unfair and unequal reductions in the appropriation for any one of the departments or activities, particularly in the case of the farm bill, dealing as it does with the most underprivileged and hard-pressed group in the United States, then I do not think the Congress should feel that it is absolutely bound by the recommendations of the Bureau of the Budget. Speaking for myself, I do not feel bound by such recommendations.

Mr. President, I think I am as familiar with the needs of the farmer in my immediate section as is any clerk in the Bureau of the Budget who formulates the recommendations which come to us. Other Senators have had vastly more experience and are infinitely better prepared to pass judgment on the matter of agricultural appropriations than is any individual who is connected with the Bureau of the Budget.

Senators have observed, from their study of the bills appropriating funds for the maintenance of other departments, that many of them have already been allowed increases by the Bureau of the Budget and by the Congress for the year 1941 when the bill for 1941 is compared with the appropriations for 1940. Not a single bill has even approximated the reductions which have been made in the agricultural appropriation bill. I might point out, for example, that the Bureau of the Budget, in its recommendations to the Congress for appropriations for its own maintenance, suggested an increase of 22 percent over the appropriations for the current year. Congress has approved that increase in the appropriation for the Bureau of the Budget. I cannot avoid expressing the hope that all the new clerks and employees who are hired with the 22-percent increase will not be put to work on still further cutting the estimates for agricultural appropriations. If the Bureau of the Budget had approached all the other appropriation bills with the same zeal and enthusiasm which it manifested in dealing with the farm bill, the Budget would have been balanced this year; and I should have had more respect for the recommendations of that Bureau had it dealt more equitably in distributing reductions among all the appropriation measures which come before the Congress.

Mr. President, I do not wish to appear unduly critical of the Bureau of the Budget. From my service on the Committee on Appropriations I realize the magnitude of the task of dealing with the thousands of items found in all the appropriation bills, but in the last analysis the amount of the appropriation which the Congress should make for any specific

agency is the constitutional responsibility of the Congress. If we are to be absolutely bound by the recommendations of the Bureau of the Budget, we might as well do away with our duty of appropriating and save much time and trouble.

The larger part of the increases made in the bill by the Senate committee is found in the amendment proposing an appropriation for parity payments to farmers and in the amendment appropriating funds to supplement permanent appropriations to be expended under the provisions of section 32 of the act of 1935. The parity-payment amendment contains a provision that no payment will be made with respect to any commodity in the event the average farm price of such commodity is more than 75 percent of the parity price, nor shall any payment exceed an amount which will be sufficient to bring the farmer 75 percent of parity.

The President, in his message transmitting the Budget, emphasized a fact which is known to every intelligent person in this country by stating that "agriculture is still not receiving its proper share of the national income." He explains the omission of estimates for parity payments in these words:

> I have not, however, included estimates for new appropriations for parity payments in 1941. I am influenced by the hope that next year's crops can be sold by their producers for at least 75 percent of parity. I do not suggest in any way the abandonment of the policy of parity payments heretofore adopted, and future events may call for some appropriation to this end. I note, however, in passing, that the Congress has failed to make any provision for the financing of these payments already made or obligated for 1938 and 1939 crops.

As I have heretofore stated, the 75-percent limitation contained in the committee amendment carries out the idea expressed by the President in his Budget message. It will not result in any outlay whatever from the National Treasury if the hoped-for increase in farm prices expressed by the President and shared by millions throughout the country becomes a reality. However, the economists and expert witnesses who appeared before the committee, including the Secretary of Agriculture and representatives of large farm organizations, all painted a gloomy picture of the probable effect of the European and Asiatic wars on the prices of farm commodities. Many persons anticipate increases in farm prices. The witnesses were all of the opinion that the experience of the agricultural interests in this war would not parallel the experience in 1917 and 1918, when farm prices skyrocketed.

It has been suggested that we might wait until next year and see what happens; and if farm prices are lower at that time Congress might then appropriate funds for parity payments. Those familiar with the farm program know that such a course would be disastrous to the farmer and absolutely destructive to the farm program. The farmer is entitled to know, before he prepares his land and plants his crop, just what he may expect in the way of parity and soil-conservation payments if he cooperates with the farm program. If no provision is made to give him some assurance that he will receive at least 75 percent of parity for crops on his allotted acreage, no one can blame him for failing to cooperate with the farm program and for seeking to overcome by increased production any decrease in the market price of his commodities which he may apprehend.

The appropriation for this year has failed to bring the producers of the basic commodities to 75 percent of parity. Taking the farm prices of the basic commodities and adding the parity payments, which have been made or will be made this year, the Department of Agriculture estimates that wheat will approach 68.6 percent of parity, corn will be 69.7 percent of parity, and cotton 65.8 percent of parity. Therefore the committee felt justified in putting the farmer on notice now that the amount recommended by the committee will be available to augment the decreased prices of farm commodities in the event the war should not bring about the increases in farm prices which the President suggested in his Budget message.

This appropriation is in the nature of an insurance fund to the farmer who cooperates with the farm program. It seeks to guarantee him at least 75 percent of what the Congress has said is a fair price; but the amount contained in the bill will not assure the farmer 75 percent of parity unless there is some increase in the market prices of the basic commodities.

Mr. President, I offer for the RECORD statements showing parity prices of the five basic commodities, as well as the farm prices of the same commodities on Friday, March 8.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Without objection, the statements will be printed in the RECORD at this point.

The statements are as follows:

Parity prices Feb. 15, 1940

Cotton	cents per pound	15.87
Corn	cents per bushel	82.2
Wheat	do	113.2
Rice	cents per hundredweight	231.3
Tobacco:		
Flue-cured	cents per pound	18.2
Dark	do	9.8
Burley	do	16.9
Cigar type 41	do	10.7
Other cigar filler and binder	do	14.2

Farm prices of certain commodities on Friday, Mar. 8, 1940

Cotton	cents per pound	10
Wheat	cents per bushel	86.7
Corn	do	55
Rice	cents per hundredweight	153.0
Tobacco:		
Flue-cured	cents per pound	15.2
Burley	do	17.4
Dark	do	8.6
Pennsylvania	do	13.6
Other cigar, binder, and filler	do	14.7

Mr. RUSSELL. Mr. President, I do not wish to tire the Senate with a lengthy discussion of the general condition of the farmer, as compared with other groups in this country. We all know that he is not receiving his fair share of the national income. Slightly more than 25 percent of the people of this country are living upon farms and receiving approximately 7 percent of the total national income. In my opinion the day is not far distant when the Congress of the United States will be compelled to deal with this problem on a basis other than trying to afford the farmer only 75 percent of justice. Justice to the farmer is long past due. The Secretary of Agriculture stated before the committee that it would be necessary to increase the farm income at least another one and a half billion dollars in order to place the income of the farmers on a parity with the income of other groups. He submitted statistics showing that on January 15 of this year, when farm prices were slightly higher, due to speculative influences brought about by the war, farm income was 99 percent of the pre-war parity from 1909 to 1914, that period having been designated by the Congress as the parity period, while the average price of the things which the farmer buys, including interest and taxes, was 128 percent. This reduces the purchasing power of farm commodities, as compared with the prices of the goods the farmer buys, to only 77 percent. Bear in mind that the figure of 77 percent applies to all farm purchasing power. The purchasing power of the so-called basic commodities for which parity appropriations are made is much lower than the over-all average of 77 percent.

The Secretary very graphically illustrated the unequal position of the farmer as compared with other groups by producing two mail-order catalogs, such as are seen in practically every farm home in the United States. One of the catalogs was for the year 1913, in the middle of the so-called parity period, when our economy was supposed to be on an even keel. The other catalog was for the year 1940. The Secretary selected a few items which are essential to farm life, such as work shirts, overalls, common nails, spike-tooth harrows, and other articles which are absolutely essential to farm life, and showed how the increases in the cost of industrial products had far outstripped the prices of farm commodities. I commend to the attention of all Members of the Senate the tables which appear in the printed hearings of the Appropriations Committee, in which the Secretary not only shows the prices in dollars and cents of these articles but breaks them down in terms of the quantity of the commodity which it is necessary to exchange for such articles

today as compared with the quantity of the commodity it would have been necessary to exchange in 1913.

Mr. President, I ask that there be printed in the RECORD at this point the two tables which were submitted to the committee by the Secretary of Agriculture and which appear in the record of the subcommittee hearings on the agricultural appropriation bill.

The PRESIDING OFFICER. Without objection, the tables will be printed in the RECORD at this point.

The tables are as follows:

TABLE C.—*Comparative prices for selected articles, Sears, Roebuck & Co., 1913 and 1940*

Article	Unit	1913 catalog			1940 catalog			Price change, 1913–40	
		Page Nos.	Number of items listed	Average price	Page Nos.	Number of items listed	Average price	Amount	Percent
Work shirts	Each	310–313	34	$0.57	324–327	60	$0.73	+$0.16	+28
Overalls (bib)	Pair	432–434	10	.70	319–323	18	.97	+.27	+39
Men's suits	Each	383–393	68	12.32	271–274, 277–279	34	18.08	+5.76	+47
Women's shoes	Pair	336–341, 343–346, 349–351	124	1.84	118, 119, 122–131	68	2.81	+.97	+53
Common nails, 8d	100 pounds	1100	1	2.10	896	1	3.65	+1.55	+74
Axes, single bit, 4-pound head	Each	1102	8	.96	904	1	1.89	+.93	+97
Handsaws, 26 inches	Each	1110–1111	8	1.16	906	5	2.07	+.91	+78
Spike-tooth harrows, 2-section, 60-tooth	Each	1162	1	10.06	940	1	19.75	+9.69	+96
Corn planter, 2-row check	Each	1163	1	31.25	942	1	65.95	+34.70	+111

TABLE D.—*Farm products equivalent in value to specified commodities, Jan. 15, 1913 and 1940*

Commodities	Unit	Farm products											
		Pounds of cotton		Pounds of wool		Pounds of beef		Pounds of hogs		Bushels of wheat		Bushels of corn	
		1913	1940	1913	1940	1913	1940	1913	1940	1913	1940	1913	1940
Work shirts	Each	4.7	7.2	3.1	2.6	10.6	10.6	8.4	14.0	0.73	0.86	1.1	1.4
Overalls	Pair	5.8	9.6	3.8	3.5	13.0	14.1	10.3	18.7	.90	1.15	1.4	1.8
Men's suits	Each	102.0	179.0	66.0	64.0	228.0	262.0	181.0	348.0	15.8	21.4	25.0	34.0
Women's shoes	Pair	15.0	28.0	9.9	10.0	34.0	41.0	27.0	54.0	2.4	3.3	3.7	5.3
Common nails, 8d	100 pounds	17.0	36.0	11.3	13.0	39.0	53.0	31.0	70.0	2.7	4.3	4.2	6.9
Axes, single bit, 4-pound head	Each	7.9	18.7	5.2	6.7	18.0	27.0	14.0	36.0	1.2	2.2	1.9	3.6
Handsaws, 26 inches	Each	9.6	20.5	6.2	7.4	22.0	30.0	17.0	40.0	1.5	2.4	2.3	3.9
Spike-tooth harrows, 2-section, 60-tooth	Each	83.0	196.0	54.0	70.0	186.0	286.0	148.0	380.0	12.9	23.4	20.0	37.0
Corn planter, 2-row check	Each	258.0	653.0	168.0	235.0	570.0	956.0	460.0	1,268.0	40.0	78.0	63.0	124.0

Mr. RUSSELL. In terms of farm products, to use an illustration anyone can understand, in 1913 8.4 pounds of hogs would purchase an ordinary work shirt. In 1940 it requires 14 pounds of hogs to buy the same shirt.

In 1913 the farmer could have exchanged 4.7 pounds of raw cotton for a cotton work shirt. In 1940 it requires 7.2 pounds of raw cotton to purchase the same cotton shirt.

In 1913, when the farmer went to town to buy a pair of shoes for his wife, he was required to exchange only 2.4 bushels of wheat for the pair of shoes. In 1940 he is required to exchange 3.3 bushels of wheat for the same pair of shoes.

In the normal year 1913 39 pounds of beef could have been exchanged for 100 pounds of common eightpenny nails. Today the farmer is required to exchange 53 pounds of beef for the same nails.

In 1913 the corn farmer could exchange 63 bushels of corn for a two-row corn planter. Today he is compelled to exchange 124 bushels of corn for the same article, which is essentially the same as it was in 1913.

An ordinary 4-pound ax could have been purchased in 1913 for 7.9 pounds of cotton, as compared with 18.7 pounds of cotton today.

Eighteen pounds of beef would have bought the ax in 1913. It takes 27 pounds of beef today.

One and two-tenths bushels of wheat, or 1.9 bushels of corn, could have been exchanged for that ax in 1913. Today it takes 2.2 bushels of wheat or 3.6 bushels of corn to acquire the same ax.

We may use practically every essential of farm life, whether it is clothing, tools, or supplies, in this simple computation. Even a wayfaring man should be able to understand the tremendous handicap and disadvantage of the farmer in his efforts to eke out a bare existence for himself and family when we consider the unusual requirements in the exchange of his commodities for industrial products today, as compared with the quantity that was required in the exchange in 1913.

I have observed that practically all the prospective candidates for the Presidential nomination of both the major parties have come out and assured the farmer that they are in favor of parity for the farmer. A very active candidate from the State of New York the other day came forward with an eight-point program for the benefit and relief of the American farmer, and the first of those eight points was a promise to the farmer of full parity for that which he produced. But a day or two after this candidate from New York came out with the assurance that he stood for parity, I observed in the press a statement from the ranking member of the Appropriations Committee of the House of Representatives on the minority side, who is also from New York, stating that the farmer is already obtaining parity, and criticizing the Senate committee for recommending this small amount as a contribution toward parity payments. I certainly hope that the parity about which the candidate talks is not the kind of parity which suits and pleases the ranking minority member of the Appropriations Committee of the House from the same State.

The articles which I have enumerated—plows, shoes, shirts, and so forth—are the very minimum requirements for life and common decency on the farm or elsewhere. If we leave this field of essentials and go to nonessentials such as electric current, electrical appliances, the amount spent for amusements, going to moving-picture shows or to the corner drugstore, even greater disparity is displayed, to the disadvantage of the farmer. These things that other groups have come to consider as ordinary articles of life are considered luxuries by the farmer, and he is unable to obtain them with the low income now available to him.

Desirable legislation for other groups has, of course, contributed to this disparity in the purchasing power of farm commodities. We have passed here the wage and hour law, which placed a floor under wages and a ceiling over hours, for the benefit of industrial employees. Any increase in the cost of production of commodities has, of course, been re-

flected in the prices of the things the farmer buys. The farmer has very little wage, and very long hours. His purchasing power has been constantly shrinking as the compensation and standards of other groups have gone up. We have imposed Federal taxes on pay rolls to finance our fine social-security program. These taxes likewise are reflected in the retail prices of the products of industry. The farmer makes his contribution to these funds to pay old-age pensions and unemployment insurance every time he purchases one of the products essential to his existence; but in the nature of things he is barred from the security afforded by these laws.

We have the highest tariff rates the Nation has ever seen. Very little has been done to break down that wall, which costs the farmer millions of dollars each year. We have passed coal laws, attempting to guarantee the price of coal. The farmer may not use coal in his home. He is nevertheless required to contribute to increasing the price of coal, because all the products he buys must pay the tax to hold up coal prices at some stage in the manufacture of all industrial commodities.

We have passed the "hot oil" bill to put up the price of the oil and gasoline the farmer has to use in his tractors in his farming operations. We have helped all other groups with artificial devices but the farmer is farther from parity and equality of opportunity and income in this country than is any other group.

The farmer does not object to labor receiving good wages. He is in favor of labor legislation, and those with agricultural constituencies have helped enact labor laws. He is not against a fair return on capital investments.

He does demand, and his demand is just and fair, that he be accorded equal treatment with other groups who are beneficiaries of congressional action. The provisions of this bill are not adequate, but those of us who are concerned and disturbed about the farm problem were convinced we could go no farther in this bill. The Congress should enact, at this session, permanent legislation either fixing prices or levying taxes to give the farming population 100-percent equality. The Appropriations Committee cannot, of course, consider such legislation.

I am sure that any economist or any other person who has investigated the great disparity between farm income and the income of other groups will realize that the greatest and most pressing problem before the United States today is to attempt to assure the farmer a fair return on the products of his toil. Surely in common decency we cannot do less than approve this appropriation of $212,000,000, a reduction of $13,000,000 in the appropriation for parity for the present year, which is only designed to give to the farmer three-fourths of the slice of bread that is fully enjoyed by every other group in the country.

I regard it as unnecessary to elaborate on the other amendment which adds a substantial sum to the bill, this being the item of $85,000,000 to supplement the 40 percent of customs receipts which is set aside for the operation of the surplus program under section 32 of the act of 1935. The customs receipts amount to $100,000,000. Therefore, there will be available this year for the purposes defined in section 32 the sum of $185,000,000 as compared with the sum of $203,000,000 available for the same purpose during the current fiscal year. Senators will observe that the committee has made a substantial reduction in this item, as it has in the appropriation for parity payments.

The so-called stamp plan for the distribution of surplus commodities to those on relief, which has met with such great favor all over the country where tried, is financed from these funds, as is the distribution of surplus commodities to those who are on the relief rolls. It developed before the committee that in some States the only relief that was received by over 40 percent of those on the relief rolls was the surplus commodities that were purchased and distributed under the provisions of this appropriation.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield to the Senator from Texas.

Mr. CONNALLY. Under the heading "Disposal of surplus commodities," to which the Senator has just been addressing his remarks, under section 32 of the act of 1935 the $100,000,000 is an automatic appropriation, is it not?

Mr. RUSSELL. That is correct.

Mr. CONNALLY. It is not necessary to carry it in this bill?

Mr. RUSSELL. It is a permanent appropriation.

Mr. CONNALLY. That item is provided in section 32 of the act of 1935, which provides that 30 percent of all customs duties shall be set aside in a special fund for the use of the Secretary of Agriculture for the purposes set out in this section on page 83.

Mr. RUSSELL. The Senator is correct. The Senator from Texas was the author of this provision, which has been of great benefit to the agricultural interests of the country, as well as to those who are on the relief rolls.

Mr. CONNALLY. I thank the Senator for that statement. The point I am making is that the language is so broad that it authorizes not only the surplus-stamp plan but all these other plans. Our action has served the double purpose of not only relieving distress, and substituting the distribution of surplus commodities for direct relief where States and counties cannot provide direct relief, but it has also tended to reduce the surplus commodities on the agricultural list. Therefore, this particular provision serves a double purpose. Is not that true?

Mr. RUSSELL. The Senator from Texas is correct. Because of the great demands on the Federal Government from the States and from the localities for these surplus commodities by those in dire straits and because of the great demand from something like 700 cities in the Nation for the so-called stamp plan, some of us have been apprehensive that this program might be diverted from a farm program to a relief program. It is dual in its nature; but the intent of section 32, and I hope the operation of its administration in the Department of Agriculture, is clearly to keep it a farm program; but it has been of tremendous benefit to those who are out of employment and those who are not able to purchase even the bare necessities of life.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. RUSSELL. I yield.

Mr. VANDENBERG. Entirely agreeing with the statement the Senator has just made regarding the utility of the surplus-commodity program, still I want to inquire the relationship between the $85,000,000 and the Budget estimate.

Mr. RUSSELL. The Budget estimate was $72,600,000, as I recall. I will say to the Senator that it was slightly in excess of $72,000,000; so the recommendation of the committee, while substantially below the appropriation for the current year, is slightly in excess of the recommendation of the Bureau of the Budget. All those who regard the Budget as being a sacred thing, upon which no Member of the House or Member of the Senate should at any time lay hands, may take notice of that fact.

Mr. HILL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HILL. As I understand, the appropriation for this year was $113,000,000. Is that correct?

Mr. RUSSELL. The direct appropriation to supplement section 32 funds for the current year was $113,000,000.

Mr. HILL. The Budget Bureau recommended $72,000,000 for this year. The committee has reported $85,000,000?

Mr. RUSSELL. The Senator is correct.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Alabama.

Mr. BANKHEAD. I ask the Senator from Georgia if it is not a fact—I believe it is—that the scope of the Federal Surplus Commodities Corporation, through the extension of its work in different cities throughout the country, is constantly increasing.

Mr. RUSSELL. I might say that at the time the hearings were first held before the committee the so-called stamp plan had been put into effect in 50 cities of the country. It is anticipated that by the first of July that plan will have been extended to 100 cities, whereas there are bona fide applications on file, accompanied by the assurance that the communities will assume their part of the responsibility for the plan, from more than 700 cities. It will be impossible to reach any considerable portion of the cities that have applied for this plan, but Senators must bear in mind that cities which do not distribute the surplus commodities through the stamp plan will continue to receive the commodities for direct distribution to those who are on the relief rolls. That service is reaching into almost every one of the 3,000 counties of the United States.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRNES. Will the Senator also state the information the committee had as to the cost of distribution by the State organizations as compared with the cost of distribution by the stamp plan?

Mr. RUSSELL. Yes. It developed before the committee that the cost of direct distribution of surplus commodities was extremely high. Not only is it necessary for the Federal Surplus Commodities Corporation to pay the freight and transportation charges on commodities that are purchased—for example, if they buy a carload of butter in Wisconsin under this surplus-removal program and send it down to Georgia, there is a considerable item of transportation involved—but it required the expenditure of approximately $19,000,000 by the States and local subdivisions of government to get these commodities into the hands of those using and eating them after the freight shipments had been delivered within the States. The stamp program, of course, reduces or eliminates almost altogether the administrative cost of the distribution of these commodities.

Mr. McKELLAR. And, Mr. President, wherever it has been tried out it has been very popular; much more so than the other plan.

Mr. RUSSELL. Yes; I understand it has met with very general favor.

Mr. LEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LEE. How much would it take to make available the stamp plan to all the cities which are applying?

Mr. RUSSELL. I asked that question in the committee, and it is a very large sum. It would require the expenditure of $360,000,000, according to the figures presented to us, to take this method of distribution into every community of the United States that is applying for it.

Mr. LEE. If the Senator will allow me an observation, Oklahoma has this plan in one city, and now the two largest cities in the State, Tulsa and Oklahoma City, are asking for the plan, and every report I hear on it is a good one.

It seems to me that it is a systematic way of doing what we are undertaking through the distribution of the commodities directly in a less systematic and perhaps definitely more expensive way.

Did the Senator's committee decide that we could not afford to appropriate enough to put the plan into all the cities which are applying for it?

Mr. RUSSELL. Mr. President, the matter of the amount of appropriations the committee could recommend with hope of final approval was taken into account. We considered that, confining it to a strictly agricultural program, and with the outlets of distribution only sufficient to handle the distribution of surpluses which might accumulate, the amount recommended by the Committee on Appropriations was a reasonable one. But if it is to be considered in the light of a relief program, it would undoubtedly not only dispose of the surplus, but would be a very effective weapon and machinery for dealing with the relief problem in the several communities of the country. However, I did not feel, particularly in view of the amount which has already been added to the bill, that the agricultural appropriation bill should continue to bear all the burden of this expenditure, whether it was in the nature of a measure for relief or in the nature of a method of surplus disposal. I think it might be well for the Congress to give consideration, when the relief bill is presented, to the matter of extending the program on a wider scale. I do not think the funds should be contained in the pending bill, because, viewing it strictly from the standpoint of the distribution of surplus commodities, while this amount of money is not sufficient to take care of the distribution of the surplus, or to relieve the ill effects of the surplus, it is an amount which is commensurate with the appropriations heretofore made as well as other demands on the committee.

Mr. BYRNES. Let me say, Mr. President, that the representatives of the Department expressed to me the thought that they were fully aware of the demand throughout the country, on the part of cities, for the extension of this service. In some States there has been some rivalry between cities. When one city has had the stamp plan inaugurated, some other city of the State has felt it should have it, and the officials of the Department appreciate the importance of having this Division of the Department of Agriculture, with the primary objective of the disposal of surplus commodities in view, go a little slow, and require the various communities to make some showing that there is really a desire for it, and that it will be of benefit. They are doing a splendid work, but the danger is that they might go too fast and cause it to become merely a relief proposition. They think that they should be allowed to proceed as they are now proceeding, and that if we intend to transform it into a relief proposition, we should take the matter up in a relief bill.

Mr. LEE. Did the Senator say that for the current year there was appropriated $113,000,000 for this service?

Mr. RUSSELL. Mr. President, I perhaps did not make myself clear. The direct appropriation for the current year is $113,000,000, and the amount of funds allocated from customs receipts was approximately $90,000,000. The coming year, due to an increase in customs receipts, there will be approximately $102,000,000 from that source, as compared with approximately $90,000,000 for the current year, and a direct appropriation of $85,000,000, as compared with $113,000,000 for the current fiscal year.

Mr. BYRNES. What is the number of cities in which this plan has been inaugurated?

Mr. RUSSELL. Slightly over 50.

Mr. LEE. But the appropriation is slightly under last year's appropriation.

Mr. RUSSELL. Oh, yes, it is a reduction under the current appropriation. But it is large enough to permit considerable expansion of the surplus-removal program by the stamp-plan method.

Mr. LEE. I thought this matter was to be taken up and tried out for a while, and if it were found satisfactory, then it should be extended and expanded. I understood the Senator from South Carolina to say just now that it was his idea that we go slowly. We are certainly going slowly when we are going backward.

Mr. RUSSELL. We are not going backward.

Mr. BYRNES. No, we are not going backward.

Mr. RUSSELL. It is proposed to increase the cities having the stamp plan to over a hundred by the 1st of July.

Mr. LEE. But less money is appropriated for it.

Mr. RUSSELL. No, more money will be available for the stamp plan, because so much of the funds which have been heretofore used for direct purchase of surplus commodities and for the export of those commodities is to be used for that purpose. It is merely a difference in the method of handling it.

Mr. BANKHEAD. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. BANKHEAD. There are two fields of activity, as the Senator has well pointed out. One is the purchase of surplus commodities, and that is a direct benefit to the farmer. Then, on the other side, there is the stamp plan, which is a

direct benefit to the relief worker. I wish to suggest that it is hardly fair to charge this entire appropriation to agriculture, because at least probably half of it, or a very substantial amount of it, should go in the relief bill.

Mr. RUSSELL. There is no question about that.

Mr. BANKHEAD. Because the distribution goes to relieve distress. I think that should be taken into consideration in figuring the amount chargeable to agriculture.

Mr. RUSSELL. I had intended to refer to that later on in my remarks.

Mr. MILLER and Mr. LA FOLLETTE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Arkansas.

Mr. MILLER. I wish to ask the Senator a question in regard to the item on page 75 dealing with the prevention of soil erosion. I note that the committee has raised the amount appropriated by the House by $1,700,000. Will the Senator state what the understanding was, or what allocation is to be made of the $1,700,000 in that item?

Mr. RUSSELL. If the Senator from Arkansas will refer to the report of the Senate committee, page 4, he will find that all of that amount is earmarked for cooperation with soil-conservancy districts. The Senator is probably aware of the fact that in the beginning of this fiscal year there were in the neighborhood of 95,000,000 acres embraced within these soil-conservancy districts. Thirty-seven States have now passed laws providing for the formation of these local districts, and for cooperation with the Federal Government in this work, and it is expected that this year there will be over 200,000,000 acres within these soil-conservancy districts. The Bureau of the Budget reduced the appropriation for this activity under the appropriation for the current year by $1,500,000, in the teeth of this tremendous increase in the service, which had been at least impliedly promised the farmers if they would vote these soil-conservancy districts. The Senate committee restored the appropriation to the amount available for that purpose for the current year, with a slight increase, but nothing like enough to take care of all the soil-conservancy districts which have been formed.

Mr. MILLER. Mr. President, the Senator from Arkansas had read the report, and I merely wanted to call the matter to the attention of the Senator from Georgia, to the end, not that I expect it, but that we might not have any diversion of the $1,700,000 from these two purposes for which the committee and the Congress intend to provide it, because of the importance of the soil-conservation district work.

Mr. RUSSELL. I am quite sure that the Soil Conservation Service would not break faith with the committee, because the funds are very clearly earmarked for that purpose, and I am sure they will be expended for that purpose.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. GEORGE. Was there a break-down of the $113,000,000, plus the $90,000,000, between the expenditures for farm commodities and for export subsidy payments?

Mr. RUSSELL. There is in the House hearing, and I have referred to it. I do not know whether it appears in the Senate committee hearings or not.

Mr. GEORGE. Was any question raised as to whether or not the Secretary of Agriculture proposed to continue to pay export subsidies on the sale of cotton to foreign buyers?

Mr. RUSSELL. I do not know that that question was raised with specific reference to cotton. I did inquire as to what the plans of the Department were for the coming year with reference to export subsidies on all agricultural commodities. The witness from the Department testified that he did not anticipate any extensive export subsidy program next year, because of the fact that the principal exporters of farm commodities had in many instances left the American market and were acquiring from other sources all the agricultural commodities which had been heretofore exported.

Mr. GEORGE. I should like to ask my colleague another question. So much of the sum as is saved from subsidy payments on cotton shipped to foreign spinners may be used under the stamp plan, may it not, under the amendment?

Mr. RUSSELL. Yes; it may be. The original section 32 and the amendment of last year contained a limitation of 25 percent of the total appropriation as the amount which could be devoted to any one commodity, or expended with respect to any one commodity. The Senate committee amendment this year removed that limitation insofar as the stamp plan is concerned.

Mr. GEORGE. So that all the money the Secretary wants to pay to the foreign purchasers of American cotton by way of subsidy could be paid under the stamp plan?

Mr. RUSSELL. Yes; not only the amount paid on cotton but the amount that has been paid on exports of wheat, lard, pecans, dates, and other agricultural commodities which have received export subsidies.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield; but I might state to the Senator that I desire to complete my statement at the earliest possible moment.

Mr. CONNALLY. I am sorry to interrupt the Senator, and my inquiry will take but a moment. From a reading of the bill it seems the committee did not recommend the appropriation of any funds whatever for the farm-tenancy program, except for the administrative expenses. Is that true?

Mr. RUSSELL. Of course the Senator from Texas is aware of the fact that when the bill was dealt with in the other body all funds for the farm-tenancy program were eliminated. I stated at the outset of my remarks that later the committee would suggest an amendment in the nature of legislation, which the committee could not, under the rules, attach to the bill, but which would provide for $50,000,000 for loans by the Reconstruction Finance Corporation to carry on the farm-tenancy project for the coming year.

Mr. CONNALLY. That is what prompted the inquiry. I had heard some rumors about the R. F. C., but I saw nothing in the bill about the matter.

Mr. RUSSELL. The Senator is familiar with the fact that the Senate rules would prevent the committee recommending legislation in the bill, and I had stated that the amendment would be proposed from the floor. I have already served notice of my intention to move to suspend the rule, if a point of order shall be made against the amendment.

I now yield to the Senator from Wisconsin, who has been seeking recognition for some time.

Mr. LA FOLLETTE. I do not wish to interrupt the Senator's able statement, but I merely should like to point out at this point that while the committee is to be greatly commended for having provided the sum of $85,000,000 to augment the funds available under section 32 of the act of 1935, I would not want Senators to get the impression, from listening to the colloquy, that it means a continuation and an augmentation of the stamp plan on the same scale for the coming year; that is, after July 1, 1940, as obtained during the present year, and will be in force down to July 1, 1940. By July 1, 1940, there will be about 100 cities in the country which will have a stamp plan in operation, but even with the sum which the committee has provided it is my understanding that they cannot continue to add cities and communities in anything like the same proportion for the coming year in which they have been adding them and will add them for this year, down to July 1, 1940.

Mr. RUSSELL. Mr. President, the statement of the Senator from Wisconsin is correct as to any large increase. As I stated to the Senator from Oklahoma, the sum recommended will prevent the elimination of any cities where the stamp plan has already been adopted.

Mr. LA FOLLETTE. That is true.

Mr. RUSSELL. It not only will prevent the elimination of those cities but it will enable the Department to extend the program a little further, though nothing like as far as they have applications now to extend it.

Mr. LA FOLLETTE. I wish to commend the committee for its action, but I expect to debate this question at some greater length in my own time, when I shall not be impinging upon the time of the Senator from Georgia. I intend to offer an amendment at the appropriate time to increase the sum recommended by the committee under section 32 of the act of 1935.

Mr. HILL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HILL. As I understand, the committee will follow the same procedure with respect to rural electrification as it did with respect to farm tenancy. In other words, an amendment will be offered by the chairman of the committee providing for $40,000,000 to be loaned from the R. F. C. to the Rural Electrification Board for rural electrification loans.

Mr. RUSSELL. The Senator from Alabama is correct. When I was discussing the total amount contained in this measure in the beginning, I stated that, in all fairness, the Senate should know that these two amendments would be offered from the floor, and I believe the Senate should adopt them, because it is a proper and reasonable way to finance these activities.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LUNDEEN. Has any Senate committee, other than the Appropriations Committee, considered the matter?

Mr. RUSSELL. No. Not the change in the method of financing.

Mr. LUNDEEN. It would seem that the Committee on Agriculture should consider the bill, in addition to the Committee on Appropriations, so there might be more policy and planning contained in the measure. In other words, does the able Senator from Georgia feel that our policy toward agriculture has been fully covered in the measure?

Mr. RUSSELL. I do not think that we have any national program of legislation that is adequate to the needs of agriculture, or to give justice to agriculture. This bill does not undertake to give full justice to agriculture, I will say frankly. But the question raised by the Senator from Minnesota is one that has been brought out on the floor of the Senate numerous times in the past 20 or 25 years. I should prefer not to be diverted into a discussion of what would be the proper committee to handle the bill now. It has been represented several times since I have been a Member of this body that the Committee on Agriculture should handle the bill, and the Committee on Appropriations has with equal zeal sought to keep the bill within the Committee on Appropriations.

Mr. LUNDEEN. So far as I am concerned I will say that I have no objection to the Committee on Appropriations handling the bill, providing the planning and the policy pursued toward agriculture are fully considered and covered. It would seem to me that the members of the great Agriculture Committee would be more versed and better acquainted with the problems of the American farmer than the very able members of the Appropriations Committee. The Committee on Agriculture is brought into daily contact with all of the problems of farm and forest.

Mr. RUSSELL. Of course, in making appropriations the Committee on Appropriations can only use the vehicle which has been created by the Committee on Agriculture, through its recommendations. We have no power or authority to institute a Nation-wide farm program. We can make appropriations only pursuant to laws which have received the approval of the Committee on Agriculture, and which have been enacted by the Congress.

Mr. LUNDEEN. It would seem to me that both committees have, up to date, failed to solve this great farm crisis, and I suspect that neither of the two old parties have any real solution for these problems. Certainly both major parties have blundered on from bad to worse year after year. When will Congress, and this great Senate, listen to the well-considered and thoroughly planned farm program of the Farmer Labor Party—a program which was given to the Nation time after time by Congressman Lindbergh, founder of our party; Floyd Olson, Minnesota's great Governor; and others? I thank the Senator.

Mr. VANDENBERG. Mr. President, one further question before the Senator leaves that point.

Mr. RUSSELL. I yield.

Mr. VANDENBERG. Is there any information before the committee dealing with the types of commodities whose surpluses have been relieved or partially relieved by the Federal Surplus Commodities Corporation? Is there any information showing how, upon the one hand, those surpluses may have been relieved by the Federal Surplus Commodities Corporation, and yet the same commodity surpluses may have been increased through increased imports due to reduced tariffs upon the same commodities through reciprocal treaties?

Mr. RUSSELL. The hearings disclosed a list of all the articles which have been purchased by the Federal Surplus Commodities Corporation. It is my recollection, though I am not certain on the point, that that question was asked, and that no agricultural commodity dealt with in the reciprocal trade agreements had been declared surplus and purchased by the Federal Surplus Commodities Corporation. I will, however, confirm that statement from the committee hearings. I think that issue was raised.

Mr. VANDENBERG. Then I have been misadvised, I will say to the Senator. I have been told that 22 farm commodities have suffered great reductions in export as the result of trade treaties, and thus surpluses in those cases have been increased, so that they need to be reduced in turn by payments out of this other branch of the Government.

Mr. RUSSELL. My recollection is that the Senator from Nevada [Mr. McCARRAN] asked one of those who appeared before the committee a question along that line, and he elicited the reply that not a single commodity which was dealt with in the trade-agreements program—of course, the Senator realizes I do not wish to be drawn into a discussion of that program, and this is merely a factual statement—that not an article which had been dealt with in that program had been declared surplus and been distributed through the Federal Surplus Commodities Corporation. It is my recollection that only about 22 articles have been declared surplus during this year for the purposes of this program, so the large number involved in the Senator's statement appears unreasonable.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRNES. The Senator's recollection is correct. I do not think that in this list there are 22 surplus products. The list appears on page 848 of the hearings.

Mr. VANDENBERG. That is what I am asking for. May I see the testimony?

Mr. BYRNES. Yes.

Mr. McCARRAN. I may say, in connection with the Senator's answer, that I am not altogether certain that the answer was as stated by the Senator, but the question was asked, and perhaps the answer was substantially as the Senator had stated.

Mr. RUSSELL. I would prefer to refer to the hearings of the committee. I knew the question was asked by the able Senator from Nevada, who was a faithful and efficient member of the subcommittee, and it was my recollection that the witness replied that none of these commodities had been declared surplus.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JOHNSON of Colorado. I understand that beans are being considered in the proposed agreement with Chile.

Mr. RUSSELL. I was referring to trade agreements already actually entered into, not to proposed agreements. I do not think there was any evidence as to proposed agreements.

Mr. JOHNSON of Colorado. The agreement with Chile is pending, of course.

Mr. RUSSELL. If Senators will permit me about 5 minutes to conclude my statement, I shall then be glad to yield to

any question Senators may desire to ask, not promising to answer all of them, but I will attempt to answer them.

As I have stated, the two chief increases that have been proposed by the committee are found in the parity amendments and in the appropriations under section 32 of the act of 1935. A number of smaller increases have been recommended by the Senate committee, most of which had the benefit of Budget estimates, but were refused by the House. There were some other smaller recommendations that were made, bringing up the total amount in the bill to an amount which, though larger than the Budget estimate, and larger than the House appropriation, represents an amount approximately 25 percent below the appropriation for the current year.

The prospect of increasing the debt limitation or of levying new taxes is no more pleasing to me than to anyone else. Both in the Appropriations Committee and on the floor I have consistently voted with those who seek to curtail expenditures in the majority of instances. I submit that when we approach the matter of reducing the National Budget, the reduction should be fairly and equitably prorated between the various activities of Government, and that the agricultural bill of all bills should not be singled out for reductions when we consider the state of the farmer's income as compared with that of practically every other group in this country.

Mr. President, there are thousands of farmers in the United States, many of them good farmers, who produce considerable quantities of the products in which they are engaged in cultivating, whose annual income is not equal to that of those who are employed upon the W. P. A. The farmers as a group are as patriotic as any other class of citizens, but they should not be expected to bear such a large part of the present economy reductions.

As I have pointed out, the reductions in this bill, as compared with the expenditures for the current year, are much greater than in any other bill which has come before Congress. I believe that the farmer would be willing to go forward in a general program of reduction. I know that I wish it were not necessary for the farmers to have to come to the Congress with their hats in their hand every year begging for some little appropriations to supplement their already meager income. Congress should enact some definite program which would avoid the necessity of the farmer having to gamble from year to year what the Congress is going to do in the matter of farm appropriations. Certainly anyone who is familiar with the situation in the homes and in the life on the farms of the United States will know that this group should not be singled out as the sole victims of an economy drive which leaves untouched the appropriations for the other activities of Government.

Some of the great metropolitan papers have been most severe in their editorial criticism of the committee for exceeding the Budget estimate in this bill. I am not at all sensitive to such criticism, Mr. President. My career has immunized me to any pains or grief from criticism of that sort. My sensitiveness has been done away with long ago. But I wish to say to those in the Senate or out of it, who must pass upon this measure, who are disturbed by these editorial criticisms, that none of these editorials which have come to my attention have been fair enough to point out that in the first instance the Bureau of the Budget imposed upon the farm bill a disproportionate part of the total overall deduction in the Budget for the coming year.

These editorials refer to the parity-payments appropriation as though it were some venal and meritricious effort to purchase the farm vote on the part of the Congress. They did not state that appropriations for parity were made in 1938 and 1939 and that as compared with the appropriations of the year 1939 the current bill appropriates less money for these payments; that the committee has reduced the appropriation instead of increasing it.

I wonder what some of these editorial writers would have said if someone had come along and made a 40-percent reduction in their compensation, as was made in this bill. They would have howled to heaven much louder than the cries we have heard from the farmers.

I might say further that almost without any exception those who are critical of this bill providing funds for loans to enable tenant farmers to become home owners, have urged that unlimited loans to foreign countries be made from the Federal Treasury. Some of those newspapers have demanded additional facilities to enable the air lines to secure weather reports. And yet they criticize this bill in which we have been compelled to double, yea treble, in the past few years the appropriations for the Weather Bureau in order to give the services they have demanded. Some of them have highly commended the so-called stamp plan for the distribution of agricultural surpluses to those on relief. They have demanded its expansion throughout the country. Yet they have not withheld their criticism of the appropriation which makes this plan possible.

As I have stated heretofore, the communities in which these newspapers are situated have derived from this bill the surplus commodities to those who are on relief. It is a refreshing thing that the Senate does not have any monopoly on inconsistency, Mr. President. I am sure that no Member of this body will be deterred from offering the half-handed justice to the farmers of America provided in this bill, by the comments of some editorial writer who probably would not know a Jimson weed from a cornstalk.

If the income of the American farmer is still further reduced, it will not be long till the effect will be felt by those in the cities as well as those on the farm. There can be no sustained prosperity in this country if the farmer has absolutely no purchasing power. Until the time that legislation can be enacted fixing the prices of farm commodities as we have artificially fixed the price of practically every other thing produced in this country, this bill is the best that the Committee on Appropriations could present to the Senate.

The bill is not going to be wholly pleasing to everyone. It is not pleasing to me, because it does not go as far as I should like it to go, but it does go as far as I think it is possible to go at this session of Congress. It is not going to please the farmer, because he has had promises of full parity for a great many years. It will not be pleasing to those who regard the Budget as sacred, and who say that no amendment should change the Budget estimates in the slightest degree.

It will not please those who are demanding that the stamp plan be extended to all the cities. But, Mr. President, it is a compromise, as most involved legislation is a compromise. It is an honest attempt on the part of the committee, which gave long and earnest consideration to the bill, to deal as fairly as possible with the most underprivileged group in the country, the lowest income group in the Nation, at the same time bearing in mind the condition of the National Treasury and the amount available for this purpose, and being fully conscious of the limitations on the committee in recommending legislation which I, for one, think should be adopted to fix the price of farm commodities in this country.

Mr. LEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I feel that I should first yield to the Senator from Mississippi [Mr. BILBO]. He kindly deferred a question a moment ago.

Mr. BILBO. Mr. President, I wish to ask the Senator what assurance he has that the money received under section 32 of the act of 1935 as import subsidies for the benefit of the farmers will not be used for paying subsidies on exportation of farm products.

Mr. RUSSELL. The evidence before the committee developed the fact that with respect to some export commodities, without regard to the amount of subsidy paid, it was not possible to find a buyer. England and France, who have purchased large quantities of such commodities in the past, have placed an absolute embargo on their importation from the United States into those countries. They are saving all their dollars for airplanes and war material and buying everything they can from the colonies or the nations adjacent to Germany and not affected by the naval blockade.

Mr. BILBO. Is it upon those statements that the Senator predicates his hope that we shall have more money to be used in the extension of the stamp-plan program?

Mr. RUSSELL. I stated that present indications, as developed before the committee, were that there would be more money for the surplus distribution program in this country than there had been even under the larger appropriation. However, the fact that such commodities cannot be exported will, of course, increase the need for their distribution in this country in a surplus-removal program at home.

Mr. BILBO. The Senator says that he has not available the amount of the fund which was utilized during the past year in paying export subsidies.

Mr. RUSSELL. Page 848 of the House hearings on the bill contains a full statement of the amount expended for purchase for distribution within the United States, as well as the amount paid for export subsidies on each and every commodity.

Mr. BILBO. On every commodity?

Mr. RUSSELL. Yes.

Mr. BILBO. The amount may not be more than 25 percent on any one commodity. I believe that is the law.

Mr. RUSSELL. That is the limitation in the law.

Mr. BILBO. This is what I really wanted to ask the Senator: Would the Senator have any objection to an amendment prohibiting the use of any of this fund for export subsidies?

Mr. RUSSELL. I do not feel authorized to accept such an amendment.

Mr. BILBO. Such an amendment would make safe the extension of the stamp-plan program. It is only guesswork as it is.

Mr. RUSSELL. My conclusion is predicated on world conditions today.

The Senator from Mississippi well knows—because I have heard him refer to the fact on the floor—that embargoes have been levied by some of the countries on agricultural exports from this Nation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Michigan.

Mr. VANDENBERG. I should like to ask the Senator one final question. Let me say to him that I am not one of those who consider the Budget sacred; but this happens to be a year when, unless we cling with some degree of scruple to the Budget, we shall find ourselves colliding with the statutory debt limit in respect to the national debt. It is my understanding that the President's financial program—which means, of course, staying within the Budget—brings us within $61,000,000 of the statutory limit on the national debt, provided we also raise about $400,000,000 in additional taxes. Without arguing the merits of clinging to the Budget as it is, if clinging to the Budget brings us within $61,000,000 of the statutory limit upon the national debt, and if the bill exceeds the Budget limit by $201,000,000, do we not by passing the bill put ourselves in a position in which we must choose between increasing the statutory debt limit and raising additional taxes? What is the Senator's comment upon that situation?

Mr. RUSSELL. Mr. President, of course, I could not give anything but my own views on that matter; and my opinion is probably no better than that of other Members of the Senate.

In the first place, I have predicated my support of these amendments on the fact that the reductions of the Bureau of the Budget in current appropriations were disproportionate. I have voted for all amendments to reduce other bills which have passed the Congress. The Senator from Michigan and other Senators who are disturbed by the very question which the Senator has just raised have already voted their approval of general appropriation bills carrying increased appropriations for other agencies of Government, and have not raised the question as to where the money was coming from until the farm bill was reached.

I have made the statement that any parity payment would not be expended until the fall of 1941. I made that statement, of course, to seek to elicit support for the amendment, and not because I am willing to accept the view that the farm program and the farm appropriations should be singled out as the only activity of government for which special taxes should be definitely levied and earmarked. I am willing to support additional taxes to go into the Treasury of the United States, but I am not willing to go before the farmers of the United States, the lowest income group in this country, and say, "We cannot appropriate funds for you because we could not pass a special tax to accompany your appropriation bill," when that procedure is not required in connection with any other appropriation bill. Who tells any agency or bureau which has an appropriation in the independent offices bill that, "You shall not be allowed this increase in your appropriation over the current appropriation until some special tax is levied"? Who tells the Department of the Interior, when a large project or a great expenditure involved in that bill is presented to the Congress, that no appropriation shall be made for the Department of the Interior until a specific and special tax is levied for the benefit of the project? The President has suggested that taxes should be levied to defray the unusual outlays made by the War Department and by the Navy Department for national defense; and I, for one, am willing to support such taxes. But until this year who had ever said to the War Department, to the Navy Department, or to any other department, "You need an appropriation of $1,000,000,000, which we are compelled to reduce to $500,000,000 because we have not levied any special taxes for your Department"?

So far as I am advised, that question has never been raised until this year in dealing with any bill taking money from the Treasury, except when we seek farm appropriations and parity payments to give the farmers a part of what we promised them, or what we gave them reason to believe they should have back in 1938, when the farm bill was enacted. This year it was mentioned in connection with unusual appropriations for national defense.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. VANDENBERG. I think the Senator has misconstrued the purpose of my inquiry. I am not seeking to quarrel with his thesis that the agricultural appropriation bill has had an undue share of economy thrust upon it by the Budget Bureau. I am not controverting that statement at all; and I am not arguing the merits of the appropriations to which the Senator refers. I am merely asking him about the fiscal situation. If we exceed the Budget by $201,000,000 do we not create a situation in which the appropriation is not worth anything unless we increase the revenue or increase the debt limit?

Mr. RUSSELL. Mr. President, I do not think so, because the Senator from Michigan knows that nobody is talking seriously about raising any $460,000,000 in taxes at this session of Congress. I for one am willing to vote for them. I have always commended the Senator from Wisconsin [Mr. LA FOLLETTE] because the Senator from Wisconsin, while a liberal spender, is also willing to impose taxes with which to finance expenditures. However, the Senator knows that $460,000,000 of additional taxes will not be levied. They have not yet been levied, and no bill is being seriously considered for that purpose. So, even if we slash the heart out of the farm appropriation and go back to the Budget estimate, which we have exceeded by some $200,000,000, we shall still violate the $45,000,000,000 debt limitation, and this bill will not be the cause of it at all. The $45,000,000,000 limitation will be touched because the Congress is not following the President's recommendation that we levy $460,000,000 of taxes; and the $460,000,000 of new revenue is inextricably interwoven with the Bureau's total over-all recommendation, to avoid violating the $45,000,000,000 debt limit. The Senator from Michigan is aware of that fact. If we were to appropriate exactly the amount recommended by the Bureau of the Budget, even cutting the heart out of the farm program, if the Senator's figures and premise be correct, we should still violate the $45,000,000,000 debt limitation unless reductions were made in other bills.

Mr. VANDENBERG. The Senator is correct, provided the increased taxes are not voted.

Mr. RUSSELL. That is correct.

Mr. VANDENBERG. So far as I am concerned, I take the position that I shall vote for any increased taxes necessary to finance this year's appropriations rather than increase the debt limit.

Mr. RUSSELL. I share the same view.

Mr. VANDENBERG. I am perfectly willing to proceed on that theory. However, the fact that no new tax bill has yet been presented does not relieve me from asking myself what happens when $201,000,000 is added to the appropriations for this year, bringing us——

Mr. RUSSELL. No; $201,000,000 is not added to the appropriations for this year.

Mr. VANDENBERG. I am sorry; $201,000,000 above the Budget estimate, bringing us at least $150,000,000 across the line of the debt limit. All I am trying to find out is whether or not, if I vote for $201,000,000 beyond the Budget figure at this point, I have morally obligated myself to do one of two things: Either to vote to increase the debt limit or to vote for increased taxes in order to balance the account, unless we can find some other place to effect economies.

Mr. RUSSELL. Exactly. I wish to point out to the Senator from Michigan, who says he does not regard the Budget as being a sacred thing which cannot be touched by the hands of the Congress, that the Senator from Michigan has seen the independent offices bill pass the Congress; he has seen the Treasury-Post Office bill pass the Congress; and he has seen the emergency supplemental appropriation bill—which is really a bill augmenting the Army and Navy expenditures—pass the Congress, without raising the question of the Budget.

Mr. VANDENBERG. Were they not all under the Budget?

Mr. RUSSELL. Under the Budget, but not under the current year's appropriation. So the Senator is taking the Budget as his standard and following it.

Mr. VANDENBERG. I am taking the Budget as my standard for the calculation about which I am speaking.

Mr. RUSSELL. Yes; and the Senator has taken the Budget as his standard for the other bills to which I refer. The question was not raised when those bills passed, some of them containing appropriations for the departments which were substantially in excess of the appropriation for the current year. Those bills were passed without any question being raised in the Congress. The question of comparison with last year's appropriations is not raised until the agricultural appropriation bill comes along, and then the Senator says it is $201,000,000 over the Budget estimate. Of course, it is $201,000,000 over the Budget estimate, but it is substantially under the appropriations for the current year.

Mr. VANDENBERG. We have to remake the Budget unless we are to follow it with some degree of consistency.

Mr. RUSSELL. I am undertaking to remake the Budget so far as this bill is concerned, and I have no apologies to make therefor.

Mr. VANDENBERG. I do not ask the Senator to apologize.

Mr. RUSSELL. This bill was subjected to more drastic reductions by the Budget Bureau than any other bill. I do not think the reductions are justified.

Mr. VANDENBERG. I will say to the Senator that I completely follow him in respect to the Surplus Commodity Corporation program, because I think it is very excellent.

Mr. RUSSELL. Does not the Senator also favor parity for the American farmer?

Mr. VANDENBERG. I favor parity for the American farmer in some such——

Mr. RUSSELL. How are we going to give it to him if we do not appropriate for it?

Mr. VANDENBERG. Just a moment, until I answer the question. I favor parity for the American farmer in some such natural process as in my judgment can be followed along the lines of some plan similar to the one which the able Senator from Oklahoma has been discussing, and which I have been discussing for many years.

Mr. RUSSELL. I commend the Senator's good judgment. He approves the plan of the Senator from Oklahoma. I supported that plan on the floor, by voice and vote, when it was defeated in the Senate. I am still for price fixing on the domestic allotment basis.

Mr. VANDENBERG. Let us not get off the track. I do not want to be put in the position, and I do not think it is fair that the Senator should do it, that I am raising this question on the agricultural bill in some spirit that is unfriendly to the farming appropriations. I am simply trying to find out whether I do not obligate myself to vote either for new taxes or for an increased debt limit if this expenditure should go outside the President's financial program.

Mr. RUSSELL. If the figures contained in the Budget are correct, frankness demands that I should answer "yes," with the other exception mentioned by the Senator a few minutes ago—unless a reduction is made in other appropriation bills which have not yet come before the Senate.

Mr. McKELLAR and Mr. CLARK of Missouri addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and, if so, to whom?

Mr. RUSSELL. I think I should first yield to the Senator from Tennessee. Then I will yield to the Senator from Missouri.

Mr. McKELLAR. Mr. President, I merely want to say that there is another contingency in which we would not have to cut down this appropriation. I understand from very high authority that the receipts from the internal revenue department of the Government are about $100,000,000 ahead of last year; and that will help to some extent, at any rate, in the matter.

Mr. RUSSELL. I hope that increase will be even more marked.

Mr. McKELLAR. I understand it is $100,000,000 up to this good hour.

Mr. RUSSELL. I wish further to say that my statement was not intended to embarrass the Senator from Michigan; but I must express the candid opinion that the Senator from Michigan has fallen into the ways of most of the metropolitan dailies and a great many Members of Congress who feel bound by the Budget estimates in specific bills and on specific items, or who use that as their standard, rather than taking the over-all Budget and then making a comparative analysis of the reductions which have been made in the current appropriations, as well as considering the desirability and the relative merits of the appropriations for the various activities of the Government.

I now yield to the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, is it not true that there is still another alternative beyond the one suggested by the Senator from Tennessee and the two alternatives suggested by the Senator from Michigan?

The Senator from Michigan suggested that if we exceeded the Budget by this bill or other bills, it would be necessary either to raise the debt limit or to raise new money by taxation. The Senator from Tennessee very properly suggests that the revenue may run $100,000,000 above the estimates. I happened to see in a newspaper today that the returns in one district in my State indicate an increase above the estimates of $800,000 in that one district alone.

There is still another possibility for avoiding the two contingencies suggested by the Senator from Michigan. The Treasury Department has on hand a balance of $1,622,000,000, which is very much in excess of the balance which has customarily been carried on hand in the past, and which is being carried for no discernible or apparent reason except that some of the officials of the Treasury Department like to have a large sum of money on hand. Is it not possible, if Congress should pass this appropriation bill and other appropriation bills in amounts exceeding the Budget, that the Government might dip into that $1,622,000,000 of working balance for which the Treasury Department has no particular use?

Mr. RUSSELL. I think some funds might be derived from that source. I never have been able to see any reason for keeping such a large working balance.

Mr. McKELLAR and Mr. BYRNES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Tennessee. Then I shall be glad to yield to the Senator from South Carolina.

Mr. McKELLAR. One other thing, Mr. President: The military and naval bills are both yet to come before the Senate. While I am very strong for national defense, I think it would be a more just proposal to defer to some extent our military appropriations and preparations than to do away with these matters which have already been promised to the farmers.

Mr. RUSSELL. Mr. President, undoubtedly these items have as definite a national-defense value as building battleships or buying guns.

Mr. McKELLAR. Why, of course. They ought to have precedence.

Mr. RUSSELL. How can we expect to maintain our institutions of government in this country when those who are by nature most devoted to their Government, and who are inherently conservative—those who live on the farms—are being forced to travel along at 68 percent of parity income for that which they produce through long hours of toil? The farmer helps finance but is not the beneficiary of the social-security program; he is not assisted by the wage-hour legislation; he is not protected by high tariffs, but pays for the protection of others. The farmers are subject to every hazard of insect and weather to which man can be subjected, without security or guaranty, yet we come here and take time in debating whether we will hand out this meager appropriation of $212,000,000, which will not even bring the farmer up to 75 percent of parity, unless there is some substantial increase in farm prices before the coming year.

Certainly, this is as important an item of national defense as the Congress could possibly enact into law, because it is touched with justice, in addition to being calculated to give those who live on the farm the feeling that they have a Nation worth defending, and to give them strong bodies and willing hands to undertake that defense in case of national emergency.

Mr. McKELLAR. And if we should have a war, we should be pressing them to bring forward the greatest production ever had.

Mr. RUSSELL. Undoubtedly.

I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, in connection with what was suggested by the Senator from Missouri that we might consider the fact that we have a Treasury balance of $1,620,000,000, for the comfort of the Senator from Michigan, I call his attention to the further fact that during the closing days of the Republican administration it was deemed sufficient by the great Secretary of the Treasury before the greatest next to Alexander Hamilton—Secretary Ogden Mills—to have a Treasury balance on March 1, 1933, of $204,000,000, which went down on March 3 to $151,000,000. If it was safe to have a Treasury balance of only $150,000,000 during the Republican administration, the country might feel that it is reasonably safe when we have at this time a balance of $1,620,000,000.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I promised to yield to the Senator from Oklahoma [Mr. LEE]. Then I shall be glad to yield to the Senator from Kentucky.

Mr. LEE. Mr. President, I was not going to speak on that particular point.

Mr. BARKLEY. Mr. President, if the Senator will permit me, I think the Senator from South Carolina and all of us will agree that the amount of balance in the Treasury on March 3, 1933, was entirely too small.

Mr. CLARK of Missouri. We were lucky to have any.

Mr. BARKLEY. Of course, we have to keep another fact in mind. Assuming that $1,620,000,000 is too much, I think it is probably safe to say that the balance ought to be kept within the neighborhood of a billion dollars, for the reason that when the Government is constantly selling its obligations, those with money to buy those obligations look to see whether, when they come due, the Government probably will be in a position to pay them; otherwise, they might have to renew them, and so forth. I think it does have some psychological effect upon the purchasers of Government obligations to know that the financial situation of the Treasury is sufficient to justify them in believing that the obligations will be met.

Mr. BYRNES. I agree. As a matter of fact, I have given a little study to the subject. I mentioned it only because it was mentioned by the Senator from Missouri. To be entirely fair, I should say that at this time there are demands upon the Treasury in excess of those which then existed—demands because of unemployment compensation. I have taken the trouble to find out the amount of money paid during this fiscal year for those purposes, which did not exist at that time. The total amount does not exceed $300,000,000. So, taking into consideration the demands for purposes which were not in contemplation at that time, $300,000,000 plus $150,000,000 is only $450,000,000.

We have $1,620,000,000. Of course, we could permit the balance to go down too low. No one would say that we ought to permit it to go down to the balance which was maintained in the closing days of the Hoover administration; but, at the same time, even having in mind the bank situation, I do not believe it is necessary to maintain a balance of $1,620,000,000. Certainly, when we discuss levying additional taxes, I do not think it necessary. If confronted with the alternative of levying $300,000,000 of additional taxes because of the program submitted by the President, or reducing the bank balance from $1,600,000,000 to $1,300,000,000, I certainly would have no hesitation. I think we could, without any fear of impairing the Government credit, administer the Government with $1,250,000,000, or $1,000,000,000, as suggested by the Senatory from Kentucky, and either one of those sums would enable us to get by without much of the worry the Senator from Michigan expressed.

Mr. BARKLEY. I would not for a moment contend that it is necessary to maintain a balance of $1,600,000,000. Of course, the balance fluctuates. It is not always $1,600,000,000. It goes up and down, although I do not think it has been less than $1,000,000,000 for any length of time.

Mr. CLARK of Missouri. It was $1,500,000,000 at the end of the fiscal year.

Mr. LEE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. LEE. What percentage of parity will the $212,000,000 provided in the bill pay at the present farm prices?

Mr. RUSSELL. As I stated, for the present year, including the parity payments, it averages around 68 percent of parity the farmer would receive under the $225,000,000 appropriation. Farm prices are a bit higher than they were when those figures were compiled; $212,000,000, if prices remain at the present level, should furnish the producers of the basic commodities somewhere in the neighborhood of 75 percent of parity.

Mr. LEE. There is a jump in the Senator's statement which I do not follow. Does the Senator mean that since the figures were made farm prices have risen enough to spread the difference between 63 percent of parity and 75 percent of parity?

Mr. RUSSELL. Not as to all commodities, but it is true as to wheat. Wheat is much higher than it was when the average farm prices were established. Cotton is somewhat higher. I do not like to express an opinion, but I will venture to state that unless there is some further increase in the prices of the five basic commodities, the farm prices, together with the parity payments which may be made under the appropriations made in the pending bill, will not bring the farmer 75 percent of parity.

Mr. LEE. I wanted that shown in the RECORD. I appreciate the Senator's frankness. I do not want the impression to go abroad to farmers that we are voting them 75 percent

of parity when, as a matter of fact, we are depending on the hope that the farm prices will rise. Of course, we hope they will, but as of the day when we are taking up this appropriation bill, even if we appropriate all the Senator and his committee ask for, at best it will figure around 68 to, perhaps, 70 percent of parity. Is that about correct?

Mr. RUSSELL. I should think it would be slightly above 70.

Mr. LEE. With respect to wheat, but not as to cotton.

Mr. RUSSELL. With respect to wheat, and it will be, of course, a sheer estimate, but I think it will lack two or three points of being 75 percent as to cotton.

Mr. LEE. I thank the Senator.

Mr. RUSSELL. Mr. President, I desire also to have printed in the RECORD, following the table I have already offered as to parity prices and today's farm prices, a table which shows the effect of the Congress failing to make the parity appropriation for next year.

I call the attention of Senators from wheat States to the fact that if no appropriations are made for parity payments, the total payments from the Federal Government to the wheat farmers will be reduced from 19 cents a bushel to 9 cents a bushel, a reduction of about 50 percent. In the case of corn the payments will be reduced from a total of 15 cents a bushel to 10 cents a bushel, and in the case of cotton they will be reduced from 3.15 cents a pound to 1.6 cents a pound, if no appropriations are made for parity payments. In other words, as to cotton and wheat the farmers producing those commodities will find their Government payments reduced next year by 50 percent, cut in two, and in the case of corn the payments will be reduced approximately to two-thirds of the present rate of payment.

The PRESIDING OFFICER. Is there objection to the printing of the table presented by the Senator from Georgia?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE E.—*Rates of payments to Agricultural Adjustment Administration cooperators on normal yields of their acreage allotments*

Commodity	1939			1940			1941 [1]	
	Conservation	Parity	Total	Conservation	Parity	Total	Conservation	Total
Cotton, cents per pound	1.8	1.6	3.4	1.6	1.55	3.15	1.6	1.6
Corn, cents per bushel	9.0	6.0	15.0	10.0	5.00	15.00	10 0	10.0
Wheat, cents per bushel	17.0	11.0	28.0	9.0	10.00	19.00	9.0	9.0

[1] On basis of 1940 conservation payment rates. Rates for 1941 not yet determined. Assumes no parity payments in 1941.

Mr. BYRNES. Mr. President, I send to the desk a notice of my intention to move a suspension of the rules, which I desire to file at this time.

Mr. NORRIS. I should like to have the notice read.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, viz, on page 80, line 8, insert the following:

"*Provided further*, That notwithstanding any other provision of law, persons who in 1938 and 1939 carried out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1938 and 1939 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers."

Mr. BYRNES submitted an amendment intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed. (For text of amendment referred to see the foregoing notice.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 19, 1940, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 18, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, our hearts go out to Thee in gratitude for all the strong, self-sacrificing men whom Thou hast raised up in every age to be the bearers of truth and justice. By the heavens above and the earth beneath, by the faith which has come down to us through the ages, by the eternal hope that shines brighter than the sun, by the love which neither time nor space can sever, by the still small voice, O bid us go forward to quit ourselves like men in the great battle of life. Let Thy kingdom come in all our hearts that we may mediate pure thoughts and speak words of wisdom. Charity thinketh no evil; a soft answer turneth away wrath; a good deed touches the hearts of men; behold how good and pleasant it is for brethren to dwell together in unity. O stars of God, shine over the earth, over the seas, and over our broad land for a million years and a day, and ever lead us to the coveted goal of peace and brotherhood. Continue to bless our most honorable Speaker with growing health and strength; direct the Congress in the paths of wisdom and discretion. So guide our President and his advisers that our Nation may continue to be an inspiration in this old world for righteousness and justice; in the name of our Saviour. Amen.

The Journal of the proceedings of Thursday, March 14, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 4868. An act to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1160) entitled "An act for the relief of Roland Hanson, a minor; and Dr. E. A. Julien," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. SCHWARTZ, and Mr. WILEY to be the conferees on the part of the Senate.

The message also announced that the Senate insist upon its amendments to the bill (H. R. 5982) entitled "An act for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress and providing penalties for the violation thereof," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCARRAN, Mr. VAN NUYS, and Mr. DANAHER to be the conferees on the part of the Senate.

FIRST DEFICIENCY APPROPRIATION BILL, 1940

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and to provide supplemental appropriations for such fiscal year, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. TAYLOR, WOODRUM of Virginia, CANNON of Missouri, LUDLOW, SNYDER, O'NEAL, JOHNSON of West Virginia, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

BELLE G. SCHMOYER

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 429

Resolved, That there shall be paid, out of the contingent fund of the House, to Belle G. Schmoyer, widow of Harry A. Schmoyer, late an employee of the House, a sum equal to 6 months' compensation, and an additional sum not to exceed $250 to defray funeral expenses of the said Harry A. Schmoyer.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BECKWORTH and Mr. HOUSTON asked and were given permission to extend their own remarks in the RECORD.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial on the proposed St. Lawrence-Great Lakes treaty from the Gaelic American.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects, and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter I have received from the president of the American Medical Association which has reference to the campaign against venereal diseases.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein an address I delivered Friday before the Rivers and Harbors Congress.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered before the Economic Club of New York by E. T. Weir.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WORK PROJECTS ADMINISTRATION

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, for some weeks I have been making an investigation in reference to the Work Projects Administration, and I am very sorry to say that between now and July 1, 800,000 W. P. A. workers will be separated from their jobs unless Congress makes an additional appropriation. At the present time W. P. A. is carrying a load of 2,300,000 people, but the appropriation available between now and the end of the fiscal year will require a reduction to 1,500,000.

We are going to be confronted with another reduction unless the Budget estimate for the fiscal year 1941 is increased. Under that estimate only 1,350,000 people can be taken care of from July 1, 1940, to June 30, 1941. This situation, if the Congress appropriates the entire amount recommended by the Budget, means approximately 500,000 W. P. A. workers will be dropped between July 1, 1940, and November 1, 1940. In other words, almost 1,500,000 less people will be on the W. P. A. rolls in November 1940 than are on the rolls at the present time. No increase in private employment warrants such a drastic reduction. Over 700,000 employees were released by W. P. A. during July and August 1939, and the great majority of those are appealing for reinstatement, saying that it has been absolutely impossible for them to secure work with private industry. One-fourth of the unemployed, based upon the general figures of 1936 to 1939, were employed by W. P. A., but during the next fiscal year only 16 percent of the unemployed will be taken care of by W. P. A., based upon an average of 9,000,000 people out of employment. What information is coming to us now indicates that there has been a falling off in production, as a result of which unemployment has increased since the 1st of last December. Over 6,000,000 people above the number out of work in 1929 are now looking for employment, and, with a reduction in W. P. A. during the next fiscal year, this will be increased to well over 7,000,000 people. We are still hopeful that private employment will show an increase, but surely we cannot expect such a tremendous number of our citizens to be taken care of within so limited a time. Suppose that business does expand as we hope, should the war end there immediately would be a drop in exports. It seems to me, whether we like it or not, we must increase the appropriation for W. P. A. over and above that recommended by the Budget. The financial condition of the States, taking them as a whole, is such that they will not be able to grant direct relief to the unemployed. It is my opinion that we should provide funds to take care of a million more people than the Budget figure for the fiscal year 1941 will permit; in other words, it is the duty of this Government to take care of not less than 2,350,000 people, which will be only 25 percent of the unemployed.

Reducing the number of those on W. P. A. will certainly be reflected in purchasing power. You cannot take away the income, no matter how small it might be, of so many of our citizens without consumption being greatly reduced. This undoubtedly will result in lowering production, followed by an increase in the number of unemployed.

The time to face this issue is now. While I have consistently supported the recommendation of the Bureau of the Budget, I refuse to remain silent knowing the situation which will confront us in the very near future.

The exact picture confronting the unemployed in this country should be brought out by the Appropriations Committee of the House when it considers relief legislation. Those hearings will start this week, but officials of the W. P. A. will not be called until a later date. A thorough investigation should be made by the Administrator so he can inform Congress of the exact situation that will confront his organization. He should present all the facts and show the critical situation that is going to develop.

No one regrets more than I do the necessity of calling this to the attention of the Congress and the country, because I was in hopes that there would be an increase in business that would not only reduce the number of unemployed in this country but would also enable the Government to reduce expenses.

There is an interesting discussion among columnists as to the number of unemployed in this country. This developed

from an article written by Miss Dorothy Thompson, who makes a statement which we all would like to say is true—that only 2,000,000 people are unemployed in the United States at the present time. Miss Thompson's figures are in direct contrast to all figures that have been issued by the Government, as well as labor organizations. Considering the figures of all, with the exception of Miss Thompson's, 9,000,000 unemployed would seem to be more correct. [Applause.]

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on three subjects: First, on the subject of distribution of the farmers' products; second, on J. Edgar Hoover; and third, on the subject of other people's money.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short resolution adopted by the New York State Waterways Association on October 20, 1939, in reference to S. 2009.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NAVY DEPARTMENT PROCUREMENT PROGRAM

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, in view of the comments appearing in the press with reference to the sale of aircraft to the allied governments by domestic manufacturers and its relation to the Navy aviation procurement program, I took the matter up with the Bureau of Aeronautics and am advised in a letter from the Secretary of the Navy that the sales to the allied governments have resulted in earlier deliveries to the Navy Department; that there is no evidence that the cost of aircraft to the Navy Department has been enhanced by the sale of such equipment to the allied governments, but there is evidence that the cost has been reduced.

In the case of one particular contract there was a reduction of approximately $575,000 to the Navy Department due to the manufacturer's reduction of the overhead ratio on account of the greatly enhanced volume of business due to export orders.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point by incorporating a letter from the Secretary of the Navy on this subject matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The letter referred to follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, March 18, 1940.

Hon. CARL VINSON,
Chairman, House Naval Affairs Committee,
House of Representatives.

MY DEAR MR. VINSON: In response to your inquiry, you are advised that the sale of aircraft to the Allied governments by domestic manufacturers has not interfered with the Navy Department's aircraft-procurement program. In at least one instance sales of this nature resulted in earlier deliveries to the Navy Department. The contractor had built up a large and efficient force and manufactured the Navy Department's order at a very high rate. Except for prior sales to the Allied governments, this large force would not have been assembled. Except for the availability of subsequent orders for the Allied governments, the contractor would have been constrained greatly to reduce this force and extend his work for the Navy Department over a greater period.

Another manufacturer, in connection with a sale to the Government of Finland, offered to effect great improvements in certain of the Department's airplanes if the Department would accept a stipulated extension of delivery dates under the contract. The extended date was such as to meet the Navy's replacement program, and the improvements offered were precisely those previously under discussion between the contractor and the Department. Had the sale to Finland not eventuated, the Navy Department could have accomplished the same betterment of its equipment only at the cost of greater over-all delay and of a greatly enhanced expenditure of funds.

I have no evidence that the cost of aircraft to the Navy Department has been enhanced by sales of such equipment to the Allied governments. There is evidence that the cost has been reduced. For instance, in the case of one particular contract, there was a reduction of approximately $575,000 in cost to the Department due to the manufacturer's reduction of the overhead ratio on account of his greatly enhanced volume of business due to export orders.

The enlarged volume of aircraft manufacture for export account is of inestimable value to our country economically and from the standpoint of national defense. Upon it is based, directly and indirectly, the employment of working forces enlarged by many thousands. These additional employees are, in a short period, trained in a useful trade, with benefit to themselves and the Nation throughout their industrial lives. Administrative, engineering, and supervisory forces are not only enlarged but are trained and experienced in the organization and control of their industry operating on a large scale not otherwise attainable. The enlarged volume of business furnishes the means and the incentive upon which the industry can base a more extensive development program. Enlarged plant facilities will assure the execution of any future program for our own country. The inefficiencies to be anticipated are minor and fleeting, the benefits may be expected to endure for at least a generation.

I trust the above information is fully responsive to your inquiry.

Sincerely yours,

CHARLES EDISON.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two different topics, in the first extension to include a statement by M. J. Robinson concerning a bill I have introduced in the House, and in the other extension to include a statement by George R. Hay, of Patagonia, Ariz.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article appearing this morning in the Washington Times-Herald by Willard Edwards entitled "Senator WAGNER Joins Demands for Drastic Shake-up in the N. L. R. B."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a quotation from the Washington Post and from the Constitution.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent——

Mr. RANKIN. Mr. Speaker, a point of order. We cannot hear these requests. We cannot hear a word that is being said.

The SPEAKER. Does the gentleman from Mississippi desire that the gentleman from Montana should repeat his request?

Mr. RANKIN. I would like to know what it is, Mr. Speaker.

Mr. THORKELSON. I ask unanimous consent to extend my own remarks in the RECORD and to include a short quotation from the Washington Post and from the Constitution of the United States.

Mr. RANKIN. What part of the Washington Post? It is not that venal voice of Babson on the utilities side?

Mr. THORKELSON. No; no utilities.

Mr. RANKIN. All right.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a memorandum relative to the trade-treaty program.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter received by me this morning.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE CRAZY GAME OF BLIND-MAN'S BUFF

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, when a businessman makes money, the Federal Government takes a great part of it in taxes. When many large corporations or railroads lose money and go broke, they borrow from some Federal lending agency and keep going.

When a businessman goes broke, his assets are usually sold under the hammer for the benefit of his creditors. When a farmer goes broke trying to make money out of the soil, he is run off the farm and onto the city relief rolls. When a workingman in the city goes broke and is unable to find employment so that he can feed and house his family, he is kicked around like a vagrant—on the relief rolls today and off tomorrow.

But when the Federal Government goes broke, they just exchange I O U's with the money changers, and the crazy game of blind-man's buff goes on. Meanwhile the Nation totters on the brink of despair. Forty-four billion debt and running in the red ten thousand a minute—where will you get the money?

However, let no one say that this is a Nation with an uncharitable soul. Even if our own people are in want, we still have millions to give away and loan to those who suffer and are oppressed in other lands.

And our own 8,000,000 refugees are still waiting for the New Deal to make good its promises of 1932. Do it, and in the name of freedom save the Nation. [Applause.]

THE NATIONAL DEBT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in regard to the national debt, I have heard what the gentleman from Pennsylvania [Mr. RICH] has had to say from day to day in regard to it. The gentleman wants the national debt paid. Naturally, we would all like to pay our individual debts as quickly as possible, and would like to pay the national debt owed by the Federal Government; but let us compare our national debt with that of other major countries of the world and consider what would happen if all debts were paid.

Recently I asked the Department of Commerce to furnish me the best information available regarding the national wealth of the major countries in the world and the debts owed by these countries. Germany was not included in the request, because Germany repudiated her debts a few years ago, and naturally her debts would be low and would not be a fair comparison. The information with reference to the United States, the United Kingdom, France, and Italy, which was furnished to me as the best information available for the years indicated, is as follows:

United States, $247,300,000,000 (1932), per capita, $1,950; United Kingdom, $87,815,000,000 (1928 at $4.86), per capita, $1,901; France, $43,120,000,000 (1931 at $0.039), per capita, $1,031

	Per capita		Percent	
	Debt	Wealth	Debt to wealth	Debt to income
United States	$317	$1,950	16.2	57
United Kingdom	807	1,901	41.4	149
France	254	1,031	24.6	124
Italy	206	555	32.0	169

It will be noticed that the estimate of national wealth for the United Kingdom is based upon the year 1928, when times were good and the estimate of wealth was higher than subsequent years. Whereas the estimate for the United States is based upon 1932 figures and is much lower than it would be today. Notwithstanding this unfavorable comparison by using a good year for England and a bad year for the United States, it will be noticed that if our debt were as large in proportion to wealth as the debt of the United Kingdom, it would be $104,000,000,000 instead of $44,000,000,000 as it is today. In fact, if we were to use present-day estimates, the wealth would be over $3,000 per capita in the United States, and based upon a $3,000 per capita wealth in this country and a $2,000 per capita wealth in the United Kingdom, our national debt would be approximately $160,000,000,000 if it were as large in proportion as the national debt of the United Kingdom.

Using the same basis for computing what our national debt would be if as large, according to wealth per capita, as the national debt of France, our national debt would be over $70,000,000,000 instead of $44,000,000,000 as it is today. If the actual wealth as of 1940 is used instead of the low estimate for 1932, our national debt would be over $100,000,000,000, if it were as large in proportion as the debt of France.

If our debt were as large as the debt of Italy, it would be over $90,000,000,000 instead of $44,000,000,000 as it is now, and if we used present-day estimates for 1940 instead of 1932 our national debt would have to be $130,000,000,000 before it would be equal to the national debt of Italy.

I am inserting herewith a table which was furnished by the Department of Commerce from the source indicated:

National income per capita (1937, except as noted)

Country	National income	Population	Per capita income
United States	$71,853,000,000	129,257,000	$556
United Kingdom	25,709,000,000	47,400,000	542
Germany (excluding Austria)	28,531,000,000	67,587,000	422
France	8,578,000,000	41,905,000	205
Australia	3,050,000,000	6,867,000	444
New Zealand	786,000,000	1,574,000	499
Sweden (1936)	2,191,000,000	6,285,000	349
Switzerland (1934)	2,104,000,000	4,120,000	511
Belgium	2,235,000,000	8,361,000	267
Canada	4,576,000,000	11,120,000	412
Denmark (1936)	928,000,000	3,715,000	250
Estonia (1936)	86,000,000	1,130,000	76
Finland (1936)	458,000,000	3,835,000	93
Hungary	875,000,000	9,035,000	97
Ireland (1935)	731,000,000	2,966,000	246
Italy	5,260,000,000	43,000,000	122
Japan (1936)	3,776,000,000	71,253,000	53
Netherlands	2,477,000,000	8,635,000	287
Norway	655,000,000	2,907,000	225
Union of Soviet Socialist Republics	19,140,000,000	175,000,000	109
Yugoslavia	1,017,000,000	15,400,000	66

Based on data in League of Nations' World Economic Survey 1938-39, p. 84.

It will be noticed that the United States has the largest per capita income of any country and the largest national income of any country. The per capita income in the United States is more than two and one-half times as much as it is in France, yet the French debt in proportion is twice as large as our national debt. Our per capita income is more than four times as much as it is in Italy, yet the national debt of Italy is from two to three times as much in proportion as our national debt. The following table is self-explanatory:

Statistics of national debts

Country	Population, end of 1937 (millions)	Date	Total debt in local currency (millions)	Total debt in millions of dollars	Per capita debt in dollars
Argentina	12.8	Dec. 31, 1937	4,033 pesos	1,343	105
Australia	6.9	June 30, 1938	1,275 pounds	5,037	730
Austria	6.8	Dec. 31, 1937	3,482 schillings	657	97
Belgium	8.4	do	55,762 francs	1,784	212
Brazil	43.2	do	16,571 pesos	903	21
Bulgaria	6.3	Dec. 31, 1938	21,779 leva	268	43
Canada	11.2	Mar. 31, 1938	3,540 dollars	3,540	316
Chile	4.6	Dec. 31, 1938	3,840 pesos	197	43
Denmark	3.8	Mar. 31, 1938	1,255 kroner	279	73
Finland	3.6	Dec. 31, 1937	4,302 markkaa	95	26
France	42.0	do	314,284 francs	10,654	254

Statistics of national debts—Continued

Country	Population, end of 1937 (millions)	Date	Total debt in local currency (millions)	Total debt in millions of dollars	Per capita debt in dollars
Germany	68.3	Dec. 31, 1938	27,241 reichsmarks	10,923	160
Greece	7.0	Mar. 31, 1937	49,680 drachmas	445	64
India	362.0	Mar. 31, 1939	12,056 rupees	4,226	12
Italy	43.0	Sept. 30, 1935	108,637 lire	8,843	206
Japan	71.5	Mar. 31, 1938	13,270 yen	3,832	54
Mexico	19.3	Dec. 31, 1936	1,326 pesos	340	18
Netherlands	8.6	Dec. 31, 1937	4,066 guilder	2,261	263
Norway	2.9	June 30, 1938	1,496 krone	373	129
Poland	34.5	Sept. 30, 1938	4,973 zloty	936	27
Rumania	10.6	Mar. 31, 1938	117,874 leu	865	44
Spain	25.0	Dec. 31, 1935	21,779 pesetas	2,977	119
Sweden	6.3	Mar. 31, 1939	2,607 krona	629	100
Switzerland	4.2	Dec. 31, 1938	2,753 franc	623	148
Union of South Africa	9.9	Mar. 31, 1939	280 pounds	1,298	131
United Kingdom	47.4	do	8,163 pounds	38,247	807
United States	129.8	June 30, 1939	41,141 dollars	41,141	317
Yugoslavia	15.4	Mar. 31, 1939	24,620 dinar	561	36

Source: League of Nations Statistical Yearbook 1938-39.

WHY NATIONAL DEBT NOT REDUCED IN TWENTIES

I have heard the gentleman from Pennsylvania make many statements relative to the necessity of reducing the national debt. My opinion is, if we were to attempt to substantially reduce the national debt now we would have more trouble than we are having over the increase of the national debt.

During the World War Woodrow Wilson and a Democratic Congress passed tax laws which would have raised sufficient taxes within a reasonable length of time after the war to have paid off the national debt in its entirety. In that way it was contemplated that those who profited most by reason of the war would have to pay the cost of the war through high income taxes and gross receipts taxes, but when the Republican administration came into power in 1921 an effort was made to drastically reduce taxes, and the following reasons were assigned:

First. That more than one generation should pay the cost of the war; that it was not fair to compel the cost of the war to be paid by the then generation in such a short period of time.

Second. That it was necessary to have a large national debt in order that banks, insurance companies, representatives of estates, and managers of trust funds may have a safe place to invest their surplus and reserve funds. The argument was made that every concern handling trust funds and surplus funds for the people should have a big backlog of Government bonds to rely upon in the event of trouble, and if the national debt should be paid off such a safe investment would not be obtainable.

Third. Because haste in reduction in the national debt would cause general deflation, and the ultimate extinguishment of the debt would cause a destruction of property values.

I have heretofore placed in the CONGRESSIONAL RECORD a table prepared by Government officials, which disclosed that our entire national debt would have been paid by June 30, 1927, if the Woodrow Wilson taxes had remained in effect. Sentiment was so strong in administration circles against paying the national debt that taxes were reduced instead. This allowed the war profiteers to keep their profits. Such reputable concerns as C. F. Childs & Co., specialists in Government securities, warned the people as follows:

> The national debt's ultimate extinguishment will cause virtually all price levels to drop and haste in reduction will tend to precipitate general deflation with its attendant disturbances.

In other words, the people were told we must keep a large national debt to prevent deflation, something that was very much feared since the people had just gone through the most deflationary period in history in 1920.

IF ALL DEBTS PAID NO MONEY

Suppose everybody paid their debts and suppose all States, counties, cities, and the Federal Government should pay their debts, we would not have any money or credit with which to transact the enormous business of our country. It is said that we should pay all of our debts. Our economy, as foolish as it may seem, is based on debt. Debts must be created in order to prevent the people from being reduced to barter and in order to have a sufficient circulating medium. In recent years, individuals and corporations have been paying their debts and the States, counties, and cities have not been increasing their debts, so it was necessary for the Federal Government to increase its debt, in order to have sufficient circulating medium in the form of credit with which to transact the business of the country.

Our total debts—public and private—are less today than they were in 1929.

WHICH PREFERRED—INCREASE NATIONAL DEBT OR DEFLATION, REPUDIATION, AND BANKRUPTCY

Since England, France, and Italy have experienced neither inflation nor repudiation by reason of their large national debts, I see no reason why we should get excited about our national debt when it is small compared to the national debts in these countries.

Does the gentleman from Pennsylvania [Mr. RICH] desire deflation which will produce bankruptcy and repudiation of debts and cause the ownership of all tangible property to be further concentrated into the hands of a few people? Does he want the national debt increased, if necessary, or does he prefer that the President issue a part of the $3,000,000,000 he is authorized to issue under the present law?

THUMB-TWIRLING TWENTIES

If the Republican Party which went into power in 1921, under the leadership of Andrew W. Mellon, had paid the national debt as contemplated when the war taxes were put on—to make the war profiteers pay the cost of the war—our national debt today would be less than $20,000,000,000. We have been paying a billion dollars a year interest the past few years. Our present national debt includes not only the amount that should have been paid in the thumb-twirling twenties but also interest on it as well as the expenditures since 1933.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address that I delivered in Washington last Wednesday before the Woman's Christian Temperance Union.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the American Legion magazine.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PITTENGER asked and was given permission to revise and extend his own remarks in the RECORD.

THE VENAL VOICE OF BABSON

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, what Senator Borah once called "the venal voice of Babson" has again been raised in defense of the utilities monopolies.

You will see from the statement of Mr. Roger Babson in this morning's Washington Post that he is now acting as a utility propagandist. He is attacking the Securities and Exchange Commission for proposing to do its duty by enforcing the Holding Company Act.

From reading Mr. Babson's outburst, one would think that these beneficent holding companies are being outraged by a ruthless government, and that innocent investors are being made to suffer.

The truth of the business is that these vast monopolies which Mr. Babson is defending, and which claim investments of approximately $13,000,000,000 in the capital structures, really and truly have legitimate investments of something like $5,000,000,000 to $7,000,000,000. The other $6,000,000,000 to $8,000,000,000 is inflated valuations representing nothing in God's world but wind, water, and Power Trust rascality.

Yet these huge combinations are siphoning from the pockets of the consumers of electricity throughout the country overcharges to pay dividends on these inflated valuations that do not represent any real investments at all.

As I have pointed out before, the Ontario power system generates and distributes about one-twelfth as much electricity as is used in the whole United States. The Ontario system has an investment of only $400,000,000. On that basis, the investment in the United States should amount to about $4,800,000,000. Take that $4,800,000,000 from their alleged investments of $13,000,000,000, and it will leave $8,200,000,000 of inflated valuations.

Even if you add 50 percent in order to be entirely fair, it would still leave an investment of less than $7,000,000,000.

In order to pay dividends on these inflated values and to pay all the waste and extravagance and rake-offs of these useless holding companies and their high-salaried officials, electric light and power rates throughout the Nation are held so high as to wring from the ultimate consumers overcharges amounting to approximately $1,000,000,000 a year.

Mr. Babson has now joined in this barrage of propaganda to try to prevent the Securities and Exchange Commission from breaking up these large, useless holding companies as the law provides, and stopping them from robbing the consumers of electric energy and plundering the innocent investors of the Nation.

If the Securities and Exchange Commission will do its duty now, it will result in reductions in light and power rates of hundreds of millions of dollars annually to the overburdened consumers throughout the country.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question; yes.

The SPEAKER. The time of the gentleman from Mississippi has expired.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise the remarks I made a moment ago, and to include a table prepared by the Secretary of the Treasury.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a brief letter from Secretary Hopkins to Senator TOBEY.

The SPEAKER. Is there objection?

There was no objection.

RAILROAD RETIREMENT ACT

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In compliance with the provisions of section 10 (b) (4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12 (1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith for the information of the Congress the report of the Railroad Retirement Board for the fiscal year ended June 30, 1939, together with supplementary information covering the period July 1 to September 30, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 15, 1940.*

THE CENSUS

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, for the last 2 or 3 days we have been flaunted with outcries by Harry Hopkins, that autocratic bureaucrat in the Commerce Department, denouncing everybody about their advice to people about the questions to be asked in the forthcoming census, and he refers to every paragraph in the Census Act except the one which absolutely prohibits him from asking the questions to which he has referred. Section 4 of that act absolutely limits the census inquiry to population, agriculture, irrigation, drainage, distribution, unemployment, and to mines, and those questions that relate to personal affairs of people, such as their income and that sort of thing, are absolutely in violation of the law, and he knows it if he knows anything about his business.

The SPEAKER. The time of the gentleman from New York has expired.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day, and the Clerk will call the first bill on the Calendar.

WAPATO SCHOOL DISTRICT, YAKIMA COUNTY, WASH.

The Clerk called the bill (H. R. 3824) to provide funds for cooperation with Wapato School District No. 54, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

AUTHORIZING OFFICERS, UNITED STATES INDIAN SERVICE, TO MAKE ARRESTS

The Clerk called the bill (H. R. 5409) to authorize certain officers of the United States Indian Service to make arrests in certain cases, and for other purposes.

The SPEAKER. Is there objection?

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

TRIALS IN ISSUE OF GOOD BEHAVIOR, FEDERAL JUDGES

The Clerk called the bill (H. R. 5939) to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges.

Mr. CELLER. I ask unanimous consent that the bill be passed over without prejudice.

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. CELLER. Does the gentleman object to my request?

Mr. WOLCOTT. I object to the consideration of the bill.

Mr. CELLER. Mr. Speaker, I object also.

TIDAL POWER, PASSAMAQUODDY BAY

The Clerk called Senate Joint Resolution 57, authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

EXPEDITIOUS SETTLEMENT OF DISPUTES WITH UNITED STATES

The Clerk called the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. CELLER. Mr. Speaker, I object to the bill.

Mr. COCHRAN. I object.

Mr. COFFEE of Washington. I object.

The SPEAKER. Three objections are heard, and the bill is stricken from the calendar.

SEQUOIA NATIONAL FOREST, CALIF.

The Clerk called the next bill, H. R. 1790, to authorize additions to the Sequoia National Forest, Calif., through exchanges under the act of March 20, 1922, or by proclamation or Executive order.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FEDERAL CROP INSURANCE ACT

The Clerk called the next bill, H. R. 6972, to amend the Federal Crop Insurance Act.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OSAGE TRIBE OF INDIANS

The Clerk called the next bill, H. R. 6314, authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL MISSISSIPPI PARKWAY

The Clerk called the next bill, H. R. 3759, to authorize a national Mississippi River parkway and matters relating thereto.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL LAND POLICY

The Clerk called the next bill, H. R. 1675, to establish a national land policy, and to provide homesteads free of debt for actual farm families.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

KIOWA, COMANCHE, AND APACHE TRIBES OF INDIANS

The Clerk called the next business, House Joint Resolution 290, referring the claims of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma to the Court of Claims for finding of fact and report to Congress.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TOLL BRIDGE ACROSS MISSOURI RIVER AT FLORENCE STATION, CITY OF OMAHA

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LIMITATION OF PRESENT LAWS WITH RESPECT TO COUNSEL IN CERTAIN CASES

The Clerk called the next bill, H. R. 7032, to limit the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

RELIEF OF INDIANS WHO HAVE PAID TAXES ON ALLOTTED LANDS

The Clerk called the next bill, H. R. 952, for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for the reimbursement of public subdivisions by whom judgments for such claims have been paid.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to reimburse Indian allottees and Indian heirs of allottees for all taxes paid on so much of their allotted lands as, having been patented in fee prior to the expiration of the period of trust, without application by or consent of the patentee, has been or may be restored to trust status through cancelation of the fee patent by the Secretary of the Interior: *Provided*, That in any case in which a claim against a State, county, or political subdivision thereof for taxes collected upon such lands while the patent in fee was outstanding has been reduced to judgment, and such judgment remains unsatisfied, the Secretary of the Interior is authorized, upon reimbursement by him to the Indian of the amount of taxes, including penalties and interest, paid thereon, and upon payment by the State, county, or political subdivision thereof of the costs of the suit, to cause such judgment to be released: *Provided further*, That in any case in which such a claim has been reduced to judgment and such judgment has been satisfied, the Secretary of the Interior is authorized, upon proof of satisfaction thereof, to reimburse the State, county, or political subdivision thereof, for the actual amount of the judgment, exclusive of the costs of litigation.

SEC. 2. There is hereby authorized to be appropriated the sum of $75,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Any appropriations made pursuant to this section shall remain available until expended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING CROP-LOAN LAW

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MILEAGE TABLES

The Clerk called the next bill, S. 506, relating to mileage tables for the United States Army and other Government agencies, and to mileage allowance for persons employed in the offices of Members of House and Senate.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WHITTINGTON. Mr. Speaker, I object.

DELAWARE TRIBE OF INDIANS

The Clerk called the next bill, H. R. 6535, authorizing an appropriation for payment to the Delaware Tribe of Indians on account of permanent annuities under treaty provision.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEASING OF RESTRICTED ALLOTMENTS OF DECEASED INDIANS

The Clerk called the next bill, H. R. 8024, to provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That restricted allotments of deceased Indians may be leased by the superintendents of the reservation within which the lands are located (1) when the heirs or devisees of such decedents have not been determined and (2) when the heirs or devisees of the decedents have been determined, and such lands are not in use by any of the heirs and the heirs have not been able during a 3 months' period to agree upon a lease by reason of the number of the heirs, their absence from the reservation, or for other cause, under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds derived from such leases shall be credited to the estates or other accounts of the individuals entitled thereto in accordance with their respective interests.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO INVESTIGATE SUPPLY OF TIN

The Clerk called the next business, House Resolution 275.

Mr. COCHRAN. Mr. Speaker, I reserve the right to object in order to advise the House this resolution provides for an investigation of the supply of tin. I wrote to the Secretaries of War, Navy, and Commerce asking them if they did not have the information that this resolution would provide. All three of them advised me that they do have the information and that it is kept up from week to week. Why therefore should we authorize an expenditure of $5,000 or $10,000 out of the contingent fund when the information is already available? As the investigation proposed would serve no useful purpose, I object to its consideration.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COCHRAN, Mr. PACE, and Mr. TABER objected.

INTEREST RATE ON LAND BANK AND COMMISSIONER LOANS

The Clerk called the next bill, H. R. 8450, to make permanent the reduced rates of interest on Federal land bank and land bank commissioner loans.

Mr. KEAN. Mr. Speaker, reserving the right to object, will the gentleman from Texas accept an amendment to make this 5 years instead of permanent?

Mr. JONES of Texas. Mr. Speaker, I have talked with several members of the committee and we have no objection to the amendment so far as I have been able to ascertain.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended (relating to the 3½-percent interest rate on Federal land bank loans), is amended by striking out "occurring within a period of 5 years, commencing July 1, 1935," and inserting in lieu thereof "occurring at any time after July 1, 1935."

(b) The fourth sentence of such paragraph "Twelfth" (relating to the 1940 time limit on payments made by the United States to land banks on account of such interest reduction) is repealed.

SEC. 2. The last paragraph of section 32 of the Emergency Farm Mortgage Act, as amended (relating to reduction in the interest rate on loans by the Land Bank Commissioner), is amended to read as follows:

"Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 percent per annum for all interest payable on installment dates occurring on or after July 22, 1937."

Mr. KEAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: Page 1, line 8, after the word "occurring", strike out "at any time after" and insert "within a period of 10 years commencing."

Page 2, line 3, after the word "is", strike out the word "repealed" and insert "amended to read as follows: 'No payments shall be made to a bank with respect to any period after June 30, 1945.'"

Page 2, line 12, after "1937", insert a comma and the following: "and prior to July 1, 1945."

Page 1, after the period in line 9, insert "The provisions of such paragraph 'Twelfth' of section 12 of such act shall be applicable to interest on so-called purchase-money mortgages in the case of interest payable on installment dates occurring after the date of the enactment of this act."

Amend the title so as to read: "A bill to extend for 5 additional years the reduced rates of interest on Federal land bank and land bank commissioner loans."

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

Mr. MURRAY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 2, line 10, after the word "exceed", strike the figure "4" and insert in lieu thereof the figure "3½."

Mr. JONES. Mr. Speaker, I have not talked to any other members of the committee about this particular amendment, but, personally, I have no objection to it, because I see no reason why the rate should not be lower.

Mr. TALLE. Mr. Speaker, I am prepared to offer an amendment to H. R. 8450 similar to that just now offered by my colleague from Wisconsin, Mr. MURRAY. I shall, however, withhold it because my purpose is not authorship but results. I cheerfully defer to my distinguished colleague, a member of the Committee on Agriculture, who sees eye to eye with me in this matter.

The adoption of this amendment will accomplish the objectives which I have been working for and which are stated in my bill, H. R. 5285, introduced in the House on March 23, 1939, and which I discussed on the floor of the House the following day.

Two weeks ago, March 4, 1940, when the pending bill came before the House I pointed out the merits of the measure and suggested that by amendment it could be made to conform to my bill.

If the amendment offered by the gentleman from Wisconsin is adopted, the bill now before the House will accomplish the exact purposes with reference to interest rates which my bill proposes.

As I have stated on other occasions, this bill will not solve the problems of agriculture, but it will help to solve them. It will reduce the overhead expenses of farm operation. It will tend to preserve private ownership of farm property. I urge the adoption of the pending amendment and recommend the bill with this amendment for final passage.

Mr. H. CARL ANDERSEN. Mr. Speaker, I wish to urge on the House that this very worth-while amendment by the gentleman from Wisconsin [Mr. MURRAY] be adopted. This is one of the best ways I know in which this Congress can help the farmers of the Nation, and that is by giving them as low interest rates as possible. To many farmers the extra burden of high interest rates on farm mortgages has proven to be the straw that broke the camel's back.

The House today, by establishing for 5 years the rate of 3½ percent on commissioner loans, as well as the regular land-bank loans, can do much to help farmers stay on their farms and off of the relief rolls. [Applause.]

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL-FOREST ADMINISTRATION

The Clerk called the next bill, H. R. 7643, to facilitate and simplify national-forest administration.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the determination and collection of amounts due for sale of national-forest products and use of national-forest lands shall be made in accordance with regulations prescribed by the Secretary of Agriculture and shall be final and conclusive on all agencies of the Government: *Provided*, That permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national-forest products, use of national-forest land, or other sources of national-forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of section 20, title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of $300 in any one fiscal year.

With the following committee amendment:

Page 1, line 6, after the word "and", insert the following: "where the payment to the United States does not exceed the sum of $300 in any one fiscal year."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOR THE BENEFIT OF INDIANS OF CROW RESERVATION, MONT.

The Clerk called the next bill, H. R. 5477, for the benefit of the Indians of the Crow Reservation, Mont., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of June 4, 1920 (41 Stat. 751), entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes", is hereby amended to read as follows: "*Provided*, That for the purpose of consolidating the restricted land holdings of any individual Crow allottee or the holdings of members of a Crow family, the Secretary of the Interior is authorized, in his discretion and under such rules and regulations as he may prescribe, to approve sales of allotted and inherited Indian lands to members of the Crow Tribe or the exchange of restricted Crow lands without regard to the acreage limitation hereinbefore set out. Any sales made hereunder shall be upon a petition signed by the adult allottee and by the adult heirs of any deceased allotee and the parent or natural guardian of a minor heir or, if there be no natural guardian, by the officer in charge of the Crow Agency, and if the purchaser of such lands be an Indian of the Crow Tribe, then any outstanding trust patent or patents covering the land so sold shall be canceled and a new patent of the force and legal effect of the trust patents as prescribed by the General Allotment Act of February 8, 1887 (24 Stat. 388), as amended, shall be issued to such Indian, which patent where applicable shall contain the mineral reservation provided in section 6 of this act. Should any Crow allottee wish to retain mineral rights now owned by him in land, sold hereunder to other members of the tribe, he may do so by making conveyance on a form of deed to be prescribed by the Secretary of the Interior, which form shall provide that its approval shall not operate to remove any trust or other conditions imposed upon said lands as expressed in the original trust or any other patent issued therefor."

With the following committee amendments:

Page 1, line 6, strike out "to read as follows", and insert "by inserting the following at the end of paragraph 1."
Page 2, line 5, after the word "sales", insert "or exchange."
Page 2, line 10, after the word "purchaser", insert "or recipient."
Page 2, line 12, after the word "sold", insert "or exchanged."
Page 2, line 16, after the word "Indian", insert "or Indians."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADOPTION OF MINORS BY INDIANS

The Clerk called the next bill, H. R. 8499, relating to adoption of minors by Indians.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I wonder if someone will make a brief statement with reference to this bill? If not, I shall have to ask that the bill be passed over without prejudice.

Mr. ROGERS of Oklahoma. Mr. Speaker, this bill relates to the adoption of minors. It provides that unless there shall have been adoption by judgment or decree of a State court, or by a judgment or decree of an Indian court, or by a written adoption approved by the superintendent of the agency having jurisdiction over the tribe of which either the adopted child or the adoptive parent is a member, and duly recorded in a book kept by the superintendent for that purpose, or by an adoption in accordance with a procedure established by the tribal authority, recognized by the Department of the Interior, of the tribe either of the adopted child or the adoptive parent, and duly recorded in a book kept by the tribe for that purpose, or unless such adoption shall have been recognized by the Department of the Interior prior to the effective date of this act or in the distribution of the estate of an Indian who has died prior to that date.

Mr. CASE of South Dakota. Does not the gentleman think it would be fair to have a 6-month period, at least during which the Indians might be given notice, and then adoptions that have been made in accordance with the tribal custom may be put on record so that they may be protected?

Mr. ROGERS of Oklahoma. It does not affect anything that has been done in the past. It only provides for future cases.

Mr. CASE of South Dakota. Even there the gentleman knows Indian families have taken children in and, to all intents and purposes, have adopted them; but unless there is some way for these adoptions to be put on record or to be recognized in some way, an injustice might be done.

Mr. ROGERS of Oklahoma. That may be true. It would not affect those who have been adopted in the past, because it is provided that if it has been done by a decree of an Indian tribe it shall be valid. The main requirement is that in the future there must be a record kept. The bill provided that the tribe itself shall keep the record, but we finally decided to place this obligation on the Indian Department.

Mr. CASE of South Dakota. I think the bill may be very good, but perhaps it would be desirable if there was a period of time established so that they might be put on record.

Mr. ROGERS of Oklahoma. I really do not think that would be necessary, but I do not see why an amendment to that effect would be objectionable.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, until I can satisfy myself that no injustice will be done.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. ROGERS of Oklahoma. Mr. Speaker, reserving the right to object, if the gentleman will look into this matter, I think he will decide it will be all right. The next time the bill comes up for consideration I trust he will not object.

Mr. CASE of South Dakota. I shall examine the bill and if it contains a 6-month notice clause or if the gentleman will agree to an amendment to that effect, I will make no objection to returning to the bill later today.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

EXTENSION OF COLVILLE INDIAN RESERVATION, WASH.

The Clerk called the next bill, H. R. 6957, to extend to the Colville Indian Reservation in the State of Washington the provisions of the act of June 18, 1934 (48 Stat. 984), as amended.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

PRICES AND GRADES OF COTTONSEED AND COTTONSEED PRODUCTS

The Clerk called the next bill, H. R. 8642, to establish and promote the use of standard methods of grading cottonseed, to provide for the collection and dissemination of information on prices and grades of cottonseed and cottonseed products, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. DOXEY. Mr. Speaker, reserving the right to object, will the gentleman state the reasons for his objection?

Mr. WOLCOTT. Mr. Speaker, I do not know that I have any objection to the bill. The Consent Calendar is supposed to have on it only bills of minor importance. This bill establishes a policy which makes an indeterminate authorization of funds and personally I think it is too important a bill to be considered on the Consent Calendar. I do not think the Members have been fully advised with reference to what the bill is about and I hope the gentleman will try to get a

rule to take it up so that we may have some time to discuss and consider it. Perhaps there will not be any objection.

I do not know enough about it to object to it. I do not believe I would object to it, because it looks all right to me, but I believe the Members of the House should know what they are doing when they adopt a bill of this nature, a bill which is as broad as this seems to be in the formulation of policy.

Mr. DOXEY. I appreciate the gentleman's statement, but am I to understand that from now on the gentleman will oppose this bill's being considered on the Consent Calendar? I have never discussed this matter with the gentleman and I do not want to take up his time now, but I should be very pleased to discuss the matter with him in private.

Mr. WOLCOTT. In all fairness to the gentleman, I may say I believe I would continue to object to the consideration of the bill on the Consent Calendar.

Mr. DOXEY. If that is the attitude of the gentleman, there is nothing further for me to say.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADJUSTING BOUNDARIES OF THE CEDAR BREAKS NATIONAL MONUMENT AND THE DIXIE NATIONAL FOREST, UTAH

The Clerk called the next bill, H. R. 8476, to adjust the boundaries of the Cedar Breaks National Monument and the Dixie National Forest, in the State of Utah, and for other purposes.

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

CITIZENSHIP RECOGNITION DAY

The Clerk called the next business, House Joint Resolution 437, authorizing the President of the United States to proclaim Citizenship Recognition Day for the recognition, observance, and commemoration of American citizenship.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the last Sunday in May each year be, and hereby is, set aside as Citizenship Recognition Day and that the President of the United States is hereby authorized and requested to issue annually a proclamation setting aside that day as a public occasion for the recognition of all who, through coming of age or naturalization, have reached the status of active citizenship.

That the educational authorities of States, counties, cities, and towns be urged to make plans for the proper observance of this day and for the full instruction of future citizens in their responsibilities and opportunities as active citizens of the United States and of the States and localities in which they reside.

With the following committee amendment:

Pages 1 and 2, strike out all after the resolving clause and insert in lieu thereof the following:

"That the third Sunday in May each year be, and hereby is, set aside as Citizenship Day, and that the President of the United States is hereby authorized and requested to issue annually a proclamation setting aside that day as a public occasion for the recognition of all who, by coming of age or naturalization, have attained the status of citizenship.

"That the civil and educational authorities of States, counties, cities, and towns be, and they are hereby, urged to make plans for the proper observance of this day and for the full instruction of future citizens in their responsibilities and opportunities as citizens of the United States and of the States and localities in which they reside.

"Nothing herein shall be construed as changing, or attempting to change, the time or mode of any of the many altogether commendable observances of similar nature now being held from time to time or periodically. But, to the contrary, such practices are hereby praised and encouraged.

"SEC. 2. Either at the time of the rendition of the decree of naturalization or at such other time as the judge may fix, the judge or someone designated by him shall address the newly naturalized citizen upon the form and genius of our Government and the privileges and responsibilities of citizenship. It being the intent and purpose of this section to enlist the aid of the judiciary, in cooperation with civil and educational authorities, and patriotic organizations in a continuous effort to dignify and emphasize the significance of citizenship."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship."

A motion to reconsider was laid on the table.

INCREASING PUNISHMENT FOR ESPIONAGE AND OTHER CRIMES

The Clerk called the next bill, S. 1398, to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Reserving the right to object, Mr. Speaker, is there anyone here from the Committee on the Judiciary who can explain this bill?

Mr. HOBBS. Mr. Speaker, this is a bill introduced by Senator BARBOUR, of New Jersey, to increase some of the penalties for espionage of the more flagrant types. The committee, through the committee amendments, takes the position that the minima which he prescribes are probably too severe and that more discretion should be allowed the courts in fixing the penalties, but both the subcommittee and the full committee unanimously reported the bill favorably as to its maximum penalties, and, with the committee amendments, that will be the substance of this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) section 1 of title I of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, is amended by (1) striking out the last semicolon in such section and all matter following such semicolon, and (2) inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $10,000."

(b) Such act, as amended, is amended by inserting in title I thereof, immediately after section 1 of such title, a new section to read as follows:

"SEC. 1A. Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both."

SEC. 2. Section 2 of title I of such act, as amended, is amended by striking out "shall be punished by imprisonment for not more than 20 years", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 10 years and not more than 20 years."

SEC. 3. Section 5 of title I of such act, as amended, is amended to read as follows:

"SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $10,000."

SEC. 4. (a) Section 2 of title II of such act, as amended, is amended by striking out "shall be fined not more than $10,000 or imprisoned not more than 2 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $10,000."

(b) Section 3 of title II of such act as amended, is amended by striking out "shall be fined not more than $10,000 or imprisoned not more than 2 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and shall, in the discretion of the court, be fined not more than $10,000."

SEC. 5. Section 1 of title III of such act, as amended, is amended by striking out "shall be fined not more than $10,000 or imprisoned not more than 20 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 10 years and not more than 20 years and may, in the discretion of the court, be fined not more than $10,000."

SEC. 6. Section 1 of title IV of such act, as amended, is amended by striking out "shall be fined not more than $10,000, or imprisoned not more than 10 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 10 years and not more than 20 years and may, in the discretion of the court, be fined not more than $10,000."

SEC. 7. Section 6 of title V of such act, as amended, is amended by striking out "shall be fined not more than $10,000 or imprisoned not more than 5 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $10,000."

SEC. 8. Sections 1, 2, and 3 of title VIII of such act, as amended, are amended by striking out of each of such sections "shall be fined not more than $5,000 or imprisoned not more than 5 years, or both", and inserting in lieu of the matter stricken out the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $5,000."

SEC. 9. Sections 2, 3, and 4 of title IX of such act, as amended, are amended by striking out of each of such sections "shall be fined not more than $2,000 or imprisoned not more than 5 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $2,000."

SEC. 10. Section 22 of title XI of such act, as amended, is amended by striking out "shall be fined not more than $1,000 or imprisoned not more than 2 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $1,000."

SEC. 11. Section 3 of title XII of such act, as amended, is amended by striking out "shall be fined not more than $5,000 or imprisoned not more than 5 years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than $5,000."

With the following committee amendments:

Pages 1 and 2, strike out lines 3, page 1, down to and including line 23 on page 2, and insert in lieu thereof the following:

"That section 1 of title I of the act entitled 'An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, as amended, is amended by striking out 'shall be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both,' and inserting in lieu thereof the following: 'shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.' "

Page 2, line 24, strike out "SEC. 3" and insert in lieu thereof "SEC. 2."

Page 3, lines 4 and 5, strike out the words "not less than 5 years and."

Page 3, line 7, strike out "SEC. 4" and insert in lieu thereof "SEC. 3."

Page 3, lines 11 and 12, strike out the words "not less than 5 years and."

Page 3, line 18, strike out the words "not less than 5 years and."

Pages 3 and 4, strike out all of section 5 of the bill from page 3, line 21 to page 4, line 2, inclusive.

Page 4, line 3, strike out "SEC. 6" and insert in lieu thereof "SEC. 4."

Page 4, line 7, strike out the words "not less than 10 years and."

Page 4, line 10, strike out "SEC. 7" and insert in lieu thereof "SEC. 5."

Page 4, line 14, strike out the words "not less than 5 years and."

Page 4, line 17, strike out "SEC. 8" and insert in lieu thereof "SEC. 6."

Page 4, line 22, strike out the words "not less than 5 years and."

Page 4, line 25, strike out "SEC. 9" and insert in lieu thereof "SEC. 7."

Page 5, line 4, strike out the words "not less than 5 years and."

Page 5, line 7, strike out "SEC. 10" and insert in lieu thereof "SEC. 8."

Page 5, line 11, strike out the words "not less than 5 years and."

Page 5, line 14, strike out "SEC. 11" and insert in lieu thereof "SEC. 9."

Page 5, line 18, strike out the words "not less than 5 years and."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASE IN THE WHITE HOUSE POLICE FORCE

The Clerk called the next bill, H. R. 8540, to authorize an increase in the White House police force.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsection (a) of section 2 of the act entitled "An act to create the White House police force, and for other purposes", approved September 14, 1922 (42 Stat. 841, as amended; U. S. C., Supp. IV, title 3, sec. 62), is hereby amended to read as follows:

"SEC. 2. (a) The White House police force shall consist of 1 captain with grade corresponding to that of captain (Metropolitan Police), 2 lieutenants with grade corresponding to that of lieutenant (Metropolitan Police), 4 sergeants with grade corresponding to that of sergeant (Metropolitan Police); and of such number of privates, with grade correspondong to that of private of the highest grade (Metropolitan Police), as may be necessary, but not exceeding 73 in number. Members of the White House police shall be appointed from the members of the Metropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD FACILITIES, SEATTLE, WASH., AND CHATTANOOGA, TENN.

The Clerk called the next bill, H. R. 8537, to provide for the enlargement of the Coast Guard depot at Seattle, Wash., and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tenn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to acquire, by purchase, condemnation, or otherwise such additional land adjacent to the present Coast Guard depot at the foot of Twenty-seventh Avenue West, Seattle Wash., and to make such improvements thereon as may be necessary for the development of the depot to best meet the needs of the Coast Guard.

SEC. 2. The Secretary of the Treasury is authorized to acquire, by purchase, condemnation, or otherwise such land and to make such improvements thereon as may be necessary for the establishment of a Coast Guard servicing base in such locality as the Commandant of the Coast Guard may recommend at or in the vicinity of Chattanooga, Tenn.

With the following committee amendments:

Page 1, line 3, after "acquire", insert a comma and the words "at a cost not to exceed $8,500."

Page 2, line 2, after "acquire", insert a comma and the words "at a cost not to exceed $5,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIVISION OF THE WATERS OF THE YELLOWSTONE RIVER

The Clerk called the next bill, S. 1759, granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Reserving the right to object, Mr. Speaker, I wish to ask the author of the bill, inasmuch as the Yellowstone River is the headwaters of the Missouri River, which flows into South Dakota and is as important to it as to North Dakota, if the gentleman would object to an amendment inserting "South Dakota" after the words "North Dakota"?

Mr. O'CONNOR. I may say to the gentleman that this bill, which has already passed the Senate, simply gives to the States of North Dakota, Wyoming, and Montana the right to enter into a compact with reference to the division of the waters of the Yellowstone River before they flow into the Missouri River. I really do not see, therefore, where the Missouri River is involved in this matter. I imagine my good friend and colleague from South Dakota is concerned about the waters of the Missouri River. However, I may say that if the gentleman insists upon amending the bill by including the State of South Dakota, I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved August 2, 1937 (50 Stat. 551), granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact

or agreement for division of the waters of the Yellowstone River be, and it is hereby, amended to provide that the consent of Congress is given to the State of North Dakota to negotiate and to enter into the compact or agreement therein authorized providing for an equitable division and an apportionment between the States of the water supply of the Yellowstone River and of the streams tributary thereto, upon condition that the representative appointed by the President of the United States under the act of August 2, 1937, to participate in said negotiations as the representative of the United States and to report to Congress of proceedings and of any compact or agreement entered into, shall continue to represent the United States and to report under this act: *Provided*, That such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of the said States and by the Congress of the United States: *Provided further*, That nothing in this act shall apply to any waters within or tributary to the Yellowstone National Park or shall establish any right or interest in or to any lands within the boundaries thereof.

Mr. CASE of South Dakota. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Page 1, line 8, strike out "State" and insert "States", and in line 9, after "Dakota", insert "and South Dakota."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "Granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River."

UNITED STATES DISTRICT COURT AT FAYETTEVILLE

The Clerk called the next bill, H. R. 7421, to provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsections (a), (b), (c), and (d) of section 71 of the Judicial Code, as amended (U. S. C., title 28, sec. 144 (a), (b), (c), (d)), be, and they are hereby, amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include five divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy; and the Fayetteville division, which shall include the territory embraced on such date in the counties of Benton, Madison, and Washington.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; for the Harrison division, at Harrison on the first Mondays in April and October; and for the Fayetteville division at Fayetteville on the second Mondays in March and October: *Provided*, That suitable rooms and accommodations for holding court at Fayetteville are furnished without expense to the United States: *And provided further*, That nothing in this section shall be construed to prevent the provision of quarters for the officers of said court and appropriate courtrooms for the holding of the sessions of said court in any new Federal building which may be constructed in Fayetteville.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, Harrison, and Fayetteville. Such offices shall be kept open at all times for the transaction of the business of the court."

With the following committee amendments:

Page 1, line 3, after "(b)", strike out the comma and "(c) and (d)" and insert "and (c)."

Page 1, line 5, after "(b)", strike out the comma and the words "(c), (d)" and insert "and (c)."

Page 3, strike out subsection (d), after line 6, through line 11, inclusive.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFIRMATION OF TITLE TO CERTAIN RAILROAD GRANT LANDS IN KERN COUNTY, CALIF.

The Clerk read the next bill, H. R. 1788, to confirm title to certain railroad grant lands located in the county of Kern, State of California.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to the land hereinafter described, which was patented by the United States to the Southern Pacific Railroad Co. on December 1, 1891, recorded at Kern County, Calif., January 15, 1892, and now held and occupied by the Summit Lime Co., a California corporation, as successor in interest of the said railroad company through successive conveyances, and as grantee in a quitclaim deed from the said company executed December 21, 1937, is hereby released, relinquished, and confirmed to the said Summit Lime Co., the said land, situate, lying, and being in the east half of section 21, township 32 south, range 33 east, Mount Diablo base line and meridian, county of Kern, State of California, described as follows:

Commencing at a point in the west line of the east half of said section 21, distant fifty feet northerly measured at right angles from the center line of the Southern Pacific Railroad Company's eastward main tract; thence south eighty degrees twenty-three minutes east parallel with said center line a distance of one hundred and thirty-six and three-tenths feet to the point of beginning of the parcel of land to be described; thence continuing south eighty degrees twenty-three minutes east parallel with said center line a distance of two hundred and sixty feet; thence north nine degrees thirty-seven minutes east fifty feet to a point in the northerly line of the right-of-way of said railroad company; thence north eighty degrees twenty-three minutes west along said northerly line of right-of-way a distance of two hundred and sixty feet; thence south nine degrees thirty-seven minutes west a distance of fifty feet to a point of beginning, containing an area of two hundred and ninety-eight one thousandths of an acre, more or less.

With the following committee amendments:

Page 1, line 4, beginning with the word "which", strike out all following language up to and including the figure "1892" and insert in lieu thereof the following: "forming a part of the right-of-way granted to the Southern Pacific Railroad Co. by the act of July 27, 1866 (14 Stat. 292)."

Page 3, line 23, after the word "less", insert the following: ": *Provided*, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than 50 feet on either side of the center of the main track or tracks of said Southern Pacific Railroad Co. as now established and maintained: *And provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Southern Pacific Railroad Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe."

Amend the title.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to confirm title to certain railroad lands located in the county of Kern, State of California."

CONTINUATION OF GRAND JURIES

The Clerk called the next bill, H. R. 8702, to amend the Judicial Code with respect to the continuation of grand juries to finish investigations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the fifth sentence of section 284 of the Judicial Code as amended (U. S. C., title 28, sec. 421), be, and it is hereby, amended to read as follows: "A district judge may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury, but no grand jury shall be permitted to sit in all during more than 18 months: *Provided*, That, for good cause shown, the court may, at any time after the end of the term for which the grand jury was originally summoned, excuse any member of the grand jury and summon and impanel another person in his place."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CITIZENSHIP OF ALIENS WHO ENTERED THIS COUNTRY PRIOR TO FEBRUARY 5, 1917

The Clerk called the next bill, H. R. 6381, for the admission to citizenship of aliens who came into this country prior to February 5, 1917.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I notice a statement in the report that a similar bill was introduced in the Seventy-sixth Congress and passed the House but was not taken up by the Senate. These bills do not die at the close of a session unless there is a sine die adjournment of the Congress, and I take it from the statement in the report that the bill referred to is still pending in the Senate. If this is so, I wonder if there is any need for considering this particular measure. It seems to me it would be somewhat redundant if we passed this bill and sent it over to the Senate. Possibly there is a clerical error and the report refers to the Seventy-fifth Congress, and in order that this may be clarified I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNLAWFUL ENTRY OF MILITARY RESERVATIONS

The Clerk called the next bill, S. 2739, to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States.

Mr. TABER. Mr. Speaker, reserving the right to object, will someone please explain this bill?

Mr. HOBBS. Mr. Speaker, this is a bill which was introduced at the instance of the War Department to eliminate a question as to the application of the criminal law relating to military reservations in the Panama Canal Zone, Puerto Rico, and the Philippine Islands. The bill simply and more clearly confers jurisdiction upon the courts in criminal cases affecting military reservations in these outlying possessions. The report is unanimous. There has been no objection or question raised.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 45 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. 1097), be, and the same is hereby, amended by inserting after the word "Whoever" and before the word "shall", in the first line of said section, a comma, followed by the phrase, "within the territory or jurisdiction of the United States, including the Canal Zone, Puerto Rico, and the Philippine Islands."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION FOR EMPLOYEES PERFORMING HAZARDOUS WORK

The Clerk called the bill (H. R. 6767) to provide additional compensation for employees killed or injured while performing work of a hazardous nature incident to law-enforcement activity, and for other purposes.

The SPEAKER. Is there objection?

Mr. KEAN. Mr. Speaker, I reserve the right to object. Looking at this bill, it would seem that some of these people would get a higher compensation than those who are actually wounded in battle and are totally disabled and also that widows of some of those who were killed in the war would receive.

Mr. HOBBS. Mr. Speaker, that may be true. I have not examined it, and neither did our committee, with a view to that comparison. The sole purpose of this bill, I say to the distinguished gentleman from New Jersey, is, and the committee amendments so limit it, to give to anyone who is not a guard in the Treasury Department, or in similar service, who is actually engaged in law-enforcement activities of a hazardous nature, to be determined by the Compensation Commission, additional compensation when killed or wounded in the actual performance of that duty. It was thought by the committee that, inasmuch as these men are deprived, because of the hazardous nature of their occupation, of the privilege of life insurance and of health and casualty insurance, the bill as amended should pass. We believe these men ought to be encouraged in the performance of their hazardous functions by giving this evidence of our appreciation. The fine men composing the services covered may be called on at any minute to risk their lives to protect the people of the United States from desperadoes.

We believe this is a sound bill. We have given it careful consideration at three different times. It has been amended in accordance with the views of the committee. It has the endorsement of all of the departments affected, six of them, and has the approval of the United States Federal Employees' Compensation Commission. It has had the careful study of the Treasury and the Budget, and is approved by all. We believe that there will be no serious objection to the bill upon its merits, although there may be some merit in the contrast which the distinguished gentleman has drawn. If so, then that should be corrected by legislation increasing the benefits of those the distinguished gentleman thinks are underpaid.

Mr. KEAN. I would like to check up with the veterans' legislation and see how it does compare. I did not have time to do it very carefully. For that reason I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HOBBS. Mr. Speaker, will the gentleman withhold that for a moment? Does he not think that probably the better way to accomplish that purpose would be to amend those other acts, to bring them in conformity with this? In other words, this bill, it seems to me, with all due respects to the gentleman's opinion—and I do regard it highly—ought to stand on its own merits, and if these men who would be the beneficiaries of this bill are honestly entitled to this consideration, then the fact that probably we have not been as generous as we ought to be toward some other groups, ought not to defeat this bill. If this bill is passed over, I will say to the gentleman that there is practically no chance of its passage at this session of Congress.

Mr. KEAN. Oh, I do not understand that that can be so. We will have another Consent Calendar day in 2 weeks.

Mr. HOBBS. Yes, but we have to get it through the Senate also. I would appreciate it if the gentleman would follow me in just this additional thought. If on examination of the act he wishes to examine he finds the disparity is so great that he cannot go along, it will be a comparatively easy matter, I think, to stop the passage of this bill in the Senate, where it can be stopped by one objection also. The committee is absolutely unanimous in favorably reporting this bill as proposed to be amended. I beg the gentleman to withdraw his request, and let this bill pass.

Mr. CELLER. And there was no objection from any source.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916 (39 Stat. 743, as amended; U. S. C., Supp. IV, title 5, sec. 756), is amended by adding at the end thereof the following new paragraph:

"In cases of disability heretofore or hereafter resulting from personal injury sustained by an employee while performing work of a hazardous nature incident to law-enforcement activity, if the employee was, at the time of the injury, regularly or specially assigned to law-enforcement activity, the United States shall pay to the disabled employee additional monthly compensation equal to one-half the monthly compensation to which the employee is otherwise entitled under this act, exclusive of the monthly sum authorized by this section, as amended, to be paid to disabled employees requiring the services of an attendant."

SEC. 2. Section 10 of such act of September 7, 1916 (39 Stat. 744, as amended; U. S. C., title 5, sec. 760), is amended by adding at the end thereof the following paragraph:

"(M) In cases of death heretofore or hereafter resulting from personal injury sustained by an employee while performing work of a hazardous nature incident to law-enforcement activity, if the employee was, at the time of the injury, regularly or specially assigned to law-enforcement activity, the United States shall pay to the widow, widower, or children of such employee additional monthly

compensation equal to one-half the monthly compensation otherwise payable to such widow, widower, or children under this act: *Provided*, That only so much of such additional compensation shall be paid in any case as will not increase the total monthly compensation paid to all beneficiaries of the deceased employee under this section to more than such employee's monthly pay: *Provided further*, That the compensation paid to any beneficiary other than such widow, widower, or children shall not be diminished by reason of the payment of such additional compensation."

SEC. 3. Section 14 of such act of September 7, 1916 (39 Stat. 746; U. S. C., title 5, sec. 764), is amended by adding at the end thereof the following new paragraph:

"In any case where, prior to the effective date of this paragraph, the liability of the United States for compensation under this act has been discharged by the payment of a lump sum pursuant to this section, and the disability or death for which such compensation was paid resulted from personal injury sustained by the employee concerned while performing work of a hazardous nature incident to law-enforcement activity, if such employee was, at the time of the injury, regularly or specially assigned to law-enforcement activity, the United States shall pay to such employee, or to the widow, widower, or children of such employee, as the case may be, additional compensation equal to one-half that portion of such lump sum, heretofore paid by the United States on account of such disability or death which is not attributable to any period elapsing prior to the date of the enactment of this paragraph. Such additional compensation shall be payable monthly or in the manner prescribed by this section in the discretion of the Commission."

SEC. 4. Section 40 of such act of September 7, 1916 (39 Stat. 750, as amended; U. S. C., Sup. IV, title 5, sec. 790), is amended by adding at the end thereof the following new paragraph:

"The term 'law-enforcement activity' means activity directed against criminals or persons suspected of crime, the safeguarding of prisoners of the United States, or the protection of property of the United States."

SEC. 5. Nothing in this act shall be construed to entitle any person to any additional compensation for any period elapsing prior to the date of its enactment.

With the following committee amendment:

Page 4, strike out lines 9 to 12, inclusive, and insert in lieu thereof the following:

"The term 'law-enforcement activity' shall mean the investigation or detection of violations of law, the investigation, detection, or apprehension, of criminals or persons suspected of crime, or the safeguarding of prisoners of the United States, but it shall not include the guarding of prisoners incarcerated in Federal penal institutions."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

CONVEYING CERTAIN LANDS TO MARMET, W. VA.

The Clerk called the bill (S. 1750) authorizing the Secretary to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) the Secretary of War is authorized and directed to convey, by quitclaim deed, to the town of Marmet, W. Va., subject to the reservations and conditions hereinafter contained, all right, title, and interest of the United States in and to two tracts of land situated on the west side of the Great Kanawha River, at lock and dam No. 2, in Marmet, W. Va., and described as follows:

Tract No. 1. Beginning at an iron pin in the eastern right-of-way line of the old county road at the southwest corner of the A. J. Baker land (now the property of the United States); thence, from said point of beginning, and running along and with said eastern right-of-way line, north twenty-six degrees fifty-seven minutes west one hundred and seventy-one feet to an iron pin in said line; thence, continuing along and with said eastern right-of-way line, north twenty-three degrees fifty-eight minutes west two hundred and eleven and five one-hundredths feet, to an iron pin in said right-of-way line at southerly corner of the lands of Mary B. Meyers, and the northwest corner of the said A. J. Baker land; thence, along and with the Meyers-Baker boundary line, north sixty degrees thirty-two minutes east one hundred and twenty-one and eighteen one-hundredths feet, to an iron pin in the intersection of the westerly right-of-way boundary line of the Charleston Interurban Railroad Company; thence, and running with and along the said Charleston Interurban Railroad right-of-way line, south twenty-four degrees thirty-two minutes east two hundred and sixteen and thirty one-hundredths feet to an iron pin in said right-of-way line; thence, continuing with and along said right-of-way line, south twenty-seven degrees east one hundred and sixty-six and fifty-two one-hundredths feet, to the point of intersection with the boundary line between the said A. J. Baker land and the H. H. Smallridge and Industrial Center subdivision of the town of Marmet; thence, with and along said Baker-Industrial Center boundary line, south sixty-one degrees twenty-three minutes west one hundred and twenty-three and eighteen one-hundredths feet to the point of beginning, containing one and seven one-hundredths acres, more or less, and designated on United States Army Engineers' Plat, "Kanawha River Locks & Dam No. 2, Real Estate, U. S. Engineer Office, Huntington, W. Va., March 1935 (File No. 023–L2–11/1)", as "3–B".

Tract No. 2. Beginning at the point of intersection of the eastern boundary right-of-way line of the Charleston Interurban Railroad Company and the northerly boundary line of the A. J. Baker land, and on the right-of-way line between said Charleston Interurban Railroad and the West Virginia State Highway Route No. 61; then, from said point of beginning, and along and with said Baker line, north sixty degrees thirty-two minutes east four hundred and twenty and sixty-nine one-hundredths feet to a point in said Baker line; then south twenty-nine degrees twenty-eight minutes east three hundred and thirty-eight and ninety-one one-hundredths feet to the intersection of the north line of a fifty-foot street (now unnamed); thence, with the line of said street, south sixty-one degrees twenty-three minutes west three hundred and seventy-nine and thirty-nine one-hundredths feet to a point in said street line; thence north eighty-seven degrees thirteen minutes west seventy-four and eighty-eight one-hundredths feet, to a point in the right-of-way boundary line between the said Charleston Interurban Railroad Company and the West Virginia State Highway Route No. 61, said point being eighty-nine and seven one-hundredths feet distant, in a northwesterly direction, from the southerly boundary line of the A. J. Baker land; thence, running with and along said right-of-way boundary line, north twenty-seven degrees west seventy-seven and forty-five one-hundredths feet, to a point in said boundary line; then, continuing with said right-of-way boundary line, north twenty-four degrees thirty-two minutes west two hundred and sixteen and seventy-five one-hundredths feet to the point of beginning, containing three and three hundred seventeen one-thousandths acres, more or less, and being a part of the portion of the nine-acre Baker tract designated on said United States Army Engineers' Plat as "3–A." There is expressly excepted and reserved to the United States of America an easement of way for all right-of-way purposes whenever the same may be required, on, over, in, and across each of the two tracts hereinabove described, for the use and benefit of the United States of America, its successors and assigns, and there is likewise hereby excepted and reserved to the United States of America the perpetual easement and right to flood such part or parts of each of the two tracts of land hereinabove described as may be necessary so to do, from time to time, in the interests of navigation or flood control.

(b) The two tracts of land described in subsection (a) of this section are parts, and come out of, that certain lot, piece, and parcel of land containing nine and fifty-one one-hundredths acres, more or less, which was acquired by the United States through a condemnation proceeding had in the United States District Court for the Southern District of West Virginia, sitting in the city of Charleston, W. Va., on November 9, 1933, and styled United States of America against A. J. Baker and others, a copy of the final decree in such proceeding being recorded on November 18, 1933, in the office of the clerk of the county court of Kanawha County, W. Va., in Deed Book No. 390, at page 527 thereof, to which reference is made for a more complete description.

SEC. 2. The two tracts of land, the conveyance of which is authorized by the first section of this act, shall be held and used by the grantee for the purposes of a public park and recreational site and for similar and related municipal purposes. The deed of conveyance of such tracts of land to be executed by the Secretary of War shall contain appropriate provisions to provide for a reversion of such tracts of land to the United States in the event the grantee shall fail to use, or shall cease using, them for such purposes or shall alienate, or attempt to alienate, any part of them.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF CONDEMNED ORDNANCE, GUNS, PROJECTILES, ETC.

The Clerk called the next bill, H. R. 7074, to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, reserving the right to object, is there anyone here to explain this bill? If not, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

IMPROVEMENTS TO ARROWROCK DAM

The Clerk called the next bill, H. R. 8498, to authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the

Arrowrock Dam in 20 annual installments, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, reserving the right to object, I would say that this bill should have gone to the proper committee and the Secretary of the Interior should have approved such a bill as this.

I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

JURISDICTION OF DISTRICT COURTS IN CIVIL SUITS IN DISTRICT OF COLUMBIA, HAWAII, AND ALASKA

The Clerk called the next bill, H. R. 8822, to extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That clause (b) of paragraph (1), section 24, of the Judicial Code, as amended (U. S. C., 1934 ed., title 28, sec. 41; Supp. IV, title 28, sec. 41), be, and the same is hereby, amended to read as follows:

"(b) Is between citizens of different States, or citizens of the District of Columbia, the Territory of Hawaii, or Alaska, and any State or Territory."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOUNT RUSHMORE MEMORIAL

The Clerk called the next bill, H. R. 8357, to amend the Mount Rushmore Memorial Act of 1938.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I wonder whether the Committee on the Library can give us some information with respect to the necessity for this increase for the Mount Rushmore Memorial?

Mr. CASE of South Dakota. I am not a member of the Committee on the Library, but I think I know what the bill contains.

At the present time the reserve consists of 1,500 acres. The bill proposes to increase it to 1,800 acres, or an increase of 300 acres. The additional 300 acres are in the national forest, so that it simply authorizes the transfer of 300 acres from the national forest to the Mount Rushmore Memorial Commission.

Mr. COSTELLO. There will be no cost in purchasing the land itself?

Mr. CASE of South Dakota. There will be no cost in purchasing the land. It is simply to be transferred from one Federal agency to another. It has been asked for by the Commission to protect the highways leading to the memorial. The Commission thought it desirable to have this land so that it could protect the land from going into private ownership, thereby making it possible to line the approach highways with buildings that might be objectionable.

Mr. COSTELLO. No additional maintenance cost is going to be incurred by the Government when this is added to the national park?

Mr. CASE of South Dakota. There is no money involved at all. The Government owns the land, but it is subject to location. If it goes into the reserve, it will not be. It is only 300 acres and, as I understand, lies immediately along the approach highways.

Mr. COSTELLO. And there are no improvements contemplated, such as roads and highways?

Mr. CASE of South Dakota. No. The roads and highways have been built by the State highway commission. It is for the protection of those already in existence.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Dakota whether they have completed the Rushmore Memorial?

Mr. CASE of South Dakota. Does the gentleman mean the figures?

Mr. RICH. Yes.

Mr. CASE of South Dakota. No. They are working on them now, of course.

Mr. RICH. With the money that was appropriated it was understood that they would have sufficient to finish these figures. Is that the gentleman's idea?

Mr. CASE of South Dakota. My idea is the testimony of the sculptor and the testimony of the commission, printed in the Appropriations Committee hearings when the last appropriation was made. I was in South Dakota last week, but I did not get to the memorial, so I do not know just what the status is. Of course, they have an appropriation for this fiscal year. I was told they are working every day that the weather will permit them to work.

Mr. RICH. I was under the impression that this had been continued on for a great number of years, and it was supposed to cost $200,000. We have put about a million dollars into it at the present time.

Mr. CASE of South Dakota. No. The Federal Government has appropriated a total of $750,000, and those who have seen it will agree that it is the greatest memorial in America. The gentleman will be prouder of the Federal expenditure there than of any other that has been made for work of that kind.

Mr. RICH. If you add this additional ground to this park, certainly there must be in the minds of somebody the idea of trying to develop that, so that it will cost more than the $750,000. Is that not the case?

Mr. CASE of South Dakota. I think not. I am quite sure this 300 acres has absolutely no relation to any program of development other than to protect the money that has already been invested by protecting the approach highways. I am not in favor of enlarging the reserve unduly. It was my amendment when the Rushmore bill was passed, in 1938, that reduced the acreage from 4,000 requested to 1,500 acres. At the time we thought that was enough. It develops that the commission thinks 1,800 is needed to cover the approach roads.

[Here the gavel fell.]

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, I would like to make one observation with reference to this bill.

At the time the last appropriation was made for the Mount Rushmore National Park I was very much tempted to object but did not. As I understand the measure under discussion at the present time it does not call for any further appropriation on the part of the Government, but I do think that if the increased amount of land means that eventually they will come here for more money it might very well be looked into at the present time. I personally feel that we have appropriated all we should for carrying out the purposes of the Mount Rushmore National Park.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. RICH. If I were permitted to gamble in this House, and were a gambling man, I would wager that if this bill is passed they will be back here for more money next year.

Mr. TREADWAY. If they are I will object to it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the bill be passed over without prejudice?

Mr. CASE of South Dakota. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, I object.

AMENDMENT OF FEDERAL EMPLOYEES COMPENSATION ACT

The Clerk called the next bill, S. 607, to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in

the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPEAL OF CERTAIN CONSTITUTIONAL QUESTIONS

The Clerk called the next bill, H. R. 7737, to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States and direct appeals to the Supreme Court of the United States in certain cases involving the constitutional validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes.

There being no objection the Clerk read the bill as follows:

Be it enacted, etc., That the Judicial Code, as amended, is further amended by adding a new section, immediately following section 266, and to be designated as section 266a, and to read as follows:

"SEC. 266a. (1) Whenever the constitutional validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, is drawn in question in any court of the United States, and the determination of such question involves any conflict with the exercise by any State of any governmental power of such State, or whenever the exercise of such Federal power would result in any impairment or abridgement of any governmental power asserted by or customarily exercised by any State, or any agency thereof, or any officer or employee thereof, not already a party, the court having jurisdiction of the suit or proceeding shall certify such fact to the attorney general of such State. In any such case, the court shall permit such State to intervene and become a party for the presentation of evidence (if evidence is otherwise receivable in such suit or proceeding) and argument upon the question of the validity of the exercise of such power. In any such suit or proceeding such State, subject to the applicable provisions of law, shall have all the rights of a party and the liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the validity of the exercise of such powers.

"(2) In any such suit or proceeding in any court of the United States to which the United States or any officer or agency thereof, or any State or agency thereof, or any officer or employee thereof, as such officer or employee, is a party, or in which any State has intervened and become a party, an appeal may be taken directly to the Supreme Court of the United States by the United States or any officer or agency thereof, or by any such State or any officer or agency thereof, upon application therefor or notice thereof within 30 days after the entry of a final or interlocutory judgment, decree, or order; and in the event that any such appeal is taken, any appeal or cross appeal by any party to the suit or proceeding taken previously, or taken within 60 days after notice of an appeal under this subsection, shall also be, or be treated as, taken directly to the Supreme Court of the United States. In the event that an appeal is taken under this subsection, the record shall be made up and the case docketed in the Supreme Court of the United States within 60 days from the time such appeal is allowed, under such rules as may be prescribed by the proper courts. Appeals under this subsection shall be heard by the Supreme Court of the United States at the earliest possible time and shall take precedence over all other matters not of a like character, except appeals prosecuted by the United States to review decisions wherein an act of Congress shall have been held unconstitutional. This section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law.

"(3) As used in this section, the term 'court of the United States' means any district court of the United States, any circuit court of appeals, and the Supreme Court of the United States; the term 'district court of the United States' includes the District Court of the United States for the District of Columbia; and the term 'circuit court of appeals' includes the United States Court of Appeals for the District of Columbia."

SEC. 2. This act shall apply to suits and proceedings brought or pending on the date of its enactment as well as to suits and proceedings thereafter instituted.

With the following committee amendments:

Page 1, line 6, strike out the word "constitutional."

Page 2, line 7, after the word "or", strike out the word "customarily."

Page 2, line 7, after the words "exercised by", strike out the word "any" and insert in lieu thereof the word "such."

Pages 2 and 3, strike out all of subsection (2), from page 2, line 21, to page 3, line 24, inclusive.

Page 4, line 1, strike out subsection No. "(3)" and insert in lieu thereof "(2)."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes."

And a motion to reconsider was laid on the table.

The SPEAKER. This is the last eligible bill on the calendar for call today.

ADOPTION OF MINORS BY INDIANS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to return to Calendar No. 563, H. R. 8499, relating to adoption of minors by Indians. The gentleman from South Dakota [Mr. CASE] objected when the bill was originally called but I understand he has withdrawn his objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in probate matters under the exclusive jurisdiction of the Secretary of the Interior, no person shall be recognized as an heir of a deceased Indian by virtue of an adoption—

(1) Unless such adoption shall have been—

(a) by a judgment or decree of a State court;

(b) by a judgment or decree of an Indian tribal court;

(c) by a written adoption approved by the superintendent of the agency having jurisdiction over the tribe of which either the adopted child or the adoptive parent is a member, and duly recorded in a book kept by the superintendent for that purpose; or

(d) by an adoption in accordance with a procedure established by the tribal authority, recognized by the Department of the Interior, of the tribe either of the adopted child or the adoptive parent, and duly recorded in a book kept by the tribe for that purpose.

(2) Unless such adoption shall have been recognized by the Department of the Interior prior to the effective date of this act or in the distribution of the estate of an Indian who has died prior to that date: *Provided*, That an adoption by Indian custom made prior to the effective date of this act may be made valid by recordation with the superintendent if both the adopted child and the adoptive parent are still living, if the adoptive parent requests that the adoption be recorded, and if the adopted child is an adult and makes such a request or the superintendent on behalf of a minor child approves of the recordation.

SEC. 2. This act shall not apply with respect to the distribution of the estates of Indians of the Five Civilized Tribes or the Osage Tribe in the State of Oklahoma, or with respect to the distribution of estates of Indians who have died prior to the effective date of this act.

SEC. 3. This act shall become effective 6 months after the date of its approval.

With the following committee amendment:

Page 1, line 8, strike out the word "tribal."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TALLE. Mr. Speaker, I ask unanimous consent to extend my remarks at that point in the RECORD immediately following the Murray amendment to the bill H. R. 8450.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RELIEF IN DROUGHT-STRICKEN AREAS

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to address the House for 4 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURDICK. Mr. Speaker, I call the attention of the House to a serious situation that is developing in this country on account of shortage of funds for W. P. A. which this Congress made available at the last session. There are many sections of the drought area where the people at this moment are hungry. I have reports from this area of North Dakota, from every mayor of every city, from county commissioners and everyone in authority. It is reported that there is a great amount of suffering in sight for the immediate future.

Permit me to say also that the Relief Administration in November certified 6,000 additional workers for North Dakota for a period of 2 months. They were kind enough to extend this for 3½ months, but everybody knows that in the Dust Bowl area there will be no income for the next several months, and I want to present to this Congress just what the situation is. It does not apply merely to North Dakota but applies likewise to all the Western States which have been affected by this drought scourge.

This House should remember that through poor crops and no crops and grasshoppers thousands of farmers have been foreclosed. Their personal property has been taken for feed loans, and, when dispossessed, they have found their way into the villages and cities with absolutely nothing to sustain them but their W. P. A. checks. The land which was taken from them, for the most part, is idle, their homes empty, but the unsatisfied desire of the mortgagee to oust them from possession has been satisfied. They are now unable to help themselves and, when cut off of the W. P. A. rolls, intense suffering will ensue. There is more than suffering involved in this situation, for, in my opinion, just as soon as enough people get hungry enough, they will finally take what they must have to sustain life, and this Congress should not press them that far. The argument made in this House by the ultraconservatives that this spending must stop has no force with hungry, defenseless people. It is altogether possible that a few people here and there could be starved and nothing would be done, but when it comes to starving thousands of good citizens in a land of plenty, I say to you it cannot be done. It is a good thing to balance the Budget, but balancing the Budget will not satisfy the hungry. Balancing the Budget means nothing to people who feel the pangs of hunger. There is just one question involved here: Is this Congress going to appropriate money to feed these people until they can get a job, or will the Congress tell these people to camp at the city dump ground and live on what they can dig out of the scrap heap while we here balance the Budget?

Mr. Speaker, I ask unanimous consent to insert as part of my remarks telegrams and letters from these various civic organizations of the Northwest, a telegram from Governor Moses, and also a letter from the Federal Works Agency, indicating that Congress will have to make funds available if these people are to be recertified to the relief rolls.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., March 15, 1940.

The Honorable USHER L. BURDICK,
House of Representatives.

MY DEAR MR. BURDICK: This will acknowledge the receipt of your letters of March 12 and March 13, 1940, enclosing six telegrams and two other communications sent to you from North Dakota relative to the need for additional employment on projects of this administration in that State. The enclosures are returned herewith.

The volume of employment on Work Projects Administration projects that can be authorized in any State depends upon three primary factors: (1) The amount of funds made available by the Congress; (2) local economic conditions as reflected in the number of needy employable persons who are out of work; and (3) the supply of State or locally sponsored projects which are suitable for operation by this Administration.

In accordance with the funds available at the present time, it is necessary to plan the operation of the work program during the remaining months of the current fiscal year on a substantially reduced basis. Regarding local economic conditions in North Dakota as reflected in the number of needy employable persons, this need has been met in that State to a much greater extent than has been possible in other States.

In November 1939 consideration was given by this Administration to the conditions in North Dakota caused by drought. An additional emergency employment authorization for 5,000 persons was granted to North Dakota for the employment for a period of 60 days of farmers whose means of livelihood was impaired by drought conditions. It was only intended to provide cash income for 2 months' work to supplement the income of those persons who were affected by the drought emergency. Since approximately 3½ months have elapsed since the emergency employment was authorized, it has become necessary to withdraw the special authorization. This is represented by the number of persons who will be separated from employment on projects operated by this Administration in North Dakota during March.

This Administration will continue to make every effort to provide the maximum employment under the current Budget circumstances. However, it is regretted that a substantial reduction in employment will be necessary during the remaining months of this fiscal year.

Sincerely yours,

FRED R. RAUCH,
Assistant Commissioner.

BISMARCK, N. DAK., *March 16, 1940.*

Congressman USHER L. BURDICK:

Kindly oppose reductions in W. P. A. funds.

H. M. LEONHARD,
Secretary, Local 229, A. F. of M.

WILLISTON, N. DAK., *March 7, 1940.*

Congressman USHER L. BURDICK,
Washington, D. C.:

Williams County financially unable to provide for 111 families (about 500 people), whose W. P. A. assignments will be canceled in next few days. Williams County welfare office insists these families are still in need. Do everything possible to delay cancelation of these assignments until other Federal or State aid can be arranged.

WILLIAMS COUNTY BOARD OF COUNTY COMMISSIONERS.

NEW ROCKFORD, N. DAK., *March 11, 1940.*

USHER L. BURDICK,
United States Congressman,
Washington, D. C.:

Recent drastic termination of W. P. A. workers causing great deal of hardship. Eddy County is without sufficient funds to carry any increase in the relief load. Urge immediate reinstatement of those whose employment was terminated.

S. K. HAUGLAN,
County Auditor.

WATFORD CITY, N. DAK., *March 11, 1940.*

USHER L. BURDICK,
Representative,
Washington, D. C.:

Seventy W. P. A. employees in McKenzie County have received discharge effective March 12. All reviewed by W. P. A. and welfare board within past 90 days and certified as needy. Last check generally goes for past grocery purchases. No demand for farm labor likely this spring. State and county welfare boards without funds to meet additional load.

BOARD COUNTY COMMISSIONERS, MCKENZIE COUNTY.

BISMARCK, N. DAK., *March 12, 1940.*

Hon. USHER L. BURDICK,
House of Representatives, Washington, D. C.:

Lay-off 2,385 W. P. A. workers middle North Dakota winter presents serious situation. The men laid off have had only short-time employment. No work in sight for months to come. Financial situation State and counties such that serious suffering may result unless reconsideration can be had. Please use utmost efforts secure reconsideration and reinstatement.

JOHN MOSES, *Governor.*

MCCLUSKY N. DAK., *March 11, 1940.*

Congressman USHER L. BURDICK,
Washington, D. C.:

We have been informed that W. P. A. is laying off men in North Dakota and Sheridan County. Conditions are such that these now on W. P. A. are dependent on relief. The county and State are not able to provide for them. Do all you can to keep them on W. P. A. for the next 3 months.

By order of the county commissioners.

BEN F. KLUDT,
County Auditor, Sheridan County, N. Dak.

MINOT, N. DAK., *March 12, 1940.*

Hon. United States Representative USHER L. BURDICK,
Washington, D. C.:

W. P. A. action, laying off 122 men, Ward County, extremely serious. These men all heads of families, and acute suffering bound to follow. Still midwinter here. No opportunity for private employment. Please use your influence keep these men employed and off direct relief.

BOARD OF WARD COUNTY COMMISSIONERS,
E. G. PIERSON, *Chairman.*

LINTON, N. DAK., *March 1*, *1940.*

USHER L. BURDICK,
Member of Congress,
Washington, D. C.:

Termination of employment W. P. A. workers is causing unrest and may result in violence and suffering unless action is taken immediately to have them reinstated. Emmons County is probably worst drought-stricken district in State, and no chance for these workers to find private employment. Can you give us any information or assurance of relief for this situation?

EMMONS COUNTY WELFARE BOARD.

GRAFTON, N. DAK., *March 15, 1940.*

United States Representative USHER BURDICK,
Washington, D. C.:

Re Walsh County Courthouse amendatory grant application, county made application for additional grant in January. So far no reply. Would appreciate your cooperation in securing favorable action.

B. A. GUDAJTES,
Walsh County Auditor.

LINTON, N. DAK., *March 15, 1940.*

Hon. USHER L. BURDICK,
Member of Congress,
Washington, D. C.:

Lay off of W. P. A. workers in Emmons County is serious. There is no work that the ones layed off can obtain. County is in no position to furnish aid, as there are no available funds. Please do all in your power to have them reinstated and put back on the rolls.

BOARD OF COUNTY COMMISSIONERS,
By S. R. DORCH, *Chairman.*

DICKINSON, N. DAK., *March 16, 1940.*

Hon. USHER L. BURDICK,
United States Congressman,
Washington, D. C.:

Present and proposed cut in W. P. A. quota will result in much hardship in this territory. Will you do all possible to prevent such action? City and county financially unable to carry the extra burden. Advise.

W. K. JOHNSON,
President of City Commission.

WILLISTON, N. DAK., *March 16, 1940.*

Hon. U. L. BURDICK,
Washington, D. C.:

Williams County had 130 W. P. A. 60-day drought-relief certifications; 111 of these were canceled, which throws a burden of approximately 500 people on the welfare board. Due to lack of money both in the State and county welfare board treasuries there is no provision made for the subsistence need of this group of people. There is no indication that there will be private employment of any kind to which this group can turn to earn their subsistence needs. It will be necessary within the next week to have some action taken toward making a plan for these 500 people, unless it is intended that they shall lack their subsistence needs.

C. E. RAFFERTY,
President, City Commission.

BISMARCK, N. DAK., *March 36, 1940.*

USHER L. BURDICK,
House of Representatives:

League of North Dakota Municipalities, representing approximately 150 cities and villages in the State, urges you to use your best efforts to have Work Projects Administration reconsider cut of approximately 2,500 and to prevent further cuts in W. P. A. employment contemplated during next 3 months. Financial condition of State, counties, and cities is such that great distress among people will result if Federal funds are withdrawn. Please advise Mr. Atkinson what can be done.

P. M. CLARK,
President, Mohall.
H. W. SWENSON,
Vice President, Devils Lake.
H. C. CORRIGAN,
Trustee, Fargo.
H. T. HINTGEN,
Trustee, Wahpeton.
V. E. SANDBERG,
Trustee, Minot.
MYRON H. ATKINSON,
Executive Secretary, Bismarck.

BARNES COUNTY WELFARE BOARD,
Valley City, N. Dak., March 13, 1940.

Hon. USHER L. BURDICK,
Representative for North Dakota,
Washington, D. C.

HONORABLE REPRESENTATIVE: The recent blanket reduction in the number of certified workers effected by the Work Projects Administration resulted in the elimination of 58 families from the work-relief rolls here in Barnes County. The result of this action will work a great hardship and suffering among these men, women, and children. There is no private employment available at this time. It will be another 2 or 3 months before, in this rural county, there will be any great demand for farm laborers.

These families will immediately become direct-relief charges, and it is needless to mention that the funds in the county treasury are depleted to the extent that it will be impossible to provide adequately for their subsistence needs.

Further, it is the sincere opinion of this board, based on facts and previous experience, that at no time should a blanket reduction be made of certified W. P. A. clients, but instead, if a reduction must necessarily be effected, that it be made on a basis of relative need of the various families.

We trust that you may use your position and influence to help these distressed families and this financially embarrassed community by effecting a restoration of these unemployed families on the works program.

Respectfully yours,

GOTTFRIED J. KUHN,
Executive Secretary.
FRANK HEIMES,
Chairman.

FORMAN, N. DAK., *March 12, 1940.*

GOV. JOHN MOSES,
Bismarck, N. Dak.:

W. P. A. lay-off of 61 men in this county, effective immediately, will present grave problem for practically all of these families. There is no employment available. Very few persons will be able to get work with farmers in spring work, as most of farm work is done by their own labor. Nothing else in sight. County has hardly enough funds or resources to carry on the public-assistance programs and normal relief load. Discontinuing work relief program for these people now is indefensible. To lay off family workers without other employment available is cruel and heartless and must result in bitterness and disaster. Urge every effort be made to continue these people on W. P. A. at least until warm weather will lessen needs and perhaps give opportunity for livelihood otherwise.

H. C. LOUDEN, *Chairman,*
OBED A. WYUM,
ANDY E. ANDERSON,
ALBERT F. SAEWART,
GEO. C. DAWSON,
Board of County Commissioners of Sargent County.

Attest:

R. W. SAFSTROM, *County Auditor.*

ELLENDALE, N. DAK., *March 11, 1940.*

Congressman USHER L. BURDICK,
Washington, D. C.

DEAR SIR: I have been working on the historical data project, No. 2770, for the past 148 hours, and last Friday, the 8th, I received my 403, and the reason they gave was out of funds. Now, I would like to know if that can be possible, as they seem to have plenty money for war purposes but nothing for destitute families right here at home, and think something should be done to correct the situation.

There are 62 other W. P. A. employees in this county that got their 403, and they must have some kind of work at once, as they all have families to support, and some have small babies. I have 6 to support, and I cannot be without work very long.

Hoping to hear from you in regard to this serious situation at once.

Sincerely,

ARTHUR STRAND.

LA MOURE, N. DAK., *March 15, 1940.*

Senator LYNN J. FRAZIER,
Senator GERALD P. NYE,
Congressman USHER L. BURDICK,
Congressman WILLIAM LEMKE,
Washington, D. C.

DEAR SENATORS AND CONGRESSMEN OF NORTH DAKOTA: We, the undersigned, are appealing to you for the recent actions taken by the W. P. A. procedure, in which we were all dismissed March 11.

We are all in a position where we have no means for the care of our families, for food, and fuel. Some immediate action must be taken at once, as we cannot starve in the midst of plenty.

We, the undersigned, are not farmers, and feel strange to have been placed on the roll, and now kicked out with no recourse, which will have to be corrected, as there is no opening to earn a dollar anywhere.

We would suggest that all be dismissed, and reconsideration given to those that are in the greatest need of help. This would better conditions considerable; and that the selection be made by the county board. Trusting you take immediate action on the above matter. Until then we remain,

Yours very truly,

ELLIOTT KNUTSON,
Representative of the Twenty-fourth District.
CHARLES L. HOWST.
JACOB T. NANNERGA.
LEONARD SHELENY.
MARTIN HALDER.
JOHN J. MILLER.
GROVER POTTS, JR.

BOWBELLS, N. DAK., *March 14, 1940.*

Hon. USHER L. BURDICK,
House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE: Suffering and distress is bound to follow the recent lay-off of W. P. A. workers in Burke County. Approximately 50 families will be affected, who will seek relief from local relief agencies, which are without funds to care for them.

In this part of the State this is the most critical period, since there is absolutely no employment available, being practically in the middle of winter, and local relief agencies cannot take care of the poor that are on their list now.

Please do all in your power to persuade Federal officials to reconsider their recent order in order that those laid off may continue at work until spring at least.

Thanking you most kindly, I remain,

L. L. GRIFFITH,
Chairman, Board of Burke County Commissioners.

BISMARCK, N. DAK., *March 16, 1940.*

USHER L. BURDICK,
House of Representatives, Washington, D. C.:

The undersigned mayors of major cities in North Dakota, following telephone and telegraphic conference, are united in requesting that you do everything possible to get W. P. A. to reconsider action in discharging approximately 2,500 employees, and to prevent further cuts in employment announced in the press by Howard O. Hunter, Deputy Administrator. County welfare boards and cities are not in a position to take care of these unemployed unless Federal funds are available. Cities will cooperate to fullest extent in sponsors' contributions. Please advise Mr. Churchill as to what can be done.

F. O. Olsen, mayor, Fargo; J. Earl McFadden, mayor, Grand Forks; V. E. Sandberg, mayor, Minot; N. O. Churchill, mayor, Bismarck; Perry V. Johnson, mayor, Jamestown; W. E. Hocking, mayor, Devils Lake; W. K. Johnson, mayor, Dickinson; C. G. Byerly, mayor, Mandan; C. E. Raffety, mayor, Williston; F. E. Henderson, mayor, Grafton; T. K. Williams, mayor, Wahpeton; Fred J. Frederickson, mayor, Valley City.

MINOT, N. DAK., *March 16, 1940.*

Representative USHER L. BURDICK,
Washington, D. C.:

Recommend N. Y. A. program as a most valuable Government agency. Anything you can do for this program will serve our youth in a very special way. Our N. Y. A. students are superior in college achievements.

C. C. SWAIN, *President, S. T. C.*

DELEGATION OF CERTAIN REGULATORY FUNCTIONS BY SECRETARY OF AGRICULTURE AND CREATION OF POSITION OF SECOND ASSISTANT SECRETARY OF AGRICULTURE

Mr. JONES of Texas submitted a conference report and statement on the bill (S. 1955) to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech by Chief Justice Stone, of the eighth circuit court of appeals, at the memorial services held for the late Justice Butler.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

COMPENSATION FOR EMPLOYEES OF THE UNITED STATES SUFFERING INJURIES

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revert to the consideration of the bill (S. 607) to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, No. 583 on the Consent Calendar.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is the request?

Mr. HOBBS. That we revert to that for a moment.

Mr. TABER. Mr. Speaker, reserving the right to object, what is this bill about?

Mr. HOBBS. I will be glad to tell the gentleman. The gentleman from California [Mr. COSTELLO] asked unanimous consent that it go over without prejudice while I was engaged in another matter.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I think this request comes a little late. The membership on our side has left the floor for the moment and I do not think we can permit that bill to be taken up at this time.

Mr. COSTELLO. Mr. Speaker, I shall ask that the bill be passed over without prejudice because the committee report does not give the information that it should contain. It refers to a letter from the Secretary of the Interior, which does not appear in the report, and it indicates that the Secretary of the Interior would like to have an amendment added to the bill so that the payments to be made in accordance with this act, if passed, would come from private funds.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

Mr. TABER. Mr. Speaker, I object.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of business on the Speaker's table and at the conclusion of the business in order for the day and any previous orders heretofore entered, I may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

EXTENSION OF REMARKS

Mr. H. CARL ANDERSEN. Mr. Speaker, I ask unanimous consent to extend my remarks before the adoption of the Murray amendment to the bill (H. R. 8450) to extend for 5 additional years the reduced rates of interest on Federal land bank and land bank commissioner loans, No. 559 on the Consent Calendar, considered and passed today.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. ANDERSEN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MILLER. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of matters on the Speaker's desk and at the conclusion of the legislative business in order for the day and any other special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. MILLER]?

There was no objection.

The SPEAKER. Under special order heretofore entered, the gentleman from Illinois [Mr. MITCHELL] is recognized for 30 minutes.

THE NEW DEAL AND THE NEGRO

Mr. MITCHELL. Mr. Speaker, at this time, when there is such widespread propaganda throughout the country designed to have the electorate see what the minority party calls the utter failure of the New Deal administration, I wish to take this opportunity of calling the attention of the House and the attention of the country to what this New Deal administration has done for America's largest and most neglected minority group—the Negro.

During the brief moments I shall speak to you I propose to deal specifically with seven governmental agencies which have been most active during this administration and which have touched the life of the Negro in a more or less effective way. These agencies are:

First. Work Projects Administration.
Second. Public Works Administration.
Third. Civilian Conservation Corps.
Fourth. Farm Credit Administration.
Fifth. Farm Security Administration.
Sixth. National Youth Administration.
Seventh. United States Housing Authority.

THE WORK PROJECTS ADMINISTRATION

Created by an act of Congress "to provide work for needy persons on useful projects," the Work Projects Administration has attacked the problem of unemployment among Negroes with the result that during the calendar year of 1939 an average of 300,000 Negro workers were employed by W. P. A. These workers were engaged in a variety of occupations and earned some $15,000,000 in monthly wages. They constituted 14 percent of all W. P. A. workers.

The projects which employed Negroes and served the Negro public have been of many types. These include road building and construction; health, recreational, and social services; education, research, and cultural development.

Road building and construction

Last year it was reported that 39,000 Negro workers were employed on W. P. A. highway, road, and street construction projects in 11 Southern States during the peak periods of employment. These workers contributed to the building and improvement of 68,000 miles of streets and roadways which were completed throughout the Nation during an 8-month period.

Negro building-trades workers, skilled and unskilled, were employed in the construction of public-school buildings, gymnasiums, auditoriums, and other public structures. Outstanding examples of W. P. A. built buildings for Negro use include the $100,000 high school at Pine Bluff, Ark.; the $12,000 civic center at Goldsboro, N. C.; and the $100,000 memorial hospital in Tampa, Fla.

Health, recreational, and social services

Problems affecting the health of the Negro have been attacked through W. P. A. projects. Clinics, staffed by Negro physicians, dentists, nurses, and clerical workers, have been established in Negro communities in order to improve the health conditions of the people.

In many Southern cities the first public recreational facilities for colored people were made available by W. P. A. In other cities, as in New York, recreational facilities in the Negro community were considerably expanded by the W. P. A. through development of playgrounds, swimming pools, and parks. In Montgomery, Ala., there were seven recreational centers open to Negro children last summer. The program was extended to include small towns and rural areas. Local advisory councils were organized to sponsor the program in North Carolina. In one city the members of the advisory council and their friends made the bricks for the construction of a community house. Employment opportunities for Negro recreational workers were created by the program which also served to train inexperienced workers.

Needy school children have been served free hot lunches by W. P. A. workers. Busy mothers have, for periods during the day, been relieved of the care of babies and small children by nursery schools in many cities of the Nation. Sick and needy persons have been supplied with housekeepers during periods of illness.

Education, research, and cultural development

Half a million Negro men and women have been taught to read by teachers employed by W. P. A.'s adult-education project. Thousands of others have received instructions in skilled trades, in commercial work, and in the arts, as well as training in domestic service.

Upward of 10,000 Negro teachers and educational workers have received employment on the adult-education project. During the peak about 5,000 were employed and received annual earnings of between two and a half and three million dollars.

In Harlem the peak enrollment amounted to 8,000 persons who attended classes in 35 centers. These adult students were taught by 225 full-time teachers. Twenty-six trade and technical courses have been available at the New York Vocational High School. These courses include auto mechanics, electrical wiring, building maintenance, watch and clock repairing, upholstering, radio mehanics, cafeteria management and cooking, dressmaking, millinery, interior decoration, motors, and generators. A course in salesmanship trained many of the sales persons employed in retail merchandising in Harlem.

In North Carolina the Negro Adult Education Council is sponsoring the project's campaign to eliminate illiteracy among the 100,000 Negro adults who at the beginning of the drive were unable to read or write.

A variety of research projects have been sponsored by W. P. A. for the purpose of determining the economic and social status of the Negro. The largest of these projects was the survey of the urban Negro worker, directed by the Department of the Interior with W. P. A. funds amounting to nearly $500,000. This project, administered by a Negro staff, employed 1,800 "white collar" workers in 80 cities in 31 States and the District of Columbia. Over 330,000 persons were interviewed. The findings of this survey have been published in two volumes.

In Chicago, under sponsorship of the Institute for Juvenile Research, a W. P. A. project employing 125 persons conducted a survey of juvenile delinquency and crime on the South Side. Out of this study has come The Chicago Negro Community: Statistical Description. The scope of the project has been expanded to cover other phases of Negro life in that city. Studies of migrations and mobility among Negroes in Chicago and of associations and churches in the Negro community of Chicago are now being made by this project.

Other research projects delved into the Negro's past, investigated health and housing conditions, made studies of rural life, and evaluated his contributions to American culture.

Negroes were employed on all the arts projects. When the Federal theater project closed on August 31, 1939, some 800 Negro actors, directors, research workers, playwrights, technicians, and scenic workers were employed. Negro groups were responsible for some of the most widely publicized production of F. T. P., such as MacBeth, Run Lil' Chillun, Haiti, and The Swing Mikado. These and other Negro productions were witnessed by upward of 1,000,000 persons. Negro units of the project were organized in Hartford, Conn.; Boston, Mass.; New York City; Newark, N. J.; Philadelphia, Pa.; Seattle, Wash.; San Francisco and Los Angeles, Calif.

The Federal art project has been responsible for discovering and developing the talents of many Negro artists whose works have been widely exhibited. In New York a Negro art center has been established and has stimulated interest throughout the community in the potentialities and attainments of the Negro artist.

Likewise, the Federal music project has not only given employment to unemployed Negro musicians but has brought classical, popular, and folk music to thousands who never before were able to attend concerts. When Britain's King and Queen were guests in the White House last year they were entertained by a W. P. A. chorus of 28 Negro voices from North Carolina. They appeared on the program with America's most famous artists, Marian Anderson, Kate Smith, and Lawrence Tibbett.

It is estimated that 180 Negroes have been employed on the Federal writers project. These editorial workers have assembled material and prepared volumes on The History of the Negro in Virginia, Negroes in New York, The Florida Negro, and other phases of Negro life.

Negro personnel

Negro personnel has also been employed on the administrative staffs of the Federal, State, and district W. P. A. offices. During 1939 nearly 100 Negroes were employed in various capacities at W. P. A. headquarters in Washington. State administrations also made use of Negro workers as race relations officers.

These results in employment were facilitated by inclusion in the Emergency Relief Act of 1939 of clauses specifically forbidding "discrimination on account of race, religion, political affiliation, or membership in a labor organization."

PUBLIC WORKS ADMINISTRATION

The Public Works Administration was organized in 1933 for the purpose of combating unemployment in the building industry through grants for the construction of needed public buildings. Negroes have shared in this program through employment and through the development of projects for public use, including many that were primarily for the use of the Negro public. This construction work included the building of bridges, courthouses, power plants, and sewage-disposal plants for common use; community centers, schools, and hospitals, some of which were built in Negro areas and designed primarily for Negro use.

Schools

More than 115,000 Negro children in 24 States are attending schools built during the past few years with the aid of the Public Works Administration. This agency has

aided in the construction of or improvements to 829 different buildings, resulting in the addition of 2,886 class rooms for Negro students.

Exclusive of the allotments of $3,502,678 to Howard University in Washington, the P. W. A. has made allotments for $34,218,749 worth of non-Federal school buildings for Negro institutions. In addition to the classrooms constructed with the aid of these grants, many advantages to the students have been afforded through the construction of auditoriums, gymnasiums, libraries, assembly halls, recreation and dining halls, dormitories, and other housing facilities.

Of the $34,218,749, approximately $7,526,493 have been spent on construction of buildings at Negro colleges. Allotments have gone to 13 of the 18 publicly controlled 4-year colleges, 4 of the 6 publicly controlled teachers' colleges, all of the State normal schools, and 3 of the 7 publicly controlled junior colleges.

The magnificent million-dollar Founders Library at Howard University was built with P. W. A. funds. This building, which dominates the university campus, was designed by Negro architects, and its construction supervised by a Negro engineer. Its capacity of 200,000 volumes may easily be expanded to half a million and will be adequate for the needs of the university for many years to come.

Hospitals

At least 7,242 new beds have been made available for Negro patients in hospitals throughout the country through the aid of grants and loans by P. W. A. Nearly half of these beds, 3,486, are for the insane; 2,723 are in general hospitals, and 1,033 in tuberculosis sanitaria and other hospitals. The facilities range from 7-ward buildings accommodating 1,170 patients at the North Carolina State Hospital for the Insane at Goldsboro to a 5-bed ward at the Municipal General Hospital at Quitman, Ga. These hospitals are distributed through 17 southern and border States.

One of the largest and most modern hospitals erected for Negro patients during the past 5 years with the aid of P. W. A. funds is the Homer G. Phillips Municipal Hospital in St. Louis, Mo. Erected at a cost of more than $3,000,000, this hospital has a capacity of 685 beds. It is composed of five buildings including a nurses' home and training school. The nurses' home provides dormitories for 146 nurses and 24 internes.

Other projects include the $100,000 Norfolk Community Hospital, Norfolk, Va., and the $700,000 tuberculosis annex to Freedmen's Hospital in Washington.

Speaking at the dedication of the Homer G. Phillips Hospital in St. Louis in 1933, Dr. Numa P. G. Adams, dean of the Medical College of Howard University, asserted that for the whole population there was 1 hospital for every 18,737 persons; for the Negro, 1 for every 107,127 persons. For the white population there was 1 hospital bed for every 110 persons; for the Negro, 1 for every 999. There was an average of 6.7 hospital beds available to each white physician, and only 1.1 for each Negro physician.

Recreation and community projects

Recreational and community facilities for Negroes have been augmented in many cities by grants and loans from P. W. A. In Lexington, Ky., the P. W. A. granted $18,000 for the construction of a municipal swimming pool in Douglas Park. The pool, measuring 55 feet by 105 feet, has a capacity of approximately 200,000 gallons and will accommodate 350 persons. There is a separate wading pool for small children. Provisions have been made for dressing rooms and check rooms. The total cost of the project will be $40,000.

Employment

Negro building-trades workers have benefited directly through the nondiscrimination labor policy covering the development of Federal projects. This policy asserts that "there shall be no discrimination because of race, color, creed, or political affiliations in the employment of persons on the project."

In addition to building-trades workers, P. W. A. has employed 14 Negro architects and 8 engineers. In many instances Negro workers were employed in the development of P. W. A. non-Federal projects. Employment was also stimulated in the production, fabrication, and transportation of building materials, all industries in which thousands of Negroes are customarily employed.

Other employees of the P. W. A. included Negroes on the administrative staff, two Negro lawyers, research assistants, secretaries, clerical workers, and laborers.

THE CIVILIAN CONSERVATION CORPS

Young Negro men throughout the country have participated in the rehabilitation and conservation program of the Civilian Conservation Corps. The program has afforded them employment, aided their families, many of whom have been on relief, schooled them in new trades and occupations, and contributed to the conservation of the Nation's natural resources.

The extent of this program among young Negro men is indicated by the following facts and figures. Approximately—

Two hundred and fifty thousand colored youths have served in the Corps since the Civilian Conservation Corps was initiated in 1933. Regular habits of work, training, discipline, fresh air, three well-prepared and ample meals a day have combined to improve the health and morale of all enrollees.

Thirty thousand young colored men and war veterans, one-tenth of the total C. C. C. enrollment, are actively participating in the Civilian Conservation Corps.

Seven hundred thousand dollars a month for the past year has been allotted by colored C. C. C. boys to their parents and dependents back home.

Ninety thousand books have been supplied through the War Department and the Office of Education for colored camp libraries.

Twelve thousand colored C. C. C. enrollees in the past 5 years have completed courses in first aid through cooperation of the Civilian Conservation Corps and the National Red Cross.

Eleven thousand colored enrollees have been taught to read and write. More than 90 percent of the colored C. C. C. enrollees regularly attend C. C. C. classes from elementary to college level which are conducted in each camp's education building, which is well equipped and especially constructed for vocational instruction. Howard University, Wilberforce University, Tuskegee Institute, Hampton Institute, Florida Agriculture and Mechanics College at Tallahassee, Tennessee Agriculture and Industrial State College, and a number of other Negro colleges have granted scholarships and fellowships to C. C. C. enrollees.

Two thousand colored project assistants, leaders, and assistant leaders are on duty at C. C. C. camps.

Six hundred colored cooks are steadily employed in C. C. C. mess halls.

Nine hundred classes in Negro history were conducted in the camps during the past 5 years.

Eight hundred colored boys have gained business training in the capacity of store clerks and managers of the post exchanges in C. C. C. camps.

Four hundred colored typists are assigned to C. C. C. headquarters of the commanding officers, camp superintendents, and educational advisers.

One hundred and forty-seven colored college graduates are serving C. C. C. camps as educational advisers.

One thousand two hundred part-time, experienced teachers are actively engaged in instruction of these colored enrollees at C. C. C. camps.

Twenty-five colored medical Reserve officers and chaplains of the United States Reserve Corps are on active duty in the Nation's C. C. C. camps.

One hundred and six colored C. C. C. camps are located in forests, parks, recreational areas, fish and game reservations, and on drainage and mosquito-control projects.

Forty-eight colored C. C. C. companies are engaged on soil-conservation projects.

Two colored commanding officers with the rank of captain and lieutenant in the United States Reserve Corps are on active duty with the C. C. C., one at Gettysburg National

Park, Pa., and the other at Fishers Landing, N. Y. Four other line officers are on active duty at these two camps.

Four colored engineers and six colored technical foremen have served Pennsylvania camps for more than 2 years. At Gettysburg the camp superintendent is a Negro.

One colored historian, who received his Ph. D. degree from Columbia University, is included in the camp personnel at Gettysburg.

Fifteen million dollars has been obligated for clothing worn by colored enrollees, including shirts, underwear, trousers, socks, denim jumpers, shoes, caps, raincoats, and overcoats.

Nineteen million dollars has been expended for food served colored boys and men at camps during the past 6½ years.

One million five hundred thousand dollars has been received by railroads for transportation of colored C. C. C. enrollees to camp and back home again.

THE FARM CREDIT ADMINISTRATION

Negro farmers and wage earners have participated in the program of the Farm Credit Administration, which makes available to farm owners loans on easy terms. F. C. A. also sponsors credit unions among small wage earners.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Pennsylvania.

Mr. GROSS. Does the gentleman favor putting the Farm Credit Administration into the Department of Agriculture?

Mr. MITCHELL. Does the gentleman mean making the appropriation for that agency as a part of the agricultural appropriation?

Mr. GROSS. No; I mean putting the Farm Credit Administration under Secretary Wallace in the Department of Agriculture, whereas it is now a separate and independent lending agency.

Mr. MITCHELL. I would not want to commit myself on that just at this point.

Mr. GROSS. Since the gentleman is discussing the benefits derived from the Farm Credit Administration, I thought he might be willing to express his opinion on that.

Mr. MITCHELL. I yielded for a question only.

Mr. GROSS. I am only asking the gentleman a question. I hope the gentleman will answer.

Mr. MITCHELL. I have said I do not feel I can answer the question at this time.

Loans to farmers

The farm credit service is available to all farmers who can qualify, regardless of race. Last year 8,167 Negro farmers in Georgia, Florida, North Carolina, and South Carolina borrowed $1,798,934 through production credit associations under Farm Credit Administration supervision. These loans, averaging $220.27 each, ranged from $50 to $5,000. Approximately 6 percent of the colored farmers in these States obtained loans.

More than 5,000 Negro farmers secured short-term loans in the States of Alabama, Mississippi, and Louisiana. These represented about 20 percent of all such loans made in those States. Participating in the program, these colored farmers share in the ownership of $1,033,000 of voting stock purchased by member-borrowers of production credit associations.

Farmers borrow from production credit associations for various purposes, such as the producing, harvesting, and marketing of crops; to finance the breeding, feeding, fattening, and marketing of livestock; and for the repair, improvement, or alteration of farm buildings. Security must be furnished for every type of loan. Farm Credit Administration officials report that Negro farmers repay their loans promptly and are considered among the best credit risks in the country.

Federal credit unions

In June 1940, records of the Farm Credit Administration showed that there were 48 Federal credit units organized among Negroes with a total membership of 4,178 persons. In addition, Negroes are members of certain credit unions serving other races. Forty-two of those unions reported loans outstanding to members amounting to $44,471. They had made a total of 3,731 loans totaling $166,800. Their assets amounted to $55,843.

Credit unions, sponsored by Farm Credit Administration, are located at such institutions as Howard University, Florida Agricultural and Mechanical College, Tallahassee; Prairie View State College, Texas; Freedmen's Hospital, Washington; Stanley S. Holmes Village, public-housing project in Atlantic City; Veterans' Administration facilities, Tuskegee, Ala.; and University Homes, public housing project in Atlanta. School teachers, hospital attendants, and manual laborers are among members of Federal credit unions.

Mr. FISH. Mr. Speaker, will the gentleman yield for a question?

Mr. MITCHELL. I will not yield.

THE FARM SECURITY ADMINISTRATION

Negroes in America are still largely a rural people contributing importantly to the agricultural economics of the Southern States. The problems of the sharecropper, the tenant farmer, and the small-farm owner are problems confronting a considerable number of Negro families. To aid in the solution of these problems the Farm Security Administration was created by an act of Congress. The F. S. A. makes rehabilitation loans for 5-year periods at 5 percent interest. Through long-term loans repayable over a period of 40 years, it enables selected renters, sharecroppers, or farm laborers to become established as owners on desirable land. It seeks to develop better social and economic patterns in agriculture by establishing homestead projects. It establishes rental cooperatives and supplies without cost, a debt adjustment service available to all farmers.

Rehabilitation loans

These small loans enable the farmers to buy the things they need to make a living from the land—wagons, mules, milk cows, seed, fertilizer, and so forth. Farmers securing such loans cooperate with the F. S. A. farm and home management supervisors in carrying out plans for each year's operation. Approximately 50,000 such loans, representing 12.5 percent of the total, have been made to Negro farmers in the last 4 years. Negro farmers are 12.6 percent of America's farm operators.

Long-term land-purchase loans

Selected renters, sharecroppers, or farm laborers with energy, ambition, and good records may secure these loans for the purchase of desirable land. Cooperative supervision is stipulated in all such loan agreements. During the first year of operation, 1937–38, there were 265 such loans made to Negro farmers constituting 18.6 percent of the total for regions 4, 5, 6, and 8 where Negroes on farms are found in appreciable numbers. Applications for such loans steadily increase.

Homestead projects

In January 1940 nearly 1,800 Negro families were living in F. S. A. homestead projects in which effort is being made to develop better social and economic patterns in rural life. Some of these projects are new communities while others consist of scattered individual farms. Negro farmers are established on 31 projects in 13 States. Farmsteads are provided with dwellings, barns, and out buildings. Guidance is given to tenants of these projects by F. S. A. agents in cooperative farming.

Rental cooperatives

Through rental cooperatives, groups of tenants may improve their tenureship and living conditions by leasing large tracts of land through F. S. A. loans and operating these tracts cooperatively, usually with an option to buy within a given period. Thirty such rental cooperatives are being set up in the Mississippi Delta area. By January 1940 there were 427 Negro families living on 10 rental cooperatives. They constituted 47 percent of all families so located.

Economic and social services

Through the debt-adjustment service available to all farmers without cost, $78,807,693 have been saved to American farmers during the past 4 years. Negro farmers have

shared in the benefits of this service. As a further service, F. S. A. offers loans to small groups of farmers unable to purchase livestock, heavy farm equipment, and other needed items individually, enabling them to purchase these for community use.

F. S. A. is shaping patterns in rural education by providing adequate school buildings and equipment on many projects and by stimulating the inclusion in courses of study of subjects carefully correlated with rural life. It supplies medical aid through the establishment of group medical care associations, through which members receive service of physicians and nurses at minimum rates.

THE NATIONAL YOUTH ADMINISTRATION

The National Youth Administration has insured the active integration and participation of Negroes in the program from the beginning. There are now 23 State supervisors of Negro activities in 23 State offices and approximately 500 or more project supervisors throughout the country. There are 65 Negro members on State advisory committees in 27 States, the District of Columbia, and New York City. In addition, there are 3 States with special State Negro committees. Local committees with Negro representation are established throughout the country in the planning of local Negro projects.

National Youth Administration employment figures

According to the 1930 census, Negroes represent 9.7 percent of the total population. Negro youth represent 10.9 percent of the youth between the ages of 15 and 24. In December 1939 it is estimated that approximately 78,300 Negro youth were employed on the student aid and work programs of the N. Y. A. out of a total employment of 708,000. This represents 11.1 percent Negro youth on the N. Y. A. program. Of this number, 41,500 are N. Y. A. school, college, and graduate students and 36,800 are employed on the work program.

Student aid

Under the 1939–40 college- and graduate-aid program, 113 Negro colleges received an allotment of $420,420. A special Negro college- and graduate-aid fund of $105,000 was also distributed to almost 650 college and graduate students who otherwise would not have been included in the regular college and graduate quotas. This makes a total of $525,420 which went directly to Negro students within the N. Y. A. college- and graduate-aid program. In addition, Negro youth received student aid from the regular fund allotment in colleges open to both white and colored students. Of the 41,500 Negro student-aid recipients, 7,200 were receiving college and graduate aid.

An analysis was made this year of the approved student-aid applicants, at which time 5.9 percent of the total college- and graduate-aid applicants were Negro and 11.3 percent of the high-school applicants were Negro youth. In those Southern States where the Negro population is over 25 percent of the total population, the proportion of approved Negro applicants to the total applicants for student aid was approximately 29 percent.

The average family income of all school, college, and graduate Negro students was $365. The average family income of the Negro high-school students was $334 as compared with the average family income of $664 of all school-aid recipients. Negro college students came from families with an average income of $554 as compared with $1,129 for the families of all college- and graduate-aid students on the program. Of the Negro student-aid recipients, 93 percent came from families receiving less than $1,000 a year income; 64 percent came from families making less than $500 a year.

Nearly 42 percent of the Negro school-aid recipients were members of families which had received some form of public relief or W. P. A. employment during the 5 years ending December 1938. Even more revealing is the fact that, according to a survey made last year, 55 percent of these students came from families whose livelihood is in the field of unskilled labor, domestic and personal service, and farming. In contrast, less than 8 percent came from professional, semiprofessional, and other white-collar groups.

Work projects

In March 1939 approximately 36,800 Negro youth were employed on N. Y. A. work projects, which is about 13 percent of the total project employment for that month. These Negro youth were employed on all types of projects. Many of the Southern States are emphasizing the repair and modernization of Negro schools and are building small rural schools for Negroes. For example, one State submitted applications to construct 9 school buildings and 1 children's home for Negroes. Another State submitted projects for 18 Negro schools, or other educational buildings. and 3 teachers homes.

Resident centers

There are 60 resident centers for Negro youth, with another three employing both white and colored youth. The planned capacity for the Negro resident projects is about 3,800.

These youth, drawn from nearby rural communities, are taught farming and industrial techniques, as well as home management. Boys earn their subsistence and tuition by work on the farm and in the shop, receiving related training in general farm shop work, soil conservation, rotation and diversification of crops and animal husbandry, auto mechanics, machine-shop practice, brickmasonry, printing, painting, and building construction. Girls work in cafeterias, kitchens, and dormitories with related training in the preparation of and serving of foods, home management, marketing, gardening, canning, sewing, personal hygiene, and laundry work.

Vocational guidance

Junior placement counselors are provided by the N. Y. A. to place young people in jobs and to supply applicants with information concerning job opportunities, training facilities, and in general to help young people to prepare themselves for employment. In a few cities these services are operated for Negro and white youth separately, but in most cities both Negro and white youth are eligible to register at the same office. In cooperation with the State employment services, the N. Y. A. has been responsible for the establishment of junior placement services in 142 cities of 41 States and the District of Columbia.

THE UNITED STATES HOUSING AUTHORITY

The United States Housing Authority was established by an act of Congress to give financial assistance to local housing authorities in eliminating slums, developing safe, sound, and sanitary dwellings for low-income families living in substandard homes, and to reduce unemployment through stimulation of business activity.

Assistance to local authorities

The Government's public housing program is a decentralized program. Under terms of the United States Housing Act of 1937, the U. S. H. A. is authorized to grant loans to local housing authorities covering up to 90 percent of the development costs of projects and to grant annual subsidies for the purpose of keeping the rents within reach of low-income families. The initiation, development, operation, and management of the projects are in the hands of the local authorities. The U. S. H. A. acts as banker and offers technical and other assistance in the development of the projects.

Twenty-one cities in various sections of the country have appointed Negroes to the local housing authority, the policy-making body for the local program. In two States Negroes serve on the State housing board.

The development of projects

By February 1940 loan contracts between the U. S. H. A. and local housing authorities had received Presidential approval for the development of 134,056 dwelling units. These loans, totaling $597,633,000, will defray 90 percent of the development costs of 362 projects in 162 different communities throughout the Nation.

According to current estimates, Negro families will occupy approximately 44,754, or about one-third, of the dwelling units already approved. These new projects have been planned for development in 116 communities in 25 States and the District of Columbia.

Of the 178 projects under construction by the middle of February 1940, 55 were for predominant Negro occupancy,

while plans provided for the inclusion of Negro tenants in 15 other projects then under construction. Negro tenants are now living in 7 of the 17 U. S. H. A. aided projects which have been opened for occupancy.

One of the larger U. S. H. A. aided projects is now under construction in Chicago's crowded South Side. This project, known as the Ida B. Wells Homes, will replace a slum area and provide decent new dwellings for 1,662 families. The project will consist of row houses, flats, and apartment buildings. There will be adequate recreational facilities and play spaces. When the project shall have been completed it will not only relieve congestion in that district but will represent the fruition of plans which were first projected in 1934 by the Housing Division of the Public Works Administration, at that time the Government's public housing agency.

This is the largest of the projects to be developed in a predominantly Negro urban area. However, U. S. H. A. aided projects are being developed in Negro neighborhoods in many small cities throughout the Nation as well as in such metropolitan centers as Chicago, New York, Philadelphia, New Orleans, Atlanta, Cleveland, and St. Louis.

Employment

The development of these projects has meant jobs as well as homes for American workers. Some $225,000,000 will be paid in wages to building-trades workers on the sites of projects. Millions more will be paid to employees engaged in the production, fabrication, and transportation of building materials. Negro workers are employed in all of these industries.

Under terms and conditions of contracts for the development of U. S. H. A. aided projects discrimination in employment because of race is forbidden. The contracts further stipulate minimum percentages for Negro labor, the fulfillment of which shall be considered evidence that such labor has not been discriminated against.

Already Negro building-trades workers currently employed in the construction of 141 U. S. H. A. aided projects in 84 cities have received $2,126,000 in wages. This sum represents 10 percent of the total wages paid construction workers on these projects. Of the amount paid to Negro workers, $464,000 went to skilled workers—Negro carpenters, masons, cement finishers, plasterers, and in some instances, as in Chicago, Negro electricians and steamfitters have been employed.

Employment, however, has not been confined to building-trades workers. Negro architects have been employed by local housing authorities to design projects in Charleston, W. Va., Baltimore, Washington, and Los Angeles. Negro engineers have supervised construction in Philadelphia and Chicago. Negro lawyers and real-estate men have been employed in land acquisition in Newark, Chicago, and Augusta, Ga. In many cities Negro social workers have been employed in tenant relocation and selection. In Pittsburgh and Newark Negro stenographic and clerical help have been employed in the central offices of the local housing authorities.

The management and maintenance of low-rent housing projects afford a new field of employment. Negro personnel has been selected for the management and maintenance of projects in Buffalo, Pittsburgh, Dayton, Ohio, Wilmington, N. C., and Augusta, Ga.

Negroes are employed on the administrative staff of the U. S. H. A. in Washington. Professional and technical workers who have been employed by the U. S. H. A., include two lawyers, two architects, two engineers, and an accountant. These are in addition to the staff of the Office of Racial Relations and the stenographic and clerical help employed in other divisions of the U. S. H. A.

Housing Division P. W. A.

The Government's public housing program was originally launched by the Housing Division of the Public Works Administration and was taken over by the U. S. H. A. after its creation by the United States Housing Act of 1937. Negro families now occupy 7,478 of the 21,317 dwellings developed under this earlier program. Sixteen of the forty-nine projects are occupied predominantly by Negro families and are managed and maintained by Negro staffs. Negroes also are among the tenants of 14 other of these projects, some of which include Negro personnel on their management and maintenance staffs.

Likewise Negro construction workers shared in the wages paid for the development of these projects. Negro building-trades workers employed in the construction of 33 P. W. A. low-rent housing projects in 21 cities received $3,115,695.86, or 15.36 percent of the total wages paid construction workers on these projects. Negro skilled workers received $774,437.11, or 5.51 percent of wages paid to skilled workers.

OTHER NEW FEDERAL AGENCIES

Negroes in large numbers have likewise benefited directly and indirectly from other agencies which have been established by acts of Congress since 1933.

Social Security Board

Chief among these agencies is the Social Security Board. Thousands of Negroes employed in mechanical and industrial occupations are eligible to receive unemployment benefits and will be entitled to old age and survivors' benefits. The Social Security Board contributes to the States in providing assistance to dependent children, widowed mothers, the blind and aged persons not covered by old age and survivors' insurance.

Two branch offices of the Social Security Board located in the Negro districts of New York and Chicago are staffed by Negro managers and workers. Other Negroes are employed in unemployment insurance offices in such States as New York, Ohio, North Carolina, Michigan, and Illinois. Their salaries are paid in part by the States and in part by the Federal Government.

Tennessee Valley Authority—Rural Electrification Administration

Thousands of Negroes residing in the Tennessee Valley are profiting from the cheaper electricity rates made available to them by the Tennessee Valley Authority. The Rural Electrification Administration has likewise made farm life less dreary and burdensome through bringing electricity to the farmstead.

Home Owners Loan Corporation—Federal Housing Administration

The Negro home owner and prospective home owner have been assisted by the Home Owners Loan Corporation in retaining their homes and by the Federal Housing Administration in purchasing new homes on easy terms.

National Labor Relations Board—Wage and Hour Act

Negro labor has been protected in the right to bargain collectively by the provisions of the National Labor Relations Board and has benefited by the minimum wages and maximum hours provided by the Wage and Hour Act in such industries as tobacco, transportation, and lumber.

RACIAL DISCRIMINATION UNDER THE NEW DEAL

There has been a considerable amount of criticism voiced of late to the effect that the New Deal agencies have been operated so as to extend the areas of racial discrimination. In evaluating such criticism, it may be well to follow the lead of Al Smith and "let's have a look at the record."

In the so-called Hatch Act adopted by the present predominantly Democratic Congress, there appears in section 4 the following statement:

> It shall be unlawful for any person, of any employment, position, work, compensation, or any benefits provided or made possible by any act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to, any candidate or any political party in any election.

This constitutes one of the first instances on record where the Congress, by general legislation, has specifically proscribed racial discrimination in the expenditure of funds.

Following out this injunction the Public Resolution No. 24, adopted by the Seventy-sixth Congress, which makes appropriations for work relief and relief for the fiscal year ending June 30, 1940, states in section 28 that—

> Any person * * * who knowingly by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives any person of any of the benefits to

which he may be entitled under any such appropriations * * * shall be deemed guilty of a felony and fined not more than $2,000 or imprisoned not more than 2 years or both.

In section 30 (b) this joint resolution repeats the language of section 4 of the Hatch Act, quoted above, prohibiting discrimination on account of race. This resolution affects the entire W. P. A. relief and work-relief program.

In the case of non-Federal grants by the P. W. A. an agreement is entered into by the public body that received the funds, and the Public Works Administration. This agreement requires specifically that there shall be no discrimination in the selection of workmen for the project. This requirement is stated in part 4 of the construction terms and conditions, as follows:

The applicant will require that there shall be no discrimination because of race, creed, color, or political affiliation in the employment of persons for work on the project.

Much more decisive action has been taken by P. W. A. in instances where Federal projects are undertaken. This stipulation took the form of a prima facie nondiscrimination clause. It was required that in the employment of labor under the contracts Negroes be employed in certain proportions, such proportions to be determined by the 1930 occupational census figures.

The United States Housing Authority, in taking over the work of the Housing Division of the Public Works Administration, has actively carried forward and enforced this protection of Negro skilled and unskilled labor. The general terms and conditions for U. S. H. A. aided projects includes the following injunction:

The local authority will require that there shall be no discrimination because of race, creed, color, or political affiliations in the employment of persons for work on U. S. H. A. aided projects. In order to give effect to this requirement, insofar as it may affect Negro employees on construction, the local authority shall insert in all construction contracts a provision that payment to Negro skilled and unskilled labor of certain percentages of the amount paid under the contract for such labor shall be considered prima facie evidence that the contractor has not discriminated against Negro labor. The percentages to be used are those of Negro skilled and unskilled building construction laborers employed in the particular city as reflected by the last national census.

Under the operation of this clause, Negro labor at the end of the year 1939 had already received a total of well over a million dollars.

The U. S. H. A. goes even further in the protection of minority groups. In its policy bulletin on site selection there appears the following statement of policy:

Particular care should be exercised in site selection to safeguard the interests of minority groups which may be affected. Although it is the responsibility of the local housing authority to decide its own racial policy, certain desirable principles may be suggested for application in this connection. Some of these may be enumerated as follows: (1) The development of public housing projects for white occupancy in areas now occupied by Negroes or other minority racial groups is undesirable. * * * (2) Whenever exceptions are to be made to this general policy, the local authority should demonstrate the circumstances which it believes justify the exception, and there should be obtained, if possible, a statement of concurrence in the program from representative spokesmen of the racial groups to be displaced. (3) Any local program which involves the demolition of a number of houses available to minority racial groups which is considerably greater than the total to be provided for these groups in the new project is undesirable. * * * (4) If it is decided to develop sites which are either inhabited now by members of more than one race or, in the case of vacant sites, are contiguous to neighborhoods which are inhabited by different races, local authorities should plan projects open to the members of these different groups.

The National Youth Administration has taken definite steps in its written policy to protect Negroes in the extension of its benefits. In section 2, part 2, of its Manual on Student Aid Procedure, the Administrator directs that—

In assigning quotas, distribution of school-aid funds to provide assistance to young men and women of any minority racial group shall not represent a smaller proportion of the total State school-aid-fund quota than the ratio which this racial group bears to the total population of the school district or State.

In addition, the N. Y. A. has set aside a special fund in order that needy Negro college and graduate students may be reached by the benefits.

Eligible Negro students—

States the Student Aid Bulletin—

who cannot be cared for within a particular institution's quota for student aid, after it has made a fair allocation for Negro students from its regular quota, may apply for assistance from the special Negro college- and graduate-aid fund through the institution they desire to attend. Such institutions may then apply through the office of the State youth administration to the Washington office of the N. Y. A. for an additional sum for Negro college and graduate aid.

This special fund takes cognizance of the fact that in a large number of Southern States inadequate facilities for college and graduate study are now available to Negro students at public institutions.

In one Southern State which affords most inadequate high-school facilities for Negro pupils, it was found that it was impossible for N. Y. A. benefits to apply to a number of eligible Negro high-school students since there were no high schools for them to attend. The N. Y. A. met this situation by transferring almost $17,000 from the regular school aid funds designated for high-school students to the college and graduate aid fund for Negroes in that State in order to make possible the setting up of rural teacher-training units in six of the available high schools. These funds made it possible to train as "post graduate" high-school students close to 200 Negro teachers for the small rural schools of the State.

These policies were further implemented in such agencies as the W. P. A., N. Y. A., P. W. A., and U. S. H. A. by the presence in all of these New Deal agencies of Negro administrative staffs who were in position to do two things: First, to provide during the initiation and formulation of the program definite devices for the protection of Negro participants, and second, to keep track of the extent of racial participation in order to make possible their equitable sharing in the benefits, and to keep their entire organizations alert to guard against racial discrimination in the operation of these agencies. These various administrative devices and statements of policy under the New Deal agencies represent progressive steps made by the Federal Government in the protection of minority racial groups and in making it possible that these groups participate equitably in Federal programs.

What I have said shows that under this administration millions of Negroes at the bottom of the economic ladder have not only been helped, but have been kept alive. No administration at any time has ever shown half the interest in this group of citizens that the New Deal administration has shown.

You will note that I have said nothing about the high positions which Negroes have held under this administration. The fact is that aside from the millions of common people who have been helped, a larger number of the group have been recognized and appointed to responsible positions high up in the Government than in any previous administration.

In this connection, let me mention a few of them: Dr. Mary McLeod Bethune, N. Y. A. Director; Dr. Robert C. Weaver, Assistant Housing Administrator; Dr. William J. Thompkins, recorder of deeds for the District of Columbia; Lt. Lawrence Oxley, special assistant in the Department of Labor; and many other men and women of high rank have been appointed to outstanding positions with salaries ranging from $2,500 to $10,000. Lester Walton, Minister to Liberia, receives $10,000; Armond W. Scott, judge of municipal court for the District of Columbia, receives $8,000; Hon. William L. Houston was appointed special assistant in the Department of Justice. The first Negro Federal judge appointed outside of the District of Columbia, Judge William Hastie, was appointed by this administration. Judge Hastie served for several years in the Virgin Islands; when he resigned the the judgeship, Judge Herman Moore, a Negro from Chicago, was appointed to succeed him and is now serving on the Federal bench in the Virgin Islands. But this administration, unlike all previous administrations, has helped millions in the lower brackets, while heretofore Republican administrations have helped a few outstanding persons, appointing them to key positions presumably for the purpose of satisfying the race. Through the New Deal administration this policy has been reversed, and the way has been opened for the Negro to take a firm stand and begin a definite and successful march

toward real prosperity and equal opportunity and recognition in this country.

What then has the Negro to quarrel about insofar as this administration is concerned? There may be other groups who think they have some justification to complain about what they have received under the New Deal administration. The Negroes can have no such claim. Every well-thinking Negro in the United States today, if he is honest with himself, must confess that this administration has brought to the Negro his best opportunity and has created in him the strongest hope that he has witnessed during his days of freedom. Let the Negro go forward with serious thoughts about his welfare and future and in his heart show the gratitude which he feels toward those who have given him this great opportunity for which he has prayed and worked during the past 50 years. The record of New Deal achievement in our behalf has been made. It cannot be changed even by the few designing persons who would like to do so for selfish motives.

The President, his splendid wife, and the outstanding members of his Cabinet have all shown unusual interest in the welfare of the Negro. I know not what course others may take in the coming campaign, but I know for the best interests of the Negro, a third term by Franklin Delano Roosevelt would mean continued progress for the Negro. Personally, it is my desire to see the President serve a third term. If for any reason he cannot be persuaded to serve a third term, it is my opinion that he and the large number of forward looking statesmen in the Democratic ranks will see that the nomination goes to another genuine New Dealer who will carry forward the splendid work which this administration has so well begun. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Under a special order heretofore made the gentleman from Alabama [Mr. PATRICK] is entitled to be recognized for 25 minutes.

Mr. PATRICK. Mr. Speaker, I shall be pleased to let the gentleman from New York speak at this time, inasmuch as he is asking for only 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I asked the gentleman from Illinois [Mr. MITCHELL] while he was speaking if he would yield for a question. I wanted to ask him how many colored people are unemployed in the United States, and if there is not a far larger number of unemployed in the colored group in proportion to population than in any other group in America after 7 years of the New Deal; also, if it is not true that the colored people have suffered more under the New Deal because of unemployment than any other single group. I am convinced that there have been more unemployed Negroes during the past 7 years than ever before in our history.

I also should have liked to ask the gentleman who has just spoken how many colored men in America have been appointed to high offices under the New Deal, whether any colored men have been appointed to high official office in the southern States, and what colored men have been appointed to important offices in States north of the Mason and Dixon's line. Under Republican administrations the colored people did receive important appointments in Washington and in the South as well as in the North.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I asked the gentleman from Illinois [Mr. MITCHELL] to yield because I wanted to ask him a question, and if the gentleman will permit I will ask him to answer that question because the gentleman from Illinois refused to yield. The gentleman from Illinois boasted about the virtues of the New Deal as they affect the people of the colored race in America. I wanted to ask him whether he realizes that below the Mason and Dixon's line, which is in complete control of the New Deal, they drive the colored people away from the polls and will not even let them vote? They also make our colored people ride in Jim Crow cars and patronize colored restaurants, hotels, theaters, and so forth, and prohibit them from patronizing ones which are patronized by the people of the white race.

Mr. FISH. I also wanted to ask the gentleman from Illinois, if he had yielded, where the President of the United States stands on the antilynching bill. We know where the President of the United States stands on all racial and religious questions in foreign lands, but we should like to know where he stands on enacting an antilynching bill at the present time in the United States of America. He has been strangely silent about that, a matter which vitally affects the security of some 13,000,000 colored people in America. One word from the White House and that bill would come flying through the Senate and be enacted into law. Day after day we hear about President Roosevelt's views affecting foreign lands, but when it comes to making democracy safe in America and safe for 13,000,000 colored people, he is strangely silent. The White House continues to be as silent as a tomb when the colored people ask for an endorsement of the Gavagan-Fish antilynching bill.

When the gentleman from Illinois [Mr. MITCHELL] speaks about all these different agencies of the Government I would like to have him put in the RECORD how many colored people hold important jobs in these different agencies or bureaucracies of the Government.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; I yield to the gentleman, although the gentleman would not yield to me when making his lengthy speech.

Mr. MITCHELL. I will say to the gentleman that that is in the RECORD and in my speech. I asked permission at the very beginning to extend my remarks because I knew the speech would be too long to bring it within the time allotted to me, but that will be found answered in the speech.

Mr. FISH. That is what I want. I want the facts and not campaign speeches for home consumption.

The gentleman from Illinois was speaking about these different agencies of the Government and what they are doing for the colored people, but is it not true that most of these buildings for the colored people are segregated? They are segregated for a certain group of people in America. Does the gentleman from Illinois believe in segregation?

Mr. MITCHELL. Mr. Speaker, will the gentleman yield to me?

Mr. FISH. Yes; I yield.

Mr. MITCHELL. I want to preface my answer by saying that this administration has refused to follow the example that the Republican Party has set, and we have a great many of these units that are mixed, such as the Republican Party has never given us.

Mr. FISH. Where are those mixed units?

Mr. MITCHELL. One of them in Chicago.

Mr. FISH. And they divide them 50-50?

Mr. MITCHELL. No; not exactly 50-50, because we are not half of the population; we are one-tenth of the population.

Mr. FISH. But the gentleman is also advocating these segregated units, is he not?

Mr. MITCHELL. I am not advocating anything. I am talking from the record about what this administration has done. I am not trying to become President and I have no agitation to start.

Mr. FISH. I hope the gentleman will take the trouble to answer the question he would not yield to answer, and that is with respect to how many colored people in America are unemployed at the present time. Can the gentleman answer that question?

Mr. MITCHELL. The gentleman knows that is an impossibility, because the gentleman does not know how many

are unemployed in the city of New York. That has not been determined and we have not the exact figures. The gentleman is asking the impossible, and I should like to observe that the gentleman from New York [Mr. FISH] is an adept in asking the impossible. I will say to the gentleman that the number of colored people unemployed at this time is not half as large as it was in 1932 when his party was in power.

Mr. FISH. That is the question and I did not think the gentleman would be competent to answer it and, evidently, he is not. The New Deal has made abundant promises to the Negroes but about all they have received is more abundant debts, deficits, and unemployment. They want permanent jobs to provide adequately for their families and not relief at 50 cents a day. The New Deal for 7 lean years has failed to give them permanent jobs and the only way I know of for them to once again become employed at American standard of wages and living is through the election of a Republican President. The gentleman has made a speech about the unemployment among the colored people and yet does not know how many are unemployed. That is the most important political and economic issue confronting his group. [Applause.]

[Here the gavel fell.]

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that in calling the Private Calendar on tomorrow, the omnibus claims bills be called first.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Alabama [Mr. PATRICK] is recognized for 25 minutes.

Mr. PATRICK. Mr. Speaker, the purpose of the little speech I am about to make at this time is twofold.

First. To help us, as lawmakers, to get away from that partisanship to which it seems a majority are in some measure inclined.

Second. To study how to approach the subject of being an individual Congressman in Washington. There are many here who could make a better speech on the subject than I, but they have not done so; therefore I represent myself as stepping away from partisan behavior, believe it or not, and contributing my bit to this forum as an unbiased, broad-aimed, nonpartisan lawmaker elected to represent the people, and the whole people, of his district, and one who may, if and when the opportunity arises, put in a little plug for his whole country.

Perhaps one who has been here precisely the length of time I have is in the better position to handle this subject, having been here long enough to begin to get the congressional slant, and yet not for time enough to be entirely lost from that out-of-Congress, lay view that our 2-year-term set-up evidently seeks to preserve. The most earnest lecture the college freshman receives comes from the sophomore, the junior and senior have become too grown up, and besides, have other jobs to do; so it is with our station here. One who is only one notch removed will step forth and gladly hold out his lamp of experience. The two branches of purpose in this speech are really related, and, as is often true of kinfolks, that is why they are found here together. The first is the partisan bias, which is easily recognized as egocentric in its origin. A Congressman comes in here newly elected and mantled with a brand new authority booted and spurred by gifts of confidence from whatever political party gave his name the life, the required boost, that placed him high enough to strike out for Congress. So he comes here an heir to party enthusiasm. This alone is natural, healthy, and proper, of course, but did you ever see the swelling and inspired patriot breeze into Congress fresh and green from his home town with a new vision, a new commission, and a new necktie, a gleam in his eye, a well-worded, high-sounding speech in his mouth, feeling fully qualified to shed any light needed on any subject arising, whether or not connected with any committee with which he is connected—and scarcely has he warmed his seat—his seat in Congress, till the lightning speed of his expanding scope is such that he announces as a candidate for the Senate of the United States. Oh, mores; oh, tempora. Personally I have doubts as to its being any advantage or promotion to go from this body to the Senate.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. Yes.

Mr. GIFFORD. I would like to remark, so it may appear as a part of the gentleman's remarks, that the infant mortality here is very, very high.

Mr. PATRICK. I understand so, and I thank the gentleman for his excellent and timely contribution.

It is the House group under whose wise guidance that all revenue laws must arise. Each Member of the House must get a renewed letter of authority from Mr. and Mrs. America each 2 years; indeed, in the event of a vacancy the Governor may appoint a Senator, but not a Congressman; a Congressman must come out of the maw of democracy free, unshackled and unobligated.

Senators may by Governor be made,
By push and pull, an' a' that,
But Congress stands above the grade
The Governor must fa' that.

I do not suppose this is close enough to Bobby Burns to require an apology, but these gentlemen who come in with the feeling that they are specially endowed with the gifts of extreme wisdom, perspicacity, and foresight often, for all their greatness, appear pitiful partisans—well, Bobby Burns does have a word for them:

O wad some power the giftie gie us
To see oursel's as ithers see us,
It wad from mony a blunder free us
And foolish notion.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I shall yield later.

Mr. TREADWAY. But I want to make a correction of what the gentleman has said.

Mr. PATRICK. I always yield for a correction.

Mr. TREADWAY. There are some States—and I am positive about one State—where the Governor has no constitutional authority in the State to make the appointment of a Senator.

Mr. PATRICK. That is true in some States, I understand, but I am talking about the matter as a general proposition. My purpose is to show that a Senator is in no true measure superior to a Congressman.

The Members who have been here for many terms, mellowed by the years, do not generally reflect this partisan slant. I am tempted to suggest the name of the gentleman from New York [Mr. WADSWORTH], the gentleman from California [Mr. LEA], the gentleman from Tennessee [Mr. COOPER]—others, of course. To be sure, every Member of this body is a patriotic, sincere American, but most certainly we can be sincere and can be as earnest as is in us as individuals to be without childishly feeling that those of the other major party are not proceeding for a fair and true conviction and because one is not a member of our party; is following some ulterior motive, or that his whole song is pitched on a false note. One thing we young ones must try to learn, and that is that we may be green without being fresh and may be serious without being audacious.

A few days ago the worthy gentleman from Wisconsin [Mr. KEEFE] and I had a friendly exchange of mutual respects upon the floor of the House, all in the best of humor, in which I made reference to never having seen him smile. Oh, it is not important, of course, as to whether the gentleman can find a smile in some old story of mine—incidentally I seldom indulge in story telling on the floor; however, whether I do or not is of no moment—but he should be able to get a smile from the keen and flashing wit of the gentleman from Missouri [Mr. SHORT]; the clever observations of the gentleman

from Virginia [Mr. WOODRUM], or the gentleman from Kansas [Mr. HOUSTON], or the gentleman from Texas, Judge SUMNERS; or the pointed and effective parries of the gentleman from Massachusetts [Mr. GIFFORD]. However, I did the gentleman from Wisconsin wrong. It has been called to my attention by a Congressman from his own State that when he himself tells a story he not only smiles but laughs out in great glee, all of which is beside the point; and perish the thought that anyone should charge the esteemed gentleman from Wisconsin with having the qualities I have been referring to, but as one friend to another—one coworker to another—I do recommend to his observation the behavior of men who have been here for years, Democrats and Republicans, wise men, intelligent, and rich in the golden experience of legislation gathered in this very Hall who are also modest and retiring and who sit in counsel in this forum, day in and day out, to listen without the urge bringing them up to air their views of any subject coming before this body. It can do him no harm to observe them.

But enough of that. We—everyone in this body, approximately 435 of us—cannot we take our jobs seriously without taking ourselves so, and can we not think of what we have to do here rather than of the party which will get the credit in the event it turns out well? It seems so foolish for any Republican to assume that most any bill brought in is subject to suspicion because it was presented by Democrats, and Democrats appear foolish who ascribe each objection arising over there as directed at a measure on a partisan bias. Cannot we transcend all that, get away from it, and get to the complex job of being a Congressman in Washington, a Washington Congressman, here for the purpose of serving those who sent us, those who voted for us as well as those who had the foresight and vision to vote against us?

Now, that is getting to be a real job of this land of 130,000,000. Kindly oblige me and yourself for a moment by reviewing a few of the things that a Congressman undertakes to do when he lands in Washington as a district's Representative. There are now on file in the Congress of the United States 13,942 live bills, and bills still coming in.

We have bills to revise the calendar, bills to authorize the President to proclaim a day of fasting and prayer, bills for anniversary celebrations, bills to change the height-and-weight regulations for men in the Army, Navy, and marines, bills for Nation-wide marriage laws, Nation-wide divorce laws, bills to provide rotation of daylight saving, to take over relics of Christopher Columbus, a bill to provide for the employment of every person in the United States, a bill for the protection of the bald eagle, a bill to abolish chain-gang systems, a bill to send all Negroes out of the United States—and this is to mention only a slight few.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. Briefly.

Mr. GIFFORD. I would like to suggest one other subject.

Mr. PATRICK. Very well; let us have it.

Mr. GIFFORD. I have been thinking to offer a bill to curb the matrimonial activities of hospital nurses. Would the gentleman advocate that?

Mr. PATRICK. I have not studied it, but I think it would be a delightful subject to study.

But your swelling daily job is to attend the demands of a neat percent of the some of 400,000 persons who are chalked up as your constituents. Our Government has announced itself in recent years, and no doubt properly so, as being of and for the people—and are they responding? They are responding, and in doing so they are traveling the congressional route. So, whether the Democrats, Republicans, Farm-Laborites, or Marcantonioites send us, examples of what a man and even a woman is expected to do here in Washington representing a congressional district, one of the 435 for the whole Nation, make a sincere study. I have assembled 10 simple rules for the use of the Members of Congress which I intend to mail to each of them. I hope you will find these useful in and about your daily chores. I shall now read these 10 rules:

RULES FOR A CONGRESSMAN IN WASHINGTON

1. Entertain with a smile constituents, their wives, their sons, sons' wives, etc. Go with them to the White House; show good reason why you are unable to personally have them meet the President; take daughters to meet midshipmen at Annapolis.

2. Explain what bill is up for debate; point for discussion; how it will be passed; how you will vote and why.

3. Attend to balcony and point out Speaker BANKHEAD, Leaders RAYBURN and MARTIN, HAM FISH, DEWEY SHORT, that man MARTIN DIES, and name each lady Member of Congress.

4. Respond to worthy causes; make afterdinner speeches, before-dinner speeches; learn to eat anything, anywhere, any night—work all day, dictate all night, and be fresh as a rain-washed daisy for next day's duties.

5. Be a cultured gentleman, a teller of ribald stories, a profound philosopher, preserve a store of "Confucius say" gags; be a ladies' man, a man's man, a he-man, a diplomat, a Democrat with a Republican slant, a Republican with a Democrat viewpoint, and admirer of the Roosevelt way, a hater of the New Deal, a new dealer, an old dealer, and a quick dealer.

6. Learn how to attend six to eight major functions, rushing home and back during each term on one round-trip travel pay.

7. Have the dope on hot spots in town, with choice telephone numbers for the gay boys from back home, and help to contact all local moral organizations and uplift societies in Washington.

8. Learn to be expert guide. Keep car in tip-top shape.

9. Know names and dates related to all points of interest, and be able to explain and supply information regarding public buildings and statuary about Washington.

10. Be an authority on history, travel, psychology, philosophy, education, economics, civics, finance, export trade, Government printing, international relations, neckties, and fishing tackle.

Understand, I do not claim to come up to it all, especially as to telephone numbers, hot spots, stories, and so forth.

A Congressman has become an expanded messenger boy, and employment agency, getter-out of the Navy, Army, marines, ward heeler, wound healer, trouble shooter, law explainer, bill finder, issue translator, resolution interpreter, controversory oil pourer, glad-hand extender, business promoter, convention koore, civic ills skirmisher, veterans' affairs adjuster, ex-service man's champion, watchdog for the under dog, sympathizer with the upper dog, namer of babies, recoverer of lost baggage, soberer of delegates, adjuster for traffic violators, voters straying into Washington and into the toils of the law, binder up of broken hearts, financial wet nurse, good Samaritan, contributor to good causes—there are so many good causes—cornerstone layer, public building and bridge dedicator, ship christener—to be sure he does get in a little flag waving—and a little constitutional hoisting and spread-eagle work, but it is getting harder every day to find time to properly study legislation—the very business we are primarily here to discharge and that must be done above all things. To go on would not help a lot. We are running our legs off on details but we must keep the approval of Mr. and Mrs. Voter, so we find here a subject upon which we can all agree; and regardless of these labors involved I for one prefer it to any job I have ever had and do not expect to relinquish it without a powerful fight. I hope I am here to stay many, I trust, useful years.

Now, one and all, do you not agree that it is much better for us to come here and study how we may best do the job that is expected of us, for the people who expect it, than to be here in Washington wigwagging the old, old bipartisan see-saw that has been bobbing up and down for a hundred and fifty years in practically the same spot?

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. Yes; gladly.

Mr. GIFFORD. I am extremely anxious to know who this Uncle Sam is that the gentleman is talking about.

Mr. PATRICK. There are 130,000,000 people in the United States——

Mr. GIFFORD. Oh, that is an answer to my question.

Mr. PATRICK. I thank the gentleman very much.

Mr. GIFFORD. Therefore they are our neighbors, and I suppose they should know all about our business, and all about our income, and our privies and everything else. Our neighbors are Uncle Sam?

Mr. PATRICK. Yes.

Mr. GIFFORD. And they must know. I congratulate the gentleman that he answered so promptly that Uncle Sam is

simply our neighbors, who should stick their noses into our business.

Mr. PATRICK. As a matter of fact, when we apply that to 130,000,000 people, that is a study by themselves about themselves, and it is not merely our neighbors at all, it is us, it is me, finding out about myself, so I should know what to do about myself and what ought to be done by myself for myself. Now, move it back into the Nation, as a unit, and you have the reason it appeals to one's statesmanship.

Statesmanship is an engaging subject of study, as entrancing as an old maid's dream, taking as many and varied shapes as a drifting summer's cloud. Now let me confess that my place is merely that among the humble politician group, and I am as yet unable to claim membership among the lofty body of statesmen, but I do delight to watch them work. A shining example of a special brand of statesmanship is recently being exhibited by the banker-manufacturer, ex-Governor of New Hampshire, who, of course, knows what he wants and chooses the star he would follow, but for one in my modest station, I would never select for my brand of statesmanship a quality at which any fishwife should be my equal and the average soap-boxer my superior. Perhaps this suggests the subject of the census.

Our beloved Uncle Samuel has been counting noses and so on trying to see how many eggs he has in his basket at the beginning of each decade since 1790—I believe it was begun that year. Now I am unable to find wherein it has been called bureaucratic snooping until this go-round. I do not wish to let my own partisanship color my convictions, but while it is true our good old Uncle has added a few questions to his list each time it has always impressed most of us as only an honest and worthy effort to find what is going on around here, in the hope he may know better what to do about it. Mr. Average Citizen is demanding more at the hands of his Government year by year, and it does seem only logical that the more our gentle Uncle can know about him the better he should be able to make out. He is merely going about the business of finding out about his people, homes, farms, businesses, mines, factories, and so forth, about all of which he can scarcely be too sincerely interested—and this information must largely serve as his working data for 10 years to come. Regardless of which political party is in the saddle presently, this seems to some of us to be a very good idea. I have examined all the questions on the list and am unable to find any that should do personal harm to one who is only trying to conduct his affairs on the level and do right by everybody. I get sort of leery of these folks who rear up and become too sensitive and touchy about matters that in the general course of things would not appear objectionable. Lord knows there are no questions in the list I should mind answering to my Government. True, it is the greatest research job ever undertaken, but as an American I was all cocked and primed to be very proud of it till some of our statesmen commenced to shout "improper snoopery," and I got kind of scared and commenced looking around to see what could be the matter. Well, the study is made. Now, I have settled back happy and undisturbed, because I think somebody is hollering "wolf" when no wolf is in sight that has not been grazing upon the hillside in plain view for some years—since 1932 at least.

You see, there is quite a little bit of stuff to be looked into. Uncle Samuel is held to a pretty high degree of responsibility regarding his lay-out of 7,000,000 farms, many of them washing away each year, 12,000 mines and quarries, 35,000,000 residence units, over 3,000,000 business concerns, over 170,000 manufacturing outfits, hogs, horses, cows, crops, automobiles, furniture, debts, births, and so on, and he feels that he should have as much of the needed information on all of it as he can get. As a matter of fact, the people have been so well warmed up with Literary Digest polls, Gallup polls, local chamber of commerce polls, newspaper polls, furniture dealers' polls, polls of radio listeners, and all, that we thought the folks would have most of the material added, on cards here and there, ready for the census taker on arrival. The Republicans asked "How much rent do you pay?" in 1930, and we Democrats never then got hot under the collar. In 1850, '60, and '70 the American citizen was asked detailed information about his finances, and he responded nobly and told Uncle Sam the facts—and then, behold, it was very good. Our President ventured the estimate that our Nation is ill-housed, ill-clothed, and ill-fed, and Uncle Sam would like to know how near his Chief Executive came to the facts, if he may have the facts.

So while we are trying to do the job of being a Congressman in Washington let us not get so partisan that we may be just a little bit inclined to go off too far on matters that tend to get people back home to thinking things exist that do not quite bulk into such proportions. We might get folks excited over things that do not exist, and it might possibly give a bit of trouble in years to come, where it should not, and might bob up when and where least expected, and, certainly, where least wanted, for, after all, this is about substance that has little or nothing, in the last measure, to do with parties or party lines.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman now yield?

Mr. PATRICK. I yield to the handsome gentleman from Wisconsin, who sheds so much light constantly upon the doings of the House.

Mr. SCHAFER of Wisconsin. About this snooping by Uncle Sam. In view of the facts developed by the gentleman's colloquy with the gentleman from Massachusetts [Mr. GIFFORD], I would like to know whether that snooping is a part of the friendly neighbor policy of the New Deal?

Mr. PATRICK. Oh, no; we are just neighbors as between one another, having to do with things amongst ourselves. We are talking about ourselves now, and if any of the nations to the south of us should ask similar questions, we might tell them to go and jump into some friendly lake in South America. This census is nothing except us trying to find out something about ourselves. I think one of the biggest mistakes that we can make is to take ourselves as one group here and another group over there and then some other group. As a matter of fact, we are all one.

The SPEAKER. The time of the gentleman from Alabama has expired.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HINSHAW (at the request of Mr. ENGLEBRIGHT) for the week of March 18, on account of important business.

EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include a statement on farm imports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

INDIAN ROCK DAM

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I listened attentively to the gentleman from Illinois [Mr. MITCHELL] speaking on farm credits. I wanted him to state his position on placing the Farm Credit Administration in the Department of Agriculture. I wish he would acquaint himself with the fact that that means regimentation of agriculture, and that he would come out and take a stand on it.

I noticed in a news release of the National Economy League that the national debt is now pushed beyond $48,000,000,000. This would not be so if the Federal Government, in its various departments and projects, would apply better business methods. In the construction of the Indian Rock

Dam, which is a part of a flood-control project in Pennsylvania, in my county, York County, much money could be saved if the material purchased for the project had been obtained locally instead of being shipped in.

One of the objects of most of these Federal projects has been to supply labor for people out of jobs as well as to stimulate industry and I would like to know why labor and industry in the area of the project should not be recognized. Within a few miles of this dam all the products involved, except steel, could have been purchased. Also within a few miles of the dam we have one of the largest cement-producing mills in the eastern United States. If we check with the laboratory reports of the Pennsylvania Highway Department we will find that the limestone in the area has an unusually high cement content. The local sand meets with the specifications for this type of construction. It has long been established that limestone and sand produce a much better grade of concrete than river sand and gravel.

Quarries nearby have an investment of $500,000 and employ over 100 men with an average weekly wage of $25. Thus we find this community suffering a total loss in labor wages alone for stone and sand that could have been used in the construction of this dam totaling $22,500. Fifty thousand tons of stone and sand are going to be used at the dam. The low bid for the stone was $1.20 per ton f. o. b. job. That is $1 for stone and 20 cents per ton trucking 4 miles to the job. The low bid for imported gravel was $1.17 per ton f. o. b. job; car siding 62 cents for gravel and 55 cents for freight. There are to be used 40,000 barrels of cement, that is 200 carloads of about 200 barrels per car. The freight from the local plant to the job is $16 per car. From the Penn-Dixie plant it will be $98 per car. The Medusa plant, with an investment of over $2,000,000, employs 200 men who will suffer a labor loss of $12,000.

At a rate of 55 cents per ton for stone and sand the railroad will take a total of $27,500 for freight which should go to the 150 local dump truckers of whom 90 percent are owner operated. The difference between $16 and $98 per car for 200 cars of cement is simply wasted money. [Applause.]

[Here the gavel fell.]

JAMES ROOSEVELT

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 6 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I shall take this time to read into the RECORD two exceptionally fine editorials from two of our Wisconsin newspapers. I now read an editorial from the Shawano County Journal of March 14, 1940:

AGAIN—JIMMY GOT IT

Jimmy Roosevelt's papa had William G. McAdoo appointed to the $25,000 job as head of the American President Steamship Line.

And Mr. McAdoo had the line give its insurance business to Jimmy's firm, Roosevelt & Sargent, Inc.

If you were to ask Jimmy's papa why he selected Mr. McAdoo, he might say that he considered "Mac" the best of all possible shipping operators. Maybe he is. Certainly he was a man of large experience in other affairs—for instance, he had been a promoter, a corporation lawyer, a Secretary of the Treasury, and had boarded the Roosevelt band wagon at Chicago at precisely the right moment.

If you were to ask Mr. McAdoo why he gave the insurance account to Jimmy's firm he might say that Jimmy's firm writes the best of all possible insurance policies. It must be a good policy to make Mr. McAdoo, whose headquarters are in Chicago, go all the way to Boston, headquarters of Roosevelt & Sargent, Inc.

Of course, this is none of our business, except for some slight indirect interest deriving from the fact that we are citizens and taxpayers and the United States Government owns 90 percent of the common stock of this shipping company and the R. F. C. lent it $4,500,000 and the United States Maritime Commission gave it a subsidy of $3,000,000.

And, of course, there is nothing illegal about it. It's only a question of taste—and smell.

I shall now read an editorial from the Wausau Record-Herald of March 14, 1940:

NEW ROOSEVELT ENTERPRISE

With stories of his $150,000 divorce settlement still in the news, James Roosevelt, eldest son of the President, dropped into Chicago a few days ago for a series of conferences with his new business partner, Fred L. Mills. Jimmy has jumped from the insurance frying pan into the fire of the tavern slot-machine business. He's still interested, however, in Roosevelt & Sargent, the insurance firm which recently got a big chunk of marine insurance from the United States Line of steamships, to the presidency of which, worth $25,000 a year, his father appointed William G. McAdoo when the latter was defeated for reelection to the Senate.

While the President talks in toplofty terms about "economic royalists," Jimmy keeps an eye out for the main chance, even to grubbing for slot-machine nickels in taverns, drug stores, and filling stations. And Mrs. Roosevelt continues her lucrative lecture tours and her strange newspaper column, My Day. The name and the White House connection make good selling points for both.

The Mills slot-machine connections may prove rich. It's a big business, if occasionally dealing with shady layers of society, and Jimmy is supposed to have contracted with Mills to make a weekly short film for the slot-machine trade. It's the old penny-arcade racket elevated to nickel responsibility. Jimmy may have something there, although investors may ruefully recall his father's venture in the slot-machine vending business, the ill-fated Camco, a disastrous promotion which was F. D. R.'s only excursion into business. Jimmy seems to be a better businessman than his father.

Nevertheless, many will recall the days when a White House family respected Presidential dignity and prestige. That's one of the many traditions shattered by the present incumbent which we can ill afford to lose.

[Applause.]

[Here the gavel fell.]

ADJOURNMENT

Mr. PATMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 19, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid to

the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m, on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

The Committee on Patents will hold hearings Wednesday and Thursday, April 10 and 11, 1940, at 10:30 a. m. each day, on H. R. 8441, to afford greater protection to the purchaser of patent rights; H. R. 8442, to prohibit proof of acts done by an inventor in foreign countries; H. R. 8443, to give the Commissioner of Patents power to protect inventors by establishing adequate standards of professional conduct among attorneys; and H. R. 8444, to permit the assignee of an application for letters patent to make certain supplemental applications.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 19, 1940, at 10 a. m., for the consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold hearings Wednesday, March 20, 1940, at 10:30 a. m., on House Joint Resolution 470, to authorize the appropriation of an additional sum of $425,000 for Federal participation in the New York World's Fair, 1940.

COMMITTEE ON INDIAN AFFAIRS

There wil be a meeting of the Committee on Indian Affairs on Wednesday next, March 20, 1940, at 10:30 a. m., for the consideration of H. R. 5674, H. R. 6796, H. R. 7530, and H. R. 8937.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, March 20, 1940, at 10:30 a. m., for the consideration of H. R. 7749 (Lesinski) Private bill and reports from subcommittee.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m. Wednesday, March 20, 1940, for the consideration of H. R. 4582, to provide for the acquisition of certain property for public use in the District of Columbia.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING MARCH 18, 1940, AT 01 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

1. Monday, March 18: Maj. Gen. Julian L. Schley, Chief of Engineers, has been requested to make a general statement with his recommendations covering a general flood-control bill and the projects that should be included in the bill. He, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

2. Tuesday, March 19: Sponsors and representatives of the Corps of Engineers, from New England, New York, and the Atlantic seaboard on all reported projects and pending bills.

3. Wednesday, March 20: Sponsors and representatives of the Corps of Engineers, from the upper Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

4. Thursday, March 21: Sponsors and representatives of the Corps of Engineers, from the lower Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

5. Friday, March 22: Sponsors and representatives of the Corps of Engineers, for the upper Mississippi and tributaries, and Missouri River and tributaries.

6. Saturday, March 23: Sponsors and representatives of the Corps of Engineers for projects on the Arkansas River and tributaries.

7. Monday, March 25: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

8. Tuesday, March 26: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

9. Wednesday, March 27: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

10. Thursday, March 28: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

11. Friday, March 29: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

12. Saturday, March 30: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

13. Monday, April 1: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1464. A letter from the Acting Secretary of the Navy, transmitting draft of a proposed bill to authorize an exchange of lands between the people of Puerto Rico and the United States; to the Committee on Naval Affairs.

1465. A letter from the Secretary of War, transmitting a request for modification of the views expressed in letter of January 15 concerning the provision "that all personnel employed on such work and occupying skilled, technical, clerical, administrative, and supervisory positions shall be citizens of the United States"; to the Committee on Military Affairs.

1466. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1940 in the amount of $1,000,000 (H. Doc. No. 663); to the Committee on Appropriations and ordered to be printed.

1467. A letter from the Acting Secretary of the Interior, transmitting a certified volume comprising the acts of the second special session of the Fourteenth Legislature of Puerto Rico, May 11 to 19, 1939; to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WARREN: Committee on Accounts. House Resolution 429. Resolution to pay a gratuity to Belle G. Schmoyer,

widow of the late Harry A. Schmoyer (Rept. No. 1790). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 8423. A bill to amend an act entitled "An act to increase the efficiency of the Coast Guard," approved January 12, 1938; without amendment (Rept. No. 1799). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee of conference. S. 1955. An act to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture (Rept. No. 1808). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR: Committee on Indian Affairs. H. R. 8916. A bill to reimpose the trust on certain lands allotted to Indians of the Crow Tribe, Montana; without amendment (Rept. No. 1809). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. H. R. 2856. A bill for the relief of Nicola Mordeglie; without amendment (Rept. No. 1791). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 5417. A bill for the relief of Isaac Surmany; without amendment (Rept. No. 1792). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 5640. A bill to admit Richard Paul Rehn permanently to the United States; without amendment (Rept. No. 1793). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 6946. A bill for the relief of Salvator Taras; without amendment (Rept. No. 1794). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 7595. A bill for the relief of Eugene Gruen and his wife, Kate; without amendment (Rept. No. 1795). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 7800. A bill for the relief of Frank Walker and his mother, Sarah Ann Walker; without amendment (Rept. No. 1796). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 7179. A bill authorizing the naturalization of Louis D. Friedman; without amendment (Rept. No. 1797). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 8830. A bill to amend the record at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence; without amendment (Rept. 1798). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 2036. A bill for the relief of Umberto Tedeschi; without amendment (Rept. No. 1800). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 2684. A bill for the relief of Emma Knutson; without amendment (Rept. No. 1801). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 7046. A bill for the relief of Maria Schreyer; without amendment (Rept. No. 1802). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 7515. A bill for the relief of Joseph B. Rupinski and Maria Zofia Rupinski; without amendment (Rept. No. 1803). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 7814. A bill for the relief of Gerald Henry Simpson; without amendment (Rept. No. 1804). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 5641. A bill to admit Johann Rudolf Hueneberg permanently to the United States; without amendment (Rept. No. 1805). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 6302. A bill for the relief of Michal Kaliszkiewicz; without amendment (Rept. No. 1806). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 2033. A bill for the relief of Bartolomeo Anselmo; without amendment (Rept. No. 1807). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7722) granting a pension to Roscoe Johnson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8827) for the relief or L. A. Holcombe; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 8954. A bill to provide for the addition of certain lands to the George Washington Birthplace National Monument, in the State of Virginia, and for other purposes; to the Committee on the Public Lands.

By Mr. CASE of South Dakota:

H. R. 8955. A bill to authorize the construction of flood-control projects on Fall River, S. Dak.; to the Committee on Flood Control.

By Mr. CELLER:

H. R. 8956 (by request). A bill to amend section 172 of the Judicial Code; to the Committee on the Judiciary.

By Mr. COFFEE of Washington:

H. R. 8957. A bill to provide for employment, for cooperation by the Federal Government with the several States in relieving the hardships and suffering caused by unemployment, and for other purposes; to the Committee on Labor.

By Mr. DONDERO:

H. R. 8958. A bill to authorize the Secretary of the Interior to grant to the county of Wayne, State of Michigan, an easement over certain land of the United States in Wayne County, Mich., for sewage-disposal line; to the Committee on Merchant Marine and Fisheries.

By Mr. HARTER of New York:

H. R. 8959. A bill to amend the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. HINSHAW:

H. R. 8960. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, as amended; to the Committee on Flood Control.

By Mr. McGEHEE:

H. R. 8961. A bill to provide for the construction of a Federal building at Natchez, Miss., to provide quarters for the post office and other governmental agencies; to the Committee on Public Buildings and Grounds.

By Mr. THILL:

H. R. 8962. A bill to amend subsection (n), section 77, of the Bankruptcy Act, as amended, concerning payment of preferred claims; to the Committee on the Judiciary.

By Mr. TOLAN:

H. R. 8963. A bill to amend section 40 of the United States Employees' Compensation Act, as amended; to the Committee on the Judiciary.

By Mr. VINSON of Georgia:

H. R. 8964. A bill to authorize an exchange of lands between the people of Puerto Rico and the United States; to the Committee on Naval Affairs.

By Mr. WOOD:

H. R. 8965. A bill to reduce unemployment; to the Committee on Ways and Means.

By Mr. PIERCE:

H. R. 8966. A bill authorizing appropriations for payments to counties supplemental to those authorized by the act of May 23, 1908 (35 Stat. 260; U. S. C., title 16, sec. 500; to the Committee on Agriculture.

By Mr. JARMAN:

H. Con. Res. 54. Concurrent resolution authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Seventy-sixth Congress; to the Committee on Printing.

By Mr. PLUMLEY:

H. Res. 430. Resolution for the relief of Elma S. Moulton; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLSON:

H. R. 8967. A bill granting a pension to Amelia Niswender; to the Committee on Invalid Pensions.

By Mr. DIMOND:

H. R. 8968. A bill for the relief of Jennie M. Parker; to the Committee on Claims.

By Mr. FRIES:

H. R. 8969. A bill for the relief of C. H. Edwards; to the Committee on Claims.

By Mr. JOHNSON of West Virginia:

H. R. 8970. A bill granting an increase of pension to Mara C. Lowe; to the Committee on Invalid Pensions.

By Mr. KITCHENS:

H. R. 8971. A bill to authorize the appointment of Harry E. Cook, Jr., to the rank of lieutenant, junior grade, United States Navy; to the Committee on Naval Affairs.

By Mr. KNUTSON:

H. R. 8972. A bill for the relief of W. T. Brannan; to the Committee on Claims.

By Mr. LANDIS:

H. R. 8973. A bill granting a pension to Stella C. Eslinger; to the Committee on Invalid Pensions.

By Mr. SCHWERT:

H. R. 8974. A bill for the relief of Frank A. Mackowiac; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6977. By Mr. ANDERSON of California: Petition of the California State Board of Agriculture, with reference to migratory labor in agriculture; to the Committee on Labor.

6978. By Mr. HINSHAW: Petition of Nona Tubbs, of Pasadena, Calif., containing the signatures of 1,050 citizens of the Eleventh Congressional District of California, urging the enactment of the General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

6979. By Mr. JONES of Ohio: Petition of Charles K. Zimmerman, of Lima, Ohio, and 82 others; to the Committee on World War Veterans' Legislation.

6980. Also, petition of K. J. Heiser, of Sidney, Ohio, and 32 others; to the Committee on Ways and Means.

6981. By Mr. JONKMAN: Petition of Reuel E. Root and 36 other residents of Coopersville, Mich., and vicinity, protesting against the enactment of House Joint Resolution No. 228, to declare certain papers, pamphlets, books, pictures, and writings nonmailable, to provide a penalty for mailing same, and for other purposes; to the Committee on the Post Office and Post Roads.

6982. Also, petition of Reuel E. Root and 37 other residents of Coopersville, Mich., protesting against the enactment of House bill 5732, a bill designating Good Friday in each year a legal holiday; to the Committee on the Judiciary.

6983. By Mr. MARTIN J. KENNEDY: Petition of the Women's International League for Peace and Freedom, New York City, concerning the alien and sedition bills, also the war referendum; to the Committee on the Judiciary.

6984. Also, petition of the Chamber of Commerce of the State of New York, expressing opposition to the Townsend bill (S. 785) concerning silver purchases; to the Committee on Banking and Currency.

6985. Also, petition of the Harbor Carriers of the Port of New York, New York City, concerning the importation of tropical refined sugar; to the Committee on Foreign Affairs.

6986. Also, petition of the National Woman's Party, New York City, concerning the equal rights amendment; to the Committee on the Judiciary.

6987. Also, petition of the New York State Waterways Association, Inc., Albany, N. Y., concerning the St. Lawrence seaway and power project, urging support of House Resolution 360, which provides for an investigation prior to the signing of the Great Lakes-St. Lawrence deep waterway treaty; to the Committee on Interstate and Foreign Commerce.

6988. By Mr. MICHAEL J. KENNEDY: Petition of the National Federation of Post Office Motor Vehicle Employees, supporting House bill 4098, to make the United States Government-owned motor vehicle service a permanent branch of the Post Office Department; to the Committee on the Post Office and Post Roads.

6989. Also, petition of the Association of Ship Brokers and Agent, New York Produce Exchange, relative to the St. Lawrence seaway plan; to the Committee on Foreign Affairs.

6990. Also, petition of the District of Columbia Society of the Sons of the American Revolution, expressing opposition to an income-tax law for the District of Columbia; to the Committee on Ways and Means.

6991. Also, petition of the New York Board of Trade, Inc., expressing opposition to any changes in the new Sugar Act which would increase the quota of beet sugar or tend to reduce the volume of cane sugar received and refined in the New York area; to the Committee on Foreign Affairs.

6992. Also, petition of the American Federation of Musicians Local 802, representing approximately 20,000 professional musicians, opposing any reduction in the appropriation for Work Projects Administration music projects; to the Committee on Appropriations.

6993. Also, petition of the United Neighborhood houses of New York, Inc., urging continuation and expansion of the National Youth Administration program; to the Committee on Appropriations.

6994. By Mr. KEOGH: Petition of the New York State Retail Hardware Association, Syracuse, N. Y., concerning the Norris bill (S. 2605); to the committee on Agriculture.

6995. Also, petition of the Bricklayers' Union, Local No. 9, of Brooklyn, N. Y., favoring the passage of House bill 8615; to the Committee on Labor.

6996. Also, petition of Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio, favoring the Harrison amendment to Senate bill 2009; to the Committee on Interstate and Foreign Commerce.

6997. Also, petition of the International Association of Bridge, Structural, and Ornamental Iron Workers, Local Union No. 361, Brooklyn, N. Y., favoring the passage of the Wagner-Steagall housing bill (S. 591); to the Committee on Banking and Currency.

6998. Also, petition of the United Neighborhood Houses of New York, Inc., New York City, concerning appropriation for

the National Youth Administration; to the Committee on Appropriations.

6999. Also, petition of Local 802, American Federation of Musicians, New York City, concerning appropriation for Work Projects Administration music projects; to the Committee on Appropriations.

7000. Also, petition of the New York Board of Trade, Inc., New York City, concerning the Walter-Logan bill (H. R. 6324); to the Committee on the Judiciary.

7001. Also, petition of the Eastern New York State Advisory Board, General Welfare Federation of America, Inc., concerning national old-age pension; to the Committee on Ways and Means.

7002. Also, petition of the Community Councils of the City of New York, Inc., concerning pending sugar legislation and for the protection of the jobs of the sugar-refinery workers of New York City; to the Committee on Foreign Affairs.

7003. Also, petition of Mrs. William Hays Lawrence, president of the Illuminati, cultural women's club of Brooklyn, N. Y., concerning sugar legislation and the protection of the jobs of the Brooklyn, N. Y., sugar-refinery workers; to the Committee on Foreign Affairs.

7004. Also, petition of the New York Board of Trade, New York City, favoring sugar legislation that will protect the jobs of the sugar-refinery workers of New York; to the Committee on Foreign Affairs.

7005. By Mr. PFEIFER: Petition of the International Association of Bridge, Structural, and Ornamental Iron Workers, Local Union No. 361, Brooklyn, N. Y., urging support of the Wagner-Steagall housing bill (S. 591); to the Committee on Banking and Currency.

7006. Also, petition of the Wood, Fire, and Metal Lathers' International Union, Local No. 46, New York City, urging the passage of the Wagner-Steagall bill (S. 591); to the Committee on Banking and Currency.

7007. Also, petition of the Women's International League for Peace and Freedom, New York City, concerning alien and sedition bills and war referendum; to the Committee on Immigration and Naturalization.

7008. Also, petition of the Roosevelt Republican Club, Brooklyn, N. Y., protesting against the importation of tropically refined sugar; to the Committee on Foreign Affairs.

7009. Also, petition of the Queens Village Democratic Club, Queens Village, N. Y., protesting against the importation of tropically refined sugar; to the Committee on Foreign Affairs.

7010. Also, petition of the North Lindenhurst Civic Association, Inc., Lindenhurst, Long Island, N. Y., urging continuation of the present Sugar Act to protect the jobs of the thousands employed in the Brooklyn sugar refineries; to the Committee on Foreign Affairs.

7011. Also, petition of the Lane Democratic Club, Inc., Brooklyn, N. Y., protesting against the importation of tropically refined sugar; to the Committee on Foreign Affairs.

7012. Also, petition of the Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio, urging defeat of Senate bill 2009 unless it contains the Harrington amendment; to the Committee on Interstate and Foreign Commerce.

7013. By Mr. RICH: Petition of the Woman's Foreign Missionary Society of Montoursville, Pa., protesting against the shipment of war materials to Japan; to the Committee on Foreign Affairs.

7014. By Mr. PFEIFER: Petition of the New York Board of Trade, Inc., New York City, requesting no change in the new Sugar Act; to the Committee on Foreign Affairs.

7015. Also, petition of the National Federation of Post Office Motor Vehicle Employees, Local No. 20, Flushing, N. Y., urging support of House bill 4098 and other bills beneficial to employees in the Motor Vehicle Service; to the Committee on the Post Office and Post Roads.

7016. Also, petition of the New York Board of Trade, Inc., New York City, concerning the Walter-Logan bill (H. R. 6324); to the Committee on the Judiciary.

7017. Also, petition of William Feinberg, secretary, Local 802, American Federation of Musicians, New York City, opposing any reduction in appropriation for Work Projects Administration music projects; to the Committee on Appropriations.

7018. By Mr. SCHIFFLER: Petition of G. Stanley Hamric, adjutant of the American Legion, Department of West Virginia, at a post officers' area conference of posts of the American Legion, Department of West Virginia, from Wheeling, Moundsville, McMechen, Weirton, Cameron, Hundred, New Martinsville, Wellsburg, Follansbee, Benwood, Pine Grove, Weston, Buckhannon, Clarksburg, Lumberport, West Union, Shinnston, Gassaway, Salem, Parkersburg, Spencer, Point Pleasant, Glenville, Middlebourne, Elizabeth, Sistersville, St. Marys, Grantsville, Pennsboro, Ripley, and Ravenswood, at Sistersville, W. Va., urging the passage of Senate bill 3060 or House bill 7618, for the acquiring of additional ground for the national cemetery at Grafton, W. Va.; to the Committee on Military Affairs.

7019. By Mr. SCHWERT: Resolution of Buffalo Lodge, No. 1071, International Association of Machinists, Buffalo, N. Y., expressing unanimous opposition to the St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

7020. By Mr. VAN ZANDT: Petition of the Blair County Central Labor Union, Altoona, Pa., advocating the passage of House bill 2001 over the President's veto; to the Committee on the Post Office and Post Roads.

7021. By the SPEAKER: Petition of the American Committee for Protection of Foreign Born, fourth annual conference, Hotel Annapolis, Washington, D. C., petitioning consideration of their resolution with reference to antialien bills; to the Committee on the Judiciary.

7022. Also, petition of the Automobile Dealers Association of Alabama, Birmingham, Ala., petitioning consideration of their resolution with reference to the proposed Patman bill; to the Committee on Interstate and Foreign Commerce.

7023. Also, petition of the Brentwood Mine and Mill Workers Union, Brentwood, Calif., petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7024. Also, petition of Philadelphia Bourse, Philadelphia, Pa., petitioning consideration of their resolution with reference to Federal sugar legislation; to the Committee on Agriculture.

7025. Also, petition of the Utility Workers Organizing Committee, Bay City, Mich., petitioning consideration of their resolution with reference to the antialien bills to the Committee on Immigration and Naturalization.

7026. Also, petition of the Steel Workers Organizing Committee, Cleveland, Ohio, petitioning consideration of their resolution with reference to House bill 3331 and Senate bill 1032, establishing guarantees of collective bargaining in Government contracts; to the Committee on the Judiciary.

SENATE

TUESDAY, MARCH 19, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who art the ruler of the world's destiny, draw us closer, hour by hour, within the folds of the divine-human mystery of this Holy Week, with its consummate tragedy of Christ upon the cross, dying that we might live. Grant to each one of us the Christlike spirit with its youthful, noble ideals of service, with its genuine desire to help men and to give up many things for the common good, lest when life goes on, and the flame dies down, prudence usurp the throne of adventure, and mediocrity find complacency more comfortable than the challenge of a great emprise.

God of our fathers, help us, we beseech Thee, to realize that though men may be made heroic by the plaudits of a

sympathetic crowd, it takes men of far finer stuff to be heroes amid the jeers of the very people whom they set out to serve with complete self-sacrifice.

Give us at once, dear Lord, the humility and the courage to follow only Thee in our ministry of service, even up to Calvary's hill, where we will wait and worship in the darkness till the shadows flee away and our world emerges into the light of love and peace.

In Thy holy name and for Thy sake, we ask it. Amen.

THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 18, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on March 18, 1940, the President had approved and signed the following acts:

S. 1998. An act for the relief of Ernestine Huber Neuheller;

S. 2284. An act to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush; and

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States; to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; and

S. 1759. An act granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 952. An act for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for the reimbursement of public subdivisions by whom judgments for such claims have been paid;

H. R. 1788. An act to confirm title to certain railroad lands located in the county of Kern, State of California;

H. R. 5477. An act for the benefit of the Indians of the Crow Reservation, Mont., and for other purposes;

H. R. 6767. An act to provide additional compensation for employees killed or injured while performing work of a hazardous nature incident to law-enforcement activity, and for other purposes;

H. R. 7421. An act to provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville;

H. R. 7643. An act to facilitate and simplify national-forest administration;

H. R. 7737. An act to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes;

H. R. 8024. An act to provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes;

H. R. 8450. An act to extend for 5 additional years the reduced rates of interest on Federal land bank and land bank commissioner loans;

H. R. 8499. An act relating to adoption of minors by Indians;

H. R. 8537. An act to provide for the enlargement of the Coast Guard depot at Seattle, Wash., and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tenn.;

H. R. 8540. An act to authorize an increase in the White House police force;

H. R. 8702. An act to amend the Judicial Code with respect to the continuation of grand juries to finish investigations;

H. R. 8822. An act to extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory; and

H. J. Res. 437. Joint resolution authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 4868. An act to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; and

H. R. 8068. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Schwellenbach
Ashurst	Downey	Lodge	Sheppard
Austin	Ellender	Lucas	Shipstead
Bailey	Frazier	Lundeen	Smathers
Bankhead	George	McCarran	Smith
Barbour	Gerry	McKellar	Stewart
Barkley	Gibson	McNary	Taft
Bilbo	Gillette	Maloney	Thomas, Idaho
Bone	Green	Mead	Thomas, Okla.
Bridges	Guffey	Miller	Thomas, Utah
Brown	Gurney	Minton	Tobey
Bulow	Hale	Murray	Townsend
Byrd	Harrison	Neely	Tydings
Byrnes	Hatch	Norris	Vandenberg
Capper	Hayden	Nye	Van Nuys
Caraway	Herring	O'Mahoney	Wagner
Chandler	Hill	Pepper	Walsh
Chavez	Holman	Pittman	Wheeler
Clark, Idaho	Holt	Radcliffe	White
Clark, Mo.	Hughes	Reed	Wiley
Connally	Johnson, Calif.	Reynolds	
Danaher	Johnson, Colo.	Russell	
Davis	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

The VICE PRESIDENT. Eighty-nine Senators have answered to the roll call. A quorum is present.

GEORGE R. MORRIS—VETO MESSAGE (S. DOC. NO. 166)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was

read and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, S. 263, "for the relief of George R. Morris."

It is the purpose of the bill to make a legislative determination of certain facts in respect to the claim for compensation filed by George R. Morris under the Federal Employees' Compensation Act on account of an injury sustained by him on November 9, 1936, while in the employ of the Works Progress Administration. The record in this case shows that the claim for compensation was duly filed with the Employees' Compensation Commission. The Commission, under existing law, has continuing jurisdiction over the claim and may at any time, on its own motion or on application, review its decision denying the benefits of the compensation law in this case and, in accordance with the facts found on such review, may award compensation or take such further action as may be authorized by law.

I am informed that the Commission, acting under this authority of law, has, since the enactment of this measure, reviewed the record in this case and has found that the decision denying compensation benefits on the ground that the injury occurred while the employee was proceeding to his work, failed to take into account the fact that he was in a pay status at the time. This decision, made under a mistake of fact, has accordingly been rescinded and the claim has been approved.

In view of such administrative action, approval of the bill appears unnecessary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 18, 1940.*

APPOINTMENT OF CERTAIN DEPUTY BUREAU HEADS UNDER CIVIL-SERVICE LAWS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide that assistant or deputy heads of certain bureaus in the Department of the Interior shall be appointed under the civil-service laws, and for other purposes, which, with the accompanying paper, was referred to the Committee on Civil Service.

AMERICAN-PHILIPPINE RELATIONS—WAR CONDITIONS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting copy of resolution No. 37, adopted by the Philippine National Assembly on September 6, 1939, and copy of a message of the President of the Philippines delivered on September 5 before the assembly, both documents relating to American-Philippine relations in the face of war conditions existing abroad, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the secretary of the Mount Rushmore National Memorial Commission, Keystone, S. Dak., transmitting, pursuant to law, a report of the Commission for the 6-month period from June 1, 1939, to December 31, 1939, inclusive, with related reports, which, with the accompanying papers, was referred to the Committee on the Library.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the sixtieth annual St. Patrick's Day celebration, held under the auspices of the Ancient Order of Hibernians in America, at Chicago, Ill., requesting that the United States use its good offices to effect the withdrawal of the British Army and Government from northeast Ireland so as to restore the territorial integrity of the Irish Nation, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the petition of the board of directors of the Business Women's Legislative Council of California, favoring prompt adoption of the so-called equal rights amendment to the Constitution, which was referred to the Committee on the Judiciary.

EXPLOSION IN THE CONSOLIDATED SCHOOL AT NEW LONDON, TEX.

Mr. SHEPPARD. Mr. President, I ask leave to have inserted in the RECORD a letter addressed to me by Secretary of Agriculture Wallace relative to the investigation by his Department of the explosion in the Consolidated School at New London, Tex.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 29, 1940.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR SENATOR SHEPPARD: In reply to your letter of February 14 with reference to the investigation by this Department of the explosion in the Consolidated School at New London, Tex., your recollection that the investigation was made at the request of Governor Allred and other Texas officials, including Senator CONNALLY and yourself, is correct and in accord with the facts. That explosion occurred in a rural community school building and resulted in the death of 276 boys and girls and 17 teachers—a total of 293 lives lost.

The explosion occurred about 3:10 p. m. on March 18, 1937, and on March 19 the Department received two telegrams from Gov. James V. Allred asking for assistance in the investigation of the cause of the explosion, and further whether an expert from the Department could be sent by plane that afternoon to meet personal representatives of the Governor at Dallas. The Department complied with the request of Governor Allred and the other Texas officials, and sent Dr. David J. Price, Chief of the Chemical Engineering Research Division of the Bureau of Chemistry and Soils, to assist the Texas authorities in the investigation. State Fire Marshal Marvin Hall met Dr. Price in Dallas and they joined the military commission in charge of the State's investigation at New London. The Department specialist was able to assist the commission in determining the cause and circumstances under which the explosion occurred.

The findings of the Department, together with recommendations for precautionary measures for the prevention of similar occurrences, were sent in a telegraphic report to Governor Allred on March 29, 1937. Governor Allred wired immediately his appreciation of the report and assistance rendered by the Department. This preliminary report was inserted by you in the CONGRESSIONAL RECORD for Tuesday, March 30, 1937, and appears on pages 3665 and 3667. Congressman Morgan G. Sanders, of the Third Texas District, also inserted this report in the CONGRESSIONAL RECORD for Thursday, April 1, 1937, pages 3877 and 3891.

The final complete report of the investigation by the Department was forwarded to Governor Allred on April 14, 1937, and copies were mailed at the same time to Vice President GARNER, Senator CONNALLY, and yourself. Upon receipt of this report, Governor Allred, under date of April 17, 1937, again expressed the "deep appreciation we feel of the fine assistance and cooperation your Department extended in the New London disaster." In his letter the Governor stated further that "the conclusions arrived at and suggestions made will be of great value in preventing any similar tragedies in the future and will help us immensely in preparing proper legislation."

The report was published in complete form as Senate Document No. 56 (75th Cong., 1st sess.). The report has been widely distributed and the Department feels that the precautionary measures developed and recommended as the result of its investigation have been instrumental in the prevention of explosions of this character in school buildings and similar institutions in rural communities.

With reference to your inquiry as to what effect the elimination by the House of the $30,000 for research on agricultural dust explosions and fire prevention will have, I wish to advise that it will mean the complete discontinuance of these investigations, for the Department will have neither the funds nor the authority to engage further in this research. This means the discontinuance of investigations relating to dust explosions and fires in grain elevators and other plants handling agricultural products, as well as the work to develop methods for providing protection against this hazard.

This research work is designed to provide authoritative information for the farmer on all phases of explosion and fire prevention and protection. It is the only agency in the Department where such information is available. If the Department is compelled to terminate this research work, it will not be possible to study the following major problems which we are being called upon to handle:

(1) Development of safety measures for prevention of dust explosions and fires in country (rural) grain-handling plants: The Department has accepted leadership in the work of a national committee recently organized to develop methods of providing protection against dust explosions and fires in country grain-handling plants. There are approximately 10,000 of these rural plants with a capital investment of more than $450,000,000. These combined country elevators and feed-grinding plants are largely owned and operated by farmers' cooperative organizations, and these groups look to the Department for help in reducing the dust-explosion hazard. The losses have been estimated at $3,000,000 annually. The work is being carried on in cooperation with the National Grain Trade Council, the Country Grain Elevator Association, the National Fire Protection Association, and other interested agencies.

(2) Development of methods for applying air suction for the removal of explosive dust from grain shipments: The Department is cooperating with the Terminal Grain Elevator Weighmasters' Association, Terminal Grain Elevator Merchants' Association, National Fire Protection Association, dust-collection equipment manufacturers, and other interested organizations in the development of suitable equipment, apparatus, and methods for applying air suction in grain-handling plants which will provide adequate protection against the dust-explosion hazard and at the same time guard against any abuses which might affect grain weights. Recent explosions in grain bins require immediate investigation to determine the possibility of such explosions being caused by electrification of dust clouds while grain is entering storage bins. Losses of life and property from dust explosions in terminal grain elevators cannot be reduced until these methods are developed. Fifty-six grain-elevator explosions have been reported since 1930. Forty persons were killed and 145 were injured in these explosions, and the property losses amounted to more than $7,500,000. These 56 explosions were approximately 36 percent of the total number of explosions reported during that period.

(3) Development of effective grounding system for fire prevention in all-metal cotton-ginning plants: The demands on the Department for information on grounding systems for the removal of static electricity from all-metal cotton gins in all-metal buildings have emphasized the urgent need for additional work on fire prevention in cotton-ginning operations, particularly the dry regions of Texas, Oklahoma, and the Southwest.

(4) Development of effective measures for protection of firemen against dust explosions during fire-fighting operations in plants handling agricultural products: Firemen in rural districts are calling upon the Department for help in developing farm and rural fire departments and for advice and assistance in fighting fire during the handling and storage of farm products.

The International Association of Fire Fighters, the International Association of Fire Chiefs, State associations of volunteer and rural firemen, and many other fire-fighting organizations are continually calling upon the Department for assistance, instruction, and advice on the development and adoption of safe methods of fire fighting where the dust-explosion possibilities are a serious hazard to firemen. Many firemen have been killed or seriously injured from explosions while engaged in fighting fires in plants handling agricultural products.

I hope this will answer your inquiries, both as to the effect which the House action will have on this research work and also give you the facts that resulted in the Department's investigation of the New London school explosion. Copies of the complete correspondence are on file and will be sent you if you desire.

Sincerely,

H. A. WALLACE, *Secretary.*

REPORTS OF THE COMMITTEE ON COMMERCE

Mr. BAILEY, from the Committee on Commerce, to which was referred the bill (H. R. 6751) to repeal certain laws with respect to manifests and vessel permits, reported it without amendment and submitted a report (No. 1328) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 231) favoring the deletion from the Sixteenth Census population schedule of inquiries Nos. 32 and 33, relating to compensation received (submitted by Mr. TOBEY on February 7, 1940), reported it with an amendment and submitted a report (No. 1329) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCARRAN:

S. 3620. A bill to provide for Federal cooperation with the States in the development of aircraft landing areas adequate to provide for the national defense, the postal service, and civil aeronautics; to the Committee on Commerce.

By Mr. BARBOUR:

S. 3621. A bill to provide for reimbursing the city of Hoboken, N. J., for the loss of taxes on certain property owned by the United States and known as the Hoboken Terminal; to the Committee on Commerce.

By Mr. WHEELER:

S. 3622. A bill authorizing the issuance of patents in fee to Bert Kennerly for land allotted to him on the Blackfoot Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. SHIPSTEAD:

S. 3623. A bill to amend the act of August 27, 1935 (49 Stat. 2194), and for other purposes; and

S. 3624. A bill authorizing a per capita payment of $12.50 each to the members of the Red Lake Band of Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. CONNALLY:

S. 3625. A bill for the relief of W. J. Hance; to the Committee on Claims.

By Mr. GREEN:

S. 3626. A bill for the relief of Daniel B. Golden; to the Committee on Military Affairs.

By Mr. DOWNEY:

S. 3627. A bill to amend the Panama Canal Act; to the Committee on Interoceanic Canals.

S. 3628. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Ben White, Arch Robinson, Lee Wells, W. S. Wells, A. J. McLaren, A. D. Barkelew, Oscar Clayton, R. L. Culpepper, W. B. Edwards, the estate of John McLaren, the estate of C. E. Wells, and the estate of Theodore Bowen; to the Committee on Claims.

By Mr. JOHNSON of Colorado:

S. 3629. A bill to provide for the use of 20 percent of the grazing receipts from national forests for the making of range improvements within such forests; to the Committee on Public Lands and Surveys.

(Mr. LODGE introduced Senate bill 3630, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. PEPPER:

S. 3631. A bill authorizing the naturalization of Alvina Pryor and James F. Pryor; to the Committee on Immigration.

S. 3632. A bill to provide for the establishment of the Fort Caroline National Monument in Duval County, Fla.; to the Committee on Public Lands and Surveys.

By Mr. SHEPPARD:

S. 3633. A bill to amend section 24e, National Defense Act, as amended, so as to eliminate the requirement of 2 years' practice for eligibility for appointment in the Dental Corps; to the Committee on Military Affairs.

By Mr. McKELLAR (for himself, Mr. STEWART, Mr. GEORGE, and Mr. RUSSELL):

S. 3634. A bill to provide for flood-protection works at Chattanooga, Tenn., and Rossville, Ga.; to the Committee on Commerce.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 952. An act for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for the reimbursement of public subdivisions by whom judgments for such claims have been paid;

H. R. 5477. An act for the benefit of the Indians of the Crow Reservation, Mont., and for other purposes;

H. R. 8024. An act to provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes; and

H. R. 8499. An act relating to adoption of minors by Indians; to the Committee on Indian Affairs.

H. R. 1788. An act to confirm title to certain railroad lands located in the county of Kern, State of California; to the Committee on Public Lands and Surveys.

H. R. 6767. An act to provide additional compensation for employees killed or injured while performing work of a hazardous nature incident to law-enforcement activity, and for other purposes; to the Committee on Education and Labor.

H. R. 7643. An act to facilitate and simplify national-forest administration; to the calendar.

H. R. 8450. An act to extend for 5 additional years the reduced rates of interest on Federal land bank and land bank commissioner loans; to the Committee on Banking and Currency.

H. R. 8537. An act to provide for the enlargement of the Coast Guard depot at Seattle, Wash., and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tenn.; to the Committee on Commerce.

H. R. 8540. An act to authorize an increase in the White House police force; to the Committee on Public Buildings and Grounds.

H. R. 7421. An act to provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville;

H. R. 7737. An act to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes;

H. R. 8702. An act to amend the Judicial Code with respect to the continuation of grand juries to finish investigations;

H. R. 8822. An act to extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory; and

H. J. Res. 437. Joint resolution authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship; to the Committee on the Judiciary.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CLARK of Idaho submitted an amendment proposing to increase the appropriation for the control of predatory animals and injurious rodents from $675,000 to $1,000,000, intended to be proposed by him to House bill 8745, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. DOWNEY submitted an amendment intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, 1941, which was ordered to lie on the table and to be printed, as follows:

On page 45, line 14, in lieu of the figure "$2,000,000", proposed to be inserted by the committee amendment, insert the figure "$3,000,000."

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, 1941, which was ordered to lie on the table and to be printed, as follows:

On page 83, line 12, strike out "$85,000,000" and insert "$113,000,000."

Mr. MEAD submitted two amendments intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, 1941, which were ordered to lie on the table and to be printed:

On page 62, line 13, strike out "$725,000" and insert "$825,000."

And—

On page 64, line 14, strike out "$1,130,000" and insert "$1,205,000."

Mr. BYRD (for Mr. OVERTON) submitted an amendment intended to be proposed by Mr. OVERTON to House bill 8202, the Agricultural Department appropriation bill, 1941, which was ordered to lie on the table and to be printed, as follows:

On page 64, line 14, after "$1,130,000", insert a comma and the following: "of which $5,000 shall be available for the maintenance of a market news service at New Orleans, La."

Mr. BILBO (for himself and Mr. LEE) submitted an amendment intended to be proposed by them jointly to House bill 8202, the Agricultural Department appropriation bill, 1941, which was ordered to lie on the table and to be printed, as follows:

Amend the paragraph entitled "Parity payments", on page 82, by striking out lines 16 to 25, and on page 85, strike out lines 1 to 5, inclusive, and insert the following:

"To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, $607,000,000, which sum shall be apportioned to these commodities in proportion to the amount by which each falls to reach the parity income: *Provided*, That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1940 is not in excess of the farm-acreage allotment established for the commodity under the agricultural conservation program."

FINANCIAL AND OTHER DATA PERTAINING TO SUNDRY GOVERNMENTAL AGENCIES AND CORPORATIONS

Mr. BYRD submitted the following resolution (S. Res. 247), which was referred to the Committee on Printing:

Resolved, That the report of the Secretary of the Treasury relative to the financial condition and operations of certain corporations and agencies of the Government, transmitted to the Senate on February 15, 1940, in response to Senate Resolution 150, agreed to June 27, 1939, be printed as a Senate document, and that —— additional copies be printed for the use of the Senate document room.

PUNISHMENT FOR ESPIONAGE AND OTHER CRIMES

The PRESIDING OFFICER (Mr. CLARK of Missouri in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1398) to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act, which were, to strike out all of sections 1 and 2 and insert:

That section 1 of title I of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, is amended by striking out "shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 2 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000."

On page 2, line 24, to strike out "3" and insert "2"; on page 3, lines 4 and 5, to strike out "not less than 5 years and"; on the same page, line 7, to strike out "4" and insert "3"; on the same page, lines 11 and 12, to strike out "not less than 5 years and"; on the same page, line 18, to strike out "not less than 5 years and"; on pages 3 and 4, to strike out all of section 5; on page 4, line 3, to strike out "6" and insert "4"; on the same page, line 7, to strike out "not less than 10 years and"; on the same page, line 10, to strike out "7" and insert "5"; on the same page, line 14, to strike out "not less than 5 years and"; on the same page, line 17, to strike out "8" and insert "6"; on the same page, line 22, to strike out "not less than 5 years and"; on the same page, line 25, to strike out "9" and insert "7"; on page 5, line 4, to strike out "not less than 5 years and"; on the same page, line 7, to strike out "10" and insert "8"; on the same page, line 11, to strike out "not less than 5 years and"; on the same page, line 14, to strike out "11" and insert "9"; and on the same page, line 18, to strike out "not less than 5 years and."

Mr. BARBOUR. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1160) for the relief of Roland Hanson, a minor, and Dr. E. A. Julien, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RAMSPECK, and Mr. THOMAS of New Jersey were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to each of the following bills, asked conferences with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RAMSPECK, and Mr. THOMAS of New Jersey were appointed managers on the part of the House at the conferences:

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy; and

H. R. 4126. An act for the relief of Warren Zimmerman.

SOCIAL AND ECONOMIC AMERICA

[Mr. TOWNSEND asked and obtained leave to have printed in the Appendix of the RECORD the text of a speech by Senator BRIDGES at a luncheon meeting of the Wilmington Rotary

Club, Hotel du Pont, Wilmington, Del., Thursday, March 14, which appears in the Appendix.]

THE SILVER PURCHASE ACT

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an editorial from the New York Journal of Commerce of March 19, 1940, relative to the Silver Purchase Act, which appears in the Appendix.]

THE FARM PROBLEM—ARTICLES BY ROGER W. BABSON AND MRS. BEN OHNSTAD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Roger W. Babson entitled "Instead of Handouts, United States Should Encourage Families to Move to Farms," and an article by Mrs. Ben Ohnstad entitled "Anyone Can Go Back to Eden," which appear in the Appendix.]

THE CENSUS OF 1940

[Mr. TOBEY asked and obtained leave to have printed in the RECORD various articles, a letter, and an editorial bearing on the census matter, which appear in the Appendix.]

ARTICLE BY WILLIAM PHILIP SIMMS ON BRITISH DEMANDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by William Philip Simms entitled "Britain's Demands," which appears in the Appendix.]

ARTICLE FROM FORTUNE MAGAZINE ON WESTERN FREIGHT RATES

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article on the subject of western freight rates, published in Fortune Magazine for February 1940, which appears in the Appendix.]

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. May the Chair state the parliamentary situation? The unfinished business is the agricultural appropriation bill, the formal reading of which has been dispensed with by unanimous consent. No committee amendment has yet been stated. Does the Senator from Alabama desire to address himself to the bill or to the first committee amendment?

Mr. BANKHEAD. Simply to one part of the bill.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. BANKHEAD. Mr. President, the subject of parity income of farmers is the paramount question involved in the pending appropriation bill. The parity objective has received very earnest consideration since the present administration went into power on March 4, 1933. Different ways of finally reaching the desired result have been put into operation. Considerable success has been achieved, but much remains yet to be done in order to place more than one-third of our total population on a basis of economic justice with the people engaged in other activities.

I know that most, if not all, Senators are familiar with section 303 of the Agricultural Adjustment Act of 1938. It provides for parity payments to farmers "if and when appropriations are made therefor." As it contains the first basic authorization for parity-payment appropriations, I am going to quote section 303. It is as follows:

> If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, rice, or tobacco on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit. All funds available for such payments with respect to these commodities shall, unless otherwise provided by law, be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income. Such payments shall be in addition to and not in substitution for any other payments authorized by law.

Section 301 of the Agricultural Adjustment Act of 1938 defines "parity" and "parity income" as follows:

> Parity as applied to prices for any agricultural commodity shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period. The base period, except for tobacco, is the period of August 1909 to July 1914.
>
> Parity as applied to income for agriculture shall be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation as prevailed during the period from August 1909 to July 1914.

What is meant by net income from farming operations? It means income available for living, income that is left after fertilizer, feed, taxes, interest, and the ordinary business expenses of a farm are excluded. By deducting these ordinary expenses we determine the net income from agriculture and compare it to nonfarm income. Agriculture's share of the total income must be the same, comparatively speaking, that it was in the 1909–14 period, if farmers are to get parity income.

I recently heard a comparison which illustrates parity income very well. The net income from farming operations and the nonfarm income were compared to a pie. To receive parity income, agriculture's share of the pie must be as large by comparison with the whole pie as it was in the pre-war period.

We use the 1909–14 period as a yardstick for measuring parity prices and income. So far as we have been able to determine, this was a period when farm prices and income were balanced with other prices and income. Farm commodities flowed freely to the cities and manufactured goods flowed freely to the farm. Workingmen had jobs. It was a stable and prosperous period, for agriculture was on a plane of economic equality with labor and industry.

After the first World War farm prices fell but other prices did not. The prices of manufactured goods, the wages of labor, taxes, interest, debt charges, and other things remained high. The farmer has been trying to get back on an even footing with other groups since then, and we have been trying to help him.

From the standpoint of farm prices and farm income there is no question about the need for parity payments. In the calendar year 1939, for example, the farmers' incomes fell $1,600,000,000, or 25 percent below parity income. This failure on the part of agriculture to get its fair share of the annual national income is a habitual one. The last time farmers got parity income was away back in 1919. Agriculture's cumulative deficit has grown each year. At the end of 1939 farmers' incomes, over a 20-year period, had fallen $35,000,000,000 below parity income.

The question before us is not the restoration of that deficit; we are not even considering an appropriation large enough to give agriculture parity income in 1941. What we are discussing here is whether to appropriate enough money to raise the income of the producers of five basic commodities to 75 percent of parity.

The men who grow cotton, corn, wheat, tobacco, and rice do not grow these crops exclusively. Many of these producers are dairy farmers, fruit farmers, truck farmers, livestock producers, poultry producers, and so on through the list. By a conservative estimate, 80 percent of the Nation's farmers grow one or more of the five crops I have mentioned. The overwhelming majority of the farmers of the country have a direct interest in parity payments. Furthermore, the producers of the basic commodities are the farmers who make most of the sacrifices that are required by the soil-conservation and marketing programs practiced for the last 5 or 6 years. For example, in the 6 years ending with 1932, the acreage of cotton in the United States averaged 40,174,000 acres. For the 6 years ending in 1939, cotton acreage averaged 27,655,000 acres, a reduction of 31 percent. The acreage in 1939 was 40 percent below the pre-1932 average.

The sacrifice made by the producers of basic commodities, the unusual difficulties facing them because of the export situation, and the importance of these growers in the general scheme of agriculture are good reasons for parity payments. The welfare of the producers of the five basic crops is of sufficient importance to us all to make it important that every

effort should be made to assure them a fair and adequate income. On that fact we are all agreed.

What of the income from the five basic commodities named in the act? Measured in terms of pre-war purchasing power, the deficit in the income from these products in 1939 amounted to $450,000,000, or more than double the $212,000,000 appropriated for parity payments for the 1939 crop year. The total deficiency in income from sales of corn, wheat, cotton, rice, and tobacco in the last 10 years has been about $5,600,000,000.

For the information of the Senate, I am submitting for the RECORD a table showing the annual income received by farmers in the years from 1924 as compared to parity income, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Farm income available for living, parity income, and deficiency in available farm income, United States

Year	Available farm income	Ratio available farm income to parity [1]	Parity farm income [2]	Deficiency in available income [3]
1910–14	$4,518,000,000	100.0	$4,518,000,000	
1924–29	6,966,000,000	84.2	8,271,000,000	−$1,305,000,000
1930	5,115,000,000	66.9	7,646,000,000	−2,531,000,000
1931	3,081,000,000	47.2	6,528,000,000	−3,447,000,000
1932	1,804,000,000	34.2	5,275,000,000	−3,471,000,000
1933	2,597,000,000	52.1	4,985,000,000	−2,388,000,000
1934	3,376,000,000	59.8	5,645,000,000	−2,269,000,000
1935	4,237,000,000	70.4	6,018,000,000	−1,781,000,000
1936	5,123,000,000	75.4	6,794,000,000	−1,671,000,000
1937	5,471,000,000	75.2	7,275,000,000	−1,804,000,000
1938	4,451,000,000	66.7	6,673,000,000	−2,222,000,000
1939	4,587,000,000	65.3	7,025,000,000	−2,438,000,000
Including Government payments:				
1933	2,759,000,000	55.4		−2,226,000,000
1934	3,932,000,000	69.7		−1,713,000,000
1935	4,820,000,000	80.2		−1,198,000,000
1936	5,410,000,000	79.7		−1,384,000,000
1937	5,838,000,000	80.2		−1,437,000,000
1938	4,933,000,000	73.8		−1,740,000,000
1939	5,394,000,000	76.8		−1,631,000,000

[1] This is the ratio of available farm to available nonfarm income per capita, 1910–14=100.
[2] Available farm income divided by the ratio to parity.
[3] The amount by which parity income exceeds available farm income.
Source: Bureau of Agricultural Economics.

Mr. BANKHEAD. Mr. President, what about the prospects for 1941? It will be argued, and justifiably so, that the Congress cannot be expected to appropriate money to compensate agriculture for failure to get its fair share of the national income in past years. What we are concerned with is the need for parity payments now.

Farm prices rose during the last World War. Many people apparently feel the pattern will be repeated in this war. This memory of wartime high prices is in line with the fortunate tendency of human beings to remember pleasant experiences and to forget the unpleasant. The first effect of the first World War on farm prices was depressing. In 1915 the prices of farm commodities in the United States were lower, on the average, than they were in 1914. Furthermore, the farm situation in 1914 and the farm situation in 1939 were entirely different.

The President, among others, apparently thought that the war in Europe might raise farm prices to the point where parity payments would not be necessary. This, I wish to emphasize, is responsible more than any other factor for the President's failure to include provision for parity payments in the Budget. As my authority for that statement I invite attention to the Budget message of the President. I find the Chief Executive's language very significant, and if words mean anything, it disposes of the claim in some quarters that the President opposes parity payments. On the other hand, he says, and says clearly, that they may have to be appropriated. Let me quote just what the President said:

> Under the broad heading of agricultural programs I have included agricultural adjustment benefits, the surplus removal program and parity payments arising from 1940 appropriations.
>
> Despite a gratifying general increase in farm income, agriculture is still not receiving its proper share of the national income. I am, therefore, proposing to continue substantially undiminished the various agricultural programs.
>
> I have not, however, included estimates for new appropriations for parity payments in 1941. I am influenced by the hope that next year's crops can be sold by their producers for at least 75 percent of parity. I do not suggest in any way abandonment of the policy of parity payments heretofore adopted, and future events may call for some appropriation to this end. I note, however, in passing that the Congress has failed to make any provision for the financing of these payments already made or obligated for 1938 and 1939 crops.

Again, if language means anything, the President not only does not reject the principle of parity payments, but he flatly states that "future events may call for some appropriation to this end." Nor can I find in his language anything which indicates that the President will insist upon additional taxes to raise parity payments, although the President's wishes in this matter are well known.

What, then, are the prospects of the coming of the future events mentioned by Mr. Roosevelt?

The following table shows comparative prices of the basic commodities as of August 15, 1939, September 15, 1939, and February 15, 1940.

Farm and parity prices of 5 basic commodities, August and September 1939 and February 1940

Commodity	Aug. 15, 1939			Sept. 15, 1939			Feb. 15, 1940		
	Farm price	Parity price	Farm price as percentage of parity price	Farm price	Parity price	Farm price as percentage of parity price	Farm price	Parity price	Farm price as percentage of parity price
	Cents	*Cents*	*Percent*	*Cents*	*Cents*	*Percent*	*Cents*	*Cents*	*Percent*
Corn	45.7	80.2	57	56.2	82.2	68	54.7	82.2	67
Wheat	54.5	110.5	49	72.7	113.2	64	84.1	113.2	74
Cotton	8.70	115.50	56	9.13	15.87	58	9.97	15.87	63
Rice	57.9	01.6	57	87.5	104.1	84	68.7	104.1	66
Tobacco	16.6	17.8	93	14.4	18.2	79	13.6	14.5	94

Bureau of Agricultural Economics. Compiled from records of the Agricultural Marketing Service.

Mr. President, the war began on September 3, and in February farm prices, on the whole, were only 3 percent higher than they were as of September 15. Realities have cooled the speculative fever which followed the beginning of the war. On March 4 the Bureau of Agricultural Economics said flatly that the European war had reduced the export demand for farm products. Britain and France are going to spend their cash for the products they need most. These products are industrial products, munitions, airplanes, and other implements of war. The Allies can buy farm products elsewhere. They can exchange their manufactured goods for farm products in other countries. It is to their advantage to trade with the dominions, and to conserve their exchange here for airplanes and munitions. The war has already greatly reduced exports of tobacco and fruits.

Since the outbreak of war, the price of wheat has advanced sharply. We need to go no further, however, than unfavorable crop conditions in this country, and the effect of the Triple A programs themselves, to discover major reasons for the increases. Barring the most unusual conditions, there is little likelihood of a wheat shortage in this country or elsewhere in the world. The world supplies of wheat for 1939 far exceed anything known in 1914. The total world supply is estimated to be one thousand eight hundred mil-

lion bushels larger than in 1914, while world consumption is only about 900,000,000 bushels larger.

I am profoundly disturbed by the potential effect of the war upon our agricultural exports. If the adverse trend in industry continues, the agricultural problem will be further complicated. In the face of declining industrial activity and decreased exports, to refuse parity payments to farmers would be like throwing away life preservers during a storm at sea.

As of February 15 last, the farm price of cotton was 9.97 cents per pound, while 75 percent of parity price was 11.90 cents a pound. With the exception of tobacco, every basic commodity was below 75 percent of parity. Despite sharp rises, wheat lacked eight-tenths of a cent per bushel of bringing three-fourths of parity. I have here a table which shows this situation, and the payments which would have been required to bring 75 percent on the 1939 production. I ask unanimous consent to have the table printed in the RECORD.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Without objection, it is so ordered.

The table is as follows:

Estimated parity payments required to bring total returns from basic commodities to what they would be if farm prices were 75 percent of parity [1]

Commodity	Unit	Feb. 15, 1940			1939 production	Required parity payment
		75 percent of parity	Farm price	Difference		
		Cents	*Cents*	*Cents*	*Bales*	
Cotton	Pound	11.90	9.97	1.93	11,792,000	$113,793,000
					Bushels	
Wheat	Bushel	84.9	84.1	.8	[2] 582,000,000	4,656,000
Corn [3]	Bushel	81.65	51.1	10.55	1,674,000,000	176,608,000
Rice	Bushel	78.1	68.7	9.4	[2] 48,875,000	4,594,000
Total						299,651,000

[1] Prices of all types of tobacco are above 75 percent of parity. In this computation it seems best to use most recent prices as indicative of what prices may be in 1940-41. Production in 1939 was used, in absence of definite indications of 1940 production. Actual amounts required, therefore, may be greater or less than indicated.

[2] Amount for sale off farms.

[3] Includes only commercial area.

Source: Bureau of Agricultural Economics.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. McCARRAN. I do not want to interrupt the continuity of the Senator's thought, but I call attention to the fact that the statement has been made repeatedly that the parity payments would not be made until the latter part of the summer of 1941, and the question has been asked why we are making the appropriation at this time. The Senator perhaps is going to answer that question later on.

Mr. BANKHEAD. No; but I shall be glad to answer it now.

Mr. McCARRAN. I wanted the Senator to answer that question. I am one of the committee who voted on this matter, but I think the Senator is so conversant with the subject that it would be possible for him to handle it in his own time and in his own way.

Mr. BANKHEAD. There are two purposes for the parity payments. One is to secure as full cooperation as possible in the programs which in a way are designed to adjust production to the market demand, so that the extent of the cooperation in these programs is always a matter of the very highest importance. That is one purpose or reason. The second, however, and more important reason, is that this amendment, as all previous parity payment provisions and price adjustment provisions have done, requires the participants in the parity payments to comply this year with the agricultural adjustment program.

Mr. McCARRAN. Will the Senator yield for another question?

Mr. BANKHEAD. I yield.

Mr. McCARRAN. Is it not true that parenthetically in his statement there come this thought, that the payments must be assured in order to have those who comply entirely insured with respect to the outcome of their compliance?

Mr. BANKHEAD. To have them what?

Mr. McCARRAN. To have them entirely insured. In other words, if the farmers of the country comply with the program, they must begin to comply at this time.

Mr. BANKHEAD. That is correct.

Mr. McCARRAN. It is absolutely essential, in order that there be complete compliance, that the program be made out now.

Mr. BANKHEAD. Yes. Here is an offer on the part of the Government that if the farmers comply the parity payments will be made.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. The Senator is familiar with the fact that winter wheat planted this year, in 1940, will not be harvested until 1941, next year. It is absolutely essential that compliance with the program be had this year.

Mr. BANKHEAD. I will say that it is also absolutely essential with respect to all the other crops that must be planted now, in the spring.

Mr. HATCH. Yes. I do not mean to say that the other crops are not essential, but I pointed out winter wheat to illustrate the point the Senator made.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. RUSSELL. I do not think I can add anything to the Senator's statement. I merely wish to point out, as I undertook to do yesterday, that no farmer, particularly a wheat farmer, would have any idea where he stood in respect to parity payments, unless Congress took action in respect thereto in this bill, and that the failure to make the appropriation now, if the Congress intends to make it at all, would absolutely disrupt the compliance with the farm program. If no appropriation has been made, the farmer planting winter wheat, as suggested by the Senator from New Mexico [Mr. HATCH], will attempt to gamble with the market. He may fear that wheat prices will be down next year. In that event he may plant more acreage to make up the reduction in his income due to decreased prices resulting from more production. As a matter of fact, it was opinion of that kind that brought into being the huge surpluses that have been a constant problem to the Congress since 1931 and 1932.

Mr. BANKHEAD. That is correct.

Mr. McCARRAN. Mr. President, will the Senator again yield?

Mr. BANKHEAD. I yield.

Mr. McCARRAN. Is not the situation expressed in this way, that in order to carry out the program the Government may now say, "You carry out the program, and if we can get an appropriation later on we will carry on our end of the bargain"?

Mr. BANKHEAD. It will be that way unless the money is appropriated now. And I call attention of the Senate to one of the crops, cotton. Farmers have already planted crops in some parts of the country, but certainly they are approaching the planting season now, and unless this appropriation is known to be available there will be an encouragement to producers to stay outside of the program, and in that way break down the effectiveness of the program, so it is highly important to make known now to all producers who participate in these payments that they are available; not may be, but are available.

Mr. McCARRAN. I hope I did not interrupt the Senator's thought by my questions.

Mr. BANKHEAD. No, Mr. President. I am glad to have the Senator interrupt me for that purpose.

Mr. McCARRAN. I wanted the Senator to explain the matter because I knew that he was a master of the subject.

Mr. BANKHEAD. I thank the Senator, and I am glad he brought the subject up, because I had not intended to deal with that specific phase of it.

The average per capita farm income available for living—that is, the income available for each person on farms in the 1909–14 period—was $140. By farm income available for living I mean the income left after the ordinary business expenses of operating the farm are paid. Each person on farms in the 1909–14 period had approximately $140 to spend for clothing, food, amusement, schooling, and all the many things for which money can properly be spent. Certainly, this sum is not very large, and this fact should be kept in mind when persons begin to talk about the "golden age of agriculture," and to hint that farmers were better off in 1909–14 than they deserved to be. Farmers were well off only by comparison with their condition most of the time since then.

After the World War unorganized farmers faced an organized world. Industry organized to protect itself through tariffs and in some instances through monopolies. Labor organized to increase wages and decrease working hours. This organization was made possible by the aid of the Federal Government. For example, there might be a furor while the tariffs were being raised, but once the new duties went into effect, they worked more quietly than any well-oiled machine. The public, as a whole, tended to forget about the tariffs, but the effects of the duties continued just the same.

Our capitalistic economy depends for its very existence upon balance—balance between the various groups of our population. If through tariffs and other legislation, Government favors industry and labor at the expense of the farmer, Government eventually must help the farmer too. Otherwise we set up a series of disturbances that can be just as disastrous in their effects as interferences with circulation in the human body. If we clog the channels of trade through governmental favoritism to some groups, we tend to cripple the country. We cause arthritis of the economic system.

I do not think there is the slightest doubt that tariffs cost farmers money, or that other legislation which increases distribution, transportation, and labor costs takes money out of the farmers' pockets. If the Government takes money unjustly out of farmers' pockets, it is only fair that the Government should put that money back.

With Government payments included, farm incomes over the past 5 years averaged $166 for each person living on farms. As Senators have seen, this compares with $140 per person for the 5 years prior to the World War.

At first glance this might seem to contradict our statements about farmer difficulties. Let us look then for a moment at the income of the nonfarm population. During the past 5 years it averaged $625 per person, as compared to an average of only $408 in the period before the first World War. The income of people not on farms, even if we include the unemployed, has been averaging 50 percent higher than it did in the prewar period. Farm income has been running only about 20 percent greater.

Mr. NORRIS. Mr. President, may I interrupt the Senator at that point?

Mr. BANKHEAD. I yield.

Mr. NORRIS. When the Senator says there was $166 income for every person living on a farm, the Senator does not mean by that $166 per family, does he?

Mr. BANKHEAD. No; I mean the individual.

Mr. NORRIS. If a farmer had five members in his family it would mean that each member of the family had, under that average, $166?

Mr. BANKHEAD. Yes.

Mr. NORRIS. During what period was that?

Mr. BANKHEAD. In the past 5 years.

Mr. NORRIS. That was the average in the last 5 years?

Mr. BANKHEAD. Yes; and that includes Government benefit payments, price-adjustment payments, and soil-conservation payments, and originally the land-rental payments.

Mr. NORRIS. Does the Senator mean that this $166 constitutes entirely the Government payments of one sort or another?

Mr. BANKHEAD. No; that is the total. That included all of his earnings and Government payments.

Mr. NORRIS. That is what I understood. Mr. President, my interest was aroused by the statement of the Senator from Alabama. I am not questioning the figures the Senator has given.

I do not question that the figures were accurately given from whatever source the Senator obtained them in the Agricultural Department. However, it is possible, as suggested by the Senator from Oregon [Mr. MCNARY], that there ought to be some explanation for what appears to me on the face of it to be an inaccuracy. Can the Senator tell whether or not the figures he has given represent the net income after all expenses have been paid?

Mr. BANKHEAD. That is, the business expenses of operating the farm?

Mr. NORRIS. Including taxes, and so forth.

Mr. BANKHEAD. Yes; and fertilizer.

Mr. NORRIS. After they had all been deducted?

Mr. BANKHEAD. These figures constitute the net income. The factors mentioned by the Senator are deducted.

During the past 5 years the income of the nonfarm population amounted to $625 per person on the same basis of calculation, a surprising figure, which shows how very low is the income of the farmer in comparison with the industrial, commercial, and business population of the country.

The farmer is in the position of a man whose salary has increased just a little, while his rent, fuel, taxes, interest, and all living expenses have gone sky high.

Approximately $15 of the income of each person on farms during the past 5 years has come from Government payments. This is called a subsidy. It is a pitiful one by comparison with farmer needs, and I call attention to the fact that the farmers were not the first group to receive Federal subsidies out of the Treasury. They were among the last.

What are some of these other subsidies? The tariff, of course. The amount is not definitely ascertainable, but it is staggering. The Government pays approximately $8,000,000 in subsidies to the Post Office Air Mail Service, around thirty to forty million dollars a year on subsidies to ocean shipping, and an indirect subsidy of around $87,000,000 a year through carrying second-class mail below its cost. We aid the several transportation industries in many ways. Public costs of operating air fields and airways amount to $50,000,000 a year. Expenditures for maintenance and interest on public investment on waterways run $100,000,000 a year. Federal and State expenditures for construction and maintenance of roads are $1,200,000,000 a year. The original construction of many railroads was aided by the Federal Government, both in grants of land along the right-of-way, and in some cases large grants in cash.

The relative size of some of these subsidies can be realized when we divide the subsidies to each industry by the number of persons employed in each. Here are a few averages for recent years: Aircraft engaged in air mail received $448 for each employee. The construction and operation of ocean shipping received $633 for each employee. Manufacturing as a whole probably received through tariffs $213 per employee. But farmers received only $46 per farm worker.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. NORRIS. Of course, anyone could compute the total, but I think it would be well for the Senator to insert in his remarks at this point the aggregate of all these other subsidies.

Mr. BANKHEAD. I have not totaled them. I have only enumerated them. However, I shall follow the Senator's suggestion and ask unanimous consent to insert in the RECORD the total of the subsidies.

Mr. NORRIS. I wish the Senator would do so.

Mr. BANKHEAD. Mr. President, I ask unanimous consent to include as part of my remarks the total of the subsidies which I have listed in my statement.

The PRESIDING OFFICER. Without objection, the totals may be inserted in the RECORD.

The totals are as follows:

Subsidies—annually	
Air Mail Service	$8,000,000
Ocean shipping, $30,000,000 to	40,000,000
Second-class mail	87,000,000
Public costs of operating air fields and airways	50,000,000
Expenditures for maintenance and interest on public investment on waterways	100,000,000
Federal and State expenditures for roads	1,200,000,000
Total	1,485,000,000

Farmers have received only $46 per farm worker during recent years.

Mr. BANKHEAD. Mr. President, we have heard statements about the farmers' plight many times, and perhaps they have grown a bit wearisome with repetition. It is hard to reduce it to specific terms, to things that all of us can readily understand. The Secretary of Agriculture, in a recent appearance before the Senate Appropriations Committee, used some effective illustrations to show what has happened to the farmer. He compared prices for some of the things that farmers buy to the prices they paid in 1913. He made comparisons by using a 1913 and a 1940 Sears, Roebuck catalog. I shall quote a portion of the Secretary's statement. This is what he said:

Work shirts could be ordered from the 1913 catalog for an average price of 57 cents. The average price in the 1940 catalog is 73 cents, an increase of 28 percent. At January 15 prices in 1913 it took 4.7 pounds of cotton to buy a work shirt. The cost now is the equivalent of 7.2 pounds of cotton, based on January 15 prices, or 53 percent more than in 1913. The cost of bib overalls has increased 39 percent in dollars and cents. In terms of cotton, the cost has increased from 5.8 pounds to 9.6 pounds, or 66 percent.

In each of these examples I have tried to pick articles that are essentially the same now as in 1913. Common nails haven't changed much, if any, since 1913, but the price has gone up 74 percent. At January 15 prices for hogs in 1913 it took 31 pounds of hogs to buy 100 pounds of 8-penny nails. But at January 15 prices in 1940, in took 70 pounds of hogs to buy 100 pounds of 8-penny nails, an increase of 126 percent.

The quality of an ordinary 4-pound ax probably is no better now than in 1913 but the price has almost doubled, arising from 96 cents to $1.89—an increase of 97 percent. The amount of wheat required in exchange for a 4-pound ax has increased from 1.2 bushels to 2.2 bushels—or almost double what it was 27 years ago.

The cost of a 60-tooth, 2-section spike-tooth harrow in 1913 was $10.06, but the cost is now $19.75—an increase of 96 percent. At January 15 prices for wheat in 1913 it took 12.9 bushels to buy a spike-tooth harrow. At January 15 prices in 1940 it took 23.4 bushels of wheat to buy one, or 80 percent more.

Corn planters are essentially the same now as in 1913, but the price has gone up from $31.25 to $65.95—an increase of 111 percent. The important point for the corn producer is the amount of corn it takes to buy a corn planter. In 1913 it took 63 bushels of corn to buy a two-row, check planter. Today it takes 124 bushels. Thus the real price to the corn producer is now double what it was in 1913. At January 15 prices this year it took 124 bushels of corn to buy a two-row corn planter.

In 1913, a long-handled round-point shovel could be purchased for 48 cents. The cheapest shovel of this type quoted in the 1940 catalog is for sale at 79 cents, an increase of 65 percent. Twenty-seven years ago a three-tine hay fork could be bought for 39 cents. A similar fork today costs 79 cents, or 103 percent more.

That is the story, told in terms of harrows, nails, shirts, axes, shovels, and pitchforks. The farmer receives less now for what he sells than he did in 1913. He pays more for the things he buys.

An adverse balance of trade, if repeated over a long period of time, will ruin any individual, any group, or any nation. No wonder that for every farm foreclosure in the 1910–14 period, approximately six were foreclosed in the early 1930's.

Distribution and processing costs took 47 cents of every dollar spent for food in 1913; they took 59 cents of every dollar in 1939. Legislation for labor and labor organizations has become so effective that union wage scales are above parity as compared with farm-commodity prices. The hourly wage of a carpenter in 1913 averaged 69 cents; it now averages $1.66. A plumber received an average of about 57 cents an hour in 1913; he now averages about $1.52 an hour.

I am not criticizing wage increases. I am glad that these groups of industrial workers have improved the volume of their income. Perhaps there are justifications for increases in distribution costs. I am simply trying to show how the farmer lagged behind—so far behind that Government had to step in to keep our economic system on a stable and democratic basis.

Unorganized, the farmer was as helpless before compact and organized groups as the Poles were before the trained precision and massed striking power of German militarism. It is all very well to talk about rugged individualism and the God-given right of the farmer to be left alone. The truth is that Government did not leave him alone. As the result of adverse legislation and of inaction, his rugged individualism became ragged individualism.

Since 1933, the Government has paid out slightly more than $3,000,000,000 in conservation and benefit payments to farmers. One billion of that amount was collected in processing taxes on their own commodities. These payments have been termed subsidies. What about the subsidies the farmers have given the rest of the country? If farmers do not receive their fair share of the national income, if they have to sell at prices below the cost of production, someone is being subsidized; and that someone certainly is not the farmer. The farmers have produced abundantly, too. There has not been a day in the past quarter of a century when supplies of food in the United States were not ample. Even though farmers received much less than parity prices and parity income, they never went on strike. The farmers received parity in the 1909–14 period; they received more than parity in the next 4 years and paid for those 4 good years with 20 bad ones. During this period they have clothed and fed the Nation, and have done it without adequate compensation. This has been equivalent to a farmer subsidy for the rest of the Nation.

In the past 10 years, if farmers' prices had been in line with prices received by other groups, they would have received $20,000,000,000 more than they reecived.

If anyone wants any proof of the interdependence of city and country, the giddy twenties and the dismal early thirties should furnish the necessary evidence. The farmers, with 25 percent of the population, conduct the largest single industry. Twenty billion dollars in additional puchasing power for farmers during the past 10 years might well have been the difference between chronic unemployment and a job for everyone wanting to work.

Suggestions have come from unfriendly sources that the farmers' demand for parity payments is proof that the agricultural programs have failed.

Let me say emphatically that the programs have not failed; but let me say just as emphatically that they will fail unless we appropriate enough money to make them effective. However sound in principle, farm programs without money to make them operative are just as useless as an automobile without gasoline.

Out of the efforts to adjust burdensome surpluses and raise farmer income grew another great objective—the conservation of our soil. When we looked closely at our farms, we found both the land and the persons living upon it in a bad state. Now, for the first time, we are making a concerted national effort to preserve the most basic resource we have—the land. So popular is this part of the program that everybody claims it.

Yet, important as soil conservation may be, income conservation is important, too. If farmers had not been hard pressed for cash, many of them would have treated their land better. They would not have abused it by growing soil-depleting row crops year after year. More farmers would have been owners and would have had a bigger stake in caring for the soil.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. The Senator referred to parity payments. Does the Senator conceive that it is possible for the Senate to refuse to make the parity appropriations contained in the bill?

Mr. BANKHEAD. I do not think there is any possible chance of the Senate not doing so. The only reason I am making this statement is for the benefit of the RECORD and

the information of others who are probably not as well informed as we are. I doubt if there will be more than 25 votes in the Senate against the parity payment amendment.

Mr. CONNALLY. I had assumed, of course, that the Senate would pass the parity payment amendment contained in the bill, because otherwise it would certainly fail to measure up to its obligations and duties.

Mr. BANKHEAD. I feel sure that the Senator's assumption is based upon solid ground.

The lack of parity payments next year is bound to weaken these farm programs. The total payment to wheat farmers in 1940 is estimated at 19 cents a bushel on the normal yield of the acreage allotments. For example, if a participating farmer had an allotment of 50 acres with an average yield of 10 bushels an acre, he would get a payment equal to 50 acres times 10 bushels times 19 cents, or $95. Without parity payments next year, his total payment next year is estimated at 9 cents a bushel, or less than half his payment this year. In other words, his payment will be confined to what he receives from the soil-conservation program. Under these circumstances, a good many wheat farmers are likely to decide that they can make more money out of the program than they can in it.

Without parity payments next year, the payments for cotton will be only about half what they are this year. The payments for corn will be reduced about 5 cents a bushel; payments for rice would be reduced; and this year, for the first time since 1933, tobacco growers may need parity payments. Tobacco growers—flue-cured growers in particular—face a discouraging prospect.

The triple-A programs can be successful only if there is enough farmer participation to make them effective. At the outset of these programs, the decision was made to pay farmers who took part in them. This decision was a wise and necessary one. Money still is necessary if farmers are to participate freely and fully in these programs.

What about the effect of an ineffective farm program upon the rest of our economy? Would we save any money by failing to appropriate for parity payments or for other essential items in the agricultural appropriation bill? Our experience has been that no money spent in the recovery effort has done more good than the funds spent on these farm programs. In the early 1930's every drop of $100 in farm income was accompanied by a drop of $80 in rural retail sales. Every increase in farm income, after the farm programs began, was accompanied by an increase of $74 in rural retail sales. Factory pay rolls and farm income rise and fall together. Estimates have been made in well-informed circles that every dollar added to farm income means an additional dollar for the factory worker and $7 for the Nation as a whole.

Businessmen in the farming areas do not have to be cited figures and statistics about the effects of increased rural buying power. They know. Rain during a drought was never more welcome than the payments and price advances after these programs began in 1933.

Industrial areas benefit, too. A study by the Agricultural Adjustment Administration of half a million freight waybills and waybill abstracts shows in a striking manner what happens when farmer purchasing power is restored. The study compares the year ending June 30, 1933, with the year ending June 30, 1934, and the succeeding year. So far as most farmers were concerned, recovery did not begin until after June 30, 1933. Farm prices had risen but few farmers had anything to sell.

The study covers carlot shipments from 16 Northern and Eastern States to the principal agricultural areas—the Southeast, the Southwest, and the Northwest.

The shipments originated on more than 125 railroads operating in the North and East. I ask unanimous consent to have published in the RECORD, following my speech, statements and table showing the increases in industrial shipments during the period I have described.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. BANKHEAD. The statement has been made that farmers would not continue to pile up surpluses after prices fell, and that adjustment would become automatic. Let me cite Senate Document No. 13 for the Seventy-fourth Congress. This is a study by Gardiner C. Means on Industrial Prices and Their Relative Inflexibility. The following table tells the relation of price drop and production drop for 10 major industries from 1929 to the spring of 1933.

I ask to have the table printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

	Percent drop in prices	Percent drop in production
Agricultural implements	6	80
Motor vehicles	16	80
Cement	18	65
Iron and steel	20	83
Auto tires	33	70
Textile products	45	30
Food products	49	14
Leather	50	20
Petroleum	56	20
Agricultural commodities	63	6

Mr. BANKHEAD. What did the farmers buy when they got money? Apparently, first of all, they bought farm machinery. Shipments of farm implements increased 160.9 percent in the year ending June 30, 1934, and in the next year the shipments increased 309.3 as compared to the year ending June 30, 1933. Tractors and tractor parts gained by 111.3 percent in the second year and 302.9 in the third year. Shipment of steel fence posts increased from 145.9 percent in the year 1934 to 197.3 percent in the year 1935.

Shipments of refrigerators increased 82.4 percent in the year 1934, and they jumped to 259.6 percent in the year 1935. Plumbing fixtures and fittings increased 23.8 percent in the year 1934 and 105.1 in the year 1935. Shipments of sewing machines increased 445 percent in the year 1934 and 1,340 percent in the year ending June 30, 1935, as compared to 1933. Farm housewives had been needing sewing machines, and needing them badly, but they could not buy them until times got better, until the recovery began.

A decrease in farm purchasing power means a decrease in the purchases of farm implements, automobiles, tractors, clothing, radios, sewing machines, fencing, books—all the thousands of articles made in our factories. That every dollar added to farm income means several dollars added to the national income is indicated by the close relationship between farm income and factory pay rolls and the relationship between farm income and the national income.

Any action which saves one dollar and loses several is not true economy.

I am for economy. I want to balance the Budget. But I cannot see how the Budget can be balanced by reducing farm income and weakening farm programs, and thereby reducing the purchasing power of millions of our people.

This country spent about $1,162,000,000 for national defense in 1939; an estimated $1,604,000,000 will be spent in 1940; and the estimates for 1941 are almost $2,000,000,000.

I am for national defense; but my definition of national defense includes a sound and stable agriculture. I fail to see how weakening agriculture, and making farmers poorer, will make this country any stronger and better able to resist a foe. As I define it, national defense includes a prosperous agriculture, farmers who have a stake in preserving our system of government.

Let me cite an example of the value to national defense of a stable farm population. The Finns are an agricultural people. The country is known to be made up of small landowning farmers. Attacked by giant Russia, the Finns made a fight that has evoked the admiration of the world. The Finnish farmers have made that fight—a fight in defense of their land, their families, and their country.

One of the most effective means of weakening this Nation would be to go back to the conditions of 1932. As you will recall, farmers were in a sullen mood. Some of them resisted foreclosures with force. Rich men were afraid, for they knew that both workers and farmers were desperate.

One of the prices we have paid for stability since the depression has been our farm programs. They have been worth many times what we have spent on them. In times like these everything possible should be done to make them stronger.

We have seen that the present war has not helped the American farmer, and is not likely to help him; but a sudden cessation of the war might bring chaos if we did not have the machinery to protect agriculture and industry. The end of the war probably would put an end to purchases of airplanes and other material that is keeping factories busy. The decrease in farm exports has been offset to a certain extent by our increased industrial activity. If that prop fails, what will happen unless we have a strong farm program?

If we needed parity payments for 1939 and 1940, we need them now. If we were going to see this job halfway through and not continue it, perhaps we should never have begun it at all. Cruel as it might have been, perhaps we should have let the deflation continue.

Instead, we promised the farmers Federal assistance. Carefully testing each step with experience, we built a farm program. We improved it, and farmers came to depend upon it, to plan their activities within its framework. The goal was parity—parity of income and parity of prices. I do not see how we can turn back when the goals still remain before us. To reverse the policy already laid down without justification for the reversal would, in my opinion, stamp us as irresponsible, as a body incapable of planning a wise course and holding to it.

Let me repeat, if the parity provisions of the Agricultural Adjustment Act mean anything, if parity payments were needed this year and the year before, they are needed for next year. Certainly we have not removed the handicaps to agriculture. We talk about the size of farm appropriations; yet the tariff, by the very conservative estimates of the Bureau of Agricultural Economics, costs farmers $600,000,000 each year. I have seen estimates that the tariff costs the consumers of the country at least $3,000,000,000 annually. I do not know how accurate that figure is, but I am certain that the tariff costs the people much more than these farm programs.

We have not removed the handicaps to agriculture imposed by monopolistic practices. Does anyone doubt that these practices exist? Then study what happened to farm prices and farm production during the depression, as contrasted to the course of industrial prices and industrial production. Industrial prices stayed up, while farm prices went down. Why? Industry, or much of it, at any rate, was well organized. It could cut production. Farmers could not. Industry could put a brake on falling prices. Farmers could not.

We have not removed the handicaps to agriculture imposed by high freight rates, and many other handicaps remain. Before we begin to economize at the expense of the farmer, should we not put him on an equal basis with labor and industry?

From every standpoint we should provide for parity payments.

We should do this from the standpoint of simple justice to agriculture.

We should do it to provide additional markets for our industries, and to help relieve unemployment in commerce and industry.

We should do this in the interests of the national defense.

We should do this in the interests of genuine economy.

We should do this in the interests of the welfare of all the people in these United States.

EXHIBIT A

STUDY SHOWING INCREASES IN INDUSTRIAL SHIPMENTS TO AGRICULTURAL STATES AFTER 1933

The following study covers carlot shipments from 16 Northern and Eastern States to the principal agricultural areas, the Southeast, the Southwest and the Northwest. (The 16 Northern and Eastern States, the industrial States were: Connecticut, Delaware, Indiana, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. The agricultural States were: Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Arizona, Arkansas, California, Kansas, Missouri, New Mexico, Oklahoma, Texas, Colorado, Idaho, Iowa, Minnesota, Montana, Nevada, North Dakota, South Dakota, Oregon, Washington, and Wyoming.)

The shipments originated on more than 125 railroads operating in the North and East. The following table tells the story—a story which should be of interest to every Member of Congress from a manufacturing State or section:

Shipments by groups of commodities, total shipments, all groups

Group	Year 1 (July 1, 1932, to June 30, 1933)	Year 2 (July 1, 1933, to June 30, 1934)	Percentage of increase year 2 over year 1	Year 3 (July 1, 1934, to June 30, 1935)	Percentage of increase year 3 over year 2	Percentage of increase year 3 over year 1
	Thousand pounds	*Thousand pounds*		*Thousand pounds*		
Agricultural	247,261	515,628	108.5	655,806	27.2	165.2
Domestic and personal	636,211	1,004,329	57.9	1,264,409	25.9	98.7
Industrial and commercial	2,772,821	3,896,392	40.5	4,359,296	11.9	57.2
General	4,677,665	6,140,920	31.3	7,062,872	15.0	51.0
Total	8,333,958	11,557,269	38.7	13,342,383	15.4	60.1

PUBLIC HEALTH

Mr. LODGE. Mr. President, the importance to a nation of having its citizens healthy cannot be exaggerated, and the strides which the medical profession has made toward improving the Nation's health cannot be too highly praised. It is also natural and proper that government should interest itself in health. Indeed, no government which purports to have in mind the welfare of its citizens could disinterest itself in a subject which is so vital to every citizen.

From the beginning of the Republic, the States and their subdivisions have done most of the work of public health, and certainly there is no reason to believe that their responsibility will lessen. That the Federal Government has a part to play—and a significant one—is also not to be denied, and it is to this that I particularly address myself here.

In studying the part of the Federal Government, it is well to recognize that, although the advance of medical science is inspiring, there is a deplorable amount of bad health in the United States. In this connection the President's committee on medical care, a nonpartisan body, has pointed out that one reason why persons of precarious means do not receive proper medical care is that they are unable to pay for it. To this might be added the further surmise that not only does poverty preclude proper medical care after sickness has set in; it also tends to facilitate the beginning of disease where, without poverty, it would not occur.

In studying the duty of the Federal Government, therefore, we are, first of all, struck by the fact that some bad health is due to poverty, and that the Federal Government has never succeeded in eradicating poverty. In this aspect of the matter it would appear that the best course for the Government to follow would be to try to promote the growth of real and widespread prosperity in the United States. This would undoubtedly do much to improve the general health.

Looking further into the question of inadequate medical care among large groups of people, it is well said that it is due to the following factors, in the following order: First, lack of a sufficient number of qualified general practitioners of medicine; second, lack of essential medicines and lack of essential clinical facilities; and, third, lack of hospitals.

An orderly approach to the question of making more widely available a proper standard of medical care would, accordingly, work for a more widespread prosperity as an indirect attack on the problem, and would, in its direct attack, seek first to increase the number of good doctors, and then provide medicines and clinical facilities.

Pending proposals, however, seem to approach the problem from the other end—the hospital end. This raises the

question as to whether a sparsely settled section, which cannot afford to maintain a good general practitioner, can afford to maintain a hospital; and, failing the necessary medical personnel of doctors and nurses, the question may well be asked whether the proposed building, even though the word "hospital" is carved over its front door, would, by virtue of that inscription, become a real hospital in the finest sense of the word. It is far, far better never to go to a hospital than to enter an inferior one and there be subjected to the indescribable dangers and agonies coming from ignorant hands.

Questions like these show the need for deep and far-reaching study into all phases of this problem before final action is taken. We do not want the Government to be involved in further expenditure; nor do we want any half-baked schemes to be written on the statute books. The record of the past few years proves that hasty and ill-digested legislation sets back the cause of true reform, and gives a bad name to really worth-while and progressive measures. In this spirit I am introducing a bill as an alternate to the measures now pending, and for study along with all these other schemes. My bill represents a new approach to the problem; it is not yet a complete whole. I want it to be studied by the committee now considering the question and by the medical profession throughout the United States. In a matter involving the health of the American people there should be no wild experimentation, and there should be no false starts. I should like to introduce the bill and have it printed as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (S. 3630) to amend the Social Security Act, as amended, for the purpose of providing health insurance for workers in severe economic distress and making more adequate provision for the care of the sick was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act may be cited as the "Health Insurance Act of 1940."

SEC. 2. The Social Security Act, as amended, is amended by inserting after section 202 the following new section:

"HEALTH-INSURANCE BENEFITS

"SEC. 202 A. (a) Every individual, who (1) is a fully or currently insured individual (as defined in section 209 (g) and (h)) in any month; (2) was registered as unemployed for at least 4 consecutive weeks immediately prior to the beginning of such month at a public employment office or other agency approved by the Board; (3) has made application for a health-insurance benefit with respect to such month; and (4) is not entitled to any other benefit under this title with respect to such month, shall be entitled to a health-insurance benefit with respect to such month.

"(b) Subject to the limitations of subsection (c), such health-insurance benefit shall be equal to the reasonable value of the medical, dental, or hospital services rendered during such month to such individual, his wife, his child under the age of 16, or his wholly dependent parent, and such benefit shall be paid by the Managing Trustee to the doctor, dentist, or hospital rendering such services.

"(c) The total health-insurance benefits payable with respect to any such individual (including benefits payable with respect to services rendered to his wife, child, or parent) shall not exceed $40 in any one calendar year; and no payment to any doctor, dentist, or hospital shall exceed the amount with respect to which the individual entitled to the benefit makes application for payment to such doctor, dentist, or hospital.

"(d) As used in this section—

"(1) The term 'doctor' includes any medical practitioner licensed in the State in which the medical services were rendered with respect to which an application for a health-insurance-benefit payment is filed.

"(2) The term 'dentist' includes any dental practitioner licensed in the State in which the dental services were rendered with respect to which an application for a health-insurance-benefit payment is filed.

"(3) The term 'hospital' includes any health, diagnostic, or treatment center or institution, and related facilities, administered by persons licensed to practice medicine, no part of the net earnings of which inures to the benefit of any private shareholder or individual, in the State in which the hospital services were rendered with respect to which an application for a health-insurance-benefit payment is filed.

"(e) No health-insurance benefit shall be paid pursuant to this section with respect to any month unless application therefor is filed prior to the end of the third month immediately succeeding such month."

SEC. 3. Section 203 (d) of such Act, as amended, is amended by inserting after "under this title" the words "(except section 202 A)."

SEC. 4. (a) Section 209 (h) of such Act, as amended, is amended to read as follows:

"(h) The term 'currently insured individual' means any individual during any quarter if it appears to the satisfaction of the Board that such individual was paid wages of not less than $50 for each of not less than 6 of the 12 calendar quarters immediately preceding such quarter."

(b) Section 209 (i) of such Act, as amended, is amended by inserting after "The term 'wife'" the words "(except when used in section 202A)."

(c) Section 209 (k) of such Act, as amended, is amended by inserting after "section 202 (g)" the words "and section 202 A".

SEC. 5. The Social Security Act, as amended, is further amended by inserting after title VI the following new title:

"TITLE VI–A.—GRANTS TO STATES FOR MEDICAL SERVICES AND FACILITIES

"APPROPRIATION

"SEC. 605. For the purpose of enabling each State to provide medical services and facilities which are standardized in their nature, but which, because of their high costs, are not used in many cases in which their use is desirable, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1941, such sum as may be necessary to carry out the provisions of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Board, State plans for furnishing medical aid.

"STATE PLANS FOR FURNISHING MEDICAL AID

"SEC. 606. (a) A State plan for furnishing medical aid must (1) provide that it shall be available to all political subdivisions of the State; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; and (4) provide that the State agency will make such reports, in such form and containing such information as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports.

"(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes as a condition of eligibility for medical aid a residence requirement which denies aid with respect to any person who has resided in the State for 1 year immediately preceding the application for such aid.

"PAYMENT TO STATES

"SEC. 607. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for medical aid, for each quarter, beginning with the quarter commencing July 1, 1940, an amount which shall be used exclusively for carrying out the State plan, equal to one-half of the total of the sums expended during such quarter under such plan.

"(b) The method of computing and paying such amounts shall be as follows:

"(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and (B) such other investigation as the Board may find necessary.

"(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

"(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified.

"OPERATION OF STATE PLANS

"SEC. 608. In the case of any State plan for medical aid which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

"(1) that the plan has been so changed as to impose any residence requirement prohibited by section 606 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

"(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 606 (a) to be included in the plan;

the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied, it shall make no further certification to the Secretary of the Treasury with respect to such State.

"DEFINITION

"SEC. 609. As used in this title, the term 'medical aid' means making available, free to needy persons, and at a minimum cost to other persons, X-ray treatment, respirators, and any drug which is of substantial, accepted, and specific value in the treatment or prevention of pneumonia, streptococcus infections, diabetes, pernicious anemia and other anemias, congestive heart failure, glandular and nervous disorders, nutritional deficiency, and typhoid fever."

Mr. LODGE. Mr. President, my bill does two things: First, it provides voluntary health insurance for workers in severe economic stress; and, second, it makes more adequate provision of those medicines and medical services which have become standardized in their nature, but which because of high cost are not used in many cases where their use would be unquestionably desirable.

1. HEALTH INSURANCE

Whether for reasons of pride or of unfamilarity with our existing health system, the fact is that there are many who will not take advantage of the generous willingness of American doctors and hospitals to supply medical care free of charge. It seems desirable that some plan be devised which will, first, enable these persons to help themselves; and, second, reduce the heavy load of free cases which our medical men so uncomplainingly carry.

The first part of my bill proposes an amendment to the Social Security Act which will provide health insurance for those who are in severe economic need. Under the terms of the bill, unemployed workers who have contributed to their own protection through pay-roll taxes are eligible to receive adequate sums up to $40 to pay doctor and hospital charges. The total cost of this plan in 1940 would be approximately $15,000,000, which is a mere fraction of the tremendous old-age fund from which the payments would be made. According to Senate Report No. 734, Seventy-sixth Congress, the total of the old-age reserve trust fund will be $1,871,000,000 at the end of 1940.

This is substantially the same scheme which I introduced last year, and which I have redrafted so as to meet the points raised by Mr. Paul V. McNutt, who at that time was interesting himself in these matters on behalf of the administrative branch of the Government. The points raised at that time were:

First. That my bill was drafted on the basis of the original Social Security Act instead of the amended version. This technical detail has now been cared for.

Second. That the bill only sought to serve those without means. I have added new provisions which extend the benefits to the families of workers as well as to the workers themselves; which cut the period of waiting from 15 weeks to 4 weeks; and which permits larger groups to participate. I have increased the benefit payment to as much as $40 a year. The bill now includes dental service. The coverage provisions have been considerably relaxed.

Third. Finally, that the bill of last year only assisted those who were in need, which, according to Mr. McNutt, was inconsistent with the provisions of the existing Social Security Act. It must be apparent that, if funds are limited, preference in paying benefits must be extended to some persons over certain others. No way of avoiding this dilemma has been suggested by anyone. If preference is to be extended, should not those who need this health service the most receive the preference, assuming, of course, that existing laws governing preference are also kept in force?

I hope this measure will be acceptable to the Congress and to all Americans who acknowledge their stake in the development of a healthy America. The needy will receive immediate relief. The taxpayer will not be affected, for there are no new taxes involved. Doctors and hospitals will receive compensation for furnishing medical care to those whose slender resources hitherto have not been able to stand the strain of essential medical assistance.

2. EXPENSIVE MEDICINES

I now come to part 2, the last half of the bill which introduces another distinct idea into the field of public health. The first part of the bill is a redraft and a perfection of something offered last year; but the second part, I think, represents a new departure.

Mr. President, this suggestion springs from the fact that there are at present a number of medicines the manufacture of which has become thoroughly standardized, and which are properly regarded by the layman as specific remedies for well-defined diseases. These particular medicines, unlike the majority of medicines, are so expensive that they are beyond the reach of many persons. For example, big hospitals will make gifts of small quantities of most types of medicine. For these hospitals, however, to give away the medicines to which this bill refers would be to strain their finances to a point which they could not bear.

The bill therefore provides Federal aid, on a matching basis, to those States which have a plan for making these medicines available to those who are entitled to them. The medicines covered by the bill are as follows:

1. Sulfapyridine. Used for pneumonia, streptococcus infections, and other infections.

2. Insulin. Used for diabetes.

3. Liver extract. Used for pernicious anemia and occasionally for other anemias.

4. Mercupurin ampoules and Mercurin suppositories. Used for patients with congestive heart failure.

5. Endocrine products—most of these except thyroid gland are expensive. Used for glandular and nervous disorders.

6. Vitamin preparations—thiamine chloride, nicotinic acid, viosterol, vitamin K. Used for a variety of conditions, especially nutritional deficiency.

7. Typhoid vaccine. Used to prevent typhoid fever and is already compulsory in some States.

This list covers medicines which enter into the field of internal medicine. I hope and believe that with the publication of this bill additional medications used in other branches of medicine, such as dermatology and obstetrics, will be proposed and included.

The same philosophy is carried into the field of medical services. It provides for Federal aid on the same basis, so that persons in need of these services may obtain the use of respirators, the so-called iron lung, and, above all, of large-scale X-ray facilities. I believe it is not disputed that countless instances occur every day in which X-ray examinations are desirable—nay, essential—but are not given because of the prohibitive cost.

The suffering which could be prevented by prompt X-ray examination is indescribable. Needless to say, the prevention of disease automatically tends to reduce the cost of caring for the disease once it has been allowed to take hold. The use of respirators and X-rays involves a technique which has become relatively standardized. There is really no longer any mystery about them. In the case of the X-ray it is not inconceivable that it would become a routine part of every physical examination were it not for the cost. In the case of people of moderate means the cost prohibits its use. In the case of persons who can afford it, the use of X-ray is known to be so unusual that its prescription sometimes causes alarm.

At a later date I shall submit data showing the amount which might be initially authorized. Until the list of medicines to be provided is complete, the sum to be authorized could not be stated with any exactitude. It is safe to say, however, that in comparison with the total outlay for social services in which the Government is now engaged the figure would be most moderate.

This measure would not regiment. In all cases the initiative would rest with the individual. He himself would choose his own doctor and his own hospital. The Federal Government would merely give full recognition to the work of private enterprise, and simply set up the machinery whereby the self-respecting man might help himself. Questions of medical personnel and hospital standards would remain where they now are, in the devoted hands of professional physicians. The part played by the State and local

governments is recognized and enhanced. There is no invitation to haste and waste.

There is to be no large scale splurging of money in building programs and in contracts for materials. There is to be no setting up of a bureaucracy or of any other obstacles between the patient and his health. This scheme is as direct as a governmental scheme can be. It provides specific, concrete, definite aid for definite diseases. It is believed that in giving everyone a chance to have these medicines and services according to his ability to pay, very great good can be done.

In recent years we have taken important steps looking toward the establishment of a well-rounded, integrated social-security program. Workmen's compensation for many years has provided financial aid to those who have suffered from injuries sustained during the course of their employment. Unemployment compensation aims to protect the unemployed from loss of wages. Old-age pensions should be developed which will safeguard our people from the hazards of insecurity. A well-conceived health-insurance program should bring measurably nearer the day when the American people will be physically fit.

This bill is a humble first step toward this inspiring goal.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BRIDGES. I believe the Senator from Massachusetts has really gotten to the meat of a very important problem in the course of the program which he has outlined, and I am wondering whether he has any figures or any general idea as to the cost of this program as compared with the so-called Wagner scheme. I realize that the Senator from New York [Mr. WAGNER] is socially-minded, but it has always appeared that his social-mindedness is very expensive financially to the United States. I wondered whether the Senator had a general idea as to the cost.

Mr. LODGE. The first half of my bill, that is, the purely health-insurance part of it, on the basis on which I have it set up, would, if it were in existence today, cost about $15,000,000 for the first year, for 1940. As to the second half of the bill, which relates to providing certain specific medicines for specific diseases, I have not yet been able to compute the cost, because it is very difficult to ascertain the number of people in the United States who have these various diseases. The list of medicines which I have included here is an absolutely meritorious and well considered list insofar as it goes, but undoubtedly it is not yet complete. There will be medicines added in the field of dermatology and in the field of obstetrics, to give just two which are not covered at the present time. Of course, until we know what all the medicines are and what their unit cost may be, it is very difficult to give an accurate figure. I do feel perfectly certain, however, that this program will be far, far cheaper than a scheme which involves a great deal of construction, and a scheme which goes into the wholesale distribution of moneys without regard to the specific individual need for assistance. I have no question that it would be much cheaper than that. I believe that if it should ever be put into effect, the expense would be very low compared with the other social services which are now being conducted.

Mr. BARBOUR. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. BARBOUR. The subject of the bill just introduced by the Senator is one in which I am very much interested. It is a most important subject, to which I have been giving a great deal of thought and study. I am, indeed, very grateful for the splendid and constructive contribution the very able Senator from Massachusetts has just made to this important field. I rise to comment along the very line of the colloquy a moment ago between the Senator from Massachusetts and the Senator from New Hampshire.

I feel that it can be said without fear of contradiction that the Senator from Massachusetts is not only correct in stating that this program would be far cheaper, in the proper economic use of that word, but it is obvious, on reflection, that there could not possibly be any other approach which conceivably could be as economical as the one the Senator from Massachusetts has suggested. When his program has been thoroughly analyzed, this fact will be established. That, in a sense, answers the question of the Senator from New Hampshire, even without any figures or other data; and better, really, than could be done, certainly at this time, with figures or data.

Mr. LODGE. I am obligated to the Senator from New Jersey for his observation.

The PRESIDING OFFICER. The Chair would like to ask a question of the Senator from Massachusetts, for the information of the clerks at the desk. The bill proposed would amend the Social Security Act, which was originally considered by the Committee on Finance. Some of the measures along the line of the Senator's bill have been referred to the Committee on Education and Labor. Does the Senator from Massachusetts have any preference as to which committee should consider his bill?

Mr. LODGE. I should like to have the bill go to the subcommittee which is making a study of all of these health matters, so that they can study my bill along with the rest.

The PRESIDING OFFICER. A subcommittee of what committee?

Mr. LODGE. I believe it is a subcommittee of the Committee on Education and Labor. They have all these health measures pending before them. I should like to have this one studied along with the rest. It is my understanding that there will be no legislation along this line at this session, but that something may be brought in at the next session, and I should like to have the program covered by my bill considered along with the rest.

The PRESIDING OFFICER. The bill will be referred to the Committee on Education and Labor.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

Mr. CAPPER. Mr. President, I favor the amendments offered by the Senate Committee on Appropriations to the pending agricultural supply bill, H. R. 8202. In this connection I want to call attention to the fact that the status of agriculture and of the American farmer today is a condition, not a theory. I say we should face the facts, and deal with the farm problem in the light of realities.

Viewed in the light of reality, I say no conclusion can be reached other than that the appropriations suggested by the committee are necessary, and should be made.

We have in operation a farm program. I have great respect for Secretary Wallace, and am glad to give him credit for trying very hard to do something for agriculture. But I will not discuss at this time whether or not it is the best kind of a farm program, whether it is sound or unsound, whether it is working in the direction of a solution of the farm problem, or whether it is operating in a vacuum, so far as a permanently helpful and successful program is concerned. I intend to discuss the farm program as a program at some other time. I have some views on that subject that I wish to convey to the Senate later.

What we have before us today is an appropriation bill to carry out the promises of the present national farm program. Whether we like it or not, it is the only farm program we have. It calls for certain appropriations if Congress is to make more than a gesture toward keeping promises made in the Agricultural Adjustment Act of 1938 to the American farmers.

Mr. President, so far as the farmer himself is concerned, the goal of the present farm program is to restore parity income to the American farmer as a whole—to bring about a normal and equitable exchange of farm commodities for the products of industry.

I have information from Secretary Wallace that farm income over the past 10 years has averaged $2,000,000,000 a year under parity.

In the farm act itself we have a yardstick for measuring parity income—it is, that net income from farming opera-

tions per person living on farms shall bear the same relation to net income of persons not living on farms as prevailed in the 5 years before the World War, the years selected as a base period.

The 1909–14 yardstick was selected by Congress on the assumption that farm and city incomes were relatively in balance during that period, as shown by the fact that farm goods flowed freely to the cities and city goods flowed freely to the farms.

Where does farm income stand today? If it were not for Government payments, farm income and farm purchasing power would be more than $2,000,000,000 short of parity. With Government payments, farm income is at least $1,500,000,000 short of parity. That means the farmers' ability to purchase products of industry is $1,500,000,000 short of that necessary to keep factories going.

Industry has as big a stake as agriculture in parity income for agriculture.

Perhaps it will be easier to see this picture if we put it in terms of things that farmers sell and farmers buy. I think Secretary Wallace did a good job in that respect before the Senate Appropriations Committee.

The prices I am comparing are taken from two mail order catalogs issued by the same mail-order house, one for January 15, 1913, and the other for January 15, 1940; and farm prices for the same periods as shown by the reports of the Bureau of Agricultural Economics.

Take nails—ordinary eightpenny nails. In 1913 a farmer could buy 100 pounds of these nails with what he received from the sale of 31 pounds of hog. In 1940 it takes 70 pounds of hog to buy the same quantity of eightpenny nails—an increase of 126 percent. If he pays for the nails in cotton instead of hogs, at 1940 prices, it takes 36 pounds of cotton instead of 17. In terms of beef, it takes 53 pounds instead of 39; in terms of wheat, 3.3 bushels instead of 2.4 bushels; in terms of corn, 5.3 bushels instead of 3.7 bushels.

Suppose the farmer buys a corn planter, 2-row check. In 1913 he could have bought it with 258 pounds of cotton, in 1940 he could buy it with 653 pounds; 168 pounds of wool in 1913, 235 pounds in 1940; 579 pounds of beef in 1913, 956 pounds in 1940; 460 pounds of pork in 1913, but 1,238—more than a half ton—in 1940; for 63 bushels of corn in 1913, but 124 bushels of corn in 1940; 40 bushels of wheat in 1913, but 78 bushels in 1940.

One more illustration of this kind is sufficient to show how short agriculture is of the purchasing power it must have before we can hope for a return of national prosperity.

In 1913, 5.8 pounds of cotton would buy a pair of overalls; this year it takes 9.6 pounds to buy the same pair of overalls. It took 10.3 pounds of hog in 1913 to buy this pair of overalls; today it takes 18.7 pounds. The wheat grower could get them for nine-tenths of a bushel of wheat in 1913; in January 1940 it took 1.15 bushels of wheat. Where it took 1.4 bushels of corn to buy the overalls in 1913, it requires 1.8 bushels in 1940. Even the cattleman, better off at the present time than most of his neighbors, would have to use 14.1 pounds of beef to buy the overalls that he could have bought with 13 pounds in 1913.

The wool grower fares better. His wool will get him more cotton goods than it would in 1913, but if he buys nails, axes, harrows, or corn planters it will take noticeably more.

Taking it as a whole, Mr. President, the purchasing power of the farmers' products today is little more than three-fourths what it was in the pre-war base period.

And under present world conditions, with what foreign markets are left after the war and post-war world-wide depression still further reduced, there is little likelihood of improvement in farm prices or income.

Mr. President, when the war started last September, there was a sharp upward turn in prices of several farm products, based more upon prospects of high war prices than upon any actually increased foreign demand for American farm commodities.

There was an immediate cry raised that farm prices were on their way back to the high war levels of the latter months of the World War. But that speculative boom in farm prices flattened out as the fall months dragged along. Up to the present time, the European war has actually resulted in the loss of export markets for farm products instead of increasing exports.

Now it is not necessary to go into all the reasons for this situation. Very frankly, the repeal of the arms embargo was a factor, perhaps only a minor factor. At any rate, since that repeal became effective, France and Great Britain are using their dollar exchange in the United States to buy airplanes and munitions. They are buying farm commodities from their colonies and dominions, on credit, where they can get lower prices, and where their purchases will injure Germany the most. The sum total of it all is that the United States is exporting less and less of farm products as an immediate result of the war.

Exports of aircraft engines and parts were 410 percent larger in January of 1940 than in the same month in 1939. On the other hand, exports of wheat were 73 percent less.

Tobacco and fruit markets abroad have been sharply curtailed by the war. That means further surpluses for the American producer and presumably not a good price in the future. Hog prices are very low today. Unless Great Britain turns to the United States for pork, the prospect for the coming months is far from hopeful.

The point I am making here is that there is little if any prospect in sight of farm prices approaching parity, to say nothing of reaching parity, in the next year or so. Congress, in effect, has promised at least an attempt to give the farmer parity income through parity payments when these are necessary.

It seems to me parity payments clearly are necessary, under present conditions and immediate future prospects. And as for the war, it has increased the need for parity payments, not lessened that need.

Mr. President, at times I am almost inclined to feel resentful when I hear people who should know better crying out against farm subsidies, and denouncing the farmer for accepting help from his government.

Mr. President, I maintain that the American farmer is, and has been, subsidizing the rest of the people of the United States for years past, by furnishing them foodstuffs and fibers at prices far below the cost of production.

The American farmer is not being subsidized. He is subsidizing the rest of us, to the tune of $2,000,000,000 a year. In the past 10 years American farmers have subsidized the rest of the public to the amount of some $20,000,000,000.

From farm-program payments American farmers have been subsidized some $3,000,000,000.

Compare the $3,000,000,000 of subsidy received by the farmers with the $20,000,000,000 of what amounts to subsidies given the rest of the population by low farm prices—prices away below parity, prices away below cost of production. That is why farming has been on an unprofitable basis for several years. The farmer has not received his fair share of the national income.

About 150 years ago a man by the name of Benjamin Franklin, also known as Poor Richard, spent some time in England. In England at that time the Government was preventing exports of foodstuffs, thereby holding surpluses inside the country and getting cheap foods.

Ben Franklin was so impressed by the injustice done the farmers of England and so indignant over the cry of the manufacturers for cheap foods that he wrote a letter to the public, in which he advocated payment of subsidies to farmers to compensate them for their losses due to the corn laws.

In part Benjamin Franklin said, and I quote from the letter published in an autobiography of Benjamin Franklin:

> Are we farmers the only people to be begrudged the profits of our honest labor? And why?
>
> O, but the manufacturers, the manufacturers, they are to be favored, and they must have bread at a cheap rate.
>
> Hark ye, Mr. Oaf: The farmers live splendidly, you say. And pray, would you have them hoard the money that they get? Their fine clothes and furniture, do they make them themselves, or for one another, and so keep the money among them? Or do they employ these, your darling manufacturers, and so scatter it again over all the nation?

The world would produce a better price if suffered to go into the foreign markets, but that, messieurs the public, you will not permit. It must be kept at home that our manufacturers must have it the cheaper. And thus, having yourselves thus lessened our encouragement for raising sheep, you curse us for the scarcity of mutton.

Some folks seem to think they ought never to be easy until England becomes another lubberland, where it is fancied that streets are paved with penny rolls, the houses tiled with pancakes, and chickens, ready roasted, cry, "Come and eat me."

You say poor laborers cannot afford to buy bread at high prices unless they had higher wages. Possibly. But shall we farmers afford our laborers higher wages if you will not allow us to get, when we might get it, a higher price for our corn?

But it seems we farmers must take so much less that the poor may have so much cheaper.

That operates then as a tax for the maintenance of the poor. A very good thing, you will say. But I ask, Why a partial tax? Why laid on us farmers only? If it be a good thing, messieurs the public, take your share of it by indemnifying us a little out of your public treasury.

I merely wish to call attention, Mr. President, to the fact that Ben Franklin, 150 years ago, had a very clear and broad vision of the farm problem as we have come to learn it today.

He knew that national prosperity depended upon a free and equitable exchange of products of the farm and the factory—a free flow of city goods to the country, and of country products to the city.

Ben Franklin knew, and pointed out clearly, though ironically, that the manufacturers who insisted upon cheap foods so they could pay lower wages were thereby destroying the market among farmers for their own manufactured products.

Ben Franklin knew, and pointed out, that if foodstuffs and fibers are marketed at less than cost of production, so there might be cheap food and clothing, then in effect the farmer was being taxed for cheap bread.

And he faced this as a reality, and pointed to indemnification from the public treasury as justifiable under these conditions. I might add, and this is common knowledge among students of tariff history, that Alexander Hamilton, in his report on manufactures, nearly 150 years ago, stated that if the protection given manufacturing unbalanced the exchange of goods for farm products, it would be justifiable and necessary to grant bounties to farmers to make up the difference.

I think there can be no doubt that the conditions which Franklin saw in England, and Hamilton foresaw for the United States, have come about.

In the United States today one-fourth of the population are on farms. This one-fourth of the population gets 11 percent or less of the national income, and is required to keep itself and also to educate one-fourth of the children of school age in the entire Nation.

Figured from any angle—from per capita income, from share of the national income, figured from a comparison of prices paid and received, figured on the basis of production costs—I say the American farmer today is operating at a loss of from 15 to 25 percent.

He is supplying the rest of the people with food at that much below his cost of production. Thanks to tariffs, to corporations, to fixed transportation costs, to high wage levels, all sustained by law, by government, he is being steadily squeezed and dropped into a lower level of living.

Mr. President, since 1913 the farmer's percentage of the consumer's dollar on 58 typical food articles has dropped from 53 percent to 40 percent. In 1913 he got 53 cents of the consumer's food dollar; in 1938 he got only 40 cents.

In the last decade, according to testimony of Mr. Eric Englund, of the Bureau of Agricultural Economics, before the House Appropriations Committee, the ownership of farm real estate by Federal land banks and Land Bank Commissioner has increased 372.4 percent; by joint-stock land banks, 173.7 percent; by life-insurance companies, 485.6 percent; by State credit agencies, 172.9 percent.

Twenty-six of the larger life-insurance companies in the United States now own more than one-half billion dollars' worth of farm lands—all acquired by foreclosure. The life-insurance companies are not in the business of buying farm lands; they acquire them only when farmers cannot meet their mortgage obligations.

These are the figures on increased insurance-company holdings by the 26 companies, figures placed in the record at hearings before the Temporary National Economic Committee:

Farm real estate owned by 26 largest insurance companies:

In 1929	$81,907,000
In 1932	235,026,000
In 1933	502,443,000
In 1938	529,392,000

Mr. President, I say this is a deplorable situation. Thousands and thousands of farms have been foreclosed, their owners dispossessed, thrown off the land, becoming tenants or going on relief. In the face of these facts what else can we do except support appropriations for agriculture, pending a real solution of the farm problem?

I realize that we cannot cure this situation by payments of subsidies from the Treasury. A workable farm program in cooperation with a coordinated national recovery program is needed to correct the causes of this evil condition.

The plight of the American farmer justifies the conservation program and the conservation payments. It also justifies and makes necessary the parity payments recommended by the committee.

I am for economy in Government expenditures, but not solely at the expense of the farmer.

In view of war conditions abroad, and their serious effects on crops covered by the parity payments program, there is no question in my mind that this Congress should appropriate at least the $212,000,000 provided in the Senate amendments. Nearly three times that amount would be required to bring parity prices on farm products.

There is another item which I believe should be approved. I refer to the $85,000,000 recommended for disposal of surpluses. There will be about $90,000,000 available for this purpose from customs receipts; the eighty-five millions will be in addition. At the last session Congress appropriated directly one hundred and thirteen millions for this purpose, in addition to the ninety millions available from customs receipts.

This surplus disposal money is used not only to help dispose of surpluses in foreign markets, but also to finance disposal of surpluses of all kinds of farm products in the domestic market, especially to relief clients.

The food-stamp plan, and the cotton-stamp plan, both of which are highly popular with consumers as well as producers, are financed out of the surplus-disposal funds.

I am also strongly in favor of the provision for $50,000,000 R. F. C. loans to further the farm-tenancy program. The program is inadequate, but in the right direction.

In this connection I desire to call attention to the fact that both the farm tenancy and surplus-disposal items have the approval of the Bureau of the Budget, though the Budget figures were seventy-two millions for surplus disposal and only twenty-five million direct appropriation for farm tenancy.

Both these items, Mr. President, as well as the farm-program payments, mean the difference between hanging on and going under to large groups of our farm population.

While the tenancy program is woefully inadequate, it is moving in the right direction; and while the program is continued it inspires the hope that keeps men going in the face of discouragements. Without any such program most tenants can look ahead with little hope of ever becoming farm owners.

The food-stamp plan is of value and interest to more than the farmers and the needy families in the cities, who are the direct beneficiaries. It also meets with the approval of businessmen as helpful to city business, especially in the retail trades.

Mr. President, in closing may I express the hope that the Senate approve the recommendations of its Appropriations Committee for increasing the appropriations for agriculture.

The farmer needs the money, and the country needs the farmers to have it, pending national recovery through solutions of the farm and unemployment problems.

Mr. President, I have received many appeals from Kansas farm groups asking me to support the pending bill and the amendments reported by the committee. I ask unanimous consent to have these telegrams and letters printed as a part of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the communications will be printed in the RECORD.

The communications are as follows:

NESS CITY, KANS., *February 14, 1940.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

I request that you as one of our spokesmen in Washington take a firm stand to secure an appropriation adequate to finance the agricultural-conservation program and parity payments for the future. I recommend that you work toward a plan to permanently finance through some type of processing tax our present farm program. I assure you this is the opinion of our 500 members and others in this county.

WM. SHANK,
President, Ness County Farm Bureau.

SCOTT CITY, KANS., *March 15, 1940.*

The Honorable ARTHUR CAPPER, *Senator.*

DEAR SIR: Farmers of Scott County feel you should do your utmost to obtain increase in Senate agricultural appropriation bill. Farmers are interested in balancing Budget, but still are entitled fair share of national income.

O. M. BROWN,
President of Scott County Farm Bureau.

LINCOLN CENTER, KANS., *March 13, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.:

By far majority of members of the Farm Bureau and Agricultural Conservation Association in Lincoln County feel that they do not yet receive parity prices for their products. We ask that you support parity appropriations to this end.

LINCOLN COUNTY FARM BUREAU.
LINCOLN COUNTY AGRICULTURAL CONSERVATION ASSOCIATION.

PHILLIPSBURG, KANS., *February 3, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR MR. CAPPER: We note over the radio and the papers that the agricultural appropriations are being cut severely. We know that you are interested in agriculture in our good old Kansas; therefore, that the large majority may go ahead since agriculture is a basis of prosperity in our view, we ask that you exercise every effort possible to secure a satisfactory agricultural appropriation. We do not feel that the major reduction in appropriation being made by Congress should be unloaded on agriculture. We realize that the proper defense must be provided, but this war situation has not helped agriculture to any extent. It is primarily an industrial enterprise and it seems that this cut in appropriation for agriculture is only doubling the effects of the war in the Middle West.

We trust that you will exercise every effort in our behalf.

Yours truly,

GEORGE C. LARSON,
Secretary, Phillips County Farm Bureau.

CLAY CENTER, KANS., *February 2, 1940.*

ARTHUR CAPPER,
Senator, Washington, D. C.

DEAR SENATOR: We are farmers in Clay County and feel that we are unanimous in favor of the present program, including the loan- and crop-insurance provisions of the set-up, so as a rule the present program fits in with good diversified farming practices, in giving him a fair price for his products and also gives him a chance, with some Government help, to build up his land.

We would appreciate any help that you can give us in giving the farmer a fair chance with other business.

Sincerely yours,

JOHN H. MUGLER.
E. J. MALL.
FRED J. HARTNER.

ULYSSES, KANS., *February 6, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: We wish to urge you to work for continued financial support of the farm program. In Grant County only two farmers have not cooperated with the farm program in the past. We believe it is a good program for everyone—producers and consumers alike.

If Congress wishes to adopt an economy policy, we will not object to a proportional reduction in the farm program, but we do not believe it is logical to reduce the appropriation for the farm program and the Department of Agriculture if the other phases of Government continue to receive the same or additional appropriations. I am sure you realize that the farm program has only partially brought the farmer's income up to parity as compared with other industries. Any reduction in payments under the farm program will result in more disparity. In some cases the price of farm products has increased the past few months, but it is also true that the things the farmer needs to buy have increased in cost so that the farmer has not gained by the increase in farm prices.

Very truly yours,

E. A. KEPLEY,
President, Grant County A. C. A.

KANSAS FARM BUREAU,
Manhattan, Kans., February 17, 1940.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR MR. CAPPER: I am writing in regard to the parity payments in the agricultural appropriation bill. I feel that it is false economy to do away with parity payments, because what little recovery farmers have had so far has been due in a very great measure to parity payments to agriculture. Farmers believe in economy, too, but feel that they should not have to sustain the principal cut because they already are so far below the economic position of the rest of the country. We are expecting you to support full parity for agriculture as our honorable representative in the Senate.

Sincerely,

M. N. HENDRIKSON.

GREENLEAF, KANS., *February 19, 1940.*

Hon. Senator CAPPER: I am writing you and asking you to support coming legislation which will provide parity payments to the farmers in 1941.

Knowing your influence has much weight, I am trusting you will work for this much-needed and equitable legislation.

Yours,

DAN H. COMBOW, *Greenleaf, Kans.*

PARSONS, KANS., *February 14, 1940.*

To Hon. Senator ARTHUR CAPPER:

Analysis of local farm conditions has convinced us beyond any doubt that there is a definite agricultural problem in Labette County. We find this problem to be due to both improper land utilization and low economic return. We feel that the agricultural conservation program with payments to farmers for good land use can and is doing much toward adjusting crop rotation toward a cropping system which will conserve the natural resources of the soil and aid in raising crop yield to an economic production level.

We feel that various control programs, crop-loan programs, crop insurance, and other supporting programs have helped to hold up the general price level of farm commodities, and together with the direct assistance of cash payments have helped farmers of this county with economic problems of agriculture.

In view of these existing needs to farmers we sincerely hope that you will give your full and whole-hearted support to agricultural conservation payments, farm parity payments, and such other farm appropriations that come before Congress this session.

PHIL. J. HELLWIG,
President, Labette County Farm Bureau and Chairman, Labette County Land Use Committee.
ARTHUR H. HUNTER,
Chairman, A. C. P.
CARL W. HELLWIG,
County Committeeman.
EDWARD DICKERSON,
County Committeeman.

DODGE CITY, KANS., *February 28, 1940.*

Senator ARTHUR CAPPER,
Member of Congress,
Washington, D. C.:

Urge that you make a firm stand for present agriculture conservation program and parity payments and that sufficient money be appropriated to make benefit payments to farmers for 1941 same as they are at present.

BERT ANDERSON,
President, Ford County Farm Bureau.

HADDAM, KANS., *February 17, 1940.*

Mr. ARTHUR CAPPER,
Washington, D. C.

Hon. Mr. CAPPER: I wish to commend you upon the stand you are taking for the Kansas farmer through legislation.

I assure you that the average farmer is grateful for the aid he receives as benefits from the A. A. A. and other sources.

I wish to impress upon you the necessity of parity payments for 1941 in connection with the A. C. P. program, and wish you to stay right on the plate and bat for the farmer.

We must not lower the morale of the average dirt farmer or the Nation as a whole will head for disaster.

I feel that I am expressing the sentiments of the majority of the farmers of this community and therefore wish you to use your influence keeping a view, The plight of the farmer, before you at all times.

Wishing you more power and influence, I remain,

Respectfully yours,

W. E. PELESKY, *Dirt Farmer.*

GIRARD, KANS., *February 15, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Requesting you stand firm to secure appropriation adequate as finance for soil-conservation program and parity payments. Recommend work toward plan permanent finance; suggest processing tax.

Perry M. Campbell, Gloyd Wilson, Cherokee; Grover Clawson, McCune; W. E. Archer, Walnut; John Zur Buchen, Walnut; Kenneth Millard, McCune; Elmer L. Harr, Girard; Abner A. Tewell, Pittsburg; Frank Barone, Girard; W. I. Morton, Girard; B. P. Turner, Girard; Edward Grabe, Farlington; J. B. Roseboom, Girard; H. H. Vanhoozer, Girard; Pete Timi, Girard; E. C. Boatman, Girard; Jno. W. Sparks, Pittsburg; R. W. Thompson, Pittsburg; Marvin Green, Girard; Willard W. Ozbun, Opolis; A. L. Martin, Opolis; Andrew L. Davied, Walnut; L. J. Walsh, Girard; W. A. McCants, Cherokee; A. H. Pool, McCune; C. L. Goff, Girard.

OSBORNE, KANS., *February 19, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: I am writing you concerning the parity payments for the 1941 program. It seems to me—and I believe that it is safe in saying that it is the opinion of nearly every farmer in the county—that the economy slicing is directed too much at agriculture. The agriculture of the western half of Kansas is in a more or less perilous condition and will be in a worse condition if parity is left out of the 1941 program.

I believe you are doing everything in your power that is to be done for agriculture, but I am writing and urging others to write in order that you may point to our solid support concerning the benefits for agriculture.

Very truly yours,

DWIGHT S. TOLLE,
County Agent.

JUNCTION CITY, KANS., *March 16, 1940.*

Senator ARTHUR A. CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: As president of the Geary County Farm Boosters Club, who sponsored a banquet and program on Friday, March 8, 1940, celebrating the seventh anniversary of the founding of the A. A. A. program, I am enclosing a copy of the resolutions adopted by 150 Geary County (Kans.) farmers and businessmen.

We had a very fine local nonpartisan program before the broadcast. In it bankers, businessmen, and farmers all expressed their ideas of how the A. A. A. program had benefited the county and stressed the need and value of a continuation of the farm program.

We realize that without your tireless work and support the agricultural situation would be in a much worse condition than it is today.

Very truly yours,

WALTER R. HASLETT,
President, Geary County Farm Boosters Club.

[Resolution]

Whereas we believe that the agricultural conservation program and the Triple A program, as amended and passed in 1938, has been an immeasurable benefit to agriculture and industry and the country at large;

Whereas we believe that under present economic conditions that are world-wide it is imperative that we have a strong farm program for the benefit of agriculture, industry, and labor; let it be resolved that we go on record as commending each and every one of our Government officials and legislators for the excellent work that they have done in the writing up and passing of the farm program in the past few years;

Whereas we feel that it is necessary that we have a strong agricultural program in future years for the conservation of our natural resources, and especially the fertility of our soil, as all wealth comes from the soil; be it

Resolved, That until such time as the leading agricultural commodities are on a parity in price range with the incomes of the other industries that the Government set aside a sum sufficient to bring such agricultural products up to a parity; and be it further

Resolved, That the President and Congress devise such means as to make this parity payment permanent by setting up a permanent way of financing such payments rather than under the present system of appropriations each individual year; and be it further

Resolved, That this fund be created from some such tax or revenue for this purpose rather than a definite grant from the United States Treasury; and be it further

Resolved, That we feel that the Government can well afford to appropriate as much or more money than at present for the maintenance of the fertility of soil as set up under the agricultural conservation program.

Whereas the following men are especially favorable and are working hard for the agricultural program, we resolve that these men be sent a copy of these resolutions:

To wit: President Franklin D. Roosevelt, Secretary of Agriculture Henry A. Wallace, Senator Arthur Capper, Senator Clyde Reed, Representative Edward H. Rees, and Representative Clifford Hope.

LA CROSSE, KANS., *March 9, 1940.*

Hon. ARTHUR C. CAPPER,
United States Senator,
Washington, D. C.

DEAR MR. CAPPER: Enclosed find a copy of resolutions unanimously approved by the farmers of Rush County assembled at the farm program anniversary dinner held at La Crosse March 8.

Yours very truly,

W. J. LAUGHLIN, *Chairman.*
J. A. BOTT, *Secretary.*

[Resolution]

A representative group of between four and five hundred farmers assembled here at La Crosse, Rush County, Kans., for the purpose of celebrating the seventh anniversary of the beginning of the A. A. A. program, do hereby express our appreciation and support of the farm program and urge a continuation of the same.

We further register our conviction that the farm program has contributed much to the welfare of the farm family, the community, the State, and the Nation.

We further recommend that in interest of the stability of such a program, a method of financing other than direct appropriation from the Federal Treasury be worked out.

L. R. HONDERICK, *Chairman,*
WM. B. ROMEISER,
ROY A. BUTTON,
JAMES R. RAUP,
KARL HARTMAN,
LOUIS TAMMEN,
E. W. FICKEN,
Resolutions Committee.

GARNETT, KANS., *February 13, 1940.*

The Honorable ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR: We the undersigned farmers of Anderson County, Kans., represent each and every community in the county and in our opinion the passing of the agricultural appropriation bill without any provision for farm-parity payments and with other severe cuts in a number of budgeted items is a severe disappointment to the farmer in this district.

While the farmers naturally approve of any practical move toward economy, they do not feel that agriculture should be expected to sustain the principal cut.

Agriculture has not as yet been brought up to the economic position, relative to the rest of the country, that it is entitled to, or that the welfare of the country as a whole requires.

The farmers are better than 85 percent in the fight to maintain the present farm program and feel that they are justly entitled to its benefits, and are depending upon their Congressmen to secure the appropriation necessary to provide funds to maintain the program including parity payments.

We hereby petition you as our Senator to get in and battle for the agricultural appropriation bill including parity payments and all other budgeted items.

J. C. Bidwell; J. C. Ferguson; C. W. Hydem; Nelson N. Willson; Bob White; Wm. Wesemann; Christina Wesemann; O. W. Lacey; Frank Lickteig; Anton Rues; Howard Winner; Warren D. Lankard; Harry Frazier; Pete S. Rockers; Floyd Miller; G. E. Berry; C. C. Cammann; J. Lee Laedemann; Henry Schknecht; Roy Moody; Tony Peterkord; J. O. Glasgow; R. D. Buchanan; Fred Zuiener; A. W. Lickteig; Harold Lake; W. W. Leatherby; L. E. Cleveland.

GRANT COUNTY FARM BUREAU,
Ulysses, Kans., February 6, 1940.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: We wish to take this opportunity to urge you to do all you can to see that the financial support for the farm program is not lost this year. We represent the Grant County Farm Bureau with a membership of 200 members. All the members cooperate with the program. In addition, it might be stated that in the past over 99 percent of the farmers of Grant County have cooperated with the program and they feel it is a good thing for the farmers and the Nation as a whole.

Yours truly,

A. D. HARMON,
President, Grant County Farm Bureau.
S. J. EASTHAM,
Secretary, Grant County Farm Bureau.

MINNEAPOLIS, KANS., *February 6, 1940.*

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

HONORABLE SIR: We are writing to request that you do all within your power to obtain an appropriation for the continuation of the farm program and parity payments.

We recommend that you work toward a plan to permanently finance this appropriation.

In regard to the 1940 farm program, we wish to urge that the soil-building-practice payments for the seeding of alfalfa and sweet clover be increased to $3 and $1.50, respectively.

We feel that if the season is favorable the increased payment would greatly encourage the seeding of alfalfa and sweet clover in this county.

We would greatly appreciate hearing from you in this regard.

Yours very truly,

CHAS. CONNER,
EDWARD ANTENE,
RAY EVERLEY,
Ottawa County A. C. Committee.

LYONS, KANS., *February 15, 1940.*

Hon. ARTHUR CAPPER,
United States Senator.
Hon. CLYDE A. REED,
United States Senator.
Hon. CLIFFORD R. HOPE,
Representative of Seventh District.

DEAR SIRS: We respectfully ask that you use every effort at your command to have parity payments restored to the Agricultural appropriation bill for 1941. Not only are farm interests at stake but the property of the entire Nation depends on the farmers' return to parity income and a fair share of the national income.

Thanking you for your support in the past and hoping we can depend on you to take care of the farm interests of Kansas, we are

Respectfully yours.

Rice County A. C. P. Committee and Township Committeemen: P. F. Wrens, F. R. Hays, Earl Spangler, O. M. Stevens, John Tweedly, W. R. Snell, Don R. Arnold, W. P. Jennings, Myrl M. Caywood, Elbert E. Grady, E. E. McAllaster, Dale Oswalt, A. S. Neel, F. E. Ramage, Geo. W. Sidwell, W. E. Lattimer, Dwight A. Alexander, Guy Gray, Hamilton White, A. G. Crowl, Roy Schill, Frank Behnke, F. J. Habiger, Alvin Beck, Nelson T. Belden, Tony Colle, H. A. Sterling, Leo Shores, Leonard S. Massey, John Leclerc, J. M. Shumway, Homer Johnston, Stanley Z. Wells, Chas. V. Zile, John Cain, W. S. Stout, W. C. Iserce, Roscoe S. Haltom, E. A. Tobias, R. M. Edgar, Silas P. Smith, Frank Willand, H. F. Schmidt, Chas. E. Boldt, A. L. Dill, Bert Hoyt, David W. Keller, Geo. H. Schneider, J. B. Morris, B. E. McKee, Jim C. Bush, Grover C. Fry, LeVerne Olander, George S. Eatinger, John C. Schubert, H. E. Datran, Geo. Heckel, L. U. Fair, R. S. Flora, E. E. Monroe.

MANKATO, KANS., *February 3, 1940.*

The Honorable ARTHUR CAPPER,
Senator from Kansas, Washington, D. C.

DEAR SENATOR CAPPER: At a joint meeting of the Jewell County Farm Bureau Executive Board and Land Use Planning Committee we went on record as urging you to support the farm program as it has been operating in 1939 and 1940, including the financing of parity in 1941.

Sincerely yours,

C. E. BARTLETT, *County Agent.*

ABILENE, KANS., *March 9, 1940.*

Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.:

We demand that the Federal farm program be continued and improved upon, irrespective of which political party prevails at the next election. We wish to thank the township committees and county committee of Dickinson County for the courteous and efficient way that they have been handling their work. They are fair-minded and conscientious gentlemen. We say to them, "We thank you for the fine spirit with which you are performing your work." We also wish to thank the President of the United States, Secretary of Agriculture Wallace, and all Members of Congress, both Republican and Democrat, that have supported the farm program. We ask you to continue the good work, and we are grateful and appreciative of your efforts. We also think that having the farmers get together and discuss the farm program is a mighty good thing.

HENRY NOTTORF,
E. L. HOFFMAN,
MATT GUILFOYLE,
Committee.

ST. JOHN, KANS., *February 16, 1940.*

Hon. ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: I am writing to you briefly in behalf of the parity payment for agriculture which the House of Representatives has recently denied the farmers. While we would all desire a reduction in unnecessary national expenses I do not feel that it is wise to economize at the expense of agriculture. Wheat prices are far below parity and to deny us parity at this time is to give a serious blow to recovery. I am sure the farmer has enough friends in the Senate, if they all work together, to restore the parity provision again. As president of the Stafford County Farm Bureau and as a farmer of Stafford County, I respectfully urge your most earnest efforts in giving to agriculture the aid it needs and deserves. I should like to see a move made in this session of Congress to restore the processing tax or some similar effective system as a means of financing aid to agriculture without drawing from the Treasury.

Sincerely yours,

JAMES W. TANNER.

Resolutions adopted by a group of farmers assembled in Leoti, Kans., December 18, 1939:

Be it hereby resolved by this group assembled, First, that we hereby approve the present agricultural program and believe that it should be continued without material change.

Second. We recommend that parity payments on our major crops be continued and that some method such as the processing tax be developed to finance such payments.

Third. We recommend that commodity loans be continued on all special commodities and that no material change be made in this program.

Fourth. We favor the continuation of the Federal crop-insurance program, but recommend that more equitable yields and rates be worked out.

CHAS. F. DURHAM,
President, Wichita County Farm Bureau.
R. F. REAM,
County Grange Deputy.
A. E. ANDERSON,
Chairman, County Agricultural Conservation Committee.

HOLYROOD, KANS., *March 9, 1940.*

Hon. ARTHUR CAPPER,
Washington, D. C.

MY DEAR SENATOR: Find enclosed a copy of a resolution passed at the mass meeting of dirt farmers held on the seventh-anniversary celebration of our farm program.

Sincerely yours,

AUGUST STOLTENBERG,
Chairman.

[Resolution]

Whereas this 8th day of March is the seventh anniversary since the enactment of our present farm program, and that many thousands of farmers have kept their farms as a result of the benefits from the farm program; and

Whereas the wheat farmer is still in financial distress as a result of the many years of disparity prices, and that many thousands of farmers are barely hanging onto their farms; and

Whereas the farmer has no purchasing power, with low prices, and cannot buy the things he needs, thus causing a delay in the return of the Nation to prosperity, and as the Nation's welfare depends on whether or not agriculture is in distress: Now, therefore, be it

Resolved, That we farmers assembled at Holyrood, Kans., on March 8, 1940, go on record expressing our hearty appreciation to the President, Secretary Wallace, and all Members of Congress who gave us our present farm program, and that we are 100 percent for the program and want it to continue, and that we urge Congress to provide the funds for full parity payments by enacting some form of processing tax, instead of appropriations, and that such legislation be made permanent, as the protective tariff now is permanent for the manufactures; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, Secretary Wallace, and to our United States Senators and Congressmen in this and other States.

AUGUST STOLTENBERG,
Chairman.

KIRWIN STOCK FARM,
Kirwin, Kans., March 14, 1940.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR: Enclosed find a petition signed by many farmers of Phillips County requesting adequate appropriations for agriculture for 1941.

We farmers know you favor adequate appropriations, but we believe these petitions will help you secure support from other Senators and Representatives.

Yours truly,

OTTO WERNER.

[Petition]

We, the undersigned, hereby use this method to express our sentiments to the legislative body of our Government in reference to the following:

It is highly important that the agricultural appropriation be secured in sufficient amount to provide adequate funds to properly administrate all of the present programs with their various phases. This cannot be done with the proposed reduction. Agriculture must not suffer for the benefit of other appropriations.

R. W. Stoneman, Speed, Kans.; Chas. A. Green, Speed, Kans.; Catherine Apenhorst, Speed, Kans.; George Apenhorst, Speed, Kans.; Andrew Van der Wege, Speed, Kans.; J. I. Paramore, Speed, Kans.; John S. Farley, Speed, Kans.; C. J. Kern, Speed, Kans.; John A. Veeh, Logan, Kans.; Leonard Burch, Speed, Kans.; G. W. Billing, Speed, Kans.; W. L. Bruning, Phillipsburg, Kans.; William Bredemeier, Phillipsburg, Kans.; Mrs. Velma Bruning, Phillipsburg, Kans.; Floyd Fix, Speed, Kans.; Mrs. Floyd Fix, Speed, Kans.; Mrs. George Bushnell, Speed, Kans.; George W. Bushnell, Speed, Kans.; E. M. Eas, Speed, Kans.; Frank W. Miller, Phillipsburg, Kans.; Edgar H. Miller, Phillipsburg, Kans.; E. C. Pickel, Speed, Kans.; Earl Pool, Speed, Kans.; Elmer Parker, Speed, Kans.; K. Ebner, Speed, Kans.; Arnold Grote, Speed, Kans.; Edwin Meyer, Phillipsburg, Kans.; C. C. Beverly, Speed, Kans.; G. E. Seeger,

Speed, Kans.; William Veeh, Logan, Kans.; Charles Wirklebleck, Speed, Kans.; R. S. Fix, Speed, Kans.; Cera Wirklebleck, Speed, Kans.; Jack Fix, Speed, Kans.; August F. Eickhoff, Phillipsburg, Kans.; G. B. Washington, Speed, Kans.; E. W. Sayers, Speed, Kans.; John Selbe, Phillipsburg, Kans.; Jim Boyd, Speed, Kans.; A. C. Boyd, Speed, Kans.; John W. Fowler, Speed, Kans.; John Van der Wege, Phillipsburg, Kans.; Lyman Cadocef, Speed, Kans.; F. E. Kinter, Speed, Kans.; Albert Swanson, Logan, Kans.; Fritz Brenneke, Phillipsburg, Kans.; George Horn, Speed, Kans.; George Balbach, Phillipsburg, Kans.; Henry Balbach, Phillipsburg, Kans.; Otto Schuck, Speed, Kans.; J. H. Meyers, Phillipsburg, Kans.; J. H. Darnewood, Logan, Kans.; W. L. Boethin, Logan, Kans.; Fred L. Albright, Speed, Kans.; A. J. Beckman, Phillipsburg, Kans.; R. J. Fischli; W. E. Klein; Fanny Chestnut; H. R. Fischli, Logan, Kans.; Oscar Calhoun, Phillipsburg, Kans.; W. C. Boethin, Logan, Kans.; F. L. Kinter; C. A. Kinter, Logan, Kans.; J. E. Kinter, Speed, Kans.

GARDNER, KANS., *February 17, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: The agricultural problem is one of great importance to Kansas. The writer having spent 25 years of the past 40 as cashier of a farmers' bank, is now operating 450 acres of inherited Johnson County land that was bought, mortgaged, and paid for in the eighties and nineties. The stockholders and directors of our two small banks, with a combined capital of $40,000, consolidated and took care of more than $100,000 of worthless farm paper without a dollar of loss to the depositors. This large percentage of loss started in 1921, when any aid to the farmer was unknown, and at a time when the businessmen of this Nation did not realize the importance of prosperity through agriculture.

With past experience and knowledge of the needs of the farmer of eastern Kansas, I feel free to speak in favor of a continuation of the A. A. A., and especially the soil-conservation part of the program. This land has been under the program from the beginning, and under my active work since 1936, and we have been more than well pleased with all results. We have returned every dollar of farm income back into the channels of trade, either through new farm implements or through electrification and modernization of this old homestead farm. Without the efforts of the Federal Government to give us some form of parity, this trade would not have been turned to industry.

We see the need of soil conservation on our land as well as the land of our neighbors, and we are strongly in favor of Federal control and organization in an effort to bring about a farm parity. We favor a processing tax on wheat as a just income. The factory worker in the city is better off with a 10-cent loaf of bread and a job than a 9-cent loaf and no job. When we buy his farm implements—combines and tractors—we pay plenty of processing tax. It is just as sensible to put a part of our farm to grass as it is for the big lumber corporation to let the trees stand in the forest because they cannot be turned into lumber and sold at a profit. If they will produce lumber for me at 2 cents per foot, I will produce wheat for them at 50 cents per bushel.

When more of our neighbors can realize that the agricultural program is not political they will join in the concentrated effort. The present overproduction of hogs is just a sample of what we would have in the wheat, corn, cotton, and tobacco without Federal efforts toward control.

Yours very truly,

H. O. CRAIG.

ABILENE, KANS., *February 20, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR MR. CAPPER: I have been very much surprised at the action taken in the recent session of the House of Representatives in regard to parity payments to farmers. I hope the Senate will not make the same mistake but will show that they can rise above politics in a question as serious as this one is. On this issue rests a number of important questions, and until it is settled we will have the farm problem with us. Along with the farm problem is unemployment, which is the aftermath of low farm prices, and they cannot be separated. Also the unbalanced Budget and the huge national debt go hand in hand.

It will not make any difference which political party is in power, either. But the issue is clear, and the farmers of the Nation are expecting this Congress to provide funds for the parity payment for 1941. If prices get above parity in the year named, that will be fine. It will make the Budget look that much better. If prices are not at parity, then the appropriation is allowed.

Farmers today are not going to ask any favors above that which is for the benefit of the Nation as a whole, because we know that if agriculture prospers, the Nation prospers, and if agriculture fails, all other business fails in time. Farmers are expecting cooperation from all industry in matters of legislation which is so vital to them.

Whenever a consumer demands lower prices for a commodity he is buying, he should first see if it is out of line with his or her wages. Because the little more that commodity may or may not bring may be the cause of some of his friends' unemployment. The difference between the price of all agricultural products and parity in the retail trade would not be noticed to any extent. Why any people, if they understand the condition and what brought that condition, can ask for low farm prices is a puzzle to me. I think it the duty of every American to give the facts to the public by newspapers, radio, screen, and platform. If this is done, our farm problem is solved.

We appreciate your efforts in the past and know we can count on you to go to bat in this matter. We expect the funds to be made available either by appropriation or, better still, by a plan to make the farm program self-supporting and not be an issue at every session of Congress. It should be elastic, so that in years when parity is reached no payment is made. But in years when that isn't true the funds are on hand. We are going to measure every man in Congress as to how he has handled this question during this present session of the Legislature.

Yours very truly,

GRANT ENGLE,
President, Dickinson County Farm Bureau.

GOODLAND, KANS., *February 6, 1940.*

The Honorable ARTHUR CAPPER,
Senator from Kansas, Washington, D. C.

DEAR SENATOR CAPPER: The farmers of this community are deeply concerned with the efforts of certain factions of our Congress in attempting in the name of economy to do away with parity payments which, as you know, are provided for in the Agricultural Adjustment Act of 1938.

We feel that it is deeply vital to the continued existence of our democracy that agriculture be on a relative equality with industry. On behalf of the farmers of Sherman County we are therefore asking your active support in demanding that the appropriation for parity payments be reinstated.

After years of constant battle, we feel that we have, through the Agricultural Adjustment Act, secured a piece of farm legislation which, although not perfect, means everything to the farmers of this area.

Further, we feel that in order that this program can be maintained, it is not only practical but just that it should be self-supporting, and we are, for that reason, asking that you also actively support one of the so-called certificate plans of financing this program.

Very truly yours,

WALTER J. TRACKEL, *Chairman,*
FRED BERGMAN,
J. G. CURRY,
Sherman County Agricultural Conservation Committee.
L. MORGAN,
Secretary, Sherman County Agricultural Conservation Association.

THE FARMERS EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Salina, Kans., March 14, 1940.

Hon. ARTHUR CAPPER,
Hon. CLYDE M. REED,
Washington, D. C.

MY DEAR SENATORS: Possibly no one in public life, in a position to render worth-while services to the farmers of Kansas and the Nation are the better qualified to render a greater service or to exercise intelligent judgment as to the crying needs of the western farmers than our United States Senators from Kansas.

I want to commend both of you gentlemen for what you have tried to do as well as what you have been instrumental in the way of accomplishment for the betterment of the farmers' situation.

Our State has lost half of our farm population during the past 40 years, thousands of our farmers have lost their farms, urban home owners have lost their homes, and we are rapidly drifting toward tenancy and sharecroppers for our farmers and tenantry among our urban population.

I believe both of you will agree with the mandates of the Kansas Farmers Union in conventions assembled, that the losses of Kansas farms have been due to the lack of farm income due to low prices for the products of the farm, the wide spread between the prices the farmer received for those farm commodities and the prices he was obliged to pay for the same commodities in the form of the finished products, which were all out of proportion to the prices he received for what he produced.

This disparity and loss of income has heaped upon the farmer a burden of debt, made it impossible for the farmer on the family-sized farm to support himself and family upon that farm, with the result that he was forced to abandon the farm as an owner, descend into tenancy, and finally into the small towns and cities, where he has entered the markets for the employment as laborers in competition with those already of the urban population, causing a further complication.

On behalf of the farmers of Kansas and the Kansas Farmers Union, I am soliciting your support for our debt-adjustment bill, S. 3509; the Lee tenancy bill, S. 1836; and the Farmers Union domestic-allotment bill, supporting the protection for the "family-sized farm as the ideal farm unit" to relieve the present urgent needs of the country.

Our farmers are unable to reconcile the opposites or the two extremes of abnormal surpluses of the necessities of life and practically a famine for nearly half of the Nation's population at the other extreme end of the income scale.

In the absence of a better program or policy that will solve the problems before us, we are making the appeal to you as our

legal representatives to give us your best endeavors, lending yourselves to the enactment into law of our sponsored programs during this session of the Congress, or in the event there should be developed a better plan or program, so advise us and we shall do our very best in the way of any assistance that the present unjust situation as it affects our farmers might become a reality and the farms and homes of our farmers might be preserved unto their present owners.

Soliciting your continued assistance and support of our State and national Farmers Union program and the projects indicated, I am,

Sincerely yours,

J. P. FENGEL,
President, Kansas Farmers Union.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., March 11, 1940.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We greatly appreciate the action of the Senate Appropriations Committee in restoring the parity funds to the agricultural appropriations bill. However, to bring agriculture to a full parity position, we respectfully urge your support of our request for an appropriation of $607,000,000 for parity payments and $100,000,000 additional funds for disposal of surpluses.

Based on prices as of December 15, 1939, this amount is necessary if farmers are to attain parity income under the Agricultural Adjustment Act, whose principles we uncompromisingly support. We invite your attention to our testimony in support of these recommendations appearing on pages 518–544 of the Senate committee hearings.

Farmers are mindful of the sympathetic interest and action taken by the Senate in recent years in meeting the farm problem. Nearly 6,000,000 farmers are cooperating under this law you have given us. They are doing their part; they are looking to you to do your part by appropriating the necessary funds.

We reaffirm our belief that the restoration of agriculture to a parity position with industry and labor is a first essential for the sound solution of the unemployment problem and for complete national recovery.

Sincerely yours,

EDW. A. O'NEAL, *President.*

FARMERS EDUCATIONAL AND COOPERATIVE
UNION OF AMERICA,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., March 11, 1940.

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We are enclosing our statement in regard to agricultural appropriations, filed with the secretary of the Subcommittee on Appropriations. We trust the views of our two large farm groups will be of real interest to you.

Cordially,

M. W. THATCHER, *Chairman.*

WASHINGTON, D. C., *March 11, 1940.*

To the Subcommittee on Agricultural Appropriations, Senate Committee on Appropriations, Washington, D. C.

GENTLEMEN: In accordance with resolutions approved by recent conventions of our two national organizations representing a great segment of the farm folks of the West and Central West, we desire to place before you for consideration our statement, as follows:

PARITY BENEFIT PAYMENTS

We have fully supported the operations of the programs of the United States Department of Agriculture, carried on under the 1938 Farm Act. Great benefit has accrued to the farmers of this country as a result of the administration of that act. While we have for some time past urged on the Congress of the United States legislation which would provide the revenue for carrying on the national farm programs, yet and until more definite and sound legislation for agriculture is adopted, we will continue to support subsidy appropriations directed by the language of the 1938 Farm Act.

Since we have no data that we believe we could reasonably use to indicate the amount of appropriations requisite to provide parity of income for the basic agricultural commodities designated in the 1938 Farm Act, for application to the next fiscal year, we suggest that it would be quite safe for the Congress to appropriate a minimum of $300,000,000 for this purpose. If production and prices during the next fiscal year disclose that an appropriation of $300,000,000 is in excess of the funds needed, of course such excess funds could be covered back into the Treasury of the United States.

Our organizations look with disfavor upon a system of distribution and its price-making devices which calls upon the Congress to appropriate huge subsidies each year as an implement to agricultural income and which program of subsidies as directed under the 1938 Farm Act requires farmers through their legislative representatives to come to the Congress each year and literally panhandle for these subsidies. We look upon continued increases to the national deficit as unnecessary in this regard, and, as we have suggested by the bills that we have caused to be introduced in Congress, we hope that national legislation will soon be forthcoming which would use the income-certificate plan for those commodities to which it is readily applicable.

We will continue to give our full support to the 1938 Farm Act, and for continued subsidies in connection therewith for those commodities that apparently cannot well be protected with the use of the income-certificate plan.

FEDERAL SURPLUS COMMODITIES CORPORATION

We consider the creation of this Corporation and its administration one of the most fundamental programs of this administration. It enjoys our enthusiastic support. Universal approval is accorded to it throughout our country. The only criticism that is offered is the failure of this administration to extend and expand the usefulness of the stamp plan. We are informed that the so-called stamp plan is in use at 50 points, and that there is need and demand for it at some 700 places in the United States. We think it is logical and fair to state that, if it has proven usefulness, it ought to be used to the hilt. Conversely, if it is not a desirable program, it ought to be discontinued. If it is most desirable at 50 places, and is needed and desirable at 700 places, it seems fair to state that we are only making use of one-fourteenth of its possible value to the economy of this country.

Based on such information as we can obtain, an appropriation of $72,000,000, along with the funds available under section 32, would carry on reasonable operations for a 12-month period in 100 areas, and, with an additional $75,000,000, the program can be carried on in 200 areas. Based on the best estimates we can make, an appropriation of $350,000,000 could blanket the United States in a most useful and important operation of this character. We urge that not only the $72,000,000 item be restored, but that an additional $75,000,000 be appropriated in order that this most worth-while institution may carry the program for the next year into 200 areas.

This program is of the greatest value to agriculture, as well as to those who actually have been living below a required minimum diet. It materially affects those farmers who do not enjoy receipts of parity benefit payments. Under the stamp plan, there has been a great increase in the consumption of butter, eggs, beans, prunes, and other fruits and vegetables not designated as basic commodities under the 1938 Farm Act.

We have studied furnished data which indicate under a full national stamp plan an increase in the consumption of butter over 13 percent, 12 percent for eggs, 23.7 percent for beans, 34.2 percent for dried fruits, 30.9 percent for raisins as the result of the so-called stamp-plan program. Obviously, that shows the program working at both ends of the problem—overproduction and underconsumption. This meets the calamity cry that refers to plowing under cotton, killing pigs, etc., with an intelligent plan which feeds hungry people who have been plowed out of factories and dumped on relief agencies.

Certainly no thoughtful person in the Congress or the Nation would suggest, as a part of the program to balance the Budget, the denial of 2½ cents a meal to those who must have this little increase in expenditure for their diet if they are to have reasonable health and (for some of them) be physically able to carry arms. There could hardly be any point in making huge appropriations for armament and at the same time fail to maintain the physical well-being of those who would be first called upon to use the arms.

Our organizations resent the suggestion that the so-called stamp plan find its appropriations from that which is provided under the caption of "relief." We firmly believe that this so-called stamp plan is to remain with us for many years. The prospective international markets for our farm products, and the prospective market within the Nation for our farm products, while so many are unemployed, is the concrete evidence that the stamp plan carried on by the Federal Surplus Commodities Corporation is an inevitable and required part of the program to rehabilitate not only business but people. We appropriate—and properly so—$500,000,000 against erosion of the farm lands, but we shudder to appropriate a comparable amount against the erosion of our people. The land is of no value without the people, except for those who can afford hunting lodges and feudal estates.

BANKHEAD-JONES ACT

We fully support the appropriation for $25,000,000 with which to carry on tenant purchase loans.

TAXES

We fully support the use of an internal tax which would cover the difference between an unbearably low cash price and a fair parity price for agricultural commodities. It is the declared purpose of the Congress, and it is now generally supported by the people, to provide ways and means for securing parity prices and parity of income for agriculture. Therefore no one giving such approval could logically oppose the use of a tax on an agricultural commodity which merely equalizes the difference between the low price and the fair exchange price. We are opposed to a general sales tax or a general manufacturers sales tax because we cannot find any fair method by which it may be employed.

We urge the Congress to appropriate the amounts suggested in this statement.

Respectfully submitted.

NATIONAL FARMERS UNION LEGISLATIVE COMMITTEE,
NATIONAL FEDERATION OF GRAIN COOPERATIVES,
M. W. THATCHER, *Chairman.*

The PRESIDING OFFICER. The first amendment reported by the Committee on Appropriations will be stated.

The first amendment of the Committee on Appropriations was, under the heading "Office of Information—Printing and Binding", on page 8, line 7, after the word "elsewhere", to strike out "$1,590,000" and insert "$1,684,870", so as to read:

For all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, $1,684,870, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary of Agriculture, as required by the acts of January 12, 1895 (44 U. S. C. 111, 212–220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108), and in pursuance of the act approved March 30, 1906 (44 U. S. C. 214, 224), and also including not to exceed $250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, and equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Weather Bureau and of the Forest Service authorized by the Joint Committee on Printing, in accordance with the act approved March 1, 1919 (44 U. S. C. 111, 220).

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "Information", to strike out "$1,940,000" and insert "$2,034,870", so as to read:

Total, Office of Information, $2,034,870.

The amendment was agreed to.

The next amendment was, under the heading "Office of Experiment Stations—Payments to States, Hawaii, Alaska, and Puerto Rico for Agricultural Experiment Stations", on page 11, line 6, after "386–386b)", to strike out "$65,000" and insert "$70,000", so as to read:

Hawaii: To carry into effect the provisions of an act entitled "An act to extend the benefits of certain acts of Congress to the Territory of Hawaii," approved May 16, 1928 (7 U. S. C. 386–386b), $70,000.

The amendment was agreed to.

Mr. CHAVEZ. Mr. President, before we proceed further with the amendment, I should like to make a brief statement with reference to two or three items in the bill which appear to me to be of vast importance. I shall not delay the Senate long.

The first one is with reference to parity payments. I think the statements made by the Senator in charge of the bill [Mr. RUSSELL], the Senator from Kansas [Mr. CAPPER], and the Senator from Alabama [Mr. BANKHEAD] with reference to parity payments are most sound. However, I wish to leave one further thought with the Members of the Senate.

There seems to be some question as to the correct name of this particular item. It is called parity payments. To me it appears only as a question of guaranteeing something to the farmer. In many instances it is not a parity payment. If the prices of the products which the farmer produces reach a certain point, not a cent of the money appropriated for parity payments will be spent. All the amendment does is to guarantee that if the prices of the commodities of the farmers do not reach 75 percent of parity, then the farmer will receive a part of the appropriation.

Mr. President, I believe that anyone who feels that we should legislate in matters beneficial to all citizens of the United States, appropriate money for this, subsidize that industry, and take care of labor in the matter of wages and hours, should feel that we are justified in telling the farmer that he shall also be protected by the law and by the money of this country.

Mr. President, another item in the bill which should be of deep concern to the American people and those who think of the Government is the question of farm tenancy. This morning I heard the Senator from Alabama [Mr. BANKHEAD] give his definition of national defense. He believes that it should include a satisfied American people, including the farmers. There is no better way to bring about the proper kind of national defense than by having farm owners and home owners in the United States.

Farm tenancy has increased rapidly in this country during the past 50 years. I want the Members of this body fully to realize the importance of this particular item. Today in the United States more than 42 percent of all farmers, representing about 2,865,000 families, are tenants; and the number of tenants has been increasing at the rate of 40,000 a year. We can talk all we wish about national defense; but if we keep on increasing the number of farm tenants we shall not have the proper kind of national defense. If this trend is not checked in the near future there is great doubt whether this Nation's traditional system of family-sized farms can long survive.

Three years ago Congress took the first step toward a remedy by passing the Bankhead-Jones Farm Tenant Act. Under this legislation, the Farm Security Administration has made loans to nearly 7,000 tenant families to enable them to purchase land of their own. Congress provided that this program should be started on a cautious, experimental basis, authorizing appropriations of $10,000,000 for the first year, $25,000,000 for the second year, and $50,000,000 for each year thereafter.

Today, however, the experimental period is over and the program has proved itself ready for a sound and reasonable expansion. Repayments under the Bankhead-Jones program have exceeded expectations. Although only $92,544 fell due at the end of the first year of operation, the borrowers repaid $152,779, or 165 percent, of maturities. There is every reason to expect that the second year's collections, now under way, also will be more than satisfactory. In view of this splendid repayment record, there can be little question that the tenant purchase program has been established on a sound, self-liquidating basis. The Government is not giving anything to the farmer. The Government is only advancing some money by which he can obtain a home of his own. Every one of these loans is secured by a first mortgage on real estate, conservatively valued both by Government appraisers and by a county committee of three farmers who are thoroughly familiar with conditions in their locality. Moreover, the loans are repayable over a 40-year period at 3-percent interest. This means that in the great majority of cases the annual installments, plus taxes and insurance, amount to less than formerly was paid in rent for the same farm.

As a further protection for the Government's investment, every borrower must be approved by a committee of local farmers, who inquire carefully into his character and ability to make a success of a family-size farming enterprise. Loans are made only to American citizens, preferably with families, and additional preference is given to applicants who can make a down payment or who own the necessary livestock and equipment for operating a farm.

This year, although applications have been accepted in only about 1,300 counties, more than 133,000 requests have been received for the estimated 6,971 loans which it will be possible to make. This means that nearly 20 families have applied for every loan during this fiscal year. Moreover, almost 148,000 applications were received during the 2 previous years, and many of these must be reconsidered along with the current applications.

In view of these facts, it is obvious that the present tenant purchase program is by no means meeting the full needs of our farm people. Even if the full $50,000,000 authorization were appropriated each fiscal year, it would be possible to make farm owners out of only about 10,000 tenants annually.

During the period from 1930 to 1935 the number of tenants was increasing four times this fast; and although no census information is available on the growth of the tenancy since 1935, it is safe to assume that the rate of increase has not materially changed.

What I should like to impress upon the Members of the Senate is that one of the most serious problems in this country is that of the tenant farmer, the man who cannot or does not own his home. A country, whether it be the United States or any other country, that has home owners, is a country whose people will defend themselves. They will defend their government. They will defend their homes. They will defend their flag.

Mr. HILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from New Mexico yield to the Senator from Alabama?

Mr. CHAVEZ. Yes.

Mr. HILL. The Senator has been making a very interesting speech on the subject of the elimination of farm tenancy, and has emphasized national defense, and what the elimination of farm tenancy means to national defense.

During the past few months the whole world has stood in awe and admiration of the example of heroism and valor the people of Finland have set. As the Senator knows, between 90 and 95 percent of the farmers of Finland—and that is a great rural, agricultural country—own their own farms, their own homes, and doubtless one factor which made those people stand and fight with such courage and heroism and valor was the fact that they were fighting for their own homes and their own firesides. An interesting thing to note is that not many years ago most of those people had no homes or farms of their own, and that they have been able to become home owners and farm owners because of the help and leadership of the Finnish Government.

Wherever the problem of farm tenancy has been met and has been solved, whether in Finland or in Denmark or in Ireland, it has always been done through the help and the leadership and the guidance of the government. Is not that true?

Mr. CHAVEZ. That is true, and that is the way it should be.

Mr. HILL. That is the way it should be; and yet in this country, with all of our vast wealth and vast resources, priding ourselves on having perhaps in many ways the highest civilization of any nation in the world, we find each year, as the Senator has said, a minimum of 40,000 farmers slipping out of the owner class into the farm-tenant class. We find that 42 percent of all the farmers of the Nation today are farm tenants; and in some States, like my own State of Alabama, we have a farm tenancy of about 65, or at least 64 percent.

I may say here that we Alabamans take pride in the fact that the farm-tenancy legislation under which we are making this appropriation to go in the pending bill was sponsored by my distinguished colleague the senior Senator from Alabama [Mr. BANKHEAD], who has played such a leading part in writing on the statute books so much legislation for the benefit of our farmers.

I do not wish to take too much of the time of the Senator from New Mexico; but some dozen years ago I heard Dr. William E. Dodd, then professor of history at the University of Chicago, refer to the American farmer as "the vanishing American." Certainly during these latter years since the World War he has been the vanishing American, in that he has been slowly but surely slipping out of the status in which he enjoyed the economic conditions and the economic opportunities that we think of as rightfully belonging to an American. Unless we go forward with this farm-tenancy elimination program and make substantial appropriations to carry it out, we shall no longer have a nation of farmers. We shall have a nation of peasants. Is not that true?

Mr. CHAVEZ. I believe the Senator is correct.

There is nothing that brings more pride to the average human heart than to see a young couple who actually believe in the American institution of marriage striving and sacrificing to own even a little shack and say, "This is ours. It is our home." In my opinion, Mr. President, no legislation passed since the coming of the New Deal is more important to the welfare of the American people and the Government itself than that sponsored by the Senator from Alabama [Mr. BANKHEAD] in saying to the American people, "We are going to help you. We are going to let you have some money. You will have to work; but in recompense for that work you, sir, when you pay as you are now paying, and as the record shows you will pay, will one day say, 'This is my home. This is my land. I am a free American.'"

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield to the Senator from Georgia.

Mr. RUSSELL. The late Mark Twain expressed the thought several years ago by saying that almost any man worthy of his salt would fight to defend his home, but no one ever heard of a man going to war for his boarding house. The same thing certainly would apply in the case of the farm that is rented or is being occupied by a sharecropper, as all of us know who are familiar with the general type of buildings and facilities which are offered to those who are tenant farmers and sharecroppers.

Mr. CHAVEZ. Men will fight for a home when they will not fight for anything else.

Mr. President, the past actually comes back like a dream. Those of us who dare call ourselves free American citizens only have to go back and examine the progress of this country to find out readily how hard the American has fought for a home. After the Revolutionary War, and with the expansion of the United States through the vast areas to the west and the northwest and the south, what was the desire, what was the program which led to people from the eastern border or along the Atlantic coast making their way into Kentucky, into Missouri, into Illinois, and other places? They went there for the purpose of getting homes.

Another great piece of legislation enacted by the Congress of the United States in years past had the same idea and purpose. When the Homestead Act, affecting the national domain, was passed it was done for the express purpose of providing the American citizen with a piece of land, so that he could say, "This is my home. This is where I want to rear my family"; and see what that kind of progress has done in 150 years.

Through many circumstances, however, millions of families who formerly owned homes are now tenant farmers. Is it not good, sound policy to have the Government go ahead and carry out the purposes of the Bankhead-Jones Act?

Mr. President, there is another item that deals with the question of homes, the question of rehabilitation, and the question of good economics. That is the item which refers to water facilities. It is in the bill, beginning on page 86. That particular item is identical with the one contained in the 1940 appropriation act and in the 1941 Budget estimates. The item was eliminated from the House bill. It is believed by those who have investigated the matter that the item was disallowed by the House committee through a misunderstanding of the purposes for which the money would be used, since it was stated in the committee report on page 15 that it is the belief of the committee "that this activity, if it is to be continued, could be more efficiently conducted under the Reclamation Service."

The water-facilities program of the Department of Agriculture, Mr. President, which is financed from this item, stresses the development and construction of small water facilities, such as stock water tanks and ponds, wells, pumps, small dams, development of springs, water spreaders to guide floodwater onto hay bottoms or pasture lands, and similar improvements with a view to promoting better utilization of water and land resources in the arid and semiarid areas of the United States.

In that connection, Mr. President, let me say that out in the West water is the lifeblood of the existence of the people. Persons who have seen the Potomac and the Mississippi and the Hudson, but have not seen the semiarid country of the West, do not know what water is. Life itself depends upon trying to protect what little water one has. The rainfall is small. Hence this particular item has more to do with and will bring about more actual rehabilitation of farmers than anything else that can be done in certain areas of the country.

The emphasis of the water-facilities program is placed on improving agriculture, including stock-raising operations. The engineering problems are simple and of minor character. The water-facilities program is aimed at the rehabilitation of existing farm units. A poor farmer needs to put down a well on his place, even for domestic purposes. Can you not imagine the benefit the Government will confer upon that man by advancing him a few paltry dollars with which he can sink that well and actually keep his family in existence—money that he eventually pays back?

Water facilities are administered and maintained under agreements between the Department and the landowners, who agree to carry out essential land-use and water-conservation practices, and to repay the Government according to

their ability within a 20-year period at 3-percent interest. To date an average of approximately 60 percent of the Government expenditures is being repaid. Facilities developed under this project during the fiscal year 1939 averaged only $600 of direct costs per item. Facilities are installed on individual farms and in small groups of farm families. To date most of the facilities installed have been on individual farms.

The House struck that item out completely, saying in its report, in effect, that the Reclamation Service is better able to handle that particular class of work. The Reclamation Service has been in existence for many, many years, and it has only 27 projects in the entire United States. That is proper, because it is dealing with big matters, it is dealing with construction that runs into millions of dollars, and it would not be in position to carry on the small work that is so necessary and so vital to the lives and the property of thousands of citizens.

I say to the Senate that it can be proven that in my State, with a little help in the way of appropriations for water facilities, we can do more good than by 10 times the expenditures in the way of relief. Go to some little community and the people will be found not to be in position to improve the little irrigation system, perhaps, not having the means to start with, and finally they abandon their little places and go over to the central point of relief distribution in order to get relief from the Government. Does it not seem fairer, and a sounder policy, to help those poor folks in communities with a little two-by-four advance of money, and let them carry on as they have been doing for years and years, being self-sustaining, having self-respect, instead of sending them to the relief rolls? I would rather have $50,000 for small dams and improvements of little irrigation ditches in country villages and the little valleys between the mountains of my State than $500,000 for relief. We would be doing more for human beings, more for the homes, really doing rehabilitating work.

Mr. President, the $500,000 would not be expended in any particular area. The money would reach to thousands of places and, in my opinion, the expenditure would be in keeping with what we are trying to do for the farm tenant, saving someone's home, keeping a man in his home, giving him security and adequacy of income from water, which is so essential in my State and in Nevada, Colorado, and southern Texas that it is, as I have before stated, the lifeblood in those areas.

Mr. RUSSELL. Mr. President, I wish to make a very brief statement with reference to the remarks of the junior Senator from New Mexico [Mr. CHAVEZ].

Several members of the committee which handled the pending bill and conducted the hearings are not nearly so familiar with the subject matter of the so-called little dams and their value as is the Senator from New Mexico. He has certainly rendered a valuable service to all those who are interested in this program by his activity on the subcommittee which reported the pending bill. He has made a great contribution to the program.

I may further state, in passing, that no member of the subcommittee was more diligent in attending all the long and tedious sessions of the committee and all the hearings than was the Senator from New Mexico.

Mr. CHAVEZ. I thank the Senator from Georgia.

Mr. MEAD. Mr. President, during the course of the debate on the pending bill I intend to offer two amendments, neither of which will affect the bill to any noticeable degree insofar as the total appropriations carried in the bill are concerned. One of the amendments which I will send to the desk relates to the Agricultural Marketing News Service with respect to truck movements of fruits and vegetables. The second amendment which I shall send to the desk relates to an added item for crop and livestock estimates, especially as to fruits and vegetables.

Mr. President, in connection with the consideration of the pending bill, I assume that every Member of the Senate fully realizes the energy and the patience and the deep sympathetic consideration displayed by the subcommittee of the Committee on Appropriations which held the hearings, not only to the Department of Agriculture, not only to the representatives of farm agencies, not only to the individual Members of the Congress who have appeared before the committee, but to the entire agricultural activity, to the entire agricultural industry, and because I know and can appreciate the great amount of work which was so sympathetically done I wish to pay tribute to the chairman of the subcommittee who is handling the bill on the floor of the Senate.

Certainly everyone who was interested and desired to appear has been heard; certainly every item in connection with the bill has been considered; certainly every person interested in a subject in any way related to the provisions of the bill has had opportunity to speak freely and to present his cause. However, I realize the necessity for compromise in all legislation. I appreciate the difficulties which beset the Senate committee in the consideration of the bill. I know what the Bureau of the Budget recommended, and I realize the attitude taken by the committee at the other end of the Capitol. I know that as a practical, realistic matter the chairman and the members of the committee have gone a long way toward giving us a well balanced, reasonable, logical, and practical measure. As I stated a moment ago, compromise is always necessary, and in this case I believe that one or two other items can well be considered in connection with the current law and added to the pending bill.

Mr. President, much objection will be raised against the bill because of the fact that it does not in all particulars carry with it the approval of the Bureau of the Budget. Some objection will likewise be presented because of the present unbalanced condition of the Federal Budget, and while I believe, as a natural inclination, that it is well for us to be guided, in some degree, at least, by the attitude of the Bureau of the Budget, while I realize how commendable an undertaking it is to effect at an early date a balance in the Federal Budget, I am different in my approach to that ultimate objective than are some of those who will vote against adding the items which may be called for by my amendments, or recommended by other Members of the Senate in connection with the consideration of the bill.

Mr. President, I believe that agriculture, a basic industry, is suffering from an ailment kindred to that which is evidenced in every other agricultural nation on earth, viz, the steady and ceaseless tendency toward overproduction. I also believe that if we are to have any semblance of balance in our Budget, we must have a balance in the Nation's economy; there must exist a balance between that which we are able to produce and that which we hope we will be able to consume. There must be a balance between available workers and job opportunities.

Because every agricultural nation in the world is suffering from overproduction, they have, in imitation of our own country, attempted by some method to eliminate devastating surpluses. Here, we have tried repeatedly, since the coming of these agricultural surpluses, with their attendant rural impoverishment, to buoy up our agricultural economy by various methods. In the Hoover administration, surpluses were purchased and stored in warehouses, in elevators, and in ships, but we found that surpluses, repeated year after year, rose up to destroy our agricultural prosperity. The present administration, taking over the responsibilities of government at a time when chaos and confusion characterized the national state of affairs, ordered immediate crop reductions all along the line where surpluses existed.

Everyone here knows that while that was essential to save our national well-being, while everyone appreciates the fact that we were then in the midst of the most devastating crisis in the peacetime history of the United States, and while history, when fairness and impartiality takes the place of bitter partisanship, will relate that the work accomplished by the leadership which took over the control of affairs in 1933 was unparalleled in history, yet we were severely criticized for the methods adopted then to care for our farm surplus

problem. Plowing under, the slaughter of pigs, the limitation of farm acreages, and all the other efforts and methods met with bitter partisan denunciation from those who admitted they could not solve the farm problem when it was theirs, and from those who confessed they had no solution for it when it was ours.

WE NOW HAVE AN ADVANCED AND INTELLIGENT FARM PROGRAM

Mr. President, in the light of experience both here and abroad, under the leadership of the distinguished Secretary of Agriculture, with the guidance of the Committees of the House and Senate, and the sympathetic cooperation of Members of Congress, we have devised what, in my judgment, is the most advanced and intelligent farm program in the history of our country.

The country has seen the work of this administration in rehabilitating tenant farmers and sharecroppers, in providing parity payments, in the many improved services for those engaged in the production of fruits and vegetables, the liberal farm credit policy of the Government, the attempt to rebuild rural community areas by a rural housing construction program, and the extension of electrical services to thousands of farm homes that never before enjoyed the benefit of these advanced facilities. Many other devices, methods, and agencies have been developed by the present administration. The farmer is better off today than when this administration came into being. So I wish to pay my respects to the tireless energy and the zeal of the administration in general and to the Secretary of Agriculture in particular.

Let me say that while I come from New York and while a great many persons believe that New York is just one great financial street we are, as a matter of fact, one of the largest agricultural producing States in the Union. We lead the United States in four or five crops, both in value and in volume of production. The value of our dairy industry exceeds that of any other State.

New York is a great agricultural State, one of the greatest in the Union, and as its representative in the Senate I should take a deep interest in an agricultural appropriation bill. I have an interest in the farmers of my State and I have evidenced that interest ever since I came to Congress, even though I represented an urban district, rather than a rural area, while I served as a Member of the House.

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from New York yield to the Senator from Alabama?

Mr. MEAD. I yield.

Mr. HILL. What the Senator has said is, of course, correct. We who live outside the great State of New York sometimes think of New York simply as a great industrial State.

Mr. President, I had the honor to serve with the distinguished Senator from New York for many years in the House of Representatives before he and I came to this body. In fact, as I recall, the Senator from New York and I entered the House of Representatives at the same time. I want to testify to the fact that the farmers of the country have no more faithful, no more devoted, or no more able friend than the Senator from New York. Just as we find him here today looking out for the farmers' interests and endeavoring to do what he can to promote the farmers' interests, so he was ever diligent and ever faithful when he was in the House of Representatives.

Mr. MEAD. Mr. President, I thank my distinguished colleague for that very complimentary, though undeserved, interjection.

Many years ago, while a Member of the House, I became extremely interested in the McNary-Haugen bill. We organized an unofficial group of Representatives who were in sympathy with agriculture, and who recognized even at that time that farm income was diminishing, and that unless we realized the situation confronting agriculture, a severe crisis would certainly come upon us.

I was selected by that body as the chairman of its executive committee and, as such, I tried with all the energy at my command to convince my colleagues of the great need for enacting legislation along the line provided for in the McNary-Haugen bill. I do not know how much of the failure was due to the chairman of the executive committee, but we could neither convince the Congress nor the administration at that time that there was need for serious action in order to save agriculture.

At any rate, we failed until the present adminstration came into being.

MARKETING NEWS SERVICE

At this point I want to suggest two added amendments which, in my judgment, will add to the perfection of the measure now under consideration.

One of the amendments which I sent to the desk calls for an appropriation of $75,000 for marketing news service on the truck movement of fruits and vegetables. The truck movement, so far as fruits and vegetables are concerned, affects the general movement of these commodities, and is rather a recent development. It grew up with the automobile industry, unnoticed at first, until today it affects a large volume of the commodities moved from farm to market. If we are going to furnish the farmer with information concerning these commodities by other methods of transportation then this new method of transportation must have the same care as every other method.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. MEAD. I am glad to yield.

Mr. McNARY. I may be pardoned for making this statement, but when I was chairman of the Committee on Agriculture many years ago I assisted in advancing the marketing news service, and, of course, have been interested in it since, and am now. I thought the offices we established throughout the country did take into consideration data concerning the shipment by truck of fruits, vegetables, and perishables. Is that not true?

Mr. MEAD. That is true to a certain extent.

Mr. McNARY. Then the Senator simply wants to expand that service now to different sections of the country?

Mr. MEAD. Yes; to make it more complete, as I said.

Mr. McNARY. When the Senator used the word "complete" I thought he wanted to obtain further and additional data which might be applicable to trucks, which used to be applicable only to commerce borne by water and by rail.

Mr. MEAD. I wanted it to be complete for every section of the country and every method of transportation. I appreciate my distinguished colleague's interjection, and I realize his deep and sympathetic attitude toward agriculture.

Truck movement of fruit and vegetables is playing an increasingly important part in distribution. It is estimated that approximately 50 percent of fruits and vegetables move to consumer markets in trucks. That gives Senators an idea of the development of this industry, and of the need of a complete news service affecting the marketing of these commodities.

When this produce came to market by trains and by ships, the reports of the Department of Agriculture made it possible to estimate in advance the probable market situation. This service provided a stabilizing influence to the market. With the advent of the truck, however, and the lack of information as to truck movements, the sudden arrival at the market of several truckloads of commodities has made the establishment of fair and reasonable prices difficult for both farmers and buyers. In other words, it leaves a chaotic condition when a stable condition would be more helpful to producer and consumer.

To alleviate this distressing condition, $75,000 additional is needed in order to have a more complete service with respect to the movement by truck of fruits and vegetables.

The Market News Service conducted by the Department is the only comprehensive service the farmers have to keep them advised of day-to-day changes in market conditions. Its value to the farmers and distributors has been firmly established. They could hardly do without it. The absence, however, of adequate reports of supplies moving by motortruck seriously impairs the value of marketing news service on shipments by rail and by boat.

CROP AND LIVESTOCK ESTIMATES

Mr. President, the other amendment which I shall call up provides for an appropriation of $100,000 of additional funds for crop and livestock estimates, especially for fruits and vegetables. In explanation of the amendment, let me say that the production of fruits and vegetables occupies one of the most important activities of farmers throughout the Nation. Fruits and vegetables are grown commercially in every State of the Union. While not all fruits and vegetables are grown in every State, especially for commercial production, yet every State has some fruits and some vegetables to contribute to the national economy.

The production of fruits and vegetables utilizes about 15,000,000 acres in this country. Their production accounts for approximately one-seventh of our total agricultural income. This production has greatly increased in the past 20 years, particularly as to vegetables, there being about two and a half times the vegetable production of the early 1920's. Notwithstanding this increase, the Department of Agriculture estimates on the dietary habits of the people of the Nation indicate that there are not enough fruits or vegetables produced to provide a balanced diet for all the people of the country. To effect a balanced diet and increase and encourage the proper production of these commodities would result in a general wholesome improvement in national health and well-being.

The present funds of the Department of Agriculture do not permit the continuance of reports on the marketing of fruits or vegetables, either frequently enough or in sufficient detail to enable the farmer intelligently to market his complete crop. Estimates of production for the most part have been issued monthly. Many fruit and vegetable crops begin the movement to market in an interval between the time the monthly reports are issued and when weather conditions or catastrophes render such monthly estimates completely out of date.

This makes it necessary for weekly reports to be of real value in the marketing of such commodities. Weekly reports, taking the place of monthly reports, would render a much better service and would allow for the interference of untimely conditions which render ineffective the infrequent reports necessitated by existing appropriations. Greater detail in reporting, along with more frequent reporting, would enable the farmer to adjust his marketing practices to the needs of his consumers.

My first amendment calls for an appropriation of $75,000 and is for an improved news service on the truck movement of fruits and vegetables. The second amendment calls for an appropriation of $100,000 for more frequent reports on fruits and vegetables and their marketing.

In view of the vast increase in fruit and vegetable production in this country, in view of the unfavorable condition—growing progressively worse each year—of the fruit and vegetable producers, and because of this new element in the transportation of fruits and vegetables—namely, the trucking industry—and also because of the very large producing areas adjacent to industrial centers which are devoted to the production of fruits and vegetables not now receiving the attention of the Department, I really believe that the two amendments I have sent to the desk should be included in the bill. Both of them are recommended by the farm organizations; both I know are essentially necessary to the orderly marketing of these important crops.

Each of the 48 States is now engaged in the production of fruits and vegetables, and each is vitally interested in the expansion of these two services. A few years ago, these services were curtailed in a number of important cities of the Nation, including my own home city. It occurs to me that instead of curtailing these services, as a result of the increased production of these two crops, we ought to be expanding the services.

NEW YORK MARKET REPORTERS MADE A VOLUNTARY EXPERIMENT

Mr. President, for a period last summer, and throughout the autumn, the market reporters for New York markets agreed to put in extra time in order to send out a 6 a. m. market report on fruits and vegetables. These men agreed to work overtime, to volunteer their services, to render to agriculture in that portion of the country the service which this amendment contemplates. In a word, they "tried it out." They gave this service as a sort of personal sacrifice toward the development of an improved agricultural economy. These men reached the market about 4 o'clock in the morning, and at 6 o'clock they released their reports. Radio stations carried the reports to farmers back in their homes at breakfast, and gave them the very latest information—complete information as to the condition in the markets at that particular time. They gave them information which would stabilize the market, information which would enable them better to serve the consumers and themselves—enlightenment which is necessary in the proper conduct of any industry. The service worked well. It worked so well that it would be difficult for our farmers to get along without it, to relinquish a gain they have already made, and to yield when victory is seemingly in their hands.

It is safe to say that this system proved to be one of the most popular services we have ever had. For several months the reporters on the New York market put in 12 hours a day just to try out the plan, and certainly they are entitled to much credit. It is obviously unfair to request them to continue working on this schedule. They cannot do it. In my judgment this important work ought to be made permanent. The only way it can be made permanent is by the approval of the amendment which I have sent to the desk.

Mr. President, the orderly processes invoked by this administration to stabilize the agricultural economy of our country were without a peer among the agricultural nations of the world; and certainly nothing in comparison was ever contemplated by any previous agricultural administration. Only the sympathetic cooperation of the President of the United States, the intelligent application by the Secretary of Agriculture and his aides to the discharge of a duty and responsibility, and the earnest and willing cooperation of the Congress—and particularly those in the Congress in charge of agricultural legislation—made this enviable record possible.

DISTRIBUTION OF SURPLUS COMMODITIES IS A SUCCESS

I wish to support the disposition of surplus commodities by the Federal Surplus Commodities Corporation. I am particularly interested in the activities of that branch of the Department, first, because the farm program is a national one; and, second, because I know of few activities by which the problems of the city and the country are dealt with more effectively than through this Corporation.

Last year Congress made available through the Federal Surplus Commodities Corporation an amount equivalent to 30 percent of the customs revenue, and in addition, $113,000,000 to deal with surplus problems. Stated in the simplest terms, this is what the Secretary of Agriculture has been doing with that money:

He has been using it to help farmers faced with surplus agricultural production and low prices. According to the annual report of the Corporation to Congress those funds made it possible to buy nearly 2,000,000,000 pounds of foodstuffs. Farmers in every State received help from this activity, and needy people in every State were benefited, for every pound of the supplies went to unemployed persons. Simply and effectively by that operation it was possible to help the farmers and to help needy persons as well. That activity helped to cut through the paradox of unfilled needs in the midst of plenty.

Some of us may live in cities, but nevertheless we have a real appreciation of the farm problem and of the scientific methods applied by this administration in the solution of that problem. We want the products of the farm, and we know that the farmer must have a decent living if we are to obtain them.

We know, in addition, that through the activities of the Federal Surplus Commodities Corporation our State and city welfare departments are receiving help to meet the problems of poverty and need. Some wishful thinkers had

the idea that when war was declared, in spite of its horrors, it would mean prosperity to the United States. That this is not so we all know. It cannot be so, because as nations engaged in war or in preparations for war initiate purchases in our market of goods which are listed as equipment for war, they necessarily curtail their purchases of farm products and of other commodities in this country. The situation in providing exchange for such goods makes it compelling that they do so. We have all had experiences with either the elimination of the purchase of farm commodities or the threat on the part of other nations to cut off the purchase of farm commodities in the United States. We know that if they buy an airplane, they will not buy an added bale of cotton. We know that if their money is to be used in the purchase of ammunition, it will be withdrawn insofar as the purchase of tobacco is concerned. So the argument that war means a boom to the farmers of America is not a reality; nor is it contended to be such by anyone who knows the farm problems.

I was very much interested to find that during the past fiscal year the Federal Surplus Commodities Corporation spent about $2,000,000 for apples, pears, and raisins. I have just been informed that during the current fiscal year they spent about $20,000,000 for those commodities. The reason is very simple. The foreign markets do not exist for those products in the way and in the volume in which they have existed in the past. Unless we realize the chaos that might develop in our agricultural economy as the result of these violent interruptions of purchases by foreign governments, as the result of these apparent shifts from agricultural goods to military equipment, and unless we make ready to meet those violent changes, we shall be faced with a very unstable condition at home.

The war has not settled our problem of unemployment any more than it has solved our agricultural problem. We hear a great deal of comment about the number of unemployed in this country. The unemployment problem is involved in this provision of the agricultural appropriation bill, because while the Federal Surplus Commodities Corporation makes its purchases from the farm, they are ultimately consumed by the unemployed in the urban centers of our country.

With reference to the actual number of our people who are unemployed, I should like to believe the most favorable reports I have read lately, but as I delve into the statistics I am afraid I must subscribe to those which have been furnished by such organizations as the American Federation of Labor and others who have been studying the subject for a long period of time.

I find that the Federal Surplus Commodities Corporation has made available surplus commodities to about three and a half million families. From these statistics we can get some idea about the number of unemployed. The heads of these families, with their dependents, include a total of 13,500,000 persons who would be unable to consume the commodities which the farmers have produced with so much effort were it not for this particular agency of the Department of Agriculture. If we add to that number of 13,500,000 persons all those who are employed by W. P. A. and other Federal and local work-making programs, and then, if we ascertain how many of the 13,500,000 persons are of working age, we shall, in my judgment, come to the conclusion that somewhere in the neighborhood of eight or nine million persons in our country are without work today. The point I wish to make, however, is that this is a dual activity—beneficial on both ends—as helpful to the farmer as it is to the urban relief worker. It should receive the support of those who believe in a stabilized agricultural economy, and it certainly should have the added support of those who believe in properly and adequately taking care of those of our people who are on relief.

I am interested—and I know my colleagues are—in needy people, no matter where they may be. Therefore this item in the appropriation bill as it pertains to the future efficacy of this agency will, in my judgment, receive almost united support.

FOOD STAMP PLAN IS TREMENDOUSLY POPULAR

Like many of my associates, I have been watching with a great deal of interest another new development which has to do with the elimination of the devastating agricultural surplus.

That new activity is commonly referred to as the food-stamp plan. The food-stamp plan was tried out in Rochester, N. Y., in close proximity to my home. That is the first city in which the experiment was ever attempted. I know, and I can tell my colleagues, that it has been a tremendous success there. The people of Rochester, whether they be bankers or merchandisers or relief workers, no matter what their category, are willing to recommend a continuation of this method of getting the surplus from the farmer to the worker in the city. The increase in the commodities placed on the surplus list not only give promise of better markets for farmers, but mean that the neediest persons in our community are getting more of these protected foods. Moreover, every phase of retail and wholesale trade is uniformly stimulated. Even the bankers, who for a short time thought the increased business was causing them too much trouble, have ended by cooperating fully with the food-stamp plan.

Rochester is the only city in New York which has been designated for the food-stamp plan. I understand that the plan has been announced in about 60 other cities throughout the country, and that within the next few months it will expand to about 100 cities in all. I know that my State represents one of the largest markets for agricultural products in the United States; yet, because it is a big State, there is real danger that many of the areas which would be very materially helped by the program may not be designated.

The Senate is now considering the addition of $85,000,000 to the funds available to the Federal Surplus Commodities Corporation for the program which has been so carefully tested and has proved so successful. It is my understanding that if such funds are made available, all of them cannot be used for the expansion of domestic consumption. Approximately one-half of the funds probably will be necessary for export encouragement, for the development of new uses, and for other current activities. Consequently, with the amount of money now under consideration, it will not be possible to do much more than run the program for the coming fiscal year in the 100 areas which will be selected this year.

According to the reports I have received, more than 700 communities in every section of the Nation have requested this program, and more applications are coming in all the time. The applications are not emanating from farm areas. They are not conveyed to the Department of Agriculture by representatives of farm organizations. The requests emanate from the urban centers of the country. They carry with them the recommendation of the chamber of commerce, of the board of trade, of the welfare department, in some cases of the bankers, and of other elements which are to be found in the cities of the United States. This program has proved itself to be very successful; and I desire again to make the point that the requests which are coming are not coming from the farmers of the country but from those who would benefit equally with the farmers who live in the urban centers.

As I have said, according to the reports I have received, 700 communities are now requesting the extension to them of the food-stamp program. I know of no areas in my State which do not want to have the program, and all would like to have it at a very early date; yet, Mr. President, very little expansion will be possible unless Congress appropriates more money than is being considered in connection with this bill.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. MEAD. Yes; I shall be glad to yield to the Senator.

Mr. LA FOLLETTE. I have tendered an amendment to provide for the appropriation of $113,000,000, which is the same amount that was appropriated out of the Treasury last year for this purpose. I hope the Senator will be here to help us adopt it.

Mr. MEAD. Let me assure the Senator from Wisconsin of my support of the amendment which he proposes. I believe it will prove itself a very valuable asset in the stabilization of our agricultural economy. I am glad the Senator has taken an interest in this item. I know of his genuine interest in agriculture, and I am pleased to know of his particular interest in this item.

Mr. President, in my own thinking on this matter I have been guided by two principal considerations. The first is that this is a good program, with overwhelming public support. It is good for the farmers, for the unemployed, and for the businessmen. The second point is that the expansion has been gradual, with careful, businesslike administration. In view of the problems of the farm and the city, I very strongly feel that the designation of new communities during the coming fiscal year should not be impeded.

Last year, as the distinguished Senator from Wisconsin has stated, we made available $113,000,000 for this kind of work. This year we are talking about appropriating $85,000,000—a curtailment of a program which, in my judgment, should be expanded. In my opinion, the developments of the foreign and domestic situations, and the emergence of a new program which is fundamentally sound, justify not only the appropriation of an amount of money at least equivalent to the amount we made available last year but an extension of the program and an increase of the appropriation.

I think we should make available sufficient funds to provide for at least 100 additional cities during the next fiscal year. This is an activity which is broadening the market for domestic agricultural products, and a program which does it by increasing the welfare of the people of our own country.

I do not like to face the responsibility for hampering one of the soundest developments in agricultural policy that we have witnessed in recent years. If 200 communities can be included in this program, we shall know that millions of farmers have been assured better markets for meats, dairy products, poultry, fruits, and vegetables. By the same token we can be sure that millions of needy people in our own country will have more of the food we are producing. That is why I believe it is simple caution and good common sense to make available to the Federal Surplus Commodities Corporation at least as much money as was made available last year.

I wish to say, Mr. President, as I conclude, that reviewing the history of the agricultural nations of the earth, particularly since the termination of the World War, we find that as a result of machine innovations and the adoption of new methods and refinements, every nation in the world considered a major agricultural producing nation is producing more than it can market; is producing more than it can by its own internal program utilize without great loss, and in some cases without the ultimate destruction of the commodity. There was a time when wars were fought to acquire added acreage, in order to feed the peoples who lived within the conquering nation, but today it is not a case of adding to the productivity of the nations; the nations have another problem, that of eliminating overproductivity. America leads in the formation of an intelligent program for the elimination of its surplus agricultural commodities, and no agency has made a better contribution to that end than the Federal Surplus Commodities Corporation. I think the man who is at the head of that corporation, and those who aided him in the formation of this intelligent approach to a solution of the problem, merit our approval and our support, and we can best give it to him and to them by the adoption of the amendment which will be offered by the Senator from Wisconsin.

Mr. NYE. Mr. President, I shall detain the Senate but 5 or 6 minutes, to address myself to the appropriation bill now pending.

The increases which the Senate committee has written into the pending agricultural appropriation bill are more than justified. To attack the increases as being out of step with efforts to avoid increased taxes or raising the governmental debt limit is not justifiable.

The bill, as reported to the Senate, calls for $922,000,000, $208,000,000 more than when it passed the House. However, the Senate committee bill is still two hundred and sixty-two million under the appropriation for agriculture for the present year. What other department of the Government can show as large a cut in its appropriation from this year to next as that demonstrated at the moment, for agriculture? There is none.

Agricultural interests have every right to complain bitterly about the treatment they are receiving at this time. From the Budget offices of the administration, on up through the Halls of Congress, the economy paring knife has been used, not only freely, but carelessly, upon those items which would aid the farmer. The farmer seems to be looked to as the one to pay for every new gun and ship, for which a mad armament program calls, and this at a time when agriculture is in most desperate need.

As a member of the subcommittee of the Committee on Appropriations, over which he presides, I wish to pay my compliments to the junior Senator from Georgia [Mr. RUSSELL], who so patiently has labored through weeks of hearings to the end that worth-while gains might be saved for agriculture. His service through these years should never be forgotten by the farm people of every State. He has been able to win and save them much.

It is not becoming to us that we should find heart to cut or restrict benefit payments and other aids intended to accomplish fair prices for agriculture. It certainly is no cause for pride to point to the fact that while we acknowledge agriculture to be the foundation of the largest part of our Nation's prosperity, we permit so little of the national income to be shared by the farmer. The farm people constitute one-fourth of our entire population, yet are enjoying only 6 or 7 percent of the national income. How long may we expect such a condition to continue without dire consequences to the whole Nation?

Instead of increasing the amount carried by this agriculture appropriation bill by only $208,000,000, as the Senate committee has done, we would be fully justified in increasing it by at least $700,000,000. To do that would be only to fulfill the assurance of the Government to the farmers of something approaching a parity plan, and that was the assurance given in the passage of the farm-parity bill. We pass the law and then refuse to appropriate the funds necessary to comply with the law.

If this policy is to continue, we would better acknowledge the farm program a failure and move in its place such law as would insure an American price for that part of farm productions consumed by Americans and make the payment of such prices in no degree dependent upon appropriations by Congress. If the present program is to be continued, then we ought to show our good faith by providing the funds necessary to its success, if not by direct appropriation, then by some such legislation as the wheat-certificate plan. I do not prefer this plan except as it shall be demonstrated that no chance exists for the cost-of-production program as a substitute for the present farm program, and except as Congress may refuse to appropriate what is necessary to pay parity prices under the existing law and program.

As to balanced budgets and the avoidance of increasing debt limitations, let me suggest that not all this desirable thing be taken out of the farmer. And at this particular time it ought to be noted that so long as one-third of our total estimated governmental income for the year is budgeted for the Army, Navy, and armament, at least one-third of any economy cuts ought properly be exercised upon those Budget estimates. Operation upon these tremendous items is the real opportunity given Congress to accomplish economies. But to cut these agricultural appropriations more than the two hundred million already cut is to insult plain common sense.

Mr. WILEY. Mr. President, I desire to speak only a few moments in relation to the subject commented on by the Senator from North Dakota [Mr. NYE], who has just addressed the Senate.

I agree that the farmer, especially the dairy farmer, is the Nation's No. 1 forgotten man so far as Government aid is

concerned. Out of almost a billion-dollar appropriation for agriculture it seems singularly strange that the dairy farmer does not get much help. The only item in the entire bill that is earmarked for the dairy industry is an appropriation for the Bureau of Dairy Industry, and that provides for total salaries and expenses of $731,405, out of which amount $353,580 may be expended for personal services in the District of Columbia. That does not leave much for the dairy farmer himself. The bill is top-heavy in its administrative costs and lopsided in its benefits.

We must remember that the dairy farmer gets none of the parity payments. There is also provision for the disposal of surplus commodities, $85,000,000 being appropriated for that purpose, but that, too, fails to pull the dairy farmer out of his economic bog.

My colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is to offer an amendment which I will support 100 percent, and which has been commented on by the junior Senator from New York [Mr. MEAD], the amendment calling for the appropriation of $113,000,000. On March 30 last year I offered an amendment to the bill then pending asking that an additional $50,000,000 be used for the purchase of dairy products.

Mr. President, everyone appreciates that proceeding in this manner does not provide a cure, it is a palliative; but as we look abroad over this land of ours and see that the farmers, who compose the great economic segment which is, in fact, the very backbone of the Nation, are the ones who have not been receiving their just proportion of the national income, we can step aside and say that we will agree to a palliative in order to assist the farmer until a cure can be found.

Mr. President, I desire to insert in the RECORD certain tables which show how farm income in 1939 compares with farm income in 1929. They show that Wisconsin, the great dairy State, ranks forty-second in the list of State farm incomes and compared with other States she is receiving now 72 percent of what she received in 1929, whereas other States, which are receiving great sums from the Government have incomes over 100 percent parity. For example, we can consider Arizona 108 percent, Florida 104 percent, North Carolina 103 percent, and so on.

I ask that these tables be incorporated in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

THE OBJECTIVE OF THE A. A. A. IS TO ASSIST THE FARMER IN OBTAINING A FAIR SHARE OF THE NATIONAL INCOME

Farm prices compared with parity 100, Feb. 15, 1939

	Percent	Percent
Butter, at 25½ cents	74	−26
Wheat	51	−49
Corn	54	−46
Oats	52	−48
Cotton	53	−47
Eggs	61	−39
Hogs	79	−21
Beef cattle	105	+5

Average A. A. A. payment, 160 acres, Wisconsin, equals $120.
Average A. A. A. payment, Corn Belt, $400.

How farm income in 1939 compared with 1929

	Percent
1. Arizona	108
2. Rhode Island	105
3. Illinois	104
4. Florida	104
5. North Carolina	103
6. New Jersey	100
7. Ohio	98
8. New Mexico	98
9. Iowa	96
10. Indiana	94
11. Massachusetts	94
12. Michigan	93
13. South Carolina	93
14. Pennsylvania	91
15. Wyoming	91
16. Louisiana	90
17. Connecticut	90
18. Minnesota	88

How farm income in 1939 compared with 1929—Continued

	Percent
19. Kentucky	87
20. Colorado	86
21. New Hampshire	86
22. Oregon	84
23. Missouri	83
24. New York	83
25. Vermont	83
26. Idaho	82
27. Delaware	82
28. Utah	82
29. Tennessee	81
30. Montana	80
31. Texas	80
32. Arkansas	80
33. West Virginia	79
34. California	79
35. Maryland	78
36. Virginia	77
37. Washington	75
38. Nevada	75
39. Oklahoma	73
40. Georgia	73
41. North Dakota	73
42. Wisconsin	72
43. Mississippi	72
44. Alabama	67
45. Kansas	65
46. Nebraska	59
47. Maine	59
48. South Dakota	56

Average, United States, 83 percent.

State	Total farm income in 1939	Total Agricultural Adjustment Administration benefits 1939	Percent
Alabama	$89,815,000	$27,259,000	32
Mississippi	132,631,000	34,330,000	20
Texas	442,228,000	110,755,000	25
Arkansas	125,721,000	27,907,000	21
Georgia	125,785,000	25,794,000	20
South Carolina	83,980,000	17,902,000	19
Louisiana	112,684,000	21,184,000	19
Minnesota	332,766,000	26,599,000	8¼
Wisconsin	265,785,000	19,417,000	7

Percent of gross income

Iowa:	
1934	21½
1935	8½
1936	4½
1937	4½
1938	5½
1939	11½
Average	9¼
Texas:	
1934	10¼
1935	12
1936	6
1937	6
1938	15
1939	25
Average	12
Wisconsin:	
1934	4
1935	1½
1936	1¼
1937	3¼
1938	4¼
1939	7¼
Average	3¼

Mr. WILEY. Mr. President, it is about time the Department of Agriculture began to realize that America's farm lands produce something besides wheat, corn, and cotton. In Wisconsin last year our cattle produced nearly 12,000,000,000 pounds of milk, which is an all-time high in Wisconsin. It represents 11 percent of all the milk produced in the United States. The Nation's dairy industry yields from 19 percent to 23 percent of the national farm income. It is high time that it received some recognition.

The Government pays some of the southern farm States benefits totaling as much as 32 percent of the total farm income in those States. Wisconsin's farm aid was whittled down to 7 percent of its total farm income last year.

Cash farm income, including Government payments, was higher in all East North Central States except Wisconsin.

The income from dairy products in Wisconsin makes up nearly 50 percent of the total farm income and that income has been torn to shreds by lower prices.

In the face of these facts it is difficult to see how the Department of Agriculture can continue to play favorites with certain segments of our agricultural economy. The dairy farmer contributes about 20 percent of the national farm income. In view of that fact there is no reason on earth why he should be treated like an illegitimate child when agricultural appropriations are made up.

I repeat, I am 100 percent back of the amendment which will be proposed by my colleague.

Mr. BYRD. Mr. President, pages 2999 and 3000 of the CONGRESSIONAL RECORD of March 18 contain certain statements which were made with respect to the working balance in the Treasury of the United States which may give an erroneous impression unless corrected.

I was not on the floor of the Senate yesterday when these statements were made, and I take this opportunity to make clear the situation with respect to this working balance.

The Senator from South Carolina [Mr. BYRNES] stated that there existed today in the Treasury a working balance of $1,620,000,000, and inferred that this working balance could be used to pay in part for current expenditures of appropriations made by Congress in excess of the current revenue.

The Senator from Kentucky [Mr. BARKLEY] interjected with the statement that he could see no need of maintaining a balance of $1,600,000,000, but that a balance in the neighborhood of $1,000,000,000 should at all times be maintained as a working balance in the Treasury of the Government.

Both the Senator from South Carolina and the Senator from Kentucky inadvertently overlooked the fact that in the Budget submitted to Congress by the President on January 3, provision was made to reduce this working balance to the extent of $1,150,000,000 so as to avoid the necessity of increasing at this time the existing debt limit. Therefore, when this is done, as the Budget provides, the working unencumbered cash balance at the end of the fiscal year, July 1, 1940, will be approximately $500,000,000—just one-half of the amount stated by the Senator from Kentucky as being the minimum necessary for sound and prudent administration of the Government's fiscal affairs.

I simply rise, Mr. President, to make clear in the RECORD that under the Budget as now presented to Congress the working balance will be reduced to an amount as low as this Government could safely operate on.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. SCHWELLENBACH. In speaking of this reduction, is that exclusive of the $700,000,000 to be taken from other funds?

Mr. BYRD. That is exclusive of the $700,000,000, representing recovery from the Government corporations.

Mr. President, as the Senator from Kentucky [Mr. BARKLEY] said yesterday, an adequate balance should at all times be maintained in the Treasury of the Government so as to meet all obligations coming due, and any further reduction in this working balance would not be in conformance with prudent fiscal operations. We should, therefore, not expect to use any part of the working balance left on July 1, 1940, of approximately $500,000,000 to pay any part of increased or new appropriations to be made by Congress.

It is well, I think, to note here, too, that in addition to reducing the working balance by $1,150,000,000, the Budget likewise proposes to recover from Government corporations the sum of $700,000,000 to be placed into the general Treasury in order to pay current expenditures. Up to this date, notwithstanding my frequent requests, the Budget Bureau has declined to give information as to the corporations and the amounts from which this recovery will be made.

Therefore, on March 12 I introduced a resolution, which is now pending before the Senate, requesting that this information, which should have been available months ago, be given immediately by the Director of the Budget.

I regard the diversion of these funds from the corporations as a vital question affecting the pending Budget, as unless such recovery is made, and unless the working balance is reduced, as provided in the Budget estimates, the existing Federal debt limit of $45,000,000,000 will have to be increased within the next fiscal appropriation year. I do not think any device should be adopted to exceed by subterfuge the legal debt limit.

Mr. DAVIS. Mr. President, I have received numerous letters from my constituents in behalf of the necessary appropriations for Dutch elm disease control. As I understand, the Bureau of the Budget recommended some $500,000, and the House reduced that amount by $100,000.

I desire to say that while I cannot ask for the full amount which my constituents request, namely, $1,000,000 for the control of Dutch elm disease, I shall ask for the restoration of the $100,000 which was taken from the amount estimated by the Bureau of the Budget to be needed especially for research work in that particular field.

Mr. President, this research field is essential to the success of the control program. The Dutch elm disease was brought to this country on elm logs from Holland about 1926. It has been prevalent chiefly around New York City. Recently it has begun to spread rapidly in the Ohio River Valley. Although it is problematical whether it will be possible to eliminate completely this disease, it should not be allowed to spread. It should be held in check in the various areas where it is now at work, and attempts should be made to check further inroads on our elm trees.

Mr. President, I urge the Senate to restore the $100,000 cut from this item by the House, so as to restore the amount to that recommended by the Bureau of the Budget.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. The next committee amendment is, on page 12, line 5, after the word "stations", to strike out "$6,860,000" and to insert "$6,865,000", so as to read:

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural experiment stations, $6,865,000.

FIRST DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS submitted a report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"TEMPORARY NATIONAL ECONOMIC COMMITTEE

"To complete carrying out the purposes of the joint resolution creating the Temporary National Economic Committee, approved June 16, 1938, to be available only for allocation to the departments and agencies represented on the committee for the necessary expenses thereof, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1938, $60,000, fiscal year 1940, to remain available until the expiration of the Seventy-sixth Congress;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$850,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$41,387"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$306,000"; and the Senate agree to the same.

ALVA B. ADAMS,
CARTER GLASS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK HALE,
JOHN G. TOWNSEND, JR.,
Managers on the part of the Senate.

C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
JOHN TABER,
W. P. LAMBERTSON,
Managers on the part of the House.

Mr. ADAMS. Mr. President, I ask for the immediate consideration of the conference report.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LA FOLLETTE. Is this the bill which contains the appropriation for grasshopper control?

Mr. ADAMS. Yes.

Mr. LA FOLLETTE. What was the result of the conference on that amendment?

Mr. ADAMS. We were forced to recede on the matter of the increase, with, of course, a nonbinding understanding that the House would be liberal and consider it favorably if an emergency develops which requires the additional appropriation. There was an item of $2,000,000 in the bill and there was an unexpended balance of $400,000. The House conferees insisted that that be allowed to remain and be used, and that it would be adequate for immediate uses. They said that if we came back in another deficiency bill or any other bill and asked for an increase, they would not be insistent against the increase.

Mr. LA FOLLETTE. Mr. President, has the Senator been in touch with other Senators who are particularly interested in this item since the conference?

Mr. ADAMS. We just concluded the conference.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Schwellenbach
Ashurst	Downey	Lodge	Sheppard
Austin	Ellender	Lucas	Shipstead
Bailey	Frazier	Lundeen	Smathers
Bankhead	George	McCarran	Smith
Barbour	Gerry	McKellar	Stewart
Barkley	Gibson	McNary	Taft
Bilbo	Gillette	Maloney	Thomas, Idaho
Bone	Green	Mead	Thomas, Okla.
Bridges	Guffey	Miller	Thomas, Utah
Brown	Gurney	Minton	Tobey
Bulow	Hale	Murray	Townsend
Byrd	Harrison	Neely	Tydings
Byrnes	Hatch	Norris	Vandenberg
Capper	Hayden	Nye	Van Nuys
Caraway	Herring	O'Mahoney	Wagner
Chandler	Hill	Pepper	Walsh
Chavez	Holman	Pittman	Wheeler
Clark, Idaho	Holt	Radcliffe	White
Clark, Mo.	Hughes	Reed	Wiley
Connally	Johnson, Calif.	Reynolds	
Danaher	Johnson, Colo.	Russell	
Davis	La Follette	Schwartz	

The PRESIDING OFFICER. Eighty-nine Senators have answered to their names. A quorum is present.

Is there objection to the consideration of the conference report? The Chair hears none.

The question is on agreeing to the conference report.

Mr. LA FOLLETTE. Mr. President, I am responsible for having suggested the absence of a quorum, in relation to the report on the deficiency bill conference report, because I knew that many other Senators, aside from myself, were very much interested in the item of $3,000,000 to be immediately available for grasshopper control which the Senate placed in the bill.

It is a matter of great regret to me that the Senate conferees have seen fit to recede on this item, because it must be clear to Senators that if anything is to be done with regard to grasshopper control the money must be made available in time to utilize it early this spring.

The Senator from Colorado [Mr. ADAMS], as I understood him, stated that there was a nonbinding agreement of some kind with regard to the item.

Mr. ADAMS. Of course, no conference committee can bind the House. What I mean is that the members of the conference committee said that so far as they were concerned they would be helpful in securing additional appropriations if the need for them developed.

Mr. LA FOLLETTE. Mr. President, it seems to me that if the program is to be continued at all it should be carried on on a comprehensive scale, and the need is just as clearly demonstrated now as it will be some time later. There is always a lag, as the Senator knows, and every other Senator knows, between the time an appropriation is made available and the time when the poison for the grasshoppers can be distributed into the areas where it is necessary.

Despite the statement which the Senator from Colorado made—I know he made it in the best of faith—I think we are confronted now with the issue whether or not we shall have an adequate program for grasshopper control this spring. If we do not get adequate funds now, the effectiveness of the program will be destroyed, even if Congress should determine later on to make a further sum of money available, because of the fact which I have already pointed out, that unless this poison is prepared and distributed at the proper time, it is ineffective and the money is largely wasted.

Mr. McCARRAN. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield to the Senator from Nevada.

Mr. McCARRAN. Mr. President, everything the Senator from Wisconsin says is absolutely true, but may be emphasized by a further expression.

Any money appropriated too late is a wasted appropriation. I am interested in the other phase of this appropriation. Grasshopper control and Mormon-cricket control are combined in this item. I learn from the West that the grasshoppers and the Mormon crickets are now coming forward to destroy the infant vegetation. Unless we meet that problem with an appropriation now, to be immediately available, in the future we shall simply waste any money we may appropriate.

I think it was a great mistake for the Senate conferees to recede. I hope something may be done so that the action of the conferees may not be concurred in because I know the conditions in the West.

If I may proceed further on the Senator's time, it will not do to say that the infested areas have been reduced. The infested areas have not been reduced. Letters from those on the ground and communications from those who are in touch with the subject evince the fact that the infested areas are as they have been in the past, and unless we meet the condition now, when the infestation is in its infancy, we shall waste any money we may put into it in the future.

Mr. LA FOLLETTE. Mr. President, I thank the Senator from Nevada for his statement, and I agree wholeheartedly with everything he has said.

Mr. LEE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Oklahoma.

Mr. LEE. I wish to reinforce the statement of the Senator. Grasshoppers usually follow a wet season. This year we have had more moisture in Oklahoma than usual. I have seen the grasshoppers so thick out there that they ate up everything but the mortgage. [Laughter.] One year I planted some alfalfa. It was young and just coming up. We had 500 turkeys. The grasshoppers started swarming over the alfalfa, and I told my farmer partner to drive the turkeys down into the young alfalfa. He did so, and, believe it or not,

it was not long until there was not a feather left on the turkeys. [Laughter.] The grasshoppers ate them all off.

When the grasshoppers really start, they are bad. We need all the law allows and all the traffic will bear to poison the grasshoppers.

Mr. LA FOLLETTE. Mr. President, I appreciate the interruption of the Senator; but I trust that his humorous story will not divert the Senate from the serious aspects of this problem.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. The situation confronting the conferees was this: The House had appropriated $2,000,000. There was $400,000 already available, which made a total of $2,400,000. The Senate added $1,000,000. The Senate conferees very vigorously and actively maintained the position of the Senate. One of the members of the conference from a Western State and I tried our best to persuade the House conferees to agree to the extra $1,000,000, but the House conferees said they would not agree. We either had to accept what they would agree to or get nowhere at all.

Mr. LA FOLLETTE. Mr. President, I do not wish anything I have said to be interpreted as any indication that I think the Senate conferees did not do everything they thought they could for this item. I am sure I have said nothing that can be so interpreted.

Mr. McKELLAR. The Senator did not, but I wished to let the Senator know exactly what confronted the Senate conferees in connection with this amendment.

Mr. LA FOLLETTE. I am sure the Senate conferees did everything they thought they could do in trying to bring about an agreement on this item. On the other hand, Mr. President, as we all know, often items of this kind are reinforced in their position if the Senate rejects the conference report and sends it back with further insistence upon an amendment, because such subsequent action indicates the Senate's determination.

I wish to point out in conclusion, as I did at the outset, that in my humble opinion we are now confronted with the issue as to whether or not there shall be any effective grasshopper-control program.

Mr. NORRIS. Mr. President, as I remember, our experience with the attempt to poison grasshoppers has not been one which in my opinion is very creditable to Congress. Undoubtedly, moved by an earnest and honest desire to save money and not to appropriate money unless it was necessary, we have assumed an attitude of holding back the appropriation until we saw the great damage confronting the western part of the country, and then spasmodically tried to appropriate some money to poison the pests, finding from experience that we had let the day go by when we could effectively and economically have met the situation had we appropriated ample funds to begin with.

In the West, where grasshoppers usually occur, we often find that before we can go through the formula which is necessary, first to obtain the appropriation, then to obtain the necessary poison, and then to obtain the distribution of it, we are too late on the ground. The grasshoppers have already done their damage.

Mr. President, the grasshopper menace is a serious thing in some parts of the country. No one can tell with any degree of certainty what section of the country will be afflicted. Some of the worst grasshopper scourges the country has ever seen have been caused by a migratory grasshopper which came through the air, nobody knows how far, from a region thousands of miles away from the place where the grasshoppers did all the damage. It is not always possible to tell just what the danger is, and what we shall have to contend with. I do not believe any Senator would want to pass by the problem without doing anything, because it is a scourge over which the man who is producing the crop has no control whatever. He is not to blame in any degree, directly or indirectly, for the affliction which comes, and when it comes, especially from some species of the grasshopper, it is as destructive as a fire which burns everything up. There is nothing left when the grasshoppers get through. It seems to me that the only way effectively and economically to meet the situation is to be prepared in advance so that we may have the poison ready, if necessary, or at least have all the machinery put together so that almost overnight the poison can be applied where it ought to be applied to be effective.

I do not know whether or not there is anything else in the deficiency bill which is of such immediate importance that it would be detrimental to the country if the conference report were sent back. I should like to inquire of the Senator from Tennessee [Mr. McKELLAR] or the Senator from Colorado whether or not any serious damage or loss would occur if the report were now rejected by the Senate. It seems to me it would be good psychology to show the stand of the Senate and its determination to provide an ample appropriation for grasshopper destruction by rejecting the conference report, especially if there is nothing else in the bill which would be in serious danger. What has the Senator from Colorado to say in that respect?

Mr. ADAMS. Mr. President, there are a number of rather emergent items. There are no major items, but there are a number of salary items. A certain number of persons will have to be dismissed from the service if the deficiency bill is not passed.

Mr. NORRIS. When would the dismissal have to take place?

Mr. ADAMS. I think some of the terms expire on the 15th of March. Some have now expired, because there has been some delay in the consideration of the bill.

Mr. NORRIS. In the Senator's judgment, would there be any difference in the attitude of the House conferees if we should reject the conference report?

Mr. ADAMS. My judgment is that we should not accomplish anything.

Mr. McKELLAR. We should at least show what we want to do, and our earnestness in the matter. Such action might be effective and helpful in connection with future legislation.

Mr. ADAMS. Will the Senator permit me to take just a moment of his time?

Mr. NORRIS. I beg the Senator's pardon. I do not wish to interrupt him.

Mr. ADAMS. The Senator has the floor. If I may take just a moment of the Senator's time, I shall try to draw the picture as we saw it.

The Senate added $1,000,000 to the appropriation. Every effort was made by the Senate conferees to impress upon the House conferees the desirability and the necessity of the added appropriation. We were reminded by the House conferees that the House had appropriated $2,000,000. Four hundred thousand dollars was already available. We were also reminded that the actual infestation was not more than a third of what it was a year ago. I am saying that on the authority of the Department of Agriculture. Personally I do not know about it. The Senator from Nevada [Mr. McCARRAN] makes a different statement. The officials of the Department of Agriculture brought to us plats showing the areas of infestation. Some areas which were badly infested a year ago were cleared up. We were not able to persuade the House conferees as to the immediate necessity for an amount greater than the $2,400,000 which would be immediately available. They said to us that "If we take back this appropriation with the added $1,000,000, we are sure that the House will reject the added $1,000,000." That was their statement. We know nothing as to the accuracy of it, of course.

My own feeling was that there was some merit in their contention; that is, that the $2,400,000 was a large appropriation for this purpose to start the work, in view of the assurance which was given us that if the infestation proved to be beyond the capacity of this appropriation to meet it, they would immediately urge the House, upon request, to add another appropriation.

A year ago in the deficiency bill the appropriation was $3,000,000. Subsequently we added $1,750,000. As a matter of fact, I think a year ago every cent asked for by the

Bureau was appropriated. At that time we were very positively told that if we furnished all the money the Bureau requested, while they could not completely eradicate the grasshopper, there would be such a suppression of the pest that in the future it could be controlled with reduced appropriations.

Your conference committee acted in the best of faith. They tried to carry out the Senate's wishes. I am convinced that for us to go back for a further conference would merely result in delay, and would not accomplish anything.

Mr. McCARRAN. Mr. President, the fallacy of the argument offered by the able Senator from Colorado [Mr. ADAMS] is that we must face different conditions with changing seasons. The grasshopper and the Mormon cricket do not always come forward at the same time in the same period of the year. Their prevalence depends largely on climatic conditions. In other words, the Senator from Oklahoma mentioned the fact that a wet season is usually followed by an infestation of grasshoppers. A different season may be followed by an infestation of Mormon crickets. But whether the season be of one kind or the other, the calamity is the same; and when we see farms and agricultural tracts absolutely wiped out, when we see the entire forage of the open domain destroyed, when we see farms put out of business because of these pests, we know that it would have been a thousand times better if the pests had been met at a time in their existence when they could have been destroyed.

If the grasshopper and the Mormon cricket are permitted to go from an adolescent state into a state in which the pest lays its eggs for the season yet to come, then the destruction of the grasshopper or Mormon cricket for this season does no good for the season that is to follow. A thousand times better would it be to appropriate the additional million dollars now, so that we may destroy the pest in its incipiency, than to permit it to go on and on, and keep on appropriating from year to year.

The answer to the argument that an appropriation will be made a month from now or 6 weeks from now is simply that it will be too late; the harm will have been accomplished, and a million dollars expended then will be a million dollars lost; whereas $3,000,000 expended now, as the appropriation bill provided when it left the Senate, might accomplish the desired results. To send the bill back to conference is the one and only thing to do if the Senate meant what it said when it appropriated the additional million dollars.

Mr. BYRNES. Mr. President, as one of the conferees, I simply wish to concur in the opinion expressed by the Senator from Colorado [Mr. ADAMS].

I have always been sympathetic with appropriations for this purpose. I voted for them last year, and in the conference with the House the conferees then had a difficult time in arriving at the conclusion contained in the report securing the additional appropriation. In the conference upon this bill I think we spent more time upon this item than upon any other. The House conferees were united in their position. Among the House conferees was one Member from a Western State, asserting his intimate knowledge of the conditions with respect to the grasshopper pest. I must say that his arguments seemed to be very influential with his colleagues among the House conferees. They took the position stated by the Senator from Colorado—that the Department now have approximately $400,000 available, and that with this appropriation of $2,000,000 they would have sufficient funds to insure taking care of the matter. They then stated that if a situation should arise demanding more money we could rely upon their cooperation, and that they would join in reporting a joint resolution appropriating additional funds. They called to our attention the fact that when this bill was upon the floor of the House, no Member from any Western State offered an amendment seeking to raise the amount appropriated, calling it to our attention as evidence of the fact that the Members of the House from the Western States believed the amount to be sufficient.

Under the circumstances, we were confronted with the necessity of either agreeing with their contention or holding up the bill. We thought the wise thing to do was to agree to the $2,400,000 at this time, rather than to delay the report upon the bill.

I do not believe that by taking the bill back to conference we could change the situation or induce the House conferees to agree to a larger amount. My judgment is that the Senate should adopt the conference report. No one can tell whether or not the House would change its attitude; but that is my honest opinion after listening to the arguments that were made.

Mr. NORRIS. Mr. President, I should like to ask the Senator a question.

Mr. BYRNES. I yield to the Senator from Nebraska.

Mr. NORRIS. If we should reject the conference report, would not the parliamentary situation be that the House conferees would then go back to the House after we had voted, and the House would take a vote on this item, and, of course, that would be controlling upon the House conferees? It would result, would it not, in a vote being taken by the House? Of course, if the House should reject the increase, there would be no use in our standing further for it. We should have to agree with them; but it seems to me it would put the matter right up to the House, which would vote directly on the question.

Mr. BYRNES. Mr. President, of course that is one of the things that might follow. It would seem that it would be the proper thing to do. That was the reason why I called attention to the argument made by the House conferees, because we had discussed the question as to what would be the attitude of the House. That attitude they expressed in the way I have indicated, by calling attention to the fact that they had just passed upon the matter in the bill, and that not one word was uttered by any Member of the House in favor of an increased appropriation. They did call attention to the statement of the officials of the Department as to the reduced infestation, as indicated by the maps which the Senator from Colorado [Mr. ADAMS] has had in his hands. I do not know anything about that. I will say that I have always relied upon the statements of the Members of the Senate from the Western States who are familiar with the matter, and have voted for this appropriation, and in conference have urged its retention; but I do not believe we shall arrive at any different solution as a result of sending the bill back to conference.

Mr. NYE. Mr. President, it has been suggested or intimated that I was a member of the conference committee considering the item that is in dispute. The Senator from Tennessee [Mr. McKELLAR] was mistaken about that. I was not a member of the conference committee.

Mr. McKELLAR. Mr. President, I think I am mistaken about it. The Senator from North Dakota was on the subcommittee which considered the bill.

Mr. NYE. Quite right.

Mr. McKELLAR. But not on the conference committee.

Mr. NYE. But not on the conference committee.

Mr. McKELLAR. That is correct.

Mr. NYE. But I do not want to depreciate the weight of the report which the conferees bring back to the Senate. I have not any doubt that when they reported a sincere belief that nothing would be gained by sending the bill back to conference, they meant just what they said; but if we adopt their view I have every reason to believe that we will have the identical experience we had last summer and the summer before, when, by reason of the Senate finally giving in on the deficiency bill, we put the Bureau of Entomology to a task and then up against an experience which finally cost the United States Government a good many hundreds of thousands of dollars by reason of the interruption of a program, and waiting for the additional funds that were necessary to complete the program.

When, a year ago this coming spring, it was adequately demonstrated that the moneys appropriated were not sufficient, I distinctly remember how splendidly the House committee, the Senate committee, the House, and the Senate themselves responded. I think we were only a matter of 2

days in securing the passage through the Congress of a joint resolution affording sufficient funds, and only 1 other day was required to get the bill up to Hyde Park for signature and make the funds available; but waiting even a comparatively few days led to an exceedingly costly experience. It was costly to the morale of the persons who were engaged in the program of trying to exterminate the pest. It was costly, to say the least, in dollars; and the farmers who contribute as much or nearly as much as the Federal Government contributes in the way of labor in spreading the poison suffered an injury to their morale that slowed up the program in a terrific way.

The amount asked for this year is approximately half of the amount required last year. About the 21st of January the Bureau of the Budget made and sent to the Congress its estimate of what was needed. That estimate took into consideration the $400,000 carry-over from last year. It is not fair on the part of the House conferees to argue that that $400,000 has not been taken into consideration, for it has been. The estimate required $3,400,000 of appropriation for this year. If we should have the good fortune not to need all of that amount, no one would be happier than we from the States which are suffering this annual infestation.

Mr. President, except for the fact that the program undertaken last year and gone through with was so highly successful, I should no longer be insisting upon appropriations to conduct this sort of a program. There can be no denying the fact, however, that when the Bureau of Entomology is given what it declares itself to need to conduct its program, it can do a thorough job; but deny it the funds that it estimates to be necessary, and there is bound to be delay, and there is bound to be lack of the completeness of program which last year was proved possible of attainment.

Under all these circumstances I could not possibly feel justified in doing other than insisting, for my own part, that the Senate reject the conference report. If another day or 2 days should be required, I see no serious injury that will come to any one. If, then, there is failure on the part of our conferees to win their point, we can only do what we did last year, and take our chance ultimately of getting the additional funds if and when demonstration of their need is shown.

Mr. President, I feel called upon to say one thing more. I feel myself in no small part to blame for this failure. When the deficiency bill was sent to the Senate, there was apparently a desire to get it through the Senate committee as fast as was possible. The Bureau of Entomology desired to be heard upon this item; but the subcommittee was so complimentary as to suggest that we could probably get into the bill what was required without taking the time necessary to hear the Bureau of Entomology, and I withdrew my insistence upon a hearing for the Bureau. The consequence was that the Senate went to the House in conference without any record whatever of an adequate consideration of the needs of the grasshopper-infestation program. Never again under like circumstances will I consent to waive hearings, in the light of the experience which has been ours with the House in the past.

Mr. FRAZIER. Mr. President, I agree with what has been said respecting the grasshopper situation. The Bureau of Entomology makes very careful estimates of what is needed. They conferred with the various agricultural colleges, and the past fall a committee was appointed, which held a conference regarding grasshopper control. They, together with the Bureau of Entomology, recommended that $3,000,000 plus was necessary in order to take care of the situation during the coming season, and I believe that it is necessary.

In the past we have had the experience of getting the poison too late, and it doing no good. In my particular section of North Dakota, in the northeast corner, during the last 2 years the farmers have succeeded in poisoning the grasshoppers early in the spring. They prepared their poison in April. But in some sections of the western part of the State they did not get the poison early enough; it was not spread sufficiently to cover the vacant land so the grasshoppers hatched and moved into my part of the State and did a great deal of damage later in the season, which was due to the poison not being applied in sufficient time to take care of the grasshopper menace.

I hope the conference report may be defeated, and the matter taken up with the conferees of the House again, and insistence made on the appropriation of the full amount asked for this purpose.

Mr. MURRAY. Mr. President, I support everything that has been said by the able Senators who have just spoken. I have been familiar for several years with the program that has been followed in Montana. It seems to me it would be very unwise to fail to appropriate a sufficient amount to carry on an effective campaign. If we are not to carry on such a campaign, it would be better to discontinue the work altogether. That has been the experience in Montana.

Several years ago we carried on a very effective campaign during the early part of the season of infestation, but we finally came to a point where we could not get the necessary bait to continue the combat against this very serious condition, with the result that there was a complete failure. If there is to be a successful campaign to eradicate this pest, we must have adequate funds, and have them ready at the time when they will be needed. Unless we can have them, it would be just as well to discontinue the program entirely.

I certainly think that the Senate, after having heard the facts which have been stated here this afternoon, should oppose the acceptance of the report.

Mr. ADAMS. Mr. President, the committee were confronted with two graphs, which I hold in my hand, one showing the infestation a year ago and the other showing the infestation at this time, both prepared by the Department of Agriculture. It is perfectly obvious from these reports that the areas of severe infestation have been very greatly reduced; I think more than one-third.

In the State of Montana, for instance, practically all of the State was included in the infested area. The last report shows that perhaps four-fifths of the State of Montana is clear.

We were confronted with these graphs. I wish Senators would look at them and see what has been accomplished; and if the things which have been accomplished mean anything, I think that something is to be said for the viewpoint of the House conferees that not quite as much of an appropriation would be required. We have tried to relieve the situation.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LA FOLLETTE. Is it not a fact, however, that the amount proposed and carried in the bill as it passed the Senate was only a little more than half what was provided the year before, so that even the Senate position represents a marked decrease in the amount of funds available for this purpose; and I think we should take into consideration the fact that the infested area is less this year than last.

Another point I should like to make in that connection, if the Senator will bear with me, is that the incidence of infestation is heaviest upon the most productive land, and that it is not fair to say that the territory which is infested has been decreased in extent unless we take into consideration the productive character of the land which still remains infested.

From the standpoint of the farmer and from the standpoint of economy of the States which are infested with Mormon crickets and grasshoppers, the productive area is the one which is most important to the farmer and to the economies of the respective States.

Mr. LEE. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I had practically concluded. I was merely endeavoring again to emphasize the fact that we were confronted in the conference with Members of the House who were adamant in their viewpoint, and we were confronted with some facts which we were not quite able to meet. The appropriation last year for this purpose was $3,000,000, as

against the proposed appropriation this year of $2,000,000. That is, the recession in the appropriation is one-third.

Mr. LEE. Mr. President, it seems that these maps merely prove the wisdom of the appropriation made last year and the effectiveness of the program. It looks to me as if we should follow through and complete the work, and that these graphs furnish an argument for an adequate appropriation to finish removing the pests.

I am not scientist enough to know, but from what I know about grasshoppers from a layman's standpoint, I imagine it is pretty hard to teach grasshoppers birth control, and there might be enough grasshoppers produced in the infested States to spread the grasshopper pest all over the farming area.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. HAYDEN. The representation was made to us, which I appreciate as a member of the conference, that the House of Representatives was willing to assume the same position they took last year, to make an initial appropriation, and if, as the season advanced, there was indication of grave danger, they would be willing to supplement the appropriation. Senators will remember that the supplemental appropriation made last year was not attached to any bill; it was under a separate resolution passed by the House upon a showing of the facts.

One other argument was made to us by the House conferees which undoubtedly has merit.

Mr. McKELLAR. Mr. President, if the Senator will permit me to interrupt for just a moment, we are pursuing exactly the same plan that was pursued last year, and it was a success last year, why should it not be equally a success this year? We are doing exactly the same we did last year.

Mr. NYE. Mr. President, will the Senator yield?

Mr. HAYDEN. Let me make this further statement about the representation made to us by the House conferees. It is a known fact, which all must concede, that severely cold weather does kill off the grasshoppers. There is no question about that; it is the testimony of the Department. If there is a freeze at the right time in the spring the eggs are killed and any young grasshoppers which hatch are killed and there is not an infestation.

The House conferees argued that there has been unusually cold weather in the infested area this year, and that for that reason the House has a right to anticipate that the infestation will not be so great as in other years. If it is not so great, there is no need for the money. On the other hand, the House conferees gave us the assurance that if the grasshoppers should appear the conferees would do exactly what they did last year.

Mr. BYRNES. Mr. President, as to the graphs presented by the Senator from Colorado, first was the "Grasshopper survey, 1938; Infestation of crops expected in 1939." We were also presented with the next graph, "Grasshopper infestation expected in 1940, based on fall egg survey of 1939." So that the best information we can secure from the Department is this estimate. This is the infestation they expect, from the best scientific knowledge they have at hand, and the infestation they expect is only about one-third of what occurred this year, according to this graph.

The argument was made to us, that being true, that we would be appropriating $2,000,000, plus $400,000, and if it should turn out that the expectation was not justified, and a situation should arise demanding a larger amount, the House would join us in providing the needed money.

In view of the fact that the House conferees assured us that they would favor an appropriation in case an infestation developed, we thought it was best to follow the action included in the conference report.

Mr. MURRAY. Mr. President, it is a fact, nevertheless, that the experts who prepared those charts have admitted that the amount necessary to carry on the campaign this year is the $3,500,000, which, I believe, was the original estimate. It seems to me that it is obvious that if we do not have the funds ready with which to carry on the campaign when the necessity appears, we will lose out entirely, and will be right back where we were in 1939. We promised the committee in 1939 that if we got the necessary funds a vigorous campaign would be made, and that if we failed we would not come back and ask them for more.

Mr. LA FOLLETTE. Mr. President, I wish to point out, in response to the statement made by the Senator from South Carolina, that the amount carried by the Senate committee bill is less than the Budget estimate. I think we are all aware that the Budget Bureau has not been making overly generous estimates, certainly so far as any of our domestic programs are concerned. The Budget estimate was more than the Senate committee provided in its action upon this item.

Mr. BYRNES. Mr. President, if the Senator will yield, the Senator from South Carolina is familiar with that fact. We made that argument to the House conferees.

Mr. LA FOLLETTE. I also wish to point out that if it were possible to provide poison and get it distributed when the time comes for its use, it might be wise to follow the course of procedure which the House conferees urged, but I think the experience of last year and of previous years has demonstrated that there is a lag between the time when the need for funds is evident, and the action of Congress thereon, and the distribution of the poison to the areas where it is needed.

Mr. LEE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. LEE. Is it not also true that it would be better for us to have more than we need than to be short? I know how these poisons are distributed. It means work, and no farmer wants to get the poison and mix it with bran and go out and scatter it unless it is necessary. The House conferees sent word, according to the report here, to this effect, "Wait until we see whether we need more, and then, if we need more, we will come back and ask for it."

Mr. President, let us turn this matter around, and let us get enough, and then if there is any left it is not to be used unless needed. It seems to me that is a wiser attitude to take than to wait and try to rush through a bill in the last minute to get the necessary material out there before the grasshoppers eat up the crops.

Mr. LA FOLLETTE. Mr. President, I think the experience with this control program clearly demonstrates the soundness of the position taken by the Senator from Oklahoma. In previous years, when we have had inadequate funds, the impression which the experts have been able to make upon the grasshoppers and the Mormon crickets has been negligible, and it looked as though the program was a failure, whereas last year, when adequate funds were supplied—the amount which the Bureau of Plant Entomology said was necessary—they made a very substantial showing in the effectiveness of this program.

Mr. NYE. Mr. President——

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I yield.

Mr. NYE. I think the Senator's statement ought to be qualified at least to this extent, that the showing made by the Bureau of Entomology last year would have been much finer than it was if there had not been the delay occasioned by the wait for supplemental funds which had to be provided.

Mr. LA FOLLETTE. Exactly. That was the point I was just about to make; that although the funds supplied last year for this purpose were those estimated to be needed by the experts in this field, the delay occasioned by following the program which is now recommended by the House conferees and by the Senate conferees resulted in the program not being as effective as if the money had been made available. I believe, Mr. President, that if we are to have an adequate and effective program for grasshopper control and Morman cricket control, we have got to provide for it in the bill. So I hope the conference report will be rejected.

Mr. FRAZIER. Mr. President, I want to call attention to the statement made by the Senator from Colorado. He made

the statement, illustrating it with maps, that the grasshopper infestation at the present time was much less than last year. That shows the good work that was done last year. But I want to call attention to the fact that the same people who made those maps have asked for the three and a half million dollars to take care of the situation this year. They need it or they would not have asked for it. If it turns out that too much money is appropriated, the part not needed will not be spent.

The PRESIDING OFFICER. The question is on agreeing to the conference report. (Putting the question.) By the sound the "noes" appear to have it.

Mr. BYRNES. I ask for the yeas and nays.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Colo.	Pepper
Ashurst	Davis	La Follette	Pittman
Austin	Donahey	Lee	Russell
Bailey	Downey	Lodge	Schwartz
Bankhead	Ellender	Lucas	Schwellenbach
Barbour	Frazier	Lundeen	Sheppard
Barkley	George	McCarran	Shipstead
Bone	Gillette	McKellar	Smathers
Brown	Green	McNary	Stewart
Bulow	Guffey	Maloney	Taft
Byrd	Gurney	Mead	Thomas, Idaho
Byrnes	Hale	Miller	Thomas, Utah
Capper	Harrison	Minton	Tobey
Caraway	Hatch	Murray	Townsend
Chandler	Hayden	Neely	Vandenberg
Chavez	Herring	Norris	Wagner
Clark, Idaho	Hill	Nye	Walsh
Clark, Mo.	Holman	O'Mahoney	Wheeler

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

Mr. GILLETTE. Mr. President, I have not taken any part in this discussion, and I do not want to delay the Senate now, except to call attention to two or three matters which have been brought out in the present debate.

During the last 7 years I have paid rather close attention to this particular type of appropriation. The Senator from Colorado [Mr. ADAMS] has presented some graphs prepared by the Bureau of Entomology. Those graphs have very little meaning, Mr. President, because they are based on an egg count made in the field by representatives of the Bureau of Entomology. The number of insects that hatch out is dependent entirely on the climatic conditions—no, not on the Hatch bill, as suggested by some Senator, but on the hatching conditions. [Laughter.] But, Mr. President, when the egg hatches and the insect emerges, the insect has to eat, and has to eat immediately, and it eats the first green thing that is available. You cannot convince the insect that it can wait until the Congress of the United States has made an additional appropriation to prepare poison bait.

Mr. President, there have been times when additional appropriations were secured with reasonable dispatch—with exemplary dispatch. I recall that in 1935 the Bureau of Entomology estimated that $25,000,000 damage resulted to farmers and the farming interests of the Middle West because of the delay in making the appropriations.

I believe we should send the Senate conferees back with a record vote which they can show to the House conferees. I have no criticism of them or the action they have taken, but we ought to give them that vote so they can go back to the House conferees and say that the Senate insists on this item, which is the only one in question.

Mr. President, it will not do to compare the present situation with other situations when Congress has appropriated more money than perhaps was needed. In this case the money will not be used if it is not needed. The farmers are often faced with the condition that within 24 hours they see the tender growing crops destroyed by reason of the money requested not being made available by Congress. They simply cannot wait the slow processes or even the speedy processes of congressional action when millions upon millions of insects are destroying the farm crop.

So, when we compare the possibility of perhaps appropriating more than would be actually used with that unfortunate situation of finding that there is not enough available for a proper program, it seems to me that every Senator should be convinced of the wisdom of sending the Senate conferees back with a strong vote which they can present to the House conferees.

Mr. LEE. Mr. President, will the Senator yield?

Mr. GILLETTE. Certainly.

Mr. LEE. Is it not true that the experts who made this chart are the same experts who told us they needed three and a half million dollars? If we take the experts' word in one case, it seems to me we ought to be influenced by the experts' recommendation in the other.

Mr. GILLETTE. The amount that was appropriated is less than that which the experts themselves said was necessary. From my experience with them in the past, I believe they would not make an overstatement as to the amount necessary.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. SHIPSTEAD. We have had experience in the last few years in not obtaining appropriations in time to accomplish what was necessary to accomplish. I remember that one time an appropriation of a certain amount of money for combatting insects was defeated, and then after the grasshoppers hatched they overran the countryside in such great quantities that an emergency appropriation was put through Congress, but it came rather too late.

Mr. President, a few dollars utilized at the right time would do more good than a thousand dollars made available too late. I think the Senator from Iowa is absolutely correct. I thank him for calling to the attention of the Senate the fact that to get the appropriation in time is as important as the amount of the appropriation.

Mr. GILLETTE. I thank the Senator from Minnesota who did yeoman service in this work in the last few years.

Mr. BYRNES. Mr. President, I have asked for the yeas and nays.

The yeas and nays were ordered.

Mr. CHANDLER. Mr. President, will the Chair state the pending question?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this question I have a pair with the Senator from Nebraska [Mr. BURKE] and withhold my vote.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present he would vote "yea." I transfer the pair to the Senator from Vermont [Mr. GIBSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from Oklahoma [Mr. THOMAS] and will vote. I vote "nay." I am not advised how either the Senator from New Hampshire or the Senator from Oklahoma would vote if present.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE], the Senator from Utah [Mr. KING], and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Rhode Island [Mr. GERRY], the Senator from Illinois [Mr. SLATTERY], the Senator from Ohio [Mr. DONAHEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Mississippi [Mr. BILBO], the Senator from Texas [Mr. CONNALLY], the Senator from California [Mr. DOWNEY], the Senator from Maryland [Mr. TYDINGS], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], and the Senator from Oklahoma [Mr. THOMAS] are detained on business in various Government departments.

The Senator from Virginia [Mr. GLASS], the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr.

HUGHES], and the Senator from Indiana [Mr. VAN NUYS] are unavoidably detained.

The Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Utah [Mr. KING]. I am advised that if present and voting the Senator from Maryland would vote "yea," and the Senator from Utah would vote "nay."

The result was announced—yeas 25, nays 44, as follows:

YEAS—25

Adams	Chandler	Lodge	Tobey
Bailey	George	Lucas	Townsend
Bankhead	Green	McKellar	Wagner
Barkley	Guffey	Maloney	Walsh
Brown	Hale	Mead	
Byrd	Hayden	Pepper	
Byrnes	Johnson, Colo.	Russell	

NAYS—44

Ashurst	Ellender	McCarran	Schwartz
Austin	Frazier	McNary	Schwellenbach
Barbour	Gillette	Miller	Sheppard
Bulow	Gurney	Minton	Shipstead
Capper	Hatch	Murray	Smathers
Caraway	Herring	Neely	Stewart
Chavez	Hill	Norris	Taft
Clark, Idaho	Holman	Nye	Thomas, Idaho
Clark, Mo.	La Follette	O'Mahoney	Thomas, Utah
Danaher	Lee	Pittman	Vandenberg
Davis	Lundeen	Reed	Wheeler

NOT VOTING—27

Andrews	Downey	Johnson, Calif.	Thomas, Okla.
Bilbo	Gerry	King	Truman
Bone	Gibson	Overton	Tydings
Bridges	Glass	Radcliffe	Van Nuys
Burke	Harrison	Reynolds	White
Connally	Holt	Slattery	Wiley
Donahey	Hughes	Smith	

So the conference report was rejected.

Mr. ADAMS. Mr. President, I move that the Senate further insist on its amendments, request a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate at the further conference.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

Mr. BARKLEY. Mr. President, it is obvious that we cannot finish the agricultural appropriation bill today. I think it is almost time to suspend, unless the Senator from Georgia [Mr. RUSSELL] wishes to proceed further.

Mr. RUSSELL. Mr. President, does the Senator intend to move a recess at 5 o'clock?

Mr. BARKLEY. I had planned to do so.

Mr. RUSSELL. I do not think it would serve any useful purpose to continue further this afternoon. However, I should like to make a brief statement.

Mr. BARKLEY. I yield.

Mr. RUSSELL. Yesterday the senior Senator from Michigan [Mr. VANDENBERG] propounded an inquiry as to whether or not any commodities which have been purchased by the Federal Surplus Commodities Corporation were the same agricultural commodities as have been dealt with in the reciprocal-trade agreements. I stated that I was not sure of my ground, but that it was my recollection that no such commodities have been purchased by the Federal Surplus Commodities Corporation.

It seems that my recollection was in error, and that some of those commodities have been dealt with in the reciprocal-trade agreements. I have a statement from the Federal Surplus Commodities Corporation dealing with this subject. The statement was made with particular reference to a statement attributed to Representative REED of New York to the effect that the Surplus Commodities Corporation had spent $30,000,000 on surplus products for distribution to the needy, when $92,000,000 worth of the same products were coming in from abroad. The statement deals fully with the statement attributed to Representative REED of New York, and gives a rather full discussion of the various commodities which have been purchased, and how they have been affected by the reciprocal-trade agreements. I ask unanimous consent that this statement may be printed in full in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Surplus Commodities Corporation had spent $30,000,000 on surplus products for distribution to the needy when $92,000,000 worth of the same products was coming in from abroad.

Mr. REED was doubtless referring to the tabulation introduced by him during the hearings before the Committee on Ways and Means of the House of Representatives on the extension of the Reciprocal Trade Agreements Act (vol. I, p. 469). That table includes 20 products (fish, apples, beets, cabbage, carrots, cauliflower, celery, cheese, eggs, grapefruit, grapes, milk, canned peas, dried peas, fresh peas, potatoes, raisins, rice, tomatoes, and wheat cereal), which the Federal Surplus Commodities Corporation purchased at some time during the 2 fiscal years, 1937–38 and 1938–39.

An examination of the actual situation with respect to each of these commodities, as regards the relation between duty reductions under the trade agreements and purchases by the Federal Surplus Commodities Corporation, reveals the following two facts:

(a) With few exceptions, duty reductions have not coincided with Federal Surplus Commodities Corporation purchases, either because they applied to quite different commodities or because they were in effect at wholly different times of the year.

(b) The few exceptions relate to certain products on which United States duties were reduced in the trade agreements with Canada. By the terms of those agreements, Canada granted to the United States as great (or greater) reductions in the Canadian duties on these same products imported into Canada from the United States as were granted by the United States to Canada. Moreover, since the United States regularly exports larger quantities of each of these products to Canada than Canada exports to the United States, the net result of the reciprocal reductions was to reduce the domestic surplus with which the Federal Surplus Commodities Corporation had to cope.

In general, it may be said that the presentation of this material has provided an excellent illustration of the great care that has been taken in the trade-agreements program to prevent duty reductions on farm products from harming domestic producers. A statement of the specific commodity situations involved is presented in the following paragraphs.

Importations of fish and cheese accounted for over 90 percent of the total imports ($83,843,000 out of $92,298,000). The total purchases by the Federal Surplus Commodities Corporation of these two products amounted to approximately $740,000, as compared with total purchases of approximately $30,000,000. Purchases of fish were made only in the month of June 1938, because of a temporary emergency situation following record fish runs in that year. Nearly 75 percent of the total imports of cheese into the United States during the past 2 fiscal years came from Italy, Switzerland, the Netherlands, and France. The types of cheese imported differ from those produced domestically and are brought in to meet particular consumer demand. Purchases of cheese by the Federal Surplus Commodities Corporation were limited to the average type American cheddar cheese, and were made only in the month of June 1938.

The remaining imports included 18 commodities and totaled in value approximately $8,500,000. Imports of 11 of these 18 commodities were nonexistent or negligible. For example, the importation during 2 years of 52,000 bushels of apples, a half ton of beets, 170 tons of cabbage, 135 tons of carrots, 20 tons of cauliflower, and 96,000 pounds of celery is listed. No one of these is equivalent to one-tenth of 1 percent of our domestic production. The importation of 22,000 gallons of milk is listed, as well as 430 tons of raisins. The more substantial items included are 110,200,000 pounds of cheese valued at about $24,000,000; 65,800,000 pounds of fish valued at $60,300,000; about $1,000,000 worth of grapes; 137,000,000 pounds of rice; and 121,000,000 pounds of tomatoes valued at $2,600,000.

It is apparently assumed that the purchases of these commodities would have been unnecessary if they had not been imported. The facts are as follows:

The small quantities of vegetables enumerated which had an aggregate value of less than $15,000 in 2 years practically all came into the country when domestic supplies were out of season. This is also true of the larger item, fresh tomatoes, though even the imports, which came in mainly during December, January, and February of the 2 years, were equal to 1 percent of our own domestic supplies.

The grapefruit imports valued at $155,000 in the 2 years may be compared with a farm value of fifteen to twenty-one million dollars for the United States crop. Grapefruit production has been expanding very rapidly. In 1938, for example, it was over twice the size of the 1936 crop. It is this factor that has necessitated Federal aid to the industry. I am extremely doubtful that the exclusion of a few thousand boxes with production in excess of 40,000,000 boxes would be of any benefit to producers and it would be unfortunate for the few consumers who can afford to buy grapefruit out of season. The same statement is applicable to the negligible imports of fresh peas, principally from Mexico, the small amount of table grapes from Argentina, Chile, and the Union of South Africa reported principally from March until May.

Imports of raisins into the United States, which have been declining each year since 1930, are made up almost entirely of fancy pack, high-grade cluster raisins intended for the holiday trade.

Purchases by the Federal Surplus Commodities Corporation have consisted of the ordinary seedless or muscat raisins of which approximately 25 percent of the annual United States supplies are exported.

Approximately 90 percent of the United States imports of milled rice, mentioned by Representative REED, consist of broken rice, of which the bulk comes from the Netherlands and Belgium. The particular type of broken rice imported is a byproduct of the milling of rice for human consumption and includes only the smallest size screenings. This rice is utilized almost entirely by brewers who mix it with malt in order to produce a lighter beer. The type of rice acquired by the Corporation is similar to that which was exported during the 1938 fiscal year in quantities four times as great as the quantities of broken rice imported during the same period.

Of the white potato imports into the United States mentioned by Representative REED, approximately 95 percent are certified seed potatoes which are not intended for human consumption. The imports of potatoes for consumption are negligible. All potatoes purchased by the Corporation have been distributed for consumption by needy unemployed families on relief.

Mr. VANDENBERG. Mr. President, I wish to thank the Senator from Georgia for finally obtaining the correct figures in connection with this conundrum. I myself have been seeking them for some time, and I am sure his report is now accurate.

The report shows that the Federal Surplus Commodities Corporation spent $30,000,000 to help reduce surpluses in commodities which had $92,000,000 worth of exports. So the net result of the expenditure from the Treasury under the Federal Surplus Commodities Corporation was merely to pay for about a third of the imports, which it seems to me is a thoroughly ludicrous and incongruous situation.

As I glance through the letter presented by the able Senator from Georgia the response is that there are compensating exports in these same crops. However, the fact remains that we confront the interesting picture that one branch of the Government is seeking to relieve surplus burdens in farm commodities while those same farm commodities are coming in competitively from abroad. Meanwhile another department of the Government is making trade treaties further reducing the tariffs upon every one of the items to which the Senator from Georgia's statement refers.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. PEPPER. A number of Senators on this side of the aisle, including myself, are interested to know whether or not the Senator would mind enumerating the commodities to which he refers, if he has the information available.

Mr. VANDENBERG. I shall be very happy to do so if the Senate wishes to take the time. The commodities are: Apples, beets, cabbage, carrots, cauliflower, celery, cheese, eggs, fish, grapefruit, grapes, milk, peas, potatoes, raisins, rice, and tomatoes.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. VANDENBERG. I yield.

Mr. AUSTIN. Has the Senator from Michigan seen the monthly export and import report, No. 239, issued February 3, 1940, by the United States Department of Agriculture, Agricultural Marketing Service, relating to exports of dairy products, oleomargarine, and eggs from the United States for the month of December 1939, as well as the imports of dairy products and eggs for the same month?

Mr. VANDENBERG. I have not seen the report.

Mr. AUSTIN. I think it furnishes a very striking illustration of the point the Senator has made.

Mr. VANDENBERG. I suggest that the Senator put it in the RECORD.

Mr. AUSTIN. I do not wish to part with the copy of the report which I have, because I wish to make use of it within the next few days. However, if I can find another copy I shall be glad to put it in the RECORD later.

Mr. VANDENBERG. I thank the Senator.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. I was not able to follow the entire list of commodities which the Senator read, but as I understood the first item he read was apples.

Mr. VANDENBERG. Yes.

Mr. SCHWELLENBACH. Does the Senator contend that the apple industry has not benefited as a result of the reciprocal trade agreement policy?

Mr. VANDENBERG. Mr. President, that is entirely beside the point. I am not arguing that question. I am arguing the point that the Federal Surplus Commodities Corporation is using its funds to reduce surpluses—I will give the Senator the figures. Four million nine hundred and seventy-eight thousand dollars was spent to help reduce the surplus in apples, while 52,000 bushels of apples were coming in as imports. Meanwhile the reciprocal-trade treaties in respect to apples are reducing the tariffs from 25 cents a bushel to 15 cents a bushel through the Canadian agreement.

Mr. SCHWELLENBACH. Will the Senator add what I think is a very essential point—the extent to which the apple industry has benefited as a result of having opened up for it markets in Belgium, Holland, France, England, and other countries through the medium of the agreements which were made with those countries?

Mr. VANDENBERG. I stated at the outset of my observations that the rebuttal is that there is an export offset. I do not have the export figures. I am commenting only upon the exhibit submitted by the able Senator from Georgia [Mr. RUSSELL].

Mr. SCHWELLENBACH. Mr. President, it seems to me that the statement by the Senator from Michigan pretty well goes to the crux of the matter. It is all very well to leave out the important part of any figures. I do not care to enter into an argument about reciprocal-trade agreements in general; but I know that if there is any group in my State which is anxious for the continuation of the trade-agreements program, it is those who are engaged in the production of apples. I think the Senator from Michigan made an unfortunate choice when he started the list with apples, because apple producers have benefited very materially as a result of the program.

Mr. THOMAS of Idaho. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. VANDENBERG. I shall be glad to yield in just a moment.

Mr. President, I chose no example. "Apples" happens to begin with "A," and it is the first commodity on the list. I read the list to the Senator from Florida in response to his inquiry. I trust I was justified in showing him that courtesy.

The reciprocal-trade treaties enter into this particular argument only incidentally. I was dealing with the contemplation—fundamentally involved in the pending bill—that in 1938 and 1939 we spent $30,000,000 of Federal Surplus Commodities Corporation money to reduce surpluses, to which imports of $92,000,000 in the same commodities contributed. It does not seem to me to make sense.

Mr. THOMAS of Idaho and Mr. SCHWELLENBACH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield, and if so, to whom?

Mr. VANDENBERG. I must first yield to the Senator from Idaho. Then I will yield to the Senator from Washington.

Mr. THOMAS of Idaho. Mr. President, just a moment. It might be interesting to state that since that treaty was ratified, England has issued an embargo on the shipment of apples; and I suspect that the apple growers of Washington and Idaho are not so happy about the situation today.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. What the Senator from Idaho says is correct. It has resulted in a feeling of dissatisfaction

upon the part of our people so far as England is concerned. That is a matter of foreign relations which I do not think it is necessary to consider here; but the point the Senator from Michigan makes is that we are making a mistake in appropriating money for the Surplus Commodities Corporation to purchase surpluses in this country because of the fact that in the case of certain of these commodities we are permitting imports. I am speaking purely of apples because that is the only item on the list that I understood the Senator to refer to, the first one that I happened to hear. But if, as a result of this program, we have increased the exports by ten times the amount of the imports that come in, certainly it is no argument against this item in the agricultural appropriation bill to object to that, if we get 10 to 1. It cannot be used as an argument against our taking some of the money to take care of the surplus. Had it not been for the program of the reciprocal-trade agreements, the surplus of apples which would necessarily have been taken care of out of appropriations in this bill would probably exceed by 10 times the amount which is actually necessary in this bill.

Mr. VANDENBERG. Mr. President, I do not wish to have the Senator from Washington put into my mouth words which attribute to me a purpose which I do not hold in connection with this discussion.

I happen to favor the appropriation for the Federal Surplus Commodities Corporation, and have repeatedly so stated. The purpose of this observation has nothing to do with the fundamental idea of reducing surpluses in this fashion. I submit, however, that if we are to reduce surpluses in this fashion, we should do equally well for agriculture if we were to prohibit competitive imports whenever there is any agricultural surplus in this country.

Mr. AUSTIN. Mr. President, in view of the debate which has occurred I think I will change my plan as originally stated, and have inserted in the RECORD at this point, with the permission of the Senate, Report No. 239, issued February 3, 1940, by the United States Department of Agriculture, relating to imports and exports of dairy products, oleomargarine, and eggs, distinctly and clearly showing an excess of imports over exports, and raising the perfectly natural query how much of these imports had to be absorbed by the Federal Surplus Commodities Corporation. I should like to have this original document returned to me tomorrow, if convenient.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that there may be incorporated in the RECORD at this point the report of the Department of Agriculture indicated by him. Is there objection?

Mr. LUCAS. Mr. President, reserving the right to object, I should like to ask one question about the exhibit. I am not sure that I understand just what the exhibit is; but, from the remarks made by the able Senator from Vermont, I was under the impression that he was giving to the Senate and the country a statement of the exports and imports for only 1 month. Am I correct in that understanding?

Mr. AUSTIN. No; I notice that there is a summary for more than the month of December, but the detail relates to the month of December 1939. Here is a line giving the figures for January to December, inclusive, 1939; and here is another line giving the figures for January to December, inclusive, 1938. So, it is clear that the report also includes a summary of the year. The table is endorsed:

(These export and import statistics are compiled from official records of the Bureau of Foreign and Domestic Commerce and are subject to revision.)

Mr. LUCAS. Mr. President, I am not going to make any objection to the introduction of the exhibit; but I want to corroborate the observation made by the able Senator from Washington [Mr. SCHWELLENBACH] just a few moments ago with respect to the introduction of statistics of this kind. I am not complaining at all; but it only goes to show that when we take the statistics for just 1 month, or 2 months, or any portion of the year, and attempt to explain to the people something definite with respect to how these reciprocal-trade agreements are working, it seems to me that the statistics do not present the true picture.

One of the things I have constantly complained about in connection with the reciprocal-trade agreements is the statistics that have been introduced into the CONGRESSIONAL RECORD from time to time. I do not say that any Senator or any Member of the House introduces them with other than the best of intentions from his viewpoint; but it seems to me that figures and statistics in connection with this very important program should be somewhat all-inclusive, and represent a distinct period of a few years, rather than any particular month or any particular section of the year, in order really to demonstrate how the agreements may or may not work.

Mr. AUSTIN. Mr. President, I rise only to observe that my purpose in offering this exhibit was rather limited; but if any inference can be made that helps on the issue relating to trade agreements, I am glad to have the exhibit used for that purpose. So far as my offer went, it is not subject to the criticism suggested by the very learned Senator from Illinois.

The PRESIDING OFFICER. Is there objection to printing in the RECORD the table referred to by the Senator from Vermont?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Monthly export and import report No. 239

EXPORTS OF DAIRY PRODUCTS, OLEOMARGARINE, AND EGGS FROM THE UNITED STATES FOR MONTH OF DECEMBER 1939

[U. S. Department of Agriculture, Agricultural Marketing Service]

Destination	Butter	Oleomargarine [1]	Cheese	Processed cheese and cheese spreads	Eggs in shell
	Pounds	*Pounds*	*Pounds*	*Pounds*	*Dozens*
Europe: Miscellaneous	275		60		
North America:					
Bermuda	108	14,012		248	15,898
Canada	20		3,380	1,061	85
Newfoundland and Labrador		12			6,600
Miscellaneous		150			
Central America:					
British Honduras	209		358	200	630
Costa Rica	351		77	804	
Guatemala	3,913		214	2,767	
Honduras	2,608		156	627	312
Nicaragua	208		90	474	270
Panama:					
Canal Zone	45,990	3,530	296	26,817	138,910
Republic of	1,326	12,850	2,453	5,682	19,500
Miscellaneous				60	
Mexico	12,212	630	9,038	977	47,722
West Indies:					
Cuba			3,931	3,859	94
Jamaica	110		255	160	6,480
Netherland West Indies	15,476	16,085	825	10,465	30,188
Republic of Haiti	8,999	5,507	2,353	5,142	
Other British West Indies	1,534	169	1,631	1,318	8,691
Trinidad and Tobago	36			205	390
Miscellaneous	122		666	338	
South America:					
Bolivia			150	392	
Colombia	3,845		1,612	497	
Peru				1,804	
Surinam	17,035		66		6
Venezuela			2,042	12,745	1,398
Miscellaneous	447			200	
Asia:					
Hong Kong	405				
Netherland India	992				
Miscellaneous				420	
Oceania:					
French Oceania			266	105	
Philippine Islands	2,334		2,000	13,473	30,002
Africa:					
Liberia	540			60	
Miscellaneous	346			288	
Total, December 1939	119,441	52,945	31,919	91,188	307,176
Total, December 1938	159,787	6,786	70,864	61,794	201,314
January to December (inclusive) 1939	2,307,946	264,292	503,044	976,645	2,696,826
January to December (inclusive) 1938	1,958,783	235,376	795,242	685,701	2,092,419

[1] Includes both animal and vegetable oil products.

No exports of casein.

Monthly export and import report No. 239—Continued

IMPORTS OF DAIRY PRODUCTS AND EGGS

	December		January to December (inclusive)	
	1939 [2]	1938 [2]	1939 [2]	1938 [2]
Butter.....pounds	74,790	72,646	1,106,856	1,623,666
Cheese:				
Swiss:				
Emmenthaler, with eye formation.....pounds	292,531	332,755	10,558,565	9,903,828
Gruyère.....do	272,873	349,732	3,582,624	3,413,644
Blue mold (original loaves) pounds	273,320	272,644	3,264,559	3,376,101
Cheddar (original loaves) pounds	340,632	31,048	6,352,255	1,817,948
Edam and Gouda.....do	220,916	139,689	2,815,331	4,162,134
Provoloni and provolette pounds	42,178	252,232	3,291,929	5,109,892
Reggiano or parmesan.do	174,423	232,632	2,435,541	1,567,445
Romano or pecorino.do	943,783	1,265,847	16,056,237	15,518,604
Roquefort.....do	357,593	440,372	2,973,037	2,394,247
Other.....do	559,300	766,367	7,740,081	7,168,027
Total all cheese	3,477,549	4,083,318	59,071,059	54,431,870
Milk.....gallons	16	53	22,056	6,008
Cream.....do	43	20	1,031	4,959
Condensed milk.....pounds	28,641	123,821	222,140	734,612
Evaporated milk.....do	0	96	661	4,847
Dry whole milk.....do	0	794	3,141	52,687
Dry skim milk.....do	22,148	0	864,936	3,484
Dry cream.....do	0	0	0	0
Dry buttermilk.....do	134,000	0	1,586,800	0
Casein.....do	3,389,562	56,021	15,832,462	417,366
Eggs in shell.....dozen	29,746	21,824	328,523	231,784
Whole eggs:				
Dried.....pounds	11,500	32,500	61,500	[3] 204,815
Frozen.....do	0	0	420	938
Yolks:				
Dried.....do	54,450	23,800	682,805	[3] 337,519
Frozen.....do	0	10,380	25,330	487,010
Egg albumen:				
Dried.....do	46,700	88,000	500,479	718,346
Frozen.....do	0	0	0	30

[2] Includes only imports for immediate consumption and withdrawals from bonded warehouses for consumption.
[3] Revised.

Exports, December 1939

Destination	Condensed milk	Evaporated milk	Dry milk	
			Whole	Skim
Europe:	*Pounds*	*Pounds*	*Pounds*	*Pounds*
Greece			360	
Italy			750	
United Kingdom		468,000		
North America:				
Canada	503			840
Miquelon and St. Pierre		2,350		
Newfoundland and Labrador		4,329	285	
Central America:				
British Honduras	144	1,720		
Costa Rica	22,598	28,645	7,294	2,850
Guatamala	9,408	17,686	3,897	
Honduras	8,939	7,318	3,692	
Nicaragua	62	2,450	98	
Panama:				
Canal Zone	7,655	345,500	18,606	3,100
Republic of		504	7,803	10,750
Mexico	80	57,134	7,383	2,700
West Indies:				
Barbados			324	
Bermuda		2,893		
Cuba		4,350	256	600
Dominican Republic	420	248	1,181	
Jamaica	425	1,065	114	2,400
Netherland West Indies	9,631	124,500	9,087	1,400
Other British West Indies	210	5,403	765	200
Republic of Haiti	2,436	9,493	716	
Miscellaneous			583	
South America:				
British Guiana		833	330	
Bolivia		51,357	4,560	
Chile		87	1,440	
Colombia	4,892	51,692	19,758	4,053
Ecuador	350	17,666	889	
Peru	2,100	23,775	4,467	
Surinam		1,389	12	
Uruguay	2,100	2,150		
Venezuela	10,586	40,752	251,161	4,334
Miscellaneous			96	

Exports, December 1939—Continued

Destination	Condensed milk	Evaporated milk	Dry milk	
			Whole	Skim
Asia:	*Pounds*	*Pounds*	*Pounds*	*Pounds*
Burma (British)			522	
British India		17,943	240	
British Malaya		5,250	5,236	
China		49,343		33,000
Hong Kong		317,988	640	
Iran (Persia)			40,063	
Netherland India		368,024	11,180	
Other Asia	336	870		
Palestine	21	43	500	
Saudi Arabia		10,000		
Thailand			2,394	
Miscellaneous		200	451	
Oceania:				
Philippine Islands	38,150	568,460		58,000
French Oceania	24	348		
Miscellaneous	90	88		
Africa:				
Belgian Congo			22,414	10,300
British East Africa			1,340	
Egypt			50	
Gold Coast			1,640	
Liberia		2,800	792	
Nigeria			3,397	
Other British West Africa			525	
Other French Africa			1,502	
Union of South Africa			96	
Total, December 1939	121,160	2,614,646	438,889	134,527
Total, December 1938	355,335	2,197,767	424,467	124,190
January to December (inclusive) 1939	2,269,012	27,496,838	6,260,155	2,096,905
January to December (inclusive) 1938	5,427,081	23,697,848	3,819,418	6,372,236

(These export and import statistics are compiled from official records of the Bureau of Foreign and Domestic Commerce and are subject to revision.)
Issued Feb. 3, 1940.

CENSUS QUESTIONNAIRES

Mr. TOBEY. Mr. President, I desire at this time to give notice that upon completion of the consideration of the pending legislation I shall seek to have Senate resolution 231, known as the census resolution, become the pending business before the Senate, especially in view of the fact that on April 1 the census takers will begin their enumeration.

The Committee on Commerce has filed a report today giving the green light to this resolution. Therefore, in view of what I have explained, I ask the majority leader if he will not use his high office and his great influence and join me in bringing Senate resolution 231 before the Senate immediately at the conclusion of the consideration of the pending measure.

Mr. BARKLEY. Replying to the Senator from New Hampshire, my answer would be "No." It has been planned for some weeks to take up the trade-agreements bill as soon as the agricultural appropriation bill is out of the way, and I do not think the Senator's resolution or any other legislative matter should intervene before that measure is taken up for consideration. The trade-agreements bill has been put off. It was reported nearly 2 weeks ago by the Committee on Finance, and I could not consent to the taking up of the Senator's resolution, or any other measure, in advance of that, because it has been understood from the beginning that it would follow the pending bill. I feel that I must be frank with the Senator.

Mr. TOBEY. I want the Senator to be very frank with me, and I will be so with him.

Mr. BARKLEY. I cannot cooperate with him for the purpose of having his measure injected ahead of the trade-agreements bill.

Mr. TOBEY. I point out to the majority leader that the trade agreements to which he refers, and the measure covering which he would have take precedence over anything else

at this time, will not expire until June 12, whereas the taking of the census will start on the 1st of April. He who runs may read the import of that statement.

I will go a little further and inform the Senator from Kentucky, the majority leader, of the statement made in a press interview by a member of the Committee on Commerce a few days ago. This was a statement by one who fought the resolution in committee, as was his privilege and right, and I honor him for doing it, because he thought it was wrong. However, after the committee had voted to report the resolution he gave to the press this statement:

I will use every effort in my power to see that Senate Resolution 231 does not have a chance to get to the Senate floor.

I say to the majority leader that that is not a combination in restraint of trade, but it may well be a combination in restraint of good legislation, and I speak by the card when I say to him and to this honorable body that if I ever knew of righteous indignation in the *n*th degree, I know it has been expressed all over this country, from the Atlantic to the Pacific, from the Gulf of Mexico to Canada, over the questions to be asked in the coming census, and if there is to be any cutting off of an opportunity to present this matter, or any ganging up against it, those responsible will not have to answer to me, but they will have to answer to the people of this country, regardless of party.

Mr. BARKLEY. I do not know what the Senator means by that, but so far as I am concerned, I am perfectly willing to answer to anyone, including himself, for my attitude in the matter which he has brought before the Senate at this time. I have no way of identifying the committee member who voted against the resolution in the committee a few days ago, and who is threatening to use all legislative means to prevent it coming before the Senate. I do not know anything about that. I did not see the article referred to, and I do not know whether it is an accurate quotation of the Senator referred to or not. But regardless of all that, I realize the interest of the Senator from New Hampshire in this proposal. He has whipped up a lot of furor and fuss about it, and I can understand how he desires to continue to agitate it here, and probably get a vote on it. But, as I stated a few minutes ago, it has been understood for 2 weeks at least, even before the committee reported the trade-agreements bill, that it would follow the agricultural appropriation bill. As a matter of fact, the Senator from Mississippi [Mr. HARRISON] has been waiting patiently to have his bill considered, and was waiting even before the agricultural appropriation bill was taken up. No one knows how long the consideration of that bill will take. If there are any amendments added to it, of course, it will have to go to conference.

Mr. TOBEY. I make the prediction that I think it will take to April 2, so as to shut off consideration of the census resolution.

Mr. BARKLEY. The Senator may contribute to its being delayed that long, but I have no reason to believe that the trade-agreements bill should take more than a week. It should not take longer than that. So far as the debate is concerned, I do not see why it should take longer than 1 week.

Mr. TOBEY. Then, at the end of 1 week, if I make the request of the Senator, assuming he is correct, will he join me in taking up Senate Resolution 231, or giving it the "green light"?

Mr. BARKLEY. I will cross that bridge when I come to it. I do not desire to pledge myself as to what bill may come up. The Senator may get his measure brought up and get a vote on it; but I do not wish to say now what my attitude will be in the future.

Mr. TOBEY. What does the Senator say to my suggestion that the present reciprocal-trade agreements will continue, under the statute, until June 12?

Mr. BARKLEY. I realize that.

Mr. TOBEY. And the enumerators will begin to take the census April 1, only about 10 days from now.

Mr. BARKLEY. I may say, also, that the Secretary of Commerce has provided a way by which anyone who objects to answering certain questions may mail in his answer. Everyone knows those answers are not to be made public. If anyone dislikes to tell his neighbor, who may happen to be an enumerator, whether he made over $5,000 last year or not, he may mail a confidential letter to the Secretary of Commerce imparting that information, and it will, of course, be kept confidential.

Mr. TOBEY. The Senator is entirely wrong in his conclusion, because his premise is wrong. The proposition made by the distinguished Secretary of Commerce, Harry L. Hopkins, as a compromise, or a way out of this thing, is not, as the Senator has stated, that the answer is to be put into an envelope and to be mailed in, but his answer is to be put in an envelope and handed to the census enumerator.

Mr. BARKLEY. It is to be mailed in.

Mr. TOBEY. I do not know whether it is or not. But there may be written on the back of the envelope "John Jones" or "Mary Quinn."

The Senator has brought out a point which I shall answer. He states that a compromise has been offered. Let me say that the report filed today by the distinguished Senator from North Carolina [Mr. BAILEY], chairman of the Committee on Commerce, states it as the opinion of the committee that these questions as to income are not legal under the statute. Therefore that is the opinion of the committee which has been considering the resolution, plus the talk among ordinary citizens, in cumulative form, and if the questions are not legal according to common report, and the report of the committee, that should be the end of the whole thing, and it follows that the questions as to income should be deleted, being outside the law.

Mr. BARKLEY. I do not care to comment on the legality of the questions at this time. The Solicitor for the Department of Commerce, in what seemed to me to be a very able opinion, held that they were legal.

I have heretofore stated that one of the questions that was asked of every farmer in the United States related to his indebtedness, to his income, and to the number of mortgages on his property. I do not recall that the law specifically sets out that kind of questions, but those questions were asked and answered, and no one raised any criticism about it. But I do not care to go into that. I suppose it will be gone into when the matter is brought up.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LEE. Would not April 1 be an appropriate day on which to take up the Tobey resolution? [Laughter.]

Mr. BARKLEY. Very likely; but I do not care even to commit myself irrevocably to that until I come to it.

Mr. TOBEY. I say to the Senator from Oklahoma that wisecracks may be in order, but you cannot laugh this thing off.

Mr. BARKLEY. Mr. President, if wisecracks are not in order, I move that we take a recess.

Mr. TOBEY. I thought I had the floor.

Mr. BARKLEY. I had yielded to the Senator.

Mr. TOBEY. I beg the Senator's pardon. If I am out of order, I will take my seat.

Mr. BARKLEY. I thought the Senator had concluded.

Mr. TOBEY. I desire to make a sporting proposition to the Senator from Kentucky. [Laughter.] In view of the alleged fact that it is important that the reciprocal-trade agreements be acted on, I make this proposition—let the Senator and me agree right now, before this body, that we will give up 1 day to considering Senate Resolution 231—and only 1 day—and at the conclusion of 4 hours' debate vote on it. That is a sporting proposition. Will the Senator agree?

Mr. BARKLEY. I think the Senator's resolution, like many other measures on the calendar, should take its regular course. I do not care to enter into any agreement now about it.

If the Senator has concluded——

Mr. TOBEY. The Senator from New Hampshire will not be through until he gets Senate Resolution 231 on the floor and gets a vote on it. He is not representing his party, but is a witness to the manifestations of the righteous indignation of the people all over the country, thousands and thousands of them.

Mr. BARKLEY. That may be open to question, but I do not care to debate that at this time.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. WAGNER, from the Committee on Banking and Currency, reported favorably the following nominations under the Farm Credit Administration:

Roy M. Green, of Kansas, to be land bank commissioner; and

Carl R. Arnold, of Ohio, to be production credit commissioner.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of several officers in the Regular Army to be assistants to the Quartermaster General, with the rank of brigadier general, for a period of 4 years from date of acceptance, and also the nomination of Brig. Gen. Raymond Hartwell Fleming, Louisiana National Guard, to be brigadier general, National Guard of the United States.

He also, from the same committee, reported favorably the nomination of Capt. Walter Grant Bryte, Jr., Air Corps, for appointment to temporary rank from March 11, 1940, as major in the Air Corps, Regular Army, under the provisions of law.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Regular Army.

Mr. McCARRAN, from the Committee on the Judiciary, reported favorably the following nominations:

David A. Pine, of the District of Columbia, to be an associate justice of the District Court of the United States for the District of Columbia, vice Joseph W. Cox, deceased; and

Edward M. Curran, to be United States attorney for the District of Columbia, vice David A. Pine, who has been nominated to succeed the late Joseph W. Cox as an associate justice of the District Court of the United States for the District of Columbia.

Mr. McCARRAN also (for Mr. KING), from the Committee on the Judiciary, reported favorably the nomination of John E. Hushing to be United States marshal for the district of the Canal Zone.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Roulhac Gewin to be United States marshal for the southern district of Alabama.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Henry C. Walthour to be United States marshal for the southern district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John E. Sloan to be United States marshal for the western district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters on the calendar.

Mr. McKELLAR. Mr. President, I have been asked by the senior Senator from Kentucky [Mr. BARKLEY] to allow the nomination of Dorothy B. Keeling to be postmaster at Camp Taylor, Ky., to remain on the calendar.

I ask unanimous consent that the rest of the postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nomination of Dorothy B. Keeling to be postmaster at Camp Taylor, Ky., will remain on the calendar.

Mr. BARKLEY. Mr. President, I will say by way of explanation that I have received a telegram asking that the nomination in question be held up until I receive a letter making some sort of protest against the nominee. I wish to see what the letter contains.

The PRESIDING OFFICER. Without objection, all the other nominations of postmasters on the calendar will be confirmed en bloc.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 20, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 19 (legislative day of March 4), 1940

COLLECTOR OF CUSTOMS

Martin O. Bement, of Buffalo, N. Y., to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y. Reappointment.

COAST GUARD OF THE UNITED STATES

The following-named persons to be officers in the Coast Guard of the United States, to take effect from date of oath:

TO BE CHIEF BOATSWAINS

Charles A. A. Modeer	William J. Eckel
John W. Leadbetter	Patrick H. O'Donnell
Ole J. Lilleoren	William M. Gifford
Ole Ericksen	Fritz K. Schlamp

TO BE CHIEF MACHINISTS

Joseph F. Lally	Frederick W. Short
Jesus Pereira	Junius H. Fulcher
Wilfred J. Kenney	Ray A. Hansberry
George A. Snow	

CONFIRMATIONS

Executive nominations confirmed by the Senate March 19 (legislative day of March 4), 1940

UNITED STATES MARSHALS

Roulhac Gewin to be United States marshal for the southern district of Alabama.

Henry C. Walthour to be United States marshal for the southern district of Georgia.

John E. Sloan to be United States marshal for the western district of Pennsylvania.

POSTMASTERS

CALIFORNIA

Ivy E. Reynolds, Byron.
George W. Hull, Camino.
Allan M. Davis, Exeter.
Callie R. Mason, Lost Hills.
Albert R. White, Monolith.
Dorothy M. Montgomery, Oceano.
Anna W. Scherrer, Placerville.
Charles H. Hayden, San Rafael.
Grady P. Hobson, Selma.
William Chester Barry, Soledad.
Harriet J. Gross, Wheatland.

FLORIDA

Elmer L. Grantham, Archer.
Douglas G. Perry, Avon Park.
Schubert S. Welling, Babson Park.
Ethel S. Pierce, Boynton.
Beulah L. Kunberger, Florence Villa.
Frederick F. Stump, Starke.
Mary L. Woodmansee, Valpariso.

KENTUCKY

Joseph V. Carder, Brownsville.
Anna Mary Bowne, Clearfield.
Lester Jeter, Hustonville.
Milton R. Snyder, Jr., Milton.
Robert J. Walker, Paint Lick.
Everett T. Breen, Stamping Ground.

LOUISIANA

Kenneth B. Anderson, Bogalusa.

MARYLAND

John W. L. McAvoy, Boonsboro.
Charles P. Anger, Garrison.
William D. Lovell, Jr., New Windsor.
Levin D. Lynch, Ocean City.
Clarence H. Chute, Pasadena.
Maurice T. Truitt, Pittsville.
Edward L. Bachtell, Smithsburg.
John O. Crapster, Taneytown.

NEW HAMPSHIRE

Ambrose P. McLaughlin, Bretton Woods.
Carl D. Roche, Keene.
Norman E. Perkins, Sunapee.
J. Arthur Lemaire, Suncook.

NEW MEXICO

Martin Baca, Belen.

OKLAHOMA

Belle Huntington, Luther.
Joseph L. Pryor, Olustee.
Albert M. Lewis, Stuart.
Rennie Alvin Bolar, Waynoka.

PENNSYLVANIA

Arthur R. Cramer, Bangor.
John J. Verbos, Steelton.

SOUTH DAKOTA

Amelia L. Rositch, Bowdle.
Bastian J. Kallemeyn, Hayti.

WEST VIRGINIA

Sally D. Lyon, Boomer.
James T. Murphy, Grafton.
Charles H. Corman, Spring Hill.
Joseph F. Graham, Tunnelton.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 19, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our most merciful Father, we rejoice that the night is not eternal and when it is gone there comes another day bringing with it a new, glad morning of hope and promise. O let us hear in our breasts the musings of the peace of God which passeth all understanding. Do Thou inspire us by the mercies of our Saviour to follow after love which is the soul's richest attainment and heaven's highest vocation. Knowledge may come, wisdom linger, but love never faileth. It is the oldest and the newest remedy for human ills because it is the divinest. We praise Thee that the everlasting arms are as dependable as the everlasting hills and humanity's hopes are realized in a dateless Christ. As heirs of an ageless kingdom, we look up to Thee with gratitude and praise. O Thou, who whispereth through the worlds of space, let us hear the music we hope to sing. In our Redeemer's name. Amen.

The Journal of the procedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendments to the bill (H. R. 8641) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

ROLAND HANSON

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1160) for the relief of Roland Hanson, a minor, and Dr. E. A. Julien, and insist on the amendments of the House, agree to the conference asked by the Senate, and appoint conferees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KENNEDY of Maryland, RAMSPECK, and THOMAS of New Jersey.

WARREN ZIMMERMAN

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4126) for the relief of Warren Zimmerman, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair

hears none, and appoints the following conferees: Messrs. KENNEDY of Maryland, RAMSPECK, and THOMAS of New Jersey.

VETERANS' BENEFITS

Mr. JARMAN. Mr. Speaker, by direction of the Committee on Printing, I report back a privileged resolution, Report No. 1810, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 409

Resolved, That a revised edition of the compilation containing information concerning monetary and other benefits available to persons who have served in the armed forces of the United States and their dependents pursuant to laws administered by the Veterans' Administration and other Government agencies, including the War Department and the Civil Service Commission, prepared by Hon. WRIGHT PATMAN, Representative from Texas, be printed as a House document; and that 20,000 additional copies thereof be printed for the use of the House document room.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield.

Mr. RICH. The gentleman will remember that in the meetings of the Committee on Printing I stated that I would have no objection to having this document printed providing the Veterans' Administration or someone in authority checked to see that the statements made by the distinguished gentleman from Texas were the laws as now enacted. Has this been accomplished?

Mr. JARMAN. Pursuant to the suggestion made by the gentleman, I may say that, while that probably has not been accomplished yet, I made inquiry this morning and have been assured by General Hines that it will be done.

Mr. RICH. Before the document is printed?

Mr. JARMAN. Before it is printed. It will not be printed for several months. This is merely authorization for the printing.

The SPEAKER. The question is on the resolution.

The resolution was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial entitled "Cuba's Vast Importance to the United States."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an editorial entitled, "Americans All," the slogan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEOUGH. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a speech released by Under Secretary of Commerce Noble with relation to employment facts in connection with the coming census.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. McKEOUGH. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a statement recently appearing in the Chicago Evening American by the financial editor indicating the earning power of corporations for the year 1939.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in two particulars: First, to insert a speech made by myself over the National Broadcasting System entitled "Government by a Minority Is Un-American," and also to print in the RECORD a news release from David Lasser, president of the Workers' Alliance, and a reply from M. S. Eccles, Governor of the Federal Reserve Board.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a letter written by Dr. John J. Tigert, president of the University of Florida, and one by Dr. W. S. Allen, president of the John B. Stetson University, of DeLand, Fla. These letters have to do with the National Youth Administration.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. HENDRICKS]?

Mr. RICH. Mr. Speaker, reserving the right to object, who made these addresses?

Mr. HENDRICKS. Dr. John J. Tigert, president of the University of Florida. It happens to be a letter, not an address. The other is a letter by Dr. W. S. Allen, president of John B. Stetson University.

Mr. RICH. They are just letters.

Mr. HENDRICKS. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. HENDRICKS]?

There was no objection.

EXCESS PROFITS OF WAR INDUSTRIES

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, on the first day of the present session I introduced a bill, H. R. 7645, which provides for a tax to be imposed on excess profits derived out of war trade. The reason for that bill was and is now that certain industries derive very great advantage from the present international situation which, however, operates to the positive detriment of other industries.

The facts in the case as revealed by actual experience amply bear this out. The Secretary of Agriculture, for example, in testifying before a Senate committee, pointed out that whereas we have had an increase of 410 percent in the exportation of aircraft engines and other types of munitions, on the other hand the export of wheat and wheat flour have declined 73 percent. The same is true with reference to the foreign trade in fruits, vegetables, tobacco, and other agricultural commodities.

The levying of this tax will not fall on normal profits but on abnormal profits due to war trade. It is a matter of justice that this bill be passed, particularly if by our failure to take such a step it would mean the curtailing of necessary activities on the part of the Government which are needed for our unemployed, our farmers, and other people at this time.

A few industries shared very large profits in the closing quarter of 1939. These were the industries most closely associated with munitions manufacture. But we know already that most American producers of peacetime goods are being hurt, not helped, by the wars abroad.

We have started a program of enabling needy and poorly nourished families to increase their consumption of farm products. This has meant more to eat for people who need food. It has also meant an expanded market for many farm commodities here at home. How logical, how fair, how truly Christian it would be to pass H. R. 7645, levy taxes on abnormal profits derived from shipping American resources abroad for war purposes and use the money to expand to the needy of the whole Nation this blue-stamp plan of the Surplus Commodities Corporation.

EXTENSION OF REMARKS

Mr. PATMAN asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to address the House today for 20 minutes at the conclusion of the business on the Speaker's table and after the disposition of the legislative business in order for the day and any other special orders that may have been entered.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include quotations from Chief Justice Hughes and the Supreme Court of the United States, as well as excerpts from the bill on civil rights.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter written by myself to a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Maine [Mr. BREWSTER]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Adrian (Mich.) Daily Telegram.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein excerpts from Supreme Court decisions pertaining to the bill H. R. 952.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include excerpts with reference to the Wheeler-Lea railroad bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. VAN ZANDT]?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Warsaw Record and Herald on one branch of farming.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. CLEVENGER]?

There was no objection.

MINE DISASTERS

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JENKINS]?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I take this time to discuss with the membership briefly the terrible calamity that has befallen the people of the vicinity of St. Clairsville, Ohio. I refer to the terrible mine explosion which has and is attracting the attention and sympathy of the whole Nation. Today around the entrance to this coal mine are thousands of people milling around awaiting confirmation of the sad fate which they well know has befallen about 60 miners whose bodies have not yet been taken from the mine. No doubt some have gone upon this scene out of curiosity but most of them who are there have gone because of the sympathy which rational people must have for those who have lost their relatives in such a terrible manner.

I have had reports from mine officials of much prominence and much experience and as they describe the results of this explosion one can in a small measure at least imagine the force of the explosion. Steel cars and steel motors were carried forward before the force of this explosion as if they were nothing. The entry of the mine which is the tunnel through which the men pass and the coal is hauled was practically closed up in many places because the force of the explosion was sufficient to tear down posts and to blow down slate and other natural supports used to hold the mine in workable condition.

The fact that the source of this explosion has not yet been determined is another source of worry because all persons will be under fear of similar explosion until it is determined what caused this explosion.

It appears now that more than 70 men have given up their lives in this terrible disaster. No one can visualize the terrorizing effect of such a disaster unless he has witnessed it. A few years ago a similar explosion occurred in one of the large mines in my district. Of that mine it has been said, as of the mine in which the recent explosion occurred, that it was a model mine and was looked upon as the last word in safety. One day when that mine was being inspected by experts who had come to see and to learn a great explosion occurred, killing more than 80 men. When I heard of the calamity I hastened to the place, but before I got there they had taken out all those who had been unable to make their own escape. More than 80 bodies had been stripped of their clothing and washed and laid side by side in some vacant rooms that were nearby this great mining industry.

To be in the crowd and to witness the terrorizing agony of the wives and children of these dead men was an experience which I never again want to undergo. From what I have said you would probably imagine that these wives and relatives would be hysterical and that their demonstrations of terror would be by shrieks and shouts, but that was not always the case. While I was there there was a terrible sense of depressing suspense that awed everybody into silence. Set jaws and blanched faces and far-away glances were characteristic of practically all the people there. Occasionally a few commands were given by those in charge of the crowds, but silence seemed to be the most marked depressing characteristic of that occasion. Wives would come forward with tearless eyes, and when discouraged in their determination to see the bodies of their deceased husbands, pushed aside all such advice and stoically marched up the steps and into the room to claim the bodies of their own husbands. Such a show of stoical courage I had never seen before. The well springs of tears and of sentiment had been frozen. Nothing was left but a sort of involuntary of subconscious psychology that drew these sorrowing people to their loved ones unconsciously and irresistibly.

No doubt at St. Clairsville today the same atmosphere is prevalent because human nature usually reacts the same under similar circumstances. I am sure that the sympathy of this Congress goes out to those who have lost their loved ones and to this whole community that has been so terribly shocked.

Likewise I feel that I can safely assure this Congress and the whole American people that these who have been bereaved and their friends and neighbors are deeply appreciative of the expressions of sympathy that are coming to them from all parts of these United States.

May we all as American citizens hope that never again shall another community be visited with such a devastating plague as has come upon the vicinity of St. Clairsville and may we as Congressmen feel it our duty should the occasion present to do what we can to prevent recurrence of such disasters.

Mr. Speaker, I think I can safely say that America mourns with those who mourn and appreciates the dangers that the coal miners of the Nation assume when they descend into the bowels of the earth among such terrible dangers and uncertainties to bring forth a product for the use and benefit of all the people.

ANNIVERSARY OF THE BIRTH OF WILLIAM JENNINGS BRYAN

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SNYDER]?

There was no objection.

Mr. SNYDER. Mr. Speaker, 80 years ago today there was born on the banks of the Platte River, in Nebraska, a scholar, humanitarian, statesman, and philosopher who was destined to perform a most important part in framing and building the network of many of the fundamental institutions within our

Nation that would live long after he had passed on to his reward.

Yes, my friends, William Jennings Bryan has gone to his reward; but as we look back over the pages of history, and especially the CONGRESSIONAL RECORD, we find that many of the principles for which he stood and advocated before he became a Member of Congress, while he was in Congress, and from that time on, have become realities, while at the time he advocated them they were looked upon as being far-fetched and fantastic.

In these days of trouble and turmoil throughout the world, the life of William Jennings Bryan lives afresh within the memories of those who really knew him.

In one of his monumental addresses, The Prince of Peace, he said in substance that there could be no real peace in any nation until the people of that nation accepted the Divine Father as the ruler of all. I believe if he were here today, he would say that there could be no real peace in certain of our overseas countries until there was a spiritual revival within the hearts of the people of those nations. Under the conditions existing today, I think Mr. Bryan would repeat the following portion of the address he delivered at Chautauquas in 1901 in which he said:

> Instead of trying to make our flag float everywhere, let us make it stand for justice wherever it floats—for justice between man and man, for justice between nation and nation, and for humanity always. And then the people of the world will learn to know and revere that flag, because it will be their protection as well as ours.

Many times as I sit here on the floor of the House and listen to my colleagues discuss the farm problem, I think of the Crown of Thorns speech which Mr. Bryan delivered on July 8, 1896, when he held spellbound those thousands who had gathered in the Convention Hall, in Chicago, with his wonderful appeal for better things in life. He made the strongest plea that was ever made for the farmers in that famous address when he said:

> Burn down your cities and leave our farms, and your cities will spring up again as if by magic; but destroy our farms and the grass will grow in the streets of every city in the country.

Again as we today grapple with our labor problem, I think of the same speech, where you will find the sentence that has been ringing down throughout the years since he uttered it on that historic occasion:

> You shall not press down upon the brow of labor this crown of thorns; you shall not crucify mankind upon a cross of gold.

Mr. Speaker, the deep-seated fundamentals necessary for the preservation of a democratic form of government such as ours were always strongly advocated and jealously guarded by this great humanitarian, and as the years go on more and more will we realize that William Jennings Bryan was truly a statesman, a philosopher, and a Christian gentleman who ever advocated the right.

CALL OF THE HOUSE

Mr. CASE of South Dakota. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. COSTELLO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 47]

Alexander	Cole, N. Y.	Harter, Ohio	Magnuson
Allen, Ill.	Creal	Healey	Mansfield
Barnes	Crosser	Hess	Martin, Ill.
Bates, Mass.	Crowther	Hinshaw	Mills, Ark.
Beam	Culkin	Hoffman	Monroney
Bender	Darrow	Hook	Moser
Blackney	Dies	Horton	Myers
Boehne	Ditter	Jarrett	Oliver
Bradley, Pa.	Douglas	Jeffries	Osmers
Brown, Ohio	Duncan	Johnson, Luther	Reed, Ill.
Buck	Fay	Keller	Reed, N. Y.
Buckley, N. Y.	Ferguson	Lambertson	Rockefeller
Burdick	Fernandez	Larrabee	Ryan
Burgin	Flaherty	Lewis, Ohio	Sabath
Byrne, N. Y.	Flannagan	McArdle	Sacks
Byron	Flannery	McCormack	Sandager
Casey, Mass.	Folger	McGranery	Scrugham
Cluett	Garrett	Maas	Seccombe
Coffee, Wash.	Gehrmann	Maciejewski	Secrest
Seger	Somers, N. Y.	Tinkham	Wigglesworth
Shannon	Starnes, Ala.	Wadsworth	Williams, Del.
Sheridan	Sumners, Tex.	Wheat	Wolcott
Smith, Ill.	Taylor	Whelchel	Wood
Smith, Va.	Tenerowicz	White, Idaho	
Smith, Wash.	Thomas, N. J.	White, Ohio	

The SPEAKER. Three hundred and thirty-two Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

C. Z. BUSH AND W. D. KENNEDY

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3481) for the relief of C. Z. Bush and W. D. Kennedy, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KENNEDY of Maryland, RAMSPECK, and THOMAS of New Jersey.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a speech I made before the Rivers and Harbors Congress.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

OMNIBUS PRIVATE CLAIMS BILL

The SPEAKER. The Clerk will call the first omnibus claims bill on the calendar.

The Clerk called the bill (H. R. 7338) for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 554. For the relief of Meta De Rene McLoskey)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay to Meta De Rene McLoskey, mother of Arthur Lee McLoskey, formerly a member of Company I, Forty-seventh Regiment United States Infantry, who disappeared on May 7, 1918, all such installments of money which she would be entitled to receive as beneficiary of policy No. T-2024764. The first of such installments shall be paid within 90 days from the date of the enactment of this act and continue during her natural life or until she has received the full amount of said policy.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 1, strike out all of title I.

Mr. COSTELLO. Mr. Speaker, the proposed bill is for the relief of Meta De Rene McLoskey. The claimant is the mother of a veteran who disappeared on May 7, 1918, just 3 days before his company sailed for France. According to the records of the War Department, this veteran did not sail with his company and the War Department has no record of him at any time subsequent to May 7, 1918.

The bill provides for the payment of a war-risk insurance policy to the mother, Mrs. McLoskey, the claimant in this bill. The veteran entered the service on March 29, 1918. On May 2 and until May 7 he was hospitalized for a skin disease, and thereupon disappeared completely. There has been no subsequent record of this soldier at any time.

The soldier was carrying two small insurance policies when he entered the service. Both policies provided payment at the end of 5 years in the event of his disappearance. These policies have been paid. The veteran also took out a World War risk insurance policy in the sum of $10,000, naming his mother as beneficiary.

The Veterans' Administration is opposed to this bill on the ground that the date of death cannot be proven. A legal suit was brought to recover under the policy, but that action was discontinued prior to judgment being rendered, on June 1, 1926. This bill has been before the Congress since the Seventy-first Congress. In the Seventy-fifth Congress the bill was passed but received a pocket veto.

It is my opinion, Mr. Speaker, that the bill should not be favorably considered by the House, and for that reason I have offered a motion to strike out the title.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that this payment will be made out of the veterans' insurance fund, in which other veterans who did not disappear during their service and who served at the front and paid their premiums have an interest?

Mr. COSTELLO. The gentleman is quite correct. There is no question but that the money would come out of the insurance fund; but as far as the premiums that are being paid into it are concerned, I may say to the gentleman that it is my understanding that the premiums paid on the insurance will in no way compensate the Government in the total amount the Government ultimately will pay out under the policies that have been issued to veterans of the World War.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Arkansas.

Mr. KITCHENS. If we adopt this precedent the House will have no other business to perform for a good long while because many thousands of these cases have been tried by the Federal courts and been disposed of in one way or another. Many of them have been lost there. If the claimants can now come to the Congress and get a new trial of these cases, we will be opening up a very broad field here, and it will be unfair and unjust to many other veterans.

Mr. COSTELLO. The gentleman is quite correct.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Do I correctly understand there has been a trial in court on the theory that this disappearance so long ago created a presumption of death, and that this trial has been decided against this claimant?

Mr. COSTELLO. No; a suit was instituted to collect under this insurance policy but before the case reached judgment the suit was withdrawn. As a result, no determination in the courts was had upon this particular case.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Oregon.

Mr. MOTT. Did I correctly understand the gentleman to say that his reason for now recommending that the House do not favorably consider the bill is the Presidential veto?

Mr. COSTELLO. No. I said I believe the bill should not be considered favorably because it is not meritorious, and also because the actual death of the veteran has not been proven. His disappearance is a strange incident. The Veterans' Administration is opposing the bill.

Mr. MOTT. A presumption of this veteran's death was created sufficient to satisfy the Prudential Life Insurance Co. that he was dead, and the company paid the claim, did it not?

Mr. COSTELLO. Two small policies were carried by the veteran, and those two policies have been paid.

Mr. MOTT. Why should it require more evidence to satisfy the Veterans' Administration of this veteran's death than it should to satisfy the Prudential Life Insurance Co.?

Mr. COSTELLO. Because of the requirement that the date of death must be proven in order to obtain payment upon an insurance policy issued by the Federal Government.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore (Mr. LANHAM). May the Chair inquire of the gentleman from Indiana if he introduced the original bill?

Mr. LUDLOW. I am the author of the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. LUDLOW. Mr. Speaker, I think the general observations made by my friend the gentleman from Arkansas [Mr. KITCHENS] and others who have discussed this bill are certainly well taken; but now let us look at the facts with respect to this particular measure.

My friend the gentleman from California, one of the ablest and most valuable Members of this House, states there is no evidence in the record to establish the death of this veteran. I do not believe the gentleman from California, with all of his great diligence and usefulness in ferreting these different measures, has looked into the record of this particular case. There is a lot of evidence in the record of this case that is not in the report. I am afraid the gentleman got his ideas about this bill entirely from the report. Notwithstanding his great capacity for hard work, he does not have time to go into the files of these cases to examine them in minute detail.

This veteran is reported by the War Department as missing since May 7, 1918, and not as missing in action, from which it is inferred that he was a deserter. He had at the time of his disappearance on May 7, 1918, war-risk insurance which would carry him until July 31, 1918. I wish you would bear this fact in mind.

There is in the file of the case letters which were sent to me from four of his comrades, who have stated over their signatures that they were with him when he was killed in action on June 29, 1918, or 2 days before his insurance expired.

I want to read to the House extracts from some of these letters. The War Department, you understand, has no record of his ever having gone overseas. These are his comrades speaking now.

Earl G. Reiser, rural route No. 1, Charlottesville, Ind., says:

> He was in my company and was wounded the same day that I was. That was in the afternoon of the 29th of July 1918 at Sergy, France. We were both hit with a high-explosive shell and one of his legs was very near torn off. We were taken to the first-aid station and they said that there was no chance for him. I was sent from there to Base Hospital No. 1 in Paris and Mr. McLoskey was left at the first-aid station, and I am sure that is where he died, for they had said that he did not have a chance to pull through.

This is one comment——

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman.

Mr. COSTELLO. May I ask the gentleman whether those letters were submitted to the committee at the time the bill was up for consideration?

Mr. LUDLOW. These letters have been in the hands of the committee for some time, but not when the first reports were made.

Mr. COSTELLO. I want to state to the gentleman——

Mr. LUDLOW. It seems to me the committee has followed the original report and has not given due consideration to this evidence.

Mr. COSTELLO. The fact is, they do not appear in the committee report, and this is the first I have heard of any such letters being submitted, and apparently the War Department is not aware of them.

Mr. LUDLOW. Let me read from some more letters.

Jerry Skaggs, another comrade, who was a mechanic, under date of July 2, 1935, in a letter to me states:

> Arthur Lee McLoskey was my buddy and we sailed for France on date of May 10, 1918, on transport *Caserta*. He was killed while by my side carrying ammunition for automatic rifles at Sergy, on Ourque River, on or about July 28 or 29, 1918. This was about 9 a. m. and the first day our company saw action.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. I have only 5 minutes and I want to make my case, if I can.

Mr. MOTT. I wanted to offer a helpful suggestion.

Mr. LUDLOW. Go ahead.

Mr. MOTT. The gentleman has read an affidavit from a comrade of this man, which affidavit said he was killed while he was at the side of that comrade. I will ask the gentleman if he does not think that in itself constitutes proof if there is nothing offered to the contrary?

Mr. LUDLOW. I certainly think so. I want to read the other letters.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. COSTELLO. Are these letters or signed affidavits?

Mr. LUDLOW. They are letters.

Mr. COSTELLO. Are they sworn to?

Mr. LUDLOW. They have not been sworn to, but they are bona fide letters, written to me. I obtained from the War Department the names of surviving comrades of this man, and wrote to them. That is how I got these replies.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. LUDLOW. Mr. Speaker, is it permissible for me to ask unanimous consent to proceed for 5 minutes further?

The SPEAKER pro tempore. Under the interpretation of the rules that request for an extension of time would not be in order.

Mr. LUDLOW. That being the case I would say that I have two more letters from comrades of this man who say they were with him when he was killed in action. I think the case is conclusive, and this amendment should be rejected.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to strike out title I.

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 33, noes 61.

Mr. COSTELLO. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-two Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 236, not voting 124, as follows:

[Roll No. 48]

YEAS—70

Allen, Pa.	Davis	Hobbs	Powers
Anderson, Calif.	Dondero	Holmes	Rogers, Okla.
Andrews	Doughton	Hope	Romjue
Beckworth	Doxey	Jenkins, Ohio	Schafer, Wis.
Brown, Ga.	Durham	Johnson, Lyndon	South
Bryson	Dworshak	Kean	Spence
Bulwinkle	Ellis	Kerr	Sumner, Ill.
Burch	Ford, Miss.	Kilburn	Taber
Byrns, Tenn.	Gamble	Kilday	Tarver
Cannon, Mo.	Gore	Kitchens	Terry
Case, S. Dak.	Gossett	Kleberg	Thomas, Tex.
Chapman	Guyer, Kans.	Kramer	Thomason
Cochran	Gwynne	Landis	Vorys, Ohio
Cooper	Halleck	McGehee	Vreeland
Costello	Hancock	McLean	Warren
Courtney	Hare	Norrell	West
Cox	Hart	O'Neal	
Crawford	Hartley	Pearson	

NAYS—236

Allen, La.	Cullen	Hall, Edwin A.	Leavy
Andersen, H. Carl	Cummings	Hall, Leonard W.	LeCompte
Anderson, Mo.	Curtis	Harness	Lemke
Andresen, A. H.	D'Alesandro	Harrington	Lesinski
Angell	Delaney	Harter, N. Y.	Lewis, Colo.
Arends	Dempsey	Harter, Ohio	Luce
Arnold	Dickstein	Havenner	Ludlow
Austin	Dingell	Hawks	Lynch
Ball	Dirksen	Hendricks	McAndrews
Barry	Disney	Hennings	McDowell
Barton	Ditter	Hill	McGregor
Bates, Ky.	Drewry	Hook	McKeough
Bell	Dunn	Houston	McLaughlin
Bland	Eberharter	Hull	McLeod
Boland	Edmiston	Hunter	McMillan, Clara G.
Bolles	Elliott	Izac	McMillan, John L.
Boren	Elston	Jarman	Mahon
Bradley, Mich.	Engel	Jenks, N. H.	Maloney
Brewster	Englebright	Jennings	Marcantonio
Brooks	Fenton	Jensen	Marshall
Buck	Fitzpatrick	Johns	Martin, Iowa
Buckler, Minn.	Flaherty	Johnson, Ill.	Martin, Mass.
Camp	Ford, Leland M.	Johnson, Ind.	Mason
Cannon, Fla.	Gartner	Johnson, Okla.	Massingale
Carlson	Gathings	Johnson, W. Va.	May
Carter	Gearhart	Jones, Ohio	Michener
Cartwright	Gerlach	Jones, Tex.	Miller
Celler	Geyer, Calif.	Jonkman	Mills, La.
Chiperfield	Gibbs	Kee	Monkiewicz
Church	Gifford	Keefe	Monroney
Clark	Gilchrist	Kefauver	Moser
Clason	Gillie	Kelly	Mott
Claypool	Goodwin	Kennedy, Md.	Mundt
Clevenger	Graham	Kennedy, Michael	Murdock, Ariz.
Coffee, Nebr.	Grant, Ala.	Kinzer	Murdock, Utah
Cole, Md.	Grant, Ind.	Kirwan	Murray
Colmer	Green	Kocialkowski	Nelson
Connery	Gregory	Kunkel	Nichols
Corbett	Griffith	Lambertson	O'Brien
Cravens	Gross	Lanham	O'Connor
O'Day	Reed, N. Y.	Secrest	Thorkelson
O'Leary	Rees, Kans.	Shafer, Mich.	Tibbott
O'Toole	Rich	Shanley	Tolan
Pace	Richards	Sheppard	Treadway
Parsons	Risk	Smith, Conn.	Van Zandt
Patman	Robertson	Smith, Maine	Vincent, Ky.
Patrick	Robinson, Utah	Smith, Ohio	Ward
Patton	Robsion, Ky.	Smith, Va.	Weaver
Peterson, Fla.	Rodgers, Pa.	Smith, W. Va.	Welch
Peterson, Ga.	Rogers, Mass.	Snyder	Wheat
Pfeifer	Routzohn	Sparkman	Whittington
Pierce	Rutherford	Springer	Williams, Mo.
Pittenger	Sasscer	Steagall	Winter
Poage	Satterfield	Stearns, N. H.	Wolfenden, Pa.
Polk	Schaefer, Ill.	Stefan	Wolverton, N. J.
Rabaut	Schiffler	Sutphin	Wood
Ramspeck	Schuetz	Sweeney	Woodruff, Mich.
Randolph	Schulte	Talle	Youngdahl
Rankin	Schwert	Thill	Zimmerman

NOT VOTING—124

Alexander	Darden	Johnson, Luther A.	Sacks
Allen, Ill.	Darrow	Keller	Sandager
Barden	DeRouen	Kennedy, Martin	Scrugham
Barnes	Dies	Keogh	Seccombe
Bates, Mass.	Douglas	Knutson	Seger
Beam	Duncan	Larrabee	Shannon
Bender	Eaton	Lea	Sheridan
Blackney	Edelstein	Lewis, Ohio	Short
Bloom	Evans	McArdle	Simpson
Boehne	Faddis	McCormack	Smith, Ill.
Bolton	Fay	McGranery	Smith, Wash.
Boykin	Ferguson	Maas	Somers, N. Y.
Bradley, Pa.	Fernandez	Maciejewski	Starnes, Ala.
Brown, Ohio	Fish	Magnuson	Sullivan
Buckley, N. Y.	Flannagan	Mansfield	Sumners, Tex.
Burdick	Flannery	Martin, Ill.	Taylor
Burgin	Folger	Merritt	Tenerowicz
Byrne, N. Y.	Ford, Thomas F.	Mills, Ark.	Thomas, N. J.
Byron	Fries	Mitchell	Tinkham
Caldwell	Fulmer	Mouton	Vinson, Ga.
Casey, Mass.	Garrett	Myers	Voorhis, Calif.
Cluett	Gavagan	Norton	Wadsworth
Coffee, Wash.	Gehrmann	Oliver	Wallgren
Cole, N. Y.	Healey	Osmers	Walter
Collins	Hess	Plumley	Whelchel
Cooley	Hinshaw	Rayburn	White, Idaho
Creal	Hoffman	Reece, Tenn.	White, Ohio
Crosser	Horton	Reed, Ill.	Wigglesworth
Crowe	Jacobsen	Rockefeller	Williams, Del.
Crowther	Jarrett	Ryan	Wolcott
Culkin	Jeffries	Sabath	Woodrum, Va.

So the motion to strike out was rejected.

The Clerk announced the following pairs:

General pairs:

Mr. Beam with Mr. Wadsworth.
Mr. Boykin with Mr. Knutson.
Mr. Caldwell with Mr. Alexander.
Mr. Collins with Mr. Jarrett.
Mr. Woodrum of Virginia with Mr. Darrow.
Mr. Mansfield with Mr. Jeffries.
Mr. Sullivan with Mr. Hoffman.
Mr. Keogh with Mr. Reed of Illinois.
Mr. Creal with Mr. Williams of Delaware.
Mr. Martin J. Kennedy with Mr. Sandager.
Mr. Boehne with Mr. Cole of New York.
Mr. Luther A. Johnson with Mr. Bolton.
Mr. Fernandez with Mr. Osmers.
Mr. Rayburn with Mr. Culkin.
Mr. Gavagan with Mr. Hess.
Mr. Sumners of Texas with Mr. Oliver.
Mr. Tenerowicz with Mr. Wolcott.
Mr. Whelchel with Mr. Short.
Mr. McCormack with Mr. Reece of Tennessee.
Mr. Starnes of Alabama with Mr. Bender.
Mr. Mills of Arkansas with Mr. Thomas of New Jersey.
Mr. Ferguson with Mr. Lewis of Ohio.
Mr. Flannagan with Mr. Douglas.
Mr. Maciejewski with Mr. Simpson.
Mr. Fulmer with Mr. Maas.
Mr. Fay with Mr. Horton.
Mr. Keller with Mr. Crowther.
Mr. Barden with Mr. Seger.
Mr. Cooley with Mr. White of Ohio.
Mr. Bloom with Mr. Fish.
Mr. Darden with Mr. Rockefeller.
Mr. Crosser with Mr. Plumley.
Mr. Burgin with Mr. Hinshaw.
Mr. Lea with Mr. Wigglesworth.
Mr. Dies with Mr. Seccombe.
Mr. Garrett with Mr. Allen of Illinois.
Mr. Folger with Mr. Tinkham.
Mr. Mouton with Mr. Brown of Ohio.
Mr. Vinson of Georgia with Mr. Cluett.
Mr. Casey of Massachusetts with Mr. Blackney.
Mr. Fries with Mr. Burdick.
Mr. Mitchell with Mr. Bates of Massachusetts.
Mr. Barnes with Mr. Myers.
Mrs. Norton with Mr. Buckley of New York.
Mr. Ryan with Mr. Bradley of Pennsylvania.
Mr. Sheridan with Mr. Evans.

Mr. Wallgren with Mr. Taylor.
Mr. Smith of Washington with Mr. Byron.
Mr. Byrne of New York with Mr. Sacks.
Mr. Healey with Mr. Merritt.
Mr. Sabath with Mr. Somers of New York.
Mr. Walter with Mr. Duncan.
Mr. Smith of Illinois with Mr. Coffee of Washington.
Mr. Scrugham with Mr. Crowe.
Mr. Faddis with Mr. Magnuson.
Mr. Larrabee with Mr. McArdle.
Mr. DeRouen with Mr. Edelstein.
Mr. McGranery with Mr. Jacobsen.
Mr. Shannon with Mr. Martin of Illinois.

Mr. CRAWFORD changed his vote "no" to "aye."

Mr. DURHAM changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. LUDLOW. Mr. Speaker, I submit to the House two more letters from comrades of the veteran, as follows:

CHICAGO, ILL., *August 7, 1935.*

Hon. LOUIS LUDLOW,
House of Representatives, Washington, D. C.

DEAR SIR: This will acknowledge receipt of your letter of August 1 relative to Arthur Lee McLoskey, a World War soldier in Company I, Forty-seventh United States Infantry, Fourth Division.

I am quite familiar with this case and gladly offer any assistance that I can give to help secure relief for his aged parents.

On the morning of July 28, 1918, he was a member of our company, present and accounted for. The following day we went into combat, and after we had been relieved and members of the company checked on July 31, he was missing and unaccounted for. We were unable to learn from any of the surviving members of the company whether he had been killed or taken prisoner, and for this reason carried him on our reports as "missing in action."

We investigated his case from every possible angle and could not determine what actually happened to him. My personal opinion is that he was blown to pieces by a direct shell explosion; however, if this was the case, there was no witness who could swear to that.

I have a complete roster of the company, and if you wish to correspond with any of the other members, please let me know and I will forward you a list of names and addresses.

If there is anything additional that I can do, please let me hear from you.

Yours very truly,

JOSEPH A. KUMMERER,
11403 Forest Avenue, Chicago, Ill.

POMONA, CALIF., *October 11, 1937.*

Hon. LOUIS LUDLOW,
House of Representatives, Washington, D. C.

DEAR MR. LUDLOW: In answer to your letter of September 9 with reference to Arthur Lee McLoskey, I would state the following:

During action at Sergy, France, July 29, 1918, I remember McLoskey as a member of a certain squad, which I saw just a few minutes before I was wounded myself, move into position under cover of a wild-rose bush. I was possibly 40 feet away when a large high-explosive shell struck this rose bush, by the fragment of which I was wounded. The bush was blown away and a large hole made in the ground.

While I never saw any member of this squad again alive or dead, they were all reported killed. It is my belief and opinion they were all destroyed beyond recognition and probably their identification tags were never found.

I have no records or documents which would be of any use as evidence in this case.

Very sincerely,

LOUIS T. ROBERTS.

I want the House to have all of the facts in my possession; and in justice to the Veterans' Administration, which opposes this bill, I will state that it adheres to its opposition, notwithstanding what I believe is the very conclusive nature of the evidence presented in these four letters. The Veterans' Administration conducted an investigation and reported to me that the writer of one of the letters, Joseph A. Kummerer, had repudiated the statement he made to me, but I never had any notice from the veteran to that effect. I believe in the absolute justice of the statement just made by the gentleman from Oregon [Mr. Mott], who said in effect that a statement from even one eyewitness who was a comrade of the veteran and who saw the veteran killed ought to be conclusive proof of the justice of this claim. I commend the Veterans' Administration for meticulous care in the administration of the veterans' law, but the long and ripe experience I have had with that Administration sometimes makes me wonder if it does not lean over backward in resolving every doubt against the veteran. These four letters were voluntarily written to me, without the slightest duress, and it seems impressive to me that, though they came from widely separated persons, none of whom had knowledge that the others had written, they agree as to the time and place of the infliction of the injuries in action which they say caused the death of the veteran. Louis T. Roberts, one of the comrades whose letter is quoted above, was captain of the company in which Mr. McLoskey served.

While there has been much official opposition to this bill, it has had the strongest possible support from the American Legion, which investigates these cases very thoroughly through its rehabilitation department. Capt. Watson B. Miller, the head of that department, enjoys in fullest measure the confidence of everybody on Capitol Hill. If Members of Congress want to know more about the merit of this bill I ask them to contact Captain Miller. He came up on the hill to help me to present it in hearings before congressional committees, so deep was his interest in it, and when he could not come in person he gave me letters to read to the committees. In a letter to me dated March 10, 1937, he said:

I am sincerely interested in the McLoskey bill, and I believe it worthy. You and I have been rather close to this situation for a number of years. I have not advocated in 14 years more than three or four special measures.

You can see how sincerely Captain Miller is interested in this old mother's claim when he includes it among the three or four special measures he has advocated in 14 years of wonderful service for the veterans as a whole.

It is true, as the gentleman from California [Mr. COSTELLO] has told you, that the President once vetoed this bill after it passed Congress, but knowing the President as I do, and believing as I do in his sense of justice, I do not believe he would have vetoed the bill if he had known all of the facts.

The record establishes the fact that the veteran's insurance was in force on and after the date his comrades testify this action took place. That being the case, I submit it is clear beyond any question that the veteran's mother is entitled to the benefits of the war-risk insurance carried by the veteran and that this bill is entirely meritorious and should pass.

The Clerk read as follows:

Title II—(H. R. 1361. For the relief of Henry Fischer)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay to Henry Fischer, the foster father of Edward R. Fischer (Army serial No. 3465043), late a corporal, Fifteenth Service Company, Signal Corps, United States Army, all such installments of money remaining unpaid on the insurance policy (numbered XC–66180) which he would be entitled to receive, and in the same manner as though the said Henry Fischer were within the restricted permitted class of beneficiaries for war-risk insurance.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 4, strike out all of title II.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. COSTELLO. Mr. Speaker, the present bill would pay to Henry Fischer the balance of a war-risk insurance policy in the sum of $5,724, now unpaid. Henry Fischer is the foster father of the World War veteran. The veteran at the age of 2 years was taken from a foundling home by the Fischers and reared by them. No formal adoption proceedings were had. When the veteran entered the service he took out a war-risk insurance policy and named therein as his beneficiary his foster mother. As a result of that, on his death she received 123 payments as beneficiary of that policy. She thereupon died and left 117 payments unpaid, a balance of $5,724. Under existing law the foster father, not being named as a beneficiary either in the policy or in the will of the deceased veteran, he is not entitled to receive the balance of the policy. Instead, under the law, the money is payable to the estate of the veteran if there are any heirs of his estate.

If not, the money escheats to the United States military and naval insurance appropriation. Under the law in the State of Minnesota, where the Fischers are domiciled, the foster father not having legally adopted the veteran, could not share in his estate. However, under the rulings of the Veterans' Administration the foster father is entitled to and does receive $20 monthly as foster parent of the deceased veteran. I might call to the attention of the House the fact that if this policy were paid to the foster father, the estate of the veteran might make claim to the money in the event some heirs might appear, such as his real parents, thereby causing double payment. Nevertheless, that is comparatively quite unlikely in this particular case. Under existing provisions of the law the foster father is not entitled to receive the balance due under this policy, and the Veterans' Administration opposes the enactment of this legislation. For that reason I have moved to strike out title II.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. COCHRAN. Does the gentleman say that this veteran had no father or mother other than the foster father and mother?

Mr. COSTELLO. Apparently that is correct. They reared him from the age of 2 years.

Mr. COCHRAN. And the gentleman says that he named as beneficiaries the foster father and mother?

Mr. COSTELLO. He named his foster mother solely as his beneficiary. He did not name his foster father. On the death of the mother the foster father, not having been named as beneficiary, could not receive any benefits under the policy.

Mr. COCHRAN. Did the mother receive the entire benefits payable under the policy?

Mr. COSTELLO. The mother received a little over one-half of the total payments under the policy.

Mr. COCHRAN. Did he recognize his foster father as his parent?

Mr. COSTELLO. There is no question of that here. He was reared by them since he was 2 years old up to the time he went to war and he looked on them as his parents.

Mr. COCHRAN. That answers my question.

Mr. COSTELLO. He was taken from a foundling home to Minnesota, and was reared by his foster parents, the Fischers.

My purpose in making this statement, Mr. Speaker, is to apprise the House concerning each of these bills. I have no personal interest in the current case one way or the other. I merely want to explain to the House what the situation is from the investigation made by the committee. It is up to the House to do what they wish with the bill, to approve its passage or to reject it.

Mr. COCHRAN. In view of all the circumstances, as expressed by the gentleman from California, I think the bill should be passed. In some States the foster father would be recognized.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. PITTENGER. So far as the record shows this boy was raised by these people as his foster parents, who later in life became dependent upon him. Is that correct?

Mr. COSTELLO. The gentleman has stated the case correctly, and the foster father is receiving $20 monthly pension from the Veterans' Administration because he is the foster father of a veteran.

Mr. PITTENGER. So far as the record shows there are no other heirs?

Mr. COSTELLO. Apparently there are no other heirs, not even the real parents. Had there been evidence that there were other heirs the balance of this policy would have been paid to the estate of the veteran and it would be paid out to those heirs.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. TERRY. Does the gentleman say that if this man had been the veteran's real father instead of his foster father that he would have been entitled to these payments as against the heirs?

Mr. COSTELLO. The gentleman is quite correct.

The only question that arises in this case is the fact that there was no legal adoption. Had there been a legal adoption the foster father would, under the Minnesota law, have been the heir to the estate of this veteran; but since he is not an heir to the estate, under our veterans' legislation, the Veterans' Administration cannot pay the money to the estate, because, if they did pay it to the estate, the money would escheat then to the State of Minnesota, and the law specifically provides that in such case the money, instead of escheating to the State of Minnesota, is to escheat to the United States military and naval insurance fund.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. CASE of South Dakota. What does the gentleman have to say with respect to that portion of the report which states that, while they took no legal steps of adoption, they did, however, go to the parish priest in their neighborhood and report the adoption of the child and effected a change of name, and thereafter considered him their adopted son?

Mr. COSTELLO. The officials went to New York and obtained this child from a foundling home, and the hospital records show there was the equivalent of adoption papers, so the report states, but, as far as Minnesota is concerned, there was no legal adoption. The child, however, was taken under proper papers from the foundling home in New York and the name was presumably changed on the parish records, but legally there was no adoption, and hence, under the law, there is no basis on which the Veterans' Administration would be able to pay the balance of this insurance to the foster father.

Mr. CASE of South Dakota. As I understand the purpose of these claim bills, it is that Congress can correct things where, under existing laws, there is no provision for their accomplishment.

Mr. COSTELLO. That is purely a question as to what the House might determine to do in this case.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. McKEOUGH. As I understood the gentleman's statement, there were no other heirs developed, that is, legally developed?

Mr. COSTELLO. So far as it appears, there are no other heirs.

Mr. McKEOUGH. How many years ago did this gentleman die?

Mr. COSTELLO. He died in service October 31, 1919.

Mr. McKEOUGH. So the probability of any heirs being developed is very remote?

Mr. COSTELLO. The gentleman is entirely correct.

[Here the gavel fell.]

Mr. PITTENGER. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota.

Mr. PITTENGER. Mr. Speaker, I think that the gentleman from California [Mr. COSTELLO] has been eminently fair in his statement of this case.

Mr. Speaker, this bill merely corrects a technicality, and I believe the motion to strike out the title should be voted down. The gentleman from California has called attention to this technicality, namely, that there was a failure to go through adoption proceedings.

If this claimant were the natural father, he would get the money. He, a stranger, took this boy and raised him. By every rule of equity he ought to receive these payments.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. VAN ZANDT. Is it not true that the soldier paid monthly premiums on this policy?

Mr. PITTENGER. I think the record shows that.

Mr. VAN ZANDT. Is it not true that the Veterans' Administration is simply asking Congress for authority to pay this claim?

Mr. PITTENGER. They do not do it in this report because of the fact there were no legal adoption papers executed.

Mr. VAN ZANDT. Then they ask the Congress of the United States to make it legal so they can pay it?

Mr. PITTENGER. They pass the buck to Congress. I think the motion to strike the title ought to be voted down. The vote here ought to be "no."

Mr. COSTELLO. Will the gentleman yield?

Mr. PITTENGER. I yield to the gentleman from California.

Mr. COSTELLO. I think the statements that have been made are a little too free. The Veterans' Administration does not approve the bill at all.

Mr. PITTENGER. I did not say they did.

Mr. COSTELLO. The gentleman from Pennsylvania sort of inferred that.

Mr. PITTENGER. They passed the buck.

Mr. COSTELLO. The Veterans' Administration is unable to recommend the bill to the favorable consideration of the committee. That is the statement they make.

Mr. PITTENGER. The Congress has to correct this defect by law. The vote here ought to be "no."

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. PITTENGER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. In my earlier statement I failed to mention that the hospital sent an agreement along with the boy at the time he was sent to these foster parents. I agree with the gentleman from Minnesota that equity here calls for the payment of the balance of this policy to the man who reared the boy.

Mr. BUCKLER of Minnesota. Will the gentleman yield?

Mr. PITTENGER. I yield to the gentleman from Minnesota.

Mr. BUCKLER of Minnesota. I do not see any reason why this father, after taking the boy and rearing him from the time he was 2 years old and taking care of him, as I understand it, after he came home from war, should not be paid.

Mr. PITTENGER. The gentleman is correct.

Mr. BUCKLER of Minnesota. I do not see any reason why through a little technicality here this father should not have the little pension that is coming to that boy as long as he reared him and took care of him all these years.

Mr. MASON. Will the gentleman yield?

Mr. PITTENGER. I yield to the gentleman from Illinois.

Mr. MASON. The vote on this motion will determine whether the Congress believes in equity and justice or whether the Congress is going to be finicky and take advantage of a situation that was overlooked in connection with the legal adoption of this boy, although to all intents and purposes adoption was completed.

Mr. PITTENGER. I think the gentleman is correct.

Mr. VAN ZANDT. Is it not true that since the World War veteran paid a monthly premium on this policy, that the Government is making no gift to the foster father; they are simply giving to the foster father what the veteran paid for?

Mr. PITTENGER. That is right.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO] to strike out title II of the pending bill.

The amendment was rejected.

The Clerk read as follows:

Title III—(H. R. 2014. For the relief of Margaret Redmond)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay, out of any money appropriated for the payment of pensions, to Margaret Redmond the sum of $5,257.50. Such sum represents pension which should have been paid to James Redmond, deceased husband of the said Margaret Redmond, for the period from December 1, 1923, to September 30, 1935, under the Indian wars' pension statutes, but an application for such pension made by him in the month of December 1923 was lost or mislaid without fault on his part, and he has not been paid pension for any period prior to September 30, 1935. The said James Redmond served as a private in Company B, Seventh Regiment United States Cavalry, from September 21, 1878, to September 20, 1883; was honorably discharged; and was 85 years of age at the time of his death on September 26, 1936.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 16, strike out all of title III.

Mr. COSTELLO. Mr. Speaker, the present bill directs the Veterans' Administrator to pay to the claimant $5,257.50, representing pension which would have been paid to her husband if his application for pension benefits had not been mislaid or lost. The husband, a veteran of the Indian wars, applied to his Representative for pension benefits on or about December 1, 1923. He did not file the application with the Pension Bureau but alleged that he filled out the blank in the office of his Representative upon whom he depended for its forwarding to the Veterans' Administration. A thorough search of the Veterans' Administration's files failed to reveal the existence of the application, and apparently no acknowledgment of the receipt thereof was ever forwarded to the veteran. There is no correspondence of record between the Veterans' Administration and this veteran concerning his application. He cannot produce the ordinary notification card which is sent on receipt of every application. He has stated in another application, which he executed on September 27, 1935, a second application which he made, that he had not previously made a claim for pension.

The deceased veteran contended that when no reply was received regarding the application he assumed he was not eligible and did not prosecute the matter further. On the basis of his application in 1935, he was allowed benefits from that date. That was, of course, the first application that actually reached the Veterans' Administration. He appealed from the decision of the Appeals Board, which sustained the decision of the Veterans' Administration, denying claimant's right to payments from time of making the alleged first application. The veteran died on September 26, 1936, and an award was made to his widow, the claimant herein, of a pension of $30 per month from October 26, 1936.

I might state in defense of the veteran that at the time he filled out his second application he alleges that he did not fully understand the questions that were asked him. He himself did not fill in the answers. He did so with the aid of a Legion official, who filled out his complete application. So he says he did not realize the nature of the questions when he was asked whether he had previously applied. I may also state that at that time he was approximately 80 years of age.

In conclusion, may I say that the Veterans' Administration opposes this bill, saying:

In view of the determinations made in this case, including that of the Board of Veteran Appeals, that there is total absence of any official information to establish the fact that the veteran submitted properly executed application, it is believed that the passage of this bill would be discriminatory.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I am a member of the Committee on Invalid Pensions, which has jurisdiction over pensions arising out of the Indian wars. Is it not a fact that that Indian war veteran legislation provides that pension shall commence from the date of filing the application therefor in the Bureau of Pensions and not in a Congressman's office or an agent's office?

Mr. COSTELLO. That is correct so far as the law is concerned. Of course, it is possible the Congressman failed to send it down, or, having sent it down, it was lost in the files of the Veterans' Administration. That is the contention which is made. The Veterans' Administration, of course, simply allege that the application was never received by them, hence they could not take any action upon it.

For that reason, Mr. Speaker, I have moved to strike out this title in the bill.

Mr. BELL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, as you already know, this is a bill for the relief of Margaret Redmond, an old lady out in Missouri, the widow of a man who, back in the late seventies and early eighties, was a volunteer in the forces of the United States, out there fighting those roving tribes of Indians. They were the men who reduced to civilization the territory out of which that great northwestern block of States was founded. Congress, recognizing that these men for their patriotism and their self-sacrifice were entitled to certain preferences, provided under the law that when they arrived at a certain age all they had to show was that they had fought in that war and had been honorably discharged.

This is a case where there is no dispute about Mr. Redmond having fought, and no dispute about his honorable discharge. There is no dispute that in 1935 he made an application, and from then on received his pension for that period. The bill involves the period from 1923 to 1935. There is no dispute about the amount. We claimed that he was entitled to $7,500, but the Veterans' Administration said, "No, it is only $5,200." We said, "All right." So we are agreed on that.

The only question involved in this case is the question of whether a proper application was filed; in other words, whether Mr. Redmond asked for what was coming to him back in 1923. The testimony shows that Henry L. Jost, a former Member of this House, in high standing, under oath, has made a statement that he did file that application back in 1923.

The Veterans' Administration takes the position that a Member of Congress under oath making that sort of a statement is not submitting any evidence whatever. They say, "We do not find any correspondence or any papers in our old files; therefore, the application was not filed."

I felt the innate justice of this claim and spent some time trying to look into it. I even went over to the Veterans' Administration and talked to some of the clerks there. Some of them said, "Now, do not mention our names, but we will very frankly admit that a lot of these papers were lost when we moved."

The whole question, Mr. Speaker, is whether or not the absence of these papers is evidence which overshadows the sworn testimony of a Member of this House, and I am telling you it is admitted that some of these papers have been lost. There has been a great disposition on the part of some departments to feel that the word of a Member of Congress is not evidence. I do not feel that way about it.

There is another point which was brought up, that when the application was filed in 1935 in that application there was a statement—you know how these statements are written in fine print—in which he said he had made no previous application. Let us be fair about this matter. At the time Mr. Redmond signed that little printed form he was a man past 80 years old, a man almost deprived of his sight and his hearing by his advanced age. He wanted to get this pension filed, and he wanted to get his papers fixed up. Someone came in and said, "Sign here." The Veterans' Administration is now taking advantage of a fine-print clause, a trick clause, if you please, in a statement filed by a veteran blind and weak and trembling in his old age, and it is trying to deprive him and his widow of the money that is justly due him under the law of the United States. Therefore, Mr. Speaker, I ask you to vote against this amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California to strike out the title.

The amendment was rejected.

The Clerk read as follows:

Title IV—(H. R. 2853. For the relief of Frank Burgess Bruce)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay to Frank Burgess Bruce, of Savannah, Ga., the father of Ashmead Ferguson Bruce, late a private, first-class, in Battery F, Sixty-first Regiment Coast Artillery Corps, discharged March 1, 1919, all such installments of money unpaid on war-risk insurance certificate No. T-1016361.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 3, beginning in line 8, strike out all of title IV.

Mr. COSTELLO. Mr. Speaker, the present bill directs the Veterans' Administrator to pay Frank Burges Bruce, of Savannah, Ga., the father of Ashmead Ferguson Bruce, a private in the Coast Artillery prior to his death, all moneys unpaid on a certain war-risk insurance certificate. The evidence shows that the decedent on January 6, 1918, applied for insurance in the amount of $10,000, naming his father as beneficiary. He was discharged from the service on March 1, 1919. The premium for April was paid on April 11, 1919. On July 19, 1919, there were received two envelopes postmarked July 17, 1919, one of which contained $6.50 and the other of which contained $12.80, premiums due on the policy.

The insured died on July 15, 1919. On November 11 a letter was written the beneficiary advising him that the policy had lapsed, but that consideration would be given to any evidence that premiums had been paid. In response the receipts for April 11 and for July 17 were presented. An award was therefore approved authorizing the payment of the insurance to the beneficiary in installments of $57.50 monthly. He received these until July 15, 1933, when payments were stopped, effective on that date. The insurance lapsed for nonpayment of the premium due May 1, 1919. It could not have been in force at the time of the veteran's death unless it was reinstated during his lifetime.

If reinstatement had been accomplished, the date would have been the date of the receipt of the premium, the date upon which the premiums were placed in the mail being accepted as the date of receipt. However, the premiums were not placed in the mail until July 17, 1919, 2 days following the date of death of this veteran. For that reason the policy was not reinstated during the lifetime of the veteran. The amount which the beneficiary has already received in excess of $9,000 is, in fact, an overpayment, a payment that was not really due. However, because of the beneficiary's financial condition, no attempt has been made to recover the amount that has been paid.

The explanation which is offered by the beneficiary alleges that the brother of the veteran left two envelopes which had been addressed to the Veterans' Administration by the veteran prior to his death in a post-office substation located in a drug store in Savannah. The letters were to have been registered and mailed on the 14th or 15th of July. They allege the brother left them there at that time, but apparently they were not mailed out until 2 days after the death, judging from the postmarks.

The Veterans' Administration strongly opposes the bill because of the fact that various similar cases are being presented from time to time, and to grant relief in this particular case would work an injustice in other cases of a similar nature where relief should possibly be granted if it is to be in this particular instance. For this reason I have offered this motion to strike out the title and recommend that it be agreed to.

Mr. PETERSON of Georgia. Mr. Speaker——

The SPEAKER pro tempore. Did the gentleman from Georgia introduce this bill?

Mr. PETERSON of Georgia. I did, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PETERSON of Georgia. Mr. Speaker, my good friend the gentleman from California [Mr. COSTELLO] has correctly stated the facts with reference to this claim, and from a strictly technical standpoint, probably, the Government or the Veterans' Administration is correct in its contention. This, however, is the true situation. This veteran placed in a post-office substation in the city of Savannah, Ga., funds which paid all premiums due on this policy. The letter containing these payments was placed in the substation on July 14. After they had been placed in the substation this veteran was in an automobile wreck, and as a result of injuries sustained in that wreck he died on the following day, July 15.

The money which he placed in the mails the day before his death did not reach the Veterans' Administration until after his death.

This case was considered and reviewed by the Veterans' Administration. It was determined that this veteran had met the requirements of the law and the Veterans' Administration proceeded to pay his father, the beneficiary under this policy, the amounts due until they had paid the total sum of $9,660. At that time the beneficiary, who was suffering financial adversities, contacted the Veterans' Administration and asked if it was possible for him to receive advance payments in order to meet certain payments due on his home which was in process of being foreclosed. The Veterans' Administration then proceeded to review the case and determined not to pay him anything further. However, no additional evidence of any nature whatsoever was presented when this last review was made by the Veterans' Administration, and no new evidence had been submitted warranting either a review of the case or the revoking of the decision of the Veterans' Administration to pay the claim.

I think the case is correctly stated by the Claims Committee when it says that this appears to be a clear case wherein the Government has taken advantage of a technicality to discontinue payment of installments of money remaining unpaid on an insurance contract which the insured believed to be in good standing at the time of his death, and which, I wish to add, the insured did everything within his power to see was in good standing at the time of his death, and it was no fault on the part of the insured that the money was not received by the Veterans' Administration previous to the time of his death.

It is evident, Mr. Speaker, that this is a case where the Veterans' Administration is taking advantage of a clear technicality, and under the rules of equity and fairness and justice the remaining portion of this outstanding insurance policy should be paid to this beneficiary.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO] to strike out the title.

The question was taken; and on a division (demanded by Mr. COSTELLO) there were—ayes 29, noes 46.

Mr. COSTELLO. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. The gentleman from California makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twelve Members present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 227, not voting 120, as follows:

[Roll No. 49]

YEAS—83

Allen, Pa.	Dondero	Halleck	May
Andersen, H. Carl	Doughton	Hancock	Michener
Anderson, Calif.	Durham	Hartley	Miller
Andresen, A. H.	Dworshak	Hobbs	Murray
Andrews	Faddis	Holmes	O'Neal
Arends	Ford, Leland M.	Hope	Pierce
Barton	Ford, Thomas F.	Hull	Plumley
Bradley, Mich.	Gamble	Jensen	Rich
Bryson	Gartner	Johns	Robertson
Buck	Gearhart	Johnson, Ind.	Rogers, Okla.
Bulwinkle	Gerlach	Jonkman	Schwert
Byrns, Tenn.	Gifford	Kean	Springer
Carlson	Gilchrist	Keefe	Stefan
Carter	Gillie	Kilburn	Sumner, Ill.
Clason	Goodwin	Kitchens	Taber
Claypool	Gore	Kunkel	Tinkham
Cochran	Gossett	Lanham	Vorys, Ohio
Costello	Grant, Ind.	LeCompte	Warren
Crawford	Gwynne	Lemke	West
Crowe	Hall, Edwin A.	McGehee	Whittington
Dempsey	Hall, Leonard W.	Martin, Mass.	

NAYS—227

Allen, La.	Barry	Boren	Cannon, Fla.
Anderson, Mo.	Bates, Ky.	Boykin	Case, S. Dak.
Angell	Beckworth	Brewster	Celler
Arnold	Bell	Brooks	Chapman
Austin	Bland	Brown, Ga.	Chiperfield
Ball	Boland	Buckler, Minn.	Church
Barnes	Bolles	Byron	Clark
Clevenger	Havenner	Marcantonio	Schiffler
Coffee, Nebr.	Hawks	Marshall	Schuetz
Cole, Md.	Hendricks	Martin, Iowa	Schulte
Colmer	Hennings	Mason	Secrest
Connery	Hill	Massingale	Shafer, Mich.
Cooper	Hook	Mills, La.	Shanley
Corbett	Houston	Monkiewicz	Simpson
Courtney	Izac	Monroney	Smith, Conn.
Cox	Jarman	Moser	Smith, Maine
Cravens	Jenkins, Ohio	Mott	Smith, Va.
Creal	Jenks, N. H.	Mundt	Smith, Wash.
Culkin	Jennings	Murdock, Ariz.	Smith, W. Va.
Cullen	Johnson, Ill.	Nelson	Snyder
Curtis	Johnson, Luther A.	Nichols	Somers, N. Y.
D'Alesandro	Johnson, Lyndon	Norrell	South
Davis	Johnson, Okla.	Norton	Sparkman
Delaney	Johnson, W. Va.	O'Connor	Spence
Dickstein	Jones, Ohio	O'Day	Steagall
Dingell	Jones, Tex.	O'Leary	Stearns, N. H.
Dirksen	Kee	O'Toole	Sumners, Tex.
Doxey	Kelly	Pace	Sutphin
Drewry	Kennedy, Martin	Parsons	Sweeney
Dunn	Kennedy, Md.	Patman	Talle
Eaton	Kennedy, Michael	Patrick	Tarver
Eberharter	Keogh	Patton	Terry
Edmiston	Kerr	Pearson	Thill
Elliott	Kilday	Peterson, Ga.	Thomas, Tex.
Ellis	Kinzer	Pfeifer	Thomason
Elston	Kirwan	Pittenger	Thorkelson
Engel	Kleberg	Poage	Tibbott
Englebright	Kocialkowski	Polk	Tolan
Evans	Kramer	Powers	Treadway
Fenton	Lambertson	Rabaut	Van Zandt
Flaherty	Landis	Ramspeck	Vincent, Ky.
Ford, Miss.	Leavy	Randolph	Voorhis, Calif.
Fulmer	Lesinski	Rankin	Vreeland
Gathings	Lewis, Colo.	Rees, Kans.	Wallgren
Gavagan	Luce	Richards	Ward
Geyer, Calif.	Ludlow	Risk	Welch
Gibbs	Lynch	Robinson, Utah	Wheat
Graham	McAndrews	Robsion, Ky.	Williams, Mo.
Grant, Ala.	McDowell	Rodgers, Pa.	Wolcott
Green	McGregor	Rogers, Mass.	Wolfenden, Pa.
Gregory	McKeough	Romjue	Wolverton, N. J.
Griffith	McLaughlin	Routzohn	Wood
Guyer, Kans.	McLeod	Rutherford	Woodruff, Mich.
Hare	McMillan, Clara G.	Sasscer	Woodrum, Va.
Harness	McMillan, John L.	Satterfield	Youngdahl
Harrington	Mahon	Schaefer, Ill.	Zimmerman
Harter, Ohio	Maloney	Schafer, Wis.	

NOT VOTING—120

Alexander	Darden	Jarrett	Reed, N. Y.
Allen, Ill.	Darrow	Jeffries	Rockefeller
Barden	DeRouen	Kefauver	Ryan
Bates, Mass.	Dies	Keller	Sabath
Beam	Disney	Knutson	Sacks
Bender	Ditter	Larrabee	Sandager
Blackney	Douglas	Lea	Scrugham
Bloom	Duncan	Lewis, Ohio	Seccombe
Boehne	Edelstein	McArdle	Seger
Bolton	Fay	McCormack	Shannon
Bradley, Pa.	Ferguson	McGranery	Sheppard
Brown, Ohio	Fernandez	McLean	Sheridan
Buckley, N. Y.	Fish	Maas	Short
Burch	Fitzpatrick	Maciejewski	Smith, Ill.
Burdick	Flannagan	Magnuson	Smith, Ohio
Burgin	Flannery	Mansfield	Starnes, Ala.
Byrne, N. Y.	Folger	Martin, Ill.	Sullivan
Caldwell	Fries	Merritt	Taylor
Camp	Garrett	Mills, Ark.	Tenerowicz
Cannon, Mo.	Gehrmann	Mitchell	Thomas, N. J.
Cartwright	Gross	Mouton	Vinson, Ga.
Casey, Mass.	Hart	Murdock, Utah	Wadsworth
Cluett	Harter, N. Y.	Myers	Walter
Coffee, Wash.	Healey	O'Brien	Weaver
Cole, N. Y.	Hess	Oliver	Whelchel
Collins	Hinshaw	Osmers	White, Idaho
Cooley	Hoffman	Peterson, Fla.	White, Ohio
Crosser	Horton	Rayburn	Wigglesworth
Crowther	Hunter	Reece, Tenn.	Williams, Del.
Cummings	Jacobsen	Reed, Ill.	Winter

So the motion to strike out was rejected.

The Clerk announced the following additional pairs:

Additional general pairs:

Mr. Disney with Mr. Ditter.
Mr. Cannon of Missouri with Mr. Reed of New York.
Mr. Weaver with Mr. Knutson.
Mr. Burch with Mrs. Bolton.
Mr. Cummings with Mr. McLean.
Mr. Peterson of Florida with Mr. Hess.
Mr. Murdock of Utah with Mr. Maas.
Mr. Hunter with Mr. Winter.
Mr. Cartwright with Mr. Harter of New York.
Mr. Rayburn with Mr. Darrow.
Mr. Camp with Mr. Smith of Ohio.
Mr. Maciejewski with Mr. Sandager.
Mr. Folger with Mr. Oliver.
Mr. Fitzpatrick with Mr. O'Brien.
Mr. Kefauver with Mr. Reed of Illinois.
Mr. Tenerowicz with Mr. Williams of Delaware.
Mr. Buckley of New York with Mr. Scrugham.
Mr. Magnuson with Mr. Myers.
Mr. Sheridan with Mr. Crosser.

Mr. PEARSON changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Clerk will report the next title.

The Clerk read as follows:

Title V—(H. R. 5719. Conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans made to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War)

That jurisdiction is hereby conferred upon the Court of Claims of the United States, whose duty it shall be, notwithstanding the lapse of time or the bar of statute of limitations or any previous decisions by any court, board, or commission, to hear, consider, and render judgment against the United States in favor of said Joliet National Bank, of Joliet, Ill., and said Commercial Trust & Savings Bank, of Joliet, Ill., or either of them, or any receiver or successor of either of them, for any losses that said Joliet National Bank and said Commercial Trust & Savings Bank, or either of them, may have sustained as a result of loans made by said Joliet National Bank and said Commercial Trust & Savings Bank, or either of them, to the Joliet Forge Co., of Joliet, Ill., for the purpose of providing and furnishing additional plant facilities, equipment, or materials for the construction of steel forgings during the World War as if the same were claims against the United States; and if any other legal or equitable claims arising out of the transactions in connection therewith; but no recovery shall be had for any losses in excess of the losses that shall be affirmatively shown to have been caused by the failure of the United States to comply with its obligations to and with either the Joliet Forge Co., of Joliet, Ill., the Joliet National Bank, of Joliet, Ill., or the Commercial Trust & Savings Bank, of Joliet, Ill., or either of them: *Provided*, That separate suits may be brought by each of said Joliet National Bank and Commercial Trust & Savings Bank or their receivers or successors, or both, may be joined in one suit and separate judgments may be rendered according as their separate interests may appear, but no suit shall be brought after the expiration of one from the effective date of this act: *Provided further*, That any evidence or testimony heretofore offered before any court, board, or commission, with respect to these transactions, together with the exhibits therein offered, may be introduced before the Court of Claims, with the full force of depositions, subject to objections as to relevancy and materiality: *And provided further*, That either party shall have the same right to a review by the Supreme Court of the United States of any decision by the Court of Claims as now exists by law in other cases decided by the Court of Claims.

Mr. MOTT. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MOTT: Page 3, beginning in line 17, strike out all of title 5.

Mr. MOTT. Mr. Speaker, I offer this amendment for the purpose of raising a question and if the question is satisfactorily answered, I shall have no further objection to the consideration of the bill; and in this connection I may say that I know of no way of raising the question except by a motion to strike out the item.

In its original form this was a claim of the Joliet Forge Co. against the United States. That bill was passed by the House and Senate but received a pocket veto from the President; and I assure you that the fact that it received a pocket veto from the President would not in any way prejudice me against the bill.

This is the question I wish to raise. I am not able to understand how the two banks of Joliet, who are now the claimants under the pending bill, are proper parties to this legislation or to the litigation contemplated in it. There is some indication that the Joliet Forge Co. would have at least a moral claim against the Government, because the testimony shows that the manager of the supply division of the Emergency Fleet Corporation, during the war, did direct this forge company to increase the facilities of its plant, and because the company complied with the order, and thereby incurred indebtedness, it had a claim against the Government; a claim which properly could have been considered by the Court of Claims or by the Congress. For that reason, if the Joliet Forge Co. or its general creditors were the claimants under this bill, I would have no hesitancy whatever in having the claim submitted to the Court of Claims.

However, the banks and not the forge company or its general creditors are the claimants here. Because the banks loaned this forge company money does not create any contract obligation between the banks and the Government. That does not make the banks parties at all to this proposed litigation, and it does not entitle them to be claimants in this bill. I take it that the forge company is now defunct, for otherwise this matter would have been brought in the name of the Joliet Forge Co. and not in the name of the banks.

The committee report discloses that the banks loaned money to this forge company and that they are bringing this claim for the purpose of reimbursing themselves for the money that they loaned the corporation. The question I am raising is, How does this state of facts create an obligation on the part of the Government to the banks? If whoever is sponsor for this bill can tell me by what right in law or equity it would be proper for the banks to come here and recover from the Government the money they loaned to the Joliet Forge Co., while leaving out of consideration altogether the general creditors of the defunct Joliet Forge Co., then I shall have no further objection to the bill. I think, however, the House is entitled to a full statement on this point before it considers the bill.

Mr. DIRKSEN. Mr. Speaker, I rise in opposition to the motion of the gentleman from Oregon. The pending bill was introduced by the gentleman from Illinois [Mr. REED] because the city of Joliet happens to be in his congressional district. The facts are essentially as stated by my good friend the gentleman from Oregon [Mr. MOTT]. It is rather a singular thing about war claims that when the hysteria and emotionalism of war possessed the country we had agents of the Government and agents of governmental agencies going about the country exhorting manufacturers to go into debt for the purpose of producing war essentials, and that is the reason why the Joliet Forge Co., which was manufacturing steel forgings for the United States Shipbuilding Corporation and the Emergency Fleet Corporation and other governmental agencies, was exhorted by the district manager or inspector for one of the corporations of the Government to expand its plant to 300 percent of the then present capacity within the space of 120 days.

That is a tremendous financial demand to make upon any industry, but they addressed themselves to the job and had to go to the banks in Joliet, Ill., for the purpose of procuring funds.

It was also indicated to them at the time that if they could not get funds from the bank there would be the possibility of a Government loan. As a result, they expanded the plant. When the war finally spun into an armistice, followed by a peace, here was a considerable plant the capacity of which was absolutely useless both to this company, to the city of Joliet and its environment, because there was no longer that great impact of war business. Here, however, was a debt of perhaps $100,000 or more than $100,000 in the first instance, so what should they do?

Finally, the company became defunct, and I assume—although I cannot say as a matter of fact, not having been the sponsor of the bill—that the assets were no doubt assigned to the banks of Joliet. Since that time, under the banking holiday of 1933, to my own certain knowledge, these banks encountered difficulties; and today, or at that time at least, a receiver was in charge; and it was the receiver who indicated that a claim should be made in behalf of the funds or the moneys that rightly were owed by the United States Government to the Joliet Forge Co. That is the situation.

The gentleman from Oregon raises the question of privity of contract. This is a matter on which lawyers can discourse at great length, but I do not propose to weary you with a great legal discourse on the general subject of privity, because it occupies great tomes in the learned profession of the law. I do say, however, that when an agency of the Government comes to a plant and says, "Expand your plant," then business with the company ceases and the company finally becomes defunct with the bank holding the bag, meaning that the depositors and the stockholders hold the bag; then, irrespective of very fine meticulous legal distinctions that may enter into the picture, there is a moral obligation that the Federal Government ought to undertake in this bill.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. If the gentleman will just indulge me a moment, then I will yield.

This bill does not take any money out of the Treasury. It is a jurisdictional bill and asks the right to go before the Court of Claims irrespective of any statutes or the operation of the statute of limitations for the purpose of there presenting this claim and laying down the essential facts.

It was said that the bill was vetoed before, and that is true—by a pocket veto because the Comptroller's Office had not gotten to the White House, I expect, before the veto was finally entered in order to bring out the other side of the picture. Since that time, however, new language has been incorporated into the bill, and this language reads as follows:

No recovery shall be had for any losses in excess of the losses that shall be affirmatively shown to have been caused by the failure of the United States to comply with its obligations to and with either the Joliet Forge Co., of Joliet, Ill., the Joliet National Bank, of Joliet, Ill., or the Commercial Trust & Savings Bank, of Joliet, Ill., or either of them.

All this bill seeks to do, therefore, is to confer jurisdiction upon the Court of Claims to hear evidentiary and substantive facts.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MOTT. Assume, for the sake of argument, that all the gentleman says is true—and I imagine it is, although the evidence set out in the printed report does not show it—but even though it be true and recovery is had, the proceeds of that recovery would go, not to the creditors of the concern which had a claim against the Government but to the banks between which and the Government there was absolutely no contractual obligation whatever. Does the gentleman think that is fair?

Mr. DIRKSEN. Yes; I do, for this reason: In the first place, the banks were creditors of the Joliet Forge Co.; and, secondly, if there were any other creditors whose claims were not assigned to the bank or purchased by the bank, it is up to the creditors themselves to prefer their claims against the Government to protect their rights or interests. They failed to do so. That is their hard luck, but that is no reason why the position of the banks ought to be impaired.

Mr. MOTT. In this claim, as I see it, the banks of Joliet are bringing a claim against the Government to collect money they lent to a corporation which in turn claimed it had a contractual obligation with the Government. I do not feel that the Government should pay any money whatever out to the creditors or stockholders of this defunct corporation. It certainly should not prefer one creditor, namely, the bank, to all the rest of the creditors.

Mr. DIRKSEN. Whether by law or by morals, it occurs to me that the two banks were subrogated to the position once occupied by the Joliet Forge Co., and that is privity enough, so far as I am concerned, in justifying the right to let this claim go before the Court of Claims for final disposition.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oregon.

The amendment was rejected.

Mr. HANCOCK. Mr. Speaker, there are two slight inaccuracies in this title. I ask unanimous consent to strike out the word "if," in line 18, page 4, and on page 5, line 8, after the word "one," to insert the word "year." Obviously there is an omission in one place and an extra word in the other place.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. HANCOCK]?

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, what title did the gentleman direct his amendment to?

Mr. DIRKSEN. Title V.

Mr. HANCOCK. It is simply to correct an obvious mistake in language.

The SPEAKER pro tempore. Without objection, the corrections indicated by the gentleman from New York [Mr. HANCOCK] will be made.

There was no objection.

The Clerk read as follows:

Title VI—(H. J. Res. 156. Authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President)

Whereas it is provided in the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel" (ch. 53, 40 Stat. L., approved August 10, 1914, and ch. 125, 40 Stat. L., approved March 4, 1919), wherein the President was authorized to determine and fix a guaranteed price, to be paid producers of wheat, and wherein the President was further authorized as follows:

"Whenever the President shall find it essential in order to carry out the guaranties aforesaid, or to protect the United States against undue enhancement of its liabilities thereunder, he is authorized to make reasonable compensation for handling, transportation, insurance, and other charges with respect to wheat and wheat flour of said crops and for storage thereof in elevators, on farms and elsewhere"; and

Whereas the President by an Executive Order No. 3087, dated May 14, 1919, in pursuance of the power conferred on him by said act, did order as follows:

"I further find it essential and hereby direct that in order to carry out the guaranties made producers of wheat of the crops of 1919, and to protect the United States against undue enhancement of its liabilities thereunder the United States wheat director utilize the services of the Food Administration Grain Corporation (now the United States Grain Corporation by reason of a change of name authorized by Executive order) as an agency of the United States, and I authorize the Food Administration Grain Corporation * * * to enter into such voluntary agreements, to make such arrangements, and to do and perform all such acts and things as may be necessary to carry out the purposes of said act"; and

Whereas the United States Grain Corporation, in pursuance of said Executive order, and for the purpose of carrying out and making effective the guaranteed price, made and entered into, a certain contract, known as the "Grain dealers' agreement," with various independent and farmer grain firms and grain-elevator companies in Montana, North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Iowa, Missouri, Wyoming, and Oklahoma, and wherein it was agreed as follows:

"Fourth. In case the dealer (the elevator firms) shall be unable, after using every effort and all diligence to ship in any week such total of grain as makes the equivalent of at least 20 percent of the amount of wheat in his elevator and owned by him at the beginning of such week, the Grain Corporation shall pay to the dealer to cover insurance and interest for such week seven-twentieths of 1 cent per bushel on wheat in the elevator owned by him at the beginning of such week"; and

Whereas the President, in an Executive Order No. 3320, dated August 21, 1920, did approve, ratify, and confirm all acts done or authorized by the said United States Grain Corporation in carrying out and making said guaranteed price effective; and

Whereas all said grain dealers (the elevator firms) under the terms of said dealers' contract were required by said United States Grain Corporation to, and in accordance therewith each said grain dealer did, make prescribed written weekly reports to said United States Grain Corporation; and in due course there was duly and truly entered from said weekly reports upon the books of said United States Grain Corporation as money earned by said grain dealers, and each of them under the terms of said contract, and as justly due and truly owing to each said grain dealer from the United States Grain Corporation, the several sums of money, as reported by the Department of Commerce in its reports filed with the Secretary of the Senate, to which reports reference is hereinafter made; and

Whereas all the records, books of account, and files of the United States Grain Corporation were placed in the custody of the Department of Commerce by and pursuant to an Executive Order No. 4791 of the President, dated the 31st day of December 1927, and were in the custody of the Department of Commerce at the time of the making and filing with the Senate of the reports of the Department of Commerce hereinafter mentioned; and

Whereas on the 18th day of June 1929 the Senate of the United States duly adopted Senate Resolution 98 (71st Cong., 1st sess.), directing the Department of Commerce to furnish the Senate and file with the Secretary of the Senate the names and addresses of each person, firm, or corporation as they appear on the books and records of the United States Grain Corporation, who have, or appear to have, therefrom, a claim against the United States Grain Corporation or the United States, unpaid, in whole or in part, for such interest and insurance under and by virtue of said contract; and the respective amounts entered on said books and records as apparently earned by each said person, firm, and corporation under and by virtue of said contract; and

Whereas in pursuance of said resolution (No. 98) of the Senate, the Department of Commerce, subsequent to the adoption thereof

and prior to the 14th day of December 1929, did furnish the Senate and did file with the Senate written reports wherein the Department of Commerce set forth the names and addresses of divers persons, firms, corporations, and grain dealers, and therein, further, did set forth opposite said names and addresses the respective amounts actually entered upon the records and books of the said United States Grain Corporation as accrued under the terms of said grain dealers' contract, to said persons, firms, corporations, and grain dealers; reference to said reports so filed being hereby made for greater particularity; and

Whereas it appears from said reports of said Department of Commerce, so filed with the Senate, that all the amounts and credits due from said United States Grain Corporation under said grain dealers' contract to the persons, firms, and corporations named in said report still remain unpaid; and

Whereas said persons, firms, corporation, and grain dealers named in said reports of said Department of Commerce are now, and heretofore have been, making claim for payment thereof: Now, therefore, be it

Resolved, etc., That the Comptroller General of the United States, upon the filing with his office of an affidavit by any person, firm, corporation, or grain dealer named in said reports of the said Department of Commerce, so filed with the Secretary of the Senate, or by an officer of said person, firm, corporation, or grain dealer, or the successor or legal representative of such person, firm, corporation, or grain dealer, stating that the person, firm, corporation, or grain dealer making said affidavit is the identical person, firm, corporation, or grain dealer named in said reports of said Department of Commerce or is the successor or legal representative of such person, firm, corporation, or grain dealer, and as such, is entitled to receive payment of the respective amount stated in said report of said Department of Commerce as filed with the Secretary of the Senate and therein set opposite the several names of such person, firm, corporation, or grain dealer shall forthwith certify to the Secretary of the Treasury of the United States for payment to such person, firm, corporation, or grain dealer, together with the reasonable and necessary expense incident to the administration of this resolution in the office of the Comptroller General of the United States, out of any funds of the United States Grain Corporation now in possession of the United States, or out of any funds in the United States Treasury not otherwise appropriated, the respective amounts stated in said reports of the Department of Commerce filed with the Secretary of the Senate and therein set opposite the name and address of said person, firm, corporation, or grain dealer making said affidavit or in whose behalf said affidavit is made; and in this connection and upon the filing of said affidavit it shall be taken as the fact that all conditions and acts necessary to authorize payment of said amounts set opposite the names and addresses of each of said persons, firms, corporations, or grain dealers, named in said reports of said Department of Commerce, have been duly complied with and performed by such persons, firms, corporations, or grain dealers: *Provided*, That the amount to be paid by such persons, firms, corporations, or grain dealers to their attorneys, as fees, exclusive of their expenses, shall not exceed 10 percent of the amount so paid to each such person, firm, corporation, or grain dealer hereunder.

SEC. 2. The resolution entitled "Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest in wheat during the years 1919 and 1920 as per a certain contract authorized by the President," approved February 4, 1929, as amended, is hereby repealed.

With the following committee amendment:

Page 5, line 19, strike out all of title VI.

The committee amendment was agreed to.

The Clerk read as follows:

Title VII—(S. 1093. For the relief of Mike Chetkovich.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike Chetkovich the sum of $10,000. Such sum was the face amount of a certificate of war-risk insurance (No. T-3229247) issued to the said Mike Chetkovich following his induction into the military service on July 2, 1918. Such insurance was in effect when he became totally and permanently disabled as the result of an operation performed on or about August 12, 1918, at the Army base hospital at Camp Lewis, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 11, line 18, strike out "VII" and insert "VI."

The committee amendment was agreed to.

Mr. HANCOCK. Mr. Speaker, I offer an amendment to strike out all of title VI.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Beginning on page 11, line 18, strike out all of title VI.

Mr. HANCOCK. Mr. Speaker, by this item we are asked to reverse a decision of a court and jury of the United States District Court of Montana, and also to reverse the Circuit Court of Appeals. Furthermore, we are asked to overrule the Supreme Court of the United States, which refused to hear an appeal on a writ of certiorari.

The claimant was drafted into the service of the Army during the World War in July 1918. He was found to be suffering from a hernia and was ordered to the hospital for an operation. It is true he protested against the operation, but he was forced to submit to it. He was discharged some time early in 1919. He now claims and has claimed for a long period of years that as a result of the operation performed in August 1918 he was permanently disabled during the life of his war-risk insurance, which lapsed in 1919.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. On what disability does he claim permanent and total disability and a $10,000 insurance payment?

Mr. HANCOCK. I do not know the proper medical term, but he claims he never fully recovered from the operation.

I want briefly to lay the facts before the membership of the House, then the Members may use their own good judgment. Some years ago he applied to the Veterans' Bureau for compensation and was awarded compensation on the basis of a 40-percent disability. Undoubtedly he is disabled to a certain extent. He has not been able to work steadily since his discharge from the Army, but for a number of years after his operation he was able to engage in a gainful occupation, at least part of the time.

The point I want to stress is that this man brought suit on his war-risk insurance policy before a court and jury and was defeated. The verdict of the jury was against him and the judge refused to order a new trial. He appealed to the circuit court of appeals and the verdict and judgment of the lower court were sustained. He attempted to go to the Supreme Court of the United States and a writ of certiorari was denied.

Mr. Speaker, there must be a point beyond which we are not willing to go in connection with these private bills. If we are going to constitute ourselves a supercourt in this case, we ought to have the entire record before us and we should not take any action without examining it carefully.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that if we pass this title we pay $10,000 insurance and hold that this man was permanently and totally disabled on account of a disability which if incurred while going over the top would only rate $25 a month?

Mr. HANCOCK. As a matter of fact, the Veterans' Bureau has held repeatedly that 40 percent is the most liberal allowance he can get for his disability and that is what he is receiving now.

Mr. O'CONNOR. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Montana.

Mr. O'CONNOR. Is it not a fact that the cause of this claimant's ailment was an operation that he was forced to undergo, which had no relation to the hernia for which he was put in the hospital?

Mr. HANCOCK. That is my understanding.

Mr. O'CONNOR. And did they not mutilate the man in the hospital to such an extent that he has never been any good since?

Mr. SCHAFER of Wisconsin. For what?

Mr. O'CONNOR. For anything.

Mr. HANCOCK. I do not so understand the facts.

Mr. O'CONNOR. That is the fact.

Mr. HANCOCK. He was found by the Veterans' Bureau to be 40 percent disabled. He was not totally and permanently disabled, in the judgment of the Veterans' Bureau, a court and jury, and an appellate court. We are being asked, let me say to the gentleman from Montana, to reverse the court, the jury, the appellate court, and the Supreme Court of the United States on self-serving declarations by the claimant himself, plus the eloquence of the gentleman from Montana.

Mr. O'CONNOR. Does not the gentleman know that when these cases were first presented to the Federal courts that they operated in a high-handed and hard-boiled manner?

Mr. HANCOCK. No. My understanding is that the plaintiffs won 9 out of 10 cases when they reached a jury, but in this case the plaintiff was defeated by a jury.

[Here the gavel fell.]

Mr. O'CONNOR and Mr. THORKELSON rose.

Mr. O'CONNOR. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. Two gentlemen from Montana have risen. The Chair assumes that each gentleman from Montana wishes to oppose the amendment.

Mr. O'CONNOR. I may say that the claimant comes from the district of my colleague and his residence is in Butte. If my colleague insists on addressing the House in opposition to the amendment I yield to him.

The SPEAKER pro tempore. Under those circumstances the Chair believes the gentleman from Montana [Mr. THORKELSON] is entitled to the time.

Mr. THORKELSON. Mr. Speaker, it is unfortunate that decision of three courts may have to be reversed. This case is not one anyone should laugh about. This man enlisted on the 2d of July and after having been in training for 1 month it was found that he had a hernia in the undescended testicle. He was ordered to the hospital and held under observation for 5 days and was operated on the 12th of August. The man weighed 190 pounds and was in good health when he enlisted. He worked in the mines in Butte, and in order to work in the mines one must be in reasonably good health.

When this man reached the hospital he was what we term a clean surgical case, that is, there was no infection. He was operated on by the surgeons in the hospital, and for some reason or other he became infected. He developed blood poisoning after the operation; in other words, he was the victim of circumstances beyond his control. He could not help that he became infected. The point to bear in mind is that when you die from an operation you usually die from infection, and not necessarily from the surgery.

It is said that the man was sent to the infirmary because of laryngitis, or sore throat, but it was found that he had a suppurating post-operative wound. This infection, of course, brought about a breaking down of the tissue in the area of the operation, which was on the left side of his abdomen, so that he now has difficulty in keeping his intestines within his abdomen. A man cannot work when the abdominal wall is so weak that the intestine protrudes, and there is no manner in which an appliance can be used to control such hernia and keep the bowels within the abdominal cavity. That is this man's position. He is alive, that is quite true, but at the same time he is not in a physical condition to do any labor such as he did before he enlisted in the United States Army. He is entitled to exactly the same compensation as any other man who enlisted in the armed forces of the United States.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I yield to the gentleman from Connecticut.

Mr. MILLER. Does the gentleman believe that the 40-percent rating is unfair? Will the gentleman say as a doctor that the man was permanently and totally disabled?

Mr. THORKELSON. I say he is permanently and totally disabled.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I yield to the gentleman from Montana.

Mr. O'CONNOR. I wish to read into the RECORD a statement made by Senator MURRAY in regard to the trial feature of this case, when this bill was before the Senate and which has passed the Senate.

Mr. MURRAY. Mr. President, I should like to state that I believe there has been a real miscarriage of justice in this case.

I happen to know the man, and I have seen a great deal of him. I know that he is in a totally disabled condition, and that in the trial of the case at Butte the case was rushed through by the judge, and certain remarks were made which I think prejudiced the case. Since the case was tried it has also been brought out that there was evidence which was not presented to the jury. That is referred to in the record here. It seems to me that the decision in that case should not be conclusive; I do not understand that it is; and that, in view of the real facts in the case, it would be an utter injustice, a miscarriage of justice, to this man to deprive him of the rights he had under his insurance policy.

This is the argument made by Senator MURRAY before the Senate in regard to this bill and ought to be given weight, as Senator MURRAY lives in Butte, knows the man, and also the judge that tried the case.

Mr. THORKELSON. Yes; but I wish to make this additional remark: In ordinary testimony before the courts actual facts as to infection and other unforeseen conditions are not brought out as clearly as they should be. These facts were probably not placed before the jury, and they did not understand that this man had become infected and that his abdominal wall is broken down because of this infection. He is actually 100 percent disabled, because he cannot perform the work he was accustomed to do before he enlisted in the armed forces of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is the gentleman in favor of holding every World War veteran permanently and totally disabled for compensation and insurance purposes because he may have a hernia or have lost a portion of his anatomy, which rates a payment of $25 a month if it was incurred while going over the top?

Mr. THORKELSON. No; I do not hold any opinion of that sort.

Mr. SCHAFER of Wisconsin. This man is now getting compensation, and this bill is to give him $10,000 insurance and hold that he is totally and permanently disabled.

Mr. THORKELSON. Let me answer the question in this way: Anyone who has had an infection after an operation is liable to develop a post-operative hernia, and if there is a massive destruction of tissue, such hernia cannot be repaired by surgery. A person suffering from an inoperable hernia is certainly entitled to compensation for total and permanent disability. The question in issue is not a simple operation for a hernia, it is not a question of an orchiectomy; the point is that he had an infection, after an operation for a hernia, which caused mass destruction of tissue of the abdominal wall which cannot be repaired by operative procedure. It cannot be retained by a truss, and he is therefore unable to perform the work he did before he enlisted in the Army. He is, as I have said, a total disability, and therefore entitled to the same consideration given to others suffering from similar service-connected disability.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York to strike out the title.

The question was taken; and on a division (demanded by Mr. O'CONNOR) there were—ayes 54, noes 21.

Mr. O'CONNOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 79, not voting 125, as follows:

[Roll No. 50]

YEAS—226

Allen, La.	Eberharter	Kean	Rees, Kans.
Andersen, H. Carl	Edmiston	Kefauver	Rich
Anderson, Calif.	Ellis	Kilburn	Richards
Andrews	Elston	Kilday	Robsion, Ky.
Angell	Engel	Kinzer	Rodgers, Pa.
Arends	Faddis	Kitchens	Rogers, Mass.
Arnold	Fenton	Kleberg	Romjue
Austin	Fish	Kocialkowski	Routzohn
Ball	Ford, Leland M.	Kramer	Rutherford
Barden	Ford, Miss.	Kunkel	Satterfield
Barnes	Ford, Thomas F.	Landis	Schaefer, Ill.
Barry	Fulmer	Lanham	Schafer, Wis.
Bates, Ky.	Gamble	Leavy	Schiffler
Beckworth	Gartner	LeCompte	Schulte
Boland	Gathings	Lemke	Schwert
Bolles	Gearhart	Luce	Secrest
Bolton	Gerlach	McAndrews	Short
Boren	Gibbs	McDowell	Simpson
Bradley, Mich.	Gifford	McGehee	Smith, Conn.
Brooks	Gilchrist	McGregor	Smith, Va.
Brown, Ga.	Gillie	McLaughlin	Smith, W. Va.
Bryson	Goodwin	McLeod	South
Byrns, Tenn.	Gore	McMillan, Clara G.	Sparkman
Caldwell	Gossett	McMillan, John L.	Spence
Cannon, Fla.	Graham	Mahon	Springer
Cannon, Mo.	Grant, Ala.	Maloney	Steagall
Carlson	Grant, Ind.	Marshall	Stearns, N. H.
Carter	Gregory	Martin, Iowa	Stefan
Cartwright	Griffith	Martin, Mass.	Sumner, Ill.
Celler	Guyer, Kans.	Mason	Sumners, Tex.
Chapman	Gwynne	May	Taber
Chiperfield	Hall, Edwin A.	Michener	Talle
Church	Hall, Leonard W.	Miller	Tarver
Clark	Halleck	Mills, La.	Terry
Clason	Hancock	Monkiewicz	Thill
Claypool	Hare	Moser	Thomas, Tex.
Clevenger	Harness	Mott	Thomason
Cochran	Harrington	Mouton	Tibbott
Coffee, Nebr.	Harter, Ohio	Nelson	Tinkham
Cooper	Hartley	Norrell	Treadway
Corbett	Hawks	Norton	Van Zandt
Costello	Hobbs	O'Leary	Vorys, Ohio
Courtney	Holmes	Osmers	Vreeland
Cox	Hook	Pace	Warren
Crawford	Hope	Parsons	West
Creal	Jenkins, Ohio	Patman	Wheat
Crowe	Jennings	Patton	Whittington
Culkin	Johns	Pearson	Williams, Mo.
Curtis	Johnson, Ill.	Pierce	Wolcott
Davis	Johnson, Ind.	Plumley	Wolfenden, Pa.
Dempsey	Johnson, Luther	Poage	Wolverton, N. J.
Dirksen	Johnson, Lyndon	Polk	Woodruff, Mich.
Dondero	Johnson, Okla.	Powers	Woodrum, Va.
Doughton	Johnson, W. Va.	Randolph	Youngdahl
Durham	Jones, Ohio	Rankin	Zimmerman
Dworshak	Jones, Tex.	Reece, Tenn.	
Eaton	Jonkman	Reed, N. Y.	

NAYS—79

Anderson, Mo.	Drewry	Kennedy, Michael	Rabaut
Bell	Dunn	Kirwan	Ramspeck
Bland	Elliott	Lewis, Colo.	Risk
Bloom	Englebright	Ludlow	Robinson, Utah
Boykin	Evans	Lynch	Sasscer
Brewster	Flaherty	McKeough	Schuetz
Buckler, Minn.	Geyer, Calif.	Marcantonio	Shafer, Mich.
Byrne, N. Y.	Green	Massingale	Shanley
Case, S. Dak.	Havenner	Monroney	Smith, Maine
Cole, Md.	Hendricks	Mundt	Smith, Wash.
Colmer	Hennings	Murdock, Ariz.	Snyder
Connery	Hill	Murray	Sweeney
Cravens	Houston	Nichols	Thorkelson
Crosser	Hull	O'Brien	Tolan
Cullen	Hunter	O'Connor	Vincent, Ky.
D'Alesandro	Izac	O'Day	Voorhis, Calif.
Delaney	Jarman	O'Toole	Ward
Dickstein	Jenks, N. H.	Patrick	Welch
Disney	Kelly	Peterson, Ga.	Wood
Doxey	Kennedy, Md.	Pittenger	

NOT VOTING—125

Alexander	Burgin	Douglas	Healey
Allen, Ill.	Byron	Duncan	Hess
Allen, Pa.	Camp	Edelstein	Hinshaw
Andresen, A. H.	Casey, Mass.	Fay	Hoffman
Barton	Cluett	Ferguson	Horton
Bates, Mass.	Coffee, Wash.	Fernandez	Jacobsen
Beam	Cole, N. Y.	Fitzpatrick	Jarrett
Bender	Collins	Flannagan	Jeffries
Blackney	Cooley	Flannery	Jensen
Boehne	Crowther	Folger	Kee
Bradley, Pa.	Cummings	Fries	Keefe
Brown, Ohio	Darden	Garrett	Keller
Buck	Darrow	Gavagan	Kennedy, Martin
Buckley, N. Y.	DeRouen	Gehrmann	Keogh
Bulwinkle	Dies	Gross	Kerr
Burch	Dingell	Hart	Knutson
Burdick	Ditter	Harter, N. Y.	Lambertson
Larrabee	Mitchell	Sandager	Thomas, N. J.
Lea	Murdock, Utah	Scrugham	Vinson, Ga.
Lesinski	Myers	Seccombe	Wadsworth
Lewis, Ohio	Oliver	Seger	Wallgren
McArdle	O'Neal	Shannon	Walter
McCormack	Peterson, Fla.	Sheppard	Weaver
McGranery	Pfeifer	Sheridan	Whelchel
McLean	Rayburn	Smith, Ill.	White, Idaho
Maas	Reed, Ill.	Smith, Ohio	White, Ohio
Maciejewski	Robertson	Somers, N. Y.	Wigglesworth
Magnuson	Rockefeller	Starnes, Ala.	Williams, Del.
Mansfield	Rogers, Okla.	Sullivan	Winter
Martin, Ill.	Ryan	Sutphin	
Merritt	Sabath	Taylor	
Mills, Ark.	Sacks	Tenerowicz	

So the amendment was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Burch with Mr. Ditter.
Mr. Robertson with Mr. Keefe.
Mr. Bulwinkle with Mr. Lambertson.
Mr. Kerr with Mr. Barton.
Mr. McCormack with Mr. August H. Andresen.
Mr. Sheppard with Mr. Reed of Illinois.
Mr. Gavagan with Mr. Gross.
Mr. Whelchel with Mr. Harter of New York.
Mr. Fernandez with Mr. Jensen.
Mr. Martin J. Kennedy with Mr. Brown of Ohio.
Mr. Buck with Mr. Seger.
Mr. O'Neal with Mr. Winter.
Mr. Dingell with Mr. Alexander.
Mr. Byron with Mr. Lesinski.
Mr. Sheridan with Mr. Kee.
Mr. Sutphin with Mr. Pfeifer.
Mr. Allen of Pennsylvania with Mr. Sacks.
Mr. Flannery with Mr. Fitzpatrick.

The result of the vote was announced as above recorded.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE FIRST DEFICIENCY APPROPRIATION BILL

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a conference report on the first deficiency bill.

Mr. TABER. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to bring this up in the morning?

Mr. WOODRUM of Virginia. I hope to be able to do so. I have not spoken to the leadership about it, but I think we can do so, I will say to the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may have 1 minute within which to make an announcement to the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I have the privilege of announcing to the House that Mr. Lothrop Stoddard, one of the foremost lecturers and authors of this country, has recently returned from quite an extended tour in Germany and has agreed to speak "off the record" with the Members of the House tomorrow evening in the caucus room. Seven thirty, I believe, is the hour. The notice is on the bulletin board. In addition to the Members of the House themselves, I think Mr. Stoddard would be pleased if you would bring your wife or—well, I guess somebody else, with you [laughter]; but we will have to hold the number down to one.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein excerpts from the address of President Roosevelt, also an address by Hon. Charles W. Eliot, Director of the National Resources Planning Board.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I was greatly startled to read yesterday that the chairman of my committee, charged with watching expenditures of the Government, was advocating at once an additional appropriation of $500,000,000 for W. P. A. I was sorry, indeed, to note the source from which the request comes. I had hoped this year there would be recognition of the fact that relief could be cut in half by some formula whereby the wealthier States and communities would look after their own problems of relief and relieve the Federal Government to that extent. Local tax rates are going down. Economy in local government now prevails. Let us abandon the old vote-getting idea and recognize the fact that there are wealthy communities far more capable of bearing this burden than the Federal Government. Let us not have another "bought" election. I bring this thought to you because it is high time that we resorted to some such plan as the one I have indicated. Holders of Government debt are now extremely nervous, even though present surface appearances do not proclaim it.

[Here the gavel fell.]

Mr. SHORT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHORT. I simply rise at this time to ask, Mr. Speaker, when the membership of the House can look forward to a report from the special committee which is a subcommittee of the Appropriations Committee, with respect to its investigation of W. P. A. activities? If I recall correctly, about a year ago the House voted this committee, composed of very able men both on the majority and the minority side, $100,000 to investigate W. P. A. activities in different States. The press has contained very serious charges as to the administration of this agency, particularly in the States of Louisiana, Ohio, Pennsylvania, New York, and I understand the situation in Indiana is not so good. It has not been too good out in Missouri either, but as a private citizen, as well as a Member of this House, I would like to know when we may expect a report from the committee that is investigating these activities.

[Here the gavel fell.]

INCREASE OF PENSIONS TO SUNDRY WIDOWS

Mr. LESINSKI. Mr. Speaker, I ask that we may resume consideration of the bills on the Private Calendar, beginning with Calendar No. 519, the bill (H. R. 7831) granting increase of pensions to sundry widows.

THE CURRENT REVOLUTION

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, for 7 years we have been undergoing a revolution in this country. While it has been a more or less bloodless revolution from the standpoint of the use of firearms, cannons, and the accouterments of war, it has nevertheless taken a heavy toll in human suffering, in business casualties, in its effects on industry, on agriculture, and on labor. Revolutions are measured not alone by those who fall before the guns. Revolutions are measured in the human agony which they cause, and the changes which they set in motion. Not all revolutions are bad by any means. As a matter of fact, our Nation had its birth as a result of a revolution. But the revolution about which I desire to talk to you tonight is a revolution reactionary in its nature, radical in its effects, which would hurl this Nation back from the advances it has made along the road of free government and individual liberty into the tyrannies of an autocracy and toward the evils of an ultimate political despotism.

The principal characteristic of this revolution is the centralization of power in the executive department at Washington. Not only is the political bureaucratic propaganda all designed to persuade the people of America that they are no longer competent to conduct their own affairs, but that a paternalistic political bureaucracy in Washington must take over the job.

Grotesque as it is, it has been seriously and continuously suggested by this New Deal bureaucracy at Washington, feeding and fattening on the taxpayers' money, and naturally desirous of remaining in power, that there is in all this broad land only one individual with intelligence enough, capacity enough, integrity enough, ability enough, and character enough, to be President of the United States, to be the Chief Executive of this Nation, and to administer the laws of the country. It will not surprise you to know that the individual, this lone individual out of 130,000,000 Americans, who is accredited with the ability and capacity to be President by this New Deal bureaucratic propaganda, is Franklin Delano Roosevelt.

Now, there is today in the United States Senate a living, breathing refutation of that oft-repeated statement that Mr. Roosevelt must be drafted for a third term because he is the only man capable of being President. The gentleman I have in mind, and whom I believe has every quality fitting him to be a successful President of the United States, particularly during the great emergency now facing the country, is a man who first saw the light of day within the confines of my own State. He is a son of Michigan. He is the Honorable ARTHUR H. VANDENBERG.

There is another point, however, that I wish to mention at this time, and that is the importance of giving Senator VANDENBERG, or any other Republican President, a Republican House of Representatives with which to work. As I develop the theme I have in mind somewhat further, you will more and more clearly see the vital necessity for the Republicans recapturing control of the House of Representatives in November.

Under any circumstances it will not be possible in 1940 for the Republicans to take control of the Senate; therefore, any Republican President goes into office with one strike on him, and it becomes all the more important that he have a Republican majority in the House of Representatives in order that constructive legislation can be put through that body by the traditional American method, and sent to the Senate, a majority of which will be members of the opposition party.

Concerning this point, it cannot be other than encouraging as we look at Senator VANDENBERG's record and find there that he has led, successfully and repeatedly, fights in the Senate which required great ability, vision, courage, leadership, and a broad grasp of the problems which confront this Nation.

The qualities of leadership already displayed on numerous occasions by Senator VANDENBERG constitute a most valuable asset to any Republican President under conditions that will prevail after the next election. It will contribute much to the success of his administration.

At this time I wish to give credit to the United States News in Washington for its clear statement of some of the ideas which I desire to incorporate in my remarks in order that we may see more clearly what has been transpiring in this Nation for the past 7 years, and what probably will transpire in this Nation if we have 4 years more of the same influences that have been operating during that time.

As this unbiased and nonpartisan publication recently put it in an editorial:

> Much has been said and written about the changes the United States has undergone in our system of government in the last 7 years, but it is doubtful whether any considerable number of the American people have really sensed the transformation.

In these 7 years governmental processes have been altered in so many ways that only a broad perspective of the whole can reveal what has happened to us since the New Deal came into power on March 4, 1933. It was well said by the man who is now President of the United States, when he was Governor of the State of New York back in 1930, that the preservation of home rule by the States—

> Is not a cry of jealous Commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country.
> A proper understanding of the fundamental powers of the States—

He said—

> is very necessary and important. A lack of study and knowledge of the matter of the sovereign power of the people through State government has led us to drift insensibly toward that dangerous disregard of minority needs which marks the beginning of autocracy.

Mr. Roosevelt then made this remarkable observation:

> The doctrine of regulation and legislation by master minds, in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during these last 10 years. Were it possible to find master minds so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices, men almost godlike in their ability to hold the scales of justice with an even hand, such a government might be in the interests of the country, but there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history.

Now, Mr. Speaker, if there has been any single characteristic that has marked this revolution of the past 7 years, it is the change brought about by the New Deal administration from the doctrine of regulation and legislation by the people through their representatives in Congress to a policy of regulation and legislation by master minds. But it remains the unfortunate fact, as foreseen by Mr. Roosevelt in 1932, that those master minds have not been unselfish; they have not been willing to decide unhesitatingly against their own personal interests or private prejudices; they have not been men almost godlike in their ability to hold the scales of justice with an even hand. Ah, no, my friends; they have been—these master minds—selfish, corrupt, willing to decide unhesitatingly in favor of their own personal interests and private prejudices, as against the interests of the people and the country they were supposed to serve. Instead of being godlike, they have been exactly like the usual political henchmen, the political spoilsmen, the fat and bloated political bureaucrats who are willing to sit in swivel chairs at Washington, or out in the various States, eating up the substance of the people and wasting the taxpayers' money in order to perpetuate themselves in power.

Now let me quote another paragraph from this speech made by Mr. Roosevelt in 1930. Said he:

> As a matter of fact and law, the governing rights of the States are all of those which have not been surrendered to the National Government by the Constitution or its amendments. Wisely and unwisely, people know that under the eighteenth amendment Congress has been given the right to legislate on this particular subject, but this is not the case in the matter of a great number of other vital problems of government, such as the conduct of public utilities, of banks, of insurance, of business, of agriculture, of education, of social welfare, and of a dozen other important features. In these Washington must not be encouraged to interfere.

Could you imagine, fellow citizens, that that paragraph was written and uttered by Franklin Delano Roosevelt if I did not tell you? Why, there has not been a single one of the activities he named in that paragraph which has not been invaded by the Federal Government at Washington under the New Deal administration and under his leadership. The Government has gone into competition with every one of the businesses he mentioned in that paragraph, and is taxing the privately owned businesses in order to subsidize, by their money, governmental competition with them.

Now, Mr. Roosevelt said something else in that speech that I want to quote to you:

> Now, to bring about government by oligarchy, masquerading as democracy, it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever it seems in danger.
> Thus it will be seen that this home rule is a most important thing, a most vital thing, if we are to continue along the course on which we have so far progressed with such unprecedented success.

Now, my fellow citizens, there has been no 7-year period in the history of this Nation in which there has been so great an attempt by the administration at Washington to wrest the sovereignty of the States away from them than has been the case in the last 7 years.

As has been pointed out in the editorial I referred to a while ago, the prime characteristic of the New Deal today is its autocracy. It never admits an error. Its policy is that the end justifies the means.

This very concentration of economic power in the hands of the governmental bureaucrats, those "master minds," against whom Mr. Roosevelt warned us in 1930, has been shocking to those who are familiar with the complicated affairs of business and finance, but it has thus far largely escaped the attention of the citizens, who generally are not aware of the dangers that now face them.

You all realize, when you stop to think about it, that one by one, little by little, the New Deal agencies have filched from a careless Congress broad discretionary powers. They have boldly written into the statutes regulations that have no sanction of law.

Now, under ordinary circumstances the courts could be expected to check such abuses. But we might just as well face the fact here and now that even the judiciary has been captured by the New Deal.

Our Federal judiciary is no longer bipartisan in character. Active politicians and New Deal partisans have been put on the benches in the Federal courts. On the Supreme Court Bench all five new appointees, constituting a majority of that body, were appointed by the President from the ranks of the active New Deal. It is not a question now whether the Nation can really expect justice from the very men who helped to develop the New Deal technique, as it is the question of what those who helped to develop the New Deal technique will consider justice. After all, men who for years have held certain beliefs, and who have been devoted to certain doctrines, and who have believed in certain policies, cannot and do not suddenly divest themselves of such conditioned mentalities the moment they don the robes of the Federal bench.

Control of the judiciary, control of the prosecuting departments, control of the so-called independent commissions and boards, complete control of the purse strings, and the control of disbursements to groups through subsidies has accomplished just as great a revolution in the United States as could have been wrought by physical force.

We have learned just recently that even the Reconstruction Finance Corporation has been solicited to use its lending power to force compliance, on the part of private industry and business, with standards that have never been authorized by the Congress but which were set up by autocratic commissions and autocratic commissioners. The placing of governmental contracts, involving millions of dollars of the taxpayers' money, has too often been conditioned on acceptance of so-called reforms imposed by this political bureaucracy.

The use of the W. P. A. for corrupt political purposes is too well known to need reiteration. The same thing is true of appropriations that place State governments at the mercy of the Federal Government. Just within the last few days the Hatch bill, designed to eliminate political corruptions to some extent from these various bureaus and commissions, the W. P. A., and the farm administrations, narrowly missed being undone in the United States Senate.

Mr. Roosevelt was perfectly correct when he said that to bring about government by oligarchy, masquerading as democracy, it is fundamentally essential that practically all authority and control be centralized in our National Government.

The technique of the New Deal revolutionists in our democracy has been to gain control of all branches of the Government and to hold them indefinitely. That is why the bureaucrats of the New Deal are using every dollar and every dime of the taxpayers' money that they can use to keep themselves entrenched in power for another 4 years.

As has been pointed out, Mr. Roosevelt may think his benevolence and good intentions will save the Nation and hold these radicals at bay. He may regard with tranquillity the implications of what may follow if the third-term precedent is broken. However this may be, there is no escaping the attitude which the "revolutionists" in Washington have toward the whole third-term question. If it proves to be the device by which they can keep their own power absolute, and themselves enthroned in places of influence and power, they will disregard the third-term tradition with as little compunction as they have sought to disregard the plain terms of the Constitution itself.

No one can examine the way in which the whole economic system has been dominated by the New Deal agencies without being shocked by the degree of control which the Government has taken, over all of those activities which Mr. Roosevelt warned in 1930 "must not be interfered with by Washington."

Under the guise of protecting investors, the Securities and Exchange Commission was created. Today this Commission goes further than the protection of investors. It interferes in management. It attempts to dictate financial operations of private companies. The result is that millions of dollars that normally would have been spent, and which ought to be spent in construction, and in the creation of employment, are not being spent because capital is afraid.

Then there is the National Labor Relations Board, which brazenly confesses before an investigating committee its policy that the end justifies the means. Here we see members of a quasi-judicial body in intimate collusion with one faction of labor unionism, conspiring to bring charges against employers and making an empty farce of the whole theory of judicial procedure and fair hearings.

When arbitrary power has no check, of course, it runs wild. The so-called liberals of the New Deal are trying to condemn the moderates because they resist what the liberals are pleased to call reform. But it is apparent, and it is a good thing that it is, that those of us who believe in moderate and progressive government will never agree to reforms that are to be obtained by coercion or by governmental disregard of the due process of law as guaranteed by the Constitution. The Bill of Rights must be sustained if private initiative, as we have known it, is to continue in this country.

Everybody in the New Deal administration, from the President down, has pleaded good intentions for these high-handed and autocratic proceedings. No one has better stated the case of the benevolent autocrat than did Daniel Webster nearly a century ago when he declared, and I quote:

> It is hardly too strong to say the Constitution was made to guard the people against the dangers of good intentions, real or intended. * * * There are men in all ages who mean to exercise power usefully, but who mean to exercise it. They mean to govern well, but they mean to govern; they promise to be kind masters, but they mean to be masters. They think they need but little restraint upon themselves. Their notion of the public interest is apt to be quite closely connected with their own exercise of authority. They may not, indeed, always understand their own motives. The love of power may sink too deep in their own hearts even for their own security and may pass with themselves for mere patriotism and benevolence.

Taxes have grown to an intolerable volume. The deficits of the Federal Government have increased beyond any limits ever conceived of by our people; and still there is not the slightest sign of repentance or economy displayed by the New Deal administration.

The reason is because the new dealers feel themselves to be revolutionists. They think they know best what the people need, and the people therefore should be happy, presumably because of the benevolent purposes which the Roosevelt revolutionists have proclaimed.

"So many good things have been done" is the reason urged by them for condoning or minimizing the improper use of public power and public money.

You will recall that, in his annual message to the Congress on January 3, 1936, Mr. Roosevelt said, and I quote:

> In 34 months we have built up new instruments of public power. In the hands of a people's government this power is wholesome and proper. But in the hands of political puppets of an economic autocracy such power would provide shackles for the liberties of the people.

Yes, my fellow citizens; and since that eventful message of January 3, 1936, still more instruments of public power have been added to those of which the President then boasted. And all of those instruments of public power in the hands of the puppets of a political autocracy also provide shackles for the liberties of the people. Let us not forget that.

Edward Livingston described our situation of today perfectly when he said, and I quote:

> The gloss of zeal for the public service is always spread over acts of oppression, and the people are sometimes made to consider that zeal as a brilliant exertion of energy in their favor, which, when viewed in its true light, would be found a fatal blow to their rights. In no government is this effect so easily produced as in a free republic; party spirit, inseparable from its existence, aid the illusion, and a popular leader is allowed in many instances impunity—and sometimes is rewarded with applause—for acts which would make a tyrant tremble on his throne.

It is time, ladies and gentlemen, that we understand the spirit and the intent of this New Deal conquest. It is time that we face the clear implications of what a third term for the New Deal administration actually means to this country. It is a fact, of course, that the New Deal came in on a wave of reform through the usual and proper electoral processes, and there was no intimidation at the polls in 1932. It was a different story, however, in the 1936 elections. In that campaign we had a repetition of the methods characteristic of the most autocratic and corrupt administrations that have ever been witnessed in this country. It was reminiscent of the days of the Roman Empire, when direct subsidies from the governing authorities were used to guarantee a perpetuation of political power. Again in 1938 we saw political corruption and the prostitution of relief to improper political purposes rampant throughout this land. We cannot say that this campaign of 1940 will be free from governmental coercion or force, because the mechanisms through which organizations and individuals are linked politically to an administration, which dispenses favors to them as against others, makes it impossible for us to ignore the question of how far this governmental power can be, or will be, a factor in maintaining the existing administration by influencing a substantial number of electoral votes.

These last 7 years have served to reveal the concept of government which the new dealers had in 1932, but which they did not then clarify. These last 7 years have shown their purposes and intentions to use governmental power for their own ends; to exercise that governmental power to curtail civil liberties, to destroy individual initiative, and freedom of enterprise.

During 7 years these vast powers, never before exercised by the Federal Government, have been assumed, and yet not a single amendment to the Constitution has been submitted to the people in that time. We must awaken now to the fact that although the constitutional method of changing the organic law of this Nation is by the submission of a proposed amendment to the will of the people, that is not the New Deal method for amending the Constitution. They do it without the consent of the people. Practically speaking, the Constitution can be amended by judicial interpretation. It may be amended by Federal regulation so long as the courts are acquiescent.

There is one body today in which the American people may place their hope of continued liberty; there is one body which can be the guardian of the Constitution and of the people's rights and privileges, and that body is a Republican House of Representatives.

It has been well said in the editorial to which I referred in the beginning:

> Seven years of this "revolution" have passed and still 8,000,000 persons are idle. The economic system is full of friction and domestic war.
>
> Selfishness and a quest for personal power reign supreme in Washington.

The old idea that maybe self-sacrifice and unselfish public service is a basic necessity among the public servants in a democracy has gone by the boards.

It may be, Mr. Speaker, that the 1940 elections will be a counter "revolution." If the New Deal administration should win another 4 years of power, it is my opinion that the 1940 elections would simply confirm the fear of many that the election of 1932 was really the last free election in America, and that as long as the administration in power can tax and borrow and spend, squander, and elect, the New Deal will remain at the helm.

Now, the fact of the matter is, this tendency of the Government to reach out for more and more power, to perform more and more of the functions formerly performed by the States, the municipalities, and the individual citizens has been growing up for the past 30 years.

The World War vastly accentuated the trend.

Under the New Deal we have gone ahead by leaps and bounds toward that autocracy against which Mr. Roosevelt himself warned the country in 1930.

Now, what is the answer to the problem? How are we to stop this trend?

The answer is this, and it is the only answer possible:

First, we must return the White House and the House of Representatives to the control of a party that believes that a system of government under which the Nation as a whole has enjoyed a larger share of the more abundant life, is entitled to the respect of our people and preservation for future generations.

We must then provide for an independent, nonpartisan, scientific survey of every function, department, bureau, commission, and board of the Government, by experts, for the purpose of determining where these functions can be curtailed; to find where functions belonging to the States, but usurped by the Federal Government, should be returned to the States or municipalities; to determine where every activity of the Government in which efficiency can be increased without an increase in cost; to determine every activity of Government in which efficiency can be maintained and the cost reduced; in short, to do what every sensible American family must do when it finds its outgo greater than its income—to cut out all useless activities, to stop overlapping, weed out waste and extravagance, ruthlessly stamp out corruption, and make every dollar spent for governmental operations count.

Great savings can thus be achieved without causing any citizen to suffer; without depriving any citizen, worthy of help, of the relief he should have; without impairing the Government in the least, and without creating any new discouragement or fears.

Why, the very prospect of such a survey would act as the needed stimulant to business. Private investment would be resumed. Unemployment would be reduced. Prosperity would again be in sight.

Now, a word as to our foreign affairs. Mr. Roosevelt now has two personal emissaries—two "Colonel Houses"—abroad. He has his counterpart of Mr. Wilson's ambassador, Walter Hines Page, at the Court of St. James. He has his counterpart of an internationally minded Secretary of State—his Robert Lansing—in Mr. Secretary Hull.

If this Nation is not so badly involved in foreign quarrels and conflicts as to be unable to withdraw by election day next November, I shall be happily surprised.

But let me say to you, Mr. Speaker, that America's prosperity will not be found in mixing into any wars in Europe. Our salvation and the security of our constitutional government, and the safety of our personal liberties under the Bill of Rights, lie in solving our domestic problems and not in the artificial and destructive activities of war, nor in attempting to solve all the difficulties of the world. Our problem is immediate; it is here at home. It is not "on the Rhine."

It behooves every man and woman who is concerned for the welfare of this Nation and our people to ponder these questions well and then to register their sentiments at the ballot boxes next November.

After all, the country is still free enough that if the people are determined to do it they can express their will as the sovereign people of this Nation. And they can stop this trend toward totalitarianism that has been going on for the past 7 years.

It is up to the people themselves. The fate of this country is in safe hands. [Applause.]

EXTENSION OF REMARKS

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address made by my colleague the gentleman from Maryland [Mr. SASSCER].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of chain stores.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Mr. CRAVENS. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Arkansas [Mr. MILLS] may have leave of absence from and including today to and including next Monday.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a radio address recently delivered by my colleague the gentleman from Pennsylvania [Mr. DITTER].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a brief statement by Mr. Alvin E. O. Konsky.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CIVILIAN CONSERVATION CAMPS

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ELLIS. Mr. Speaker, this afternoon I introduced a bill, which is a very short one, and which I shall read:

That no Civilian Conservation Corps camp existing on February 1, 1940, shall be abandoned or eliminated on account of reductions, or anticipated reductions, in appropriations for the Civilian Conservation Corps for the fiscal year ending June 30, 1941.

SEC. 2. Any reduction in the administrative personnel of, or in the enrollment of, any Civilian Conservation Corps camp in existence on February 1, 1940, necessitated by any reduction, or anticipated reduction, in appropriations for the Civilian Conservation Corps for the fiscal year ending June 30, 1941, shall be made in such a manner that the percentage of reduction for each such camp shall, insofar as practicable, be the same.

I think we should not cut out the C. C. C. camps. The bill was referred to the Committee on Labor.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

AMENDMENTS TO WAGNER ACT

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. NORTON. Mr. Speaker, my attention has been called to an article in this morning's Washington Times-Herald

under the caption "Washington Daily Merry-Go-Round." The article, in part, reads as follows:

For the first time this year, all 21 members of the committee were present when it met behind closed doors. Chairman MARY NORTON promptly put them on the spot by asking each his opinion about the drastic proposals authored by Representative HOWARD SMITH, Virginia antiunionite, who is chairman of the special committee investigating the Labor Board.

That is absolutely incorrect. I continue with the article.

Result of the secret poll was: Ten—nine Democrats and one Republican—were flatly opposed to all the amendments; five favored them; five voiced partial approval; one refused to commit himself. The individual members of these groups were:

Flatly opposed: Democrats—Mrs. NORTON, KENT KELLER, MATT DUNN, REUBEN T. WOOD (president of the Missouri State Federation of Labor), JOHN LESINSKI, ALBERT THOMAS, FRANK FRIES, LAWRENCE CONNERY (brother and successor to the late Bill Connery, coauthor with Senator WAGNER of the Labor Act), and THOMAS D'ALESANDRO; and RICHARD WELCH, liberal California Republican.

Favorable: Republicans—FRED HARTLEY, CHESTER GROSS, and CLARE HOFFMAN; Democrats—GRAHAM BARDEN (author of a bill to emasculate the Wage and Hour Act, and W. F. NORRELL, of Arkansas, elected as a new dealer in 1938.

Partially favorable: Democrats—ROBERT RAMSPECK and JENNINGS RANDOLPH; Republicans—CLYDE SMITH, BRUCE BARTON, and GERALD LANDIS.

No comment: Democrat—Dow HARTER, of Akron, Ohio, elected with C. I. O. support.

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey has expired.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey may be permitted to proceed for 2 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. NORTON. It will be interesting to note at this time that the gentleman from Ohio, Mr. Dow HARTER, of Akron, Ohio, is not a member of the Labor Committee. Therefore, that portion of the article speaks for itself, and may I say that it is about as true as all of the rest of the article. The entire article is absolutely and entirely untrue. First of all, the Smith amendments were not before the committee. When the committee met, the chairman asked the committee to consider all amendments before the committee, and the committee agreed to do so, and all amendments are being considered. That is the procedure we agreed upon.

We had nine bills before the committee in which are included the Smith amendments. There was never at any time any vote taken on whether or not we should consider the Smith amendments. The entire article, consequently, is just as untrue as is the statement that the gentleman from Ohio, Dow HARTER, of Akron, Ohio, is a member of the committee. The gentleman from Ohio, Mr. HUNTER, is a member of the committee, and apparently the gentlemen from Ohio, Mr. HARTER or Mr. HUNTER, made little difference to the Merry-Go-Round.

Mr. Speaker, this article is entirely incorrect. It does a great injustice to the members of the Committee on Labor, and it certainly should be corrected by the authors of the Merry-Go-Round if they want to play fair with the Labor Committee of the House of Representatives and also with the public interested in their articles.

Mr. RICH. Mr. Speaker, will the gentlewoman from New Jersey yield?

Mrs. NORTON. I shall be very glad to.

Mr. RICH. We have had so many investigations in the last year or so that it might be well to have a congressional investigation of this article.

Mrs. NORTON. If the gentleman would like to conduct a one-man investigation, I can assure him that the Labor Committee will heartily endorse it.

Mr. RICH. I think the Labor Committee ought to do the investigating.

[Here the gavel fell.]

THE W. P. A. INVESTIGATION

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I am reluctant to answer the gentleman from Missouri [Mr. SHORT] on the point he raised a few minutes ago, but I think he and the other Members of the House should be reminded that the special subcommittee of the Committee on Appropriations who investigated W. P. A. did make a report. I cannot speak for the committee, I am about the least on it, but I think somebody should answer and point out that not only was a report made last spring but as a result of that investigation and on the report the House passed a bill that adopted the 18-months' provision, took out the prevailing wage, eliminated the theater projects, and a few other things. We did a good job, and we have been doing some good work, indirectly and incidentally in Louisiana and other places. The committee undoubtedly will make a further report, but for the time being I do not want the House to forget that we passed a bill on top of making a report last spring. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. LESINSKI. Mr. Speaker, reserving the right to object, we want to continue with omnibus bills on the Private Calendar; but if there are going to be so many 1-minute speeches, we shall not be able to proceed with the next bill, in which many Members are interested.

Mr. JOHNSON of Oklahoma. I assure the gentleman that I have no desire to detain the House.

Mr. LESINSKI. I appreciate that; but so many Members are asking to make 1-minute speeches that it looks to me as though it were an effort to prevent consideration of this next bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, how much time did the gentleman ask for?

The SPEAKER pro tempore. The gentleman asked to address the House for 2 minutes.

Mr. MARTIN of Massachusetts. I think we should adhere to the regular rules of the House and not permit speeches exceeding 1 minute, inasmuch as the legislative program for the day has not been concluded.

The SPEAKER pro tempore. Does the gentleman from Oklahoma modify his request?

Mr. JOHNSON of Oklahoma. I ask for 2 minutes, Mr. Speaker.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the gentleman's proceeding for 2 minutes.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE CIVILIAN CONSERVATION CORPS CAMPS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I am in full sympathy with the objectives of the bill of the gentleman from Arkansas as announced by him a few moments ago. I am delighted to join with him in his desire to keep all of the present C. C. C. camps. I feel that is the sentiment of a majority of the Members of the House. But I am fearful that my good friend's bill to which he referred, if actually passed, would not accomplish the purpose that we all desire. It is going to be humanly impossible to maintain all of the present camps if the appropriation is reduced $56,000,000 below the amount expended for the same camps this fiscal year. As Members know, the committee will make its report this week, at which time Members of the House will have an opportunity to speak by their votes on this important question.

If a reduction of $56,000,000 is actually made, I am advised that it would mean the elimination of 273 camps in the

United States. Certainly Members of Congress and the country expect the Civilian Conservation Corps and other departments and agencies to inaugurate every reasonable economy, but it would be false economy to eliminate 273 camps at this time.

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. ELLIS. Does the gentleman realize that there are 1,500 C. C. C. camps in the Nation now?

Mr. JOHNSON of Oklahoma. Oh, yes; and the point I am trying to make is that if the appropriation for the camps takes the drastic reduction proposed of $56,000,000 that all the legislative bills in the world will not save the day so far as the C. C. C. camps are concerned.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on two subjects; in one to include an article by Ernest Lindley, and in the other to insert a brief editorial from the Los Angeles Daily News.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LANDIS asked and was given permission to revise and extend his own remarks.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on tomorrow after the disposition of the legislative business for the day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT OF COLUMBIA SUBCOMMITTEE ON POLICE AND FIREMEN

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that the subcommittee on police and firemen of the Committee on the District of Columbia may sit during the session of the House tomorrow afternoon.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is this agreeable to the minority Members?

Mr. RANDOLPH. I say that it is; yes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a quotation from a press release of the First Lady of the Land with reference to the housing census.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes tomorrow, at the conclusion of business on the Speaker's table and after the address of the gentleman from New York [Mr. FISH].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

INCREASE OF PENSIONS TO SUNDRY WIDOWS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7831) granting increase of pensions to sundry widows.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. HANCOCK. Mr. Speaker, reserving the right to object, is this merely to consider the bill?

The SPEAKER pro tempore. For the present consideration of the bill under the Private Calendar rule.

Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first title.

The Clerk read as follows:

Be it enacted, etc.—

Title I—(H. R. 326. Granting an increase of pension to Mary W. Osterhaus.)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll subject to the provisions and limitations of the pensions laws, the name of Mary W. Osterhaus, widow of Hugo Osterhaus, late rear admiral, United States Navy, and pay her a pension at the rate of $100 per month in lieu of that she is now receiving.

Mr. HANCOCK. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Strike out title I.

Mr. HANCOCK. Mr. Speaker, I offer this amendment for the purpose of getting the judgment of the Members of the House on the first of these 13 separate items. All of them are for the purpose of increasing the pensions given to the widows of certain high-ranking officers of the Army and Navy. All of them have a strong appeal. The question involved is, Do we wish to base widows' pensions on the rank of their deceased husbands?

I notice in this bill that 11 of the beneficiaries are the widows of rear admirals or major generals. The bill gives them $100-a-month pensions in lieu of the $30 which most of them are receiving under the general law as widows of Spanish-American War veterans. There are two widows mentioned, one of a colonel and the other of a lieutenant colonel, who would receive $75 per month under the bill. The question, and it will be decided, insofar as I am concerned, by the vote on the first item, is whether we wish to depart from the general law and award pensions to widows on the basis of the rank of their deceased husbands.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Michigan.

Mr. MICHENER. Shortly after the Spanish-American War there was an attempt made in Congress, as I recall, to do this very thing. Congress has always frowned on it. Down through the years it has been the policy of the Congress that when pensions are granted they should go alike to the widows of all soldiers.

Mr. HANCOCK. That is right.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. I take it from the gentleman's amendment that he does not approve of paying a large pension to the widow of an admiral when the widow of a soldier who died going over the top only receives $30 a month?

Mr. HANCOCK. That is what I think, and it is the attitude taken by the Veterans' Bureau. I call attention to the latter part of the report of General Hines, in which he directs our attention to the fact that—

Widows of officers who have not attained high or highest rank are often left with minor children to support and educate—and this is true of widows of enlisted men—who, because of the lower pay income of their husbands, have been unable to build a fund to adequately provide for their economic needs when death terminates the husband's income. The financial crisis with which such group of widows is confronted is ordinarily as great and probably greater than that which the widows of high-ranking officers must meet.

This is an invitation, if the bill passes, to widows of high-ranking officers who are not in affluent circumstances to come in and ask for special consideration. In other words, the widows of high-ranking officers may receive a hundred dollars per month, while the widows of lieutenants, captains, and sergeants in similar circumstances receive $20 or $30. Personally, I am opposed to this policy, but I am only one Member of this jury. I am offering this amendment so the House may go on record on this question. I do not intend

to object to the other 12 cases in the bill if the House approves the first one. It is for the House to decide and not for the handful of men who watch the Private Calendar. This will establish a policy which will be a guide in the future, as far as I am concerned, in connection with widows' pension bills. I merely want you to understand what the question is. I am going to ask for a roll call, so that we may go on record and the country may know what to expect and the widows of high-ranking officers will know what to expect when private bills of this kind are introduced.

Mr. MAY. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Kentucky.

Mr. MAY. It has always been my understanding that all pensions were based upon the principle of the need of the pensioner. If we adopt the rule of giving a pension to a widow of a high ranking officer in either the Army or the Navy higher than the usual amount, we will be basing it on rank rather than on need?

Mr. HANCOCK. That is what this bill does.

Mr. MAY. Does the gentleman's amendment cure this situation?

Mr. HANCOCK. I have offered an amendment to strike out the first item of the bill and I will regard the vote as a test. There are 12 other items in the bill awarding pensions up to $100. One of the beneficiaries is the widow of a colonel and another of a lieutenant colonel. They are awarded $75 by this bill, which would indicate that the Invalid Pension Committee wishes to base such pensions on the rank of the deceased officer. I agree with the gentleman that a junior officer does not have as much opportunity to accumulate an estate for his family as the senior officer, and his widow and children are usually in greater need than those of the high ranking officer.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I voted for this bill in committee and I may say that it will not establish a precedent. May I call the gentleman's attention to the fact that more than a hundred similar bills have been enacted which grant a pension to the widows of high ranking officers of the Army and Navy. In fact, a Republican administration granted Maj. Gen. Leonard Wood's widow an annual pension of $5,000. Let us not therefore make the statement and convey the impression that this bill would be a precedent.

Mr. HANCOCK. I do not care anything about that; I am raising the question now. I want the House to decide it. Personally, I believe it is the wrong policy.

Mr. MASSINGALE. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. May I ask the gentleman, who has evidently given some study to this bill, if there is anything in the hearings to indicate a reason why the widow of a major general should have any more money in the way of a pension than the widow of a buck private?

Mr. HANCOCK. There is a strong sentimental appeal here because the deceased officers have all had fine records. It is alleged that their widows are not in comfortable circumstances and are living on small pensions, plus war-risk-insurance benefits and whatever other estate the husbands were able to build.

Mr. MASSINGALE. As I understand, there is no showing of need.

Mr. HANCOCK. Not of real need. As a matter of fact, I believe the widows of officers can never suffer real privation because there is a mutual fund to prevent it. I do not like the duty of opposing this bill. I do so because I think the principle involved is too important to be established by unanimous consent and that the whole House should pass on it.

[Here the gavel fell.]

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I very gravely doubt the wisdom of applying the policy which the gentleman proposes to one of the items in a bill of this kind. I shall not take much time in discussing that because if we are invoking a question of policy we should have far more time than 5 minutes in which to discuss it. There may be cases in which the widow of an admiral should not be entitled to any pension at all, and there may be other cases in which she should be granted the pension which is provided in the bill. If any pensions are to be granted, I believe this item comes well within that rule.

Let me call attention to a letter I have received from the son of this widow. May I say that she is not a resident of my district. My only connection with this case is that her son is employed in the Veterans' Administration facility in my district. This is a letter he wrote me under date of July 13, 1939:

> It is desired to express to you my very sincere thanks and appreciation for your efforts in my mother's behalf and also hers. I hope very much that favorable final action on this bill will be taken at this session of Congress as within the last 6 months my mother has entirely lost her sight, and it is necessary for her to have constant supervision.

Information in my possession shows that on May 16, 1940, this lady will be 85 years old. She is the widow of one of the most distinguished admirals in the service, Admiral Osterhaus. I quote from the statement that was made at the time a pension of $50 per month was granted her:

> It is shown by testimony filed with the committee that Admiral Osterhaus left an estate of about $15,000, and that her annual income, including her pension of $30 a month recently granted her, is about $1,200.

This was in 1928.

Other information has come to me that she has an income of $100 a month, made up of an annuity plus the $50 per month pension, The item in this bill will mean an increase of $50 a month for this old lady, who is now nearly 85 years old, who is blind, and needs constant supervision.

Mr. FADDIS. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I cannot yield because, as the gentleman realizes, under the rules of the House I have only 5 minutes. This is the reason the broad policy question ought not to be discussed on these separate bills.

Admiral Osterhaus retired in 1913, yet when the World War came along, after filling some of the most important positions in the Navy, he returned to duty, April 7, 1917, in the office of the supervisor of naval auxiliaries, Norfolk, Va., and on October 16 he undertook the duties of supervisor, naval auxiliaries, Navy Department. On October 19, 1920, he was relieved of duty as director of naval districts, naval operations, Navy Department. He received the Spanish Campaign Medal, the Philippine Campaign Medal, U. S. S. *Kentucky*, the Victory Medal, World War Service, and commendation for service in the World War, although he was entitled to retirement and had retired before the World War.

Under all these circumstances, I submit that in a case such as this and in other cases where widows are in a position of need, the need itself ought to be considered apart from any question of policy. I hope the Members will not be governed here by the question of policy, which has been raised, and I hope that if the question of policy is to come up, a special rule may be provided for the consideration of these bills so that there may be ample time to discuss that question. On that we should not be limited to a 5-minute presentation by only one speaker.

[Here the gavel fell.]

CALL OF THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, the point of order that a quorum is not present is going to be made after the question is taken on this amendment anyway, so I make the point of order right now that a quorum is not present.

The SPEAKER pro tempore. The Chair will count [After counting.] One hundred and twenty-five Members are present, not a quorum.

Mr. COSTELLO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 51]

Alexander	Douglas	Kellar	Sandager
Allen, Ill.	Duncan	Kennedy, Martin	Schiffler
Allen, Pa.	Edelstein	Keogh	Scrugham
Andrews	Edmiston	Knutson	Seccombe
Bates, Mass.	Evans	Lewis, Ohio	Seger
Beam	Fay	McArdle	Shannon
Bell	Ferguson	McCormack	Sheridan
Bender	Fernandez	Maas	Simpson
Blackney	Fitzpatrick	Maciejewski	Smith, Ill.
Boehne	Flannagan	Magnuson	Smith, Maine
Bradley, Pa.	Flannery	Mansfield	Smith, W. Va.
Brown, Ohio	Leland M. Ford	Marshall	Somers, N. Y.
Buckley, N. Y.	Garrett	Martin, Ill.	Starnes, Ala.
Burch	Gathings	Mason	Stearns, N. H.
Burgin	Gavagan	Merritt	Sullivan
Byron	Gehrmann	Mills, Ark.	Sweeney
Cannon, Fla.	Harter, N. Y.	Mouton	Taylor
Casey, Mass.	Hawks	Myers	Tenerowicz
Cluett	Hendricks	Oliver	Thomas, N. J.
Coffee, Nebr.	Hess	O'Neal	Thorkelson
Coffee, Wash.	Hinshaw	Osmers	Tibbott
Cole, N. Y.	Hoffman	Pfeifer	Vinson, Ga.
Cooley	Horton	Plumley	Wadsworth
Crowther	Houston	Rayburn	Whelchel
Cummings	Jacobsen	Reed, Ill.	White, Idaho
Darrow	Jarrett	Rockefeller	White, Ohio
DeRouen	Jeffries	Rogers, Okla.	Wigglesworth
Dies	Johns	Ryan	Williams, Del.
Disney	Johnson, W. Va.	Sabath	Wood
Ditter	Kee	Sacks	

The SPEAKER pro tempore. Three hundred and ten Members have answered to their names. A quorum is present.

Further proceedings under the call were dispensed with.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK] to strike out title I of the pending bill.

Mr. HANCOCK. Mr. Speaker, since this question establishes the policy of the House, I think we ought to have a roll call, and I therefore demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 68, not votng 138, as follows:

[Roll No. 52]

YEAS—224

Andersen, H. Carl	Dondero	Harter, Ohio	McDowell
Anderson, Calif.	Doughton	Hartley	McGehee
Andresen, A. H.	Doxey	Hawks	McGregor
Arends	Drewry	Healey	McKeough
Arnold	Durham	Hennings	McLaughlin
Austin	Dworshak	Hill	McLean
Barden	Eberharter	Holmes	Mahon
Barnes	Edmiston	Hook	Maloney
Barry	Elliott	Hull	Marcantonio
Barton	Ellis	Hunter	Martin, Iowa
Beckworth	Elston	Jenkins, Ohio	Martin, Mass.
Bolton	Engel	Jenks, N. H.	Massingale
Boren	Englebright	Jennings	May
Brewster	Evans	Jensen	Michener
Brown, Ga.	Faddis	Johns	Miller
Bryson	Fenton	Johnson, Ill.	Monkiewicz
Bulwinkle	Fish	Johnson, Ind.	Moser
Byrne, N. Y.	Ford, Miss.	Johnson, Luther A.	Mott
Byrns, Tenn.	Ford, Thomas F.	Johnson, Lyndon	Mundt
Camp	Fulmer	Johnson, Okla.	Murdock, Ariz.
Carlson	Gamble	Johnson, W. Va.	Murray
Carter	Gartner	Jones, Ohio	Nelson
Cartwright	Gathings	Jones, Tex.	Norrell
Case, S. Dak.	Gearhart	Jonkman	Norton
Church	Gerlach	Kean	O'Brien
Claypool	Geyer, Calif.	Keefe	O'Connor
Clevenger	Gibbs	Kelly	O'Day
Cochran	Gilchrist	Kennedy, Md.	Parsons
Collins	Gillie	Kennedy, Michael	Patman
Colmer	Goodwin	Kilburn	Pearson
Cooper	Gore	Kilday	Peterson, Ga.
Corbett	Gossett	Kinzer	Pierce
Courtney	Graham	Kirwan	Pittenger
Cox	Grant, Ala.	Kitchens	Poage
Cravens	Grant, Ind.	Kleberg	Polk
Crawford	Green	Kocialkowski	Rabaut
Crosser	Gross	Kunkel	Rankin
Crowe	Gwynne	Lambertson	Reed, N. Y.
Curtis	Hall, Edwin A.	Landis	Rees, Kans.
D'Alesandro	Hall, Leonard W.	Lanham	Rich
Davis	Halleck	Leavy	Risk
Dempsey	Hancock	LeCompte	Robertson
Dickstein	Hare	Lewis, Colo.	Robinson, Utah
Dingell	Harness	Ludlow	Robsion, Ky.
Dirksen	Hart	Lynch	Rodgers, Pa.
Rogers, Mass.	Simpson	Sumner, Ill.	Vincent, Ky.
Romjue	Smith, Maine	Sumners, Tex.	Vorys, Ohio
Routzohn	Smith, Ohio	Sutphin	Vreeland
Rutherford	Smith, Wash.	Taber	West
Sasscer	Smith, W. Va.	Talle	Wheat
Satterfield	Snyder	Tarver	Whittington
Schaefer, Ill.	South	Terry	Williams, Mo.
Schulte	Spence	Thomas, Tex.	Wolcott
Schwert	Springer	Tinkham	Wolfenden, Pa.
Secrest	Steagall	Treadway	Youngdahl
Shanley	Stefan	Van Zandt	Zimmerman

NAYS—68

Allen, La.	Costello	Lesinski	Richards
Anderson, Mo.	Creal	McAndrews	Rogers, Okla.
Angell	Culkin	McLeod	Schafer, Wis.
Ball	Cullen	McMillan, Clara G.	Schuetz
Bates, Ky.	Delaney	McMillan, John L.	Shafer, Mich.
Bland	Dunn	Mills, La.	Sheppard
Bloom	Eaton	Mitchell	Short
Bolles	Folger	Monroney	Smith, Conn.
Bradley, Mich.	Gregory	O'Leary	Sparkman
Brooks	Griffith	O'Toole	Thill
Burdick	Guyer, Kans.	Patrick	Tolan
Cannon, Fla.	Havenner	Patton	Wallgren
Chapman	Hobbs	Peterson, Fla.	Walter
Chiperfield	Izac	Powers	Ward
Clark	Jarman	Ramspeck	Weaver
Cole, Md.	Lea	Randolph	Welch
Connery	Lemke	Reece, Tenn.	Woodruff, Mich.

NOT VOTING—138

Alexander	Dies	Keogh	Sandager
Allen, Ill.	Disney	Kerr	Schiffler
Allen, Pa.	Ditter	Knutson	Scrugham
Andrews	Douglas	Kramer	Seccombe
Bates, Mass.	Duncan	Larrabee	Seger
Beam	Edelstein	Lewis, Ohio	Shannon
Bell	Fay	Luce	Sheridan
Bender	Ferguson	McArdle	Smith, Ill.
Blackney	Fernandez	McCormack	Smith, Va.
Boehne	Fitzpatrick	McGranery	Somers, N. Y.
Boland	Flaherty	Maas	Starnes, Ala.
Boykin	Flannagan	Maciejewski	Stearns, N. H.
Bradley, Pa.	Flannery	Magnuson	Sullivan
Brown, Ohio	Ford, Leland M.	Mansfield	Sweeney
Buck	Fries	Marshall	Taylor
Buckler, Minn.	Garrett	Martin, Ill.	Tenerowicz
Buckley, N. Y.	Gavagan	Mason	Thomas, N. J.
Burch	Gehrmann	Merritt	Thomason
Burgin	Gifford	Mills, Ark.	Thorkelson
Byron	Harrington	Mouton	Tibbott
Caldwell	Harter, N. Y.	Murdock, Utah	Vinson, Ga.
Cannon, Mo.	Hendricks	Myers	Voorhis, Calif.
Casey, Mass.	Hess	Nichols	Wadsworth
Celler	Hinshaw	Oliver	Warren
Clason	Hoffman	O'Neal	Whelchel
Cluett	Hope	Osmers	White, Idaho
Coffee, Nebr.	Horton	Pace	White, Ohio
Coffee, Wash.	Houston	Pfeifer	Wigglesworth
Cole, N. Y.	Jacobsen	Plumley	Williams, Del.
Cooley	Jarrett	Rayburn	Winter
Crowther	Jeffries	Reed, Ill.	Wolverton, N. J.
Cummings	Kee	Rockefeller	Wood
Darden	Kefauver	Ryan	Woodrum, Va.
Darrow	Keller	Sabath	
DeRouen	Kennedy, Martin	Sacks	

So the amendment was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Martin J. Kennedy with Mr. Wolverton of New Jersey.
Mr. Warren with Mr. Wadsworth.
Mr. Woodrum of Virginia with Mr. Ditter.
Mr. Boland with Mr. Gifford.
Mr. Mansfield with Mr. Thomas of New Jersey.
Mr. Vinson of Georgia with Mr. Plumley.
Mr. Thomason with Mr. Knutson.
Mr. Buck with Mr. Cole of New York.
Mr. Gavagan with Mr. Schiffler.
Mr. Burch with Mr. Douglas.
Mr. O'Neal with Mr. Hess.
Mr. Caldwell with Mr. Jarrett.
Mr. Rayburn with Mr. White of Ohio.
Mr. Cannon of Missouri with Mr. Hoffman.
Mr. Coffee of Nebraska with Mr. Jeffries.
Mr. Cooley with Mr. Allen of Illinois.
Mr. Pfeifer with Mr. Luce.
Mr. Darden with Mr. Blackney.
Mr. Kerr with Mr. Mason.
Mr. Starnes of Alabama with Mr. Cluett.
Mr. Keogh with Mr. Reed of Illinois.
Mr. Dies with Mr. Crowther.
Mr. Sullivan with Mr. Seger.
Mr. Whelchel with Mr. Hope.
Mr. Mouton with Mr. Osmers.
Mr. Fernandez with Mr. Maas.
Mr. Smith of Virginia with Mr. Alexander.
Mr. Martin of Illinois with Mr. Lewis of Ohio.
Mr. Ferguson with Mr. Oliver.
Mr. Beam with Mr. Bender.
Mr. Boehne with Mr. Rockefeller.
Mr. Nichols with Mr. Darrow.
Mr. Garrett with Mr. Stearns of New Hampshire.

Mr. Burgin with Mr. Harter of New York.
Mr. Harrington with Mr. Wigglesworth.
Mr. Pace with Mr. Andrews.
Mr. Casey of Massachusetts with Mr. Marshall.
Mr. Scrugham with Mr. Brown of Ohio.
Mr. Cummings with Mr. Leland M. Ford.
Mr. Disney with Mr. Winter.
Mr. McCormack with Mr. Bates of Massachusetts.
Mr. Tenerowicz with Mr. Seccombe.
Mr. Somers of New York with Mr. Buckler of Minnesota.
Mr. Maciejewski with Mr. Tibbott.
Mr. Hendricks with Mr. Horton.
Mr. Flannagan with Mr. Williams of Delaware.
Mr. Boykin with Mr. Clason.
Mr. DeRouen with Mr. Thorkelson.
Mr. Mills of Arkansas with Mr. Gehrmann.
Mr. Sabath with Mr. Hinshaw.
Mr. Flannery with Mr. Wood.
Mr. Allen of Pennsylvania with Mr. Fay.
Mr. Magnuson with Mr. Bell.
Mr. Buckley of New York with Mr. Myers.
Mr. Kee with Mr. Sheridan.
Mr. Larrabee with Mr Duncan.
Mr. McGranery with Mr. Taylor.
Mr. Sweeney with Mr. McArdle.
Mr. Byron with Mr. Murdock of Utah.
Mr. Kramer with Mr. Shannon.
Mr. Kefauver with Mr. Edelstein.
Mr. Sacks with Mr. Coffee of Washington.
Mr. Bradley of Pennsylvania with Mr. Fitzpatrick.
Mr. Jacobsen with Mr. Keller.
Mr. Ryan with Mr. Flaherty.
Mr. Merritt with Mr. Fries.
Mr. Houston with Mr. Celler.

Mr. EBERHARTER changed his vote from "no" to "aye."

Mr. REECE of Tennessee and Mr. ANGELL changed their votes from "aye" to "no."

The result of the vote was announced as above recorded.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to suspend further reading of the bill—H. R. 7831—granting increased pensions to sundry widows.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call of the Private Calendar.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HART. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert certain quotations from letters written by a Federal judge.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a list of the contributions of various Ministers and Ambassadors appointed by the New Deal to the last campaign.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HARTER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a release from the Izaak Walton League of America.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order of the House, the gentleman from Indiana [Mr. SCHULTE] is recognized for 20 minutes.

THE STRIKE AT THE MID-CONTINENT PETROLEUM CO.

Mr. SCHULTE. Mr. Speaker, some time during the session in 1934 there was passed by this House legislation titled the National Industrial Recovery Act, the N. R. A. Under section 7 of that particular act, for the first time within my knowledge, any party ever undertook to protect the working man in his right to organize. He was given that right because of the fact that there had been so much interference by the companies at that particular time in refusing to allow men working in the mills and plants and in the oil industries to organize. Immediately there came into being a great many new unions, among them local No. 210, International Oil and Refinery Workers of my district, an organization of whom we are all mighty proud of, men who are taking their part in the civic affairs of the city in which they are living, highly respected. The Members of this House at that particular time thought that surely that would help to eliminate strikes, and give everyone an equal opportunity. Apparently it did not. Then to relieve this situation because of the turmoil that had been created—because of the existence of the act, both labor and employers complaining that it did not give them equal rights—this administration saw fit to introduce a new piece of legislation that would meet with everybody's approval and there was brought into being the National Labor Relations Board, to act as a sort of umpire in the event of any dispute between those working in particular industries and the managers of the industries themselves. A great deal of controversy has arisen since that time relative to the action of the Board. I am not here this afternoon to defend or condemn the actions of the Board. Certainly in my opinion the Board has served a purpose. They are not infallible. They are liable to mistakes the same as any of us, but as a whole I think they are to be complimented. An attempt is being made at this particular time to do away with the Board entirely. I do not believe that this Congress will ever consent to that nor will the workingman give up without a fight the ground that he has gained. Suggestion has been made that more members be added to the Board. I am very much in sympathy with the idea of adding two more men to that Board. I want to see men appointed there who will be a little broader in their views. Both sides have the right to be heard, but I do not want to see the National Labor Relations Board destroyed, and I am afraid that attempt is going to be made. Those who are attempting it are not friendly to labor unions because the unions feel that is the only safeguard that they have. Now, in spite of all this protection that we are trying to give the workers, it seems that some industries will still try to take advantage of them.

There is a situation that I desire to present relative to an oil strike in the city of Tulsa, Okla. The reason I am interested is because of the fact that during the days I have just mentioned there was born in my district Local 210 of the International Oil and Refinery Workers of the United States and Canada. They are very much interested, and, in view of the fact that they are an affiliate of the organization that now exists in Tulsa, Okla., I shall address myself to some of the testimony that was presented to us.

BRIEF ON THE MID-CONTINENT STRIKE

The history of the strike of the Oil Workers' International Union against the Mid-Continent Petroleum Corporation is one of the outstanding chapters of labor suppression and of collusion of corporate and political officials in denying the rights of workingmen to bargain collectively in the annals of modern times.

Before going into the history of the strike itself, however, it is well to examine the industrial-relations record of this company in order to understand some of the reasons for the vicious attitude taken by this company.

Prior to 1921 two craft organizations, namely, the Machinists International Union and the International Brotherhood of Boiler Makers and Helpers of North America, having organized, a majority of the Mid-Continent Petroleum Co.'s employees in those crafts attempted to negotiate a wage agreement, and, failing to receive any consideration at all from the company, called their men out on strike in 1921 and 1922, respectively. These strikes remain unsettled to this day. This and the subsequent attitude of the company may be partly attributed to the American plan, one of the first antiunion programs of this country, which was very strong in Tulsa, Okla., at that time, and of which J. C. Denton, vice president and general manager of the company at the present time, was one of the outstanding leaders in the Tulsa, Okla., area.

Another phase of the company's industrial relations was the participation of various company officials in various business enterprises, such as real estate and insurance, making it necessary for employees to purchase these items at high prices in order to hold their jobs.

One of the participators in these projects was the personnel representative of the company. The employees' political viewpoints and activities were also dominated and controlled at election time. These conditions plus a definite substandard of wages and working conditions among the employees of the company resulted in the employees starting a movement to form a union as early as 1933; however, their efforts were not really successful until 1935, when some degree of success began to be achieved, and by the fall of 1936 the Oil Workers' International Union, representing a majority of the company's employees, started negotiating with the company for a contract covering wages, hours, and working conditions.

The outstanding phases of these negotiations were that—

First. Finally in the spring of 1937 the negotiations were consummated after intense pressure by the union.

Second. The contract was not entirely satisfactory in several points, namely, the seniority principle as embodied was very loose, and was later to prove unenforceable because of the fact the contract provided no arbitration clause for the impartial adjustment of grievances arising under the contract. Neither was the union recognized as the exclusive bargaining agency under the contract, the management admitting the union had a majority of the employees in the union.

The union, however, was willing to accept the contract on the theory that they would be able to improve it at a later date as their relationship improved with the company, and also on the belief that some of the shortcomings of the agreement were compensated for by statements of the company of representatives into a verbatim transcript as to the application of various portions of the agreement. The company representative, Mr. J. C. Denton, general manager, promised the union committee a copy of this transcript to be used as a reference guide. This promise was never kept.

EFFORTS TO AMEND 1937 CONTRACT

In the summer of 1938 the union proposed to amend the contract with the company. After many delays conferences were finally arranged and started during the latter part of October 1938.

The following amendments were proposed by the union:

First. The establishment of impartial arbitration machinery for the settlement of unsettled grievances.

Second. A more fair and equitable seniority clause.

Third. Vacations comparable to that of other companies in the competitive area.

Fourth. The voluntary right of employees to assign a portion of their wages as dues, which the company would deduct from the men who might authorize deduction and send to the union.

Fifth. A fifth proposal was for a wage adjustment for some 20 men up to the prevailing level.

The experience of the union with the contract of 1937 was such as to make them feel these changes were imperative.

Union membership had become a cause for discrimination in promotions and demotions, and the union lacking an impartial means of arbitrating disputes such as discriminations and promotions and demotions in violation of seniority was rapidly finding the company was making it impossible for a man to be a member of the union. These conditions along with the other improvements sought, and which from any viewpoint, seemed to be fair and equitable to the union when the conference opened in October 1938.

The representatives of the company were Mr. George Bush, personnel representative, and Mr. J. C. Denton, general manager and vice president. The union had a representative committee from four locals having members employed by the Mid-Continent Petroleum Co. The union also was represented by H. C. Fremming, president, B. J. Schafer, vice president, and R. H. Stickel, representative of the Oil Workers' International Union.

The committee representing the union proceeded to present their demands. Mr. Denton, for the company, informed the committee that he would have to take the proposals of the union up with the president of the company, Mr. Jacob France, who, he said, was presently in Tulsa. The union representatives pointed out that they had asked, at the same time the conference was asked for, for someone to represent the company who had authority to negotiate for the company to a successful conclusion. Mr. Denton stated Mr. France could not meet with the committee, but he, Mr. Denton, would have to obtain Mr. France's approval on any or all points.

Mr. Denton stated he would listen to the union's arguments on each point and then transmit them to Mr. France, and bring back Mr. France's reply.

Two days' negotiations then ensued, at the end of which time Mr. Denton reported the company felt they could not grant any of the union's requests. Negotiations were then broken off.

The local unions requested permission of the international union to take a strike vote. The international executive council granted their request. The vote was taken on November 1, 1938, and carried by the required three-fourths constitutional majority, voting by secret ballot, and the unions were authorized to proceed to strike the Mid-Continent Petroleum Co.

A strike date was set for November 14, 1938. In the meantime, B. J. Schafer, vice president of the Oil Workers' International Union, petitioned the United States Department of Conciliation to send a representative into Tulsa to attempt to use their offices to work out a settlement.

Mr. W. H. Houston was sent in.

Mr. Houston obtained a conference with the Mid-Continent Petroleum Co. representative, Mr. J. C. Denton, on November 14, and asked that the strike be called off. Pending conferences this was done by the union.

Conferences were then arranged between the union and the company by Mr. Houston, of the Conciliation Department. Present at these conferences were representatives of the Governor's office of the State of Oklahoma. The State Department of Labor, and the National Labor Relations Board, sixteenth region, was represented by Mr. Dwight Blackmore. After 2 days of conferences, no progress could be noted, the company's attitude remaining unchanged, and as further evidences of their hostile attitude the employment of about 100 armed guards was noted around November 1, 1938.

Additional conferences were arranged by the Conciliation Department between the union and the company, up to December 22, and they were likewise unproductive.

On December 22, the long-pending strike against the Mid-Continent Petroleum Co. was called.

In summarizing the principal points that were instrumental in bringing about the Mid-Continent strike, we find them about as follows:

First. Failure of company to keep the agreement either in letter or in spirit.

Second. Unsatisfactory settlement of grievances under the agreement.

Third. Departure from seniority in many cases contrary to understanding had in contract.

Fourth. Apparent discrimination against union members.

Fifth. Putting on of armed guards when any labor dispute arose.

Sixth. Attempted intimidation of committee members.

Seventh. Refusal to arbitrate any labor dispute on the grounds that it was no one's business what the company did.

Eighth. Men penalized for filing and prosecuting grievances.

Ninth. Antiunion activities of certain foremen and superintendents condoned, if not openly sponsored and encouraged.

Tenth. Clubroom in which many employees have paid membership dues and spent idle time before and after work, and which has been openly sponsored by the company, has been closed and padlocked by the company without consulting the membership of the club.

Eleventh. Men have been unjustly discharged by company on fictitious grounds.

Twelfth. Company has not granted its employees privileges that are enjoyed by employees of other companies.

Thirteenth. Pay not comparable to that being paid by the Texas Co. in West Tulsa and Sinclair in Sand Springs which are the only ones whose employees have the same living expenses and conditions.

Fourteenth. Refusal of the services of the labor conciliator of the United States Department of Labor and the labor representatives of the State government by the company.

THE ACTUAL STRIKE SHUT-DOWN

On December 22 the strike was called against the Mid-Continent Petroleum Co.

One of the first problems confronting the striking employees was the proper shutting down of a plant and property containing such highly technical and hazardous equipment.

To walk off and leave such equipment operating would be a very hazardous thing to do, so the employees chose to remain on the property long enough to shut their equipment down. This was done under threats from armed guards who had instructions to shoot to kill. The men employed by the company finally completed shutting the hazardous equipment down and leaving the company's premises.

Immediately after the strike started, a picket line was formed and peaceful picketing was started at the company's Tulsa refinery main gate.

Even though the plant was outside the city limits, the Tulsa police department sent their riot squad at the request of the Mid-Continent Petroleum Co. to guard the company's plant and main gate. Affidavits and testimony show this squad of police officers were sent with instructions to break up the picket line on orders from the man in charge of the police to the strikers to break up and disperse. The picket line kept on going. At this time, testimony will show company officials passed tear gas through the fence to the police squad and the police started throwing gas at the strikers to disperse them, although the strikers had done nothing but form picket lines.

The following is a brief résumé of the police department's activities as a strike-breaking agency for the Mid-Continent Petroleum Co.:

June 2, 1938, police demonstration at refinery gate by about 30 officers, under the leadership of Berg Hughes. This demonstration took place immediately after the adjournment of the local union meeting.

The police were armed with sawed-off shotguns, submachine guns, police clubs, and pistols. A part of them were stationed inside the refinery gates, which is outside the city limits, and the others were marching up and down on the outside of plant and also outside city limits.

Tear-gas cans which were used on night of December 22 at refinery gate are reported by Elmer Davis, N. L. R. B. attorney, to have been purchased in June 1938.

On December 26, 1938, there was a large amount of tear gas delivered through the Tulsa city police department, to the Mid-Continent Petroleum Corporation refinery in Diamond 760 Motor Oil cases. The tear-gas salesman reported the amount as $12,000 worth (see affidavits of Harry Dunn). The N. L. R. B. has copies of affidavits.

The tear gassing of people at refinery gates December 22 was done by the chief detective of city police department and Bill Kelly, policeman. The tear gas was handed over the fence from inside the refinery by D. G. Morgan, superintendent, and Dan Lairmore, refinery guard. The tear gas, gas guns, rifles, shotguns, police clubs, and other strike-breaking weapons were delivered to the company agents, Harry Morton, superintendent of stills, and Fred Heffner, investigator for the Mid-Continent Petroleum Corporation.

Tulsa city police patrol cars were used to transport workers to and from their homes to the plant.

During this period, January, February, and March, many arrests were made and charges filed against strikers. High bonds were required. Records of the supposed offenses are on file in the union office.

NATIONAL GUARD

On December 25, 1938, 3 days after the Mid-Continent Petroleum Co. strike was called by the Oil Workers International Union, 125 National Guardsmen were ordered into the Tulsa, Okla., area by the Governor of Oklahoma, supposedly for the purpose of protecting life and property and at the request of the county prosecutor and sheriff. In reality, the reason they were requested was because of the episode that occurred at the time of the shut-down, when the police department of Tulsa threw tear gas into peaceful picket lines in front of the Tulsa plant of the company.

In fact, it would appear that the motive of the police department was to make it appear that the strikers were causing the trouble in Tulsa in order that the National Guard might be brought in to intimidate the strikers in the hopes of breaking it at its very inception. Failing this, the National Guard could serve as a valuable aid to the prosecutors and police department's offices in carrying on their strike-breaking tactics.

A brief summary of one National Guardsman, Frank Munroe's, testimony before the National Labor Relations Board hearing in connection with the strike is as follows:

The charge of wire tapping and dictaphoning against the Mid-Continent Petroleum Corporation was strongly enforced from the witness stand by National Guardsman Frank Munroe.

Guardsman Munroe told of the line tap receiver being in the basement of the administration building at the refinery, at which place the corporation maintained a 24-hour daily set-up. He also told of his instructions to hold telephone employees in guard headquarters until he had phoned the switchboard operators and they had time to disconnect taps on union lines and called back by phone or reported in person that everything was O. K.

Mr. Munroe further testified that he was required to make three copies of his reports of supposed union happenings, such as fights, trucks of food coming in, strikers losing cars, furniture or homes, amount of money, and such matter. One copy of such report was furnished Ed B. Moffett of the Mid-Continent Petroleum Corporation.

Guard Munroe was called into service on orders of Major Taylor to assist Police Commissioner Floyd Rheam and refinery superintendent Glen Morgan to install a dictaphone in the Tulsa Hotel room of John L. Coulter, president of the Oil Workers International Union. In placing the microphone, Munroe was required to completely undress and to crawl up through a ventilator in one room to the opening in the adjoining room which was occupied by President Coulter.

The testimony showed that one dictaphone did not work and that Commissioner Rheam called refinery superintendent Morgan for another, which was a little later brought to the room by Morgan and Rheam.

It has often been charged that the National Guard was used as a strike-breaking agency, but the testimony of Guardsman Munroe definitely clinches the charge in this case and also proves beyond any reasonable doubt that the Governor of the State of Oklahoma had full knowledge of such action while it was being perpetrated.

The testimony by the National Labor Relations Board witnesses to date has woven a web of proof of collusion between police officials, county officials, National Guard, Governor Phillips, and the Mid-Continent Petroleum Corporation that surpasses even the wildest imagination of union men.

The National Guard, although finally reduced in March to 60 men on duty, was not removed from Tulsa until some time in May.

A great deal of money was paid out during this time by the Federal Government and the people of Oklahoma for strike-breaking activities on the part of the National Guard.

No known strikers were called before the grand jury. The union was not given a chance to appear and offer any kind of testimony.

Out of this grand-jury investigation came 104 indictments for unlawful assembly. Nineteen were indicted for conspiracy. These charges were later changed to riot charges when Prosecutor Gilmer found riot charges carried a heavier penalty.

The 104 men were later acquitted of the charges of unlawful assembly by jury trial, and 1 of the 19 charged with riot, Jack Hays, was tried separately and there was a hung jury. The cases of the other 18 men are still pending.

In reality, the incident which occurred on December 22, 1938, when the police broke up the picket line with the company-supplied tear gas, was the basis for the charges against all of these strikers.

That the purpose was to demoralize and deplete the union's finances is indicated by the methods pursued by the grand jury and the acquittals of 104 in jury trial.

At the same time, the prosecutor's office was prosecuting union men. The company had known parolees with criminal records on their pay rolls as guards, who violated every basis of parole and yet nothing was done.

The dynamiting of pipe lines was a frequent occurrence. The union offered to help uncover the perpetrators of these incidents, and when the facts were known, company agents were found to be responsible, and yet the prosecutor's office did nothing.

The following brief facts have been developed on the Tulsa County prosecutor, Mr. Dixie Gilmer:

On or about January 5, 1939, it was agreed by and between the Mid-Continent Petroleum Corporation and Dixie Gilmer, county attorney, that all cases in which strikers were involved would be filed in the county.

There had been a fight between a group of strikers who were not armed and a group of refinery workers who were armed with guns and knives, and in which fight a striker was seriously stabbed. One of the strikers, who was in no way involved in the fight, called the police and all those in the fight were arrested. The nonstrikers were in such an intoxicated condition that the police had to drive their car to the station. They were all charged with disorderly conduct. When the case came up the county attorney appeared in police court and stated he was filing riot charges against the strikers. He filed no charges against the nonstrikers, even though they were armed and had not only precipitated the fight, but had threatened to kill and had used a knife to stab W. H. O'Hara seriously. Upon the insistence of the union men he did file a charge of carrying a gun against three and of assault against the man who did the stabbing. The bonds of the nonstriking men were set at $100 and the union men at $2,000.

While Mr. Gilmer has been very free in issuing warrants against strikers he has at the same time either refused or been very reluctant in allowing any charges to be filed against nonstrikers.

Mr. Gilmer has been very vicious in his prosecution of striker cases, while he has failed to set for trial or prosecute any nonstriker.

He severely and publicly criticized a jury for voting acquittal of a number of strikers charged with unlawful assembly and in the Hays trial for conducting a riot he arrested one juryman who voted for acquittal and placed him in jail, charged with perjury.

The supposed reason for this persecution of jurymen is so to intimidate them that they would be afraid to vote acquittal in any striker case.

The county attorney keeps in close touch with the Governor, who also is very vicious to organized labor.

NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board received charges from the Oil Workers International Union last spring advising that the men who were discharged by the Mid-Continent Petroleum were unjustly discharged. This refers to the 247 discharged by the company for alleged infractions of rules.

After investigations, a complaint was issued and hearings started in May 1939. These hearings have been going on almost constantly since. It is from these hearings that some of the statements used herein were obtained.

A study of the transcript of these hearings should bring to light a great deal of material that has a bearing on the subject matter of this brief.

GENERAL SUMMARY

It may be seen from each of the subject matters dealt with since the inception of the strike how the various law-enforcement agencies named have worked together for the ultimate defeat of the strikers, to the end the Mid-Continent Petroleum Co. might benefit.

The strikers have been deprived of relief. Union funds have been expended to protect union people from attacks of a prejudiced prosecutor.

There have been numerous conferences held with the company representative, Mr. J. C. Denton, in an effort to find a basis of settlement since the strike was called. The union has offered to accept the services of the State labor board in setting up a board to arbitrate the controversial issues that caused the strike; all of these offers have been refused.

CONCLUSION

In view of the foregoing facts, we feel it is time some responsible agency, preferably the Congress of the United States, should step in and investigate this matter to determine why such a miscarriage of justice prevails, to the end that commerce might again flow freely.

We further feel there is a conspiracy prevailing to defeat the workers' rights under the National Labor Relations Act.

This firm now has a contract with the Federal Government to supply oil to the T. V. A. This matter is now being called to the attention of the proper authorities to try and stop this, in view of the fact that they believe this will come under the Walsh-Healey bill, and the Government should refuse to buy from any firm whose men are striking for a living wage so that they may have the right to continue to exist; and certainly the facts that have been presented here this afternoon should prove conclusively that it is about time that the Federal Government must intervene; and I shall in the very near future introduce a resolution asking for a complete investigation of this strike situation in Tulsa, Okla., where they are trying to starve the men into submission and to force them back into the plants and to work for starvation wages. [Applause.]

COMMITTEE ON LABOR

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Labor may sit during the session of the House tomorrow afternoon to continue its hearings.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks on two subjects and to include certain excerpts.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

INDUSTRIAL PATERNALISM

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER pro tempore. If there is no objection from the standpoint of the Members who have the special orders the Chair will recognize the gentlewoman from Massachusetts to submit the request.

Mr. ANGELL. I have no objection, Mr. Speaker.

Mr. MILLER. I have no objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein the last two of the series of articles by Mr. Thomas Stokes, of the Washington News, regarding the Bata plant in Belcamp, Md., and also to include an application for enrollment in the Bata Industrial and Business Institute.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, permit me to point out that in this application for employment, a long questionnaire, the applicant is asked whether he or she wants to engage in leather shoes, rubber shoes, shoe repairing, hosiery, tannery, machine shop, chemistry, electrical engineering, retailing, internal trade, export business, purchasing in the United States or in foreign lands. All of this indicates, apparently, a plan to manufacture things other than boots and shoes.

In the application the children who apply for 3-year training under the absolute control of Mr. Bata are also asked whether any members of their families have held any political or public office and what they were. It looks, therefore, as though Mr. Bata were trying to control the politics of his workers as well as the conditions of their employment and the type of their education. [Applause.]

The application for enrollment follows:

BATA INDUSTRIAL AND BUSINESS INSTITUTE, BELCAMP, MD.

APPLICATION FOR ENROLLMENT

Attach (do not paste on) here two photographs on thin paper. Size: 2 inches by 2 inches. Size of the head on the picture not less than 1 inch. Sign the photos on the rear

[Do not fill.]

Questionnaire arrived on_____. _____. Candidate invited for interview and medical examination on_____. Examination shall take place on_____at_____. Examination took place at_____on _____. On_____candidate invited to arrive at Belcamp, Md., on_____.

Admission refused on_____. He/she is younger than_____older than_____. He/she is employed at_____. Weak physical development. School record below average. Did not pass more than the _____th grade. Is not interested in manufacture of footwear. Has not got higher ambitions; plans to be_____. Did not pass medical examination. Did not pass oral examination. Did not pass written examination.

QUESTIONNAIRE

The answers to the following questions have to be true and legible. The answering of the questions has to be done by the candidate himself without any help of another person. The writing has to be done in ink in the candidate's own handwriting and in a careful manner. If more than one question is asked underline the correct answer or answers. Any intentionally made false statement shall result in the candidate's discharge from the Bata Shoe Co., Inc. The statements made in the questionnaire are subject to proof by documentary evidence.

The receipt of this questionnaire does not obligate the Bata Shoe Co., Inc., in any manner. Do not urge an answer. Do not come to Belcamp, Md., unless you are definitely requested to do so.

Personal data

Last name_____, first name_____, middle name_____.
Date of birth: Day_____, month_____, year_____.
Place of birth: City or town_____, county_____, State_____.
Race_____, nationality_____, religion_____, sex_____.
United States of America citizen, yes/no. If not citizen of United States of America, of what country are you a citizen?_____.
United States of America resident, yes/no. Number of immigration card_____, number of working permit_____.
Present residence: Street and No_____, city_____, post office _____, State_____.
Permanent residence: Street and No_____, city_____, post office _____, State _____.

Education

How many years did you attend the grammar school? _____. Where? _____.
In what grade were you when you finished the grammar school? _____.
How many years did you attend high school? _____. Where? _____.
In what grade were you when you finished the high school? _____.
If still studying in what grade will you finish before coming to Bata Institute? _____.
Did you attend a college? Yes/no. Where? _____.
Did you graduate? Yes/no. What grades did you make in your last years of schooling in the following subjects: Conduct, _____; mathematics, _____; geography, _____; history, _____; English language, _____; physics, _____; algebra, _____; geometry, _____; calculus, _____; general science, _____; chemistry, _____; manual training, _____; commercial training, _____; home economics, _____; art, _____; music, _____; problems of democracy, _____; French language, _____; German language, _____; Latin language, _____; Spanish language, _____.
In scholarship were you in the upper, middle, or lower one-third of the classes? _____.
Did you excel in any subject or subjects? _____.
Did you engage in any extra-curricular work? _____.
Were you pleased with your teachers? _____.
Transportation to the school (schools) was: By bus, by family car, by train, by friend's car, by bicycle, by foot.
The distance of the school (schools) from your home: _____ miles.
What languages other than English do you speak? _____.
What other languages do you understand? _____.
Do you write any foreign language? _____.

PHYSICAL DEVELOPMENT

Height: _____ feet, _____ inches. Weight _____ pounds.
Do you feel healthy? Yes/no. Why not? _____.
What diseases have you had? _____.
Have you any defects as a result of any disease? _____.
Have you any physical defects that you were born with? _____.
Did you have an accident and/or injury? Yes/no. If yes: What kind? _____.
Have you any physical defects received due to accident or injury? _____.
Did you have an operation? Yes/no. If yes: What kind? _____. When? _____.
Have you ever been an inmate of a hospital, sanatorium, or asylum? When? _____. Why? _____. Where? _____.
Do you faint? Yes/no. If yes: How often? _____.
Eye sight: Very good, good, weak. Do you wear glasses? Yes/no. If yes: why? _____. Have you ever had any eye disease? Yes/no. If yes: What kind? _____. When? _____.
Do you hear: Very well, well, poorly? Have you ever had any ear disease? Yes/no. If yes: What kind? _____. When? _____.
Do you suffer from headaches? Yes/no. If yes: How often? _____.
Have you all of your teeth? Yes/no. How many of your teeth are missing? _____. How many of your teeth are filled? _____. How many of your teeth are artificial? _____.
Do you have a speech defect? Yes/no. If yes, what kind? _____.
Do you have any pains in your joints? Yes/no. If yes, how often? _____.
Do you drink alcoholic beverages? Average, occasional, none, excess.
Do you smoke? How many cigarettes a day? _____.
How many hours a night do you sleep? _____.
Have you ever been refused insurance on your life because you failed the physical examination? Yes/no. Have you ever been refused employment for the same reasons? Yes/no.
Have any of your parents, brothers, sisters, or any of your household now, or ever before, had tuberculosis, syphilis, diabetes, heart trouble, kidney trouble, cancer, insanity, goiter? If any above are yes, state relationship.

Mental characters

Do you consider yourself calm, hot-tempered, carefree, oversensitive?
Are you nervous? Yes/no. Are you absent-minded? Yes/no.
Do you feel embarrassed when meeting new persons? Yes/no. Do you lack the power of concentration? Yes/no. Are you easily irritated? Yes/no. Are you easily excited? Yes/no. Do you have feelings of anxiety or fright without any reason whatever? Yes/no. Have you a good memory? Yes/no. Do you worry over minor matters? Yes/no. Have you any fears? Yes/no. If yes, what kind? _____.
What do you want most? _____
What are your chief interests? Nature, poetry, mystery, science, electricity, machines, cars, airplanes, radio, music, travel, animals, farming, religion, human beings. _____.
Have you a hobby? Yes/no. If yes, what is it? _____.
Do you like excitement, adventure, danger, home?
Have you ever been before a juvenile judge? Yes/no. If yes, why? _____.

Life

Do you live in the country (on a farm or only a home), town, city?
Who reared you—parents, grandparents, other relatives, friends, other people, orphan home?
Under what circumstances did you live: Very good, good, medium, bad?
Where do you live now: With parents, grandparents, other relatives, friends, other people?
How do you spend your leisure hours? _____.
What kind of books do you prefer? _____.
What magazines do you read? _____.
Do you play any musical instruments? Yes/no. If yes, which one or which ones? _____.
Do you sing? Yes/no. Do you like sports? Yes/no. If yes, which one or which ones? _____.
In what sport (sports) are you, or have you been active? _____.
Did you actively participate in any important sporting event? Yes/no. If yes, in which one or which ones? _____.
Did you excel in any sports? Yes/no. If yes, name it. _____.
Do you like company? Yes/no. If yes, what kind? _____.
Do you like movies, theater, sport events? What kind of manual work do you enjoy most? _____.
Have you ever been employed? Yes/no. If yes, how long? _____ where? _____; by whom? _____; what was your job? _____.
How much did you earn per week? _____. What did you use this money for? _____. Why did you leave this employment? _____.
Did you earn any money without being employed? Yes/no. If yes, in what manner?_____ how much?_____ what did you use this money for? _____
What are your plans for the future?_____

What position would you like to achieve?_____

Did you ever apply for job in a Bata store or plant? Yes/no. If yes, where?_____If refused, why?_____

Did you apply for work during the last 6 months? Yes/no. If yes, where?_____If refused, why?_____

Why do you wish to work in Bata organization—for living, because of promotional chances, because the organization appeals to you, because it will give you the chance to study, because it will give you the chance to learn a trade (which trade?_____). If you have any other reason why you are interested in working with Bata state the reason_____.

In what trade would you prefer to work: Men—leather shoes, rubber shoes, shoe repairing, hosiery, tannery, machine shop, chemistry, electrical engineering. Women—leather shoes, rubber shoes, fancy slippers, hosiery. Both sexes—retailing, internal trade, export business, purchasing, in the United States of America, in foreign lands.

Who called your attention to the Bata Industrial and Business Institute?_____

Family

Father: Name _____ year of birth _____ place of birth _____ nationality _____ occupation _____ residence _____ healthy, sick, died of _____ years old.

Mother: Name _____ year of birth _____ place of birth _____ nationality _____ occupation _____ residence _____ healthy, sick, died of _____ years old.

Stepfather (stepmother): Name _____ year of birth _____ place of birth _____ nationality _____ occupation _____.

Guardian: Name _____ year of birth _____ place of birth _____ nationality _____ occupation _____.

Brothers: Name _____ age _____ profession _____.

Sisters: Name _____ age _____ profession _____.

Do your parents live together? Yes/no. Are they separated? Yes/no. Are they divorced? Yes/no.

Do your parents own any land? Yes/no. If yes _____ acres. Where _____ valued $_____.

Do your parents own a house or houses? If yes, number _____ where _____ total value _____.

Do your parents have any debts? Yes/no. If yes, $_____.

Do your parents live in a rented house, an apartment, with relatives? In how many rooms does your family live?_____

What are the wages of your father (mother) per week? $_____ ($_____).

Do other members of your family earn own living? Yes/no. Which ones?_____.

Do other members of your family earn part of their own living? Yes/no. Which ones?_____.

How many of your family or relatives does your father/mother have to support?_____

Does your father/mother or any of your close relatives hold (or ever held) a public or political position? Yes/no. If yes, who? _____, what are/were these positions?_____.

Have any of your relatives been: Inventors, exceptionally talented, explorers, or persons who have achieved some special or remarkable aims or careers?_____.

What kind of work and where he/she does (they do)?_____.

Are you known to any of our employees? Yes/no. If yes, state the name or names_____.

Are any of your family or relatives already employed by Bata? Yes/no; name or names_____, relation_____.

Autobiography

Describe in brief your past life and your outstanding experiences. You may write here also anything which you consider as important about yourself that will be of value to the Bata Industrial and Business Institute and to the Bata Shoe Co., Inc.

Should you be selected by the institute as a future candidate, are you willing to appear at some designated city in your State for interview and for medical examination? Yes/no. If yes, where _____. If no, why? _____.

This _____ day of _____ 19__

To the BATA SHOE CO., INC.,
Belcamp, Md.

GENTLEMEN: I have carefully read and considered all the above questions and have answered them honestly and to the best of my ability, without aid or prejudice.

I have carefully read your booklet marked BIBI 1939-40. I understand all the information contained therein, and I am willing to serve the full 3 years as an apprentice student in the Bata Industrial and Business Institute, in Belcamp, Md., under the conditions described in the above booklet, which will form a part of our mutual agreement.

Should I not qualify after the 3-month probation period I will pay my return trip home.

Signed: _____

To be signed by parent or guardian

This _____ day of _____ 19__.

I understand the pay, conditions, and opportunities of the Bata Industrial and Business Institute, and I approve the above application of my _____.

If the applicant is accepted and ordered to come to Belcamp, Md., I am willing to pay his transportation to Belcamp, Md.

Signed: _____
(Parent or guardian)

Address: _____

The articles by Mr. Thomas L. Stokes, which appeared in the Washington Daily News of March 14 and 15, last, follow:

[From the Washington Daily News, March 14, 1940]

INDUSTRIAL PATERNALISM GUIDES POLICIES OF BATA

(EDITOR'S NOTE.—This is the fourth of five articles)

(By Thomas L. Stokes)

BALTIMORE, MD., March 14.—The basic concept of the Bata Shoe Co.'s industrial colony now being established at Belcamp, 20 miles from here, derives from the parent enterprise at Zlin, Czechoslovakia.

But it partakes likewise of an industrial paternalism once familiar in many parts of this country and still lingering in some, including the South. As a matter of fact, Jan A. Bata learned much about industrial methods in a study of shoe manufacturing in this country several years ago, and took the information back to Czechoslovakia.

At the time he had a small business. From this he began to expand, building an industrial town of his own, Zlin—the name is said to be derived from Lynn, Mass.—with a great covey of factory buildings surrounded by a wall and, outside this wall, stores, restaurants, two moving-picture theaters, a school, dormitories for young men and women workers, houses for workers with families, a hospital.

PICKED POOR SECTION

For this vast enterprise he selected a rural section of Moravia where the people were poor and backward and not long since emerged from the domination of the great Austrian land-owning families, according to a survey of the Bata system by the International Labor Review, published by the International Labor Office at Geneva.

For his workers, he recruited largely young people from this backward region.

In seeking to transplant his system to the United States and get a foothold for expansion in this country, Mr. Bata chose a rural section in Maryland and is recruiting his workers here from youngsters in farm families and in a region where he is free, at least so far, from labor unions. A cardinal policy wherever he has operated has been a stanch resistance to unions.

BUILDING MODERN TOWN

Here, too, he is building a settlement modern in every respect. The five-story factory building already completed and turning out shoes is light and airy. It is surrounded by a high fence and admission is via a little cagelike room where a young man in uniform inquires your business. Brick duplex houses for workers are modern and attractive. A retail shoe store is doing business in the first floor of the administration building.

The formula is similar to that of American industries which in recent years have migrated to the South to escape labor unions and labor laws and to capitalize on surplus farm labor. They get encouragement from local business interests and chambers of commerce, as the Bata company from the Baltimore Association of Commerce and like organizations.

Very low wages, much below the minimum now required by the Wage and Hour Act, were paid by these runaway factories when they first moved South. This was one of the influences helping passage of the Wage and Hour Act.

IN LOW-WAGE AREA

The section where the Bata company has located, the home county of Senator TYDINGS, chief political sponsor of the project, is a rural low-wage area. The average wage for shoe workers in Maryland last year was 38 cents an hour, compared with a national average of 48 cents, while a much higher rate was paid in many sections where strong union organizations exist.

Most of the young men and women at the Bata plant were recently being paid the minimum under the Wage-Hour Act, 30 cents an hour, an investigation by the Labor Department disclosed. Charges have been filed with the Wage-Hour Division that the company has violated the law.

The hostility aroused among American shoe manufacturers and labor unions over the Bata invasion of the United States is similar to its reception in other parts of the world, as revealed in the Commerce Department's reports published in Leather Footwear. In France the company was compelled to curtail its operations; resentment arose in other countries, England and the Netherlands among them, with charges that wages below the prevailing rate were being paid.

STUDY BARES POLICIES

The general attitude motivating the Bata enterprise, as developed abroad, is told in a study made by Kurt Roth, presented as a doctor's thesis to the University of Wurzburg in 1931.

"It is important to note," he says, "that the Bata system was conceived under the stress of generally depressed economic conditions; that it was put into effect under the pressure of a distressed labor condition; and that it is apparently kept in effect by superlative authority, strict discipline, by an automatic meting out of penalties and rewards, and by a hope for profit and a fear of loss."

Mr. Roth also said that "the danger of an intellectual and cultural enlightenment of his employees is fully recognized by

Bata," who "keeps at a distance every labor-organizing influence, and takes care in the second place that his personnel is held at a definite intellectual level. Only the less worth-while films are run in the movie houses, and in the whole of Zlin no classic or intellectually valuable book can be found."

Next—How Senator TYDINGS helped to establish Bata Co.

[From the Washington Daily News of March 15, 1940]

CHEAP LABOR SHOE PLANT SPONSORED BY TYDINGS

(Editor's note: This is the last of five dispatches)

(By Thomas L. Stokes)

BALTIMORE, March 15.—Senator MILLARD E. TYDINGS, of Maryland, a conservative Democrat, has been most helpful as the political sponsor of the industrial colony which the Bata Shoe Co. is establishing at Belcamp, Md., not far from the Senator's country estate.

Mr. TYDINGS' local political organization has been cooperative.

The company's weekly newspaper recently front-paged the story of a luncheon given 18 women of the Harford County Women's Democratic Club, including Mrs. Tydings, by Jan A. Bata and his family at their home on the reservation.

On an inspection tour of the project the women were escorted by the Senator's law partner, Robert H. Archer, who is counsel for the company.

BEGAN WORK IN 1934

Senator TYDINGS began in 1934 to pave the way for establishment of the company in Maryland. In a letter dated September 5, that year, to Daniel W. MacCormack, then United States Immigration Commissioner, he introduced John B. Gray, Jr., attorney for the Maryland Roads Commission. "Mr. Gray," he wrote, "is very anxious to discuss with you a question of right-of-way through the property of the Bata Shoe Co., a European concern to be located at Belcamp." The Senator asked every possible assistance to Mr. Gray.

The success of the road project was revealed at Washington in a speech to the House by Representative ROGERS (Republican, Massachusetts).

"Actually the Bata Co. had planned to establish its American factory at Belcamp as early as the summer of 1934," she said, "and late that September made arrangements that the new Philadelphia road pass through its property. They later paid the Maryland State highway commission $11,000 for this arrangement."

AIDED ALIENS' ENTRY

Senator TYDINGS also was active in obtaining an order from the Labor Department authorizing admission of 100 Czechoslovakian instructors for the plant. Subsequently the order was revised to permit only 10 such instructors and 15 administrative employees to work at the plant—after 76 Bata employees had come into the country as instructors.

A Labor Department investigation, made after protest by labor unions, showed that no large number of instructors was necessary, since the Bata method differed only slightly from American methods.

The company now has filed suit against the Labor Department to prevent deportation of 45 Czechoslovakians who were admitted, but whom the revised order denied the right to work at the plant. These Czechs, while remaining at Belcamp, are not working, according to company representatives.

GOT EXTENSIONS

Senator Tydings also has interceded successfully in the last 2 or 3 years for admissions and extensions, in the case of individual Bata employees.

Bata employees who were admitted on a temporary basis at the Senator's request became regular employees in Bata retail stores in the Midwest.

Labor Department files contain reports from an inspector in the Midwest charging irregularities to the company in several cases, including the admission of workers as executives.

Immigration Commissioner James L. Houghteling has confessed his dissatisfaction with the company. On last July 10, he wrote Mr. Archer, company counsel that "our past experience with the Bata Shoe Co. is that that organization does not cooperate very well with this service in connection with favors which it has in the past asked of us." On July 21 he wrote that "there has been so much bad faith on the part of this company in bringing employees for specific purposes and then trying to keep them here on various excuses." A vice president, for instance, was admitted as an instructor.

FIVE HUNDRED ADMITTED

Mrs. ROGERS told the House that, with revision of the original order to include families, servants, chauffeurs, and the like, altogether some 200 were admitted in connection with the Belcamp factory alone, instead of 76, and that the total of Bata employees admitted would run up to 500 counting those admitted as visitors to work in retail stores.

Mrs. ROGERS also pointed out an "amazing fact"—the youth of the so-called instructors, of whom one was a 16-year-old girl, while a fourth of the total were 20 or younger, and half under 25. She added that the company, in its petition, had said 5 years was necessary to develop the skill necessary to be a Bata instructor.

Carol King, who filed a brief on behalf of the United Shoe Workers in connection with admission of the Czechoslovakian "instructors," charged that those admitted were in reality contract laborers, in violation of immigration laws.

GET LOW WAGES

"Mr. Frank J. Pelz, the personnel manager," she said, "had to admit that 'the imported instructors are now receiving $18 a week, if single, and $25, if married, but that those having children here are paid a few dollars more per week.' These wages are far below the American standard.

"Thus Bata brings in cheap, nonunion skilled labor, hires untrained youths for most of the work, and by means of low wages, speed-up, and keeping out union organizers from the plant and its dormitories—in which most of the workers reside—keeps costs down at the expense of the American worker."

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement placed in the RECORD many years ago by the Honorable Champ Clark entitled "The Making of a Representative."

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the special order of the House heretofore entered the gentleman from Connecticut [Mr. MILLER] is recognized for 20 minutes.

POLITICS IN RELIEF

Mr. MILLER. Mr. Speaker, although the hour is very late I think the subject I wish to bring to your attention is sufficiently important to take at least a few minutes of your time.

Mr. Speaker, yesterday the Senate enacted a new Hatch bill, an extension of legislation the Congress passed last year. After all is said and done, the Congress can do no more than enact legislation laying down desired principles. Other departments of the Government must enforce the laws Congress enacts. I wish to call attention to a situation that exists at the present time in the city of New Britain, in the State of Connecticut.

New Britain is the second largest city in my congressional district and I am sure the conditions I shall describe are such that no Member of the House would want to see them continue. I felt when we passed the original Hatch bill that we had passed legislation strong enough to prevent political activity on the part of those working for the Federal Government and handling the administration of relief. I have in my possession what seems like sufficient proof to make the charge that supervisors and employees of W. P. A. in the State of Connecticut, in the city of New Britain, are going on to W. P. A. projects, taking with them what we know as "to-be-made" cards, which is simply a written application addressed to the registrar of voters indicating the desire of the applicant to be made a voter under the Connecticut law. These cards are filed, and the following week the citizen presents himself to be made a voter. In addition to that they are circulating on W. P. A. jobs cards and enrolling voters in the Democratic Party in the city of New Britain.

I made inquiry as to the kind of political activity that could be conducted and the right to conduct political activity under such conditions and was rather astonished to learn from the Assistant Administrator of W. P. A. that political activity under the Hatch bill was prevented only on the part of those having supervisory or administrative positions.

In the city of New Britain a man by the name of Borselle employed on W. P. A., held membership on the city council. I direct your attention to the fact that the city council appropriates money to make possible the local projects. This man is still working on W. P. A. I cannot find out whether he is classified as a supervisor or administrative official, but I am told he is drawing his money from the administrative pay roll. An election will be held in New Britain in the next few months and he desires to continue as a member of the city council. A letter was written to the administrator and a reply received, signed by one Howard C. Hunter, deputy commissioner, in which he states that if as indicated in Mr. Borselle's letter he is not employed in any administrative or supervisory capacity with this administration, he would be

eligible to run for membership in the common council in his community without prejudice to his W. P. A. employment.

I am not a lawyer, but it seems to me very clear that Congress must have intended at least two prohibitions by section 9 of the Hatch Act passed last year.

Section 9 (a) reads as follows:

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

The same section goes on to add what seems to me to be a definite prohibition.

No officer or employee in the executive branch of the Federal Government—

And I do not think anybody will charge that the W. P. A. is not an agency of an executive branch of the Government—

or any agency or department thereof, shall take any active part in political management or in political campaigns.

It is impossible for a man to be a candidate for the city council of a city or to go into a contest in his own primary and set up the claim that he is not engaged in a political campaign.

I do not know how we are expected to know what these prohibitions mean. I made inquiry of the Department of Justice in connection with an episode in Connecticut that I thought was a violation of the Hatch Act. In this particular case the W. P. A. supervisor for the State of Connecticut went on the air recently with a definitely political broadcast.

He answered a previous address made by the Governor of the State of Connecticut. Anybody who read or heard it will agree that it was a political address. I have no quarrel with the W. P. A. administrator of Connecticut. I believe he is trying to do an honest job. But I would like to determine what is to be considered political activity under the Hatch Act and if it is going to be necessary for the House to put more teeth in the act when that bill comes over to us, or amend the act which was passed last year.

In an effort to find out what some of these prohibitions were, I wrote a letter directly to the Attorney General and I received this interesting reply, under date of March 13:

MY DEAR MR. CONGRESSMAN: Reference is made to your letter of March 5, 1940, in which you request a ruling by the Department whether a broadcast made by State W. P. A. Administrator Vincent J Sullivan, was made in violation of the Hatch Act.

For a brief period following the enactment of the law, when its provisions and application were little understood, it was the practice of the Department to answer general queries with respect to its meaning and interpretation in particular situations. This practice has been discontinued, however, and no further rulings are being issued except on request of the President and heads of executive departments in accordance with the rule heretofore established and followed for many years.

Respectfully,
For the Attorney General:

O. JOHN ROGGE,
Assistant Attorney General.

If that is going to be the policy of the Department of Justice, there is no alternative for a citizen or even a Member of Congress who feels he wants to stop some political activity on the part of a Federal employee, but to go to the United States district attorney and swear out a complaint. There are many of us who want to see this situation cleared up without the taking of such a drastic step, but as far as the situation that exists in New Britain at the present time and in my congressional district is concerned, if it is necessary to take that action, I, for one, am perfectly willing to take it. I have been assured that investigators will be sent to New Britain today or tomorrow and that the situation will be thoroughly investigated.

Mr. Speaker, I have taken the time to insert this matter in the RECORD so that those of us who will have to consider additions to the Hatch Act may have an example of the way these prohibitions are being interpreted at the present time. [Applause.]

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from Oregon [Mr. ANGELL] is recognized for 20 minutes.

UNEMPLOYMENT, OLD-AGE SECURITY, AND NATIONAL RECOVERY

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a short quotation from a decision of the Supreme Court of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. ANGELL. Mr. Speaker, unemployment is America's problem No. 1. Unemployment as a national problem is intertwined with the youth problem, old-age security, and industrial and farm prosperity. The Congress, after 7 years of wrestling with this paramount issue has failed to find a solution. Notwithstanding the many laws enacted and the huge Federal expenditures made there is still a vast army of ten to twelve million of our American citizens unemployed. In the last 8 years alone, the United States has expended over sixty-five and one-half billion dollars and has increased the Federal indebtedness over twenty-two and one-half billion dollars seeking a solution. In 1909 the gross debt was $12.91 per capita, whereas in 1939 it was $308 per capita, which means an American family of five has a mortgage of $1,540 to pay or to hand down to future generations to pay. Thomas Jefferson said, "The principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." Regardless of all our efforts, savings and private capital fill our banks and remain idle and private investment is at a standstill.

These stark facts most forcibly remind us that this problem facing America today demands the unselfish nonpartisan devotion of every American. The Supreme Court speaking through Mr. Justice Cardozo recently said (*Helvering* v. *Davis*, 301 U. S. 641):

Spreading from State to State, unemployment is an ill, not particular but general, which may be checked, if Congress so determines, by the resources of the Nation. * * * But the ill is all one, or at least not greatly different, whether men are thrown out of work because there is no longer work to do or because the disabilities of age make them incapable of doing it. Rescue becomes necessary irrespective of the cause. The hope behind this statute is to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near.

We not only have 10,000,000 or more unemployed, but each year we add to the list 500,000 young men and women pouring out of our schools and universities seeking in vain a niche in the business life of America. Some 10,000,000 of our population are 60 years of age or older, many of whom have been cast off by industry and find themselves stranded without income and without hope. We should not be unmindful of the fact that these senior citizens were the workers of yesterday. They helped build our cities and clear our lands. They were the trail blazers, the pioneers. They built for us. Now that they are old, we cannot pass them by. They do not seek our charity. They only ask simple justice—a modest share in the fruits of American industry, to the production of which their labors in the past have contributed. Discussing the plight of these discarded workers, the Supreme Court, in the decision to which I have referred, said:

Congress did not improvise a judgment when it found that the award of old-age benefits would be conducive to the general welfare. * * * The evidence is impressive that among industrial workers the younger men and women are preferred over the older. In times of retrenchment the older are commonly the first to go, and, even if retained, their wages are likely to be lowered. The plight of men and women at so low an age as 40 is hard, almost hopeless, when they are driven to seek for reemployment. Statistics are in the brief. A few illustrations will be chosen from many there collected. In 1930, out of 224 American factories investigated, 71, or almost one-third, had fixed maximum hiring-age limits; in 4 plants the limit was under 40; in 41 it was under 46. In the other 153 plants there were no fixed limits, but in practice few were hired if they were over 50 years of age. With the loss of savings inevitable in periods of idleness, the fate of workers over 65, when thrown out of work, is little less than desperate. A recent study of the Social Security Board informs us that "one-fifth of the aged in the United States were receiving old-age assistance, emergency relief, institutional care, employment under the works program, or some other form of aid from public or private funds; two-fifths to one-half

were dependent on friends and relatives; one-eighth had some income from earnings; and possibly one-sixth had some savings or property. Approximately 3 out of 4 persons 65 years or over were probably dependent wholly or partially on others for support.

We all agree that a solution of this perplexing problem is possible if we can increase to full strength the consumer purchasing power of the people of America. The answer is not in curtailing production or destruction or sacrifice of surplus commodities, but in making available to the rank and file of our American citizens sufficient income or purchasing power with which to buy the products of industry. We need to put America back to work. More jobs mean more income; more income means more purchasing power; more purchasing power means more markets for agriculture and industry; more markets for agriculture and industry mean prosperity for America, and our problem will be solved. The farmers make up 25 percent of our population, but they receive only 11 percent of our national income. If we can increase the income or purchasing power of the mass of our American citizens, they will provide the markets for our farm products and industrial output.

Mr. Speaker, not only is one-third of our people underfed, underclothed, and ill-housed, but two-thirds of them are unable, with their present income—an average of $69 per month per family—to supply the necessities of life. A study made of the income of the United States during 1935 and 1936 by the Government discloses these startling facts with reference to our national consuming power and the deplorable economic condition of our people; 4,000,000 families, or 14 percent, had an average income of $312 a year; 8,000,000, or 27.5 percent, had an average income of $758; and 7,000,000 families, or 23 percent, has an income of $1,224. Two-thirds of our families had an average income of only $826 a year, or $69 a month for an entire family. These disclosures show not only a lack of purchasing power but underconsumption so critical as to threaten the health and welfare of a large portion of our population. The American family is still the keystone of American democracy. If the American way is to endure, we must preserve at all costs the economic and social security and independence of the American family. If it falls, the whole structure falls. This study further shows that in the lowest income families, 14 percent received only 6 percent of the food, and 42 percent of the families received only 26 percent of the food. The low-income group spent approximately a dollar a week per person for food—about 5 cents a meal—whereas the families receiving $100 a month spent more than twice as much, or $2.18 per person a week for food. As a result of this survey it is found that if these American families getting less than $100 a month for an entire family had their income or purchasing power increased to $100 a month, the expenditures for food would be increased by $2,000,000,000, or an increase of 51 percent. This would not only provide markets for our farmers, but it would also protect the health and preserve the lives of this major portion of our American citizens and give them the opportunity and ambition to carry on with renewed faith in our democracy.

The Congress in an endeavor to give some relief to these citizens who are being deprived of the necessities of life enacted the social-security law. It sought, among other things, to provide unemployment insurance, old-age assistance, and some relief to the blind and handicapped and other underprivileged groups. While the humanitarian purposes of this act are commendable and many of its accomplishments worthy, it has failed to solve the problem of old-age security. First of all, it is too narrow in its application leaving many groups of old people entirely without relief. Its payments are inadequate—an average of $19 a month—and its method of financing is indefensible. It impedes business recovery by imposing a heavy tax upon it which is not returned to the unemployed and aged, but spent for general costs of government. Under the old-age insurance provision of the act on June 30, 1939, $1,180,000,000 remained unexpended for old-age insurance. This huge fund was drained out of industry and was not returned to the annuitants but was spent by the Government for other purposes. Such a program instead of aiding old people or helping recovery retards recovery. It cannot be defended.

A sound deduction from our experience with old-age security is that the only solution of this problem is the enactment of a Nation-wide plan on a pay-as-you-go broad-tax base affording uniform adequate annuities to all citizens 60 years of age or older who are not gainfully employed.

Mr. Speaker, the Townsend plan as embodied in H. R. 8264, pending in the present Congress, proposes such a solution. Funds are provided under it by the imposition of a 2-percent tax upon all gross incomes, except wages and salaries of workers up to $250 a month, which are exempt, with a similar exemption of $3,000 annually from gross business income. The funds raised from this tax are equally divided monthly among all American citizens 60 years of age or over not gainfully employed, which funds would have to be spent under the terms of the law within 30 days from time of receipt. It is estimated that under existing conditions, this plan would provide $50 a month for each annuitant, increasing as national income increases. It is estimated that $3,000,000,000 of taxes now collected for the care of old people would be displaced by the tax under the plan, and that the net burden of the tax would, therefore, approximate $3,000,000,000 under existing conditions. The tax formula set forth in the bill is subject to change or amendment when the bill is up for final passage. The type or kind of tax is a debatable question. It should be a tax laid on a broad base, designed not to impede business but to force idle capital from hiding and into business investment.

While this tax would place an additional burden upon American enterprise, it would likewise provide an added stimulus to it by pumping into the blood stream of business activity each month this large volume of purchasing power coming from monthly annuities which, as I have pointed out, would go immediately into the purchase of food, clothing, and other necessities of life. Industry cannot escape some responsibility for the care of its employees who have been cast off by reason of age. The present social-security tax on pay rolls is a tax on industry and must necessarily be added to the price of goods which the consuming public pays. In effect it amounts to a general tax, as the public has to pay in the end.

Workers 60 years of age or over are unable to find employment in industry. Even younger workers are displaced. The statistics given by the Supreme Court, to which I have referred, show these workers are discarded by industry and are forced into idleness, and that approximately 3 out of 4 persons 65 or over are dependent wholly on the public, charity, or others for support. In the main, the support comes from the public now. The tax under the proposed plan, therefore, would not shift the burden for the support of these old people to the public, but would only make the care of these senior citizens more certain, uniform, and effective. The plan would bring uniformity throughout the United States which does not now exist. We now have as many plans as there are States in the Union, most of them bogged down by red tape and insufficient funds to meet payments for the bare necessities of life. State lines cause many inequalities. As pointed out by the Supreme Court, in the decision to which I have referred:

> The problem is plainly national in area and dimensions. Moreover, laws of the separate States cannot deal with it effectively. Congress, at least, had a basis for that belief. States and local governments are often lacking in the resources that are necessary to finance an adequate program of security for the aged. This is brought out with a wealth of illustration in recent studies of the problem. Apart from the failure of resources, States and local governments are at times reluctant to increase so heavily the burden of taxation to be borne by their residents for fear of placing themselves in a position of economic disadvantage as compared with neighbors or competitors. We have seen this in our study of the problem of unemployment compensation. *Steward Machine Co.* v. *Davis*, supra. A system of old-age pensions has special dangers of its own, if put in force in one State and rejected in another. The existence of such a system is a bait to the needy and dependent elsewhere, encouraging them to migrate and seek a haven of repose. Only a power that is national can serve the interests of all.

It is reported that production last year equaled that of 1929 but 1,000,000 less workers were employed in industry. Machines take the places of the laborers released.

As disclosed by the United Mine Workers of America, in the last 5 years 25,000 men and women have been thrown out of the steel industry and the leaders of this industry estimate that within the next 15 months an additional 65,000 steel workers will be dismissed due to the introduction of new labor-saving machinery. It is also shown that 19 men in the automobile industry are making the same number of blocks that were made by 250 men 10 years ago. These reductions in working force are due directly to technological improvements. Its effect upon industry as a whole is at once apparent. The laborers who are forced out by machines are the older men and women and the young are retained. The discharged workers will join the ranks of the 10,000,000 men and women 60 years of age or older who make up that great body of permanently unemployed through no fault of their own.

Mr. Speaker, recently I inspected the Grand Coulee Reclamation and Hydroelectric Power Project in the State of Washington. This is the greatest man-made structure ever conceived and built. When completed it will be three times the size of the Egyptian pyramids which 360,000 slaves took 20 years to build. The immense concrete dam being constructed across the Columbia River, the second largest river in the United States, is nearing completion. It will provide 1,980,000 kilowatt-hours of electrical energy and water for reclaiming 1,200,000 acres of land. The sand and gravel going into the dam is taken from the hills several miles distant by huge electric shovels. The material is removed by mechanical belt conveyors to the sizing and washing plants, and from there to the storage bins. One man in the control tower by means of mechanical devices transfers the sand, four sizes of gravel, cement, and water to the mixing bins which are weighed automatically in correct proportions to form the concrete pursuant to Federal specifications. The concrete mixture is then carried by machines to the dam where huge cranes mechanically dump it into the structure. Through the perfected machines and mechanical devices used in this process, one man is able to do the work which without the machines would require 500 or more laborers. This is a typical example of what is taking place throughout industrial America today.

Mr. Speaker, in the dawn of civilization primitive man first discovered the use of the fulcrum, the wheel, and the pulley as instruments of power to do his bidding. The modern wizards of invention have evolved the steam engine and airplane and discovered electric energy and radio and a thousand other subtle powers and mechanical devices to make the elements of nature and the secrets of science our slaves. The tireless energies of the human mind have wrought unceasingly, by inventions, scientific discoveries, and new processes, to extend the scope of human activity and accomplishment in the field of technology. Through such processes has America developed the American productive system to its present marvelous perfection.

In the United States today through the use of the physical sciences and mechanical arts, the major part of the goods and services consumed are provided by scientific processes and power machinery. Our workers are able to produce a much greater volume and variety of goods than heretofore to provide food, clothing, and shelter, as well as a higher standard of life to our people. Our productive capacity per man has multiplied manyfold. In supplanting handicrafts by scientific process and mechanical devices a maladjustment has taken place in manpower or labor, resulting in unemployment and loss in purchasing power. The loss of purchasing power in the workers displaced has thrown the industrial machine out of balance. To restore this balance, purchasing power must be recovered. Fewer workers being required in productive enterprise to supply our wants, it follows a portion of the body of workers must be retired.

The arguments are well-known that mechanized industry has not caused unemployment, that while production per worker has increased, new sources of employment in new industries is provided by the increased volume of production. It is true that new enterprises are thus created and new jobs provided, but it is also true that in the process the aged workers are displaced by young men and women. The United States census for 1890 shows that at that time 75 percent of all our people over 65 years of age were gainfully employed. At the present time 75 percent of them over 65 are not gainfully employed or self-supported. At the present time 75 percent over 65 are not only dependent upon others for support and are not employed, but practically no persons of that age can secure a new job. The United States census shows that normally less than 40 percent of our population is gainfully employed. Children, housewives, and persons retired by age or otherwise make up the remainder. When workers are retired by mechanized industry, their places are filled by workers in the 60-percent group of unemployed who are under 60 years of age. It is logical therefore that the group to be retired by an annuity plan should be those advanced in years who are less efficient, already largely dependent on the public, and who by reason of their work through the years have earned their retirement as a reward. Their retirement being due entirely to the plan of operation of the modern productive enterprise, considered as one Nation-wide project, it is not economically unsound or unjust to require this enterprise to assume the burden of supplying the retirement annuities. This identical plan is now being used in many large industrial, railway, and commercial enterprises. A national old-age annuity plan is only coordinating and extending such a plan to embrace all old citizens. By so doing, all will contribute to the plan and all will be entitled to share in its benefits on attaining the age requirement if otherwise qualified. Such a project would help to relieve productive enterprise of its excess labor, provide decent and dignified earned retirement annuities for aged workers, and restore purchasing power needed to help save private enterprise and the profit system.

Thus, manpower has given way to machine power through technological improvements in this machine age in which we are living. No longer is our problem that of our pioneer forbears, namely, how to produce enough necessities of life. On the other hand, our problem today is how to distribute the products of our machines and farms to the citizens of America who are in need of them, and how to furnish employment for the workers displaced by the machines and mass production. With the use of machinery a part of our people can produce abundantly for all. Obviously, if our economic and social structure can be revamped so that the millions of workers who are displaced by machines and mass production can share in the output of industry and receive sufficient purchasing power to meet their needs, the problem will be solved. We have shifted the burden of industry from the backs of labor to power-driven machines. We must not permit these instruments science has developed to do our work to become Frankensteins to destroy our social and economic structure.

Mr. Speaker, this is America's problem. It is your problem. It is mine. Seven years of experimentation have come to naught. Seven years of deficit spending without avail. Our unemployed are still here. Five million youths are becoming skeptical and critical of our American way. Ten million unemployed are still living from hand to mouth. America is hungry, and yet our warehouses are bulging with surplus food. The tragedy of it all is America is still the richest nation on earth. She is blessed by Providence with abundance. We have two-thirds of the world's monetary gold and are fast acquiring the balance. We have unmeasured natural resources. We have an abundance of factories, machines, tools, and raw products with 10,000,000 unemployed expert workers clamoring to work. We have 130,000,000 customers in our own broad land needing desperately the products of these idle factories, untilled fields, unworked mines, and decaying forests. We always have consumed approximately 96 percent of our production, only 4 percent going abroad. If America should recover tomor-

row its full purchasing power every surplus commodity would disappear at once. We would have an undersupply. With all our blunders and failures now seeming about to engulf us, America has had a record of achievement for almost 150 years without parallel in the history of mankind. America is sound at heart. Our foundations are still secure. We can and must throw off this blight on our democracy. For one, I am not willing to admit defeat. We can and will, by the combined unselfish efforts of our people, put America back to work, provide useful occupations for our young Americans, and respectable employment for all our unemployed in private industry, and dignified and secure compensation for our senior citizens, who, through the years, have labored that we of today might have this America which we all cherish and defend. Let us again prove to the whole world that every American citizen is entitled to, and shall have vouchsafed to him by his country, life, liberty, and the pursuit of happiness. Let us prove that humanity is still on the march here in America, and enact an old-age annuity plan that will put America to work and provide for our old people, and at the same time restore purchasing power. [Applause.]

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein two short articles sent to me by constituents.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut [Mr. SHANLEY]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. VINSON of Georgia, for 10 days, on account of important business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities", approved August 2, 1939; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4868. An act to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; and

H. R. 8068. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 4868. An act to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; and

H. R. 8068. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

ADJOURNMENT

Mr. BOLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 20, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid in the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

The Committee on Patents will hold hearings Wednesday and Thursday, April 10 and 11, 1940, at 10:30 a. m. each day, on H. R. 8441, to afford greater protection to the purchaser of patent rights; H. R. 8442, to prohibit proof of acts done by an inventor in foreign countries; H. R. 8443, to give the Commissioner of Patents power to protect inventors by establishing adequate standards of professional conduct among attorneys; and H. R. 8444, to permit the assignee of an application for letters patent to make certain supplemental applications.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Wednesday, March 20, 1940, at 10 a. m., for the consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold hearings Wednesday, March 20, 1940, at 10:30 a. m., on House Joint Resolution 470, to authorize the appropriation of an additional sum of $425,000 for Federal participation in the New York World's Fair, 1940.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, March 20, 1940, at 10:30 a. m., for the consideration of H. R. 5674, H. R. 6796, H. R. 7530, and H. R. 8937.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, March 20, 1940, at 10:30 a. m., for the consideration of H. R. 7749 (LESINSKI), private bill and reports from subcommittee.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m. Wednesday, March 20, 1940, for the consideration of H. R. 4582, to provide for the acquisition of certain property for public use in the District of Columbia.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING MARCH 18, 1940, AT 10 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

1. Monday, March 18: Maj. Gen. Julian L. Schley, Chief of Engineers, has been requested to make a general statement with his recommendations covering a general flood-control bill and the projects that should be included in the bill. He, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

2. Tuesday, March 19: Sponsors and representatives of the Corps of Engineers, from New England, New York, and the Atlantic seaboard on all reported projects and pending bills.

3. Wednesday, March 20: Sponsors and representatives of the Corps of Engineers, from the upper Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

4. Thursday, March 21: Sponsors and representatives of the Corps of Engineers, from the lower Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

5. Friday, March 22: Sponsors and representatives of the Corps of Engineers, for the upper Mississippi and tributaries, and Missouri River and tributaries.

6. Saturday, March 23: Sponsors and representatives of the Corps of Engineers for projects on the Arkansas River and tributaries.

7. Monday, March 25: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

8. Tuesday, March 26: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

9. Wednesday, March 27: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

10. Thursday, March 28: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

11. Friday, March 29: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

12. Saturday, March 30: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

13. Monday, April 1: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1468. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill to provide that assistant or deputy heads of certain bureaus in the Department of the Interior shall be appointed under the civil-service laws; to the Committee on the Civil Service.

1469. A letter from the Acting Secretary of the Interior, transmitting a copy of Resolution No. 37, adopted by the Philippine National Assembly on September 6, 1939, and a copy of a message of the President of the Philippines delivered on September 5 before the assembly; to the Committee on Insular Affairs.

1470. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill amending the act of June 26, 1930, concerning the acquisition of land at points along the Canadian and Mexican borders and the erection of buildings and other improvements thereon to provide better facilities for the enforcement of the customs and immigration laws; to the Committee on Public Buildings and Grounds.

1471. A letter from the Secretary of War, transmitting the draft of a bill to eliminate requirements of 2 years' practice for appointment in the Dental Corps; to the Committee on Military Affairs.

1472. A letter from the Secretary of the Mount Rushmore National Memorial Commission, transmitting a report of the Mount Rushmore National Memorial Commission (H. Doc. No. 664); to the Committee on the Library and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. JARMAN: Committee on Printing. House Resolution 409. Resolution authorizing the printing of a revised edition of the pamphlet containing information concerning monetary and other benefits available to persons who have served in the armed forces of the United States (Rept. No. 1810). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLAUGHLIN: Committee on the Judiciary. House Joint Resolution 400. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1940, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; without amendment (Rept. No. 1811). Referred to the House Calendar.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8792. A bill to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department; without amendment (Rept. No. 1812). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8917. A bill to authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55–56, and for other purposes; without amendment (Rept. No. 1813). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 8930. A bill to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes; without amendment (Rept. No. 1814). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 1510. An act for the relief of George Louis Artick; without amendment (Rept. No. 1815). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOYKIN:

H. R. 8975. A bill authorizing Alabama Bridge Commission (an agency of the State of Alabama) to construct, maintain, and operate a toll bridge and causeway between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama; to the Committee on Interstate and Foreign Commerce.

H. R. 8976. A bill to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H. R. 8977. A bill to incorporate the Jewish War Veterans of the United States; to the Committee on the Judiciary.

By Mr. ELLIS:

H. R. 8978. A bill to prevent the elimination of Civilian Conservation Corps camps; to the Committee on Labor.

By Mr. HAVENNER:

H. R. 8979. A bill to authorize the use of general road and trail construction purposes of the unexpended balance of funds paid by the city and county of San Francisco to the United States for road- and trail-construction purposes in Yosemite National Park, Calif., and for other purposes; to the Committee on the Public Lands.

By Mr. NICHOLS:

H. R. 8980. A bill to provide revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SHAFER of Michigan:

H. R. 8981. A bill to extend pension benefits under the Railroad Retirement Act of 1937 to certain employees for services rendered outside the United States and to increase the amount of pension payable to pensioners under such act; to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDS:

H. R. 8982. A bill to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. CHURCH:

H. R. 8983. A bill authorizing the Secretary of the Navy to accept on behalf of the United States a gift of the yacht *Freedom* from Sterling Morton; to the Committee on Naval Affairs.

By Mr. HENNINGS:

H. R. 8984 (by request). A bill creating the General Mexican Claims Commission; to the Committee on Foreign Affairs.

By Mr. BYRNE of New York:

H. R. 8985. A bill to grant relief from payment of income tax for back years to certain State employees paid by the United States; to the Committee on Ways and Means.

By Mr. FADDIS:

H. J. Res. 493. Joint resolution providing for the purchase of strategic and critical materials; to the Committee on Coinage, Weights, and Measures.

By Mr. HEALEY:

H. J. Res. 494. Joint resolution authorizing the acceptance of the invitation of the Government of Italy to participate in the Rome Universal Exhibition to be held at Rome, Italy, in 1942; to the Committee on Foreign Affairs.

By Mr. McLEOD:

H. Con. Res. 55. Concurrent resolution recommending that any parties or organizations advocating overthrow of the United States Government be prohibited from entering candidates in any State or National elections; to the Committee on the Judiciary.

By Mr. BARRY:

H. Res. 431. Resolution creating a special committee to investigate any person or corporation acting on or for any nation; to the Committee on Rules.

By Mr. CONNERY:

H. Res. 432. Resolution requesting the un-American conditions to be alleviated from the workings of the Bata Shoe Co.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Missouri:

H. R. 8986. A bill for the relief of James H. Taylor; to the Committee on Military Affairs.

H. R. 8987. A bill for the relief of Mrs. I. Agatstein; to the Committee on Claims.

By Mr. BANKHEAD:

H. R. 8988. A bill for the relief of Paul Sanford, a minor; to the Committee on Claims.

By Mr. BARRY:

H. R. 8989. A bill granting a pension to Ethel M. Wilkinson; to the Committee on Invalid Pensions.

By Mr. BRADLEY of Michigan:

H. R. 8990. A bill for the relief of Louise Thorne; to the Committee on Immigration and Naturalization.

By Mr. COLMER:

H. R. 8991. A bill for the relief of J. M. Swinney; to the Committee on Claims.

By Mr. FITZPATRICK:

H. R. 8992. A bill for the relief of Menachim or Menachen Baszyst, alias Harry Bates; to the Committee on Immigration and Naturalization.

By Mr. HAVENNER:

H. R. 8993. A bill for the relief of the General Exchange Insurance Corporation; to the Committee on Claims.

By Mr. HOOK:

H. R. 8994. A bill for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta; to the Committee on Claims.

By Mr. KENNEDY of Maryland:

H. R. 8995. A bill granting a pension to John E. F. Treulieb; to the Committee on Invalid Pensions.

By Mr. McKEOUGH:

H. R. 8996. A bill for the relief of Raymond Peschke; to the Committee on Claims.

By Mr. MERRITT:

H. R. 8997. A bill for the relief of Robert H. Leys; to the Committee on Claims.

By Mr. SIMPSON:

H. R. 8998. A bill granting a pension to Sadie E. Goshorn; to the Committee on Invalid Pensions.

By Mr. SNYDER:

H. R. 8999. A bill granting an increase of pension to Susan C. Liston; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7027. By Mr. ANDREWS: Resolution adopted by the Town Committee of the Town of Tonawanda, N. Y., and the Kiwanis Club of Tonawanda, protesting against the ratification of a treaty in connection with the St. Lawrence seaway and power project; also from the Newfane (N. Y.) Liberty Club; the Delavan-Grider Business Men's Association; Buffalo Cold Spring Business Men's Association; Buffalo Elmwood Business Association, of Buffalo, N. Y.; to the Committee on Foreign Affairs.

7028. By Mr. Bell: Petition of sundry citizens of Kansas City and Jackson County, Mo., protesting against the imposition of new processing taxes on wheat and wheat products; to the Committee on Ways and Means.

7029. By Mr. CULLEN: Petition of the Illuminati, a cultural woman's club of Brooklyn, N. Y., requesting Congress not to adopt any sugar legislation that will result in any loss of business for the sugar-refining industry of Brooklyn or in any way jeopardize the jobs of the sugar-refinery workers of Brooklyn; to the Committee on Foreign Affairs.

7030. By Mr. HARE: Memorial of the State Legislature of South Carolina, memorializing the Congress of the United States to give thorough consideration to the economic part the United States is playing in the conflict between Japan and China; to the Committee on Foreign Affairs.

7031. By Mr. JOHNS: Petition of Frank Smedler and 109 others, of Manitowoc, Wis., protesting against the levying of any excise or other processing taxes on bread; to the Committee on Ways and Means.

7032. Also, petition of Walter P. Atlmann and Alden A. Spofford, of Green Bay, Wis., and 18 others, asking support of chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

7033. By Mr. MARTIN J. KENNEDY: Petition of Rev. William R. Kelly, of New York City, urging continuation of the National Youth Administration program; to the Committee on Appropriations.

7034. Also, petition of the Council of American Master Mariners, urging that no legislation be enacted by the Congress of the United States which will tend to abolish or compromise the traditional rights of our American merchant marine to enjoy the freedom of the seas and subject to international law; to the Committee on Merchant Marine and Fisheries.

7035. Also, petition of the New York State Retail Hardware Association, Syracuse, N. Y., concerning the Norris bill (S. 2605); to the Committee on Agriculture.

7036. Also, petition of the Merchants Association of New York, New York City, concerning the Walter-Logan bill (H. R. 6324, S. 915); to the Committee on the Judiciary.

7037. Also, petition of the United Neighborhood Houses of New York, Inc., New York City, urging the continuation and expansion of the National Youth Administration program; to the Committee on Appropriations.

7038. Also, petition of the Wood, Wire, and Metal Lathers' International Union, Local No. 46, New York City, favoring passage of the Wagner-Steagall housing bill (S. 591); to the Committee on Banking and Currency.

7039. Also, petition of the International Association of Bridge, Structural, and Ornamental Iron Workers, Local Union No. 361, Brooklyn, N. Y., urging support of the Wagner-Steagall housing bill (S. 591); to the Committee on Banking and Currency.

7040. By Mr. MICHAEL J. KENNEDY: Petition of the Merchants Association of New York, supporting the Walter-Logan bill (H. R. 6324), which provides for the more expeditious settlement of disputes with the United States, and for other purposes; to the Committee on the Judiciary.

7041. Also, petition of the Chelsea Association for Planning and Action, New York City, endorsing the Wagner-Steagall housing bill, providing additional funds for the Federal Housing Administration; to the Committee on Banking and Currency.

7042. Also, petition of the Chelsea Association for Planning and Action, New York City, endorsing the Wagner-Steagall housing bill, providing additional funds for the Federal Housing Administration; to the Committee on Banking and Currency.

7043. Also, petition of the Congress of Industrial Organizations Maritime Committee, urging that the Maritime Commission be requested to hold hearings to obtain data to fix minimum wage and manning scales on its own and subsidized vessels; to the Committee on Merchant Marine and Fisheries.

7044. By Mr. LECOMPTE: Petition of Branch No. 447 of the National Association of Letter Carriers, Ottumwa, Iowa, in the interest of the Rogers court of appeals bill (H. R. 2569); to the Committee on the Civil Service.

7045. Also, petition of sundry citizens of Corydon, Iowa, in the interest of the chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

7046. Also petition of sundry citizens of Ottumwa, Iowa, in the interest of House bill 5237, which provides that Government employees after having served 30 years may apply for voluntary retirement; to the Committee on the Civil Service.

7047. By Mr. LUDLOW: Petitions of sundry citizens of Indianapolis, Ind., protesting against the levying of excise or any other form of processing taxes on bread and other everyday indispensable necessities of life; to the Committee on Ways and Means.

7048. Also, petition of sundry citizens of Indianapolis, Ind., requesting the enactment of the General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

7049. By Mr. PFEIFER: Petition of the Chiropean Club of Brooklyn, N. Y., protesting against any increase in the quota of sugar imported from the Tropics; to the Committee on Foreign Affairs.

7050. Also, petition of the Merchants Association of New York, supporting the Walter-Logan bills (H. R. 6324 and S. 915); to the Committee on the Judiciary.

7051. Also, petition of the Community Councils of the City of New York, Inc., opposing any sugar legislation not fair and equitable to New York City workers in sugar refineries; to the Committee on Foreign Affairs.

7052. Also, petition of the National Association of Women Lawyers, Adele I. Springer, chairman, committee on administrative law, New York City, urging support of the Logan-Walter administrative law bill (H. R. 6324 and S. 915); to the Committee on the Judiciary.

7053. Also, petition of the Illuminati, of Brooklyn, N. Y., opposing the Cummings bill (H. R. 8746) and favoring legislation that would protect the workers in the New York City sugar refineries; to the Committee on Foreign Affairs.

7054. By Mr. REES of Kansas: Resolutions adopted by the Geary County Farm Boosters Club, March 8, 1940; to the Committee on Agriculture.

7055. By Mr. SANDAGER: Memorial of the Town Council of Westerly, R. I., favoring the improvement of Watch Hill Cove, Westerly, R. I.; to the Commitee on Rivers and Harbors.

7056. By Mr. WALTER: Petition of the State Camp of Pennsylvania Patriotic Order of Sons of America, petitioning consideration of their resolution with reference to diplomatic relations with Soviet Russia; to the Committee on Foreign Affairs.

7057. By the SPEAKER: Petition of the California State Board of Agriculture, Sacramento, Calif., petitioning consideration of their resolution with reference to migratory labor in agriculture; to the Committee on Agriculture.

7058. Also, petition of North Dakota Woman's Christian Temperance Union, Fargo, N. Dak., petitioning consideration of their resolution with reference to international trade; to the Committee on Foreign Affairs.

7059. Also, petition of Tacoma Local, No. 71, Operative Plasterers and Cement Finishers International Association of the United States and Canada, petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7060. Also, petition of the Tacoma Building Trades Council, Tacoma, Wash., petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7061. Also, petition of the International Brotherhood of Electrical Workers, Tacoma, Wash., petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7062. Also, petition of Local Union No. 82, United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada, petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7063. Also, petition of the Maryland State Society, Daughters of the American Revolution, Annapolis, Md., petitioning consideration of their resolution with reference to the Committee on Un-American Activities; to the Committee on Rules.

7064. Also, petition of the League of Polish Organizations, and Polish Relief Committee, of Paterson, N. J., petitioning consideration of their resolution with reference to relief of Poland; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, MARCH 20, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, the Father of our Lord Jesus Christ, the Great Shepherd of the sheep, who came to seek and to save the lost: We beseech Thee that Thy spirit may strive with those who, having strayed from Thy fold, are wandering in the wilderness of worldliness and sin. Let Thy love constrain them

and Thy grace abound toward them, that so they may return to Thee in penitence and fresh consecration of their lives.

Grant to us at this moment, O righteous Father, the spirit of worship and true godliness. Bind us together with cords of sympathy and friendliness, and give us the vision of our common duty, making us glad and strong in doing it. By the memories of our Nation's glorious past, make us alert to the call of the present, that, inspired by the spirit of wisdom, courage, and patience, we may respond with signal devotion to its just claims upon us.

We ask it in the name of Him who at this very hour hung upon the cross, stretching forth His loving arms to draw all men unto Himself, Jesus Christ Thy Son our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 19, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 554. An act for the relief of Meta De Rene McLoskey;

H. R. 2014. An act for the relief of Margaret Redmond;

H. R. 2853. An act for the relief of Frank Burgess Bruce; and

H. R. 5719. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2739) to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	La Follette	Schwellenbach
Ashurst	Downey	Lee	Sheppard
Austin	Ellender	Lodge	Shipstead
Bailey	Frazier	Lucas	Smathers
Bankhead	George	Lundeen	Smith
Barbour	Gerry	McCarran	Stewart
Barkley	Gibson	McKellar	Taft
Bilbo	Gillette	McNary	Thomas, Idaho
Bone	Glass	Maloney	Thomas, Okla.
Bridges	Green	Mead	Thomas, Utah
Brown	Guffey	Miller	Tobey
Bulow	Gurney	Minton	Townsend
Byrd	Hale	Murray	Tydings
Byrnes	Harrison	Neely	Vandenberg
Capper	Hatch	Norris	Van Nuys
Caraway	Hayden	Nye	Wagner
Chandler	Herring	O'Mahoney	Walsh
Chavez	Hill	Pepper	Wheeler
Clark, Idaho	Holman	Pittman	White
Clark, Mo.	Holt	Reed	Wiley
Connally	Hughes	Reynolds	
Danaher	Johnson, Calif.	Russell	
Davis	Johnson, Colo.	Schwartz	

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN], are detained on important public business.

The VICE PRESIDENT. Eighty-nine Senators having answered to their names, a quorum is present.

FREEDOM OF ELECTIONS

Mr. HATCH. Mr. President, in today's Washington News appears an editorial speaking in high favor of the speech delivered on the floor of the Senate last week by the senior Senator from Georgia [Mr. GEORGE]. It gives me pleasure at this time to ask that the editorial be printed in full in the body of the RECORD as part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Daily News]

FREEDOM OF ELECTIONS

One of the finest speeches in the 2 weeks of Senate debate on the Hatch bil was made by Senator George of Georgia. For reasons of space we can quote here only a small portion of it:

"The bill does not invade States' rights, and it is not intended to invade States' rights. It is intended to protect the States, it is intended to protect both the State governments and the General Government, because it is intended to preserve freedom in elections; and without the free election there is no democratic process as we know it, whether in the State or in the Federal Government.

"Within the past seven and a fraction years, under our party, there has been the most rapid concentration of power that has taken place at any given period of time in our whole history. In order to relieve many of the conditions which we found in 1933 to be intolerable, in order to relieve conditions which we as Democrats knew should be relieved, we found it necessary to appropriate the largest sums of money that have ever been appropriated by our Government in peacetimes.

"We found it necessary to create in the country the vastest army of Federal officials that we have ever had in peace or in war; and included in that army are also those State officials and employees who are really and in truth engaged in administering Federal funds * * *.

"We are not going to discontinue that practice altogether. Some of us may desire to see it discontinued, but it will not be discontinued * * *.

"What does it mean? It means that the State must assent to the conditions under which it receives appropriations. What does the bill propose to do? To give to the Federal Government power to impose conditions upon the States? Not at all. It is a simple and feeble attempt to write one prohibition against further Federal imposition of power upon the States. We say that whatever the Federal Government may do about funds that are going to be sent into Virginia or into Georgia, funds shall not be sent down there to be used for political purposes; that we will not permit the political use of those funds in the States to corrupt the election in those States."

C. Z. BUSH AND W. D. KENNEDY

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3481) for the relief of C. Z. Bush and W. D. Kennedy, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BROWN. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BROWN, Mr. SCHWARTZ, and Mr. CAPPER conferees on the part of the Senate.

WARREN ZIMMERMAN

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 4126) for the relief of Warren Zimmerman, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ELLENDER, Mr. SCHWARTZ, and Mr. CAPPER conferees on the part of the Senate.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION, LEGISLATIVE ESTABLISHMENT (S. DOC. NO. 168)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the fiscal year 1941 in the amount of $4,000, together with draft of a proposed provision to amend an existing appropriation for the

fiscal year 1940, pertaining to the Legislative Establishment under the Architect of the Capitol, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the California State Board of Agriculture, in session at Sacramento, Calif., favoring a national investigation of the problem of migratory agricultural labor, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate memorials of several citizens of the State of Washington, remonstrating against the sending of American boys to war for any cause except a direct and unprovoked invasion of the Nation, which were referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the Fifteenth Annual Women's Patriotic Conference on National Defense, protesting against the enactment of pending American-youth legislation entailing an appropriation of $500,000,000 annually, with related resolutions, which were referred to the Committee on Military Affairs.

He also laid before the Senate a resolution of West Coast Local No. 90, National Organization of Masters, Mates, and Pilots of America, San Francisco, Calif., favoring the enactment of legislation to authorize the Secretary of War, in the interest of the national defense, to make a survey of the proposed T-tunnel as a means of communication between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif., which was referred to the Committee on Military Affairs.

He also laid before the Senate the petition of Mrs. Philip Terry, of Hingham, Mass., praying that personal questions be eliminated from the 1940 census questionnaire, which was ordered to lie on the table.

Mr. HOLT presented a paper in the nature of a petition from the Flood Control Committee of the Board of Commerce of Parkersburg, W. Va., praying for a flood-control appropriation so that Parkersburg may have the benefit of a wall and levee, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES

Mr. CONNALLY, from the Committee on Foreign Relations, to which was referred the bill (H. R. 7809) authorizing the reconstruction or replacement of certain bridges necessitated by the Rio Grande canalization project and authorizing appropriation for that purpose, reported it without amendment and submitted a report (No. 1330) thereon.

Mr. SCHWELLENBACH, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 3406) for forest protection against the white-pine blister rust, and for other purposes, reported it without amendment and submitted a report (No. 1331) thereon.

Mr. TOWNSEND, from the Committee on Banking and Currency, to which was referred the bill (S. 785) to repeal the Silver Purchase Act of 1934, to provide for the sale of silver, and for other purposes, reported it with amendments and submitted a report (No. 1332) thereon.

Mr. BILBO, from the Committee on Commerce, to which was referred the bill (H. R. 6884) to encourage travel in the United States, and for other purposes, reported it with an amendment and submitted a report (No. 1333) thereon.

Mr. PEPPER, from the Committee on Interoceanic Canals, to which was recommitted the bill (S. 1162) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal, reported it with amendments and submitted a report (No. 1334) thereon.

INVESTIGATION RELATIVE TO WIRE TAPPING AND LISTENING DEVICES

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back Senate Resolution 224, without further amendment, and with the recommendation that the amendment of the Committee on Interstate Commerce be disagreed to. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution, submitted by Mr. GREEN on February 1, 1940.

The amendment of the Committee on Interstate Commerce was, on page 2, line 16, after the word "exceed", to strike out "$15,000" and insert "$25,000."

The amendment was rejected.

The resolution was agreed to, as follows:

Resolved, That the Committee on Interstate Commerce is authorized and directed to make a full and complete investigation of alleged instances of (1) interception, by means of wire tapping or otherwise, of wire communications to or from officials and employees of the Federal, State, and local governments, and (2) installation of dictographs or similar devices for the purpose of listening to or recording conversations participated in by such officials and employees. The committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendation for the enactment of any remedial legislation it may deem necessary.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-sixth and succeeding Congresses, to employ and to call upon the executive departments for clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DONAHEY:

S. 3635. A bill to provide for the establishment of a national wildlife refuge at Indian Lake, Ohio, and to provide regulation and protection pursuant to the Migratory Bird Conservation Act (45 Stat. 1222) and the Migratory Bird Treaty Act (40 Stat. 755); to the Special Committee on Conservation of Wildlife Resources.

By Mr. SHEPPARD:

S. 3636. A bill to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes; to the Committee on Military Affairs.

By Mr. TYDINGS:

S. 3637. A bill to provide for refund of processing taxes which were paid by processors on behalf of planters of sugarcane and sugar beets; to the Committee on Claims.

By Mr. WALSH:

S. 3638. A bill to permit the Smithsonian Gallery of Art Commission to purchase a model of the winning design for the proposed Smithsonian Gallery of Art, and for other purposes; to the Committee on Appropriations.

By Mr. NEELY:

S. 3639. A bill for the relief of Clark Wiley; to the Committee on Claims.

S. 3640. A bill to amend the Civil Service Retirement Act, approved May 29, 1930, as amended; to the Committee on Civil Service.

By Mr. PEPPER:

S. 3641. A bill to provide for employment, for cooperation by the Federal Government with the several States in relieving the hardships and suffering caused by unemployment and for other purposes; to the Committee on Education and Labor.

By Mr. MEAD:

S. J. Res. 233. Joint resolution authorizing and requesting the President of the United States of America to proclaim the third Sunday in May of each year as New Citizens Day; to the Committee on the Judiciary.

By Mr. WHEELER:

S. J. Res. 234 (by request). Joint resolution providing for more uniform coverage under the Railroad Retirement Acts of 1935 and 1937, the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code; to the Committee on Interstate Commerce.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 554. An act for the relief of Meta De Rene McLoskey; and

H. R. 2853. An act for the relief of Frank Burgess Bruce; to the Committee on Finance.

H. R. 2014. An act for the relief of Margaret Redmond; and

H. R. 5719. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War; to the Committee on Claims.

INVESTIGATION OF LOSSES INCIDENT TO FLORIDA CAMPAIGN AGAINST MEDITERRANEAN FRUITFLY

Mr. SCHWARTZ submitted the following concurrent resolution (S. Con. Res. 40), which was referred to the Committee on Claims:

Whereas pursuant to Senate Joint Resolution 177, Seventy-sixth Congress, first session, a subcommittee of the Committee on Claims of the Senate has held a hearing with respect to the losses sustained by certain persons in the State of Florida as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida by the United States Government; and

Whereas in the opinion of such subcommittee a satisfactory showing has been made to justify and require an accurate and dependable determination of the actual losses sustained as a result of such campaign, the nature and character of such losses, and the persons by whom such losses were sustained: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a special joint congressional committee to be composed of three members of the Committee on Claims of the Senate, to be appointed by the chairman thereof, and three members of the Committee on Claims of the House of Representatives, to be appointed by the chairman of such committee. It shall be the duty of such special committee to make a full and complete investigation with respect to the losses sustained as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida in 1929 and 1930 by the United States Government, with a view to determining, among other things, the nature, character, and amount of such losses, the circumstances under which such losses occurred, and the persons by whom such losses were sustained. The committee shall report to the Congress at the earliest practicable date the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid one-half from the contingent fund of the Senate, and one-half from the contingent fund of the House of Representatives, upon vouchers approved by the chairman of the committee.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, anounced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to each of the following bills of the Senate:

S. 186. An act to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree; and

S. 1955. An act to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture.

ADDRESS BY SENATOR MEAD ON PENDING LEGISLATION BEFORE CONGRESS

[Mr. ELLENDER asked and obtained leave to have printed in the RECORD a radio address delivered by Senator MEAD on March 17, 1940, on the subject of legislation pending before Congress, which appears in the Appendix.]

AGRICULTURE AND THE TRADE-AGREEMENTS PROGRAM

[Mr. HILL asked and obtained leave to have printed in the RECORD a statement made by Secretary of Agriculture Wallace on the subject of agriculture and the trade-agreements program in the hearings of the House Ways and Means Committee, January 12, 1940, which appears in the Appendix.]

ADDRESS BY COL. F. C. HARRINGTON ON WORK OF W. P. A.

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a radio address delivered by Col. F. C. Harrington, Commissioner of the Work Projects Administration of the Federal Works Agency, on Saturday, March 16, 1940, on the subject of the work of the W. P. A., which appears in the Appendix.]

TWO X'S OF HOUSING—ARTICLE BY MRS. DOROTHY ROSENMAN

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an analysis of the low-cost housing problem, entitled "Two X's of Housing," by Mrs. Dorothy Rosenman, published in the New York Times magazine of February 11, 1940, which appears in the Appendix.]

EDITORIAL FROM NEW YORK TIMES ON CREDIT FOR BUSINESSMEN

[Mr. MEAD asked and obtained leave to have printed in the RECORD an editorial published in the New York Times of March 18, 1940, entitled "Credit for Businessmen," which appears in the Appendix.]

PREVENTION AND PUNISHMENT FOR LYNCHING

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an editorial from the New York Post of March 18, 1940, entitled "New Style in Lynching," which appears in the Appendix.]

AN OPPORTUNITY FOR AMERICANS

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article by Dr. Joseph F. Thorning, of Mount St. Marys College, entitled "An Opportunity for Americans," published in the magazine Spain, which appears in the Appendix.]

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

The VICE PRESIDENT. When the Senate took a recess yesterday, the first amendment on page 12, line 5, was the pending business before the Senate.

Mr. AUSTIN. Mr. President, the pending amendment comprehends several items relating to research, and, although I intend to support the amendment, I address the Senate because I am greatly interested in the subject of agricultural research, and I know that nearly all other Senators are likewise interested. Many of them have already spoken to me about two amendments which I thought at one time I would offer to the committee amendment. I feel bound to have my colleagues know why I do not offer those amendments, and, so far as the public is concerned, I would answer by this method many letters and telegrams which have come to me urging these amendments. That is, my desire to avoid some letter writing is one of my reasons for addressing the Senate on this subject.

The two amendments relating to research appear very near together, one on page 12 and one on page 14, and both relate to Public, No. 182, Seventy-fourth Congress, parts 1 and 2 thereof, an act approved June 29, 1935, "to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges."

Mr. President, that act provided a program of great importance to the public welfare, involving research in which both the Federal and the State Governments were intended to cooperate with funds and with service. The plan provided for a continuing appropriation, with an increment each year for 5 years, which I believe it is a duty of Congress to provide in order that there may not be suffered the dislocation of

plans made by the States to conform to projects provided by the Federal Government.

Mr. President, it seems to me that functions in which the two Governments jointly undertake obligations differ entirely, when we come to consider what our duty is with respect to appropriations, from functions which are committed to the Federal Government alone. I can conform to the demands of economy very readily when I do not break an obligation into which I have entered with the State governments respecting such a function as research.

Our State legislatures meet uniformly once in 2 years, except as to one State. They have to make their appropriations and plans, therefore, to cover a biennial period, and I think that the President of the United States and the Bureau of the Budget should take that factor into account when they undertake to make up the Budget relating to such projects.

Mr. President, I have great sympathy with the President of the United States in his effort to make the income of the Government take care, so far as possible, of the routine expenditures of the Government, and therefore I feel a certain responsibility to support the efforts of any Chief Executive in making the funds fit the demands upon them, and vice versa. Yet the Budget is not sacrosanct. Perhaps it would not be sacrosanct even if the Chief Executive should take into consideration such obligations as this, when he makes up the Budget, and not make cuts there but make them where the function is purely a Federal one.

I speak not in criticism of the present President for cutting off this increment, which is absolutely necessary in order to enable the States to carry on the part of the program which they have assumed and started out upon. I raise my voice for a principle, in the hope that future Presidents of the United States, particularly the one to succeed the present President, will give proper regard to these obligations of the Federal Government and the States in making up the Budget, and that when the President makes a cut he will make it upon the Federal function alone, and not dislocate the arrangements made with the several States.

Mr. President, that statement goes also for the committees of Congress. The Budget is not solely in the hands of the President of the United States. The standing committees of Congress and special committees have enough authority over appropriations so that they may, in practical effect, change the amounts required for a certain function or activity. Rule XVI contains a prohibition relating to appropriations which I wish to have in the RECORD in order that those who are interested and who have urged me to offer these amendments may understand why I do not propose them.

The part of rule XVI which causes me to withhold the amendments is the following:

> All general appropriation bills shall be referred to the Committee on Appropriations—

Now comes the prohibition—

> and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill * * * unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

It happens that the Bureau of the Budget submitted the estimate without the increment for research for this year. A year ago the standing committees of the Congress, and afterward the Congress, following their advice, granted one-half of the increment and withheld the other half. This year the committees of the Congress have not seen fit to give even one-half the increment. Therefore this appropriation for research is affected injuriously to the extent of $600,000 in the item which appears on page 12, line 3, which is, as recommended by the committee, $2,400,000. In other words, the committee brought to the Senate a bill which carried $2,400,000 for research in the experiment stations in all the several States of the Union and omitted the increment for the year.

Whether one views this matter as being solely a moral one or views it as one carrying some element of a legal obligation makes very little difference. The object of my saying anything about it is that we may interest those who have to do with the making of the Budget and the bringing in of the appropriations another year, to regard this duty of the Federal Government to meet the States half way after having induced the States to make appropriations for this subject. Perhaps there may soon be brought to the attention of the President facts justifying an estimate in the Budget for a deficiency bill to supply the increment.

Mr. President, on the general subject of research I call attention to the fact that the committee have an amendment which appears on page 48 in which there is carried an appropriation of $45,100. That is also for research.

As a practical thing, I call attention to what has occurred during the past year relating to dairy products as an illustration of the need for this research service.

During the 12 months ending December 31, 1938, there were imported into the United States from foreign countries 417,366 pounds of casein—casein being a byproduct of skimmed milk. In the 12 months ending December 31, 1939, there were imported into the United States 15,832,462 pounds of casein.

Mr. President, that is a very significant item. We have been struggling for years in the United States to solve the problem of surplus fluid milk, and here we are, pursuing such policies as a Federal Government and such practices as a people that with this supply of surplus skimmed milk we cannot respond to the demands right in our own country for casein. Why is that? Because we have not so far conducted our own research relating to this subject as to be able to answer the demand. This was brought to my notice very vividly by the chairman of the Industrial Agricultural Products Commission of the State of Vermont, Mr. Joseph Winterbotham, who received a letter from Edward F. Maloney, vice president of Atlantic Research Associates, Inc., dated February 7, 1940, and reading as follows:

> We received in this morning's mail the report on imports put out by the United States Department of Agriculture—Agricultural Marketing Service. This indicated that imports of casein for 1939 were 15,832,462 pounds (as against 417,366 pounds in 1938). The writer cannot help feel but what the people of this country missed the boat on this one when it is realized that the fifteen-million-odd pounds came into this country in the face of a 5½-cent-per-pound tariff. Along the line consumers paid $2,250,000,000 for this imported casein.

Think of that! Think of what was lost to the producers of milk in this country! I continue reading the letter:

> This quantity of imported casein represents 527,000,000 pounds of skim, which is the annual skim-milk production of some 136,000 cows. Too bad the dairy industry, manufacturing casein, is not keyed up to the ability of quick response to sudden increased demand for its product—casein.
>
> Just felt rather slide rulish this morning and thought you and Dr. Barnard would be interested in these figures.

Dr. Harry E. Barnard is the chairman of the National Farm Chemurgic Council, and to him was appended this note:

> The above indicated the possibility of combining the milk-control ideas of the Government with the processing of a portion of our milk production. This might facilitate a better fluid-price situation for both producer and consumer.

In other words, this small item of agricultural research has ramifications into our economy that are very broad, and when considered in connection with other economic helps which we believe are readily available to us and ought to be encouraged by the Federal Government, I say that when we put the knife into the appropriation it makes us bleed, and does us more harm than good. It is not true economy, but false economy.

Mr. President, there is a principle involved here in addition to the practical question of finding industrial uses for agricultural products, and that is the question that relates to the Budget. I have already spoken of that as being the primary cause for my rising at this point and accounting for my failure to offer these amendments.

For some time there has been a trend on the part of the Bureau of the Budget to break down the annual appropriations which are made with a view to a long-time program. We have had to fight it before. We have been successful heretofore. This is the first time, so far as I know, that the Bureau of the Budget has been successful in the

effort to break up these continuing appropriations upon which education of various kinds necessarily must rely. Any educational program, whether it is within the walls of a university or whether it is in the extension courses that take teachers and leaders out into the fields, must be a continuing one, and it must have money. It is not possible to carry forward such projects as education in agriculture and production and research in basic laws of economy and of agriculture without money.

And so, Mr. President, the camel is at last getting his head under the tent. I want my colleagues to understand that something is occurring that they may not realize, and that is the introduction into the Congress of the principle, or lack of principle, of breaking up and destroying a plan or a program by means of the use of an appropriation. Instead of meeting this thing face on and saying, "Now we no longer believe in the program; we want to amend it or repeal it," and coming in with a repealer of the program, and giving everyone an understanding of what is going on, they come in through the back door and kill it by stopping the appropriation.

Of course, this program is dead if the increment of the appropriation is refused.

All that I have said is but a continuation of the attack made some time ago on this same issue. I want to call attention to it. It will be found in the hearings before the subcommittee of the Committee on Appropriations of the Senate, Seventy-fifth Congress, third session, on H. R. 10238, and my views are stated beginning at page 483. There I reviewed the experience which we had had up to that time, preserving the authorization and the obligation of performing our duty as a Congress under laws that reach back to 1856, to 1860, to 1862, and coming up through the years with reference to agricultural education and research.

Mr. President, I have no remedy for this immediate situation, but I sincerely hope that the people of this country who are interested in this basic and fundamental project will make their opinion felt in the White House, where it must be felt if we are to continue such programs.

Mr. BARBOUR. Mr. President, I rise with a good deal of temerity even to attempt to say anything following the very constructive and informing and able address of my dear friend and very distinguished colleague the Senator from Vermont. While I am certainly not going to delay the Senate more than a moment, I cannot resist the compelling impulse at least to add a word to what he has just said.

These very important and far-reaching matters referred to by the distinguished Senator from Vermont, who is such a recognized student of this whole broad problem in all its aspects, are activities that I myself have been very much interested in and have very closely studied. Undoubtedly the Senator will agree that, if not the first, I was one of the very first Senators who spoke to him about this particular matter to which he has addressed himself so ably, for I am one of those Senators who admit gladly that I turn unhesitatingly and very properly to him, who knows this whole subject so well, having in mind myself, if he did not have in mind introducing the amendments he spoke of, that I myself would do so. Undoubtedly there are other Senators, too, who may have had the same thing in mind.

The study and experimental work that he referred to I know about personally. I regret very much that it is apparently impossible at this time for us to do anything other than to draw attention, as he has drawn so vividly, so accurately, and so fairly, to this terrific blow to the experimentation and study in the field of development and constructive advancement of agriculture. This is, as I see it, the most economical and effective field in which public funds can be spent, as far as agriculture is concerned.

I suffered a great and keen disappointment and shock, together with those with whom I am in contact back home in my State in this field of work and study, in the land-grant colleges and agricultural extension work. None of us can understand why this was done. I certainly hope we will not again have to face an experience of this kind. It was not fair to cut out these increments in these appropriations. And this seems the more so because of the rule of the Senate which the distinguished Senator from Vermont refers to, which apparently leaves no avenue of redress open.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The question is on agreeing to the committee amendment on page 12, line 5.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries and expenses", on page 13, line 19, after the word "Stations", to strike out "$7,104,735" and insert "$7,109,735", so as to read:

Total, Office of Experiment Stations, $7,109,735, of which amount not to exceed $150,105 may be expended for personal services in the District of Columbia, and not to exceed $750 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Extension service—Payments to States, Hawaii, Alaska, and Puerto Rico," on page 15, after line 10, to insert:

Extension work, act of April 24, 1939: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to provide for the further development of cooperative agricultural extension work," approved April 24, 1939 (53 Stat. 589), $203,000.

The amendment was agreed to.

The next amendment was, on page 16, line 13, after "343f–343g)", to strike out "$75,000" and insert "$128,000", so as to read:

Puerto Rico: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to extend the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico," approved August 28, 1937 (7 U. S. C. 343f–343g), $128,000.

The amendment was agreed to.

The next amendment was, on page 16, line 15, after the word "work", to strike out "$13,578,918" and insert "$13,834,918", so as to read:

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural extension work, $13,834,918.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries and expenses", on page 17, line 15, after the word "material", to strike out "$225,000" and insert "$250,000", so as to read:

Extension information: For the employment of persons and means in the District of Columbia and elsewhere for the development, preparation, distribution, and display by the Extension Service of exhibits, motion pictures, sound recordings, and other educational and informational media and for the dissemination of information, designed to increase the effectiveness of the cooperative extension work of the Department and the land-grant colleges in agriculture and home economics; and to cooperate with other bureaus and offices of the Department of Agriculture and with Federal, State, county, municipal, and other agencies, including State, interstate, international, and other fairs held within the United States, in such development, preparation, distribution, and display of such educational and informational material, $250,000.

The amendment was agreed to.

The next amendment was, on page 17, line 16, after the word "expenses", to strike out "$775,000" and insert "$800,000"; and in line 17, after the word "exceed", to strike out "$661,756" and insert "$671,916", so as to read:

In all, salaries and expenses, $800,000, of which amount not to exceed $671,916 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 17, line 19, after the word "Service", to strike out "$14,353,918" and insert "$14,634,918", so as to read:

Total, Extension Service, $14,634,918.

The amendment was agreed to.

The next amendment was, on page 18, line 12, to strike out "$26,236,451" and insert "$26,617,321", so as to read:

Grand total, Office of the Secretary of Agriculture, $26,617,321.

The amendment was agreed to.

The next amendment was, under the heading "Weather Bureau—Salaries and expenses," on page 20, line 6, after the word "elsewhere", to strike out "$6,127,870" and insert "$6,243,870", so as to read:

Observations, warnings, and general weather service: For necessary expenses incident to collecting and disseminating meteorological, aerological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology in the District of Columbia and elsewhere, $6,243,870, of which not to exceed $1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Meteorological Committee, and not to exceed $10,000 may be expended for the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications.

The amendment was agreed to.

The next amendment was, on page 20, line 16, after the name "Weather Bureau", to strike out "$6,272,870" and insert "$6,388,870", and in line 17, after the word "exceed", to strike out "$730,902" and insert "$742,427", so as to read:

Total salaries and expenses, Weather Bureau, $6,388,870, of which amount not to exceed $742,427 may be expended for departmental personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Animal Industry—Salaries and expenses", on page 22, line 14, after the word "experiments", to strike out "$814,380" and insert "$824,380", so as to read:

Animal husbandry: For investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations and other agencies, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, $824,380, including $12,500 for livestock experiments and demonstrations at Big Spring or elsewhere in Texas to be available only when the State of Texas or other cooperating agency in Texas, shall have appropriated an equal amount or, in the opinion of the Secretary of Agriculture, shall have furnished its equivalent in value in cooperation for the same purpose during the fiscal year for which appropriations are herein made.

The amendment was agreed to.

The next amendment was, on page 25, line 5, after the word "ticks", to strike out "$300,000" and insert "$340,000", so as to read:

Eradicating cattle ticks: For the eradication of southern cattle ticks, $340,000.

The amendment was agreed to.

The next amendment was, on page 27, at the end of line 10, to strike out "$12,414,440" and insert "$12,464,440", so as to read:

In all, salaries and expenses, Bureau of Animal Industry, $12,464,440.

The amendment was agreed to.

The next amendment was, on page 28, line 20, after the word "Industry", to strike out "$12,414,440" and insert "$12,464,440", so as to read:

Total, Bureau of Animal Industry, $12,464,440, of which amount not to exceed $685,702 may be expended for departmental personal services in the District of Columbia, and not to exceed $100,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Dairy Industry—Salaries and expenses", on page 29, line 16, after the word "buildings", to strike out "$645,905" and insert "$655,905", so as to read:

Dairy investigations: For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated-butter factories, including repairs to buildings, not to exceed $5,000 for the construction of buildings, $655,905.

The amendment was agreed to.

The next amendment was, on page 29, line 18, before the word "of", to strike out "$721,405" and insert "$731,405", and in the same line, after the word "exceed", to strike out "$343,580" and insert "$353,580", so as to read:

Total, salaries and expenses, Bureau of Dairy Industry, $731,405, of which amount not to exceed $353,580 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Plant Industry—Salaries and expenses", on page 32, line 4, after the word "use", to strike out "$225,000" and insert "$240,000", so as to read:

Fertilizer investigations: For investigations within the United States of fertilizers, fertilizer ingredients, including phosphoric acid and potash, and other soil amendments and their suitability for agricultural use, $240,000.

The amendment was agreed to.

The next amendment was, on page 32, line 21, after "581b)", to strike out "$200,000" and insert "$255,000", so as to read:

Forest pathology: For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, and including $110,969 for investigations of diseases of forest trees and forest products, under section 3 of the act approved May 22, 1928 (16 U. S. C. 581b), $255,000.

The amendment was agreed to.

The next amendment was, on page 33, line 5, after the word "storage", to strike out "$1,250,000" and insert "$1,350,000", so as to read:

Fruit and vegetable crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, $1,350,000.

The amendment was agreed to.

The next amendment was, on page 33, line 12, after the word "soils", to strike out "$125,000" and insert "$152,674", so as to read:

Irrigation agriculture: For investigations of crop production on irrigable lands, the quality of irrigation water and its use by crops, and methods for improving and maintaining the productivity of irrigated soils, $152,674.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "diseases", to strike out "$200,000" and insert "$246,749", so as to read:

Plant exploration and introduction: For investigations in seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, for experiments with reference to their introduction and cultivation in this country, and for investigation of their diseases, $246,749.

The amendment was agreed to.

The next amendment was, on page 35, line 14, after the word "seed", to strike out "$300,000" and insert "$315,000", so as to read:

Sugar-plant investigations: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar-beet seed, $315,000.

The amendment was agreed to.

The next amendment was, on page 35, line 19, before the word "of", to strike out "$5,005,077" and insert "$5,264,500", and in line 20, before the word "may", to strike out "$1,641,147" and insert "$1,664,291", so as to read:

Total, salaries and expenses, Bureau of Plant Industry, $5,264,500, of which amount not to exceed $1,664,291 may be expended for departmental personal services in the District of Columbia and not to exceed $12,520 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Forest Service—Salaries and expenses", on page 36, line 15, after the word "the", to strike out "cost of" and insert "expenditure out of this appropriation for", so as to read:

For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the expenditure out of this appropriation for any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed $7,500, with the exception that any building erected, purchased, or acquired, the cost of which was $7,500 or more, may be improved out of the appropriations made under this act for the Forest Service by an amount not to exceed 2 percent of the cost of such building as certified by the Secretary of Agriculture; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase lawbooks, reference and technical books, and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service.

The amendment was agreed to.

The next amendment was, on page 40, line 10, after the word "Act", to strike out "$10,000,000" and insert "$12,005,785", so as to read:

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the maintenance and operation of aerial fire control by contract or otherwise; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration: *Provided*, That where, in the opinion of the Secretary of Agriculture, direct purchases will be more economical than construction, improvements may be purchased; the construction, equipment, and maintenance of sanitary, fire preventive, and recreational facilities; control of destructive forest tree diseases and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale, and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the act of June 11, 1906, and the act of August 10, 1912 (16 U. S. C. 506–509), as provided by the act of March 4, 1913 (16 U. S. C. 512); and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the act of March 1, 1911 (16 U. S. C. 521), and the act of June 7, 1924 (16 U. S. C. 471, 499, 505, 564–570), lands transferred by authority of the Secretary of Agriculture from the Resettlement Administration to the Forest Service, and lands transferred to the Forest Service under authority of the Bankhead-Jones Farm Tenant Act, $12,005,785.

The amendment was agreed to.

The next amendment was, on page 42, line 9, after the word "elsewhere", to strike out "$245,000" and insert "$270,935", so as to read:

Range investigations: Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere $270,935.

The amendment was agreed to.

The next amendment was, on page 42, line 12, after the word "elsewhere", to strike out "$600,000" and insert "$665,000", so as to read:

Forest products: Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory or elsewhere, $665,000.

Mr. McCARRAN. Mr. President, I think the clerk is now reading from line 9, page 42.

The PRESIDING OFFICER. That is correct.

Mr. McCARRAN. In that connection, may it be understood at this time that the sum of $15,000 was added to apply specifically to what is known as the San Joaquin Range Experiment Station?

Mr. RUSSELL. That is my understanding.

Mr. McCARRAN. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment reported by the committee will be stated.

The next amendment was, on page 42, line 24, after the word "expenses", to strike out "$12,795,000" and insert "$14,891,720", so as to read:

In all, salaries and expenses, $14,891,720; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the act approved March 3, 1925 (16 U. S. C. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the act of June 30, 1914 (16 U. S. C. 498).

The next amendment was, under the subhead "New England hurricane damage," on page 45, line 2, after the word "amount", to insert "heretofore or hereafter", so as to read:

For completion of the Federal undertaking: For reduction of the extreme forest-fire hazard, for intensification of forest-fire patrol and forest-fire suppression on State, county, municipal, and private forest lands in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, resulting from or made necessary by the New England hurricane of September 1938, including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, purchase, exchange, operation, and maintenance of passenger-carrying vehicles, and other necessary expenses, $300,000, together with any balance of the appropriation "New England hurricane damage" contained in the First Deficiency Appropriation Act, fiscal year 1939 (Public, No. 7, 76th Cong.), which remains unobligated on June 30, 1940: *Provided*, That section 3709, Revised Statutes (41 U. S. C. 5), shall not apply in the case of any expenditure hereunder where the aggregate amount involved does not exceed $300: *Provided further*, That of the amount herein appropriated the Federal Government shall not expend in any State an amount in excess of the amount heretofore or hereafter made available by said State, or the political subdivisions thereof, for the purposes contained in this paragraph.

The amendment was agreed to.

The next amendment was, under the subhead "Acquisition of lands for national forests", on page 45, line 13, after the word "lands", to strike out "$1,000,000" and insert "$2,000,000", and on the same page, line 14, after the word "exceed", to strike out "$80,000" and insert "$90,000", so as to read:

For the acquisition of forest lands under the provisions of the act approved March 1, 1911, as amended (16 U. S. C. 513–519, 521), under sound commercial title satisfactory to the Attorney General as provided in said act, including the transfer to the Office of the Solicitor of such funds for the employment by that office of persons and means in the District of Columbia and elsewhere as may be necessary in connection with the acquisition of such lands, $2,000,000: *Provided*, That not to exceed $90,000 of the sum appropriated in this paragraph may be expended for departmental personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 46, line 5, before the word "of", to strike out "$16,366,000" and insert "$19,462,720", so as to read:

Total, Forest Service, $19,462,720, of which amount not to exceed $61,628 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of

field work outside the District of Columbia, and in addition thereto there is authorized for expenditure from funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), not to exceed $9,755 for the purchase of motor-propelled passenger-carrying vehicles for use by the Forest Service in the construction and maintenance of national-forest roads.

The amendment was agreed to.

The next amendment was, under the heading "Forest roads and trails", on page 46, line 20, after the name "District of Columbia", to strike out "$7,500,000" and insert "$10,000,000", and in line 23, after the word "and", to strike out "$500,000" and insert "$3,000,000", so as to read:

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (23 U. S. C. 23), including not to exceed $59,500 for departmental personal services in the District of Columbia, $10,000,000, which sum consists of the balance of the amount authorized to be appropriated for the fiscal year 1940 and $3,000,000 of the amount authorized to be appropriated for the fiscal year 1941 by the act approved June 8, 1938 (52 Stat. 635), to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed $7,500.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Agricultural Chemistry and Engineering—Salaries and expenses", on page 48, after line 19, to insert:

Industrial utilization of farm products and byproducts: For the investigation, development, experimental demonstration, and application of methods for the industrial utilization of agricultural products, waste, and byproducts, and products made therefrom, except as otherwise provided for in this act, by the application of chemical, physical, and technological methods, including the changes produced by micro-organisms such as yeasts, bacteria, molds, and fungi, the utilization for color, medicinal, and technical purposes of substances grown or produced in the United States, $45,100.

The amendment was agreed to.

The next amendment was, on page 49, line 7, after the word "to", to strike out "agriculture" and insert "agriculture;"; in line 9, after the word "demonstration", to insert "and application of methods for the prevention and control of dust explosions and fires during the harvesting, handling, milling, processing, fumigating, and storing of agricultural products, and of other dust explosions and resulting fires not otherwise provided for, including fires in grain mills and elevators, cotton gins, cotton-oil mills, and other structures; the heating, charring, and ignition of agricultural products; fires on farms and in rural communities and other explosions and fires in connection with farm and agricultural operations"; and on page 50, line 9, after the word "reports", to strike out "$294,469" and insert "$334,469, of which amount $10,000 shall be available for the construction of a garage and workshop at the Farm Tillage Machinery Laboratory, Auburn, Ala.", so as to read:

Agricultural engineering investigations: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture; for the investigation, development, experimental demonstration, and application of methods for the prevention and control of dust explosions and fires during the harvesting, handling, milling, processing, fumigating, and storing of agricultural products, and of other dust explosions and resulting fires not otherwise provided for, including fires in grain mills and elevators, cotton gins, cotton-oil mills, and other structures; the heating, charring, and ignition of agricultural products; fires on farms and in rural communities and other explosions and fires in connection with farm and agricultural operations; for investigating and reporting upon the different kinds of farm power and appliances; upon farm domestic water supply and sewage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment and rural electrification; upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the act approved April 19, 1930 (7 U. S. C., 424, 425); for giving expert advice and assistance in agricultural and chemical engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing, and distributing bulletins, plans, and reports, $334,469, of which amount $10,000 shall be available for the construction of a garage and workshop at the Farm Tillage Machinery Laboratory, Auburn, Ala.

The amendment was agreed to.

The next amendment was, on page 50, line 20, after "556b)", to strike out "$89,400" and insert "$93,400", so as to read:

Naval-stores investigations: For the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; the weighing, storing, handling, transportation, and utilization of naval stores; and for the assembling and compilation of data on production, distribution, and consumption of turpentine and rosin, pursuant to the act of August 15, 1935 (5 U. S. C. 556b), $93,400.

The amendment was agreed to.

The next amendment was, on page 50, line 22, before the word "of", to strike out "$868,775" and insert "$957,875"; and in line 23, after the word "exceed", to strike out "$457,602" and insert "$485,582", so as to read:

Total, salaries and expenses, Bureau of Agricultural Chemistry and Engineering, $957,875, of which amount not to exceed $485,582 may be expended for personal services in the District of Columbia, and not to exceed $3,725 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Entomology and Plant Quarantine—Salaries and expenses", on page 52, line 10, after the word "nuts", to strike out "$412,684" and insert "$426,684", so as to read:

Fruit insects: For insects affecting fruits, grapes, and nuts, $426,684.

The amendment was agreed to.

The next amendment was, on page 53, line 2, after the word "authorities", to strike out "$160,460" and insert "$175,460", so as to read:

Mexican fruitfly control: For the control and prevention of spread of the Mexican fruitfly, including necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, $175,460.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "shrubs", to strike out "$200,000" and insert "$225,000", so as to read:

Forest insects: For insects affecting forests and forest products, under section 4 of the act approved May 22, 1928 (16 U. S. C. 581c), entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", and for insects affecting ornamental trees and shrubs, $225,000.

The amendment was agreed to.

The next amendment was, on page 55, line 24, after the word "borer", to strike out "$367,000" and insert "$392,000", so as to read:

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, $392,000.

The amendment was agreed to.

The next amendment was, on page 56, line 9, after the word "purposes", to strike out "$150,000" and insert "$175,000", so as to read:

Barberry eradication: For the eradication of the common barberry and for applying such other methods of eradication, control, and prevention of spread of cereal rusts as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, $175,000.

The amendment was agreed to.

The next amendment was, on page 57, line 2, after the word "authorities", to strike out "$526,800" and insert "$909,608", so as to read:

Pink bollworm and Thurberia weevil control: For the control and prevention of spread of the Thurberia weevil and the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, $909,608.

Mr. CONNALLY. Mr. President, I wish to ask the Senator from Georgia [Mr. RUSSELL] a question. I observe that this item is for the control and eradication of the pink bollworm, in cooperation with the Mexican Government. Is that correct?

Mr. RUSSELL. That is correct.

Mr. CONNALLY. The amount carried in the Senate amendment is not as large as many of those who are intimately associated with this work think ought to be appropriated, but it is a very substantial increase over the amount allowed by the House. I wish to thank and congratulate the junior Senator from Georgia [Mr. RUSSELL], the chairman of the subcommittee, for the fine and generous way in which this item has been handled. While I should like to see a larger amount appropriated, I shall not urge any increase in this item, because I think we shall probably have difficulty in the House keeping even this sum in the bill. As the bill came from the House it carried only $526,800, but with this amendment the amount is quite substantially increased, and, as I understand, it is approximately the amount carried in the last appropriation bill. Is that true?

Mr. RUSSELL. I will say to the Senator from Texas that while I appreciate his complimentary references, other members of the subcommittee were also tremendously interested in the item. The item which appears in the bill is exactly the amount which is available for this work for the current year. However, it is in excess of the estimate submitted by the Bureau of the Budget.

Mr. CONNALLY. I thank the Senator.

Mr. RUSSELL. I join the Senator in the hope that the House will see fit to agree to this amendment, because, undoubtedly, it represents the very minimum amount the Bureau should have in undertaking to combat this very destructive insect.

Mr. CONNALLY. Mr. President, I mentioned the Senator from Georgia in his individual as well as his representative capacity. I did not mean to exclude the other members of the subcommittee.

Mr. RUSSELL. I appreciate the remarks of the Senator from Texas; and had I not seen other members of the subcommittee in the Chamber, who I know are tremendously interested in this item, perhaps I should have let his compliment pass without qualification. [Laughter.]

Mr. CONNALLY. I should be glad to have entered in the RECORD the names of all the members of the subcommittee who are in sympathy with this amendment. I think it is a badge of honor and distinction.

Mr. President, I wish to say only a few words in passing. This work is highly important, for the reason that the pink bollworm is probably the most destructive and the hardest to eradicate of any of the pests which assail the cotton industry. The pest comes into the United States from Mexico; and unless it is stopped at the border it will eventually invade all the cotton sections, including that very rich and productive section in southeast Missouri along the Mississippi Delta. I am sure the Senator from Missouri [Mr. CLARK] is as deeply interested as I am. If the control is to be effective, it is absolutely necessary that we authorize the Department of Agriculture to cooperate with the Mexican authorities and seek to induce them to eradicate the pest in Mexico before it reaches the United States. The moths are frequently carried by the wind at a very great height, over tremendous areas; and unless the pest is eradicated, it is only a question of time when it will invade the very productive and fine agricultural areas of Louisiana, Mississippi, and all the cotton-producing States.

Again I wish to thank the Senator from Georgia and his associates on the subcommittee for making proper provision for this work, although the amount is not quite as much as we should like to have.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment reported by the committee will be stated.

The next amendment was, on page 57, after line 2, to insert:

White-fringed beetle control: For the control and prevention of spread of the white-fringed beetle, $600,000.

The amendment was agreed to.

The next amendment was, on page 57, line 8, after the word "animals", to strike out "$150,000" and insert "$181,500", so as to read:

Insects affecting man and animals: For insects affecting man, household possessions, and animals, $181,500.

The amendment was agreed to.

The next amendment was, on page 58, line 3, before the word "be", to strike out "shall" and insert "may", so as to read:

Control investigations: For developing equipment or apparatus to aid in enforcing plant quarantine, eradication and control of plant pests, determining methods of disinfecting plants and plant products to eliminate injurious pests, determining the toxicity of insecticides, and related phases of insect-pest control, $72,518, of which not less than $10,000 may be used for methyl bromide investigations.

The amendment was agreed to.

The next amendment was, on page 58, line 8, after the word "fungicides", to strike out "$125,000" and insert "$134,984", so as to read:

Insecticide and fungicide investigations: For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, $134,984.

The amendment was agreed to.

The next amendment was, on page 59, line 16, before the word "of", to strike out "$5,644,801" and insert "$6,773,093", and in line 17, after the word "exceed", to strike out "$867,648" and insert "$878,168", so as to read:

Total, salaries and expenses, Bureau of Entomology and Plant Quarantine, $6,773,093, of which amount not to exceed $878,168 may be expended for personal services in the District of Columbia, and not to exceed $40,900 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Agricultural Economics—Salaries and expenses", on page 60, line 19, after the word "trends", to strike out "$750,000" and insert "$800,000", so as to read:

Economic investigations: For acquiring and diffusing useful information among the people of the United States, and for aiding in formulating programs for authorized activities of the Department of Agriculture, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm and food products; land ownership and values, costs, prices, and income in their relation to agriculture, including causes for their variations and trends, $800,000.

The amendment was agreed to.

The next amendment was, on page 61, line 2, before the word "of", to strike out "$838,900" and insert "$888,900", so as to read:

Total, salaries and expenses, Bureau of Agricultural Economics, $888,900, of which amount not to exceed $823,358 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Agricultural Marketing Service—Salaries and expenses", on page 61, line 21, after the word "world", to strike out "$400,000" and insert "$425,000", so as to read:

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market,

handling, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, $425,000.

The amendment was agreed to.

The next amendment was, on page 62, line 13, before the word *"Provided"*, to strike out "$700,000" and insert "$725,000", so as to read:

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, and for the collection and publication of statistics of peanuts as provided by the act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951–957), $725,000.

The amendment was agreed to.

The next amendment was, on page 63, line 16, after the word "contained", to strike out "$459,000" and insert "$475,000", so as to read:

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $475,000.

The amendment was agreed to.

The next amendment was, on page 64, line 1, after the word "amended", to strike out "$425,000" and insert "$442,187", so as to read:

Tobacco Inspection and Tobacco Stocks and Standards Acts: To enable the Secretary of Agriculture to carry into effect the provisions of an act entitled "An act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes", approved August 23, 1935 (7 U. S. C. 511–511q), and an act entitled "An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture," approved January 14, 1929 (7 U. S. C. 501–508), as amended, $442,187.

The amendment was agreed to.

The next amendment was, on page 64, line 14, after the word "products", to strike out "$1,100,000" and insert "$1,130,000", so as to read:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $1,130,000.

The amendment was agreed to.

The next amendment was, on page 65, line 1, after "491–497)", to strike out "$140,000" and insert "$152,000", so as to read:

Perishable Agricultural Commodities and Produce Agency Acts: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to suppress unfair and fraudulent practices in the marketing of perishable agricultral commodities in interstate and foreign commerce," as amended (7 U. S. C. 499a–499r), and the act entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927 (7 U. S. C. 491–497), $152,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 1, to insert:

Standard Container Acts: To enable the Secretary of Agriculture to carry into effect the act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916 (15 U. S. C. 251–256), and the act entitled "An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes," approved May 21, 1928 (15 U. S. C. 257–257i), $20,000.

The amendment was agreed to.

The next amendment was, on page 68, line 7, before the word "of", to strike out "$5,977,126" and insert "$6,122,313", and in line 8, after the word "exceed", to strike out "$1,523,378" and insert "$1,569,778", so as to read:

Total, salaries and expenses, Agricultural Marketing Service, $6,122,313, of which amount not to exceed $1,569,778 may be expended for personal services in the District of Columbia, and not to exceed $40,100 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Enforcement of the Commodity Exchange Act", on page 69, line 13, before the word "of", to strike out "$500,000" and insert "$623,380", so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), $623,380, of which amount not to exceed $198,340 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Food and Drug Administration—Salaries and expenses", on page 70, line 23, after the word "therein", to strike out "$2,320,580" and insert "$2,335,580", so as to read:

Enforcement of the Federal Food, Drug, and Cosmetic Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 25, 1938, entitled "An act to prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics, and for other purposes," as amended (21 U. S. C. 301–392); to cooperate with associations and scientific societies in the revision of the United States Pharmacopeia and development of methods of analysis, and for investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, $2,335,580.

The amendment was agreed to.

The next amendment was, on page 70, after line 24, to insert:

Enforcement of the Tea Importation Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act approved March 2, 1897 (21 U. S. C. 41–50), entitled "An act to prevent the importation of impure and unwholesome tea," as amended, including payment of compensation and expenses of the members of the Board appointed under section 2 of the act and all other necessary officers and employees, $30,094.

The amendment was agreed to.

The next amendment was, on page 72, line 23, before the word "of" to strike out "$2,743,244" and insert "$2,788,338", so as to read:

Total, salaries and expenses, Food and Drug Administration, $2,788,338, of which amount not to exceed $832,198 may be expended for personal services in the District of Columbia, and not to exceed $27,375 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Soil Conservation Service—Salaries and expenses," on page 75, line 24, after the word "information," to strike out "$17,965,750" and insert "$19,665,750: *Provided*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than 3 fiscal years", so as to read:

Soil and moisture conservation and land-use operations, demonstrations, and information: For carrying out preventive measures

to conserve soil and moisture, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of erosion nurseries, the making of conservation plans and surveys, and the dissemination of information, $19,665,750: *Provided*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than 3 fiscal years.

The amendment was agreed to.

The next amendment was, on page 76, line 12, after the name "Florida", to insert a comma and "or a political subdivision thereof", so as to read:

Emergency erosion control, Everglades region, Florida: For research and demonstration work in soil-conservation control measures, including research and demonstration work in fire-control and irrigation-construction work to eliminate fire hazards, in the Everglades region of Florida, $75,000: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida, or a political subdivision thereof, for the same purposes.

The amendment was agreed to.

The next amendment was, on page 76, line 15, before the word "of", to strike out "$20,090,750" and insert "$21,790,750", so as to read:

Total, salaries and expenses, Soil Conservation Service, $21,790,750, of which not to exceed $1,724,174 may be expended for personal services in the District of Columbia, and not to exceed $200,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Conservation and use of agricultural land resources, Department of Agriculture", on page 77, line 12, after the word "newspapers", to strike out "$498,560,000" and insert "$438,560,000, together with not to exceed $60,000,000 of the unobligated balances of the appropriations made under this head by the Department of Agriculture Appropriation Act, 1940, approved June 30, 1939 (53 Stat. 939), and by the First Deficiency Appropriation Act, fiscal year 1940", so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g–590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281–1407) (except the making of payments pursuant to sections 303 and 381 and the provisions of titles IV and V), including the employment of persons and means in the District of Columbia and elsewhere; rent in the District of Columbia; not to exceed $50,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; purchase of lawbooks, books of reference, periodicals, newspapers, $438,560,000, together with not to exceed $60,000,000 of the unobligated balances of the appropriations made under this head by the Department of Agriculture Appropriation Act, 1940, approved June 30, 1939 (53 Stat. 939), and by the First Deficiency Appropriation Act, fiscal year 1940, to remain available until June 30, 1942, for compliances under said act of February 29, 1936, as amended, pursuant to the provisions of the 1940 programs carried out during the period September 1, 1939, to December 31, 1940, inclusive.

The amendment was agreed to.

The next amendment was, on page 78, line 2, after the word "commodities", to insert a colon and the following additional proviso:

Provided further, That not to exceed $4,985,600 of such amount may be expended in the fiscal year ending June 30, 1941, for administrative expenses in the District of Columbia, including regional offices, and not to exceed $9,971,200 of such amount may be expended in the fiscal year ending June 30, 1941, for administrative expenses in the several States (not including expenses of county and local committees).

The amendment was agreed to.

The next amendment was, on page 79, line 14, before the word "other", to insert "any", so as to make the additional proviso read:

Provided further, That such amount shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary of Agriculture in the 1940 and 1941 programs under said act of February 29, 1936, as amended; for the reimbursement of the Tennessee Valley Authority or any other Government agency for fertilizers, seeds, lime, trees, or any other farming materials furnished by such agency; and for the payment of all expenses necessary in making such grants including all or part of the costs incident to the delivery thereof.

The amendment was agreed to.

Mr. WHEELER. Mr. President, I ask the Senator from Georgia, if he can tell me what, if anything, has been done with reference to the Federal Surplus Commodities Corporation?

Mr. RUSSELL. Mr. President, that item in the bill has not yet been reached. Of course, the Senator from Montana is aware of the fact that there is a permanent and continuing appropriation available to the Federal Surplus Commodities Corporation, amounting to 30 percent of the customs receipts of any calendar year—not fiscal year—which will this year amount to slightly more than $100,000,000. In addition, the committee has recommended an appropriation of $85,000,000 to supplement that fund.

Mr. WHEELER. The reason I ask the question is that I have been interested in the matter. I feel that the Surplus Commodities Corporation has done a very excellent job. As the Senator knows, I have been engaged morning and afternoon on the conference report on the railroad situation, and I do not know whether or not I shall be engaged this afternoon when the matter comes up.

Recently I received a copy of a talk given by Milo Perkins, president of the Federal Surplus Commodities Corporation, at the National Farm Institute at Des Moines. I was very much impressed by the work and by the things he said about it, and how it had tremendously increased the purchase of various commodities.

Mr. RUSSELL. Mr. Perkins has appeared before the committee from year to year. I agree with the statement of the Senator from Montana. Mr. Perkins always makes a most impressive witness. He is clear in expression and able in thinking, and seems to have a very fine grasp of the affairs of the Federal Surplus Commodities Corporation.

Mr. WHEELER. The matters which have been called to my attention by persons in my own State and elsewhere are to the effect that this particular activity has been managed in a very businesslike way, and has not only been very helpful to the farmers but likewise has been extremely helpful to the underprivileged.

Mr. RUSSELL. Undoubtedly that is the case. There has been some discussion of this item, as the Senator will find by reference to the RECORD of yesterday; and undoubtedly there will be considerable further discussion when the committee amendment is reached in a few moments.

Mr. WHEELER. Mr. President, the Federal Surplus Commodities Corportion for some years has been distributing surplus goods. Recently it has devised the food-stamp plan. I have watched its growth with interest. Three things have stood out in my mind in studying its development. First, there was a period of careful experiment and study. Second, this study overwhelmingly demonstrated the soundness of the approach to the farm problem. Third, the expansion has been accompanied by good, businesslike administration. The result has been complete acceptance of the program by all parts of our community. It is my firm conviction that we should support this activity by permitting it to expand to a size sufficient to meet our farm problems in a sound and social way.

Recently, as I have stated, I received a copy of a talk given by Mr. Milo Perkins, President of the Federal Surplus Commodities Corporation, at the National Farm Institute, Des Moines, Iowa, on February 24. I was extremely impressed with the study of the whole field of underconsumption and the enormous significance to farmers of the facts presented. The charts and tables showing the potentialities of increasing the farmers' market by expanding the buying of food by low-income people present probably the most significant lesson in agriculture and agricultural marketing that any of us could have.

There were about 4,200,000 families in the United States in 1935–36 who spent nearly $850,000,000 for food. These people had an average income of less than $500 a year. They represented 14 percent of the total family population in the United

States. By way of comparison, it is interesting to note in this table that there were another 4,200,000 with incomes of $1,500. to $2,000 a year. These people spent about $2,300,000,000 for food. In other words, they spent nearly three times as much for food as our lowest-income group.

I noted another chart that showed that our poorest people had spent an average of 5 cents per person per meal, while the average for other income groups rose to 8, 10, 15 cents, and more. The poor people do not have enough to eat. They can use more of all our agricultural products. As they go up the income scale, the people increase their food purchases, but they also buy radios, automobiles, and other goods.

Here are a few hard and inescapable facts:

First. The low-income market has been almost completely undeveloped.

Second. The low-income group can and will increase their purchases of food if given an opportunity.

Third. Farmers need that market if the product of their industry is to be used as it should be, namely, to meet human needs.

The charts and tables in that address showed how consumption might increase with expanded purchasing power. To me, it was of first-rank importance to discover that the market for meat products was nearly twice as great among people getting $100 a month as among our lowest-income groups. The market for dairy products was nearly two and one-half times as great. The market for eggs was twice as great, as was the market for vegetables. The market for fruits was nearly three times as great. The importance of that to me is that the farmers have a very real market among low-income people that is ready for development.

The food-stamp plan and the direct purchase and distribution activities of the Department of Agriculture have applied a simple and relatively inexpensive method of meeting the challenge for our farm population. The program of the Department through the Federal Surplus Commodities Corporation narrows its range to concentrate on 14 or 15 farm products which are in the worst price position from an agricultural point of view. That is why it can achieve, with a relatively small amount of money, what would otherwise take place only with very tremendous changes in the income received by low-income families.

Thus, under the direct-purchase method and the food-stamp plan this activity helps the dairy producers, the fruit and vegetable producers, the poultry producers, and the meat producers. At the same time needy people in every State are receiving these products, and over 1,000,000 needy school children are getting hot lunches in whole or in part from surplus foods.

The food-stamp plan has been described by the Department officials in these simple terms:

First. Studies indicate that persons getting public assistance spend an average of about $1 a week per person for food.

Second. On a voluntary basis, such persons may buy a minimum of $1 worth of orange-colored stamps a week for each member of the family. These are good for food at any grocery store.

Third. Persons buying these orange stamps receive, free, half again as many blue-colored stamps. They receive these in place of the commodities they formerly got at food depots. These blue stamps also are good at any grocery store, but only for foods found to be "in surplus" by the Secretary of Agriculture—chiefly dairy and poultry products, meats, fruits, and vegetables.

Fourth. Grocers paste the stamps, each worth 25 cents, on $5 cards, and redeem them through their banks, their wholesalers, or through the Department of Agriculture. The blue stamps are redeemed from the same funds that are now used to purchase surplus commodities directly.

Fifth. Under the stamp plan, therefore, persons receiving public aid can get surplus foods at the corner grocery store. They have 7½ cents to spend for each meal rather than the 5 cents a meal that they formerly spent. That improves farm income as well as the public health. The idea is to eat the surplus—that is, the part that can be consumed in this country.

The March issue of the Poultry Tribune has been called to my attention. It contains interesting material. It surveyed 50 families using food stamps in Springfield, Ill. In this study it found that people were using eggs at the rate of 57 eggs per person per year prior to the stamp plan. It found that under the stamp plan they were using an amount equal to 320 eggs per person per year—in other words, an increase of 560 percent. This farm magazine concluded:

As the Federal stamp plan is expanded it may prove to be to the poultry industry one of the greatest boons of any Government measure yet adopted.

From the studies of the program that I have seen, here are some of the potentialities of the stamp plan: Butter was put on the surplus list. The plan offered a market in excess of 300,000,000 pounds for butter producers, a possible increase in demand of over 13 percent. For egg producers, a national program is able to provide low-income buying of over 300,000,000 dozen eggs per year, equivalent to 12 percent of the domestic market. For rice and dry beans, the potentialities appear to be increases of 8 percent or more. For dried fruits, the expansion possibilities are at least equivalent to 15 percent of the domestic market, and may be much more. Recently, pork was placed on the list, and, as I understand, during the first 2 months it took about one-quarter of the purchasing power. Lard took another 6 percent. This is very important to every farmer in the Corn Belt.

As I understand, the food-stamp plan is now operating in about 60 cities. The plans are for expansion up to 100 cities within the next 2 or 3 months. Quite frankly, I want this program for the cities in my State. It is good for the farmer; it is good for the needy people in my State; and since it works through regular trade channels, it is good for business and employment.

It is my understanding, however, that the Federal Surplus Commodities Corporation has to spend over one-half of the funds available to it for other agricultural programs. Even if the Senate restores the $72,000,000 item recommended by the Budget Bureau for this work for the next fiscal year, I am informed that it will not be possible to do more than run the program for the coming fiscal year in the 100 areas which will already have been selected. Some 700 communities have applied for this program, and the applications are now coming into Washington at the rate of 5 to 10 a day for additional areas. Unless the Congress appropriates more than the $72,000,000 item to which I refer, it will not be possible to name any new areas of consequence for the stamp plan during the 1941 fiscal year. I believe it would be a major mistake to handicap a program which has already proved its worth in actual practice.

The Federal Surplus Commodities Corporation has gone forward cautiously in its administration of this work. I hope it will continue to do so. I am strongly of the opinion, however, that the designation of new cities during the fiscal year should not be stopped. Even if the Senate were to double the $72,000,000 appropriation suggested by the Budget Bureau for this important work, it would only be possible during the coming fiscal year to name an additional 100 cities of the average size already selected. Anything less than this would be a severe blow to the farmers whose markets are being broadened under this program, as well as to the millions of persons with inadequate diets who get a little more surplus food to eat as a result of it.

The Senate should make it possible to name at least a hundred new areas during the coming fiscal year of about the size of those already selected. If 200 such areas were named, between 7,000,000 and 8,000,000 underprivileged persons would then be participating in the program. That would not only improve the public health; it also would improve farm income. It would be a cautious expansion of this important work. I am for it in the interest of the general welfare.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, under the heading "The Sugar Act of 1937," on page 82, line 4, after the word "Act", to strike out "$47,500,000" and insert "$46,675,000, together with

$1,300,000 of the unobligated balance of the appropriation provided under this head by the Second Deficiency Appropriation Act, fiscal year 1939, approved May 2, 1939 (53 Stat. 626), in all not to exceed $47,975,000, to remain available until June 30, 1942:", so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937 (7 U. S. C. 1100–1183), and the employment of persons and means, in the District of Columbia and elsewhere, as authorized by said act, $46,675,000, together with $1,300,000 of the unobligated balance of the appropriation provided under this head by the Second Deficiency Appropriation Act, fiscal year 1939, approved May 2, 1939 (53 Stat. 626), in all not to exceed $47,975,000, to remain available until June 30, 1942.

The amendment was agreed to.

The next amendment was, on page 82, after line 14, to insert:

PARITY PAYMENTS

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, $212,000,000: *Provided, however*, That in expending the appropriation in this paragraph the rate of payment with respect to any commodity shall not exceed the amount by which the average farm price of the commodity is less than 75 percent of the parity price: *Provided further*, That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1940 is not in excess of the farm-acreage allotment established for the commodity under the agricultural conservation program.

Mr. LEE. Mr. President, I send to the desk an amendment to the committee amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 82 in the committee amendment it is proposed to strike out all after line 15, down to and including line 5, on page 83, and in lieu thereof to insert the following:

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, $607,000,000, which sum shall be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income: *Provided*, That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1940 is not in excess of the farm acreage allotment established for the commodity under the agricultural conservation program.

Mr. LEE. Mr. President, I rise to speak in support of this amendment. The purpose of the amendment is to provide sufficient appropriation to pay the farmer full parity. The amount carried in the amendment is $607,000,000. According to the chairman of the subcommittee in charge of the bill, the Senator from Georgia [Mr. RUSSELL], the amount of $212,000,000, as provided in the Senate committee amendment, would pay, at the time it was figured, from 68 to 69 percent of parity.

It may seem more than is necessary to provide $607,000,000, since the additional 31 percent of parity would not require as much as the difference between $212,000,000 and $607,000,000; but the reason for fixing the amount at $607,000,000 is that those figures were based on the agricultural prices of December, and upon the basis of the average agricultural prices for 1939 more than $607,000,000 would be required.

Mr. President, I cannot be too extravagant in my praise of the Appropriations Committee, and the chairman of the subcommittee which has brought in this bill. I know that the members of the commitee are champions of the farmer, and I believe they would vote for more except that they feel bound by the action of the committee; and the committee felt that it was useless to ask for more than is provided in the pending bill.

Mr. President, we here know that because of the parliamentary procedure quite often a member of a committee is bound by the action of the committee; and certainly my efforts in offering this amendment are not intended in any way to embarrass any member of the committee who in his heart would like to have a larger appropriation for the farmer, but feels bound by the action of the committee. But, Mr. President, I do not have to answer to the committee. I do not have to answer to the Members of the House who passed this part of the bill without any appropriation for parity payments; but I do have to answer to my own conscience and to the farmers of my own State. They elected me, and sent me here as their advocate to represent them. Therefore I am doing what I am doing because I think it is right.

I do not intend this effort on my part to be merely an empty gesture. I believe if we do what we think is right, then it is up to the other body to do as they feel they should; but I am not bound by the action of the other body in this respect. If we merely track them, and rubber stamp what they do, then we might as well disband. There is no reason for our existence as an organization if we are limited in our action to doing what the other body has done.

Mr. President, I favor our paying full parity as a matter of right and justice. When this program began we started talking about parity. We did not talk about two-thirds of parity when the bill was up for consideration. I did not favor all the machinery of the bill, but we passed it; and now I should like to see us keep faith with the farmer. We did not talk about three-fourths of parity; we talked about parity. Parity means that the farmer's commodity should buy as many of the things he must buy as it did during the base period of 1909–14. Therefore, as a matter of right, I believe we owe it to the farmer to provide for him full parity.

Suppose the farmer, in keeping his part of the contract, should curtail his production only three-fourths. Suppose he should reduce his acreage only two-thirds; and let me remind the Senate that there is no guaranty that the $212,000,000 carried by the Senate amendment will pay the farmer three-fourths of parity. As it is, it would provide at the present day only about 70 percent of parity.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. LEE. I yield.

Mr. WILEY. When the Senator speaks about the farmer I should like to ask him whether he refers to the dairy farmer or simply to the wheat, corn, cotton, rice, and tobacco farmer?

Mr. LEE. Of course, when I use the general term I mean all farmers, but in the case of this measure it applies only to those who raise the commodities referred to.

Mr. WILEY. In other words, the amendment does not take care of or attempt to help the largest segment of agriculture, dairying?

Mr. LEE. Of course, many dairy farmers are also engaged in the production of some of these other commodities; and, as a general proposition, if some of them are helped it indirectly helps all. Also, we are not heavy exporters of dairy products, as we are of the others. These are the heavy base products. I am informed that a million dollars out of the fund for the distribution of surplus commodities goes for the purchase of butter, and therefore, that is provided for in the bill.

Mr. President, the point is that the farmer has kept his part of the contract. Are we going to keep our part, or do we have the nerve to say that we are only going to keep three-fourths of our contract? Why not keep it all? Have we ever kept full faith on this program? When we passed it, we talked about parity. Did we give the farmer parity last year, or the year before, or the year before that? We have not provided the farmer with parity since we started this program.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. LEE. I yield.

Mr. McNARY. As a member of the subcommittee, I supported the figures of parity in the bill. I have heard the claim made many times that Congress has promised the farmer parity. When was that promise made, and in what statute can it be found?

Mr. LEE. Of course, the promise was an implied promise. Every farmer over the country thought it meant that, but there was no language saying, "We promise to pay parity."

Mr. McNARY. How did the farmer get that impression—from men who were running for office, seeking the votes of farmers? There is nothing in the statutes; there is nothing in the hearings; no declaration has ever been made by the Department of Agriculture or by Congress that the farmer was entitled to parity. I have heard that statement repeated so often that I think it is time for us to correct that impression.

Mr. LEE. If the able Senator will refer to the party platforms, I believe he will find language which would give the farmer that impression.

Mr. McNARY. I do not think the farmer reads the party platforms; and if he did, I do not think he would believe anything that is in them, anyway. [Laughter.]

I conclude by saying that the time is ripe for someone to say that the Congress has never promised the farmer parity payments in one form or the other. Though I am for parity, the farmer must be very thankful and very grateful for what Congress has done along that line.

Mr. LEE. Does the Senator deny that the impression has gone out through the length and breadth of the country that if the farmer will reduce his acreage we will provide parity? Does the Senator deny that that is the impression?

Mr. McNARY. If so, it has been the result of unwarranted statements made by the county agents and representatives of the Department of Agriculture. I am not responsible for any rumor that is prevalent over the country. I am saying that Congress never has made any promise to give the farmers of this country parity payments.

Mr. LEE. Does the Senator deny that it was the intent and purpose in writing this bill that Congress should provide parity? Was it not the whole purpose of this bill to provide parity for the farmer?

Mr. McNARY. What bill?

Mr. LEE. The agricultural law.

Mr. McNARY. What law?

Mr. LEE. The present agricultural law that we have.

Mr. McNARY. We have many agricultural laws. We have been enacting laws ever since I have been here.

Mr. LEE. I refer to the Agricultural Adjustment Act.

Mr. McNARY. The Agricultural Adjustment Act stated that "if and when"—that is the language—money was available an approach would be made to parity; and that is all that has been said.

I am not quarreling with the able Senator. He may have that impression but it is a false one, and I think it should be challenged; and that is my purpose in rising. I am not criticizing the Senator, but I think we should be sparing in our statements that we have broken faith with the farmer.

Mr. LEE. Mr. President, for the first time on a farm proposition of any kind I find myself in complete disagreement with the capable minority leader, the Senator from Oregon [Mr. McNARY]. I was in the Senate at the time this law was passed, and so was the Senator from Oregon. From the action of this body I got the very definite impression that if the farmer would do his part by reducing acreage, we would provide him with parity—not only parity payments, but a parity income. We talked about that, and the farmers got that definite impression. Who gave it to them, and how, are matters too numerous for me to put my fingers on, but that is the impression that went out to them.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma further yield to the Senator from Oregon?

Mr. LEE. I yield.

Mr. McNARY. Let me again correct the able Senator. In the bill which we now call the Agricultural Adjustment Act, providing partly for parity payments, in the discussion of the matter upon the floor of the Senate former Senator Pope, then in charge of the bill, withdrew the provision then proposed for parity income, so that subject has never been considered. It is quite different from parity payments. All that ever has been said was said by Congress when it passed the Agricultural Adjustment Act approved on the 16th of February, 1938, at 3 p. m., as follows:

SEC. 303. If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, rice, or tobacco, on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit.

That is the only reference that has ever been made in legislation to parity—"if and when appropriations are made therefor." I am simply making the point that we ought to address ourselves to this subject upon the theory that Congress is doing all that it can. Many different methods have been suggested. We here in the Senate, through the able leadership of the Senator from Georgia [Mr. RUSSELL], provided a fund toward parity 2 years ago, last year, and this year, and that is going beyond any promise that has ever been made by Congress in any deliberate action upon its part.

I mention that only in the most kindly way, to suggest to the Senator from Oklahoma that Congress had done more for the farmer along this line than any promise which has ever been made, for none was made, and I am sure he is grateful and thankful for what has been done.

Mr. LEE. Of course, the farmer is thankful for what has been done; but when we write into a statute language like that, stating that "if and when" funds are available the Secretary of Agriculture is authorized and directed to pay the farmer up to parity, and then we turn to the farmer and say, "Now, you reduce your acreage," there certainly is an implied promise, if not an actual contract, that we will do our part by providing funds to pay that parity. I cannot quarrel with the Senator about whether or not it is in black and white, but it certainly is the feeling on the part of the farmer. He has done his part, but we talk about giving him three-fourths of parity.

When the independent offices appropriation bill came before this body I do not remember anyone advocating that we appropriate three-fourths of what was necessary to meet the requirements under that bill. When the deficiency bill came before this body I do not remember anyone advocating that we pay 69 percent of the deficiencies. When the last bill for national defense came before this body, I do not remember anyone advocating that we provide appropriations for three-fourths of the national-defense program, and when the next one comes before us I do not believe anyone will advocate that we appropriate only enough money to provide for 69 percent of a national defense. I imagine we will increase the appropriation. But when it comes to the farmer, we take our economy program out of his hide by cutting him down to two-thirds of parity or three-fourths of parity. But he has done his part.

Suppose the farmer should say, "I am going to reduce my acreage only three-fourths." Does anyone think he would draw any of the benefit payments? Certainly he would not. In a few cases where farmers, through misunderstanding, have planted more than they were allowed under the acreage program, before a farmer could draw his benefit payments he had to plow under the additional crop. He had to measure up to the law 100 percent; he had to meet the requirements. But when we meet to provide the funds for this program, we talk in terms of two-thirds of parity or three-fourths of parity.

I say that it is a matter of justice that we should provide full parity for the farmer. Parity means keeping his product in line. Why is his product out of line? It is because of laws made which gave protection to the industrial group. That is why we have to provide parity for the farmer, and that is why we talk parity. It is because of the tariff laws which have protected the industrial group and allowed them to grow rich and powerful, while the farmer was forced to buy on a protected market and sell on an unprotected

market. It was the law of this land which caused that inequality and that inequity. Now, we have proposed to adjust this inequity in the agricultural adjustment program. It is called an adjustment act because it was intended to adjust the difference between manufactured and raw products. So there is an obligation upon us, at least moral, if not legal, to provide the farmer with full parity.

Mr. President, I believe we should provide parity because it is just to the farmer. In 1913 the farmer was doing pretty well; he had what today we call parity. But since that time prices of the things he has had to buy have increased. The prices of the commodities the farmer must buy have increased 22 cents on each dollar. For every dollar's worth of overalls and work shirts the farmer must buy he has to pay 22 cents more than he did in 1913; and if we include the taxes and interest he pays, for every dollar of expense to which the farmer is put now he has to pay 28 cents more than he did in 1913. That means that his purchasing power has fallen off 28 cents.

But that is not all. While the prices of manufactured commodities which are protected by tariff laws have increased 28 cents on the dollar since 1913, the price of farm commodities has decreased. Today his commodity brings 1 cent less on every dollar than it did in 1913. Bring that decreased value of his commodity together with the increased value of the products he must buy, and we find that the farmer's dollar today is worth only 77 cents. It takes one dollar's worth of wheat to buy 77 cents' worth of overalls; it takes one dollar's worth of cotton to buy 77 cents' worth of work shirts.

In 1913 if a farmer wanted to buy a hundred pounds of nails in order to build a shed he put in his wagon a pig weighing 31 pounds and went to town, where he traded the pig for 100 pounds of eightpenny nails. Can he do that today? No. If he wants a hundred pounds of nails today he has to wait until the pig weighs 70 pounds, he has to put that much more care and labor into the pig, he has to put that much more feed into the pig. By the time the pig weighs 70 pounds, before the farmer can get the money with which to buy the 100 pounds of nails, he has other debts and other charges coming due. The result is that he takes the money he gets from the pig and, instead of buying nails, he pays interest charges and taxes and other expenses which he must meet. Therefore he does not buy the nails, the storekeeper does not sell the nails, and the manufacturer does not have an order to make the nails. So the cycle goes on. That is exactly what is happening in this country today.

In 1913 it took 31 pounds of pork to buy a hundred pounds of nails. Now it takes 70 pounds of pork to buy a hundred pounds of nails. That is an increase of 126 percent. That means that the farmer's purchasing power has decreased 126 percent since 1913. No wonder our market is falling off.

In 1913 if a farmer wanted to buy an ax, the ax cost 96 cents. The same ax today costs $1.89. Today if a farmer wants to buy an ax he has to take to town enough wheat to make 100 loaves of bread, which, at 10 cents a loaf, would amount to $10—wheat enough to make $10 worth of bread in order to get an ax which in 1913 cost him 96 cents. No wonder the farmer's purchasing power has fallen off.

What about the farmer's income in general? For the past 10 years the farmer's income has been $20,000,000,000 below parity. Suppose the farmer had been receiving parity for the past 10 years; his income would have been increased $20,000,000,000—$2,000,000,000 a year. The farmer has been selling his commodity each year for $2,000,000,000 less than it cost him to produce it. We might say that with that $2,000,000,000 the farmer has been subsidizing the American consumer, that that has been his contribution to our living. Two billion dollars every year the farmer has been contributing toward feeding and clothing the American people.

Last night when you slept between cotton sheets you were using cotton which was sold for less than it cost some farmer to raise it. This morning when you ate your toast, or your roll, or your hot cakes, you were eating wheat which was sold by some farmer at less than it cost him to produce it. The parity appropriation for which I am asking is not charity, it is not a bonus, it is not a subsidy, it is not a gratuity. It is an appropriation to pay an honest debt for what we consume of the farmer's products.

The American people are honest. I do not believe the American people want to ride on the back of the farmer. I do not believe our people want to "mooch" from the farmer. I do not believe our people want the farmer to feed and clothe them at less than it costs him to produce the commodities.

Our debt to the farmer is an honest one, and if we vote this appropriation it will not pay the debt which we owe the farmer for what we consume of what he produced in 1940; it will not pay him for what he produced in 1939; it will pay him only for what we consumed of that which he produces in 1941. It is an honest debt.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CHANDLER. Has the Senator read the testimony of Mr. Smith, of Illinois, the vice president of the American Farm Bureau Federation, before the Committee on Appropriations?

Mr. LEE. I am sorry; I have not.

Mr. CHANDLER. I should like to call the Senator's attention to it:

> The parity goal for agriculture—
>
> According to Mr. Smith—
>
> was established by Congress in the original Agricultural Adjustment Act of 1933, also in the Soil Conservation and Domestic Allotment Act of 1936, and again in the Agricultural Adjustment Act of 1938.

As the Senator has heretofore stated, it seems to have been established on the basis of "as, if, and when." But section 303, authorizing parity payments, recognizes, according to Mr. Smith, no limitation short of parity. He said:

> It appears, at this time, that a substantial parity payment appropriation by Congress—
>
> A substantial parity payment appropriation by Congress—
>
> is fully justified. The estimate of all economists at this time projects parity income for agriculture in 1940 short of the authorized goal by at least 25 percent.

The pending bill, as passed by the House, carried no appropriation for parity payments. I have been informed by the Senator from Georgia [Mr. RUSSELL] that the $212,000,000 will pay 75 percent of parity.

Mr. LEE. I am sure the Senator will stand corrected; it will pay a little over 70 percent, with farm prices as they are at present.

Mr. CHANDLER. The Senator from Georgia thinks it will pay 75, he just stated to me. But if the tobacco situation gets bad—and my people in Kentucky are particularly interested in the tobacco situation because of the buying of tobacco by the British from Turkey and other countries instead of using the best tobacco in the world, which is the Kentucky Burley—that may cause our people some trouble. In Kentucky this year we sold 275,000,000 pounds of Burley tobacco at an average of about $17.50.

I call the attention of the Senator to the fact that I am anxious to vote substantial appropriations to the farmers, because it is my deliberate judgment that unless we get them to a point where they can have incomes and continue to have something to work for so that they can furnish the people of the country with the necessities of life we are never going to have any permanent prosperity. I think all agree upon that. But when the Senate is asked to vote $405,000,000, which the Senator's amendment seeks to add to the bill, I am not going to agree to vote a "cold check" to the farmer, because he is the hardest fellow to fool you ever saw in your life. If we vote him $405,000,000 without any prospect of its being paid—and I have gotten the genuine impression that there may be great difficulty in getting more than $212,000,000 approved by the President of the United States or by the House of Representatives—if we get it approved, if we do not raise the debt limit of the National Government or provide for raising more from taxation, we will have voted the farmers of

the United States a "cold check" and made assurances to them which will be much worse than the assurances which have heretofore been made.

I should like to go along with any reasonable amount, but I wish the Senator would give consideration to the $212,000,000, which has to be agreed to hereafter by the House, if we agree on it here.

Mr. LEE. Are any taxes provided for raising the two hundred and twelve million?

Mr. CHANDLER. No; but it is generally conceded that we have a chance of getting that much, but I do not think anyone thinks we can get nearly $700,000,000 in addition.

Mr. LEE. It would not be seven hundred million.

Mr. CHANDLER. Does the Senator's amendment call for six hundred and seven million?

Mr. LEE. Yes; which is three hundred and ninety-five million above the committee amendment.

Mr. CHANDLER. My arithmetic may be bad——

Mr. LEE. Perhaps mine is.

Mr. CHANDLER. If the Senator will take one number from the other, I think he will get the answer. I shall not argue with the Senator as to what result comes from the subtraction of one sum from the other.

Mr. President, I do not know where the money is coming from. Many of these things are provided for out of the general deficit. I shall vote for the appropriation of every cent for which I can see justification in paying the farmer any money. However, I shall not vote with my eyes open to pay any farmer in the United States with a "cold check."

Mr. LEE. Mr. President, the Senator just admitted he does not know where he is going to get the $212,000,000.

Mr. CHANDLER. I admit that. And the Senator has voted for appropriations of millions of dollars in the last few years, and he did not know where the money he voted for was going to come from.

Mr. LEE. The Senator from Kentucky then will vote for 70 percent of parity although he does not know where the money is going to come from, but he will not vote for full parity because he does not know where the money is going to come from. Is that logic?

Mr. CHANDLER. No; the Senator from Kentucky is going to vote for a smaller amount which is reasonable and which we believe is available. I have back of my statement the authority of the chairman of the Committee on Agriculture.

Mr. LEE. The Senator is willing to give the farmer a "cold check" for 75 percent of parity.

Mr. CHANDLER. That is better than a 100-percent "cold check," and the Senator understands the difference. The Senator from Georgia, the chairman of the subcommittee of the Committee on Appropriations in charge of the present bill, thinks we can get that money. Where are we going to get it? I do not know. But the Senator from Georgia thinks we can get it. If the President of the United States approves the bill, that indicates to me that he knows we can get the money. I do not think we can get the extra $405,000,000, however. The Senator from Georgia does not think we can get that money, and I do not think the House believes we can get it, either. So, Mr. President, I have more persons on my side who think we cannot get the money than the Senator from Oklahoma has at his side who think we can get the $212,000,000.

Mr. LEE. Mr. President, since the Senator has raised that question I wish to answer him in all fairness. The Senator voted for the independent offices appropriation bill. I hope the Senator will not leave the Chamber just yet. The Senator voted for that bill, and the question was not raised then where we are going to get the money. The Senator from Kentucky voted for the deficiency bill and the Senator did not say anything about a "cold check" then. We voted for battleships, and no one said anything about a "cold check," or where we were going to get the money.

Mr. CHANDLER. The Senator is mistaken.

Mr. LEE. Mr. President, I have never yet voted for an appropriation when I was not willing to vote for a tax to pay it. I stand ready to do that today. We cannot originate tax measures in the Senate. I am not hiding behind that fact, however. I am ready to meet the situation in the first place. I am willing now to vote for the two tax measures offered by the Senator from Wisconsin [Mr. LA FOLLETTE], and according to his estimate they would raise $234,000,000. That would go a long way toward meeting this parity payment.

Furthermore, I believe that the President under the present law has power further to devalue the gold content of the dollar, and put more money to the credit of the United States.

Mr. THOMAS of Oklahoma rose.

Mr. LEE. I yield to my colleague if he has it on the tip of his tongue to tell how much under the present law the Government could make by further devaluing the gold content of the dollar.

Mr. THOMAS of Oklahoma. Mr. President, we now have in the United States Treasury $18,300,000,000 approximately in gold. The President had the authority originally to cut the gold dollar in two and make two for one. In place of doing that he took only 40 percent of gold from each dollar. Under existing law he has the right to take out the other 10 percent. If that should be done, in other words if the President should exercise his power under the existing law, he could make for the Treasury more than $3,000,000,000 by the signing of his name.

Mr. LEE. I thank the Senator.

Mr. CHANDLER. I wanted to say to the Senator from Oklahoma that I did not vote for the bills he said I voted for, because I have not been in the Senate long enough to consider those measures.

Mr. LEE. Did the Senator vote for the deficiency bill?

Mr. CHANDLER. That was a small matter.

Mr. LEE. A rather small "cold check." Did the Senator vote for the independent offices bill?

Mr. CHANDLER. Yes; I voted for a bill just before the first bill the Senator spoke of.

Mr. LEE. They are the only two I accused the Senator of voting for. I said we had passed other bills here, but——

Mr. CHANDLER. I want to compliment the Senator, who is willing to vote for taxes. I was afraid he might be cataloged or classed among those who vote for all appropriations, but vote against all taxes.

Mr. LEE. I hope the Senator will not leave the Chamber at this moment simply because he is hungry.

Mr. CHANDLER. No; I am leaving because I have an engagement.

Mr. LEE. I want to refer to one more source from which the money may be obtained. I have already referred to two sources. One is increasing the tax schedule, according to the amendment proposed every year for a number of years by the Senator from Wisconsin [Mr. LA FOLLETTE], which, according to his estimate, would raise $234,000,000. According to my colleague [Mr. THOMAS] the President under the present law has power to raise—and I did not understand the amount—was it $3,000,000,000?

Mr. THOMAS of Oklahoma. Mr. President, it is considerably more than $3,000,000,000. And I might suggest, if my colleague will permit, that of the former profit of $2,800,000,000, $2,000,000,000 was set aside in the so-called stabilization fund. That fund has been used now for years, and not to exceed $200,000,000 has been called for. So there remains now in the stabilization fund $1,800,000,000 which has not been used for any purpose. The Congress could draw on that $1,800,000,000 for any purpose it sees fit. It is not used as a stabilization fund. It may be used at some time for that purpose, but in years past it has not been so used. At the present time I can see no need for continuing $1,800,000,000 in the stabilization fund for which there is no great purpose in sight.

Mr. LEE. I thank the Senator.

Mr. President, in addition to that, we have in this country $50,000,000,000 of tax-exempt bonds. They are not all Federal, I grant you. But we have $50,000,000,000 of bonds that are tax-exempt, either entirely or in part. I have every year since I have been in this body urged the passage of a law

to stop issuing tax-exempt bonds because tax exemption is a special privilege to the rich, because the poor cannot buy bonds, and the middle class cannot buy enough that the tax-exemption privilege amounts to anything to them. It is a special privilege to the rich.

Let me show an example: A man with an income of $500,000 makes more from a bond bearing 3 percent interest that is tax-exempt than he does from a bond bearing 10 percent interest that is not tax-exempt. In other words, the exemption privilege of a man with an income of $500,000 is worth 7 percent in interest.

How much is it worth to a man with an income of $5,000? It is worth two-tenths of 1 percent. So it is a special privilege to a special class.

There, Mr. President, is a source of revenue. The President himself, in a message asking us for laws permitting the taxing of tax-exempt securities, referred to them as a source of revenue. That $50,000,000,000 of wealth that paid no tax could be used to pay the farmer parity. Then there would not be any need to speak of the giving of "cold checks" to the farmers, or that we cannot get the money to pay the farmer the parity that we made the bluff we would pay him.

Mr. CHANDLER. Mr. President, has the Senator introduced a bill to accomplish the purpose he speaks of?

Mr. LEE. Certainly I have offered such a bill. When the late Senator Borah, of Idaho, was with us he offered an amendment to every revenue bill that came along for this purpose. I offered an amendment to the last revenue bill. Senators persuaded us not to push the amendment, but that they would take it up in connection with the next House bill that came along. I have said that I would offer it to the next bill that comes along. The Senator will not catch me blowing hot and cold.

Mr. CHANDLER. The Senator is delighted with the statement made by the Senator from Oklahoma. He does not want to catch him. He just does not want Senators to catch the farmers. If Senators are willing to vote taxes, very well, I will join them. But I do want Senators to be careful and not vote the farmers a "cold check."

Mr. LEE. Those who are opposed to taxing the tax-exempt bonds use this old bromide. They say, "If you tax these bonds, you will have to raise the interest rate the same amount that you put the tax on, and there will be no gain." Let us see if that is true. The Government is losing millions of dollars in revenue because of these tax exemptions. By taxing incomes which are now exempt, the Government will gain much more in revenue than it will lose on account of the increased cost. I have examples which I wish to give the Senate. This example will apply anywhere, but I have used language applying to my State.

Suppose a school district in Oklahoma issues $1,000,000 worth of bonds bearing 3 percent interest, and suppose the entire issue is purchased by a man having an income of $500,000. If the bonds are tax exempt, the Government loses each year in income taxes $21,197.77; whereas, if the bonds were taxable, the increased cost in interest charges would average only $3,750 a year, according to the estimates of the Treasury Department. The difference between $21,197.77, which would be the loss in revenue if the bonds were tax exempt, and $3,750, which would be the increased cost if the bonds were not tax exempt, is $17,447.77.

In other words, the net loss in revenue on that $1,000,000 issue of tax-exempt bonds is $17,447.77 each year. Then suppose these bonds were issued for 20 years. The total amount of net loss in revenue on that $1,000,000 issue of tax-exempt bonds would be $348,955.40.

Now multiply that by $50,000,000,000 of tax-exempt bonds in this country and Senators will see the revenue that our country is losing. And then we talk about not being able to pay the farmer a parity for his crops.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. ELLENDER. A while ago the Senator stated that a promise had been made to farmers to pay them parity. I suppose the basis for the Senator's view is to be found in statements made in debate when we considered the 1938 farm bill?

Mr. LEE. Yes.

Mr. ELLENDER. When that promise was made was it not contemplated that taxes would be imposed in order to meet the payments?

Mr. LEE. Yes; it was.

Mr. ELLENDER. Well, is it not contemplated now?

Mr. LEE. Of course it is.

Mr. ELLENDER. And the farmers, of course, do not expect parity unless a tax is imposed so as to raise a sufficient sum by which parity can be paid?

Mr. LEE. That is exactly right, and I thank the Senator.

Every mouthful of bread you eat is made of wheat raised by a farmer at a loss to himself. The loss in the farm revenue has been $2,000,000,000 each year for the past 10 years. If the farmer had parity, the agricultural income would have been increased $20,000,000,000 over the past 10 years.

How long are we willing to take advantage of the farmer's helpless condition? The farmer cannot help his condition. The consumer cannot help the farmer's condition. All they can do is to vote for men who when they run for office say they will vote for the farmers. Well, here is the vote. I ask Senators for their vote.

Senators said they would help the farmers. We have the power to levy taxes in order to raise the money necessary to make the parity payments. Yet we say, "Yes; we are his friend, but the House did not pass it; therefore we must not."

I answer to my conscience and to the people of Oklahoma.

Mr. President, did you ever visit a farm family in the cotton district. I have. Come with me; let us visit one of the poorer families. Let us go into their home, if we can call it a home. There is a large family of children. Each child has one rag fastened about its body to cover its nakedness. The man has a pair of ragged overalls and shirt. He has no shoes. The woman has no shoes. None of the children have shoes. They have a very limited amount of corn bread for the meal. They have black coffee with no cream and no sugar. They have some beans and some potatoes. The food chokes us, not because it is not clean or good but because we feel that we are taking food from the mouths of those children. They appear to be undernourished, as no doubt, they are.

But every time we consume something below cost we are taking bread from their mouths.

The mother has a very young baby, and yet she works in the field with the rest of the family. She hooks a long cotton sack over her shoulder. She places the baby on the sack and drags it along. As the sack fills with cotton, it gets heavier and bends her stooped back even more. All the children are compelled to work. The father and mother keep them at it. The cotton burrs scratch their fingers. Their hands are bleeding and look like little claws; yet they have to keep working. They have to produce cotton so we can wear it at less than it cost them to produce it. Sheets cost more than the farmer receives. Wheat cakes for breakfast cost more than the farmer receives.

I say they produce the sheets between which you sleep below the cost to them. Someone may say, "If they do not have anything, how can they produce them below cost?" Because they pay with the blood of their children. They pay with the health of their wives. They pay with the spirit of manhood itself, which is the most priceless thing in the United States.

What happens to a man when his farm is foreclosed? He loses his farm because he has sold his product below what it cost him to produce it. I have said that farmers produce below cost. According to Dr. Alexander, of the Farm Security Administration, in every year since 1935, 40,000 farmers have lost their farms and changed from the status of landowners to tenants. Forty thousand farmers a year for 5 years—200,000 tillers of the soil, the bone and sinew of America—have been turned from landowners to tenants, and started a trek down the road with the Joad family. The Joad

family has added another recruit; another Okie has started—to where? To a new frontier where he can start life over again, as was once the case? Not at all. To the shanty towns and the garbage towns. I have seen them as they go into the garbage. I have seen them drag out of the garbage part of an old car fender and part of an old pasteboard box, and put them together to keep out the cold. Some of them go on to warmer climates, such as California. What kind of citizenship can we expect of them?

Mr. President, when a man is foreclosed after a valiant but unsuccessful fight he loses more than merely his farm—something dies within him. Something happens—a loss that is even a greater loss than our failure to balance the Budget this year, the loss of a patriot, the loss of a good citizen. He then becomes a fit subject for all the isms of the country. He has lost his hope.

Edwin Markham was a great poet. He has gone, but he left a scar seared on the brain of every person who ever read The Man With the Hoe.

> Bowed by the weight of centuries he leans
> Upon his hoe and gazes on the ground,
> The emptiness of ages in his face,
> And on his back the burden of the world.
> Who made him dead to rapture and despair,
> A thing that grieves not and that never hopes,
> Stolid and stunned, a brother to the ox?
> Who loosened and let down this brutal jaw?
> Whose was the hand that slanted back this brow?
> Whose breath blew out the light within this brain?
> Is this the Thing the Lord God made and gave
> To have dominion over sea and land;
> To trace the stars and search the heavens for power;
> To feel the passion of Eternity?

Some of us may have to answer those questions. That is what happens to farmers when they continue producing food and clothing for the rest of the world at a price below the cost to them. They pay with their farms. They pay with the health of their children. They pay with the spirit of America, which has made our Nation great. That is the greatest price we are paying.

After the war I stood at Bourges, France, before the cathedral of Bourges. As I stood before the beautiful cathedral, a poem in stone and masonry, I enjoyed the beautiful architecture. I enjoyed the pointed arches and the flying buttresses. An old French padre walked up to me, and I learned from that venerable person the story of the cathedral of Bourges. It was built in the thirteenth century. Its building required 100 years. The grandchildren completed the work begun by their grandparents.

When the cathedral was finished the rats tunneled under the foundation of the north tower, and the rains came, and the erosion continued, until, in the fifteenth century, the north tower of the Bourges cathedral leaned, quivered, tottered, and then came thundering, smashing down. We cannot build a great nation while the foundation strata of our society is being destroyed.

What good will it do us to gird ourselves with battleships enough to man both seas if we are rotting from within? What good will it do us to build a girdle of steel fortifications around the United States if the foundation gradually caves from under us because of destroyed humanity and lost hope in the hearts of men? What good will it do us to spend our billions for battleships and allow the very strength of America to be sapped by a farm program which does not put into the hands of the farmers sufficient income to maintain them on a decent standard of living?

Mr. President, there is enough wealth in the United States for everybody to have a decent living, clothes to wear, and a shelter. Does anyone deny that? If so, let him stand in his place and deny it. We are the wealthiest nation on earth. Does anyone deny it? There is enough labor to develop our natural resources. There are enough natural resources and there is enough capital to pay the labor. Is it not our job to put these three things together in proper ratio to spell out prosperity? I am willing to undertake it. We have brought about a maladjustment through a tariff system which has penalized the farmer. I am willing to correct that.

We say we are the farmers' friends. Let us see if we are. Let us not hide behind the excuse that any aid to the farmer would be a "cold check." We can vote taxes if we have courage enough. I have never advocated any expenditure for which I have not been willing to vote the taxes to meet it.

Mr. President, the farmer creates wealth. Some of the wealthiest men in the Nation never created a dollar in their lives. They accumulated it. There is a vast difference between manipulating finances so as to accumulate fortunes and creating wealth. The man who creates wealth makes those about him wealthy. The man who accumulates wealth makes those about him poor, because he accumulates at the expense of the other fellow.

Thousands of those who gamble on the stock market accumulate wealth. They might be called "lily" businessmen.

> They toil not, neither do they spin; and yet * * * even Solomon in all his glory was not arrayed like one of these.

Lily businessmen!

But the farmer creates wealth. He takes a hundred bushels of wheat and multiplies it into 2,000 bushels of golden grain to feed the world. We eat the grain, and he receives less than it cost him to produce it.

He goes to his field in the morning, fills his drill with wheat, gets up on it, starts his team across the fallow field back and forth, back and forth, until noon. Then he unhitches his sweating team, drives it into the barn, feeds it, and then goes to eat. As soon as his team has eaten he hitches it up again and starts back and forth, back and forth, sowing the grain.

At night, after sundown, after all our offices are usually closed, the farmer comes in from the field and unharnesses his team. They wallow in the lot, then they shake, and then they drink long drinks of cool water from the watering trough. Then he feeds them. Then he goes in and washes the dust of the field from his face and hands, and eats.

Then he goes back and milks, feeds the hogs, turns his horses out, and late in the night he is ready to go to bed.

The next morning, long before you and I are up, he is up bright and early. He feeds his horses, harnesses them, milks his cows, does his chores, and then goes back to the fertile field, back and forth, back and forth, sowing his grain.

Finally the 100-acre field is sowed. Then the farmer must wait and take his chances. He must wait to see that the moisture comes to cause the grain to swell and put forth its tender sprout. Then he must take his chances on a killing frost killing his wheat.

Then with the spring comes the danger from grasshoppers. There is danger from all insect pests. Gradually his wheat comes up. He watches every cloud that floats across the horizon for fear a hailstorm will come and destroy his entire investment.

Finally the harvest day comes, and if he has been lucky he harvests his crop. He has created 2,000 bushels of new wealth to feed humanity and to make other men wealthy. He has not merely accumulated. He has created.

Yet we discriminate against him at every turn. I mean it. Show me the farm product which can move in the freight routes as cheaply, according to weight, as gravel. Show me the farm product which can move at as cheap a freight rate, according to value, as a carload of shoes. Show me the farm commodity which can be shipped by freight in bulk as cheaply as many bulky things that are manufactured.

Is the farmer discriminated against by interest rates? The interest rates on call money, for gambling on the stock market, have gone down as low as twenty-five one-hundredths of 1 percent—not for the purpose creating wealth, but to shear the lambs. Stock-market operators can borrow money for twenty-five one-hundredths of 1 percent. Can the farmer do it? No. He pays 6 percent. The financiers can borrow money at 1.65 percent. They have done so. The Government can borrow money at less than 2 percent. But the lowest rate at which the farmer can borrow money is 3 percent. He could not obtain such a low rate until we passed the Bankhead-Jones Act. Now that opportunity has been cut off. I hope we can restore it.

The farmer is discriminated against on every side. Why can the man on the stock market borrow money at less than 1 percent? Because his security is good. What is his security? It is based upon stocks. What are those stocks based upon? They are based upon the products of the earth. The farmer, who owns the earth which produces the wealth of America, must pay three or four times as much as the man who is manipulating it. The farmer owns the greatest security in America—land; but on that security he cannot obtain interest rates comparable with those available to big business.

Then we discriminate against the farmer in taxes. If a poor farmer does not get enough money from his crops to pay the taxes on his farm he loses his farm. But if a rich man has an income of $1,000,000 from tax-exempt securities he is not required to pay one thin dime of taxes.

Then again, the farmer is discriminated against on the things which he must buy, as well as on the things which he must sell. He buys on a protected market, but he must sell on an unprotected market.

Mr. President, I feel that the most fundamentally important thing to do is to rehabilitate the farmer. I would like to see this amendment adopted. We should say to the country that we are keeping faith with the farmer. I feel that the most important question today is the farmer. He is the foundation of our economy. We cannot build a great building without a firm foundation. Forty thousand farmers every year lose their farms. What good will it do us to rehabilitate the farmers through a farm-tenant program unless we increase the prices of their commodities so that they can hold the land which they have?

I put the question on a business basis. I put it on the basis of good economics. Where is the greatest market? It is the farmer. Suppose our farmers today had full parity. What would they do with the additional $395,000,000? They would spend it. Those dollars would find their way right back into the channels of trade. Those dollars would flow right back into the arteries of commerce. Those dollars would go to town with the farmer.

Suppose every farmer today were able to paint his little house with two coats of paint. What would that do for the paint manufacturers? Do not think the farmers do not want to. Do not think the farmer does without these good things of life because he does not want them. He is living for the day when he can have some of the good things of life.

Suppose every farm home could be redecorated inside with some beautiful, bright wall paper, instead of the newspapers that the farmers now use. Suppose they could redecorate with some paint.

Suppose every farm home could buy bathroom equipment. What would that do for the manufacturers?

Suppose every farmer had electric power wired to his place. Suppose he could buy an electric refrigerator: What would that do for the manufacturer? The farmer would buy it if he could.

Suppose every dilapidated fence could be replaced with a new fence; suppose every tumble-down shack could be replaced with a new one: What about the lumber industry? What about the manufacturer of steel?

Suppose every old, broken set of harness could be discarded and replaced with new harness: What would that do for the manufacturers of leather; and, in turn, what would it do for the producers of cowhides?

It is a never-ending upward spiral of prosperity when we start it at the logical place, the grass roots. We shall never have prosperity in this country until we get money in the hands of the little fellow. Some have the philosophy of pouring money in at the top, with the hope that enough of it will trickle down to reach those at the bottom, but it never trickles down. We are oiling the machine at the wrong end when we do that. I believe in the philosophy of taking care of the little fellow, and the big fellow will usually take care of himself, instead of trying to take care of the big fellow, and hoping he will take care of the little fellow.

If we get money into the hands of the farmers, we shall have an upward surge of prosperity that is not artificial, that is secure and sound. If we depend on the temporary and artificial prosperity resulting from the wars in Europe and Asia, we are not on a very sound footing. But let us have a prosperity that springs from the grass roots, and we shall be back on the road to real, true, and permanent prosperity, and that will come about only when we put buying power in the hands of the farmer.

Mr. President, I hope the amendment I have offered to the committee amendment will be agreed to.

The PRESIDING OFFICER (Mr. LUCAS in the chair). The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE] to the amendment reported by the committee.

Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	La Follette	Schwellenbach
Ashurst	Downey	Lee	Sheppard
Austin	Ellender	Lodge	Shipstead
Bailey	Frazier	Lucas	Smathers
Bankhead	George	Lundeen	Smith
Barbour	Gerry	McCarran	Stewart
Barkley	Gibson	McKellar	Taft
Bilbo	Gillette	McNary	Thomas, Idaho
Bone	Glass	Maloney	Thomas, Okla.
Bridges	Green	Mead	Thomas, Utah
Brown	Guffey	Miller	Tobey
Bulow	Gurney	Minton	Townsend
Byrd	Hale	Murray	Tydings
Byrnes	Harrison	Neely	Vandenberg
Capper	Hatch	Norris	Van Nuys
Caraway	Hayden	Nye	Wagner
Chandler	Herring	O'Mahoney	Walsh
Chavez	Hill	Pepper	Wheeler
Clark, Idaho	Holman	Pittman	White
Clark, Mo.	Holt	Reed	Wiley
Connally	Hughes	Reynolds	
Danaher	Johnson, Calif.	Russell	
Davis	Johnson, Colo.	Schwartz	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. LEE. Mr. President, with respect to the question raised by the Senator from Oregon [Mr. MCNARY] a while ago about full parity payments, I read from the CONGRESSIONAL RECORD of December 6, 1937. I believe that was the RECORD of the special session in which we passed the Farm Act. I read from the bottom of page 930:

> The next amendment was, on page 10, line 6, after the word "payments", to insert "for cotton, wheat, and corn", so as to make the subhead read:
>
> "Parity payments for cotton, wheat, and corn."
>
> Mr. MCNARY. Mr. President, is that the amendment on page 10?
>
> The PRESIDING OFFICER. Yes; the subhead on page 10, line 6.
>
> Mr. MCNARY. Mr. President, I do not care about the heading. Referring to the body of the section I am curious to know whether the Senator from Alabama [Mr. BANKHEAD] recalls my statement made a few days ago when I said that the language was mandatory requiring the Secretary to make parity payments, in the face of the statement of the Senator from Alabama that he did not expect parity payments.
>
> Mr. BANKHEAD. Mr. President, I did not say that. I said I did not expect full parity. There is a difference between payments on parity, or making payments based on parity, and parity payments in full.
>
> Mr. MCNARY. We were talking about parity. I assume that parity means full. When I say I will pay a man my obligation, I do not have to say my full obligation, but I am assumed to mean that I will pay my full obligation. When the Secretary is directed to make parity payments, I assume that that means parity payments, and not 10 percent of parity payments.

Then, down a little further, the Senator from Oregon [Mr. MCNARY] said:

> Mr. President, a great deal might be left out of the bill and it might be improved by so doing. I am not now suggesting that. The section begins, "Promptly following the close of each marketing year." It specifies when these payments shall be made; namely, that promptly following the close of the marketing year the Secretary shall do what? Make parity payments.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Oklahoma a question before he yields the floor.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. LEE. I yield.

Mr. NORRIS. The Senator was reading from the original act, was he not?

Mr. LEE. I was reading from the CONGRESSIONAL RECORD.

Mr. NORRIS. From the CONGRESSIONAL RECORD dealing with the act which established parity, or attempted to do so, passed at the special session?

Mr. LEE. That is correct.

Mr. NORRIS. That was the session of Congress immediately after the Supreme Court had held the Agricultural Adjustment Act unconstitutional, was it not?

Mr. LEE. That was the special session in the fall of 1937, I believe, following the Court's decision.

Mr. NORRIS. Was it not called for the purpose of remedying the situation brought about by the decision of the Supreme Court?

Mr. LEE. It was.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE] to the amendment reported by the committee.

Mr. LODGE. I ask that the amendment be stated for the information of the Senate.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 82, in the committee amendment, it is proposed to strike out all after line 15, down to and including line 5 on page 83, and in lieu thereof to insert the following:

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, $607,000,000, which sum shall be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income: *Provided*, That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1940 is not in excess of the farm acreage allotment established for the commodity under the agricultural conservation program.

Mr. FRAZIER. Mr. President, the amendment of the junior Senator from Oklahoma [Mr. LEE], who has so well stated the case, provides for an increase in the so-called parity appropriation of $395,000,000. The total of $607,000,000 is proposed to be appropriated to pay the difference between the market price of the five farm products included in the Agricultural Adjustment Act and the so-called parity as estimated by the Department of Agriculture. Some of us think that even parity is less than cost of production, but it is somewhere near the average cost of production, and would be a great benefit to the producers—a great deal better than the local market price or 75 percent of parity.

We appreciate the fact that our Appropriations Committee put in this parity item after the House had omitted it from the bill, providing for an appropriation of $212,000,000; but it is stated in the bill that it is not to exceed 75 percent of parity.

Mr. President, as the Senator from Oklahoma has well said, Congress has repeatedly promised the farmers parity payments. Seventy-five percent of parity is the closest they have ever come to it so far, and the farmers are continuing to go broke, and they will go broke just so long as they are getting less than the cost of production for their products, just so long as they are getting less than the parity price. They would not go broke quite so fast on 75 percent of parity as on 50 percent of parity, but they will go broke, as will any other businessman if he sells his product below cost of production. Of course, the farmer is no exception to the rule.

When the last Agricultural Adjustment Act was before the Committee on Agriculture and Forestry of the Senate, it was after we had held hearings throughout the agricultural States. I happened to be on the subcommittee which held hearings in the Wheat and Corn States. After we returned to Washington and the committee met, a provision was inserted in the agricultural adjustment measure authorizing the appropriation of a sufficient amount of money to carry out the purposes of the bill. Of course, the bill as it passed the House was entirely different from the bill as passed by the Senate. The conferees wrote a new bill, and the provision which the Senate committee had inserted, authorizing appropriations in a sufficient amount to carry out the purposes of the bill in order to pay the farmers parity, was stricken from the measure. As I remember, the 75-percent provision was inserted at that time also.

Of course, anyone must realize that unless the farmers get more than 75 percent of parity, or cost of production, they cannot possibly succeed, and the farmers must receive prices which will afford them parity or cost of production if they are to succeed. The present Agricultural Adjustment Act covers only five products; and as the Senator from Oklahoma so well said, Congress has the authority and the power to levy taxes to pay these appropriations. The Senator mentioned a number of ways by which the money might be raised to pay the additional amount necessary.

I did not hear the first part of the Senator's remarks, but I should like to mention one thing which occurs to me. I understand that in the very near future we will have before us so-called national-defense measures, a bill to increase the appropriations for the Army and a bill to increase the appropriations for the Navy and the air forces. In my opinion, we can save a good deal of money in those bills, the appropriations which have been approved by the Bureau of the Budget and recommended to Congress for enactment. We can save much more than enough to pay parity on the five principal products of the farmers, on which we have promised parity for the last several years but have not gotten within gunshot of it.

I do not intend to go into the national-defense situation, but I think it is generally conceded that it is not necessary at the present time to spend for national defense the billions that are recommended. I shall have something to say on that when the measures to which I have referred come before us.

So far as the parity-payment proposal is concerned, the farmers should have enough to insure them the difference between their local market prices and parity, and we believe the $607,000,000 covered by the amendment will accomplish that purpose. Of course, it depends somewhat on the prices of the products in the local market next fall. Some say that we do not need any parity-price legislation because the war situation will bring prices up. We do not know that prices will rise because of the war, but we do not care to have prices based on war hysteria and war conditions in the Old World. We want prices to which the farmers are entitled, which the Congress and this administration have promised the farmers, parity prices. The farmers are entitled to that; it is what they desire, and we want them to have it.

The Senator from Oklahoma referred to the cotton grower's home in the South. I have seen a few of the cotton growers' homes, and I know that those farmers are in a mighty tough situation. There have appeared before our Committee on Agriculture and Forestry persons from the Southern States representing that group, people who raise cotton, cotton sharecroppers and tenants especially. They have told us that the cotton farmers did not even have cotton rugs on the floor; that they did not even have cotton sheets on the beds; that they did not even have cotton covers on the beds, because they could not afford them. And why could they not? As the Senator so ably said, they could not afford them because they had to sell every pound of cotton they could produce in order to eke out an existence for themselves and their families, and that was only by the work of all the members of the family. It is a terrible situation. That condition exists in States other than the cotton States, perhaps in not so marked a degree, but it is bad enough in any agricultural community anywhere in the country.

A few days ago the able leader on the other side made a very eloquent speech recounting the accomplishments of the present administration during the past 7 years, and he took occasion to tell what had been done for agriculture. A good deal has been done for agriculture, we admit, and we are proud of it; but the present administration promised the farmers parity for their products, and they have not gotten it yet, and will not get it under the pending bill unless the amendment

of the junior Senator from Oklahoma shall be agreed to here and agreed to by the House.

Mr. President, it seems to me only fair and honest to adopt the amendment to increase the parity payment appropriation so that the farmers can get parity on the five basic agricultural products. That is little enough. I hope we can get a bill through in the near future which will give the farmers parity on all the products they produce; and why not? Farmers are entitled to an honest parity on every product they produce.

Mr. LEE. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. LEE. Knowing the Senator's philosophy, I am sure he is willing to vote for any reasonable tax in order to raise the money to pay parity; is he not?

Mr. FRAZIER. Certainly.

Mr. LEE. I wish to ask the Senator further whether it is not a fact that if the farmer does not receive enough to pay the taxes on his farm, the farm is taken away from him. Is that not true?

Mr. FRAZIER. It is.

Mr. LEE. It is sold from under him. But the man with an income of a million dollars, if the income represents interest on tax-exempt bonds, does not have to pay a thin dime. Is not that true?

Mr. FRAZIER. That is true. Thousands of farmers have lost their homes and their farms because they could not pay their taxes. Thousands of others have lost them because they could not pay the interest on the mortgages on the farms, the mortgages were foreclosed, and they were put off their farms, and had to go out on the road or become tenants or sharecroppers.

Mr. LEE. But there is $50,000,000,000 worth of wealth in the United States which is tax exempt, and that does not square very well with the fact that a farmer's farm is taken from him when he does not have money enough to pay the taxes. Yet some are afraid to vote enough money to pay the farmer parity, and afraid to levy taxes on the tax-exempt wealth in this country.

Mr. FRAZIER. That is very true. The Senator referred to $50,000,000,000 worth of tax-exempt bonds. I think all the so-called Progressives here have worked and fought to have tax-exempt bonds put on a taxable basis, but we have not been able to accomplish it. It should be done by all means. There is much more wealth besides the tax-exempt bonds that is not taxed. But the farmer cannot cover up the products he has which are subject to taxation. When the assessor comes around everything is right in plain sight, and if the farmer forgets to put down a wagon, or a cow, or a horse the assessor will look things over and put down the things which have been missed; so that the farmer cannot escape the taxation. But the wealthy citizen does escape many taxes—taxation on money he has, and all that kind of thing—and much of his property escapes taxation.

Further, the farmer's prices are manipulated by the stock markets and the commodity markets. A few days ago a farmer came into my office and while we were talking about fixing the prices of agricultural products, he said:

> There is one thing sure, that unless Congress fixes the prices of farm products the gamblers will continue to fix them.

That is about the situation, and that is another thing which should be corrected. So long as the gamblers are allowed to manipulate the cotton market, the wheat market, the beef and pork market, and the markets dealing in other farm products, we will never have an honest market for our farmers.

The farmer has nothing to say about the prices he will receive for his products. In the last four or five national platforms of both the old political parties they have promised, in substance, that if elected they would put the farmers on a parity with industry, but after election they have apparently forgotten the promises. At least we have not gotten anywhere near parity yet, and the pending committee amendment, which is a great improvement over the provision of the bill as it passed the House, provides for not to exceed 75 percent of parity. Everyone knows that in any line of business people will go broke if they receive only 75 percent of parity or cost of production.

Mr. President, I hope the amendment offered by the Senator from Oklahoma will be agreed to. It is no more than fair. The farmers produce the wealth of the Nation; they create the new wealth. As the Senator from Oklahoma has said, they produce the food products which other people must have in order to live, they produce the raw material out of which our clothing must be made, and they are entitled to fair prices for their products.

I have made the statement here a great many times, and will make it again, that if any other line of business—I do not care what it is—anywhere near as important as is agriculture were in the condition in which agriculture is today, Congress would stay in session night and day until the situation had been corrected, until that business had been taken care of. But the American farmer, who produces the food which we eat and the raw materials out of which the clothing we wear is made, is the forgotten man. We are merely trying, by the provisions of the bill, to afford the farmer 75 percent of parity, and that is all he has ever been getting; indeed, he has received less than 75 percent most of the time under the Agricultural Adjustment Act. The benefit payments, the soil-conservation payments, the parity payments, afford much relief, but they have not solved the farm problem by any means, and we will not solve it unless we provide for full parity payments and apply the parity payments to all farm products. Farmers who produce other products than the five included in the Agricultural Adjustment Act are entitled to something at the hands of the American Congress, just as those who produce those five products are. These five are five of the principal products, of course.

The senior Senator from Vermont [Mr. AUSTIN], in his able speech just a few minutes ago, referred to the importation of casein made from skimmed milk, when there is a surplus of skimmed milk in our own country. We imported millions of dollars' worth of that product, and it seems strange that things of that kind should happen. But many other farm products are imported into the United States which come in competition with what we produce here and keep farm prices below parity, and we have not been able to get nearer than 75 percent of parity at any time since the Agricultural Adjustment Act was passed. The amendment of the Senator from Oklahoma would bring us up to what we believe is parity so far as the five products are concerned, and I hope the amendment may be agreed to.

Mr. BILBO. Mr. President, I have taken only a few minutes of the Senate's time this session. I was hoping I would be in physical condition to speak at length on the agricultural appropriation bill, but I have been suffering with a severe cold and cannot do so. However, I shall attempt to make one or two observations before a vote is taken on the substitute amendment.

Let me express the hope that other Senators will join with the Senator from Oklahoma [Mr. LEE] and me in the request for a yea-and-nay vote on the substitute.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. NORRIS. In order that the Senate may understand the amendment, is it fair to state that the real effect of the amendment is simply to increase the appropriation? The amendment itself strikes out considerable of the language of the bill and inserts other language. Is there any other material in it than the increase of the appropriation?

Mr. BILBO. It strikes out all reference to parity payments placed in the bill by the Senate Appropriations Committee and substitutes the provision of $607,000,000, which is an increase of $395,000,000 over the committee's judgment.

Mr. NORRIS. As I understand, then, practically the same result could be reached, could it not, by simply moving to strike out the amount and to insert a larger one?

Mr. RUSSELL. Mr. President, if the Senator from Mississippi will pardon me, I think I can explain that matter to the Senator from Nebraska. The language that is stricken from the committee amendment is the language which imposed a

limitation of 75 percent of parity. The appropriation of $607,000,000 is the amount that has been estimated as sufficient to pay full parity payments.

Mr. BILBO. Mr. President, first I wish to compliment the Senate Appropriations Committee for the excellent work they have done in considering and acting upon the appropriation bill for agriculture. They have made some very desirable additions and improvements over what the House did. I am especially gratified at the addition of $85,000,000 for the Surplus Commodities Corporation. I think that is one of the best things in the bill.

The committee is also to be congratulated for its courage in inserting $212,000,000 for parity payments when the House had outlawed every cent of parity payments.

The only trouble is that the committee did not go quite far enough in the amount allowed for the two items. Personally I favor $100,000,000 for the Surplus Commodities Corporation. I think we could well spend that in the great work that this agency is doing for the benefit of the farmers of the country. And it is an appropriation that the business people of the country would appreciate and endorse wholeheartedly.

The reason I offer this amendment, together with the Senator from Oklahoma [Mr. LEE], is because in the act of 1938 we have what I believe to be the best farm program that has ever been established by the American Congress. It has met with almost universal approval throughout the Nation. With all the criticisms and analyses and objections that have been made by politicians and office seekers, and some real enemies of the agricultural life of the Nation, no one has been able to suggest anything comparable with the law of 1938 in an effort honestly to solve the farm problem.

Mr. President, I see my distinguished friend, the junior Senator from Ohio [Mr. TAFT], on the other side of the Chamber loaded, as I understand, to make a speech against parity payments. In other words he is against the philosophy enunciated in the year 1938 that the way to solve this problem is through the parity payments to the farmers.

The farmers of the United States have endorsed the parity-payment solution. In the act of 1938—and it is not necessary to read section 303—there is an implied promise to the farmers of this country that if they will cooperate with the control programs established by the act of Congress of 1938, Congress will keep faith with them and make the appropriation necessary to give them the parity payment to which they are entitled.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. BONE. I recall that when this particular provision was before the committee the question arose as to whether or not the language carried a pledge. It is my recollection in that connection that the language itself is not a specific pledge, and the whole matter depends on appropriation.

Mr. BILBO. The Senator is correct.

Mr. BONE. That leaves it in a somewhat uncertain state. If there is any promise there I take it from what I recall of the act that it is purely implied.

Mr. BILBO. It is an implied promise, and I meant to say so.

Mr. BONE. It is simply that Congress did it at one time, and therefore we should consider that a promise. I have no objection to it, but I had rather forgotten the language in the interim.

Mr. BILBO. Mr. President, the American farmer had been led to believe that, since the Congress provided for parity payment as a solution to his trouble, when failure came about because of reduced prices the Congress would keep faith with the farmer, and that is what the farmer believes the Congress will do. That is what I am attempting to do with this substitute for the provision dealing with parity payments, by raising the amount to $607,000,000, the sum which has been estimated by the experts of the Department as necessary to give to the farmers at least a parity payment.

Mr. President, I wish to ask my distinguished friend, the Senator from Ohio, how he expects the farmers, especially in the great cotton section of this Nation, to buy the manufactured articles from his business people? How can we buy automobile tires unless we are given a chance to have the purchasing power? And the only way to get it is through the parity payments.

During the period 1931 to 1935 the annual income of the 13,000,000 farmers of the 10 cotton States of the Nation was only $95 each. How in the name of high heaven can people have any purchasing power when they receive an annual income of only $95 each? And the situation in that respect is not much better now than it was during that period.

The question was raised a while ago in a colloquy between the distinguished Senator from Kentucky [Mr. CHANDLER] and the Senator from Oklahoma [Mr. LEE] about where we are going to get the money to pay this $607,000,000. It is passing strange that the question of where we are going to get the money is raised when we get to the one point of all points, to help the most needy class in the Republic, the farmer, when the Senate has already voted—and the Senator from Kentucky has already voted for six appropriations—I took trouble to add them together and found that the Senate has already voted $2,676,322,720, and there has not been a word said about where we are going to get the money. The Senate has already spent two and a half billion dollars, and this amendment carries only $607,000,000—not three-quarters of a billion dollars. The House has made appropriations of $2,377,000,000. In other words, we have already passed the $5,000,000,000 mark, and no question has been raised about where we are going to get the money. It is not necessary for me to enumerate the ways and methods of getting money. That has been fully covered by my distinguished colleague, the Senator from Oklahoma.

Mr. RUSSELL. Mr. President, the Senator from Kentucky is fully capable of taking care of himself, but the Senator from Kentucky might have had in mind the suggestion of the President of the United States, which has been made every time these parity amendments have been before the Congress, that the Congress should raise funds by taxation to finance these appropriations.

Mr. BILBO. With all deference to the President, why should the Congress be called upon to impose additional taxes to take care of the farmer when he does not say anything about additional taxes to take care of an enlarged Army increase and an increase in the Navy and other means of defense.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. RUSSELL. The Senator, of course, is repeating the argument I have heretofore made every time these parity payments have been before the Senate—that the farm items should not be singled out for new taxes. But the Senator is not exactly fair to the President of the United States. If the Senator had read the President's Budget message he would have seen that this year not only did the President ask but insisted that the Congress levy taxes of $460,000,000 to finance the rearmament program. I am willing to vote for those taxes.

Mr. BILBO. Very well. But every day we read announcements to the effect that we shall go through this session of Congress, in an election year, without levying any additional taxes.

Mr. CHANDLER. Mr. President, will the Senator yield for a moment to me?

Mr. BILBO. I yield.

Mr. CHANDLER. I am very much interested in what the Senator from Mississippi had to say about how easy it was to raise money, and the way the Senator from Oklahoma suggested that money could be raised. I think it comes with rather bad grace at this time from the Senator from Mississippi and from the Senator from Oklahoma to suggest that taxes should be levied on tax-exempt bonds. Tax exemption on certain bonds has been in existence during the 7 years of this administration, but that exemption has not been done away with in order to raise more money.

I also think that a matter which was suggested a while ago might have been taken care of a long time ago—that is the proposal to take part of the gold at Fort Knox and make it into money, a part of which could be spent. When and if that is done I am willing to join with other Senators to vote for parity payments of 100 percent to the farmers of the Country. The other proposals we voted for were made by the President of the United States and anticipated by the Budget, but it did not anticipate this item, and it was not passed in the House. The bill came over to the Senate without any money for parity payments. The Senate subcommittee, of which the Senator from Georgia is chairman, recommended the placing of $212,000,000 in the bill. The committee placed that amount in the bill. And there is no definite assurance that we are going to get it. But the Senate has a better chance to get the $212,000,000 than to get the $607,000,000 proposed. It might be all right, however, for the farmers of Mississippi to hear their distinguished Senator talk about $607,000,000. [Laughter.]

Mr. BILBO. Before I continue I wish to extend the right hand of fellowship to the junior Senator from Kentucky. He is one of us. But I wish to say to him that he will find out after he has been in the Senate as long as I have that he is only one of 96 Senators [laughter], and that he will not get everything he asks for.

Mr. CHANDLER. I found that out long ago. I made this point a while ago to the Senator from Oklahoma. The president of the United States suggested additional taxes for armament, and indicated that the people of the United States were willing at this time to pay additional taxes for the national defense.

Mr. LEE. And the President asked us to tax tax-exempt bonds.

The PRESIDING OFFICER. Senators will observe the rules with respect to addressing the Chair before interrupting the Senator having the floor.

Mr. CHANDLER. No other suggestions were made about additional taxes. Now a request is made for this extra money, when the Senator knows that we are approaching the debt limit, and we will be faced with the alternative of either raising the debt limit of the Government of the United States beyond $45,000,000 or voting new taxes. The question the junior Senator from Kentucky wanted to ask is, Are Senators ready to raise the debt limit in order to make these payments? Are Senators ready to vote for new taxes? If they are, they are justified in casting a vote to pay the farmer full parity; but if they are not ready to provide either alternative, they are not justified in casting a vote to pay the farmers of the United States full parity.

Mr. BILBO. Mr. President, I am ready to provide money for the farmers either by raising the debt limit or by voting for new taxes. Personally, I think, if it is necessary, we can vote new taxes. There are many ways to get this money. We have already spent $5,000,000,000.

Mr. CHANDLER. There are many ways of talking about it.

The PRESIDING OFFICER. The Senator from Mississippi did not yield?

Mr. CHANDLER. Will the Senator yield?

Mr. BILBO. I will yield; yes.

Mr. CHANDLER. Mr. President, the Senator says he does yield. [Laughter.]

Mr. BILBO. Yes; I am delighted to.

The PRESIDING OFFICER. The rule is that Senators must address the Chair before interrupting the Senator who is speaking.

Mr. CHANDLER. The Senator from Kentucky knows the rule.

The PRESIDING OFFICER. The Senator did not seem to understand the rule when he failed to address the Chair.

Mr. CHANDLER. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I yield.

Mr. CHANDLER. The Senator from Kentucky apologizes to the Chair for a failure which has become so common that I, myself, have become used to it. I am very sorry.

We talk about being willing to take gold and make other money out of it, and being willing to impose new taxes. That does not pay the bill. We must be willing to do the job, provide the money, and then pay the bill.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BILBO. I shall be glad to yield.

Mr. LEE. I will say to the Senator from Kentucky that one of the reasons why we have not been able to do that is because so many have taken the attitude of hiding behind every possible excuse to keep from doing that very thing. President Roosevelt, in his message to us last year, or year before last, asked us to impose a tax on tax-exempt bonds to obtain more money. He has asked us time and again to pass tax legislation if we expect to make certain appropriations. I for one have done my part on the floor in speech and vote; but there are not enough of us. There are those who take hold of every opportunity to keep from doing that very thing.

There are those who say, "There is no tax to pay for it; therefore I shall not vote for it." Such an attitude keeps us from doing the things which the Senator is asking why we have not done.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CHANDLER. The Senator from Kentucky is delighted to hear that the Senator from Oklahoma is and has been willing to do what has been suggested; but the Senator from Kentucky is entitled to remind the Senator that since the Senator from Kentucky has been in the Senate, the Senator from Oklahoma has voted for billions of dollars' worth of appropriations for which no money was provided to pay the bill; and the Senator from Kentucky has not yet done so.

Mr. LEE. Mr. President, will the Senator from Mississippi yield to me?

Mr. BILBO. I shall be glad to yield.

Mr. LEE. I do not remember that we have ever passed a tax bill to raise money in advance of some need we have already recognized by authorizing the expenditure. In some cases—in fact, in most cases—we have made the appropriation before we passed the tax law. The Senator wants us to pass a tax law before we make the appropriation.

Mr. CHANDLER. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I shall be glad to yield.

Mr. CHANDLER. The Senator from Kentucky does not want to adopt any new rule; but down in my State it is an old country custom to anticipate revenues. In that way we have been able to anticipate expenses and to keep the outgo from exceeding the intake. One of my first impressions of the Budget was, not that I wanted to tear it up, as did one of my distinguished colleagues, but that it looked more like the New York Telephone Directory than anything I had ever seen before. [Laughter.] I believe that the Budget Bureau estimated $5,500,000,000 of income and $8,500,000,000 of outgo. Such a plan will not work if long continued.

Will Rogers came from the Senator's State. That fact leads me to observe that during the Senator's time the Senator did not possess all the sense possessed in Oklahoma. Will Rogers had some of it. Will Rogers said that some day, when the Congress of the United States makes up its mind to run the affairs of the country in an orderly fashion, every time a Member of Congress proposes to spend public money he will at the same time introduce a bill providing the money. That plan might not be a bad idea today.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. LEE. The Senator from Kentucky is a Member of this body. He is privileged to introduce such a bill. What will he say to the tobacco farmers of Kentucky? If he says, "Yes; I could have voted for it, but I did not vote for it because there was no bill to raise the money," the farmers will say to him, "Senator, you are a Member of the Senate. Do you not have as much right as any other Senator to introduce such a bill?" Then what will the Senator say to the tobacco farmers?

Mr. CHANDLER. Mr. President, will the Senator again yield?

Mr. BILBO. I yield.

Mr. CHANDLER. In due time the Senator from Kentucky will have to make his answer to the people of his State, as will the Senator from Oklahoma. Each Senator, in his turn, must make his own answer.

Mr. President, I join with the Senator from Georgia [Mr. RUSSELL]. After long and careful hearings and hard work, the committee has brought in a bill to appropriate $212,000,000, which will provide approximately 75 percent of parity. When I look at the parity price of tobacco in my State and see that on December 15, 1939, the parity price for burley tobacco—which I say is the best in the world—was 16.9 cents, and when I see that we sold 295,000,000 pounds of it for 17.5 cents, I shall have to make no other answer. That is my answer to the Senator from Oklahoma and the Senator from Mississippi.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BILBO. I shall be glad to yield.

Mr. RUSSELL. Speaking as a Senator from a State the principal agricultural commodities of which have not reached even 75 percent of parity, I appreciate the support of the Senator from Kentucky, a State whose principal agricultural commodity is above parity, in coming to the rescue of less fortunate States.

Mr. BONE. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I shall be glad to yield.

Mr. BONE. As I have listened to this debate I have been uncertain about one thing. I gathered from the argument that the $212,000,000 proposed in the committee amendment is sufficient to provide about 75 percent of parity payments. If that be true, why is it necessary to increase the appropriation to more than $600,000,000 in order to achieve 100 percent of parity? The figures do not seem to make sense, and I am rather curious.

Mr. BILBO. Mr. President, my information is that $212,000,000 will provide about 68 percent of parity.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. RUSSELL. Answering the question of the Senator from Washington, if the Senator will give pause for a moment I am sure he will see why it is necessary. Farm prices vary from 65 percent of parity to 70 percent of parity. The $212,000,000 will approximately fill in the space between 65 and 70 percent, or 75 percent; but a much larger amount is required to fill in the space from 75 percent to 100 percent of parity.

Mr. BONE. I will say to the Senator from Georgia that that explanation is apparently quite sufficient to satisfy the average man; but I have heard so much discussion about abnormally low prices that it seems to me that the gap between the present prices and parity prices is not sufficiently great to require the additional $400,000,000 to make up the difference, or the remaining 30 percent. I have not had the advantage of the committee's studies, and I did not hear the discussion. I wish merely to obtain a clear understanding of it.

Mr. BILBO. Mr. President, I have no desire to place the committee in the wrong attitude before the farmers of the Nation, inasmuch as the committee has been gracious and liberal enough to provide $212,000,000, while the House refused to provide anything in the way of parity payments. However, I think I speak the sentiments of the members of the Appropriations Committee of the Senate, with possibly one or two exceptions. If they thought there was any way on earth to obtain the money, they would be glad to support the substitute of $607,000,000. I really think they want to do so. The fact of the matter is that I have talked to many of them, and they are for it; but, like my friend from Kentucky, they are disturbed about where we are to get the money, and whether it is possible for that amount to be passed by the House. Personally I am not concerned about what the House thinks about the matter or what the House will do about it. What I am interested in is to do my duty to my people and to the farmers, who have been led on in the hope and belief that they would be taken care of by parity payments.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CHANDLER. The Senator said several times that the question of where we are to get the money has been raised only in connection with the discussion of the farm bill. I am not willing to have the statement go out to the farmers of America that the junior Senator from Kentucky raised the question of where we are to get the money only in connection with the farm bill. If this is the first time the question has been raised, it is unfortunate that it was not raised long ago, because in the future it will be increasingly important to raise the question of where we are to obtain the money.

Mr. BILBO. Yes.

Mr. CHANDLER. I want it understood that I am not raising the question entirely in connection with the farm bill.

Mr. BILBO. Mr. President, I wish to exonerate the Senator from Kentucky. I think his sympathies are right. The interests of his constituents are not hurt by the bill, because the tobacco farmers are receiving very good prices for their products. However, if the Senator represented the second greatest cotton-producing State in the American Union, where the average price today is about 9½ cents a pound for cotton, and the parity price is close to 16 cents a pound, when it is a known fact that we are not receiving even the cost of production, he would be more concerned about the passage of the substitute amendment to raise the amount to $607,000,000 so that the farmers may be taken care of.

Mr. President, the whole world knows that it costs from 12 to 15 cents to produce a pound of cotton; and today cotton is selling below the actual cost of production. That is why we have an impoverished people in the South. That is why I am trying to persuade the Senate to come to the rescue of the 13,000,000 people engaged in the production of cotton in the 10 cotton-producing States of the American Union.

The condition is just about as bad with some of our friends in the Midwest, where the parity price of corn is 82 cents, and where the prices of other crops are below parity.

Take the case of hogs and lard. It is a national disgrace to think of the price of lard today. Hogs are selling at 54 percent of parity, hardly more than half of parity. I am hopeful that the $85,000,000 which has been voted for the Federal Surplus Commodities Corporation can be used by Mr. Perkins in a way to increase the price of hogs to the hog farmers of the Midwest.

We have on hand today a surplus of about 200,000,000 pounds of lard, which can be bought for 5 or 6 cents a pound. Something ought to be done about it. This is our chance to do it. Let the Surplus Commodities Corporation appropriation take care of the other agricultural commodities, and with the $607,000,000 we can take care of the staple crops enumerated in the act of 1938. In that way we can bring a slight degree of justice to the great agricultural population of the United States.

To repeat, I trust that the Senate will be kind enough to give us a yea and nay vote, so that we may report back to the people at home whether or not we want them to have the $607,000,000. Then if any Senator has any explanation to make, he may make it, as my friend from Kentucky [Mr. CHANDLER] has done.

Mr. RUSSELL. Mr. President, I shall detain the Senate for only a moment in the discussion of the proposed amendment. I am unwilling to let pass unchallenged the implication that only those who are really friends of 100 percent parity are supporting the amendment which has been presented by the Senator from Oklahoma [Mr. LEE] and the Senator from Mississippi [Mr. BILBO].

Mr. President, I yield to no Member of this body or to any person in the United States in the earnestness and the sincerity of my desire for full and complete parity to the American farmer. I realize that until that day comes when the farmer shall be placed on a parity with every other group in this Nation, it will be impossible for us to have any

balanced economy, or to have a country which can really move forward and not be subject to recurring depressions.

I have the honor—and I think I may say it with becoming modesty—of having offered the first amendment in the Congress of the United States to appropriate funds for parity payments. I am no new convert to parity payments. I offered that amendment without any suggestions from any farm organization. No single farmer had asked me to sponsor it. I did not confer with anyone on the subject. I offered it, and with the help of others interested, fought until it was enacted into law—through the committee, the Senate and the conference, until it became law. I met with many obstacles and as it was unbudgeted and a new appropriation, the Department of Agriculture was prevented by imposed silence from giving me the slightest assistance. It was inspired solely by my knowledge of conditions on the farm and in American farm homes, and by my determination to do everything within my power to give the farmer a chance and a start toward equality. I shall never waver in the fight until we have reached that goal.

That amendment was offered in the year 1938. It did not come before the Senate in the regular agricultural appropriation bill. I offered it as an amendment to a relief measure, after the agricultural bill had passed, when it became apparent to me that many of those living on American farms had incomes which were far below the incomes of those who were engaged in work on W. P. A. projects. I was a coauthor of the amendment adopted last year appropriating $225,000,000 for parity payments to American farmers. I carefully nursed that amendment through the committee of the Senate, on the floor of the Senate, and through a conference which extended over several weeks with the Representatives of another body.

I have been the whipping boy for those favoring parity payments, and have been singled out in the metropolitan press opposed to all farm appropriations as a "Treasury raider," one who was seeking to loot the Treasury of the United States in an effort to curry favor with the farm vote in this country. I favor, as I say, as much as do the authors of this amendment or anyone else, full parity; but, Mr. President, I try to be a realist. I do not close my eyes to the fact that the Senate of the United States is not the only body which will be compelled to pass upon this amendment if it shall become law.

Last year the amendment carrying $225,000,000 for parity payments went to the body at the other end of the Capitol. Those who were opposed to that amendment opposed the idea of even permitting the conferees of the House to pass upon it in conference with the Senate, and insisted that it be kept in the custody of the House, and voted down forthwith on the House floor. The motion to send the bill to conference in order that the parity amendment should not be done to death then and there without any chance was adopted by a majority of one on the floor of the House of Representatives. A change of one vote on $225,000,000 parity money and there would have been no payments this year. After long and extended conferences, when the parity amendment was finally voted upon as a separate proposition in the House of Representatives, it was adopted by either 4 or 5 votes upon a roll call in that body.

As a friend of parity payments, I know that the one dead-sure and certain method of killing any appropriation whatever for parity this year is to send a $607,000,000 amendment to the House of Representatives and have it voted down on the floor of the House before it will ever be permitted to see its way into a conference room for discussion between conferees of this body and conferees on the part of the House. That is a definite way to fix it so the farmer will get nothing at all.

Mr. President, I do not question the motives of any Member of this body. I believe that the Senator from Oklahoma [Mr. LEE], the Senator from Mississippi [Mr. BILBO], and other Senators supporting this amendment are sincere. I have supported the legislation offered by the Senator from Oklahoma to fix artificially the price of farm commodities in order to give the farmers parity. I stand ready and willing to support artificial price-fixing legislation here and now. I will support taxes to raise money for full parity appropriations. But until that can be done I do not want to deny the American farmer the small measure of justice which is contained in the pending amendment by so loading down the proposal that it shall not have the slightest chance of ever being enacted into law or approved by the President of the United States.

Mr. BILBO. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. RUSSELL. I yield.

Mr. BILBO. I have a sort of horse-trading instinct. Does not the Senator think that if the Senate should send to the House an amendment appropriating $607,000,000 we should come nearer getting a decent compromise than if we should start out with $212,000,000?

Mr. RUSSELL. Mr. President, if the Senate adopts an amendment carrying $607,000,000 for parity payments, there will be one vote taken on the floor of the House, and that one vote will be on the question of agreeing or disagreeing to the Senate amendment, and we shall come out of that vote without a single dime of appropriation for parity payments. The $212,000,000 amendment stands a far better chance. The House had the bill before it and did not allow a cent for parity. The vote will be close in the House on the committee amendment, and a larger amount will help the opposition. Half a loaf is better than no bread, and the surest way to undo all that has been done to obtain appropriations for parity is to overload this provision. Everyone familiar with the history of these parity amendments knows that neither the other body nor the President will approve any such amount and all parity payments will thereby be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE] to the amendment reported by the committee.

Mr. BILBO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Russell
Ashurst	Donahey	La Follette	Schwartz
Austin	Downey	Lee	Schwellenbach
Bailey	Ellender	Lodge	Sheppard
Bankhead	Frazier	Lucas	Shipstead
Barbour	George	Lundeen	Smathers
Barkley	Gerry	McCarran	Stewart
Bilbo	Gibson	McKellar	Taft
Bone	Gillette	McNary	Thomas, Idaho
Brown	Glass	Maloney	Thomas, Okla.
Bulow	Green	Mead	Thomas, Utah
Byrd	Gurney	Miller	Tobey
Byrnes	Hale	Minton	Townsend
Capper	Harrison	Murray	Tydings
Caraway	Hatch	Neely	Vandenberg
Chandler	Herring	Norris	Van Nuys
Chavez	Hill	Nye	Wagner
Clark, Idaho	Holman	O'Mahoney	Walsh
Clark, Mo.	Holt	Pepper	Wheeler
Connally	Hughes	Pittman	White
Danaher	Johnson, Calif.	Reed	Wiley

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. LEE. Mr. President, I am not willing to be frightened into voting differently from what I believe in for fear the House is going to vote a certain other way. Every Member of the House goes before the country this year. The Members of that body are closer to that election now than they were when they voted on a previous occasion. Besides, the chairman of the Agricultural Committee of the House told me that the night they lost the Bankhead-Jones amendment 135 Democrats were absent, and that if he could have had a vote with a full House present he would have won.

I do not believe the House will vote down the amendment if it is adopted by the Senate. I do not think the statement that it is likely to do so gives us any reason whatever for voting differently than the way we believe is right.

Mr. President, I ask for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma

[Mr. LEE] to the amendment reported by the committee. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I understand, however, that if he were present and voting he would vote as I am about to vote. Therefore I feel at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Arizona [Mr. HAYDEN] is detained in one of the Government departments on matters pertaining to his State.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from California [Mr. DOWNEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

The Senator from Pennsylvania [Mr. GUFFEY] and the Senator from North Carolina [Mr. REYNOLDS] are detained on business in Government departments.

I am advised that, if present and voting, the Senator from Pennsylvania, the Senator from North Carolina, and the Senator from South Carolina would vote "nay."

The result was announced—yeas 27, nays 56, as follows:

YEAS—27

Ashurst	Frazier	Minton	Shipstead
Bilbo	Hill	Murray	Smathers
Bone	Johnson, Colo.	Neely	Stewart
Caraway	La Follette	Norris	Thomas, Idaho
Clark, Idaho	Lee	Nye	Thomas, Okla.
Connally	Lundeen	Pepper	Wheeler
Ellender	Miller	Sheppard	

NAYS—56

Adams	Danaher	Holman	Russell
Austin	Davis	Holt	Schwartz
Bailey	Donahey	Hughes	Schwellenbach
Bankhead	George	Johnson, Calif.	Taft
Barbour	Gerry	Lodge	Thomas, Utah
Barkley	Gibson	Lucas	Tobey
Brown	Gillette	McCarran	Townsend
Bulow	Glass	McKellar	Tydings
Byrd	Green	McNary	Vandenberg
Byrnes	Gurney	Maloney	Van Nuys
Capper	Hale	Mead	Wagner
Chandler	Harrison	O'Mahoney	Walsh
Chavez	Hatch	Pittman	White
Clark, Mo.	Herring	Reed	Wiley

NOT VOTING—13

Andrews	Guffey	Overton	Slattery
Bridges	Hayden	Radcliffe	Smith
Burke	King	Reynolds	Truman
Downey			

So Mr. LEE's amendment to the amendment reported by the committee was rejected.

Mr. TAFT. Mr. President, the Senate Committee on Appropriations has added two amendments to the agricultural appropriation bill: One providing $212,000,000 for parity payments to producers of wheat, cotton, corn, rice, and tobacco; and the other adding $85,000,000 for the disposal of surplus commodities. The parity-payment appropriation is not recommended by the President in his Budget. The appropriation for the disposal of surplus commodities is recommended by the President in the sum of $72,000,000, and has been raised to $85,000,000.

It happens that the increase which is proposed today relates to agriculture, but its significance lies in the fact that it is the first substantial increase proposed to the Budget submitted by the President. If this is adopted there are many others which will follow, including the increase in flood-control appropriations, increases in relief appropriations, and others which are awaiting the disposition of this particular bill.

The able Senator from Georgia has stated that the Budget is by no means sacred, and that we are under no obligation to follow the direction of the Budget Bureau. He seems to disregard the fact that the Budget estimates are not those of the Budget Bureau, but are those of the President of the United States, who not only has approved the conclusions of the Budget Bureau, but no doubt had a hand in working them out. His message on the Budget shows a careful plan to avoid any increase in the debt limit during this session of Congress. When we exceed the Budget estimates, therefore, we disregard the recommendations of the President of the United States, and upset the fiscal plan which he has formulated.

Of course, we recognize the right and duty of Congress to consider appropriations and formulate its own conclusions. The significance of exceeding the President's Budget this year, however, is much greater than in ordinary times, because even if we follow the President's recommendations we will have a deficit for the current year, ending July 1, 1940, of approximately $4,000,000,000, and for the year ending July 1, 1941, approximately $3,000,000,000. The adoption of these amendments will increase the amount of the deficit by $225,000,000, and will make it even more difficult to return to any sound basis of financing the Federal Government.

The United States Government today is pursuing the deliberate policy of spending money vastly in excess of its income, and we must get away from that policy as quickly as possible. There is no more dangerous policy for any government to pursue. At the present time the United States is spending every 24 hours over $10,000,000 more than all the money it takes in in taxes. We have grown used to astronomical figures, but $10,000,000 is still a lot of money in anybody's language. It is as much as the total assessed value of many a small American city. I think, for example, of Athens, Ohio, or any other American city with a population of about 10,000 peopie. Three days of this spending consumes as much wealth as the value of all the farms and farm buildings in any typically rich agricultural county, such as those we have in Ohio, Indiana, and Illinois. Yet every day we are adding to the debt of the Government, and that means the debt of all the people, $10,000,000, on which we have to pay interest until we finally have to pay it back.

The President's Budget, submitted at the beginning of this session for the year ending July 1, 1941, sounded for a moment like economy, but an analysis of that Budget shows that its expenditures are actually greater by $30,000,000 than those recommended in the Budget a year ago. Decreases in relief, public works, and agricultural expenditures have been more than made up by increases, especially those for national defense. The new Budget proposes smaller expenditures, it is true, than the actual Government bill for 1940, but that is because Congress increased its appropriations over and above the 1940 Budget, as we are now proposing to do again. In 1939 the President estimated a deficit of $3,326,343,200. This year's estimate is $2,876,231,570. This reduction, however, is caused by an estimate of increased tax receipts. The able Senator from Tennessee pointed out on Monday that the receipts for March 15 may be as much as $100,000,000 more than was paid last year, but the Budget has already taken into account this increase by estimating total tax receipts approximately $500,000,000 more than last year.

The Budget message estimated the deficit at only $2,176,000,000, because the President proposes to transfer back from Government agencies $700,000,000 of capital which was advanced to them in recent years, and which it is said they do not need. There has been much discussion as to where this is to come from, and the able Senator from Virginia has been unable to get any details. On January 17, 1940, Mr. Jesse Jones, testifying before the Banking and Currency Committee of the Senate, suggested that tentatively this money was supposed to come from the following sources:

Reconstruction Finance Corporation	$200,000,000
Home Owners' Loan Corporation	90,000,000
Agricultural agencies	385,000,000
The Federal Savings & Loan Insurance Corporation	40,000,000
Total	715,000,000

In my opinion, an analysis of the Home Owners' Loan Corporation will show that its capital has been entirely lost, and certainly that no repayments should be made. I question very much whether the farm program can be properly carried

out if the agricultural credit agencies are required to pay back $385,000,000. In any event, anything that is paid back is certainly not real income, will not recur in future years, and does not reduce the real deficit of approximately $3,000,000,000.

The President has recommended additional taxes in the sum of $460,000,000 without specifying the kind of tax. So far as I can see, there is not the slightest intention on the part of any Senator to increase taxes, so I think we can eliminate the possibility of any such increase taking place. The Finance Committee has not considered any such proposal, and I know of no definite proposal on the part of anyone to make such an increase. It was represented that these taxes were to pay increased national defense expenditures, but it appears that if this exact amount is levied it will hold the national debt on July 1, 1941, to $44,932,000,000, or just under the debt limit.

In short, the whole Budget is designed apparently for the purpose of avoiding an increase of the debt limit before the next election. The administration is terrifically concerned that a debate on raising the debt limit would center the attention of the people on the situation into which we have come, and the question whither we are going. The administration is afraid that if this question is made prominent in the campaign the people will realize the fatal end to its extravagant policies.

Congressional leaders have declared their opposition to levying additional taxes, which is not so easy to do, particularly in an election year. There is only one other way to avoid an increase in the debt limit and that is to reduce expenditures by $460,000,000. In my judgment, it can be done, and we thought it was being done until we ran up against this proposal to increase materially a number of the appropriations. I think it could be done if the Democratic leaders in Congress had the real cooperation of the President. But they do not have that cooperation, and his public statements since the Budget message show that he is again openly espousing the spending theory. He is determined that the Budget figures shall not be cut. He vigorously protested the elimination by Congress of two bureaus which the Government could well do without. He protested cuts in the agricultural appropriation bill. He has not made any protest whatever against budgetary increases initiated in Congress. We have, on the contrary, evidence that he would like to see the farm and public-works appropriations increased. There is not the slightest fear in Congress that he would veto such increases. In short, the President's Budget apparently must be taken not as his maximum but as a minimum below which he is vigilant to see that Government expenditures must not go.

The advocates of economy in Congress are hopelessly handicapped by the President's attitude. I fear that we have little chance of avoiding by legitimate means an increase in a debt limit already stupendous. We hear talk in Washington of alternative measures. Certain New Deal economists, it is said, hope to avoid that increase by issuing silver certificates. That would be currency inflation pure and simple. After all, the increase in the debt limit is a necessary result of the deficit policy. Until that is cured, the debt is bound to increase, limit or no limit. The responsibility for that increase, whenever it occurs, rests squarely on the spending policy of the present administration.

There is no evidence that a policy of Government spending has more than the most temporary effect on the economy of the country. Four billion dollars is a lot of money, but it is nothing compared to the increase in national income which could be produced by the encouragement of private industry, the investment of money in new enterprises, and the restoration of a free economy.

The difference between a $60,000,000,000 income and an $80,000,000,000 income, which is entirely conceivable, is five times the total of Government expenditures, and the exaggeration of the importance of Government expenditures was shown very clearly last year by the Senator from Wyoming [Mr. O'MAHONEY], who had been receiving testimony in the Temporary National Economic Committee.

We must restore a condition in which every man of energy and ambition in this country can see some chance of success if he starts out for himself and puts his time and money into building up his own business. Only in that way has this country increased its income and living standards for 150 years. Government spending is no substitute for that policy.

Sooner or later the policy must be abandoned; the Budget must be balanced. A continuous policy of unbalanced budgets has always resulted ultimately in inflation of the currency. The longer the Budget remains unbalanced the harder it is to balance, because the country adjusts itself to deficit spending as a drug addict adjusts himself to morphine. Vast groups come to rely on Government subsidy. Additional taxation becomes harder and harder to impose.

No one can say how much debt this country can safely stand, but there is a danger point somewhere, and it is determined as much by psychological causes as by figures. The burden of paying the interest and principal becomes greater and greater until finally the people ask why they should burden themselves with tremendous taxes to pay for the sins of past governments. Already many people are asking why we cannot pay our bills in greenbacks, which bear no interest, instead of with Government bonds.

When that point is reached—and it has been reached in every country which has failed to hold its expenses within its income—inflation of the currency has begun. That inevitably produces rapidly rising prices, which hit the poor man harder than the well-to-do.

It is all very well to say that we must expend money to help the poor, but the very expenditure of that money is likely to bring about a condition which will make them infinitely poorer. This makes the Government Budget still harder to balance, and more currency is printed. Prices continue to rise until, as in Germany, it costs $1,000 to buy a pair of shoes.

Of course, this means the wiping out of all savings. It reduces the men on fixed salaries to penury. A man still has dollars in the savings bank, but they are not worth anything. After life insurance has been paid for a lifetime, the widow will find that she gets a check for dollars, but the dollars will not pay the light bill. Of course, every endowed institution will be ruined, and universities can only be continued with aid and direction from the Federal Government. The only man who makes any profit out of this condition is the speculator. It means a complete break-down of the whole business system, a reduction in real income, and a depression which will make the depression of 1932 look like Coolidge prosperity.

The law of inflation simply means that we cannot have something for nothing. If we do not pay our bills as we go along in the normal manner, we pay them by the destruction of savings. Inflation would not only destroy the business system but it would almost certainly destroy our political system. There would be no alternative except a Government-regulated totalitarianism. It is no accident that dictators flourish in Russia and Germany. A dictator is simply a receiver, called in when people believe that their economic and political system is bankrupt. We cannot call in a receiver and retain the freedom and liberty of the individual, which are guaranteed by the Constitution of the United States.

The policy must be abandoned; the Budget must be balanced; the longer it remains unbalanced the harder it is to balance it. Under the conditions which exist today, therefore, it is peculiarly necessary that we do pay some attention, at least, to the matter of not exceeding the Budget estimates.

The Budget estimate of a $3,000,000,000 deficit is certainly bad enough, and we shoud hesitate a long time before we spend beyond it in any material amount. The only way to get back to a reasonable Budget is gradually to cut down expenditures in every field; to cut them down in the agricultural field as well as in every other field.

The Senator from Georgia [Mr. RUSSELL] says that the cuts are unevenly distributed, and that agriculture would be discriminated against unless the Budget estimates were followed. He produced certain figures that to me at least gave

the impression that the agricultural appropriation was being reduced some 25 or 30 percent, whereas no one's else was being reduced at all.

I have before me the table on which the Senator's figures are based. I ask unanimous consent that it be inserted in the RECORD in connection with my remarks at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

TABLE D.—*Department of Agriculture appropriations, 1940; Budget estimates, 1941; House bill, 1941; and Senate bill, 1941*

(NOTE.—Parenthetical totals show the amounts exclusive of "Loans, relief, and rural rehabilitation.")

Item	Appropriation, 1940 [1]	Budget estimate, 1941	House bill, 1941	Senate committee bill, 1941	
				Amount	Increase or decrease compared with 1940 appropriation
Group I. Action programs:					
Agricultural conservation program (A. A. A.)	$499,560,000	[2] $438,560,000	[3] $438,560,000	$438,560,000	−$61,000,000
Parity payments (A. A. A.)	225,000,000			212,000,000	−13,000,000
Sugar Act of 1937	47,975,000	47,975,000	47,500,000	47,975,000	
Disposal of surplus commodities:					
Permanent appropriation, sec. 32	92,678,812	100,000,000	100,000,000	100,000,000	+7,321,188
Annual appropriation	113,000,000	72,678,812		85,000,000	−28,000,000
Federal Crop Insurance Act	5,923,200	5,528,928	5,523,200	5,523,200	−400,000
Farm Tenant Act:					
Farm tenancy (loans, title I)	40,775,000	25,000,000		[4] 2,500,000	[5] −38,275,000
Liquidation and management of resettlement projects (title IV)	1,987,400	1,500,000	1,500,000	1,500,000	−487,400
Land-utilization program (title III)	7,423,330	1,102,500	2,100,000	2,100,000	−5,323,330
Loans, relief, and rural rehabilitation	161,450,000	(6)	(6)	(6)	[6] −161,450,000
Rural electrification	42,700,000	[3] 3,100,000	43,075,000	[3] 3,075,000	[5] −39,625,000
Water Facilities Act	500,000	500,000		500,000	
Cooperative farm forestry acts	[8] 477,898	[4] 478,854	400,000	477,898	
Soil erosion control program	23,720,584	20,195,128	20,090,750	21,790,750	−1,929,834
Commodity Credit Corporation	(7)	(7)	(7)	(7)	
Farm Credit Administration:					
Salaries and expenses	[4] 7,578,400	7,701,161	7,650,000	7,670,000	+91,600
Emergency crop loans	36,920,003	23,020,003	23,020,003	23,020,003	−13,900,000
Fees and assessements, Federal credit unions	110,675	142,920	142,920	142,920	+32,245
Total, action programs	[9] 1,307,780,302 (1,146,330,302)	[9] 747,483,306	689,561,873	951,834,771	−355,945,531 (−194,495,531)
Group II. Other activities, including research and extension (and payments to States therefor), pest and disease control, forestry, weather, regulatory, marketing, and other services, etc.:					
Office of the Secretary	896,447	868,122	868,122	868,122	−28,325
Office of the Solicitor	268,280	269,000	268,280	268,280	
Office of Information	[10] 2,055,910	[10] 2,037,950	1,940,000	2,034,870	−21,040
Library	107,970	105,000	105,000	105,000	−2,970
Office of Experiment Stations:					
Payments to States for agricultural experiment stations	6,848,750	6,865,000	6,860,000	6,865,000	+16,250
Salaries and expenses	244,735	246,189	244,735	244,735	
Special research fund	1,400,000	1,400,000	1,400,000	1,400,000	
Extension Service:					
Payments to States for agricultural extension work	18,470,583	18,536,083	18,280,083	18,536,083	+65,500
Salaries and expenses	[11] 849,966	[11] 806,556	775,000	800,000	−49,966
Office of Foreign Agricultural Relations	196,396	196,666	196,396	196,396	
Weather Bureau	6,172,870	6,628,620	6,272,870	6,388,870	+216,000
Weather Bureau Building	250,000	250,000			−250,000
Bureau of Animal Industry:					
Eradicating tuberculosis and Bang's disease:					
Regular appropriation	8,300,000	5,320,180	4,300,000	4,300,000	−4,000,000
Reappropriation	4,000,000	4,000,000	4,000,000	4,000,000	
Other work of Bureau	8,368,712	8,238,320	8,119,440	8,169,440	−199,272
Bureau of Dairy Industry	721,405	762,345	721,405	731,405	+10,000
Bureau of Plant Industry	5,415,509	5,049,842	5,005,077	5,264,500	−151,009
Relocation of Arlington Farm		500,000			
Forest Service:					
Acquisition of forest lands	3,000,000	1,000,900	1,000,000	2,000,000	−1,000,000
Forest-fire cooperation	2,200,000	2,200,540	2,200,000	2,200,000	
New England hurricane damage		300,000	300,000	300,000	+300,000
Payments to States, roads and trails for States, and acquisition of land from national-forest receipts	1,811,000	1,781,000	1,781,000	1,781,000	−30,000
All other, including protection and management of national forests, research, etc.	[12] 14,921,866	[12] 14,975,785	12,795,000	14,891,720	−30,146
Forest roads and trails	10,000,000	10,000,000	7,500,000	10,000,000	
Bureau of Agricultural Chemistry and Engineering	1,145,269	1,051,975	868,775	957,875	−187,394
Bureau of Entomology and Plant Quarantine	6,199,809	6,518,000	5,644,801	6,773,093	+573,284
Bureau of Agricultural Economics	928,000	928,000	838,900	888,900	−39,100
Agricultural Marketing Service	6,096,388	6,166,755	5,977,126	6,122,313	+25,925
Bureau of Home Economics	325,085	325,085	323,045	323,045	−2,040
Enforcement of the Commodity Exchange Act	623,380	623,380	500,000	623,380	
Food and Drug Administration	2,707,338	2,959,658	2,743,244	2,788,338	+81,000
Beltsville Research Center	85,000	109,450	85,000	86,620	+1,620
Total, other activities	114,610,668	111,020,401	101,913,299	109,908,985	−4,701,683
Group III. Trust funds:					
Forest Service: Cooperative work	1,000,000	1,000,000	1,000,000	1,000,000	
Agricultural Marketing Service: Farm products inspections	144,460	144,460	144,460	144,460	
Food and Drug Administration: Seafood inspection refunds	25,000	25,000	25,000	25,000	
Farm Security Administration:					
Payments in lieu of taxes and for operation and maintenance of resettlement projects	1,800,000	2,000,000	2,000,000	2,000,000	+200,000
State Rural Rehabilitation Corporation funds	2,875,000	2,250,000	2,250,000	2,250,000	−625,000
Miscellaneous contributed funds	99,000	78,500	78,500	78,500	−20,500
Total, trust funds	5,943,460	5,497,960	5,497,960	5,497,960	−445,500
Total, appropriations and reappropriations	[9] 1,428,334,430 (1,266,884,430)	[9] 864,001,667	796,973,132	1,067,241,716	−361,092,714 (−199,642,714)

See footnotes at end of table.

TABLE D.—*Department of Agriculture appropriations, 1940; Budget estimates, 1941; House bill, 1941; and Senate bill, 1941*—Continued

Item	Appropriation, 1940	Budget estimate, 1941	House bill, 1941	Senate committee bill, 1941	
				Amount	Increase or decrease compared with 1940 appropriation
Deduct reappropriations included in foregoing:					
Agricultural conservation program	−$70,000,000				+$70,000,000
Sugar Act of 1937	−16,000,000			−$1,300,000	+14,700,000
Federal Crop Insurance Act	−500,000	−$100,000	−$100,000	−100,000	+400,000
Farm Tenant Act:					
Title I (tenancy loans)	−775,000				+775,000
Title III (submarginal land program)	−2,445,000				+2,445,000
Loans, relief, and rural rehabilitation	−18,450,000				+18,450,000
Eradicating tuberculosis and Bang's disease (Animal Industry)	−4,000,000	−4,000,000	−4,000,000	−4,000,000	
Control of European fowl pest (Animal Industry)	−5,000	−5,000	−5,000	−5,000	
Farm Credit Administration:					
Salaries and expenses, reappropriations	−3,950,000	−3,900,000	−3,900,000	−3,900,000	+50,000
Emergency crop loans:					
Reappropriations	−11,265,003	−8,020,003	−8,020,003	−8,020,003	+3,245,000
Collections available	−10,655,000	−15,000,000	−15,000,000	−15,000,000	−4,345,000
Total, deductions, as above	{−138,045,003 (−119,595,003)}	−31,025,003	−31,025,003	−32,325,003	+105,720,000
Total, direct appropriations, Department of Agriculture	{[8] 1,290,289,427 (1,147,289,427)}	[9] 832,976,654	765,948,129	1,034,916,713	{−255,372,714 (−112,372,714)}
Deduct items not carried in agricultural appropriation bill:					
Permanent annual appropriations:					
Extension Service, Smith-Lever Act	−4,701,165	−4,701,165	−4,701,165	−4,701,165	
Forest Service, payments to States and roads and trails for States from national forest receipts	−1,740,000	−1,710,000	−1,710,000	−1,710,000	+30,000
Sec. 32, act of August 24, 1935 (30 percent of customs receipts)	−92,678,812	−100,000,000	−100,000,000	−100,000,000	−7,321,188
Farm Credit Administration, fees and assessments, Federal credit unions	−110,675	−142,920	−142,920	−142,920	−32,245
Trust funds (group III above)	−5,943,460	−5,497,960	−5,497,960	−5,497,960	+445,500
Total, items carried in agricultural appropriation bill	{[9] 1,185,115,315 [13](1,042,115,315)}	[9] 720,924,619	653,896,084	922,864,668	−262,250,647 (−119,250,647)

[1] As of Jan. 4, 1940 (date of submission of 1941 Budget estimates to Congress).
[2] Exclusive of $60,000,000 to offset similar amount now in first deficiency appropriation bill, 1940.
[3] $50,000,000 for tenant purchase loans to be transferred from Reconstruction Finance Corporation.
[4] To be considered in connection with the emergency relief appropriation for 1941.
[5] $40,000,000 for rural electrification loans to be transferred from Reconstruction Finance Corporation.
[6] Includes the following 1940 appropriations: "Cooperative farm forestry"; "Cooperative distribution of forest planting stock"; and "Cooperative farm forestry extension work," combined in House bill.
[7] Authorization of $2,000,000, payable from Corporation funds. Appropriation of $119,599,918 made to Treasury Department for restoration of capital impairment of Commodity Credit Corporation as of Mar. 31, 1939, by Third Deficiency Appropriation Act, 1939.
[8] Excludes fiscal year 1940 appropriations to Secretary of the Treasury available for payment to Federal land banks on account of interest reduction, $29,700,000, and for payment to Federal Farm Mortgage Corporation on account of interest reduction, $7,425,000. No estimate for either purpose in 1941.
[9] Exclusive of flood control (transfer from War Department), $3,000,000 in 1940 and $1,500,000 in Budget estimate, 1941.
[10] Includes "Printing and binding, Rural Electrification Administration," $90,000 in 1940 and $100,000 in Budget estimate, 1941, combined in House bill.
[11] Excludes "Cooperative farm forestry extension work," $77,898 in 1940 and $78,098 in Budget estimate, 1941. (See note 6.)
[12] Excludes "Cooperative distribution of forest planting stock," $100,000 in 1940 and in Budget estimate, 1941. (See note 6.)
[13] Includes $143,000,000 for "Loans, relief, and rural rehabilitation" provided by Emergency Relief Appropriation Act of 1939.

Mr. TAFT. The Senator points out that the total spent last year for agriculture in the United States was $1,428,000,000. That was the total appropriation, including reappropriations and including all items. As far as I can discover, the only real reduction that is proposed as compared with last year's appropriation is the elimination of the $225,000,000 of parity payments. There are various other items of reduction, but all of them are only temporary, and all of them are coming back and are going to be appropriated again. There is $60,000,000, of course, in the deficiency bill, which we made available this year before the 1st of July, but which is there just the same. There is no reduction in that matter.

There is the provision for $40,000,000 for farm tenants made last year which we are transferring to the R. F. C., and we ask them to make the loans. There is $40,000,000 for the Rural Electrification Administration which is going to be spent in another way. Certainly those items are not being eliminated in any way.

Last year we appropriated $161,000,000 for loans for relief and rural rehabilitation, and the very statement which the Senator has furnished shows that it is proposed that that item be considered in connection with the relief bill when the relief bill comes before us. That item is not in any sense eliminated from the agricultural appropriations.

The only real reductions in this bill, totalling over $1,428,000,000 last year, is the $225,000,000 for parity payments, which is approximately 15 percent reduction on the agricultural bill.

I think everyone should be willing to participate in a reduction of expenditures. It is said that the cities are not participating, but they are. Two years ago, the year ending the 1st of last July, we spent $2,250,000,000 for W. P. A. appropriations. The Bureau of the Budget this year proposed for W. P. A. appropriations $1,125,000,000, exactly 50 percent reduction in 2 years as far as the appropriations for relief are concerned.

I do not think it is unreasonable, and I do not think the farmers whom I know object to some decrease in the agricultural appropriations.

The whole theory of government payments of subsidies is a dangerous theory. There was no possibility of escaping the necessity for relief payments or for farm subsidies. Nevertheless, under the policy of the amendment offered by the Senator from Oklahoma, it may go to absurd limits. If we are going to try to subsidize all our citizens to bring them back to the condition we think they ought to be in, there is absolutely no limit to governmental expenditures. I believe that we can make a reduction in subsidy payments to different groups of the population, and I believe that all the farmers I know are as willing to have reductions made in respect to them as to anyone else.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. FRAZIER. I should like to ask the Senator from Ohio if he does not think the farmer is entitled to a price for his product which will give him a parity with industry?

Mr. TAFT. I certainly think we ought to work on a policy that will restore the farmer to a parity with industry. I question whether the method of doing so by direct payment

of cash from the Federal Treasury will ever work for the farmer, or for any other group of the population which happens to be underprivileged. The amount involved in really reaching parity through that method is so tremendous that we simply cannot hope to go the full way. We simply have to recognize the fact that certain groups are in an unfortunate relation with other people, and to some extent help them out with subsidy payments. I am prepared to say that there should be a farm-subsidy payment, but, of course, we are making a $500,000,000 appropriation for soil conservation, which is a subsidy payment.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. RUSSELL. The Senator must know that the $500,000,000 for soil-conservation payments is only paid out to the farmer for work that is done by the farmer in preserving the one priceless resource of this country, which is the fertility of the soil.

Mr. TAFT. Regardless of what the Senator may say, the soil-conservation payments are a subsidy to the farmer from the Federal Government. I think it is a very good form of subsidy, and as long as a subsidy should be paid, I am thoroughly in favor of soil-conservation payments. But to say that that is not a subsidy to the farmer, to say that when he gets his soil-conservation check he does not know he is getting a subsidy from the Federal Government, I say is contrary to the facts.

Mr. RUSSELL. It all depends on the Senator's definition of the word "subsidy." As a matter of fact, it is paid to the farmer for doing specific work to preserve the fertility of the soil; and if the farmer does not do the work and does not comply with all the requirements of the Department of Agriculture with respect to taking care of his land, preventing erosion, building terraces, plowing under green legumes, planting fine seed and soil-building legumes, he does not receive any conservation payments whatever. And the farmer, I imagine, feels after he has planted these legumes, after he has plowed them under, and after he has built up terraces under the broiling sun in accordance with the requirements of the Government, that he has earned some of these payments that are made to him.

Mr. TAFT. Mr. President, the point I want to make is that I think a reduction from a billion four hundred million dollars to a billion two hundred million dollars is not an unreasonable reduction when compared with what we are asking other groups to take in the way of reduction.

Mr. RUSSELL. Mr. President, will the Senator again yield?

Mr. TAFT. I yield.

Mr. RUSSELL. The Senator has the figures before him which were furnished by me which give the amounts with respect to the appropriations carried in the bill which came from the House for the current year as compared with those of previous years. The Senator said the only reduction was $225,000,000 for parity payments to farmers.

Mr. TAFT. No; plus the reduction in the Federal Surplus Commodities Corporation payments, amounting to some $30,000,000. If I did not state that I should have said it.

Mr. RUSSELL. Some of us who are interested in the program of making home owners out of tenant farmers and sharecroppers think a reduction for that purpose in the Budget amounting to about 35 percent, in this agricultural appropriation, a considerable one.

Mr. TAFT. As I remember, the Senator from Georgia referred to a request to the R. F. C. to loan $50,000,000. Is that correct?

Mr. RUSSELL. That is correct as to the committee amendment. And the Senator from Georgia would vote for $100,000,000. I do not think there is a more important question before the people of the United States today. But the Senator's charge related to the Budget not having made any reduction in this bill, when the figures that he holds in his hands show that the Budget has reduced this specific item by 35 percent in the sum of $15,000,000 below the current year.

Mr. TAFT. That seems to have been cured by the committee of which the Senator from Georgia is a member. Nevertheless, if this particular amendment is adopted, and if the rest of the program goes through, the only decrease made is $225,000,000, and that is approximately 15 percent.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. ELLENDER. Did I understand the Senator from Ohio to say that he was in favor of parity payments to farmers?

Mr. TAFT. Mr. President, I said that I was in favor of a subsidy to the farmer so long as his economic condition is as poor in relation to other groups in the population as it now is. As to the form of that subsidy, I would think that the best method of doing it is through soil-conservation payments rather than parity payments.

In the first place, the parity-payment law extends only to five commodities. It extends only to corn, wheat, cotton, rice, and tobacco. I think if you take the total production of those products you will find that it is very much less than one-half—not over a third of the total farm production of the United States. Parity payments on some of the other commodities were perhaps not possible. In any event it reaches only a very small proportion of the farmers. Furthermore, it has a rather extraordinary distribution as far as States are concerned. Last year, 1939, the State of Ohio, my own State, for instance, which is one of the four largest farm-producing States in the United States—I think it is either fourth or fifth in the list—received from parity payments $5,573,000.

Mr. ELLENDER. That must have been on wheat.

Mr. TAFT. I do not know what it is on. It is on corn and wheat. The amount is $5,573,000. On the other hand, the State of Iowa, which produces approximately the same amount, received $18,000,000, some three and one-half times what the State of Ohio received.

The State of Illinois received $13,000,000, as compared to $5,000,000 for Ohio.

The State of Wisconsin, which is a great agricultural State, but which happens to be apparently dependent on the dairy industry, received only a total of $1,412,000, compared to $18,000,000 for the State of Iowa.

A method of distributing subsidies to States which results in so gross an inequity between different States and different kinds of farmers does not strike me as a very desirable form of subsidy.

Mr. ELLENDER. Mr. President, the question I wanted to make clear and have answered, if possible, was this: Since the Senator thinks that the farmer ought to be paid parity payments, or subsidy payments, however we call them, so as to elevate his income in proportion to other groups, has the Senator any plan to offer by which that could be accomplished so as not only to provide for the five commodities which he has mentioned, but all farm commodities? Has the Senator any program by which that could be done?

Mr. TAFT. If we are going to add $225,000,000 I would prefer to add it to soil-conservation payments, and distribute it that way rather than through parity payments. It is not as if we were really paying parity. As pointed out by the Senator from Louisiana, and the Senator from Mississippi, we are very far, indeed, from getting anywhere near actual parity payments, even on these five crops, and if we undertook to do so with respect to all the crops our bill would be about $2,000,000,000.

Mr. ELLENDER. Mr. President, according to the figures presented by the junior Senator from Oklahoma [Mr. LEE] a while ago, in addition to the $500,000,000 for conservation payments it would require a little over $600,000,000 to pay parity on those five commodities; that is, wheat, cotton, corn, rice, and tobacco. Now I imagine that to pay parity or a subsidy on all farm commodities, as the Senator has suggested, would probably require one and a half billion dollars, or perhaps $2,000,000,000. Since the Senator is in favor of paying parity or a subsidy to the farmers, would he be willing to add to the bill enough to pay parity by way of conserva-

tion payments, as suggested by him, or I may say, under the formula provided for by law?

Mr. TAFT. I think I have already said that my effort in speaking is to reduce the total amount of subsidies from approximately $800,000,000 to something like $600,000,000, if you include the Surplus Commodities Corporation purchases, and the soil conservation.

I should like to point out further the inequity between States that results from this parity payment. The State of Texas, which has approximately the same agricultural production as that of Ohio, received $28,000,000, whereas Ohio received $5,500,000. The State of Kentucky, which was recently referred to, receives a total of only $700,000 in all its parity payments. I have not analyzed the figures, but there must be something wrong with a system which brings about such gross inequity between different States in the United States. Texas is a fairly prosperous State. It so regards itself. Why should it receive five times what Ohio receives for approximately the same agricultural production?

The farm industry is generally depressed. We cannot say that one particular kind of farmer is badly off. All the farmers are badly off, particularly the dairy farmers and poultry farmers, who produce a very large proportion of the total amount of products. They are just as badly off as the wheat farmer and the corn farmer. So I say that so far as methods of helping the farmer are concerned, they seem to me to have worked out in a rather inequitable way; and if the farmer is to be helped I should certainly prefer that he be helped through soil-conservation payments.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. TAFT. Surely.

Mr. ELLENDER. Whether or not the method of the Senator from Ohio is followed, more money would necessarily be required so as to elevate the farmers' income in proportion to other groups. Whether the Senator's method is followed, or the method provided in the law is adhered to, additional funds would be required, would they not?

Mr. TAFT. No. I think that the $1,200,000,000 which the Budget Bureau in effect recommends, and which the carrying out of the present plan would effect if we eliminated this payment, is all we can safely afford for agricultural appropriations.

Mr. ELLENDER. How can the Senator reach the conclusion that more funds are not necessary when he admits that probably as much as $2,000,000,000 would be required to pay the farmers parity?

Mr. TAFT. Because I say the idea that we can put any group on a proper balance by direct payments from the Treasury is one which does not work. It has not worked in connection with relief. We undertook the theory of employing all the employables in the United States. We never have come anywhere near employing all the employables in the United States, and we never shall, because the bill, when we finally face it, is so great, and the obvious danger of piling up great Government expenditures when we have no method of raising the taxes to pay them is so great, that even this extravagant Congress and this extravagant administration shrink from the logic of that particular view.

Mr. ELLENDER. Mr. President, will the Senator yield further?

Mr. TAFT. Surely.

Mr. ELLENDER. I have in my hand a copy of the recent hearings on the extension of the Reciprocal Trade Agreements Act. On page 1717 of volume 2 I note an exhibit with the following heading: Some Examples of Tariff Rates on Articles Bought by Farm Families. (Rates in Tariff Act of 1930.) I notice the item, "felt hats, men's, $1.25 per dozen, and 25 percent ad valorem," and many others.

What distinction does the Senator draw between a tax of that kind, which is collected directly by the manufacturer, and one which is collected by the Government and then paid over to the farmers by the Government?

Mr. TAFT. The Senator is trying to raise the question as to whether or not the tariff is a Government subsidy, is he not?

Mr. ELLENDER. Of course it is. I admit that it is a Government subsidy. The only difference between a tariff and a tax which the Government imposes and collects and then pays to the farmer is that in the case of the tariff the manufacturer collects it directly, and in the other case the Government collects it and pays it to the farmer upon complying with certain regulations. In either case the ultimate consumer pays the bill.

Mr. TAFT. That is a very essential difference. It is infinitely more dangerous to have to pay money out of the Federal Treasury—particularly if we cannot raise it—than it is to develop a device which will raise prices in such a way as to help the industry. Incidentally, the tariff does not help the manufacturer alone. It helps the whole neighborhood in which the particular business is carried on. I say that such a device can be developed. I think it could be developed along the line of the McNary-Haugen Act, for example, or other such devices. It seems to me that perhaps some of the devices proposed by the administration could carry out that theory. However, in my opinion we must get away from the idea that we can carry it out by direct Government appropriations from the Treasury.

Mr. ELLENDER. Mr. President, will the Senator yield further.

Mr. TAFT. I yield.

Mr. ELLENDER. Does the Senator think that the adjustment of the farmers' income with other groups can be accomplished by placing a processing tax on farm commodities?

Mr. TAFT. I do not think a processing tax is the best way to do it.

Mr. ELLENDER. What I am trying to find out from the Senator is some method by which it can be done. Has he any suggestions to make?

Mr. TAFT. Mr. President, I shall not make a speech on the whole subject of agriculture this afternoon. I am trying to point out that this particular method does not seem to me to be very effective. We must continue it; but, as in the case of relief appropriations, I think we should gradually work toward a reduction of direct Federal doles for any group of the population, because, particularly if we do not raise the money, we shall ultimately make these people pay themselves. We cannot escape the fact that this country and all its citizens will have to pay the debt incurred to make these payments.

Mr. ELLENDER. Will the Senator permit me to insert in the RECORD at this point, following my remarks, the table to which I have just referred? It is very brief.

Mr. TAFT. Certainly.

Mr. ELLENDER. I thank the Senator. This table demonstrates, to some extent, the tariffs imposed and collected by manufacturers on products made from raw materials grown on the farm. I ask unanimous consent to have printed in the RECORD at this point the table to which I have just referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Some examples of tariff rates on articles bought by farm families
(rates in Tariff Act of 1930)

[NOTE.—Ad valorem duties are computed on the value of the imported articles]

CLOTHING

	Tariff rate
Felt hats, men's	$1.25 per dozen and 25 percent ad valorem.
Overalls	37½ percent ad valorem.
Men's work socks, cotton	30 percent ad valorem.
Canvas gloves, knitted wrists	60 percent ad valorem.
Men's heavy winter union suits	33 cents each and 45 percent ad valorem.
Gingham	37½ percent ad valorem.
Knit rayon bloomers	45 cents per pound.
Rayon slips	45 cents each and 65 percent ad valorem.
Men's suits, serge, wool, ready-made	33 cents per pound and 45 percent ad valorem.
Men's work shirts	37½ percent ad valorem.
Men's work shoes	20 percent ad valorem.
Men's athletic union suits	37½ percent ad valorem.
Knee rubber boots	35 percent ad valorem.
House dresses	37½ percent ad valorem.
Women's silk hose, service weight	60 percent ad valorem.
Women's shoes or oxfords	20 percent ad valorem.

Some examples of tariff rates on articles bought by farm families (rates in Tariff Act of 1930)—Continued

	Tariff rate
HOUSEHOLD ARTICLES	
Sheets, 81 inches by 90 inches, medium quality, each.	25 percent ad valorem.
Blankets, cotton, double-length	30 percent ad valorem.
Comforters, cotton	25 percent ad valorem.
Bath towels, Turkish	Do.
Toilet soap, per cake	30 percent ad valorem.
Laundry soap, per bar	15 percent ad valorem.
Laundry starch	1½ cents per pound.
House brooms	25 percent ad valorem.
Dinner plates, plain	10 cents per dozen and 70 percent ad valorem.
Fruit jars, Mason, 1-quart	1 cent per pound.
FURNITURE	
Dining chairs, wood seat and back	40 percent ad valorem.
Dining tables, extension 42-inch by 54-inch top	Do.
Living-room suites, 3-piece, upholstered	Do.
Dressers, 42-inch top, with mirror, each	Do.
Bedsteads, metal, double, each	45 percent ad valorem.
Bedsprings, double, sagless	Do.
Mattresses, full size, all felted, cotton	40 percent ad valorem.
Sewing machines, drophead type	15 percent ad valorem.
Kitchen cabinets, with top cupboard, oak finish, 42-inch-width.	40 percent ad valorem.
Radio receiving set, 6-tube, for battery operation, without accessories.	35 percent ad valorem.
LUMBER	
Portland cement	8 cents per 100 pounds.
Roofing composition, heavy, per roll of 108 square feet.	10 percent ad valorem.
Roofing, steel, galvanized, 2½-inch corrugation, 29-gage.	¾ cent per pound.
FENCING MATERIAL	
Posts, steel	⅛ cent per pound.
Woven wire fencing, 32 inches high	½ cent per pound.
Barbed wire, galvanized	Do.
EQUIPMENT SUPPLIES AND MACHINERY	
Cream separators, centrifugal, hand, 400-pound hourly capacity.	25 percent ad valorem.
Milk cans, 10-gallon standard weight	35 percent ad valorem.
Gas engines, 3-horsepower	20 percent ad valorem.
Horse collars, leather	12½ cents each.
Iron pipe, galvanized, 2-inch	25 percent ad valorem.
Auto tires, 30 by 4.50 inches (4.50 x 21) balloon	10 percent ad valorem.
Stoves, 6-hole kitchen range, wood- or coal-burning.	20 percent ad valorem.
Kerosene stoves, 4-burner range, with built-in oven.	Do.
Wash-boilers, copper bottom heavy tin-plated sides.	Do.
Wringers, hand-power	Do.
Washing machines, hand-power	Do.
Nails, eightpenny wire	1 cent per pound.
House paint, ready-mixed	25 percent ad valorem.
Pumps, windmill force	20 percent ad valorem.
Bushel baskets, wood	50 percent ad valorem.
John Deere tractors, 15-30 horsepower	27½ percent ad valorem.
I. H. C. Farmall tractors	Do.
J. I. Case general purpose Model CC tractors	Do.

Mr. TAFT. Mr. President, I have almost concluded everything I intended to say. The main point I wish to make is that it seems to me that the elimination of parity payments by the Budget Bureau and by the House of Representatives is justified. The elimination of parity payments represents a reduction in agricultural appropriations of approximately 15 percent. That is considerably less than the reduction in relief appropriations. It is a step in the right direction, one which we can take with sympathy to the farmer as well as with sympathy to the entire population.

As to the surplus-commodity appropriations, I think we have a great problem in the development of surpluses which we had not counted on, particularly in view of the war. So far as I am concerned, I regard the situation as an emergency; and I intend to vote for the surplus-commodity appropriation. Incidentally, the stamp plan is a tremendous improvement over the former method of distributing agricultural surpluses. I think we should recognize that, no matter what method we follow, we shall still be giving away Government money. The surplus-commodity program is a direct payment of Government money of $85,000,000; but I think that we have an emergency in the development of surpluses, and I believe we should appropriate at least $72,000,000, if not the entire $85,000,000, for the development of the surplus-commodity program.

Mr. CONNALLY. Mr. President, after the speech of the Senator from Ohio, in general I am somewhat chagrined by the fact that he approves the item on which I am about to speak. I refer to the surplus-commodities appropriation in the bill. I wish to refer for just a moment to some of the things which the Senator from Ohio [Mr. TAFT] has said.

I could not tell from the Senator's speech whether or not he is in favor of a tax bill at this session. I should be very glad to have that information from the Senator.

Mr. TAFT. I did not hear the question.

Mr. CONNALLY. I could not tell from the Senator's speech whether or not he favors a tax bill at this session of Congress. I believe he said he did not know of any other Senator who favored a tax bill, and I am curious to know whether or not the Senator from Ohio favors a tax bill.

Mr. TAFT. I think there might profitably be some revision of the tax system which would produce increased taxes.

Mr. CONNALLY. What would the Senator tax?

Mr. TAFT. I do not think I have to develop a tax program for the Senator.

Mr. CONNALLY. Not at all. Mr. President, I am glad the Senator made that answer. It illustrates how objectors, obstructionists, and those who are not in favor of something, when called upon to offer some solution themselves, inadvertently leave the solution at home.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. TAFT. I think we must finally impose a tax bill to balance the Budget. I think we must ultimately have some increase in taxes. However, we should first reduce expenses. I say that until a thorough exploration of that question has been made, so long as we continue to increase expenses I think it is almost hopeless to undertake an additional tax bill at this session.

Mr. CONNALLY. I suspected that the Senator would postpone his tax bill until some future date, in view of concomitant transactions in the outside world. However, Mr. President, of course we shall have to raise some more taxes.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Ohio.

Mr. TAFT. I will say to the Senator that last year I voted for the La Follette bill, and I should be very glad to vote for it again this year. In fact, I shall be glad to support any bill which is proposed by the Finance Committee, of which I am not a member. I have not studied the question.

Mr. CONNALLY. The Finance Committee did not present the La Follette bill last year, so the Senator is not doing anything for the Finance Committee when he says that he supported that bill.

However, I am not surprised at the Senator from Ohio favoring the La Follette bill because the La Follette bill spreads out the base and brings into the tax system many people whose incomes are small, and who probably cannot very well pay any additional Federal taxes, because they are already bearing the burden of State and county taxes. The tax collector always finds the little fellow with a home or personal property, and he has to pay a tax in the State and county. The people of small and average incomes already bear the burden of State, municipal, and local taxation.

Of course, we shall have to levy more taxes at some time or other. We must pay these obligations. I shall say to the Senator from Ohio that he need not be greatly disturbed about that question.

Take the other great nations of the world. Even before the war came along, in Great Britain and France the tax systems were extricating from the taxpayers of those nations incomparably higher taxes than the people in America were bearing, and at some time in the future we shall have to raise taxes and pay off some of the obligations we have incurred.

We have heard much talk about the Budget. I presume all Senators have heard the old song, one line of which goes:

Everybody talkin' 'bout heaven ain't gwine there.

What kind of a Budget do we want? Do we want an annual Budget, figured up on the 1st day of January, to see how much money we are to spend, or already have spent, and how much taxes to levy to fit it?

We cannot do that. What do the businessmen in Ohio do? Do they not have to borrow money at the banks? Why do they borrow it? Why do they not balance their budgets and spend not to exceed what they take in? Then they would not need to borrow any money at the bank. The great banking institutions of Cleveland, Cincinnati, Dayton, and all the great cities of Ohio flourish because businessmen and industrialists cannot balance their budgets, and do not want to balance their budgets. When they are making money they pay off their debts; and when times are hard and they are not making any profits they borrow some money on a bond issue to tide them over. Ultimately, of course, they balance their budgets; but they do not have any 60-minute budget system.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. TAFT. Does the Senator know of any business enterprise which has failed to balance its budget for 10 years which has not gone into bankruptcy?

Mr. CONNALLY. I do not think I know of any business enterprise which has ever had an instantaneously, exactly balanced budget in its history. I venture to say that the Senator from Ohio has not balanced his budget in a long time. His income varies, as well as his obligations and outlays. That is true with all of us.

Talk about balancing the Budget. Many persons who are talking about balancing the Budget do not know anything about either budgets or balance. [Laughter.]

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. TAFT. Does the Senator realize that for the past 10 years the Federal Government has spent $3,000,000,000 a year more than it has taken in?

Mr. CONNALLY. I have not figured it up. I do not think that is true.

Mr. TAFT. Does the Senator realize the size of the continuing deficit?

Mr. CONNALLY. The Senator heard me say a while ago that we shall have to raise taxes. We shall have to raise them next year. That is as early as the Senator from Ohio wants them raised, because he has already said that he does not favor raising taxes now—at least, not until after November. [Laughter.]

Mr. TAFT. The Senator is referring this situation to the temporary deficit of some business. I do not think the Senator quite understands that for 10 years the Federal Government has failed to pay its expenses, and that the deficit has been gradually increasing.

Mr. CONNALLY. Why does the Senator want to limit it to 10 years? The Budget was not balanced during the last year of the Hoover administration. It went in the hole $5,000,000,000. Why does not the Senator mention that fact? Make it 11 years, and I will agree to it.

Mr. TAFT. Ten years will do for an illustration. The Senator's party has been in power for only 7 years.

Mr. CONNALLY. Well, all right. Of course, we have not balanced the Budget. Why have we not done so? Because the world has been going through an unprecedented economic situation. Everybody knows that, unless it is the Senator from Ohio. He may not have experienced any financial distress during the past 10 years but all the rest of us here have.

Mr. BYRNES. Mr. President——

Mr. CONNALLY. I yield to the Senator from South Carolina.

Mr. BYRNES. The Senator from Ohio stated to the Senator from Texas that he did not have any program for raising revenue. He made a speech over the radio, however, in which he had a program to balance the Budget, and that program was to reduce every Bureau by 25 percent.

Up to this time we have passed the emergency supplemental appropriation bill, carrying $252,000,000; the independent offices appropriation bill, carrying $1,120,000,000; the urgent deficiency bill; the Treasury and Post Office bill; the State, Commerce, and Justice bill; and the first deficiency bill. Has the Senator from Texas heard the Senator from Ohio move to reduce a single appropriation in any one of the bills that have passed the Senate?

Mr. CONNALLY. The Senator from Texas does not recall any such action. In all candor, though, the Senator from Texas has not been here constantly.

Mr. BYRNES. I will say that the Senator from Ohio is a member of the Appropriations Committee. As a member of the Appropriations Committee I cannot recall his ever moving to reduce by one dollar any one of these bills, and certainly not upon the floor of the Senate; yet he quarrels about balancing the Budget and never raises his voice in this session against an appropriation until the agricultural appropriation bill is before the Senate.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I am glad to yield to the Senator from Ohio to answer the Senator from South Carolina.

Mr. TAFT. I just want to call attention to the fact that in the case of the independent offices appropriation bill, I voted against the whole bill. I voted for numerous efforts to reduce the bill. I made a motion in the committee to refer the bill back to the subcommittee with instructions to reduce the whole bill by 10 percent or 20 percent; I forget the exact amount.

The Senator is simply inaccurate in his statement that I have not at any time proposed economies if I could see where they could be made.

Mr. BYRNES. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. The Senator from Ohio says he made a motion in committee to refer a bill back to a subcommittee with instructions to reduce it by 10 percent or 20 percent; and, really, it does not make any difference to him which it was. To him, there is no difference between 10 and 20 percent; but in a speech he said that every bureau ought to be reduced by 25 percent. Then in committee he said he made a motion, and I think he did. The Senate and the country may know whether or not it was made in good faith when he does not even know whether he wanted to reduce the bill by 10 or 20 percent. But certainly on the floor of the Senate these bills have passed, and the Senator from Ohio has not made a motion to reduce a single bill by $1 so far as I can recall.

Mr. TAFT. Mr. President, I think if the Senator——

Mr. CONNALLY. Just a minute.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CONNALLY. Let the Senator from South Carolina conclude his remarks first.

Mr. BYRNES. If the Senator says he voted against the independent offices bill, of course I accept his statement as absolutely correct. If he made any motion to reduce that bill, I have no recollection of it, and I should be glad to have him refresh my recollection on the subject; but his program is to reduce by 25 percent every bureau of the Government, and most of the bills have already been reported.

Mr. CONNALLY. I now yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I think I stated that I did move to reduce appropriations on the floor of the Senate in connection with that bill, and I voted against the bill when the Senate refused to do it.

Mr. BYRNES. Mr. President, I said that the Senator having made that statement, I agree to it; and therefore there was one bill—one bill—in which he did vote to make some reduction; but his program, announced to the country, of reducing by 25 percent the appropriations of every department of the Government, he has done nothing to accomplish at this session of the Congress.

Mr. CONNALLY. I thank the Senator. The significant thing about it all is that the Senator from Ohio voted against the whole independent offices appropriation bill. We can balance the Budget in a short time if we just lop off these departments and appropriate nothing at all for them. The Senator from Ohio did not favor appropriating anything for the independent offices. That is the method of the Senator

from Ohio to balance the Budget—not to give the independent offices any money at all. We can square up the debt pretty fast if we do that, including the veterans. I believe the independent offices bill includes the Veterans' Administration.

Mr. RUSSELL. Mr. President, I was about to suggest to the Senator from Texas that the largest single item in the independent offices appropriation bill is the appropriation for the Veterans' Administration, whereby the Government undertakes to take care of those who have been wounded or maimed while in the country's service; and, of course, if the Senator from Ohio had prevailed in that vote, all compensation to all disabled veterans throughout the entire United States would have been summarily stopped.

Mr. CONNALLY. To be sure. The Senator from Ohio is against the continuance of the independent offices appropriations for the next fiscal year. He does not want any money spent under the independent offices. I can envisage the Senator from Ohio now, on his way out to Illinois, glancing out of a car window and seeing some maimed and crippled veteran hobbling along the highway and saying, "There is the place to balance the Budget. We will cut off the independent offices appropriation entirely for 1941." [Laughter.]

Mr. RUSSELL. A man who probably had just been thrown out of some veterans' hospital that had been compelled to close, and who had to be carried out in the street on a cot and left to the mercy of disease and the elements.

Mr. CONNALLY. I can envisage the Senator from Ohio going along the highway in Illinois—I think they have some veterans' hospitals out there—and glancing out of the window and saying, "Now, there is an unnecessary expense—that veterans' hospital. Why should the taxpayers be made to go down into their pockets and pay out money to maintain a hospital to treat the maimed and the wounded of the World War? We ought not to have had any World War." [Laughter.]

Mr. President, what I rose to speak about was not the Senator from Ohio, however.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Florida?

Mr. CONNALLY. I yield.

Mr. PEPPER. Did not the Senator from Ohio have a good bit to say here against the bill to appropriate money for the purchase of critical war materials?

Mr. CONNALLY. I do not recall that. I like to keep up with the Senator from Ohio, but he makes so many speeches that I have not time to read all of them. [Laughter.] I am charmed by the Senator from Ohio here in the Chamber, and then I go down to my room at night and buy the afternoon newspaper, and read a thrilling speech in the afternoon newspaper; and then at night, when I am undertaking to get some musical or art or religious program, I am interrupted by hearing the Senator from Ohio on the radio. [Laughter.]

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. I merely want to call attention to the fact that the Senator from Ohio stated to me a few moments ago that he had voted against the passage of the independent offices appropriation bill. I know he was sincere in making the statement; but the RECORD shows that there was no roll call on the passage of the bill.

Mr. CONNALLY. That does not prove anything. The Senator from Ohio may have said, in a low tone, "No." [Laughter.]

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. The veterans and others who were concerned in the independent offices appropriation bill certainly ought to be thankful to the Senator from Ohio that he did not pursue his opposition to the independent offices bill to the extent of demanding a roll call, or even a division.

Mr. CONNALLY. That is true, of course. If the Senator had spoken, and then asked for a roll call, it probably would have defeated the independent offices appropriation bill, and then we should have had to have all these veterans' hospitals dismantled.

Mr. GLASS. Mr. President, the Senator from Ohio did not ask for any roll call in the committee, either; and he had not the remotest idea that his motion was going to be adopted.

Mr. CONNALLY. I thank the Senator from Virginia.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CONNALLY. I yield.

Mr. CLARK of Idaho. If I correctly recall, last year we voted $550,000,000 for airplanes which probably will be obsolete by the end of this year. If my memory serves me, the Senator from Ohio raised no question about that measure, and voted for the airplanes.

Mr. CONNALLY. I thank the Senator from Idaho for that contribution. I am sure the Senator from Ohio did not vote against national defense. I am glad he is right now and then. [Laughter.]

But, Mr. President, the Senator from Ohio devoted most of his address to denouncing subsidies. Let us admit that under the doctrines of Adam Smith subsidies are unsound; but we have not been paying any attention to Adam Smith in that respect for 150 years. The first Congress that met, as has been so vividly and eloquently pointed out now and then by the eminent Senator from Arizona [Mr. ASHURST], enacted a tariff bill, did it not?

Mr. ASHURST. That is true. It was the first bill it enacted.

Mr. CONNALLY. The Senator further advises me that it was the first bill passed, 150 years ago, in 1789. The Government that was installed in 1789 passed a tariff bill. Is not that a bounty? Why, what kind of a process is it? I hope the Senator from Ohio will continue to look at his newspaper, but still listen to me. What is the advantage of a tariff? The advantage of a tariff is to give the producer here at home, the manufacturer, a bounty as against the foreigner, to make it easier for the domestic manufacturer to sell his products in the domestic market. Now, what is an export bounty? That is what I want to talk about in a moment. An export bounty is simply the reverse of that proposition. The man who produces here at home something which cannot be protected by a tariff has just as much right to say to his Government, "You will have to equalize conditions for my market abroad. You will have to give me a little bounty so that I can compete with the foreigner in his country, just as you give this other man a tariff to keep the foreigner from competing with him over here."

Is there any difference in the justice of those propositions? Why, of course not. I dare say the Senator from Ohio is not going to advocate repealing all tariffs. He would not get anywhere if he did. All of us vote for some tariffs now and then, when we find it economically sound. [Laughter.]

Mr. HILL. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HILL. The Senator means, economically sound at home. [Laughter.] Is not that true?

Mr. CONNALLY. I thank the Senator for expressing his own viewpoint. I was making a general statement that is applicable to all of us.

Mr. GEORGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Georgia?

Mr. CONNALLY. I yield.

Mr. GEORGE. The Senator from Texas neglected to say what he might well have said, that in Mr. Hamilton's famous paper on manufactures he pointed out that the antidote to the industrial tariff was a bounty to the producers of raw materials—that is to say, the farmers.

Mr. CONNALLY. Absolutely. I thank the Senator from Georgia for that suggestion. Mr. Hamilton, when he was Secretary of the Treasury, in his famous report as Secretary of the Treasury on manufactures and industry in the United

States, advocated the payment by the Government of an export bounty on raw materials which could not be amply protected with a tariff; and Senators will recall that in 1929, when we had pending here in the Senate, under Mr. Hoover, the export-debenture amendment to the old farm bill, the late Senator from Idaho, Mr. Borah, made an elaborate speech in advocacy of it; and frequent reference was made in the debates to the doctrines of Mr. Hamilton in that regard. The Senator from Nebraska [Mr. NORRIS] made an address along the same line; and, if I mistake not, the Senator from Wisconsin [Mr. LA FOLLETTE] voted, at least—I do not know whether or not he spoke; I am sure he did not, because, if he had, I would have remembered it—on that side of the question.

If we are going to have subsidies, and we have them all around us, why does the Senator from Ohio ignore all these other subsidies—subsidies to the shipping interests, and subsidies to the manufacturing interests, and subsidies to the other great industrial interests? The Senator from Ohio walks along and ignores all of them; and yet when he sees some farmer with the seat of his pants out and his hair sticking up through a hole in his hat, he says, "There is the fellow you are giving a bounty to, and I am going to take it away from him. We must balance the Budget. We must balance the Budget."

Some years ago we adopted, as an amendment to the Agricultural Adjustment Act, what is known as section 32 of that act, which forms the basis of this item in the appropriation bill called Disposal of Surplus Commodities. I had the honor of offering that amendment on the floor of the Senate; and it was predicated upon the very theory of using a portion of the tariff revenues to turn the thing around and pay a bounty or subsidy on agricultural exports. So it was provided in section 32 of the Agricultural Adjustment Act that 30 percent of all tariff revenues should be devoted to that purpose. We wanted more, but the Secretary of Agriculture would not agree to more. Those tariff revenues are wrung out of the consumer of manufactured products, extracted by measures just as forcible as the tax gatherer's. We took for that purpose 30 percent of all these tariff revenues, these bounties; and in the case of the tariff the bounties amount to many times what the revenues are, because they result in all domestic producers getting their revenue here before any foreign commodities come in.

We take 30 percent of that and turn it over to the Secretary of Agriculture, to do what with it? To stimulate the exportation of agricultural commodities and to dispose of the agricultural surpluses here at home. So that this bill, carrying out that doctrine, appropriates $85,000,000 from the Treasury, and the revenues from the tariffs amount to $100,000,000, so that this particular item carries $185,000,000 for the export subsidies, and then for the disposition of surplus commodities at home.

I wish to say that the State of Ohio, and the city of Cleveland, and other great cities, have been the beneficiaries of this Surplus Commodities Corporation, probably to an extent to which no other State in the Union has been the beneficiary, because the relief agencies in Cleveland, for instance, were broken down, and the Department of Agriculture, through the Surplus Commodities Corporation, has placed at their disposal, I am informed, a very substantial amount of agricultural food products, paid for out of the sum which is now damned and denounced as a subsidy. Yes; it is a subsidy, a very small subsidy.

What has happened in the case of cotton, in which the Senator from Texas is particularly interested? The export subsidy on cotton and cotton products was announced on July 23, 1939, to be effective on July 27. The rate of payment was set at 1.5 cents per pound of lint cotton, net weight, with comparable payments on the cotton content of cotton products exported. It was announced that payments would be made on cotton exported on or before June 30, 1940, with a provision made for payments on cotton exported through July 31, 1940, if the cotton is sold for export on or before June 30, 1940. A total of slightly over $41,000,000 was allocated for these payments.

By November 30, exporters had shipped or declared for shipment 4,332,000 bales of cotton. It was evident from this figure that the available funds were about three-fourths gone, and a further rush of export declarations followed. On December 5 the Secretary announced a reduction in the rate of payment effective December 6 to 0.75 cent per pound, to enable payments on a larger number of bales. Further heavy declarations in the next 2 days brought the total since inauguration of the program to 5,150,000 bales, or about 600,000 bales in 2 days. On December 7 it was again necessary to reduce the rate, and it was cut to 0.4 cent effective December 8. On December 11, the rate was again cut to 0.2 cent and on January 30 the rate was reduced to zero. Sales and deliveries as of January 29 were 6,214,000 bales, which included the equivalent of 333,000 bales of cotton products. The rate on cotton products was continued, and it was announced that funds remaining were sufficient to make payments on cotton products equivalent to approximately 70,000 bales.

After the subsidy was announced American cotton declined in foreign markets and the price relationship was favorable for increased sales for export. In August 1939 Indian Oomra No. 1 fine was 72.6 percent of American Middling at Liverpool. By January 1940 this percentage had increased to 83.1. Since January there has been some decline in the price of Indian compared with American cotton. These price relationships for past seasons and recent months are shown in some statistics supplied me by the Department of Agriculture which, I ask unanimous consent to have inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

Prices at Liverpool as percentage of American Middling, ⅞ inch

Item	Indian Oomra No. 1 Fine	Egyptian F. G. F. Uppers	Brazilian Fair Sao Paulo
10-year average, 1927-36	78.0	117.9	97.7
1936-37	74.4	119.0	96.6
1937-38	77.1	126.7	98.7
1938-39	70.4	116.5	94.9
1939-40:			
August	72.6	111.7	92.2
September	76.3	111.4	95.5
October	78.9	112.9	98.1
November	81.2	108.9	99.4
December	82.7	111.7	100.0
January	83.1	118.2	100.5
February	80.8	124.9	101.5
Mar. 1	81.4	126.2	102.5
Mar. 8	80.9	126.1	100.6
Mar. 15	82.4	133.7	101.3

Exports for the first 7 months of this season are twice as large as a year ago. The following table shows exports for 7 months, and for the season for the past 10 years:

Exports of American cotton

Year	7 months, August-February	Season, August-July
	Bales	*Bales*
1930-31	4,912,000	6,760,000
1931-32	5,925,000	8,708,000
1932-33	5,597,000	8,419,000
1933-34	5,548,000	7,534,000
1934-35	3,255,000	4,798,000
1935-36	4,410,000	5,973,000
1936-37	3,921,000	5,440,000
1937-38	4,231,000	5,598,000
1938-39	2,456,000	3,327,000
1939-40	4,916,000	

Mr. CONNALLY. Mr. President, indications at this time point to total exports for this season of approximately six and one-half million bales, exclusive of cotton shipped under the rubber-cotton barter agreement. About 240,000 bales have been shipped to date under the barter deal, but shipments are not being made at the present time, due to lack of freight space.

Exports of American cotton during the first 6 months of the present war and the 6 months preceding the war, as compared to the same figures in 1914–15 season, are shown in the following table:

Date	Exports	Percentage increase
Before and after start of World War:	*Bales*	
February 1914 to July 1914	2,652,400	
August 1914 to January 1915	3,910,800	+47.4
Before and after start of present war:		
March 1939 to August 1939	1,000,100	
September 1939 to February 1940	4,698,800	+331.0

Mr. President, these statistics reveal that by means of the subsidy the price of American cotton in the foreign countries, in the currencies of those countries, was reduced as compared to foreign cotton, and as a result we were able to sell American cotton successfully in competition with Indian cotton and Brazilian cotton and other foreign growths which we have been fearing would destroy the market for American cotton. These tabulations show the variations and the fluctuations in the percentages of foreign cotton compared with American cotton, and also reveal the volume of exports brought about by reason of the subsidy.

Therefore, Mr. President, this particular surplus-commodities appropriation on page 83 is a wise one. We have not reached it in consideration of the bill for a vote, but the Senator from Ohio, always looking ahead, brought the matter up before we really reached it.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. RUSSELL. I do not like to interrupt the Senator from Texas in his very able remarks, but I would not want to have the impression left that these export subsidy payments were applied only with respect to cotton.

Mr. CONNALLY. Oh, no.

Mr. RUSSELL. I might point out to the Senator from Texas that $35,500,000 was used for the encouragement of wheat and flour exports, and also the exports of tobacco, fruits, nuts, and butter, which received the benefit of the export-bounty program. Therefore it was calculated to be beneficial to a number of commodities, one of which, at least, is produced in every agricultural section of the country.

Mr. CONNALLY. I thank the Senator. In the beginning of my remarks I stated that I was mentioning cotton because I was particularly concerned with cotton. But I do thank the Senator from Georgia because he discloses that these export subsidies are applied to a large number of other agricultural commodities. I think the subsidy was applied to wheat before it was applied to cotton. Wheat was the first commodity, I believe, to which it was applied.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BANKHEAD. In addition to the raw cotton figures which the Senator has pointed out, let me bring to his attention the fact that almost double the amount of cotton goods was exported, on which an export bounty was paid.

Mr. CONNALLY. Yes; when the export bounty was applied to cotton, of course a similar bounty, graduated according to valuations, was placed on cotton textiles and manufactured cotton goods, so that we have also exported cotton goods and textiles to quite an extent. Mr. President, I hope this demonstration from the record of the advantage of the export subsidy in connection with the disposal of agricultural surpluses will have some effect upon the mind of the Senator from Ohio, and cause him not to be too hard on the American farmer when it comes to these so-called subsidies.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. TAFT. I think the Senator from Texas misunderstood my position. I did not oppose export subsidies, I did not even oppose subsidies in general. So far as the export subsidies are concerned, I thoroughly agree with the Senator from Texas.

Mr. CONNALLY. I thank the Senator. I have never had as rapid and as quick a convert in my life as I have had in the case of the Senator from Ohio, and I thank him very much.

Mr. TAFT. I was trying to point out to the Senator that I am not a convert, that the Senator from Texas was advocating exactly what I had advocated in my speech, so far as subsidies are concerned. I merely pointed out the danger of that policy, and the wisdom of holding down the subsidies, so far as cash payments are concerned, to as reasonable a sum as possible.

Mr. CONNALLY. I agree with those glittering generalities of the Senator from Ohio, of course. I should be glad if we did not have to have subsidies. I should be glad myself if some people could do as old Adam did. He would walk out in the orchard and pluck off some fruit, and go back and lie down in the shade until late in the evening, and then go out and patter around in the limpid brook. That would be wonderful. But the devil of it is that we do not live in that kind of a world. Adam made a mistake, and we have been suffering ever since because of his indiscretion. [Laughter.] I wish we did not have any subsidies; but, so long as we are subsidizing some industries, justice requires that we give the other industries, which are supplying those subsidies, at least a little refund in the form of a subsidy.

Everyone admits that agriculture has always borne the burden of the tariff. It was intended in the beginning that it should, because this is an agricultural nation, and the early statesmen wanted to build up industry. So they said, "Now, if we are to have any industry, we will have to make the farmers pay some duties in order to encourage and stimulate industry and manufacturing," and the farmers have been bearing that burden for 150 years.

It has only been since the present administration came into power that we have had any agricultural subsidies. The senior Senator from Oregon [Mr. McNARY] introduced, during the old administration, the famous McNary-Haugen bill, which contained at least some basis of the subsidy idea; but it never got by. None of his Presidents would approve it. So it has only been under this administration that agriculture has been getting back a little of the accumulations and the tontine arrangements and the endowment policies on which they have been paying for 150 years. They are just getting back a little dividend on what their grandfathers and their great-grandfathers and their great-great-grandfathers have paid in the form of tariff taxes; and because, with agriculture prostrate, some of the folks during the depression have been getting back a little dividend, a small fraction of the dividends on what the generations before them had paid in the form of tariff bounties, people get excited and want to balance the Budget all of a sudden.

Mr. President, my great-great-grandfather lived in Virginia and North Carolina. He was a farmer and he paid tariff taxes. My great-grandfather was another farmer. He moved from North Carolina to Georgia, and he paid tariff taxes. Three or four years ago I went to Georgia and found my grandfather's place, and he had been a farmer, and he had paid tariff taxes. My father went to Texas in 1859, where he was a farmer, and he did not have any slaves, having left those back in Georgia, and he had to dig the taxes out of the ground with his own sweat and his own blood, and he paid tariff taxes.

Mr. President, we demand that farmers get back a little nibble, just a nibble, just a little dribble, just a little piece of these tariff bounties we have been paying, because if we ever needed them, we need them now.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. ELLENDER. I am in thorough sympathy with what the Senator is saying, and I feel that funds should be provided so as to give to the farmer his just share of the national income. He should be placed on a parity with other groups that receive subsidies via the tariff.

I was very much interested in the figures presented by the Senator with respect to export subsidies. As I recall,

$41,000,000 were allocated for export subsidy payments and the expenditure of that sum helped to increase our exports of cotton in excess of 6,000,000 bales.

In connection with the expenditure of that sum let me call the Senate's attention to the amount paid by the consumers of cotton goods imported in this country in 1928. I quote from a compilation made by the United States Tariff Commission in 1930 entitled, "Comparison of Rates of Duty in the Tariff Act of 1930 and in the Tariff Act of 1922." Bear in mind that the sum I am going to quote represents tariff subsidies paid on imported manufactured cotton goods for the protection of manufacturers of cotton goods in this country. The value of dutiable imports for consumption in 1928 of manufactured cotton goods was $48,300,609 and the duties thereon aggregated $19,451,364, or the equivalent ad valorem rate of 40.27 percent. Think of it, Senators. I am not advocating that manufacturers be not protected, but I merely cite this instance to show the disadvantage in which the farmer, the producer of the raw product, is placed. He is compelled to pay a subsidy to the manufacturer of his own raw product. I could cite numerous instances, all of which go to show that the farmer receives little protection and he is severely handicapped by having to pay subsidies on what he consumes. Some method must be devised to afford farmers like protection, otherwise he is bound to remain in distress.

I thank the Senator for his kind indulgence.

Mr. CONNALLY. I thank the Senator for his contribution.

Mr. RUSSELL. Mr. President, I hope we can get a vote on the parity payment at this time.

GRAND RIVER DAM, OKLA.

Mr. LEE. Mr. President, under the threadbare excuse of fighting for States' rights the Governor of Oklahoma has been fighting and is now fighting the battles of the utilities. Some of us have been fighting to get public power at cheap rates for the benefit of the people. But Governor Phillips has opposed the two hydroelectric power projects in Oklahoma from the day of his inauguration as Governor. However, he has been pretending to oppose these two dams on the flimsy excuse of upholding States' rights. But at last be has come out from behind that smoke screen and declared openly that he is fighting on the side of the private utilities.

I wish to read a quotation from him appearing in the Oklahoma City Times, published in Oklahoma City, the issue of March 13, 1940, the orange-colored edition. The Governor is quoted as saying:

> I am not going to spend a huge pile of Oklahoma money rebuilding roads for a dam that will compete with a private power corporation.

The next sentence in the article reads as follows:

> The Public Service Co. at Tulsa serves the area in which the dam is located.

Mr. President, we in Oklahoma appreciate what the Federal Government has done and is doing there. The action of the Governor does not represent the attitude of the people of Oklahoma. They appreciate what the Federal Government has done. They are looking forward eagerly to the construction and completion of this dam, and are not in sympathy with the Governor in his effort to prevent it from being completed. He has but one purpose, as he has had all the time, in stopping the construction of these two dams. He is fighting the battles of the private utilities. Regardless of what the Governor says about paying for highways, or rights of the State, these charges are intended to cloud the real issue, which is power.

There is but one question at issue in this controversy, and that is whether or not the people of Oklahoma shall have cheap electricity.

I want them to have it, but Governor Phillips is opposed to a "dam that will compete with a private power corporation."

PROPOSED MERGER OF WESTERN UNION AND POSTAL TELEGRAPH & CABLE CO.

Mr. MINTON. Mr. President, I do not want to delay a vote on the important pending amendment. It will take me only a minute to direct the attention of the Senate to another matter.

Some time ago a special committee of the Senate was appointed to investigate the affairs of the Postal Telegraph Co. The Federal Communications Commission has reported to Congress that it is necessary for defense and for other public reasons that there be a merger of Western Union and Postal Telegraph & Cable Co.

If there is to be such a merger, it is important that it be in the interest of the rate-paying public, the employees of the company, and the legitimate investors who received the stock of the reorganized telegraph company for their bonds and, conversely, that it not be for the benefit of bankers, financial lawyers, and stock manipulators.

Obviously there is no point in trying to protect the public interest, the interests of labor, and the interests of legitimate investors, after professional reorganizers and stock speculators, with the aid of lawyers, have so manhandled the situation as to leave those interests at their mercy. That is the difficulty with most investigations. They are in the nature of locking the barn after the horse has been stolen.

In this prospective telegraph merger, we have an opportunity to protect the public interest now.

That opportunity is present now because the reorganization proceeding is still open in the Federal Court for the Southern District of New York and the Securities and Exchange Commission has been invited in to make an investigation so it may advise the court concerning the distribution of funds of the Postal Telegraph & Cable Co. amounting to $625,000, which the reorganizers now claim for their fees.

If the investigation of the Securities and Exchange Commission is to be confined to mere arithmetical computations, a valuable opportunity will be lost.

On the other hand, if the Securities and Exchange Commission develops this situation to the full, it should disclose facts which will become important in protecting the public interest in connection with the proposed merger while the plan of reorganization is still before the court, for under the Chandler Act Congress has provided that a plan may be amended in the interests of security holders, without formalities of any kind, even after it has been confirmed.

If the Security and Exchange Commission makes a complete investigation, it will ascertain how a banking firm which owned only $243,000 of a $50,000,000 publicly held bond issue, how committees whose members owned as of January 31, 1939, in all only $133,200 of additional bonds of that issue, have been able to seize practical control of the reorganized Postal Telegraph & Cable Corporation. The stockholders are wiped out. The Securities and Exchange Commission will ascertain who arranged for the organization of the major bondholders' committee which controlled the reorganization and why that major committee soliciting the support of publicly held bonds is reported by a financial service to have represented at the very outset $2,000,000 of the bondholdings of the late Clarence Mackay, the most prominent of the Postal and International Telephone & Telegraph insiders. The Securities and Exchange Commission will inquire into the representation of the debtor, the old Postal Telegraph Co., by a prominent firm of Wall Street lawyers who resigned 6 months later in order to represent the trustees appointed by the court.

That is to say, this large firm was first attorneys for the debtor, the Postal Telegraph Co., and then 6 months later resigned to become attorneys for the trustee.

It will likewise inquire into the dealings had by committee members and their firms and their customers in the bonds of Postal Telegraph & Cable Corporation.

When we have the facts concerning these matters, we will understand why this reorganization took 5 years to complete, at a cost of a million dollars or more, and we will have some of the reasons why the value of the holdings of its investors fell to 10 cents on the dollar and why the investors had to take what the controlling financial interests were willing to give them.

If the Securities and Exchange Commission is diligent and exhaustive in its inquiry, it will avoid a situaton analogous to that whch now confronts bondholders of the Munson Steamship Co. In that case, as a result of a reorganization in the same court by some of those who have been active in the Postal reorganization, certain reorganizers of Munson sold out their interests and turned control of this steamship company and its million and a half dollars in cash over to speculators who have taken the company out of the steamship business and now propose to use the former bondholders' million and a half dollars for other speculative ventures of their own which bear no relationship to the steamship business.

More important, we will avoid the control of this publicly owned company by banking and speculative professional interests who will control it for purposes of merger in derogation of the public and national interests.

In the Munson case the court may be able to do nothing because it has lost jurisdiction. In the Postal case the judge, if he cooperates with the Securities and Exchange Commission, can still protect the public interest.

However if the Securities and Exchange Commission does not or cannot make an adequate investigation into the reorganization proceedings so as to disclose what has occurred in the past and thus guard the public in the merger proceedings still to be had, I hope that the special investigating committee appointed by the Senate will proceed, and I am sure that under the leadership of the distinguished chairman of that committee, the Senator from Montana [Mr. WHEELER], the committee will proceed.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 82, line 15.

Mr. RUSSELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague [Mr. TRUMAN] is unavoidably detained from the Senate on official business. If present he would vote "aye."

The roll call was concluded.

Mr. RUSSELL. The junior Senator from Missouri [Mr. TRUMAN], who is a member of the subcommittee handling this bill, if present would vote "aye" on this question. I regret that the Senator from Missouri is unavoidably detained, for no member of the subcommittee was more loyal in his attendance on the hearings, or more interested in an endeavor to have the bill drafted for the best interest of the farmers of the country than the junior Senator from Missouri.

Mr. MINTON. I announce that the Senator from Utah [Mr. KING], and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Illinois [Mr. SLATTERY], and the Senator from North Carolina [Mr. REYNOLDS] are detained on important public business.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

I am advised that if present and voting these Senators would vote "aye."

The Senator from Florida [Mr. ANDREWS], the Senator from West Virginia [Mr. HOLT], and the Senator from New Jersey [Mr. SMATHERS] are necessarily absent.

The Senator from Utah [Mr. KING] is paired with the Senator from Maryland [Mr. TYDINGS], who is detained on official business. I am advised that if present and voting, the Senator from Utah would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 63, nays 19, as follows:

YEAS—63

Adams	Donahey	Johnson, Colo.	Pepper
Ashurst	Downey	La Follette	Pittman
Bankhead	Ellender	Lee	Reed
Barkley	Frazier	Lucas	Russell
Bilbo	George	McCarran	Schwartz
Bone	Gillette	McKellar	Schwellenbach
Bulow	Green	McNary	Sheppard
Byrnes	Guffey	Maloney	Shipstead
Capper	Gurney	Mead	Stewart
Caraway	Harrison	Miller	Thomas, Idaho
Chandler	Hatch	Minton	Thomas, Okla.
Chavez	Hayden	Murray	Thomas, Utah
Clark, Idaho	Herring	Neely	Van Nuys
Clark, Mo.	Hill	Norris	Wagner
Connally	Holman	Nye	Wheeler
Davis	Johnson, Calif.	O'Mahoney	

NAYS—19

Austin	Byrd	Hale	Townsend
Bailey	Danaher	Hughes	Vandenberg
Barbour	Gerry	Lodge	Walsh
Bridges	Gibson	Taft	White
Brown	Glass	Tobey	

NOT VOTING—14

Andrews	Lundeen	Slattery	Tydings
Burke	Overton	Smathers	Wiley
Holt	Radcliffe	Smith	
King	Reynolds	Truman	

So the committee amendment, on page 82, line 15, was agreed to, as follows:

PARITY PAYMENTS

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, $212,000,000: *Provided, however,* That in expending the appropriation in this paragraph the rate of payment with respect to any commodity shall not exceed the amount by which the average farm price of the commodity is less than 75 percent of the parity price: *Provided further,* That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1940 is not in excess of the farm acreage allotment established for the commodity under the agricultural conservation program.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The next amendment was, on page 83, after line 5, to insert:

DISPOSAL OF SURPLUS COMMODITIES

To enable the Secretary of Agriculture to further carry out the provisions of section 32, as amended, of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, and subject to all provisions of law relating to the expenditure of funds appropriated by such section, $85,000,000. Such sum shall be immediately available and shall be in addition to, and not in substitution for, other appropriations made by such section or for the purpose of such section: *Provided,* That not in excess of 25 percent of the funds herein made available may be devoted to any one agricultural commodity: *Provided further,* That said 25-percent provision and the like provision in said section 32, as amended, shall not apply to amounts devoted to a stamp plan for the removal of surplus agricultural commodities from funds made available hereby and by said section 32, and, notwithstanding expenditures under such stamp plan, the 25-percent provision shall continue to be calculated on the aggregate amount available hereunder and under said section 32.

Mr. LA FOLLETTE. Mr. President, in line 12, on page 83 in the committee amendment, I move to strike out "$85,000,000" and insert "$113,000,000."

Mr. RUSSELL. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I have no desire to interfere with any remarks the Senator from Wisconsin may wish to make. However, I have a point of order to submit against the amendment suggested by the Senator from Wisconsin.

Mr. LA FOLLETTE. I will yield to the Senator for the purpose of making his point of order if he desires to make one.

The PRESIDING OFFICER. The Senator from Georgia will state the point of order.

Mr. RUSSELL. I make a point of order against this amendment under rule XVI, which states that—

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item

of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate submitted in accordance with law.

Mr. President, the provisions of section 32 of the Agricultural Adjustment Act of August 24, 1935, are limited to the appropriations which result from a permanent allocation of 30 percent of the amount of the customs receipts in any one year. In accordance with my interpretation of rule XVI, the committee has recommended an increase in that amount; but if I understand and have the proper construction of rule XVI, any amendment offered from the floor still further to increase the amount recommended by the Committee on Appropriations would be subject to a point of order.

The PRESIDING OFFICER. The Chair will be glad to hear from the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I recognize that the statement which has just been made by the Senator from Georgia is not made because he is not sympathetic with the purposes of the Surplus Commodities Corporation or the activities which have been carried on under section 32 of the Agricultural Adjustment Act, but because he feels constrained to do so as chairman of the subcommittee in charge of the bill.

I should like to say that I believe this particular proposal presents a novel question insofar as the rules of the Senate and their interpretation are concerned. Ordinarily authorizations for appropriations provide either a specific sum of money, or they provide that Congress is authorized to appropriate so much thereof as it may deem necessary to effectuate the purposes of the statute. But, as Senators will note, section 32 of the act of 1935 provides an appropriation of 30 percent of the customs receipts. Obviously, Mr. President, that is a variable amount. It is an amount dependent upon the goods imported in any particular calendar year and the duties imposed upon those goods by the Congress. It is my contention that Congress having in this instance provided an indefinite sum of money insofar as actual dollars are concerned it lies within the power of Congress to augment those funds to carry out the purpose of the existing law.

I shall be very glad to hear the ruling of the Chair in regard to the matter.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CONNALLY. Does the Senator's amendment relate to the figure "$85,000,000"?

Mr. LA FOLLETTE. It does.

Mr. CONNALLY. It seems to me the Senator's amendment is in order, because it is an amendment to a committee amendment, and not an amendment to the bill itself.

Mr. LA FOLLETTE. The point made by the Senator from Georgia [Mr. RUSSELL] is that under rule XVI a standing committee of the Senate is given specific authority to propose amendments which are in excess of Budget estimates, or to carry out existing law, or in accordance with the other exception mentioned in the rule. However, I base my contention on the argument that the situation is a novel one, in view of the fact that Congress did not authorize as it customarily does, a specific sum of money, or a sum sufficient therefor, but authorized 30 percent of the customs receipts, which is a variable sum; and that therefore the amendment does not come within the prohibition of the rule.

Mr. CONNALLY. Mr. President, will the Senator again yield?

Mr. LA FOLLETTE. I yield.

Mr. CONNALLY. I do not think that is the point at all. An amendment has been offered to the committee amendment. Is it contended that the committee amendment may not be amended, may not be increased, or may not be decreased? The committee amendment is an amendment to the bill. The committee amendment says, "We recommend $85,000,000." That amendment is subject to amendment, as is any other amendment. I do not see why we may not increase or decrease the amount.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. RUSSELL. The Senator from Texas has correctly stated the rule of the Senate. The rule may be erroneous, but it is the rule. When a recommendation in excess of the authorization of law is made by the committee, very clearly under the provisions of rule XVI, the point of order against the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] should be sustained.

Mr. President, as the Senator from Wisconsin has stated—and I appreciate his statement—I have always favored appropriations to carry out the provisions of section 32 of the Agricultural Adjustment Act. However, I do think the Senator's amendment increases this item disproportionately and I am opposed to increasing the amount provided in the committee amendment. I am specifically charged by the rule with making a point of order against any amendment in violation of rule XVI; and the point of order is made pursuant to that rule.

The Senator from Wisconsin pins his hope of avoiding the point of order on the peculiar nature of the appropriation which is made pursuant to section 32. The Senator says that this is an indefinite appropriation. Mr. President, the appropriation is not indefinite. It is definite, and fixed at 30 percent of whatever amount is taken in the calendar year as customs receipts. The appropriation does not apply to the fiscal year. Congress knows, when it convenes in January, how much is available, because section 32 applies to the calendar year.

It is true that the amount is variable, because the customs receipts vary from year to year, but the amount is not indefinite. It is definite and fixed by law.

As I see the matter, Mr. President, the amendment offered by the Senator from Wisconsin falls within the category of the amendments prohibited by rule XVI.

The PRESIDING OFFICER. Does the Senator from Wisconsin desire to be heard further?

Mr. LA FOLLETTE. No; I am ready to take the decision of the Chair.

Mr. CONNALLY. Mr. President, I am no parliamentary authority, but it seems to me that the Senate ought to be right on this question before it establishes a precedent.

What is the purpose of the rule? The purpose of the rule is that when an appropriation bill is brought in, objection may be made to any item in it unless it is authorized by law. That is one question. So rule XVI was devised to get around that difficulty. Let us see what the rule is:

All general appropriation bills shall be referred to the Committee on Appropriations—

That is all right—

and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill—

There is nothing in the bill. The committee amendment is not in the bill. If we adopted the figure of $85,000,000, it would be merely an amendment. The committee amendment is in order because the Committee on Appropriations offers it. It is before the Senate for consideration. What does consideration mean? Do we have to swallow it just as it is? May it not be amended, just as any other provision may be amended?—

the effect of which will be to increase an appropriation already contained in the bill—

There is nothing now in the bill, so the amendment is in order under a later provision—

or to add a new item of appropriation—

That language does not apply—

unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

When the Senate has passed a bill, but the House has not passed it, we are authorized to offer an amendment to carry out the provisions of something we have already done.

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

That situation does not apply in this instance. The item was not submitted by the Bureau of the Budget. The Bureau of the Budget had nothing to do with it. So the only clause which is applicable is the language—

Or unless the same be moved by direction of a standing or select committee of the Senate.

The $85,000,000 is in order as an amendment because it is offered by the Committee on Appropriations; but I defy anyone to say to me that any committee or any Member of the Senate can present an amendment or a provision in the bill which the Senate may not amend, if it so desires. All the rule means is that the $85,000,000 amendment is in order; and, being in order, it is subject to the action of the Senate to increase it, decrease it, or eliminate it altogether, as we see fit. That position is absolutely fundamental, as I see it.

Mr. President, I am not talking about technicalities. I am talking about the philosophical, fundamental principles of legislative procedure. I have never yet seen an amendment which may not be amended. If $85,000,000 is in order, a nickel is in order. If $85,000,000 is in order, then $90,000,000 is in order.

The PRESIDING OFFICER. Does the Senator from Georgia desire to be heard further?

Mr. RUSSELL. Mr. President, I do not desire to present any further argument. Of course, all of rule XVI is in derogation of general parliamentary law, as the Senator from Missouri suggests. There are any number of times when amendments are not in order. There are any number of rules applying to other parliamentary situations before the Senate which clearly make amendments out of order. No amendment may be accepted in the third degree. It is nothing unusual for the objection of one Senator to defeat an amendment in the third degree. That could happen under the rules even if every other Member of the Senate were in favor of the proposal. If the amendment were in the third degree, one objection would defeat it.

Mr. President, I am charged with the responsibility of making the point of order under rule XVI, and I submit the matter to the Chair for decision.

The PRESIDING OFFICER (Mr. HILL in the chair). The Chair is ready to rule.

Upon an examination of section 32 of the Agricultural Adjustment Act of August 24, 1935, the Chair finds that that section reads as follows:

There is hereby appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, an amount equal to 30 percent of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year.

The Chair does not feel that under that language there is any authority or any provision for making any appropriation other than the appropriation which section 32 of that act makes; to wit, 30 percent of the gross receipts.

The Chair must admit that the argument of the Senator from Texas is plausible; but if the Senate will examine rule XVI, it will find, as the Senator from Georgia has made clear, that it provides that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

Unless there be authority in the law for such appropriation; and we do not find that authority in section 32 of the act of 1935, or anywhere else, for that matter—

or unless the same be moved by direction of a standing or select committee of the Senate.

If under the rule a Member of the Senate has no right to move to increase an appropriation already in the bill, certainly a Member of the Senate has no right to move to increase what is suggested or proposed as an amendment; and certainly if a Member of the Senate has no right to offer an amendment as a new item, he has no right to offer an amendment such as is proposed by the Senator from Wisconsin.

The Chair therefore feels——

Mr. CONNALLY. Mr. President, before the Chair rules, will the Chair hear me for a moment?

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. CONNALLY. I realize that. I can tell. [Laughter.]

The PRESIDING OFFICER. The Chair wishes to be as merciful as possible.

Mr. CONNALLY. The Senator from Texas has no personal interest in this matter.

The PRESIDING OFFICER. The Chair recognizes that fact.

Mr. CONNALLY. But the Senator from Texas has an interest in the rules and procedure of the Senate.

I desire to suggest to the Chair this proposition: An amendment which is not in order, but to which no Senator raises a point of order, is, then, before the Senate. That sort of an amendment may always be amended. The only point of order that may be made here is against the $85,000,000. It is not in order at all; but no Senator has raised the point of order against it.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Chair will advise the Senator from Texas that the amendment of $85,000,000 is really in order, because it is offered under the exception, which is that a standing or select committee may offer such an amendment.

Mr. CONNALLY. All right. Then the rule proceeds:

Or unless the same be moved by direction of a standing or select committee of the Senate.

And, like the laws of the Medes and Persians, that cannot be changed by the Senate itself. This rule is directed at the offering of an amendment to a bill. Under the rule, it is said that the amendment is in order. If it is in order at all, it is in order to be considered by the Senate. Does anyone mean to tell me that a committee of the Senate, which is its servant, may bring in something here, even though it is out of order, but if no Senator raises the point of order it is in order under this rule, and it is holy, and no one can touch it? The Senate cannot touch it. The master is smaller than the servant.

When did the Committee on Appropriations become so big that it is bigger than the Senate of the United States?

Mr. RUSSELL. Mr. President, all the powers of the Committee on Appropriations under rule XVI were expressly and explicitly conferred upon that committee by all of the Senate of the United States. The committee did not make the rule.

Mr. CONNALLY. That is true.

Mr. RUSSELL. The Senate said to its servant, its creature, the humble, much-abused Committee on Appropriations, "Here is a rule—rule XVI," and specifically charged the Senator in charge of a bill with making a point of order under that rule.

Mr. CONNALLY. I am not reflecting on the Committee on Appropriations. I am not reflecting on any committee, but all in the world this rule means is that the committee may propose an amendment. They have proposed it in the sum of $85,000,000. That amendment is here to be considered. What does consideration mean? Does it mean that we have to swallow the amendment as the committee have fixed it, or does it mean that we may amend it? We may amend any amendment that is before the Senate to be considered. The Senate has no rule as to germaneness except the majority vote, which frequently permits the insertion of matter not germane at all.

I see where the Chair is headed for; but when the future historian comes to delve around among the ruins of the Capitol, I want him to find some little fragment of evidence that the Senator from Texas interposed his objection to this sort of a ruling.

The PRESIDING OFFICER. The Chair is ready to rule.

It is very clear from rule XVI that the amendment suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] would not be in order even to a provision in the bill. It is not in order to a proposed amendment to the bill.

For the reasons the Chair has stated, the Chair feels compelled to sustain the point of order, and does sustain the point of order.

Mr. LA FOLLETTE. Mr. President, I desire most respectfully to appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, shall the decision of the Chair stand as the judgment of the Senate?

Mr. LA FOLLETTE. I should like to ask the Senator from Kentucky [Mr. BARKLEY] what his plans are, because I intend to avail myself of the opportunity to debate this question, and I desire to know whether or not he intends to go on further this evening.

Mr. BARKLEY. Mr. President, I had hoped, of course, as we all had, that we might conclude the consideration of the bill today; but that is obviously impossible, because there are one or two other amendments which will take some time. So I had felt that we probably could very well recess until 11 o'clock tomorrow, in the hope that we may finish the bill tomorrow.

Mr. LA FOLLETTE. I hope I may be recognized when the Senate convenes.

Mr. RUSSELL. Mr. President, I urge our leader not to move a recess at this time. There are other pressing matters.

Mr. BARKLEY. I am not anxious to recess at this time. I stated that it is obvious that we cannot conclude the consideration of the bill tonight.

Mr. RUSSELL. No; I do not think we can conclude its consideration tonight.

Mr. BARKLEY. But if there are other matters which can be disposed of tonight, certainly I am willing to stay here.

Mr. BYRNES. Mr. President, can we not dispose of this matter?

Mr. BARKLEY. I understand that the Senator from Wisconsin wishes to discuss it at some length. I am perfectly willing to stay here and let the Senator do so this afternoon; but if we could dispose of other matters, and suspend that one for the rest of the afternoon, and not in any way cause the Senator to lose his rights, we might make some progress.

Mr. LA FOLLETTE. It would be agreeable so far as the Senator from Wisconsin is concerned if we could obtain unanimous consent to let the appeal and this item go over until tomorrow and have other matters disposed of, since the Senate wants to continue in session.

Mr. RUSSELL. Mr. President, my attention was diverted for a moment. Did the Senator from Kentucky make any statement as to his wishes in the matter?

Mr. BARKLEY. My wishes are subject to those of the Senator from Wisconsin. Would the Senator be willing to have us fix a time tomorrow at which to vote on his appeal?

Mr. LA FOLLETTE. I prefer not to have a time fixed, Mr. President.

Mr. BARKLEY. The Senator probably has as good an audience now as he will have in the morning if he wants to go ahead with his argument.

Mr. LA FOLLETTE. Mr. President, unless the Senate wants to stay and dispose of this matter tonight, I ask that it may go over until tomorrow; but I am perfectly willing to have an agreement entered into that this matter shall be temporarily laid aside, if the Senator wants to proceed further with the bill.

Mr. RUSSELL. Mr. President, there are but a few other committee amendments to be acted on. If the Senate is willing to remain in session for a while this afternoon, I should be glad to have some of those amendments disposed of.

Mr. McNARY. Mr. President, there are a few amendments only left to be disposed of, and if the Senate will take a recess now until 11 o'clock tomorrow, certainly we can finish the consideration of the bill some time tomorrow afternoon.

Mr. RUSSELL. It will be agreeable to me in view of the fact that the able minority leader and the distinguished majority leader and the able Senator from Wisconsin agree to have the pending matter go over. I ask unanimous consent that this amendment may be passed over until tomorrow, and that the Senate proceed with some of the other committee amendments.

The PRESIDING OFFICER. Without objection, the amendment referred to will be passed over.

Mr. McNARY. Mr. President, I have no objection to that, but may we not take a recess now until tomorrow at 11 o'clock? There are many Senators who wish to attend to their office work, and we can finish the consideration of the bill tomorrow certainly.

Mr. RUSSELL. I withdraw the request for unanimous consent, then, because I think that if we are to carry the pending amendment over until tomorrow, we should proceed in order. If the Senator from Kentucky is willing, he might move a recess.

Mr. BARKLEY. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it take a recess until 11 a. m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I present an amendment to the pending bill, which I intend to offer for consideration at the proper time. I ask that the amendment be published in the RECORD, and that it be followed by a list of the payments which have been made to sugar producers, as furnished me by the Department of Agriculture.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Without objection, the amendment and the statement referred to by the Senator from Virginia will be printed in the RECORD.

The amendment and statement are as follows:

(Amendment intended to be proposed by Mr. BYRD to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.)

On page 82, line 14, before the period, insert a colon and the following:

"*Provided further*, That no part of the amount herein appropriated shall be available for making total conditional payments in excess of $5,000 to any one person, firm, partnership, or corporation in connection with the 1940 sugar program."

UNITED STATES DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT ADMINISTRATION,
Washington, D. C., March 20, 1940.

Hon. H. F. BYRD,
United States Senate.

DEAR MR. BYRD: As stated in my letter of this date, enclosed herewith are lists of payees receiving payments in excess of $10,000 under the 1937 sugar program. There is also enclosed a tabulation showing the estimated number of such payees and the estimated amount to be paid to them under the 1938 sugar program.

Very truly yours,

R. M. EVANS, *Administrator.*

Sugar Act of 1937—Payees receiving payments in excess of $10,000 each

	1938 program	
	Number of payees	Total amount paid
Southern region:		
Florida	8	$670,644.15
Louisiana	60	1,825,063.69
Western region:		
California	49	801,315.23
Idaho	1	14,854.58
Kansas	1	17,664.97
Nevada	1	12,163.46
Oregon	1	11,370.06
Wyoming	2	56,603.70
Insular region:		
Hawaii	38	8,091,854.66
Puerto Rico	92	5,230,334.10

PUERTO RICAN SUGAR PAYMENTS OF $10,000 OR OVER MADE PUBLIC FOR 1937 PROGRAM

The list of payments follows:

Geronomo Vallecillo, Box 3835, San Juan	$14,240.10
Buena Vista Agricultural & Dairy Co., Carolina	20,717.00
Finlay Bros. and Waymouth Trading Co., Vega Alta	105,039.00
Nevares Hermanos, Toa Baja	20,961.65
Compania Azucarera Del Toa, Toa Baja	124,234.00
William Rodriguez Garzot, trustee for the heirs of the estate of Faustino R. Fuertes, deceased, Bayamon	11,302.00

Faustino Fernandez Box 111 Naguabo	$10,755.30
Rafael Torrech Rios, Bayamon	10,538.60
Asociacion Agricola De Bayamon, Bayamon	46,908.20
Jaime Fonalledas Cordova, trustee for the heirs of Jaime Fonalledas, deceased, Toa Baja	43,068.35
Clara E. Livingston, Dorado	11,067.70
Felix E. Tio, Bayamon	12,173.20
Rubert Hermanos, Inc., San Vincente	163,147.75
Central Vannina, Inc., Rio Piedras	102,927.00
Pinero Hermanos, Box 151, Carolina, P. R	13,356.80
Central Victoria, Inc., Carolina	71,135.00
Luis Cerra Becerril, Box 39, Hato Rey	19,821.35
Nicolas Iturregui, Rio Piedras	11,072.10
Nicolas Cartagena, Box 146, Caguas	10,338.40
Antonio Longo, Caguas	10,555.10
Miguel Figuerola, Box 504, Caguas	13,975.00
Rafael Calderon, Loiza	30,484.10
Leoncio Velazquez, Box 126, Caguas	30,084.05
Cipriano Manrique, Box 305, Caguas	14,847.30
Eastern Sugar Associates, Caguas	469,796.00
Behn Bros. Association, Qda, Palmas Naguabo	22,235.30
The Fajardo Sugar Growers Association, Fajardo	565,610.60
Mariano Arroyo, trustee for the heirs of the estate of S. Fentefrias, deceased, Ceiba	11,560.50
Efren Rotger Santiago, Naguabo	12,180.90
Antonion Mendez, Naguabo	14,455.70
Rafael Ma. Gonzales, Box 85, Gurabo	13,615.30
Ramon L. Berrios, Box 23, Gurabo	10,142.60
Francisco Gardona, Box 177, Juncos	10,574.90
Juan Avalo Garcia, Box 282, Juncos	13,961.80
Faustino Fernandez, Box 111, Naguabo	22,046.30
Domingo Quintana Colon, Yabucoa	12,314.00
J. B. Carrion, trustee for the heirs of the estate of Antonio Roig, deceased, Box 456, Humacao	332,885.00
Luis Toro Perez, Post Office Box 26, Yabucoa	10,148.10
Luis Vila Santana, Box 68, Yabucoa	10,626.60
Alberto Esteves, Aguadilla	28,208.75
Central Coloso Ind., Aguada	149,222.65
Diego G. Gonzalez, Isabela	10,811.40
Rafael H. Lopez, Aguadilla	18,142.40
A. Guillemard, trustee for the heirs of Matea Frjardo Cardona, deceased, Hormigueros	81,169.00
Alfredo Ramirez de Arellano, executor of the estate of Luis A. Fajardo, deceased, Central Igualdad	36,270.65
Alfredo Ramirez Rosell, Mayaguez	96,549.00
Ubaldino Ramirez de Arellano, Mayaguez	17,346.50
Miguel A. Garcia Mendez, Mayaguez	14,486.50
Mayaguez Sugar Co., Inc., Mayaguez	73,313.00
J. L. P. Valdivieso, Ponce	15,595.30
Eduardo Mendez, Jr., trustee for the heirs of the estate of Eduardo Mendez, deceased, San Sebastian	18,892.66
Plata Sugar Co., Inc., San Sebastian	49,608.80
Jayuya Development Co., Post-Office Box 145, Jayuya	22,549.25
Antonio Marques Arbona, Arecibo	42,271.40
Delfin Rodriguez Carlo, Box 87, Sbana Grande	10,756.40
A. Guillemard, trustee for the heirs of Mateo Fajardo Davila, deceased, Mayaguez	20,833.55
Rusell and Co. Sucesores, Ensenada	365,228.60
Jose J. Fas, Cabo Rojo	12,431.70
Juan Angel Tio, Bcx E, Sangerman	20,619.35
J. Otilio Milan, Post-Office Box 101, Aguadilla	13,080.70
Santiago Sambolin Becchi, Post-Office Box 34, Sangerman	10,772.90
Ernesto Quinones Salazar, Post-Office Box 125, Sangerman	11,650.70
Jacobo L. Cabassa, Box 183, Ponce	47,333.45
Juan Lugo Ramirez, Box 27, Sangerman	13,613.10
Mario Mercado E. Hijos, Guayanilla	103,752.00
Carlos Padorant Georgetty, Box 703, Mayaguez	11,948.80
Felix Gonzales Perez, Box 158, Yauco	10,880.70
Manuel Gonzelez Martinez, Salinas	149,548.30
Luce & Co. S. en C., Aguirre	665,211.20
Jesus Stella, Guayanilla	11,630.90
Godreau æ Co. S. en C., Salinas	29,436.20
Sucs, De Elias Godreau & Co., Salinas	34,642.10
Rafael Sauri, Box 1947, Ponce	11,795.90
Suers De, Jose Gonzalez y Co. e C. Guayama	95,619.00
Genar Cautino, Box 6, Guayama	30,210.05
Nido & Co., Arroyo	11,760.70
Cooperativas Agricolas: Palma, Felicita, Providencia, Bordelaise	59,257.25
Sucesion J. Serralles, Ponce	247,281.59
Wirshing & Co. S. en C., Ponce	116,367.81
Central Alianza, Inc., Box 66, Arecibo	26,458.40
Aldea Agricultural Corporation, Vega Baja	14,517.30
Central Cambalache, Inc., Arecibo	169,166.00
Rafael Capo, Arecibo	10,055.70
Antonio Valdes Rios, Barceloneta	10,538.60
Compania Giorgetti S. Enc., Arecibo	195,319.50
Angel Quintero, Arecibo	11,054.50
Quintero and Davila, Manati	39,302.00

ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN HAWAIIAN SUGAR PAYMENTS OF $10,000 OR OVER MADE PUBLIC FOR 1937 PROGRAM

The list of payments follows:

Waiakea Mill Co., Hilo, Hawaii	$37,407.81
Wailea Milling Co., Ltd., P. O. Box E, Hakalau, Hawaii	17,272.32
The Olaa Sugar Co., Ltd., Olaa, Hawaii	161,756.18
Hilo Sugar Co., Hilo, Hawaii	70,337.13
Kohala Sugar Co., Hawi, Hawaii	155,776.80
Hamakua Mill Co., Paauilo, Hawaii	71,930.49
Peepeekeo Sugar Co., Peepeekeo, Hawaii	39,456.92
Hakalau Plantation Co., Hakalau, Hawaii	67,821.99
Onomea Sugar Co., Papaikou, Hawaii	91,422.34
Laupahoehoe Sugar Co., % Theo. H. Davies & Co., Ltd., Honolulu	68,791.12
Kaiwiki Sugar Co., Ltd., Ookala, Hawaii	55,595.60
Hawaiian Agric. Co., Pahala, Hawaii	134,484.12
Hutchinson Sugar Plantation Co., Naalehu, Hawaii	78,496.73
Hononkaa Sugar Co., Haina, Hawaii	117,555.60
Honomu Sugar Co., Honomu, Hawaii	29,592.90
Paauhau Sugar Plantation Co., Paauhau, Hawaii	55,029.31
Grove Farm Co., Ltd., Puhi, Kauai	42,989.51
Gay & Robinson, Makaweli, Kauai	25,506.21
Waimea Sugar Mill Co., Ltd., Waimea, Kauai	19,414.67
Kilauea Sugar Plantation, Kilauea, Kauai	35,541.05
Wm. Hyde Rice, Ltd., Lihue, Kauai	16,055.18
The Lihue Plantation Co., Ltd., Lihue, Kauai	184,678.32
Hawaiian Sugar Co., Makaweli, Kauai	106,982.45
The Koloa Sugar Co., Koloa, Kauai	38,260.58
McBryde Sugar Co., Ltd., Eleele, Kauai	79,753.70
Hawaiian Commercial & Sugar Co., Ltd., Puunene, Maui	340,525.58
Kaeleku Sugar Co., Ltd., Hana, Maui	28,733.15
Maui Agric. Co., Ltd., Paia, Maui	149,400.59
Pioneer Mill Co., Ltd., Lahaina, Maui	164,858.38
Wailuku Sugar Co., Wailuku, Maui	146,535.73
Kahuku Plantation Co., Kahuku, Oahu	86,984.50
Ewa Plantation Co., Ewa, Hawaii	283,888.97
Honolulu Plantation Co., Aiea, Oahu	141,321.53
Oahu Sugar Co., Ltd., Waipahu, Oahu	262,357.45
Waialua Agric. Co., Ltd., Waialua, Hawaii	253,320.94
Waianae Co., Waianae, Oahu	34,020.95
Waimanalo Sugar Co., Waimanalo, Oahu	61,150.05
Kekaha Sugar Co., Ltd., Kekaha, Kauai	179,020.68

AGRICULTURAL ADJUSTMENT ADMINISTRATION MAKES PUBLIC SUGAR-BEET PAYMENTS OF $10,000 OR OVER FOR 1937 PROGRAM

The lists of payments by regions and States follows:

NORTH CENTRAL DIVISION

Indiana: Central Sugar Co., Decatur	$19,897.13
Ohio: The Central Sugar Co., Decatur, Ind	17,068.86

WESTERN DIVISION

California:	
Browning, J. L., Colusa County	18,237.31
H. P. Garin Co., Contra Costa County	42,848.17
Giffen, Russell, Fresno County	16,841.67
O'Neill, J. E., Fresno County	13,575.39
McFadden Bros., Monterey County	10,246.24
Sterling Co., the Lester, Monterey County	10,817.66
Amen, Henry, Sacramento County	15,976.55
Leedy & Leedy, Sacramento County	11,306.68
Nyland, A. S., San Benito County	11,564.86
California Delta Farms, Inc., San Joaquin County	12,717.51
Empire Farms, Inc., San Joaquin County	36,879.04
French, D. F., San Joaquin County	10,500.10
Fujita, J., San Joaquin County	12,083.44
Island Farm Co., San Joaquin County	10,094.59
McDonald Island Farms, Ltd., San Joaquin County	17,714.51
Morgan, O. H., San Joaquin County	15,190.05
Scheckler, G. F., San Joaquin County	15,793.16
Totman, Clifford, San Joaquin County	13,088.84
Tutton, Stanley W., San Joaquin County	10,381.10
Weyl-Zuckerman & Co., San Joaquin County	18,300.87
Central Produce Co., Santa Barbara County	11,291.74
Hiramatsu, N., Santa Barbara County	11,180.55
Nishimura, George, Santa Barbara County	10,221.67
California Packing Corporation, Solano County	18,596.42
Oeste, C. T., and Knaggs, George, Solano County	11,105.27
Vieira, Jose, Solano County	10,499.24
Christensen, Arnold E., Sutter County	13,295.90
Lavis, Carlson & Ziegler, Sutter County	11,832.13
Richards, T. H., Sutter County	12,500.26
American Crystal Sugar Co., Ventura County	28,317.42
Carden, Morris and R. E., Yolo County	21,871.13
Greer, A. J., Yolo County	13,396.02
Greer, F. J., & Sons, Yolo County	14,865.72
Harris, W. C., and Thomas, C. D., Yolo County	16,520.02
Heringer, John; Heringer, M. G.; Heringer, A. G.; and Heringer, S. F., Yolo County	30,073.87
Kunze, Dewey & Everett, Yolo County	10,962.14

California—Continued.	
Parella, C., Yolo County	$13,147.63
Reiff, Paul, & Burger Bros., Yolo County	14,730.02
Studarns, C. C., Yolo County	11,849.78
Stuhimuller Bros., Yolo County	10,657.29
Wilson, George H., Yolo County	11,698.01
Wray, F. P., Yolo County	12,483.53
Yelland & Merwin, Yolo County	16,061.30
The Grand Junction Sugar Co., Alameda County	43,852.32
Lacy Bros.:	
Contra Costa County	12,820.33
San Joaquin County	29,960.01
	42,780.34
Newhall Land & Farming Co.:	
Sutter County	19,279.03
Ventura County	12,501.24
	31,780.27
Idaho: The Utah-Idaho Sugar Co.:	
Bingham County	4,067.23
Bonneville County	6,445.70
Jefferson County	492.53
Madison County	142.29
	11,147.75
Kansas: The Garden City Co., Garden City:	
Finney County	13,929.09
Kearny County	786.85
	14,715.94
Washington: Poplar Land Co.:	
Snohomish County	18,844.72
Wyoming: Grand Junction Sugar Co.:	
Goshen County	186.54
Sheridan County	4,811.02
Washakie County	41,245.98
	46,243.54

MAINLAND CANE SUGAR PAYMENTS OF $10,000 OR OVER MADE PUBLIC FOR 1937 PROGRAM

The list of payments by States follows:

SOUTHERN DIVISION

Florida: United States Sugar Corporation, Clewiston	$430,420.97
Louisiana:	
Godchaux Sugar Co., Inc., Assumption Parish	112,722.89
B. & D. Thibaut, Napoleonville, Assumption Parish	26,170.86
Orange Grove Planting, Jeanerette, Iberia Parish	12,653.14
Harry L. Laws & Co., Inc., Cinclare, West Baton Rouge Parish	34,793.45
M. A. Patout & Son, Ltd., Jeanerette, Iberia Parish	10,690.21
Triangle Farms, Inc., McCall, Ascension Parish	25,836.43
C. J. Savoie, Belle Rose, Assumption Parish	14,444.69
Slack Bros, Inc., Rosedale, Iberville Parish	14,687.35
San Francisco Plt. & Mfg. Co., Ltd., Lions, St. John the Baptist Parish	19,283.46
N. J. Kahao, Kahns, West Baton Rouge Parish	12,448.75
Caire & Graugnard, Edgard, St. John the Baptist Parish	25,022.13
Delgado Albania Plt. Commission, Jeanerette, St. Mary Parish	15,099.61
John M. Caffery, Franklin, St. Mary Parish	23,938.27
Catherine Sugar Co., Inc., Lobdell, West Baton Rouge Parish	17,299.94
Westover Planting Co., Ltd., Kahns, West Baton Rouge Parish	26,086.53
Edward J. Gay P. & M. Co., Ltd., Plaquemine, Iberville Parish	30,197.03
Waguespack Planting Co., Vacherie, St. James Parish	11,967.94
Realty Operators, Inc., box 910, New Orleans, Terrebonne Parish	146,176.06
Alma Plantation Co., Ltd., Lakeland, Pointe Coupes Parish	23,081.20
Milliken & Farwell, Inc., 1002 Whitney Bank Building, New Orleans, West Baton Rouge Parish	67,193.41
Laurel Valley Sugars, Inc., R. F. D., Thibodaux, Lafourche Parish	17,479.83
T. Lanaux Sons, Lucy, St. John the Baptist Parish	17,302.44
The South Coast Corporation, 1204 Carondelet Bldg., New Orleans, Terrebonne Parish	195,698.76
Haas Investment Co., Inc., Bunkie, Avoyelles Parish	14,500.96
Valentine Sugars, Inc., Lockport, Lafourche Parish	19,561.96
Louisiana—Continued.	
Sterling Sugars, Inc., Franklin, St. Mary Parish	$62,679.41
W. Prescott Foster, Franklin, St. Mary Parish	52,956.42
Louisiana State Penitentiary, Baton Rouge, West Feliciana Parish	62,566.59
Levert St. John, Inc., St. Martinville, St. Martin Parish	26,887.47
A. Wilbert's Sons Lumber & Shingle Co., Plaquemine, Iberville Parish	74,714.00
St. Paul Bourgeois & Co., Jeanerette, Iberia Parish	15,271.40

LIST OF PAYMENTS OF $10,000 OR MORE TO PARTICIPANTS IN THE 1937 SUGAR PROGRAM, INCLUDED IN PRESS RELEASE OF OCTOBER 18, 1938.

Minnesota: Henry Wiedmann, Sabin, Clay County	$11,840.64
Louisiana:	
Charles A. Farwell, New Orleans, Ascension Parish	12,828.81
Palo Alto Co., Inc., Donaldsonville, Ascension Parish	10,791.94
Estate of E. G. Robichaux, Labadieville, Assumption Parish	28,805.75
E. T. Robichaux Co., Ltd., per John Leche, president, Labadieville, Assumption Parish	17,308.50
Blanchard Planting Co., Ltd., Tallien, Assumption Parish	15,475.63
Bergeron and Walton, partnership, route No. 1, Napoleonville, Assumption Parish	12,785.10
Armalise Planting Co., Ltd., Paincourtville, Assumption Parish	15,880.60
Dugas and LeBlanc, Ltd., Paincourtville, Assumption Parish	37,454.08
J. Supple's Sons Planting Co., Ltd., Bayou Goula, Iberville Parish	23,513.86
Successor of Mrs. Leona S. Soniat, White Castle, Iberville Parish	16,205.57
J. B. Levert Land Co., Thibodaux, Lafourche Parish	19,616.69
Caldwell Sugars, Inc., Thibodaux, Lafourche Parish	22,969.99
Shadyside Co., Ltd., Star Route No. A, Franklin, St. Mary Parish	30,713.69
The Maryland Co., Inc., Star Route No. A, Franklin, St. Mary Parish	10,061.27
H. Wilkinson, Port Allen, West Baton Rouge Parish	27,207.90
Devall Co., Inc., Chamberlin, West Baton Rouge Parish	15,561.75

DEATH OF CHARLES F. PACE

Mr. BARKLEY. Mr. President, before we take a recess, I wish to call the attention of the Senate to the very sad news of the death of one of the outstanding employees of the Senate of the United States. I refer to Mr. Charles F. Pace, the financial clerk of the Senate.

The Senate of the United States, and I daresay the Government of the United States, never had a more faithful and more zealous and more honorable employee than was Charles F. Pace. He came into the service of the Senate in 1913, first as an index clerk. Then he was appointed chief clerk in the Senate Post Office, and then assistant financial clerk, and in 1916 he became financial clerk of the Senate.

All of those who have served in the Senate for any length of time and who knew Mr. Pace will agree with me that a more efficient and more courteous, a more accurate and honest man never served within our knowledge. He was so meticulous in the discharge of his duties that he was sensitive of any criticism or any assertion which in any way reflected upon his efficiency or the character of the performance of his duties.

Mr. Pace was born in Florida, and came to Washington largely at the instance of the late distinguished Senator Fletcher of Florida. He was a graduate of Georgetown University and of Georgetown Law School, and practiced law in Florida for a time before coming into the Government service. As we have all known, he has been in ill health for a year, and has been away from his office and from the performance of his duties for the last 3 months. We received word today of his death.

I am sure that I speak for the entire Senate when I say that we regret Mr. Pace's untimely end, that we honor his memory, and we wish perpetual peace to his soul. I ask that when the Senate take a recess today it do so in further honor and respect to the memory of Mr. Pace.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEPPER. Mr. President, I wish to express the very deep thanks of the people of the State of Florida to our able leader the Senator from Kentucky [Mr. BARKLEY] for

the considerate words he has uttered this afternoon relative to Charles F. Pace. There are heavy hearts in Florida today because of the passing of this noble and beloved man and devoted public servant.

CENSUS QUESTIONNAIRES

Mr. PEPPER. Mr. President, in connection with the Tobey resolution I wish to offer for printing in the RECORD a statement showing the warning issued to census employees by the Census Bureau to be identical with the warning issued by the Civil Service Commission to civil-service employees of the United States Government.

In addition to that, I should like to offer for the RECORD a letter to the New York Times dated March 11, 1940, by William Fielding Ogburn, a distinguished professor of the University of Chicago, on the same subject.

I also have here a communication from the Director of the Census, Mr. W. L. Austin, to the Senator from New Hampshire [Mr. TOBEY], dated March 19, 1940, which I should like to have printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from Florida?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[Post conspicuously]

[Department of Commerce, Bureau of the Census]

WARNING

POLITICAL ACTIVITY OF CENSUS EMPLOYEES PROHIBITED

THE LAW

(Excerpt from the Hatch Act)

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects (sec. 9 (a), act of August 2, 1939—Public, No. 252, 76th Cong.).

The law quoted above prohibits active participation in politics by all employees of the Census Bureau. Activity in connection with municipal, county, State, or national elections, primary or regular, or in behalf of any party, candidate, or any measure to be voted upon, is prohibited. The restrictions regarding political activity apply to temporary employees, employees on leave of absence, with or without pay, and substitute employees during their periods of active employment.

Among the forms of political activity which are prohibited are:

Serving on or for any political committee, party, or other similar organization.

Serving as officer of a political club, as member or officer of any of its committees, addressing such a club or being active in organizing it.

Serving in connection with preparation for, organizing, or conducting a political meeting or rally, addressing such a meeting, or taking any other active part therein except as a spectator.

Engaging in political discussions or conferences while on duty, or canvassing a district or soliciting political support for any party, faction, candidate, or measure.

Manifesting offensive activity at the polls, at primary or regular elections, soliciting votes, assisting voters to mark ballots, or helping to get out the voters on registration or election days.

Acting as recorder, checker, watcher, or challenger of any party or faction.

Assisting in counting the vote, or engaging in any other activity at the polls except marking and depositing the employee's own ballot.

Serving in any position of election officer.

Publishing or being connected editorially or managerially with any political newspaper or writing for publication or publishing any letter or article, signed or unsigned, in favor of or against any political party, candidate, faction, or measure.

Becoming a candidate for nomination or election to or holding office—Federal, State, or local.

Distributing campaign literature or material.

Circulating, but not signing, political petitions, including initiative and referendum, recall, and nomination petitions.

Assuming political leadership or becoming prominently identified with any political movement, party, or faction, or with the success or failure of any candidate for election to public office.

The right to express privately their political opinions is reserved to Census employees.

POLITICAL ASSESSMENTS, SOLICITATIONS, AND DISCRIMINATIONS

Sections 118, 119, 120, and 121 of the Criminal Code (43 Stat. 1073 and 35 Stat. 1110), provide that no legislative officer, officer-elect, or candidate for election, and no executive or judicial officer or employee shall solicit or receive or be concerned in soliciting or receiving any money or contribution for political purposes from any other officer or employee of the Government; that no solicitation or receipt of political assessments shall be made by any person in any room or building occupied in the discharge of official duties by any officer or employee of the United States; that no officer or employee shall be discharged or demoted for refusing to make any contribution for political purposes; and that no officer or employee of the Government shall directly or indirectly give or hand over to any other officer or employee in the service of the United States or to any Member of or Delegate to Congress any money or other valuable thing for the promotion of any political object whatever.

Section 122 of the Criminal Code provides that whoever shall violate any provision of the four sections above mentioned shall be fined not more than $5,000 or imprisoned not more than 3 years, or both.

Sections 149 and 150, title 18, of the United States Code (44 Stat. 918) provide that it shall be unlawful to pay, or offer to promise to pay, any sum of money, or any other thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence, whatsoever, to procure any appointive office under the Government of the United States for any person whatsoever; and that it shall be unlawful to solicit or receive from anyone whatsoever, either as political contribution, or for personal emolument, any sum of money or thing of value, whatsoever, in consideration of the promise of support, or use of influence, or for the support or influence of the payee, in behalf of the person paying the money, or any other person, in obtaining any appointive office under the Government of the United States. Section 151 of this title provides that anyone convicted of violating these two sections shall be punished by imprisonment of not more than 1 year or by a fine of not more than $1,000, or by both such fine and imprisonment.

These instructions must be followed by all Census employees.

W. L. AUSTIN,
Director of the Census.

[Post conspicuously]

[United States Civil Service Commission, Washington, D. C.]

WARNING—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES PROHIBITED

THE LAW

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. (Sec. 9 (a), act of August 2, 1939—Public, No. 252, 76th Cong.)

THE CIVIL-SERVICE RULES

No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

The law and the rule quoted above prohibit active participation in politics by all employees of the executive branch of the Federal Government, both those who are in the competitive classified service and those who are not in the competitive classified service. Activity in connection with municipal, county, State, or national elections, primary or regular, or in behalf of any party, candidate, or any measure to be voted upon, is prohibited. The restrictions regarding political activity apply to temporary employees, employees on leave of absence, with or without pay, and substitute employees during their periods of active employment.

Among the forms of political activity which are prohibited are:

Serving on or for any political committee, party, or other similar organization.

Serving as officer of a political club, as member or officer of any of its committees, addressing such a club or being active in organizing it.

Serving in connection with preparation for, organizing, or conducting a political meeting or rally, addressing such a meeting, or taking any other active part therein except as a spectator.

Engaging in political discussions or conferences while on duty, or canvassing a district or soliciting political support for any party, faction, candidate, or measure.

Manifesting offensive activity at the polls, at primary or regular elections, soliciting votes, assisting voters to mark ballots, or helping to get out the voters on registration or election days.

Acting as recorder, checker, watcher, or challenger of any party or faction.

Assisting in counting the vote, or engaging in any other activity at the polls except marking and depositing the employee's own ballot.

Serving in any position of election officer.

Publishing or being connected editorially or managerially with any political newspaper or writing for publication or publishing any letter or article, signed or unsigned, in favor of or against any political party, candidate, faction, or measure.

Becoming a candidate for nomination or election to or holding office, Federal, State, or local.

Distributing campaign literature or material.

Circulating, but not signing, political petitions, including initiative and referendum, recall, and nomination petitions.

Assuming political leadership or becoming prominently identified with any political movement, party, or faction, or with the success or failure of any candidate for election to public office.

EXPRESSIONS OF OPINION

The right to express political opinions is reserved to Federal employees. Those employees who are in the classified civil service are required by the civil-service rules to confine themselves to a private expression of opinion.

POLITICAL ASSESSMENTS, SOLICITATIONS, AND DISCRIMINATIONS

Sections 118, 119, 120, and 121 of the Criminal Code (35 Stat. 1110), provide that no legislative officer, officer-elect, or candidate for election, and no executive or judicial officer or employee, shall solicit or receive or be concerned in soliciting or receiving any money or contribution for political purposes from any other officer or employee of the Government; that no solicitation or receipt of political assessments shall be made by any person in any room or building occupied in the discharge of official duties by any officer or employee of the United States; that no officer or employee shall be discharged or demoted for refusing to make any contribution for political purposes; and that no officer or employee of the Government shall directly of indirectly give or hand over to any other officer or employee in the service of the United States or to any Member or Delegate to Congress any money or other valuable thing for the promotion of any political object whatever.

Section 122 of the Criminal Code provides that whoever shall violate any provision of the four sections shall be fined not more than $5,000 or imprisoned not more than 3 years, or both.

Sections 149 and 150 of the United States Code (44 Stat. 918) provide that it shall be unlawful to pay or offer or promise to pay any sum of money, or any other thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence whatsoever to procure any appointive office under the Government of the United States for any person whatsoever; and that it shall be unlawful to solicit or receive from anyone whatsoever, either as political contribution or for personal emolument, any sum of money or thing of value whatsoever in consideration of the promise of support, or use of influence, or for the support or influence of the payee, in behalf of the person paying the money, or any other person, in obtaining any appointive office under the Government of the United States. Section 151 of the United States Code provides that anyone convicted of violating these two sections shall be punished by imprisonment for not more than 1 year or by a fine of not more than $1,000, or by both such fine and imprisonment.

Further information is contained in Form 1236, a copy of which may be obtained from the Commission, its district managers, or any local civil-service board.

It is the duty of any person having knowledge of the violation of any of the foregoing provisions of the civil-service rules or Criminal Code to submit the facts to the United States Civil Service Commission, Washington, D. C.

UNITED STATES CIVIL SERVICE COMMISSION.

MARCH 11, 1940.

The EDITOR OF THE NEW YORK TIMES,
New York, N. Y.

DEAR SIR: The New York Times of Sunday, March 10, reports that a United States Senator advises by radio that citizens refuse to answer census questions which they consider an invasion of their privacy; that is, to break a law which makes them liable to fine or imprisonment. The legislator, to whom is entrusted the making of the laws, would seem to have rendered his full measure of service in this political year of 1940. I do not wish to comment further on the respect for law or the functions of a lawmaker, but rather to indicate an issue that has not yet, I believe, appeared in the public discussions of the census controversy. I refer to the damage to the census, an enterprise which is a difficult enough undertaking at all times.

The census has great difficulty, for instance, in even counting the numbers accurately in this age of travel. The Bureau of the Census, a nonpolitical body, spends years in trying to make the data more accurate, by conducting training schools, by giving psychological tests to enumerators, etc. Everyone should want reliable census data. A multiplication table, for instance, is needed by both Republicans and Democrats. But if a false multiplication table would serve political ends, I suppose there would be many who would falsify the multiplication table for political purposes. There are supposed to be standards below which one does not go even in fighting.

To build up clubs to resist the census, as Senator TOBEY is reported to be doing, may well destroy the reliability of the whole census. The census is the greatest single scientific undertaking by our Government. Upon it, as a base, rests all social science. There are tens of thousands of articles, books, and researches made on the census materials. The value of the census to business is incalculable. The science of marketing would be hamstrung without it, and its service is great to advertisers who are a necessity to newspapers. The knowledge of the census is as important to scientists and businessmen as a knowledge of concrete and steel is to engineers. Grand Coulee could not be built on defective concrete nor can a modern state function with inaccurate and unreliable census data. Every modern nation conducts an elaborate census.

As to the questions on wealth and income, they are of particular value to businessmen—if they are complete and accurate. They appear in the censuses of the world. We've had them before in previous censuses. We already collect data on incomes above $5,000. We have asked questions on income and wealth of farmers in censuses taken in the administrations of other Presidents, yet no one seems to have suffered in small communities from snooping, nor have objections been raised on these income questions. The present questions on income merely extend the inquiry to wage earners.

We admire our democracy. We go to war for it. But it should be realized that it cannot be run effectively without a census, nor with an inaccurate and unreliable one. It is a serious thing to destroy the confidence of the people in the census.

Sincerely yours,

WILLIAM F. OGBURN,
University of Chicago.

MARCH 19, 1940.

MY DEAR SENATOR TOBEY: Now that the little census blitzkrieg which you led so gallantly seems about to have spent its force, and since we are approaching the Easter season, when the spirit of charity and forgiveness should prevail, I am writing to ask you to join with me in binding up the wounds.

I am appealing to you to do this in the interest of a good census, and especially in the interest of more than 3,000 progressive cities whose chambers of commerce and leading citizens have organized to cooperate locally to see that the coming census is a good one. For, remember, these cities are about to have photographs taken which must be their official likenesses for the next 10 years, and it is important to them that the likenesses be sharply in focus.

These are the things which you can generously do now which will demonstrate that Americans, although partisans, can really get together for the common good after they have indulged in their political fun:

1. Write a letter, please, to Mrs. J. Warren Burgess, president of the Federation of Women's Clubs of Tulsa, Okla., telling her that you were in error when you announced over the radio that the census schedule of 1940 contained the question, "Have you ever been divorced?" Explain to her that you were in error in needlessly arousing the ire of many women, resulting in many violent protests to Members of Congress over a question which is not even in the schedule. Kindly explain to her that the question touching on this subject in the 1940 census is the same that has appeared in census schedules since 1890, and requires simply an indication of the "marital condition" of each person—man and woman—as of April 1, 1940. Each person will be listed as "single," "married," "widowed," or "divorced." If a divorced person is remarried, he or she will simply report "married," and there will be no probing into previous marital history. There will be no question on "how many times divorced," as you stated over the radio.

2. Please admit in your next radio address that when you stated that certain questions on occupation were asked only of men, and not of women, you were completely in error, as the fact is that all employed persons, both male and female, will be asked to indicate the occupation and industry in which they were employed during the week preceding the census, and unemployed persons, both male and female, will indicate the occupation and industry in which they were last employed. Please be generous enough to admit, therefore, that this question has no relation to mobilization for war but is intended simply to get basic statistics on the Nation's industrial and occupational skill.

3. Please be generous enough to admit that a large proportion of unemployment involves persons engaged in part-time employment and irregular employment, and that the best measure of the degree of such unemployment is the amount of wage income earned during the year. Be fair enough to explain that the main purpose of this inquiry on wages and salaries is to get a measure of this twilight zone between employment and unemployment; that the question on income involves only persons whose income is $5,000 and less and does not include income from dividends, interest, and other nonwage sources. It would be very helpful, in removing partisanship from the discussion of this question, if you would tell your followers that the congressional act directing the Census Bureau to make "inquiries on unemployment" was passed by a Congress controlled by your own party in 1929 and signed by a President of your own party.

4. Please be good enough to admit that the inquiry on home-mortgage data is not new in this census; that a Congress and a President (Benjamin Harrison), controlled by your own party, in 1890 directed the Census Bureau to obtain this information and that no survey of housing conditions in the United States could be complete without this essential information.

5. Please be frank enough to state the recognized truth that bath and toilet facilities in any home are, perhaps, the most important characteristics to indicate the kind of abode; that they are vital facts in arriving at or justifying claimed values; and that no housing census would be complete without them. Please explain that municipalities, public utilities, real-estate men, bankers, and health authorities need these statistics to govern extensions of facilities in cities, and that these inquiries are for the public good.

6. Won't you please help to make your followers understand that the Census Bureau through 150 years has never violated the law

requiring secrecy; that all of its executive staff, except the Director, is civil service; that the present Director, although a Democrat, has spent 40 years in the service, rising from a clerkship to the top; that he received most of his promotions during administrations of your own party; that he became Assistant Director during the administration of President Hoover; that even now our Assistant Director is a Massachusetts Republican, and that our Chief Statistician for Population, who entered the service 30 years ago during the Taft administration, and the man who probably has had more to do in framing the income questions than any other man, is a Maine Republican?

7. Please be fair enough to admit that if there is any justified criticism over the manner of selecting local enumerators, such correction would be a responsibility of Congress, and that all censuses except one since 1870 have been conducted by a field force selected by your own party. I appeal to you in this manner because the quality and completeness of these 10-year surveys are of vital interest to men and women of all parties. They cannot be completely successful without public cooperation and to arouse public resistance through incorrect statements and improper implications is taking a desperate chance with public welfare.

With a sincere desire to have your cooperation rather than your opposition, I appeal to you to join in making the 1940 census successful. I appeal to you without any resentment for what has happened, for I realize that to err is human, to forgive divine.

Respectfully yours,

W. L. AUSTIN, *Director.*

HON. CHARLES W. TOBEY,
United States Senate, Washington, D. C.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. HILL in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of David A. Pine to be associate justice of the District Court of the United States for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edward M. Curran to be United States attorney for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John E. Hushing to be United States marshal for the district of the Canal Zone.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FARM CREDIT ADMINISTRATION

The legislative clerk read the nomination of Carl R. Arnold to be Production Credit Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Roy M. Green to be Land Bank Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk read the nomination of Dorothy B. Keeling, to be postmaster at Camp Taylor, Ky., which had been passed over.

Mr. McKELLAR. Mr. President, I ask that this nomination be passed over again.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the other nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask unanimous consent that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc. That concludes the executive calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until tomorrow at 11 o'clock out of respect to the memory of Charles F. Pace, the late financial clerk of the Senate.

The motion was unanimously agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess, the recess being under the order previously made, until tomorrow, Thursday, March 21, 1940, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20 (legislative day of March 4), 1940

ASSOCIATE JUSTICE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

David A. Pine to be an associate justice of the District Court of the United States for the District of Columbia.

UNITED STATES ATTORNEY

Edward M. Curran to be United States attorney for the District of Columbia.

UNITED STATES MARSHAL

John E. Hushing to be United States marshal for the district of the Canal Zone.

FARM CREDIT ADMINISTRATION

Carl R. Arnold to be production credit commissioner in the Farm Credit Administration.

Roy M. Green to be land-bank commissioner in the Farm Credit Administration.

APPOINTMENTS IN THE REGULAR ARMY

Clifford Lee Corbin to be assistant to the quartermaster general, with the rank of brigadier general.

Joseph Edward Barzynski to be assistant to the quartermaster general, with the rank of brigadier general.

Charles Dudley Hartman to be assistant to the quartermaster general, with the rank of brigadier general.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS, IN THE REGULAR ARMY

Walter Grant Bryte, Jr., to be major.

PROMOTIONS IN THE REGULAR ARMY

Thomas Hay Nixon to be major, Ordnance Department.
James McKinzie Thompson to be captain, Air Corps.
Gerald Hoyle to be captain, Air Corps.
Arthur Francis Merewether to be captain, Air Corps.
Jarred Vincent Crabb to be captain, Air Corps.
Tom William Scott to be captain, Air Corps.
John Hubert Davies to be captain, Air Corps.
Anthony Quintus Mustoe to be captain, Air Corps.
Edwin William Rawlings to be captain, Air Corps.
Julius Kahn Lacey to be captain, Air Corps.
Theodore Bernard Anderson to be captain, Air Corps.
George Frank McGuire to be captain, Air Corps.
Oliver Stanton Picher to be captain, Air Corps.
Dyke Francis Meyer to be captain, Air Corps.
Hugh Francis McCaffery to be captain, Air Corps.
Minthorne Woolsey Reed to be captain, Air Corps.
Morley Frederick Slaght to be captain, Air Corps.
Roy Dale Butler to be captain, Air Corps.
Berkeley Everett Nelson to be captain, Air Corps.
Archibald Johnston Hanna to be captain, Air Corps.
Richard August Grussendorf to be captain, Air Corps.

John Hiett Ives to be captain, Air Corps.
Frederick Earl Calhoun to be captain, Air Corps.
Carl Ralph Feldmann to be captain, Air Corps.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

Raymond Hartwell Fleming to be brigadier general, National Guard of the United States.

POSTMASTERS

NORTH CAROLINA

Margueritte G. Blanchard, Woodland.

OKLAHOMA

Ben Cox, Boise City.
Louis F. Dievert, Covington.
Ray M. Hubbert, Fargo.
Elmer C. Hoops, Fort Cobb.
Howard J. Dunavant, Jet.
Robert F. Rind, Pine Valley.
James M. Crabtree, Weatherford.
Fred Allison, Westville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 20, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God of heaven and earth, in this varied world of ours, quivering with the unexpected, tremulous with breaking wonders, swift with speaking horrors, veiled with unplucked mysteries, help us to say: It is God's world and good for man to be in it. O let it not be too much with us to lay waste our powers. Heavenly Father, some of us are journeying through the earlier years, some are rushing through the noontide of prime, and yet others are on the summit of age. As we face toward the sealed mysteries, we pray for Thy blessings of grace, love, and communion to be with us. O eternal Christ of God, holy Saviour, in sinful tendencies, in human unworthiness, we would bear with Thee the scourge and the cross. The very breath of the Almighty is moving on, the hush of expectation is upon the air as our Lord enfolds the world in His deathless arms of love and mercy. O grant us the spirit of devotion, the courage to confess our undying faith; do Thou comfort us with the thoughts that overleap the flight of time and give us vision of our immortal destiny. We rejoice that it is Thine only begotten Son that harmonizes the soul with its universe, and its Maker for time and eternity. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8641) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes"; that it further insists upon its amendments to said bill, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a table on the national debt.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SACKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a statement by Mr. Joseph McFadden, union delegate, Franklin Sugar Refining Co., at a meeting called by the mayor of Philadelphia on December 14, 1939.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I delivered in Chicago.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief statement in the New York Post on the activity of the W. P. A. throughout the United States.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, newspaper dispatches yesterday and today carried certain utterances reported to be delivered by the Honorable James H. R. Cromwell, United States Minister to the Dominion of Canada, in a speech before the Canadian and Empire Clubs of Toronto, Canada, March 19, 1940, in which our Minister is quoted as attacking the isolationist's policy of the United States in the present European war, and asserting that one of the warring powers of Europe, to wit, Germany "Frankly and openly seeks to destroy the institutions and social and economic order upon which the United States is founded."

I have just introduced a resolution directing the Foreign Affairs Committee of the House of Representatives to conduct an investigation to determine the truth or falsity of such statements, and if they be true that they recommend to the President of the United States that the said James H. R. Cromwell be recalled forthwith. I append at this point in the RECORD the said resolution:

Whereas newspaper dispatches today report that in a speech on March 19, 1940, delivered before the Canadian and Empire Clubs at Toronto, Canada, Hon. James H. R. Cromwell, United States Minister to Canada, is quoted as criticizing American isolationists, and asserting that one of the warring powers in Europe openly seeks to destroy the institutions and social and economic order upon which the United States is founded; and

Whereas if such utterances are true, they constitute a flagrant and disgraceful breach of diplomatic conduct, and an affront to our established neutrality affecting all the warring powers of Europe: Therefore be it

Resolved, That the Committee on Foreign Affairs in the House of Representatives do and are hereby directed and authorized to investigate and make inquiry concerning the truth or falsity of such utterances, and if the same be found to be true that said committee make recommendation to the President of the United States that the said James H. R. Cromwell, United States Minister to the Dominion of Canada be recalled forthwith.

Mr. Speaker, it appears that in our Minister to Canada we have the reincarnation of a former Ambassador to Great

Britain, Walter Hines Page, who by similar conduct and treasonable action did more than any other individual to embroil us in the last World War. If our playboy Minister to Canada, James H. R. Cromwell, wants to fight for the British Empire, I respectfully suggest that he join the ranks of such distinguished American expatriates as Lady Astor and Kermit Roosevelt, so that he may "carry on" for the Empire.

One cannot be loyal to the United States and loyal to a foreign power at the same time. We should have the courage to tell James Cromwell and his lawfully wedded fortune—Doris Duke, America's wealthy heiress—to get the hell out of this Republic. If, like his distinguished namesake, Butcher Cromwell of old, he likes to wade in other people's blood, the opportunity is his to make the choice. I am willing to wager that his type is too cowardly to take a stand in the blood and filth of a war trench anywhere. It is inconceivable that he would exchange the garb of a morning suit or a tuxedo for a soldier's uniform, and forego the cocktails and Scotch and sodas enjoyed in diplomatic circles. If we ever get into this blood business of Europe, and God forbid we do, it will not be Jimmy Cromwell and the coupon clippers who will have to do the fighting and dying, but it will be the John Gobbucks who will come from the homes of the W. P. A. workers and the low-income groups of the United States.

Jimmy Cromwell's appointment as Minister to Canada is another evidence of the debasement of our Foreign Service, when such a post is awarded to a Cromwell simply because he "laid it on the line," when political campaign funds were needed.

Step by step we are traveling the same road to war we traveled in 1917. Every speech is British propaganda, uncanny in parallel with those of the immediate years preceding our entrance into the World War. The propaganda was augmented by the official visit of the British King and Queen to Washington last June as advance agents for the now existing war. Our shores have been visited by scores of British propagandists, including Lord Marley, Lord Beaverbrooke, and Duff-Cooper, former Lord of the British Admiralty. Recently Duff-Cooper delivered an address in the city of Cleveland, Ohio, before a group of anglophiles, in which he expressed appreciation of his government to the Congress of the United States for lifting the arms embargo, permitting Britain and her allies to secure war supplies in this country to strengthen her Empire. On this occasion with a wink of the eye and a smile on his face, the Honorable Duff-Cooper stated, "We do not want your men"; then a slight hesitation, said, "not yet."

Within a fortnight four distinguished bankers in New York City have predicted if the war lasts a year or two longer in Europe we will have to repeal the Johnson Act, which prohibits loans or credits to nations in default of war debts, in order to save the colonial Empires of England and France.

It is no secret to most Members of this Congress that our national defenses are being weakened at this very hour by the attempt to sell some of our modern air bombers to Great Britain and France.

Recently Admiral Richardson, of the United States Navy, posed for a picture which was published and widely circulated in the magazine Life, of January 22, 1940, over the caption "New Commander in Chief Takes Over United States Fleet." The picture displays the Admiral posed in his study beside a solitary framed photograph of King George VI, of England. The picture was presented to him as a memento of last summer's royal visit, during which Admiral Richardson served as naval aide. The acceptance of this picture was a direct violation in the absence of authority from Congress, of article I, section 9, clause 8, of the Constitution, which reads:

> No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

This bold piece of propaganda, absolutely in defiance of the Constitution of the United States, has gone unchallenged except by a few Members of this Congress, including the distinguished Member from Vermont, the Honorable CHARLES A. PLUMLEY.

Mr. Speaker, there is need for a searching investigation into the intense British propaganda now being spread over the air—from the platforms and pulpits of this country—propaganda cleverly designed to draw us into another war.

I submit that no American worthy of the name has any respect for the totalitarian philosophy represented by communism, nazi-ism, and fascism. We have less respect for a dictatorship of a Hitler, a Stalin, or a Mussolini. Nevertheless, we must be constantly on guard against the equally dangerous philosophy of the imperialism represented by the colonial empires of Britain and France, who are constantly seeking to have America once again pull their chestnuts out of the fire.

These two world empires stood idly by, although they had a mandate to protect, and saw the partition of Czechoslovakia, the cruel and brutal dismemberment of ancient Poland, and the abject surrender because of brute force of gallant Finland. Witness also the scrapping of the Balfour declaration denying to the Jews the opportunity of a permanent homeland in Palestine. It was within the power of France and England to have given military aid to Czechoslovakia, Poland, and Finland, but it is now written in the history of our day that such aid was not forthcoming for reasons best known to the statesmen of these countries. Apparently they were more interested in preserving the status quo of their ill-gotten gains than assisting the democracies represented by the three small nations gone temporarily to defeat.

Mr. Speaker, under the nose of the Dies committee, these subversive acts continue daily and nothing is done about it. In the light of Mr. Cromwell's speech and his strictly un-American conduct, I think it is time for the Dies committee and the Congress to sit up and take notice. [Applause.]

WATER CARRIERS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker, under date of March 11, 1940, the New York Times reported that during the course of the debate on Sunday night, March 10, 1940, over the American Forum of the Air, Senator WHEELER, of Montana, made the following statement:

> The water carriers who have and who are getting subsidies as well as huge loans from the Government at very low rates of interest should be the last to complain about regulation.

The debate was on the question of whether water carriers and motortrucks should be subject to the same measure of regulation as carriers by rail. The participants included Senator BURTON K. WHEELER, chairman of the Committee on Interstate Commerce of the United States Senate, and J. J. Pelley, President of the Association of American Railroads, favoring such regulation, and William J. Driver, chairman of the National Rivers and Harbors Congress, and Chester Gray, director of the National Highway Users' Conference, in opposition.

Senator WHEELER is the chief sponsor of S. 2009, a bill now in conference between committees of the Senate and the House of Representatives which would place the regulation of water carriers under the jurisdiction of the Interstate Commerce Commission. Because of Senator WHEELER's interest in the pending legislation, and because his statement, when given prominence out of its context, is misleading, some amplification of the facts appears to be in order.

Under existing law carriers by water engaged in foreign, coastwise, and intercoastal trade are subject to regulation by the Maritime Commission. S. 2009 would transfer the regulation of coastwise and intercoastal carriers by water from the Maritime Commission to the Interstate Commerce Commission. There is no question involved, therefore, in the pending legislation, of imposing regulation upon these carriers for the first time, or even of extending the regulatory power.

The only change is the transfer of responsibility for regulation from one agency to another. The pending bill would, however, impose regulation for the first time upon carriers by water on inland waters.

These carriers by water on the inland waters of the United States are not eligible for and do not participate in the subsidy program of the Merchant Marine Act, 1936, as amended. The same is true of carriers by water engaged in coastwise and intercoastal trades. Consequently none of the carriers by water, the regulation of which would be affected by the pending legislation, falls within the scope of the ship subsidy program of the Merchant Marine Act, 1936, as amended.

Moreover, no loans have been made by the Maritime Commission to any carrier by water affected by the terms of the pending legislation. Under the terms of title XI of the Merchant Marine Act, 1936, as amended, the Commission is authorized to insure certain types of mortgages. Pursuant to such authority the Commission has approved three mortgage-insurance contracts, in each of which the contracting carrier is engaged in operations on the inland waters of the United States. These contracts, wherein the loans were all made by private lending institutions, may be summarized as follows:

1. Borrower, Erie & St. Lawrence Corporation; loan, $225,000; interest, 4 percent; insurance premium, one-half of 1 percent; waterway on which equipment will be used, Atlantic ports to Great Lakes ports via the New York State Barge Canal.

2. Borrower, Central Barge Line Co.; loan, $1,050,000; interest, 5 percent; insurance premium, 1 percent; waterways, Mississippi, Illinois, Ohio, and Kanawha Rivers.

3. Borrower, Wathen & Co.; loan, $50,000; interest, 5 percent; insurance premium, 1 percent; waterways, Chesapeake Bay and the intercoastal canal.

It is obvious, from the foregoing review of facts concerning the application of the subsidy, loan, and mortgage-insurance programs comprised in the Merchant Marine Act, 1936, as amended, that the implications contained in the statement attributed to Senator WHEELER are erroneous as related to the authority and the activities of the Maritime Commission.

EXTENSION OF REMARKS

Mr. FADDIS. Mr. Speaker, I recently received a letter from Sherman H. Dryer, radio director of the University of Chicago, asking me to make a contribution toward a forum to be held this coming Sunday on Can We Defend America. I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein my contribution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution passed by the General Assembly of the Commonwealth of Kentucky to memorialize the Congress of the United States in behalf of the bill (H. R. 8368) to provide for investigation of activities of Government employees on behalf of foreign countries.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

STABILIZATION FUND

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, up to date only $200,000,000 of the $2,000,000,000 stabilization fund has ever been actively used. It can be assumed, obviously, that if $500,000,000 were held ready in cash in the Treasury, that sum would be ample. The Secretary of the Treasury is empowered to invest the stabilization fund in Government bonds. I find, however, on inquiry, that only $11,000,000 of this fund has ever been so invested. If instead of that amount $1,500,000,000 had been invested in Government bonds, it would have saved the payment of interest on that amount of the public debt and would have meant an annual saving to the Treasury each year of approximately $30,000,000, assuming an average rate of interest of 2 percent. This is hardly enough to balance the Budget, but certainly it is a sum of money which could be better used in other ways than in paying unnecessary interest on $1,500,000,000 of Government bonds.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter addressed by me to the Commissioner of Corporations and Taxation of Massachusetts, and his reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of matters on the Speaker's desk and at the conclusion of the legislative program of the day and any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE FRANKING PRIVILEGE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, pennies make the dollars. If the Treasury would do what the gentleman from California [Mr. VOORHIS] has suggested, $30,000,000 would be saved. But, Mr. Speaker, every year the departments, bureaus, and agencies of this Government are spending more of the taxpayers' money on propaganda. We could save $100,000,000 a year if we took the franking privilege away from the bureaucrats of the various departments and prohibited them from sending out much of the useless material they are now sending out over the country. This was proved last year by the Home Owners' Loan Corporation when the general counsel in that department franked out over a million letters to help a friend in business. He resigned under fire. In 1937 we franked 669,352,068 pieces of mail sent out by these bureaucrats; in 1938, 742,487,204; and in 1939, 970,764,376 pieces of mail. The amount of mail of this kind that is being sent out under the franking privilege is still increasing, so that when you get the report of the Postmaster General for this year the total will show a further increase. Let us stop waste in government. Will you do it?

I repeat, Mr. Speaker, pennies make the dollars. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including an address on Americanism and the American Legion by Dr. Ruth Miller Speese, State legislative chairman, American Legion Auxiliary of Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a feature article from the Beverly Hills Citizen, entitled "Congress Resounds," which was responded to by our colleague the gentleman from South Dakota [Mr. MUNDT].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BENDER asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. RODGERS of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was not objection.

Mr. RODGERS of Pennsylvania. Mr. Speaker, there are at least 101 different ways in which my district in northwestern Pennsylvania excels in achievements and production. We will pass up the hundred and mention only 1—and that 1 is apples.

Already in Washington preparations are under way—and rightly so—to make bigger and better than ever before the celebration of our cherry blossom season, a beautiful spectacle, to say the least.

However, by way of comparison, if you could view the hundreds and thousands of acres of apple orchards that adorn our countryside in apple blossom time, resplendent in all the colors of the rainbow, the two spectacles would admit of comparison in about the same proportions as would the far-off glimmer and glow of the Aurora Borealis to the glories and splendors of the noonday sun. From these blossoms later come a harvest of apples—the best in appearance, the finest in flavor, and the most delicious in taste of any apples produced elsewhere in the entire United States—and that is taking in a lot of territory.

My mere statement however is not proof in itself; but, as our lawyer friends would term it, "only hearsay evidence." Therefore—again in the phraseology of our lawyer friends—I wish to submit exhibit A, "A" meaning apples. Through the courtesy of the Erie County Horticultural Society, I am placing in the cloak rooms today several bushels of these world-famous apples for your inspection, ingestion, and digestion. You are welcome. So help yourselves. [Applause.]

EXTENSION OF REMARKS

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a radio address delivered by me last Sunday.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PURCHASE OF AIRCRAFT MANUFACTURED IN THE UNITED STATES

Mr. MILLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MILLER. Mr. Speaker, I wonder how much support I could get for a resolution instructing the airplane manufacturers in our War and Navy Departments to turn over to Germany and Russia the designs and blueprints of the most modern aircraft manufactured in the United States. This is exactly what we are doing when we allow these modern planes to be shipped abroad. It is only a matter of days after they arrive in France or Britain until one of them is bound to be shot down, and we have turned over to them not only the blueprints but a specimen copy of the latest developments. If there are not any secrets in the building of modern aircraft, then the manufacturers are wasting thousands of dollars now being spent to guard their experimental laboratories.

[Here the gavel fell.]

POWER TRUST DECLARES WAR IN OKLAHOMA

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Public Buildings and Grounds.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that further consideration of the calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMERICAN YOUTH CONGRESS

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs of the House, I present a privileged report on House Resolution 425 and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 425

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the House of Representatives all such information as he may possess, or which may be available in the War Department, and which will show, or tend to show—

(a) Whether at any time 3 days prior to or 3 days after the 10th day of February 1940 the War Department furnished transportation to any person who represented himself to be, or was represented by some other person to be, a member of the organization known as the American Youth Congress, or to any person who was in Washington in attendance at any of the meetings held by the American Youth Congress.

(b) If transportation was furnished to any such person or persons, the number of such persons to whom it was furnished, and from what point to what points it was furnished.

(c) The name of the person or persons at whose request such transportation was furnished.

(d) On the occasion in question, whether any request was made from the White House in writing or whether such request was verbal and by whom it was made.

(e) If such transportation was furnished by Government-owned vehicle, whether it was operated at Government expense.

(f) Whether the War Department has been reimbursed for the cost of such transportation.

(g) To what account the cost of such transportation was charged.

(h) Under what authority or by virtue of what law such transportation was furnished.

(i) Whether lodging or transportation has been furnished at Fort Myer to any other persons who were in distress.

(j) If lodging or transportation has been so furnished, when it was furnished and to how many persons it has been furnished.

(k) By virtue of what statute the War Department is authorized to aid persons in distress.

(l) In the letter dated May 13, 1939, addressed to Mr. W. A. Koerber, national commander, United Boys' Brigades of America, 512 Overbrook Road, Baltimore, Md., and signed by E. S. Adams, major general, The Adjutant General, it was stated:

"DEAR SIR: I am requested by the Secretary of War to acknowledge the receipt of your letter of the 11th instant addressed to the President, which was transmitted to the War Department relative to Army cots and blankets desired for use at the national convention of the United Boys' Brigades of America, being planned to be held in Baltimore May 20 and 21 next.

"The War Department is without authority to donate, loan, or sell Federal property for any purpose, except as may be specifically provided by Congress, and it is therefore regretted, in the absence of legal authority applicable to this purpose, that the Department is unable to accede to your request."

Is the ruling there given out by The Adjutant General in force at Fort Myer?

Mr. MAY. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

INTERFERENCE WITH NEUTRAL RIGHTS

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I present the following privileged report on House Resolution 422 and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts are in possession of the State Department as to the amount of losses sustained by American exporters and importers as a result of interference with neutral rights contrary to international law, and what, if any, provisions for compensation have been made for losses sustained by American nationals as a result of illegal interference.

(2) What information, if any, is in possession of the State Department relative to any attempt by foreign governments to monopolize the commerce of the world through establishment of a blockade under the guise of belligerent rights.

(3) What facts the State Department has with regard to the improper use, if any, made by Great Britain of information obtained through the search and seizure of United States mails and of information contained in applications filed by American citizens with

the British consular officers in the United States for the issuance of so-called navicerts, and whether or not information obtained therefrom was passed on by the British Government to its nationals for solicitation of trade in European neutral countries in unfair trade competition with American commerce, with special reference to American cotton and other agricultural products.

(4) What information, if any, is in possession of the State Department as to the improper use made by Great Britain of information contained in applications for certificates of origin and interest filed by American citizens with British and French consular officers at European neutral ports for submission and approval by the British Ministry on Economic Warfare at London, England, and whether or not information obtained therefrom was passed on by the Government of Great Britain to its nationals for solicitation of trade in the United States in unfair competition with American commerce.

(5) What facts, if any, the State Department has relative to the delay in granting of certificates of origin and interest on American property lying in warehouses at European neutral ports resulting in tremendous losses to American citizens.

(6) Whether the State Department has any facts concerning the discriminatory treatment of American commerce by the Allied Governments in contravention of the most-favored-nation policy of the reciprocal-trade agreements concluded with Great Britain and France.

Mr. BLOOM. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider the vote by which the resolution was laid on the table was ordered to lie on the table.

The SPEAKER. Under special order of the House heretofore made, the Chair recognizes the gentleman from New York [Mr. FISH] for 20 minutes.

JAMES H. R. CROMWELL

Mr. FISH. Mr. Speaker, I do not propose to join in the general chorus of those who are demanding the recall of Mr. James H. R. Cromwell, the American Minister to Canada. I want first to find out more about the exact situation. I want to find out whether he is speaking for the administration; whether Mr. Cromwell spoke with the consent and approval of the President of the United States and with the consent and approval of the State Department.

This action by our Minister to Canada is one of the most unprecedented in the history of American diplomacy. Never before has an American Minister in a foreign land attempted to destroy American neutrality by making a speech in a warring nation denouncing another belligerent nation. It would have been identical if during our War with Spain the German Minister to Spain had denounced the United States, our Government, and what we sought to accomplish in that war. I have known Mr. Cromwell for a long time, and therefore I do not want to judge him hastily. He is new to the Diplomatic Service. He has had no experience whatever in diplomacy and very little with American politics. I venture to call to his attention the remarks of George Washington in his Farewell Address:

Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see dangers only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

This is what Mr. Cromwell had to say:

As Minister of the United States, I am pledged to a policy of neutrality. As you know, this policy has the active support of the overwhelming majority of the American people. But, gentlemen, that is no good reason why we should not face the fact and weigh the issues which confront us.

Mr. Cromwell admits that the overwhelming majority of the American people believe in American neutrality. In other words, the American people believe in our traditional foreign policy of neutrality, nonintervention, peace, and no entangling alliances. Mr. Cromwell, a novice in diplomacy, goes up to Canada and while admitting that is the attitude of the American public, states that he thinks differently, and then launches into a most unneutral attack on a foreign nation. We have the right, in the Congress, to find out whether he is speaking for the President, whether this is part of the administration's program to destroy American neutrality, and to bring about a situation that will involve us in a foreign war.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. DICKSTEIN. The gentleman is a member of the Committee on Foreign Affairs, and is well acquainted with all of these matters and questions relating to foreign entanglements.

Would the gentleman say that a diplomat cannot speak his own individual mind just because he happens to be a representative of a government? Would the gentleman say that he is prohibited from even opening his mouth—that he must sit there as a dummy and say nothing when he sees things before him? I wish the gentleman would enlighten us.

Mr. FISH. I am very glad the gentleman asked that question. Our ministers and ambassadors go to foreign countries in order to preserve and promote peaceful relations, not only with those countries to which they are accredited but also throughout the world. It is the unwritten law of centuries that no minister should attack any nation while acting in the official capacity of minister or ambassador. It would make no difference whether he were our Minister to Canada or to some other country; when he is accredited to a foreign nation and attacks some other country or its government, he has violated every principle of diplomacy that has existed for 1,000 years or more. I am not saying yet, as did the gentleman from Ohio, that he should be recalled. If he is not speaking officially for the administration, it is up to the President to reprimand him.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mrs. ROGERS of Massachusetts. Does this not prove that we ought to send to these posts people who are trained in diplomacy rather than to send political appointees?

Mr. FISH. I think there is a great deal of merit in what the gentlewoman from Massachusetts says, but there are exceptions to every rule. We have had some very able ambassadors who were not trained in diplomacy and we have had some appalling ones.

Mr. SWEENEY. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SWEENEY. Is it not true that the distinguished Minister to Canada received his appointment because he laid down on the line a huge campaign contribution?

Mr. FISH. That statement, coming from a Democrat, ought to carry weight; he ought to know more about it than we do on the Republican side.

Mr. SWEENEY. I am asking the gentleman if that is not true? I have no access to the records.

Mr. FISH. I do not want to be involved in any of the internal quarrels of the Democratic Party as to the size of campaign contributions. I admit, however, not speaking for this side of the aisle but for myself, that I am in favor of the limitation put in the Hatch bill against contributions in excess of $5,000 by any individual or corporation. I think both parties would be much better off if that principle is enacted into law and goes into effect immediately. [Applause.]

Mr. SWEENEY. Mr. Speaker, will the gentleman yield further?

Mr. FISH. I yield.

Mr. SWEENEY. The gentleman is too clever a politician to make that statement with a reservation. If the Hatch law, as amended this week by the Senate, is put into effect with the limitation of $5,000 on contributions from any one corporation or individual, the gentleman knows there will be 1,000 ways to circumvent it.

Mr. FISH. That is the trouble; I wish it were not so. It is my honest belief—the gentleman, of course, can speak for his own party—but it is my honest belief that some of the ultra rich members of the Republican Party have done great harm to our party by creating in the mind of the public the belief that we were dominated by a few rich men. I think they have done us a great deal of harm with the electorate and in

getting votes on election day. They do, however, use their money freely in influencing nominations at party conventions and often to the detriment of party success.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FISH. Yes; if the gentleman will take me back to the Cromwell phase of this discussion.

Mr. DICKSTEIN. That was exactly my intention. I feel that the gentleman from Ohio is a little unfair when he injects into this important debate the question of somebody's being appointed because he made a campaign contribution. I do not believe that there has been any evidence produced before this House, or anywhere else to that effect. The gentleman started to answer my statement relative to the personal rights of diplomats.

Mr. FISH. I am not taking issue with the statements of the gentleman from Ohio, because that is a matter for the Democrats to settle themselves—how much a would-be diplomat should contribute. The gentleman from Ohio said he contributed a large sum. The question seems to be how much.

Mr. SWEENEY. I did not say; I would have to find out.

Mr. FISH. The gentleman is going to find this out and I am sure it will interest not only the Members of Congress but the American public as well.

Mr. DICKSTEIN. Mr. Speaker, if the gentleman will yield, I wanted the gentleman to proceed along the lines he started as to the functions of a diplomat, a representative of this country, whether he has the right sometimes to speak his own mind, or whether he must sit still and be a dummy.

Mr. FISH. That is just what I propose to do. As I stated, during our War with Spain if a German minister to Spain had attacked our Government, our institutions, or war aims, our Government would have protested, immediately, and properly so. That is identically the same situation that exists as far as Mr. Cromwell is concerned. He is our Minister to a warring nation. He denounced another warring nation with which we are at peace. During our war with Spain a French marine infantry regiment passed a resolution of sympathy with the Spanish Government and with its war aims and sent it to Madrid. Immediately our Minister protested and we received a direct apology from the French Government; although the statement objected to came not from an ambassador or a minister, but from a small unit which had merely expressed sympathy for one of the belligerent nations. A fraudulent neutrality is no neutrality. It must be a real and impartial neutrality or a fraudulent neutrality. Certainly it is fraudulent to have our Minister go to Canada representing a neutral Nation and denounce in a lengthy speech one of the warring nations and its form of government.

We have nothing to do with the form of government in any foreign land any more than any foreign country has anything to do with the form of government in the United States of America. But Mr. Cromwell, who is new to diplomacy, took it upon himself to make that type of speech which discredits all American diplomacy and undermines American neutrality. I am not advocating that he be recalled, as does my friend from Ohio. I have known Mr. Cromwell for a number of years. He is inexperienced and new to diplomatic precedents and principles. This may be just a slip. What I want to find out is whether the administration in the person of the President of the United States or the Secretary of State intends to rebuke and reprimand him for his unneutral and unprecedented speech at Toronto.

Mr. Speaker, if the President of the United States does not reprimand him or rebuke him, or if the Secretary of State does not reprimand him or rebuke him, he being an agent of the President of the United States and of the State Department, it can only be assumed that he spoke officially for them. If that is the attitude of the President and the Secretary of State of denouncing foreign nations and their governments and having our ambassadors and ministers likewise denounce them, then the American people have a right to know it. I have stated repeatedly, and I think rightly, that the Democratic Party is the party of internationalism and is rapidly becoming the war party in the United States. But if the President of the United States rebukes his Minister to Canada, then I may be in error and we may be able to still maintain some semblance of American neutrality. Certainly if the President remains silent that should be adequate proof of what I have said before—that the Democratic Party today is the party of internationalism and the Republican Party must be the party of American tradition, neutrality, and of Americanism.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. DICKSTEIN. The gentleman knows and everyone knows without question right now that the President never advised Mr. Cromwell or told him to make that sort of speech. Neither did the State Department. That would be impossible with the attitude that our President has on neutrality.

Mr. FISH. The gentleman is a lawyer and he knows that an agent speaks for the principal and that the principal is responsible for his actions.

Mr. DICKSTEIN. That is true.

Mr. FISH. If that is the case, our Ministers and Ambassadors are the agents of the President of the United States who appoints them. There is no question about that. I will not quibble with the gentleman over the question of responsibility because there can be no argument. A Minister represents directly the President of the United States. If he misrepresents the views of the President or misrepresents the views of the American people on such a vital issue as neutrality, which Mr. Cromwell did, and he admits it, then he should be rebuked and officially reprimanded. He admitted that he knew that the American people believed in neutrality and yet deliberately misrepresented their views and violated diplomatic ethics and jeopardized American neutrality.

Mr. DICKSTEIN. That may have been his own statement.

Mr. FISH. The administration's action will determine that. The American people overwhelmingly believe in maintaining our neutrality but Mr. Cromwell virtually says he does not care about that and does not represent them and does not believe in American neutrality.

Mr. DICKSTEIN. The gentleman does not believe that the President or the State Department would permit any Minister or Ambassador to involve us in a controversy of a kind which would violate our neutrality, does he?

Mr. FISH. Does the gentleman believe the speech Mr. Cromwell made does not violate American neutrality?

Mr. DICKSTEIN. He may have stated that on his own responsibility.

Mr. FISH. I hope for the sake of my country and its neutrality that he did, but I am waiting for the Government to act. I am waiting to see whether it reprimands him or not. If the President does not reprimand him, then his statement may logically be said to reflect the views of the White House and of the State Department, and that is exactly what other foreign nations will believe. There can be no question about that. All I am asking is whether the State Department or the President will reprimand him or whether they are going to support him by their silence. If they approve his speech by remaining silent, then it substantiates what I have said for a number of months, that the Democratic Party is the party of internationalism and believes in collective security, economic sanctions, determining the aggressor nation, quarantining and policing the world, and is destroying American neutrality. The President of the United States has the right to be an internationalist and so has the Secretary of State. They have a right to believe in the League of Nations and to advocate collective security, economic sanctions, and the policing and quarantining of the world, but the American people have a right to know where they stand on these issues, and now is the time to find out after that speech of Mr. Cromwell, violating the letter and the spirit of American neutrality.

Mr. DICKSTEIN. As a member of the Foreign Affairs Committee, would not the gentleman have the right to call in members of the State Department or Mr. Cromwell himself, if necessary, to determine the question the gentleman is raising so much fuss about and by which he infers that

the President acquiesces in the statement of Mr. Cromwell? I do not know what he said and I do not know Mr. Cromwell.

Mr. FISH. I am only inferring that the President and the State Department have acquiesced by their silence and the answer will be known to all within the next few days. If they rebuke him, however, then he does not represent them, and that is what the administration should do unless they agree with him. Of course, if they agree with him, you cannot blame me, representing the minority, for trying to find out if that is the attitude of the Roosevelt administration and whether they believe in disregarding American neutrality and becoming the avowed champions of internationalism or not. If that is the issue before the country, let us take it to the people. I do not believe the rank and file of the Democratic voters believe in internationalism; I do not believe they believe in collective security, economic sanctions, or in quarantining and policing the world; but I am convinced the leaders of the party, such as President Roosevelt and Secretary Hull, are internationalists and are making the Democratic Party into the party of internationalism and war. I hope for the sake of my country they do not, because I believe in American neutrality, in nonintervention, and keeping out of all foreign entangling alliances and foreign wars.

Mr. BARRY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. BARRY. What qualifications, other than the ability to contribute to party campaign funds, has Mr. Cromwell, our Minister to Canada?

Mr. FISH. The gentleman has asked me a personal question. I would rather he answer it himself, because, as I have stated, I know Mr. Cromwell, and I have visited him, and have nothing but a friendly feeling for him. I am not asking for his recall.

Mr. BARRY. Does not the gentleman think this body should take into consideration the method of selecting the ministers to foreign countries and see to it that they are adequately paid so that men other than those who can contribute to a political party's campaign fund may be selected to represent the United States in foreign countries?

Mr. FISH. That is just what the gentlewoman from Massachusetts has already said. I believe we ought to be a little more careful in our selection of ministers and ambassadors, whether they be Democrats or Republicans. I do not know that it is necessary to put them under civil service if they have the proper training or ability. You do not necessarily have to have a career man, but why take a man who has had no experience whatever?

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. DICKSTEIN. I know that during Republican administrations men were appointed who had no experience at all, yet they made great Ambassadors and great Ministers. I do not believe that this is the argument before the House at all. The gentleman's discussion is based on whether Mr. Cromwell represented the Government in making a certain public statement or whether he made it on his own hook. If he made it on his own hook without the sanction of the White House or the State Department I do not know why we are making all this fuss, when we have a Committee on Foreign Affairs that can go right into the question and determine it for itself and then present the matter before the American people.

Mr. FISH. The gentleman knows we have no power either to recall any Minister or to rebuke him. I doubt if we have power to do that through any action by the Congress. Mr. Cromwell is merely the agent of the President. The President is the only one who has the power to recall him and the only one who has the power to rebuke or reprimand him. If the President fails to do so, then, of course, what he said at Toronto will be considered as the views of the White House itself by every foreign nation, in accordance with long practice in diplomacy. Our Ministers and Ambassadors are sent to foreign nations to represent the President and through him the United States. When they misrepresent him, of course, they are called to order; but if the President ignores Mr. Cromwell's repudiation of American neutrality, then you cannot help it if the American people and the people in foreign lands believe he is the official spokesman of the President and what he said has the approval of President Roosevelt and the State Department.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. The Chair cannot submit that request without the consent of the gentlewoman from Massachusetts [Mrs. ROGERS], who, under a previous special order, is entitled to be recognized at this time.

Mr. MARTIN of Massachusetts. Mr. Speaker, I am authorized to say that the gentlewoman from Massachusetts is willing that the gentleman proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SWEENEY. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. SWEENEY. The gentleman has made a correct statement in saying that there is no power in the Congress to recall a Minister or an Ambassador; it is solely up to the Executive. May I ask the gentleman, however, if it is not true that the Committee on Foreign Relations of this House by virtue of the resolution before it that I introduced today has the power to inquire into the facts as to whether or not our Minister to Canada did make the statement attributed to him in the public press?

Mr. FISH. I believe any Member of the Congress has the right to introduce a resolution of inquiry and ask the State Department about a diplomatic matter, but whether or not the gentleman will get the answer I do not know.

Mr. SWEENEY. I am talking about the gentleman's committee.

Mr. FISH. I doubt if we have any power whatever over any Minister in any foreign land. Certainly we can not insist on his leaving his post and appearing before our committee without the consent of the President.

Mr. SWEENEY. To make inquiry?

Mr. FISH. I do not believe so. We could not recall him even temporarily from his post if he did not want to testify voluntarily.

Mr. SWEENEY. I do not say you could recall him.

Mr. FISH. We could investigate what he said, but that is all we could do.

Mr. SWEENEY. You could make a recommendation to the President.

Mr. FISH. You can read the newspapers and find out exactly what he said. The New York Times of today has a full and complete copy of Mr. Cromwell's speech. The responsibility for any punitive or disciplinary action rests with the President.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. You would not want to recall him without first paying back the $50,000 campaign contribution to the New Deal which was made by the very rich wife of this New Deal multimillionaire Canadian Minister.

Mr. FISH. That is a matter of opinion. I am not seeking to have him recalled, but to ascertain the views of the administration on maintaining American neutrality.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield further?

Mr. FISH. I yield.

Mr. DICKSTEIN. Assuming that the White House or the State Department had nothing to do with that speech, assuming that the statement was made by Mr. Cromwell in his own personal capacity, and assuming further that the statements made by him were true with regard to a certain government's role in trying to undermine our form of government and our institutions, what would be the remedy? I am sure the gentleman would like to answer this question if he can.

Mr. FISH. If he did not speak for the President?

Mr. DICKSTEIN. Yes.

Mr. FISH. The President then ought to reprimand or recall him immediately, if he made that statement repudiating American neutrality and denouncing a foreign nation without the knowledge or approval of the administration.

Mr. DICKSTEIN. Assuming the statements made are true regarding undermining our form of government and our institutions, what would be the remedy?

Mr. FISH. Certainly the President ought to reprimand or recall him immediately.

Mr. DICKSTEIN. Why?

Mr. FISH. Because it is utterly improper and beyond the practice of diplomacy for a minister to a foreign land, particularly to a nation at war, as Canada is, to attack a foreign government that is at war. We have nothing to do with the form of government in Germany or elsewhere. We will defend and take care of our own institutions and form of government whenever the necessity arises.

Mr. DICKSTEIN. This Minister made a certain statement.

Mr. FISH. Perhaps the gentleman has not read the entire speech. It was of considerable length.

Mr. DICKSTEIN. We read the same newspapers. We all read the same newspapers.

Mr. FISH. The New York Times carried a complete copy of the speech.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Arkansas.

Mr. KITCHENS. The gentleman would not place this statement of our Minister in the category of diplomatic finesse, would he?

Mr. FISH. No; there is no diplomatic finesse about it. There are men on this side who would put it in the category of treason, but I am not going as far as that. I am not even here to ask for any specific action except to find out from the administration whether or not they approve of the speech. If they approve it by silence, then it is the attitude and viewpoint of the administration, and we can prepare to fight that issue out in the campaign this fall. The election this November ought to be fought out on the basis of internationalism against American traditions; whether we believe in our traditional foreign policy laid down by George Washington, of neutrality, nonintervention, no entangling alliances, and peace, or whether we propose to send ministers and ambassadors all over the world to deny and undermine American neutrality, and to intervene, and to spread war propaganda in foreign nations. This is only the beginning of the story, and the departure from American neutrality to internationalism. Unless we stop it now and this precedent is established, you will find that all our ministers and ambassadors will be attacking and denouncing foreign governments and their institutions. That is what the people back home want to know—whether President Roosevelt proposes to scrap our traditional foreign policy of neutrality and nonintervention for internationalism and quarantining the world, and, if so, that will be the issue this fall for the American people to decide. [Applause.]

[Here the gavel fell.]

LEAVE OF ABSENCE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. SHAFER] may be granted leave of absence for a few days because of the death of his father.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is that agreeable to the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Yes; Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, penny-wise and dollar foolish is an old, trite axiom but unusually apropos of the situation which I am about to call to your attention.

No Member of this House more earnestly desires to reduce Government spending and the expenses of Government than I do. No Member of this House regrets more deeply than I do the fact that we have not made any worth-while progress in that direction. I will even venture to predict that the people of this Nation will consider this an indication of our stewardship when they take account of us next November.

There are plenty of places for us to step in and make worthwhile reductions in the cost of Government. This Nation is overrun with bureaucrats whose sole purpose of existence is to invade the liberty of the individual and harass the businessmen of the country under the guise of social progress. It is my considered opinion that we could kick out at least a hundred thousand bureaucrats tomorrow and the whole Nation will be the better off.

However there are some agencies of this Government which not only must be continued but might well be given more money. One such agency is the Civilian Conservation Corps, the only New Deal accomplishment which even our dear friends on the far side of the aisle have praised and supported because it has been so singularly successful and so obviously fruitful.

The Civilian Conservation Corps is faced with serious disaster and only this House can prevent it. The Director of the C. C. C. has furnished me with statistics showing that the C. C. C. will have $65,000,000 less to operate with in 1941 than it had in 1940 if the proposed reduction in the C. C. C. appropriation is approved by this body.

If this reduction is permitted, 273 C. C. C. camps will of necessity be closed on April 1, 1940, and the enrolled strength will have to be reduced by 54,600 men and young men. Among those so affected are a great many World War veterans who have found haven and refuge in these camps. It is estimated that between 9 and 10 percent of the enrollees are veterans. If we approve the proposed reduction, then a very great number of these men and young men will necessarily be deprived of the only means of support now available to them. Unquestionably they will forthwith become applicants for the W. P. A., direct relief, or some other kind of assistance, all of which is far more expensive and extravagant and less worth while than the C. C. C. As I see it, the reduction in the C. C. C. appropriation is not in the interest of true economy in government and will undoubtedly achieve the exact opposite result. As long as we spend our money keeping these veterans and young men in the C. C. C. we will have something to show for our investment. Unfortunately, we cannot always say the same of the W. P. A., and certainly not of direct relief.

Let us for a moment consider a few pertinent facts in regard to the C. C. C. program and what it means to this Nation in terms of accomplishment and sound investment.

The report of the Secretary of Agriculture for 1939 reveals that more than two-thirds of the C. C. C. camps have been allocated to the Department of Agriculture for its conservation program. For the fiscal year of 1939, 1,059 C. C. C. camps were assigned to the Department of Agriculture. These camps are located in every State of this Union.

Here is a very significant statement by the Secretary of Agriculture from his annual report:

> The accomplishments of the Civilian Conservation Corps on projects of the Department of Agriculture since 1933 have been extensive and to a high degree permanent. * * * Some authorities believe the C. C. C. has advanced conservation by a quarter of a century. * * * Along with the improvement and betterment of natural resources have gone the betterment and often the salvation of the C. C. C. enrollees. Approximately 1,500,000 young men have worked in the C. C. C. camps under the Department of Agriculture in 6½ years. Formerly undernourished, anemic, discouraged, and listless, these young men have gained in physical, moral, and mental stamina through regular and daily work. It has not been "made work," but work which is recognized as a permanent contribution to national welfare. * * * On leaving the C. C. C. camps at the end of their 2-year periods graduates of the C. C. C. face the world with confidence and energy and with invaluable training.

Not so long ago this city witnessed the sorry spectacle of the National Youth Congress Convention, which was packed with young men not knowing anything of the first principles of democracy and knowing even less about the necessity for work. I venture to say that few, if any, C. C. C. boys were among the misguided horde that infested the Capital a few weeks ago. It is my humble opinion that the C. C. C. program is our most effective answer to the ill-considered vituperations of the so-called youth organizations.

I invite the membership of this House, one and all, to pay a visit to any C. C. C. camp and talk with the boys or the veterans, as I have done on many occasions. View with your own eyes the great work they have done for the Nation and for their personal honor and welfare. If you do this I am sure that you will not permit the proposed reduction in the C. C. C. appropriation.

I find it impossible to reconcile our willingness to authorize the expenditure of $70,000,000 for a single battleship with a movement to take away a much smaller figure from the C. C. C.

The curtailment of a program that has done so much for the conservation of soil and forest, for better roads and highways, and for the bodies and souls of more than a million and a half young men is not economy. It is the most glaring example of folly and abject stupidity.

Thousands of dollars were spent in my city on a tree-counting project in a section of St. Louis where there has been no trees since the Indians left Missouri. Other thousands were spent to preserve the "talent" of unemployed actors and artists; and still more thousands were spent on projects of doubtful value or propriety. Are we going to permit the C. C. C. to be cut after having permitted such practices?

I have yet to hear a sound argument offered against the C. C. C. or its work, from any fair or informed source, and our constituencies are of like opinion.

While there is time let us prevent this threatened disruption and curtailment of the most worth-while accomplishment of 7½ years of effort to bring back America. [Applause.]

DELEGATION OF CERTAIN REGULATORY FUNCTIONS BY THE SECRETARY OF AGRICULTURE

Mr. JONES of Texas. Mr. Speaker, I call up conference report on the bill (S. 1955) to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1955), to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That as used in this Act—

"(a) The term 'regulatory order' means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

"(b) The term 'regulatory function' means the making, prescribing, issuing, or promulgating, of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

"SEC. 2. Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to assign appropriate titles to such officers or employees. The position held by any officer or employee while he is designated under this section, and vested with a regulatory function or part thereof delegated under this section, shall be allocated to a grade, not lower than grade 7, in the professional and scientific service provided for by the Classification Act of 1923, as amended, or to a grade, not lower than grade 14, in the clerical, administrative, and fiscal service provided for by such Act, as amended. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.

"SEC. 3. Whenever a delegation is made under section 2, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

"SEC. 4. The provisions of section 2 shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.

"SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

MARVIN JONES,
H. P. FULMER,
CLIFFORD R. HOPE,
Managers on the part of the House.

B. K. WHEELER,
ELMER THOMAS,
CHAS. L. MCNARY,
G. W. NORRIS,
L. B. SCHWELLENBACH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1955) to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The Senate bill established the position of Second Assistant Secretary of Agriculture and authorized the delegation to him of regulatory functions which the Secretary of Agriculture is authorized to delegate under the bill. The House amendment eliminated the provisions for the establishment of the position of Second Assistant Secretary, and authorized the Secretary to delegate regulatory functions under the bill to not more than two officers or employees of the Department of Agriculture, who held positions not below the two top grades in the classified service. The conference agreement follows substantially the policy of the House amendment. It does not establish the position of Second Assistant Secretary, but authorizes the delegation of regulatory functions to officers or employees of the Department. It provides that not more than two such officers or employees shall be vested at any one time with regulatory functions delegated under this act, and that while they are so vested they shall hold positions in grades not lower than grade 7 in the professional and scientific service, or grade 14 in the clerical, administrative, and fiscal service.

The House amendment also included a provision, not in the Senate bill, to the effect that the authority to make delegations to officers or employees under this act should not be deemed to prohibit the delegation of other functions to the same officers or employees under authority of other provisions of law. The conference agreement retains this provision with a change which makes it clear that the act is also not to be deemed to prohibit the delegation of regulatory functions to other officers or employees under authority of other provisions of law.

The Senate recedes from its disagreement to the amendment of the House to the title of the bill.

MARVIN JONES,
H. P. FULMER,
CLIFFORD R. HOPE,
Managers on the part of the House.

Mr. HOPE. Mr. Speaker, the gentleman is going to explain the report somewhat?

Mr. JONES of Texas. Yes; I may state that this bill originally was introduced in the Senate and carried the creation of a new position, Second Assistant Secretary of Agriculture, but its main purpose was to authorize the Secretary to

delegate to certain subordinate officials the matter of conducting hearings and issuing orders in a great many hearings that are required in the Department of Agriculture. Scores of hearings are required in reference to a number of measures like the commodity exchange, Packers and Stockyards Act, and the warehouse law, as well as various other acts. It is not physically possible for all of these numerous hearings to be conducted by the Secretary in person. By delegating this power to a certain limited number of officers in the Department of Agriculture, the matter can be handled not only more expeditiously but in a more judicial way.

In the matter of creating a new position in the Department of Agriculture, the Committee on Agriculture of the House eliminated that provision, and the House passed it in that form. The conference report follows the House provision with only one or two very minor changes. The conference report eliminates the additional position and requires the hearings, and so forth, to be conducted before authorities now in the Department.

Mr. HOPE. Mr. Speaker, will the gentleman yield there?

Mr. JONES of Texas. I yield.

Mr. HOPE. The bill as agreed upon by the conference committee is substantially the same bill that passed the House by unanimous consent?

Mr. JONES of Texas. Almost exactly; it limits, just as the House measure did, the number of officers before whom they may appear.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. RICH. Does this bill carry with it any additional funds over and above what was passed by the House?

Mr. JONES of Texas. No; it does not. The Secretary of Agriculture is charged with all the duties that are covered in this bill, and it is simply a matter of convenience as to who shall conduct the hearings. It is physically impossible for the Secretary to conduct all of them.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OF CODE OF THE DISTRICT OF COLUMBIA RELATING TO FIRST-DEGREE MURDER

Mr. NICHOLS submitted the following conference report and statement on the bill (S. 186) to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 186) to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That sections 798 and 800 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), be amended to read as follows:

"'SEC. 798. Murder in the first degree: Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate any offense punishable by imprisonment in the penitentiary, or without purpose so to do kills another in perpetrating or in attempting to perpetrate any arson, as defined in section 820 or 821 of this Code, rape, mayhem, robbery, or kidnaping, or in perpetrating or in attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, is guilty of murder in the first degree.

"'SEC. 800. Murder in the second degree: Whoever with malice aforethought, except as provided in the last two sections, kills another, is guilty of murder in the second degree.'"

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

JACK NICHOLS,
HERMAN P. EBERHARTER,
EVERETT M. DIRKSEN,
Managers on the part of the House.

WILLIAM H. KING,
FREDERICK VAN NUYS,
G. W. NORRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 186) to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill amended section 798 of the Code of Law for the District of Columbia relating to murder in the first degree. The House amendment also amended such section 798, but substituted a somewhat different and more comprehensive provision and, in addition, amended section 800 of the Code of Law for the District of Columbia. The conference agreement adopts the House provisions with a clarifying change.

The Senate recedes from its disagreement to the amendment of the House to the title of the bill.

JACK NICHOLS,
HERMAN P. EBERHARTER,
EVERETT M. DIRKSEN,
Managers on the part of the House.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 186) to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, has the gentleman consulted the Republican membership on the committee?

Mr. NICHOLS. Oh, yes.

Mr. MARTIN of Massachusetts. Has the gentleman notified them about calling up the report at this time?

Mr. NICHOLS. Yes; and I may state that all this does is to amend the murder statute of the District of Columbia by simply providing that if in the commission of a felony there is a homicide, then they shall be guilty of murder in the first degree.

Mr. MARTIN of Massachusetts. It is a unanimous report?

Mr. NICHOLS. Yes; a unanimous report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

The conference report was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the St. Lawrence waterway.

The SPEAKER. Is there objection?

There was no objection.

SALUTE TO FINLAND

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks by the inclusion therein of an editorial from the Portland Oregonian entitled "Salute to Finland."

The SPEAKER. Is there objection?

There was no objection.

HE DIED FOR FINLAND—HE DIED FOR LIBERTY—TRUTH CRUSHED TO EARTH SHALL RISE AGAIN

Mr. ANGELL. Mr. Speaker, the heart of America throbs for Finland. When the annals of our times shall have been written there will be no more heart-gripping record than that of heroic little Finland, fighting against overpowering odds in defense of her firesides and civilization—fighting to hold back the hordes of barbarism threatening to engulf her. It may be said Finland lost the contest, but she won the enduring gratitude, admiration, and respect of the civilized world. From all the pages of history we find no record surpassing the outstanding heroism, courage, and indomitable defense of home of the fighting men and women of Finland. Civilization for all time is enriched by Finland's unsurpassed accomplishment.

Mr. Speaker, I submit under leave granted to include as a part of my remarks the following editorial appearing in the

Oregonian of March 15, 1940, entitled "The Salute to Finland":

[From the Portland Oregonian of March 15, 1940]

THE SALUTE TO FINLAND

It is no overstatement, for this were not possible, to say that the fall of Finland is as a great grief to civilization. By civilization one means freedom of conscience and government in full expression; the right and exercise of an uncoerced, unregimented measure of human happiness. The inalienable right to breathe deeply of liberty. The hour is dark when a people so valiant as the Finns, so imbued with love of country, home, and freedom, goes down beneath the hobnails of an inferior culture and a brutal strength. There is a certain shame, and warranted, that international sympathy and decency were scarcely more than idle observers of this most monstrous outrage.

Yet nothing now is to be gained by recriminations, nor by imagining what might have been and will follow. Such conjectures are vain and cannot, though they speak our chagrin, avail that minor and magnificent nation whose shining valor, unsurpassed in history, was not equal to the task. Deserted and alone the sacrificial Finnish soldiers fought sleeplessly and with dwindling munitions, the fight that is at last to save the world we love from an intolerable despotism. That they should lose the conflict was predestined, for there are cruel circumstances in which the breasts of patriots, however gladly offered, cannot be the ramparts of their country. And yet, in losing somehow, still one thinks they won. Rejoicings in the Kremlin singularly fail of conveying conviction—outfought, outgeneraled, man to man the inferior of the Finnish enemy, it is a curious pride the soviets salvage from such a sorry victory. The victory of Communist arms in Finland is, in the broader aspect, an early battle lost, and in the one cause, through no fault of Finland.

The cynical may ask why civilization sorrows so deeply for Finland, that takes perforce the terms of totalitarian aggression, and somewhat less for Czechoslovakia and Poland, alike ravished by a comrade criminal. The politics of these comparable crimes against free peoples do not concern the common analysis—in which the tall young soldiers of Finland typify to civilization all that is valorous and splendid, a concept that is inclusive of the Finnish people. For it is realized, from the simplicity of the essential facts, that when the world saw Finland fighting the massed might of Russia, that spectacle was of an epic heroism that shall illuminate the historian's page for many a thousand years.

Someday, or so the hope and faith of civilization give voice to the desire, unhappy Finland shall be made whole again and happy. In that gigantic struggle which impends, and which shall fertilize the fields of Europe from the veins of her sons, the victory of the right can never be truly victorious until atonement and reparation in fullest possible degree have been made to those hapless nations that were the first victims of the greed which makes men slaves. Thus Finland, among the others, will have her own again, and fell her own forests and reap her own harvests, or the victory of the democracies shall be a mockery and derision of the right. Not that alone, but also there must be a fitting punishment of those who brought such things as this to pass.

And some will say at this that it is said in the security of America, and without thought to aid. You stir the cauldron, some will say, who are not in it. There is enough of seeming truth in the criticism to warrant raising the question. But now the question properly is that of our American sympathies, and of our privileged concept of the issue yonder in Europe, and is no more than this. We are the audience to such drama as men never dreamed before, and our comment is alike natural and spontaneous. To hate the organized injustice which tramples prostrate Finland seems good to us, for it were shameful not to hate it. And for that matter the Allies themselves have clearly defined their own duty, if now and then they seem to shrink from it. The concept is no more of ours than theirs—though it is they who are at grips with the reality.

To a soldier of Finland, fallen somewhere in the snows, where the spring thaw will discover him, the world would say it thinks he has not died in vain. He died for Finland, it is true, and with such devotion as seldom has been witnessed—but liberty is the universal ideal, and he died for liberty, too. The forlorn battle was lost. And the world, the civilized world, cannot and will not forget him. How was it Bryant phrased the thought?

Truth crushed to earth shall rise again—
The eternal years of God are hers;
But Error, wounded, writhes with pain,
And dies among his worshippers.

The chapter closes, but the book, waiting the full record, is not yet completed. Long live Finland!

SPECIAL ORDER

The SPEAKER. Does the gentlewoman from Massachusetts [Mrs. ROGERS] desire to use the time that has been allotted to her?

Mr. MARTIN of Massachusetts. Mr. Speaker, the gentlewoman from Massachusetts [Mrs. ROGERS] is temporarily absent from the Chamber, and is unable to use the time allotted to her today. I ask unanimous consent that she be allowed to speak for 15 minutes tomorrow, after the conclusion of the business of the day and any other special orders heretofore made.

The SPEAKER. Is there objection?

There was no objection.

UNITED STATES SECURITIES

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, yesterday I mentioned that I am rather disturbed over the relief problem. I have a few figures here that I desire to have placed in the RECORD and which are very startling. One of the oldest towns in the United States annually appropriates about $900,000. Last year there was spent for relief the following:

Welfare relief, $86,000; dependent children, $15,000; old-age assistance, $124,000; soldiers' relief, $13,000; surplus commodities, $32,000; clothing, $8,000; Federal expenditures, W. P. A., $275,000; local expenditures, W. P. A., $50,000; total, $607,000. That is an amount almost equal to the usual annual budget for all purposes.

There are many States in this Union that are competent to take care of their own relief, but they have soiled their hands by taking money from the Federal Government, even though they must know, and in fact do know, that when payment is made, if it ever is made, they will pay back three, perhaps five, times as much as they have received, because they will also have to pay the share of the so-called backward States. Why are we so dumb?

I also stated yesterday that there is a great deal of nervousness about the public debt. Recently I attended a bankers' meeting, some 25 bankers being present, in a 5-hour round-table discussion, behind closed doors. What they were particularly anxious about—and perhaps four-fifths of the conversation was devoted to it—was this: What is to be the future of United States securities? They were greatly disturbed. When will bonds demand higher interest rates? And then what will happen to those already issued at low rates? Have their portfolios already been filled too greatly with these securities? This must be a constant source of worry to all bankers. I read yesterday that the New York Life Insurance Co. has 25 percent of its portfolio in United States securities. An investigation is now being carried on by the T. N. E. C., and some people are not lacking in suspicion that it is trying to show that the insurance company has lately been welching on taking United States securities, and that this investigation may induce them to take more. The sinking funds of this administration are filled with Government debt certificates. I give you this thought: It is you here who represent the Government. Do not tell your people that the resources of this Nation are back of this Government debt. Such resources are not, except as you vote confiscation, or to tax the people. And, so far as taxation is concerned, you are already determined to tax less, not more. You have realized that you must release business from taxes already too burdensome. You will not confiscate. If certificates of Government debt decline in value, the holders will take their chances, as always. Open-market operations and purchasing by sinking funds may not always be sufficient to support those values. Bonds will be allowed to go down, as they were in 1922 or thereabouts, and should they fall to any such degree, as they did then, there will be real trouble. Are our bankers and insurance companies to be forced to continue to buy securities of the Government? The Government is in absolute and complete control of the financial operations today, and can force these purchases. But there must be an end to this at some point. I am greatly interested in that group of 30 men, of which the gentleman from Michigan [Mr. CRAWFORD] is one, wherein they are trying to find ways to cure unemployment, trying to discover some new money scheme; some new rabbit to pull out of the hat. I say to these 30 Members you can easily find the answer if you will just take up the matter with a comparatively few of the businessmen of the country.

They will tell you, simply and convincingly, what the trouble is with the business of the country—the only instrumentality to put the idle to work.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes, to be used by the Members present.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KNUTSON. When the extension of the reciprocal-trade agreement was before the House we were told that it had so stimulated exports and production that unemployment had been reduced several millions, as the gentleman will recall. Now, however, that we are about to get W. P. A. estimates up here they have wrung the unemployment figures back up to about 10,000,000 or 10,500,000. What kind of bookkeeping is that?

Mr. GIFFORD. Well, their figures usually try to make 2 and 2 equal 5. If we take Colonel Ayers' prediction—and he is perhaps the best authority we have on these matters—it is to the effect that this recession of the last 3 months has been so abruptly downward that, as always before in history, it must continue downward for some time to come. How frightening the New York Times index of business is—the war boom that did not boom; which gave us a little uplift the last 2 or 3 months of 1939 but which went abruptly down in the first 3 months of 1940, and must still go down unless and until another "war boom" occurs, or spendthrift methods are again adopted—another "shot in the arm" in an attempt to dull the pain of a very sick patient.

Mr. KNUTSON. Steel is down to 65 percent of capacity now.

Mr. GIFFORD. Yes; but it is the heart of man that is especially down; the heart of the businessman is growing constantly weaker.

Mr. KNUTSON. That is being destroyed.

Mr. GIFFORD. The only hope is confidence; and it is time we had confidence restored, it has been so sadly shaken. But there can now be no confidence within business with the vagaries and under the lash of this administration.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. CRAWFORD. Does the gentleman believe that with the banks, that is, member banks and nonmember banks, holding in round figures $18,000,000 of Government bonds and obligations, if the market breaks as a result of increasing interest rates we will say, that the open market operations of the Federal Reserve Board would be sufficient to maintain the market on that grand scale?

Mr. GIFFORD. Oh, for a time we can maintain this market. The Government can print $3,000,000,000 to buy in securities.

Mr. CRAWFORD. No; apparently I have not made myself clear on that. Let us start with the assumption that the banks hold say $18,000,000,000 of Government securities. In the gentleman's opinion can the open market operations of the Federal Reserve Board be on a broad enough scale to support the Government bond market?

Mr. GIFFORD. There must come a time when I do not think it possibly can. I refer again to that meeting of bankers I listened to for some 5 hours. Most of the discussion was devoted to the reassurances of Governor Eccles regarding Government debt. He even said that if we compared ourselves to England we could have a debt of $100,000,000,000. I want to remind the House, however, that England's debt was largely contracted because of her colonies and the great expense involved in taking care of a far-flung empire. She would not have to dispose of many of her colonies to pay her debt. We have little we could dispose of with which to pay ours. What a comparison!

Mr. CRAWFORD. Now, may I ask the gentleman this question? Let us assume, for instance, that the stream of life-insurance premiums flowing from the people's pockets to the investment committees of life-insurance companies are also diverted into investment in Government securities; how much more loss will the Board of Governors be able to maintain on the market that has been built up on that basis?

Mr. GIFFORD. Present indications are that everything is safe for the moment. People seem to wish to own these bonds since they are tax exempt. Maybe we should not tax more, but rather continue to borrow and live on in this "political" paradise. We should perhaps continue to let these poor deluded people, who are willing to buy Government debt at low rates, continue to take their chance.

Mr. Speaker, I would like to have 5 additional minutes. I have something to say that I think will interest the Speaker.

The SPEAKER. The Chair would remind the gentleman that the gentleman's original time has not expired.

Mr. GIFFORD. But I ask for 5 additional minutes, Mr. Speaker.

The SPEAKER. Without objection, the gentleman may proceed for 5 additional minutes.

There was no objection.

Mr. GIFFORD. Above all things I wish for a return of confidence in the hearts of the people. This frightening third-term bugbear—it is striking at the very heart of confidence in this Nation. I ask the members of the Democratic Party here: Is there but one man among you sufficiently able to act as President of the United States? I have a suggestion to make to you. I have been wanting for some time to make it. You have other notable men who could fill that position. Do not break that tradition, so dear to this Nation. I plead, do not break it. Do not bring it about that next year we will have to have the anointing basin here and the crown that necessarily would be placed on the head of a perpetual ruler. I want to make the suggestion that you have as a Speaker of the House of Representatives a true gentleman, and one fully endowed with all necessary attributes for a Presidential nominee. [Applause.] Why do you not nominate him?

Mr. PATRICK. I second the motion. [Applause.]

Mr. GIFFORD. We Republicans have real affection for him and know his great ability. Why, if he were your candidate, the mouths of the orators of the House on the Republican side would be closed. What could we say against him?

Mr. BOLAND. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Pennsylvania [Mr. BOLAND].

Mr. BOLAND. If the gentleman is so sure that the Republican Party is going to be successful next year——

Mr. GIFFORD. I did not mention that, although, of course——

Mr. BOLAND. The gentleman's party seems to act that way. Why is the gentleman so much disturbed about a third term for President Roosevelt? Let me assure the gentleman that my contention is a third term will be nothing but a myth in this coming campaign, and if President Roosevelt is the candidate he will sweep the country again.

Mr. GIFFORD. I am afraid of that possibility. With another half billion dollars for W. P. A., and another cloudburst of checks before election, it might well be another "bought election." Of course, I am afraid that Santa Claus may again be enthroned.

Mr. KNUTSON. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I regret there are only nine Democrats on the floor at the present time——

Mr. BOLAND. That is enough to compete with the gentleman.

Mr. KNUTSON. To listen to the able tribute paid our beloved Speaker.

Mr. GIFFORD. Again, why give the present incumbent a third term and clothe him with power such as no man on earth ever had before? No ruler was ever before enthroned over a nation with such vast wealth and resources.

Mr. PATRICK. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Alabama.

Mr. PATRICK. I think the gentleman is eminently correct in his statement that the Democratic Party has able

capable men which it can present. Of course, I think the Speaker of this House stands at the top of the list. But we certainly are not trying to bring forth some fledgling district attorney and trying to run him in.

Mr. GIFFORD. I have sympathy with the gentleman. Incidentally, I pay tribute to the lady who would then be First Lady, should the Speaker be elected President; a very agreeable change. [Applause.]

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If we do run the New York district attorney, it will not be as bad as running a New York international banker, German-mark peddler, and former slot-machine stock promoter as our Democratic brethren did in 1932 and 1936.

Mr. GIFFORD. The Republicans have real issues. We do not pin everything on the personal popularity or the charm of one particular man. The Democratic Party is poor indeed when they have to resort to such a violent and revolutionary doctrine as a third term. But this is now a Government of men; no longer a Government of laws. Bureaucrats are in control. They make rules and regulations having the full force of laws. Nobody now knows what the law is. Today you have to appeal to a bureaucrat to tell you what the law may be from day to day. It is no wonder that the confidence of our people is so entirely lacking in any sort of business endeavor. Behold what their own Government has done to them.

I plead with you Democrats, do not break that tradition so carefully guarded for 150 years. Do not again place a man who has already brought a debt of $45,000,000,000 to this country and knows no other remedy than to increase it billions more. Again referring to the danger of the public debt, I have recited this on the floor of the House before. It is so simply stated and foretells the future so accurately that I want all of you to memorize it:

Hush, little deficit, don't you cry,
You will be a crisis by and by.

[Applause.]

EXTENSION OF REMARKS

Mr. COFFEE of Washington asked and was given permission to extend his own remarks in the RECORD.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. WOODRUFF of Michigan asked and was given permission to extend his own remarks in the RECORD.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2739. An act to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States.

ADJOURNMENT

Mr. BOLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes p. m.) the House adjourned until tomorrow, Thursday, March 21, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid in the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2639, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

The Committee on Patents will hold hearings Wednesday and Thursday, April 10 and 11, 1940, at 10:30 a. m. each day, on H. R. 8441, to afford greater protection to the purchaser of patent rights; H. R. 8442, to prohibit proof of acts done by an inventor in foreign countries; H. R. 8443, to give the Commissioner of Patents power to protect inventors by establishing adequate standards of professional conduct among attorneys; and H. R. 8444, to permit the assignee of an application for letters patent to make certain supplemental applications.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Thursday, March 21, 1940, at 10 a. m., for the consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING MARCH 18, 1940, AT 10 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

1. Monday, March 18: Maj. Gen. Julian L. Schley, Chief of Engineers, has been requested to make a general statement, with his recommendations covering a general flood-control bill and the projects that should be included in the bill. He, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

2. Tuesday, March 19: Sponsors and representatives of the Corps of Engineers, from New England, New York, and the Atlantic seaboard on all reported projects and pending bills.

3. Wednesday, March 20: Sponsors and representatives of the Corps of Engineers, from the upper Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

4. Thursday, March 21: Sponsors and representatives of the Corps of Engineers, from the lower Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

5. Friday, March 22: Sponsors and representatives of the Corps of Engineers, for the upper Mississippi and tributaries, and Missouri River and tributaries.

6. Saturday, March 23: Sponsors and representatives of the Corps of Engineers for projects on the Arkansas River and tributaries.

7. Monday, March 25: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

8. Tuesday, March 26: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

9. Wednesday, March 27: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

10. Thursday, March 28: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

11. Friday, March 29: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

12. Saturday, March 30: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

13. Monday, April 1: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1473. A letter from the Secretary of War, transmitting, pursuant to section 1 of the River and Harbor Act approved January 21, 1927, and section 10 of the Flood Control Act approved May 15, 1928, a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and illustrations, containing a general plan for the improvement of Mississippi River between Coon Rapids Dam, near Minneapolis, Minn., and mouth of the Ohio River, for the purposes of navigation and efficient development of its water power, the control of floods, and the needs of irrigation (H. Doc. No. 669); to the Committee on Rivers and Harbors and ordered to be printed, with two illustrations.

1474. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on reexamination of Petersburg Harbor, Alaska, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 24, 1939 (H. Doc. No. 670); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1475. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on reexamination of Pamunkey River, Va., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 9, 1939 (H. Doc. No. 671); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1476. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on reexamination of Coquille River, Oreg., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 28, 1939 (H. Doc. No. 672); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1477. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on reexamination of Compton Creek, N. J., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted April 27, 1938 (H. Doc. No. 673); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1478. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the District of Columbia for the fiscal year 1941 in the amount of $110,410 together with certain proposed amendments pertaining to estimates of appropriations contained in the Budget for the fiscal year 1941 (H. Doc. No. 668); to the Committee on Appropriations and ordered to be printed.

1479. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 12, 1940, submitting an interim report, together with accompanying papers and an illustration, on reexamination of Alabama-Coosa branch of Mobile River system, Georgia and Alabama, with a view to flood protection for Rome, Ga., requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted April 1, 1936, and April 28, 1936, and the Committee on Commerce, United States Senate, adopted January 18, 1939 (H. Doc. No. 674); to the Committee on Flood Control and ordered to be printed, with an illustration.

1480. A letter from the Secretary of War, transmitting the draft of a bill to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and as wing commanders; to the Committee on Military Affairs.

1481. A letter from the Acting Secretary of the Navy, transmitting the draft of a bill to amend chapter 21 of the Internal Revenue Code, relating to the processing tax on certain oils imported from the Philippine Islands or other possessions of the United States, so as to provide uniform treatment for Guam, American Samoa, and the Philippine Islands; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. NICHOLS: Committee of conference. S. 186. An act to amend section 798 of the Code of Law for the District of Columbia relating to murder in the first degree (Rept. No. 1821). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Connecticut: Committee on Military Affairs. H. R. 6782. A bill for the relief of James Robert Harman; without amendment (Rept. No. 1818). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on Military Affairs. S. 454. An act for the relief of Ernest S. Frazier; without amendment (Rept. No. 1819). Referred to the Committee of the Whole House.

Mr. SMITH of Connecticut: Committee on Military Affairs. S. 2201. An act for the relief of Alabama Lewis Poole; without amendment (Rept. No. 1820). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. House Resolution 425. Resolution requesting certain information from the Secretary of War (Rept. No. 1816). Laid on the table.

Mr. BLOOM: Committee on Foreign Affairs. House Resolution 422. Resolution requesting information from the State Department (Rept. No. 1817). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RANKIN:

H. R. 9000. A bill to provide more adequate compensation for certain dependents of World War veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. MAHON:

H. R. 9001. A bill to provide for a study and analysis of the effects of the European war upon agriculture and to determine possible alternative methods of dealing with adverse influences upon agriculture arising out of the war, and for other purposes; to the Committee on Agriculture.

H. R. 9002. A bill making appropriations for additional research in respect to the effects of the present wars upon agriculture, for the Department of Agriculture, and for other purposes; to the Committee on Appropriations.

By Mr. VREELAND:

H. R. 9003. A bill to incorporate the National Youth Brigade; to the Committee on the Judiciary.

By Mr. WHITTINGTON:

H. R. 9004. A bill to amend the Flood Control Act of June 15, 1936, as amended, to provide for the protection of the Yazoo River backwater area; to the Committee on Flood Control.

By Mr. SWEENEY:

H. Res. 433. Resolution to investigate the public utterances of the Honorable James H. R. Cromwell, Minister from the United States to the Dominion of Canada; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. O'LEARY:

H. R. 9005. A bill to provide for the acquisition and preservation of the home of Edwin Markham, Westerleigh, Staten Island, N. Y.; to the Committee on the Public Lands.

By Mr. O'NEAL:

H. R. 9006. A bill authorizing the appointment of Robert B. Lorch as a major in the Regular Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7065. By Mr. COFFEE of Washington: Resolution of the King County National Farm Loan Association, Lake Washington National Farm Loan Association, and Seattle National Farm Loan Association, pointing out that Farm Credit Administration was created to be farmer controlled and owned and nonpolitical in nature; therefore deploring the recent transfer to the Department of Agriculture from the Treasury Department of the Farm Credit Administration, and urging its return to its former status as an independent nonpolitical organization; and deploring the conditions which eventuated in the resignation of F. F. Hill as Governor of the Farm Credit Administration, A. S. Goss as Land Bank Commissioner, and other prominent officers and keymen of the organization; to the Committee on Agriculture.

7066. By Mr. FITZPATRICK: Petition of the Board of Supervisors of Westchester, N. Y., opposing any sugar legislation which is not fair and equitable to New York workers and consumers and which might bring about a reduction in the amount of sugar refining done in the State of New York, by permitting either expansion of sugar refining in the tropics or an expansion of the subsidized beet-sugar industry; to the Committee on Foreign Affairs.

7067. By Mr. HARTER of New York: Petition of sundry citizens of Buffalo, N. Y., requesting the enactment of House bill 5620, the so-called General Welfare Act; to the Committee on Ways and Means.

7068. By Mr. KEOGH: Petition of the American Society for the Prevention of Cruelty to Animals, New York City, protesting against the use of animals to test the explosive of Lester P. Barlow; to the Committee on Military Affairs.

7069. Also, petition of the trustees of the estate belonging to the diocese of Long Island, Brooklyn, N. Y., concerning amendment to the Social Security Act, with reference to coverage to church lay employees; to the Committee on Ways and Means.

7070. Also, petition of the Merchants Association of New York, concerning the Walter-Logan bill (H. R. 6324 and S. 915); to the Committee on the Judiciary.

7071. Also, petition of the Ladies Aid of George D. Russell Camp, No. 43, favoring sugar legislation that will protect the jobs of the Brooklyn sugar refinery workers; to the Committee on Foreign Affairs.

7072. By Mr. KRAMER: Resolution of the Highland Park Progressive Democratic Club, of Los Angeles, relative to Work Projects Administration appropriations, etc.; to the Committee on Appropriations.

7073. Also, resolution of the board of directors of the Automobile Club of Southern California, relative to Federal aid for highway projects, etc.; to the Committee on Appropriations.

7074. Also, resolution of the California State Board of Agriculture, relative to migratory labor in agriculture; to the Committee on Labor.

7075. By Mr. PFEIFER: Petition of the Ladies Aid of George D. Russell Camp, No. 43, United States War Veterans, Brooklyn, N. Y., concerning the 1940 sugar legislation that will prohibit further expansion and curtail importation of refined sugar from the Tropics; to the Committee on Agriculture.

7076. By Mr. SWEENEY: Petition of Winton Engine Local No. 207 of the International Union United Automobile Workers of America, urging defeat of Smith amendments to the National Labor Relations Act and support of amendments proposed by the Congress of Industrial Organizations; to the Committee on Labor.

7077. By the SPEAKER: Petition of the Fifteenth Annual Women's Patriotic Conference on National Defense, Washington, D. C., petitioning consideration of their resolution with reference to the American Youth Act; to the Committee on Ways and Means.

7078. Also, petition of the United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, petitioning consideration of their resolution with reference to the United States Housing Authority; to the Committee on Banking and Currency.

7079. Also, petition of Local Union No. 230, United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7080. Also, petition of Edmond C. Fletcher, of Washington, D. C., petitioning consideration of resolution with reference to impeachment of the Honorable Bolitha J. Laws, associate justice of the District Court of the United States for the District of Columbia; to the Committee on the Judiciary.

SENATE

THURSDAY, MARCH 21, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Most loving Father, whose tender care reacheth to the uttermost part of the earth, who willest us to give thanks for all things, and to dread nothing but the loss of Thee: Preserve

us from all faithless fears and from whatever else may hinder our vision of the Son of God.

"Enable with perpetual light
The dullness of our blinded sight."

O Saviour of the world, who on this day didst give us the divine example of Thy great humility, help us in this always to follow Thee. Thou also gavest us a new commandment, that we should love one another. Help us ever so to do; and as in this night, wherein Thou wast betrayed, Thou didst institute Thy sacrament of love, O may the perfect blending of the human and divine be revealed in us, Thou crucified and risen One, as we worship from the altar of our hearts.

We ask it in Thy name and under the shadow of Thy cross. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 20, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	Reynolds
Ashurst	Donahey	Johnson, Colo.	Russell
Austin	Downey	La Follette	Schwartz
Bailey	Ellender	Lee	Schwellenbach
Bankhead	Frazier	Lodge	Sheppard
Barbour	George	Lucas	Shipstead
Barkley	Gerry	Lundeen	Slattery
Bilbo	Gibson	McCarran	Smathers
Bone	Gillette	McKellar	Stewart
Bridges	Glass	McNary	Taft
Brown	Green	Maloney	Thomas, Idaho
Bulow	Guffey	Mead	Thomas, Okla.
Byrd	Gurney	Miller	Thomas, Utah
Byrnes	Hale	Minton	Tobey
Capper	Harrison	Murray	Townsend
Caraway	Hatch	Neely	Tydings
Chand'er	Hayden	Norris	Vandenberg
Chavez	Herring	Nye	Van Nuys
Clark, Idaho	Hill	O'Mahoney	Wagner
Clark, Mo.	Holman	Pepper	Walsh
Connally	Holt	Pittman	White
Danaher	Hughes	Reed	Wiley

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Montana [Mr. WHEELER], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATES, INTERIOR DEPARTMENT (S. DOC. NO. 169)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior, fiscal year 1941—for the reclamation fund, special fund—Klamath project, Oregon-California, $200,000; restoration of lower Klamath migratory waterfowl refuge, $70,000; in the total amount of $270,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MONTHLY REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of February 1940, together with statement of condition of the Corporation as of the close of business February 29, 1940, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITION

The VICE PRESIDENT laid before the Senate the supplemental petition of the committee representing the original stock and guaranteed mortgage certificate holders in the Fidelity Union Title & Mortgage Guaranty Co., of Newark, N. J., signed by W. D. T. Libby, chairman, praying for a congressional investigation of the subject matter of the original petition filed on or about April 1, 1939, and the present supplemental petition relative to difficulties of the original stock and mortgage certificate holders in the matter of the Fidelity Union Title & Mortgage Guaranty Co., the Fidelity Union Trust Co., and other companies, which, with the accompanying paper, was referred to the Committee on Banking and Currency.

ADDRESS BY AMBASSADOR JAMES H. CROMWELL AT TORONTO, CANADA

Mr. WALSH. Mr. President, nearly all Senators have been receiving letters of protest against the speech delivered at Toronto, Canada, by the American Ambassador to Canada. One letter coming to me from a prominent professor at Phillips Academy at Andover, Mass.—one of the most outstanding preparatory schools in America—has so impressed me as expressing my own view and the views of all prudent and patriotic Americans, that I am going to ask to have it read at the desk, treated as a petition, and referred to the Committee on Foreign Relations. Let me add that it is gratifying to learn that the State Department is already investigating this most undiplomatic utterance.

The VICE PRESIDENT. Without objection, the letter will be read.

The legislative clerk read as follows:

PHILLIPS ACADEMY,
Andover, Mass., March 20, 1940.

Hon. DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR WALSH: As one of your supporters and as one who has appreciated your many stands on national and international matters, I bear record that some pressure must be brought to bear to either recall the United States Minister to Canada, Mr. James H. Cromwell, or have the Washington authorities disavow his pronouncements that were made before the joint luncheon of the Canadian and Empire Clubs of Toronto.

I heard his remarks and if I have any judgment they sounded more like the pronouncements of one from Canada or from Great Britain. Certainly the spoken words were not those of an American diplomat. This business of lecturing other nations, of mentioning heads of other governments, and of citing what Germany is, etc.—well, it is time that our representative diplomats carry themselves properly. I need not go into detail as to what was said, I am very sure you have official records to support the reflections I am making.

I am a veteran of the last war, saw action, am married with two fine children, a boy and a girl. I bear record that I do not want my children to be led astray by such ignorant and unwise statements. I am strong for America to be strong and to attend to her own business. It is time Washington takes record of the wishes of the good people of this country. How about taking some responsibility and see to it that a sharp reprimand be given to this supposed American diplomat?

In full hopes that this criticism will not go amiss, I am

Very truly yours,

WINFIELD M. SIDES.

The VICE PRESIDENT. The letter, in the nature of a petition, will be referred to the Committee on Foreign Relations.

REPORT OF COMMITTEE ON MILITARY AFFAIRS

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (H. R. 3840) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, reported it with an amendment and submitted a report (No. 1335) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 20, 1940, that committee presented to the President of the United States the enrolled bill (S. 2739) to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHWELLENBACH:

S. 3642. A bill granting the consent of Congress to the Secretary of the Interior and the State of Washington to construct, maintain, and operate a highway bridge across the Spokane River, Wash.;

S. 3643. A bill granting the consent of Congress to the Secretary of the Interior and Stevens County, State of Washington, to construct, maintain, and operate a highway bridge across the Kettle River, near Kettle Falls, Wash.; and

S. 3644. A bill granting the consent of Congress to the Secretary of the Interior and the Great Northern Railway Co. to construct, maintain, and operate two railroad bridges across the Kettle River, near Kettle Falls, Wash.; to the Committee on Commerce.

By Mr. WAGNER:

S. 3645. A bill to amend the act entitled "An act to provide books for the adult blind," approved March 3, 1931 (with accompanying papers); to the Committee on the Library.

By Mr. BRIDGES:

S. 3646. A bill for the relief of Angelina Chartier; to the Committee on Finance.

By Mr. BANKHEAD:

S. 3647. A bill for the relief of Paul Sanford, a minor; to the Committee on Claims.

By Mr. HATCH:

S. 3648. A bill for the relief of Lane P. Criswell; to the Committee on Naval Affairs.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF THE WAR DEPARTMENT—AMENDMENTS

Mr. MALONEY submitted an amendment intended to be proposed by him to the bill (H. R. 8668) making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 9, line 25, insert the following: "*Provided further*, That the flood-control project at East Hartford, Conn., authorized by the Flood Control Act approved June 28, 1938, shall be constructed in accordance with the revised plans and cost estimates described in House Document No. 653, Seventy-sixth Congress, third session."

Mr. MALONEY and Mr. HILL, jointly, submitted an amendment proposing to appropriate a sum not to exceed $800,000 as an emergency fund for flood control on rivers or tributaries other than those of the Mississippi River, intended to be proposed by them to the bill (H. R. 8668) making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 8202, the Agricultural Department appropriation bill, 1941, which was ordered to lie on the table and to be printed, as follows:

On page 25, line 15, insert the following: "*Provided further*, That not to exceed $5,000 of the amount herein made available may be used to purchase and supply beef to the Seminole Indians of the Big Cypress Swamp area, Hendry County, Fla., during the time that deer infested with cattle ticks are being removed from said area and until such area is restocked with deer."

PRINTING OF MONOGRAPHS ON ADMINISTRATIVE PROCEDURE

Mr. HAYDEN submitted the following resolution (S. Res. 248), which was referred to the Committee on Printing:

Resolved, That the monographs published by the Attorney General's Committee on Administrative Procedure embodying the results of the investigations made by the staff of said committee relative to the practices and procedures of the Division of Public Contracts, Department of Labor; the Veterans' Administration; the Federal Communications Commission; the United States Maritime Commission; the Federal Alcohol Administration; the Federal Trade Commission; the Administration of the Grain Standards Act, Department of Agriculture; the Railroad Retirement Board; the Federal Reserve System; the Bureau of Marine Inspection and Navigation, Department of Commerce; the Administration of the Packers and Stockyards Act, Department of Agriculture; the Post Office Department; the Bureau of the Comptroller of the Currency, Treasury Department; and the Federal Deposit Insurance Corporation, be printed as a Senate Document; and that 1,300 additional copies be printed for the use of the Joint Committee on Printing.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 1361) for the relief of Henry Fischer, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; and

S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes.

HOUSE BILL REFERRED

The bill (H. R. 1361) for the relief of Henry Fischer, was read twice by its title and referred to the Committee on Finance.

NATIONAL TRANSPORTATION—ADDRESS BY SENATOR SHEPPARD

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an address delivered by him on Tuesday, March 19, 1940, over the Mutual Broadcasting System, on the subject National Transportation, which appears in the Appendix.]

EFFECT OF BRITISH EMBARGO ON AMERICAN PRODUCTION OF TOBACCO

[Mr. BYRD asked and obtained leave to have printed in the Appendix of the RECORD a statement made by him before a joint committee of the civic clubs of Danville, Va., on March 13, relative to suggestions for the improvement of conditions confronting tobacco growers and tobacco manufacturers, which appears in the Appendix.]

FOOD-STAMP PLAN—LETTER OF SENATOR PITTMAN TO THE SECRETARY OF AGRICULTURE

[Mr. PITTMAN asked and obtained leave to have inserted in the Appendix of the RECORD a letter written by him to the Secretary of Agriculture relative to the inauguration of the food-stamp plan, which appears in the Appendix.]

THE NATIONAL FARM PROBLEM—ADDRESS BY SENATOR WHEELER

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an address by Senator WHEELER over the Mutual Broadcasting System on March 20, 1940, on the national farm problem, together with the introductory remarks by Chester H. Gray, which appear in the Appendix.]

AGGRESSION ON POLAND

[Mr. SLATTERY asked and obtained leave to have published in the Appendix of the RECORD the speech of Capt. Francis X. Swietlik, dean of Marquette University and censor of the Polish National Alliance, at the relief mass meeting in Madison Square Garden, New York City, on March 12, 1940, which appears in the Appendix.]

THE PLACE OF ADVERTISING IN THE AMERICAN SCHEME

[Mr. NYE asked and obtained leave to have printed in the RECORD an address delivered by Mr. Ralph Starr Butler, vice president of the General Foods Corporation, at the advertising awards dinner in New York on February 15, 1940, on the subject The Place of Advertising in the American Scheme, which appears in the Appendix.]

PASSAGE OF THE HATCH BILL—NOW IT'S UP TO THE HOUSE

[Mr. CLARK of Missouri asked and obtained leave to have published in the Appendix of the RECORD an article entitled

"Now It's Up to the House," published in the Kansas City Star of March 19, 1940, which appears in the Appendix.]

PASS THE HATCH BILL—ARTICLE FROM THE ST. LOUIS STAR-TIMES

[Mr. CLARK of Missouri asked and obtained leave to have published in the RECORD an article entitled "Pass the Hatch Bill," published in the St. Louis Star-Times of March 19, 1940, which appears in the Appendix.]

THE POLITICAL PARADE—ARTICLE BY GEORGE ROTHWELL BROWN

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an article by George Rothwell Brown entitled "The Political Parade," published in the New York Journal-American of March 20, 1940, which appears in the Appendix.]

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

The VICE PRESIDENT. When the Senate took a recess yesterday there was pending an appeal by the Senator from Wisconsin [Mr. LA FOLLETTE] from the decision of the Chair. The question before the Senate at the moment is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. LA FOLLETTE. Mr. President, the records of the Senate are replete with instances of the Senate, after an appeal from the decision of the Chair, giving a liberal interpretation to the rules of the Senate. It is my fervent hope that a majority of the Senate will see its way clear to take that position upon this question. In order, however, that there may not be any misunderstanding so far as my own attitude is concerned, in order that the Senate may appreciate the serious situation which I think is involved in the amendment which I seek to tender to this bill, and in the hope that a majority of the Senate may be persuaded to see the situation as I do, I desire first of all to discuss the situation confronting the farmers of the country, and to discuss the amendment which will be in order if the Senate reverses the decision of the Chair.

Mr. President, I think every student of the economic history of our country since 1917 will be forced to the conclusion that one of the prime factors in producing the problem with which we have been wrestling since the onset of the economic crisis in 1929 was the effect of the war and post-war conditions upon the economy of this country. At a time in the 1920's when many Senators and a large number of others seemed to believe that we had entered a new economic era, I took occasion to point out in the Senate time and time again that the farmers of this country were already in a serious economic situation; that they were obtaining less and less of their proportionate and fair share of the national income; and that the continued disadvantage, from an economic standpoint, of this great basic industry and those dependent upon it directly and indirectly could only ultimately result in a serious economic collapse. Since that time efforts have been made by this administration to meet the problem of the American farmer; yet I think we will all have to agree that, despite these efforts, we have not solved the problem. Today, despite all of the efforts which have been put forth by the legislative and executive branches of government, while the farmers comprise 25 percent of the total population, they receive only 11 percent of the national income.

In my opinion, three major factors are responsible for this situation. One is the scientific agriculture which has been followed in ever-increasing measure and which has resulted in an increase both in the quality and quantity of agricultural production in the United States. I shall not pause long enough this morning to cite more than a couple of examples. The yields of corn in the 10 Corn Belt States were, in the years 1936 to 1939, 22.8 percent above the 1929–33 average. Yields of cotton lint are 35 percent greater per acre today than they were 10 years ago.

The marked advance in technological and scientific improvement of farm methods and practices in the United States was graphically illustrated by the Secretary of Agriculture when he said:

> One hundred and fifty years ago it required 19 people living on the land to support themselves and 1 person in town. Today 1 person on the land supports himself, 3 people in town, and 1 overseas.

There is a second factor which has resulted in depriving the farmer of his fair share of the national income. It is a factor of recent appearance, and I fear has only begun to manifest itself. I refer to the impact of the war in Europe on the farmer and the producer of nonmilitary manufactured goods.

Great Britain and France and some neutrals have, since September 3, 1939, gone totalitarian in their techniques of foreign trade and control of their domestic economy. The belligerents are using these weapons as a part of their economic warfare. Already serious results have flowed from this policy, and we do not yet see the end of it.

Our exports of tobacco, fruits, canned fruits, and vegetables have been seriously injured. Exchange provisions with regard to South American trade with Great Britain, in which they have announced that purchases of commodities in South America from the British Empire will be paid for in dollar exchange, will mean, of course, less dollar exchange remaining for the nationals of those countries to the south of us with which to purchase American-manufactured and other products.

There are two ways, in my opinion, of meeting this serious problem. One is the adoption of a vigorous policy to protect our normal export trade, a policy which will put an end to this procedure of "taking it on the chin." Farmers and producers of nonmilitary manufactured products in the United States should not be asked to bear the brunt of the war. When the reciprocal trade agreements measure is taken up for consideration by the Senate, I intend to offer an amendment which I believe would set up an instrumentality which would give the executive arm of our Government, if it chose to use it, an effective means of meeting the situation confronting our normal export trade. It is not my purpose to do more than to suggest this morning the imminence of this problem as it affects farmers and the producers of nonmilitary manufactured products in the United States.

The second way in which we can meet this problem is by providing for an increased consumption on the part of the American people, and thus to ease further the blow which farmers in this country are now suffering, and which I fear they will continue to suffer to an even greater degree as the war in Europe progresses.

Therefore, Mr. President, I have attempted to offer to the pending appropriation bill this amendment providing $113,000,000 additional money for the purposes of section 32; in order that we may augment the funds necessary to cushion the shock of war upon the American farmer. As has been said again and again in this Chamber and elsewhere, we have a huge potential market here at home for farm products.

Some time ago the Bureau of Labor Statistics, the Bureau of Home Economics, and the National Resources Committee made a study of incomes during 1935–36 according to certain specified income groups. The figures were graphically presented to the Temporary National Economic Committee by the able Commissioner of Labor Statistics, Dr. Lubin. They show in general that in 1935–36 there were 29,400,000 families and 10,000,000 single people in the United States, representing 126,000,000 of our population. They show that 4,000,000 families, or 14 percent of the total number of families in the United States, had an average income of only $312 in 1935–36. Eight million other families, or 25.5 percent of the total, had an average income of $758 a year. About 7,000,000 families, or 23 percent of the total, had an average income of $1,224. Nearly two-thirds of the families in this, the richest nation on earth, had an average income of $1,500. The annual average was only $826, or $69 a month, for a whole family.

Mr. President, in my opinion, we should not be misled by average family income statements. In 1935, for example, the average for all families was $1,622, but 65 percent of the

people were getting on an average only about one-half of that amount.

In 1935 over 29,400,000 families spent $13,700,000,000 for food, but only $848,000,000, or 6 percent, came from the 4,200,000 families of the lowest income group, who are 14 percent of all the families.

This group constitutes a great potential market for both farm and manufacturers' products in this country, and it can be utilized to cushion the shocks of European war-trade control, and embargoes, and licenses, upon the American farmer.

Only 20 percent of this sum came from another 8,000,000 families, who made up 27.5 percent of the total. In short, nearly 42 percent of our families provided only 26 percent of the farmer's food market. Studies show that 14 percent, with average incomes of $312 a year, are spending only $1 a week per person for food.

Mr. President, further studies have been made on the basis of the studies to which I have referred in an effort to ascertain what the effect is upon the food purchases of families in the lower income groups when their incomes are increased. With an increased income to $758 a year the per capita expenditure for food rose to $1.62 a person a week. With an increased income to an average of $1,224, the per capita expenditure a week rose to $2.18 for food. In other words, families with incomes under $500 a year spent about 5 cents a person a meal for food. Families getting $100 per month spent 10 cents a meal a person, or double the amount, and therefore the farmer's market doubled.

These studies show that if all families getting less than $100 a month could be raised to that level—and I submit that $100 a month for a family is not an overly ambitious goal—this would have meant an increase in food expenditures of around $1,900,000,000, or 51 percent increase in food expenditures of these people. The farmers would have gotten about $1,000,000,000 more directly. It would have lifted the demand and improved farm prices.

Mr. President, those millions of families with less than $500 a year average income bought only 38 percent as much fruit as the group receiving about $100 a month.

The meat purchases of the $500 a year or under group were only 56 percent of the per capita expenditures of the group which receives around $100 a month.

Those receiving $500 a year or less purchased only about 43 percent as much dairy products as those who were receiving around $1,200 a year.

Those with incomes of $500 a year purchased only 57 percent as many eggs as the group receiving around $1,200. They purchased only 58 percent of the vegetables that were purchased by the group receiving $100 a month on the average.

Mr. President, I realize that these are cold statistics, but an examination of them will persuade any person who pauses long enough to study them that here is a great potential market, here is a great potential outlet for the producers of farm products. They will likewise, in my opinion, dislodge any feeling of complacency upon the part of those who assume that we have in this country a standard of living for a substantial portion of our population that we can point to with any pride. In fact, it is an indictment of our failure to solve the problem of distribution.

Mr. President, in my opinion, the stamp plan inaugurated under section 32 of the Agricultural Adjustment Act, as amended, is the most efficient and the most effective device which has yet been worked out, that seeks to deal with the problem of underconsumption of essential food products on the part of substantial percentages of the population of the richest Nation on earth.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. I yield.

Mr. O'MAHONEY. I wonder if the Senator from Wisconsin feels that the stamp plan represents a final adjustment, or whether it is merely a stopgap in the handling of this very serious problem which he has so correctly described.

Mr. LA FOLLETTE. Mr. President, I was about to come to that, but I shall be glad to discuss it at this point, in view of the interruption of the Senator, which I welcome.

Of course, I do not regard the stamp plan as a permanent solution of this problem, but I do say that it is the only device at hand; that it has been tried out upon a sufficiently large scale to show that it is effective in helping to increase consumption of our surplus farm commodities; that it has had a very substantial influence in preventing the prices of these surplus commodities from falling even farther below their disastrously low level; and that it has increased the dietary standards of substantial numbers of people in this country. But, of course, it is not a final solution.

On the other hand, Mr. President, in view of the situation which confronts us so far as world trade is concerned, in view of the situation which confronts the farmers of this country, I say that the Senate should not be unwilling to reverse the decision of the Chair in this emergency situation and permit this amendment to be considered upon its merits.

Mr. O'MAHONEY. Mr. President, will the Senator yield further?

Mr. LA FOLLETTE. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I quite agree with what the Senator has said about the fairness of the plan as a method of removing surplus commodities and of tending to maintain prices for the agricultural producer, and because of that belief I was one of the Senators who in the committee voted to put in the amendment which appears as the committee amendment.

But I interrupt the Senator long enough to make this remark: It seems to me to be an appalling situation that according to the testimony of Mr. Perkins, the very able Administrator of the Surplus Commodities Corporation, there are approximately 14,000,000 persons in the United States who are now certified as eligible to take advantage of this stamp plan.

I think of it in this light. There are 14,000,000 persons who are authorized to take advantage of this plan and to buy two orange stamps for 25 cents apiece, and to receive at the same time as a gift a blue stamp which also has the face value of 25 cents. It means that between three and one-half and four million American families are, through no fault of their own, compelled to resort to this relief method to obtain food. This seems to me to be an appalling indictment of the conditions which exist in this country. When one considers what is happening on the farms and in the rural areas, where farm tenancy is increasing apace, and what is happening in the great urban centers where we have been obviously wholly unable by way of Government expenditures to take care of unemployment, we seem to be headed straight for the creation of a peasant class in America, something which should stir to the very heart every Member of the Congress. It is the overriding problem before us, and I am convinced, Mr. President, that it cannot be solved merely by increasing appropriations. We must go to the heart of this matter. We must find a way to provide real employment, both on the farms and in the cities, so that those who are out of work may find jobs at real wages, so that they may become a real market for the products of the farm, as well as of the factory.

Distribution is our task; distribution, not on a relief basis but upon a basis of full employment. Unless we are willing to face the very real possibility of making relief a permanent Government activity and of creating a permanent class of underprivileged, to use a much-used phrase, we must turn our attention to the problem of providing real employment in private industry for all who are willing and able to work.

Not by relief appropriations but by helping industry to create jobs shall we find the way out.

I am sorry to have interrupted the Senator.

Mr. LA FOLLETTE. No, Mr. President; I am pleased to have had the Senator's interruption, and I digress long enough to say that I think I have indicated by my record here and by the speeches which I have made ever since 1929 that I am

fully aware of the magnitude and the gravity of the problems with which this country is confronted. I believe that unless we find solutions for them the whole feature of the democratic process is in jeopardy.

But, Mr. President, because we have not been able to agree upon and to inaugurate fundamental policies and programs to meet these problems is no argument against utilizing those devices which purchase time in which we can work upon these fundamental solutions. The statement of the able Senator from Wyoming, who has shown his great interest in these problems through the splendid work of the Temporary National Economic Committee, is only a further argument in favor of taking action upon this amendment on its merits. I shall show before I conclude that the recommendation of the committee, while, of course, I approve it because it was an increase over the Budget estimates and because it was placed in this bill after it had passed the House without any provision for additional funds—I shall show, I believe, that in the light of the achievements which have already been won under the stamp plan, and in light of the demonstrated demand that it be extended, in the light of those facts, and in the light of the further facts which are staring us in the face, if we but have the wisdom to study them as to what the effect of the policy of the nations at war and neutral nations is having and will have upon our export trade, we are justified in not sustaining the decision of the Chair.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BONE. I recall a statement some time ago by Dr. Alexander, the head of the Farm Security Administration, to the effect that in a recent period more than 1,000,000 farmers had left American farms due to the mechanization of the farm. It has seemed to me that much of our problem is to make our political processes keep pace with technological and scientific changes which have been wrought in the lifetime of most of us. I recall reading a year or more ago a statement from one of the brilliant young chemical engineers of the country, in which he made an astounding assertion. Since it came from a most respectable source, I take it that he and his organization were quite prepared to sustain it in fact. He said that American chemists have now developed synthetic chemical fertilizers so potent that with their use one-fourth of the arable land in the United States could produce more than enough to feed and clothe America in abundance.

We have implicit faith in that sort of thing—a great tragedy unless the problem be correctly handled. It certainly bespeaks the necessity for making our political processes keep pace with technological change. Otherwise disaster will overwhelm us, and we shall find one disaster tumbling on the heels of another. We pass a law, and then we find that science, which we cannot repel—and would not if we could—is daily presenting new problems to us. What was once possible is now probable; and while we wrestle with the problem the young men in our universities and in the scientific divisions of our great institutions of learning are daily handing us new achievements and new faites accomplis of some sort, which further complicate the efforts of the Congress.

I do not know what the answer is, unless we set ourselves vigorously to the task of so arranging our political machinery as to keep pace with that sort of thing. Otherwise we shall be overwhelmed.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MEAD. The distinguished Senator who has just spoken has brought out a point which I believe ought to be emphasized in the course of this debate. Before I make the observation I have in mind I wish to say that the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], by reason of the soundness of the policies he is enunciating, has lifted the debates to the level where we are really making an attempt to get down to the fundamentally basic principles involved in the problem. The policies which he is enunciating are logical and rational, and in nowise savor of the political.

The Senator from Wisconsin has made the point that, because of the involved condition of affairs in the Old World, with embargoes and licenses operating against the well-being of our farmer, we ought to retain all the gains we have accomplished and expand them in order to increase consumption at home. The Senator from Washington [Mr. BONE] has made a contribution by referring to the progress which has been made in soil productivity. Along that line I wish to add that, in addition to the increase in soil productivity, there has been an increase in the productivity of the labor on the soil from two to threefold in the last score of years. In the field of agrobiology there is a store of information and knowledge which can increase soil productivity threefold within a few years if it is allowed to proceed.

It is because of these overwhelming conditions, storing up devastating surplus upon devastating surplus, that we should follow the lead of the Senator from Wisconsin and not only retain this beneficial agency but expand it and increase it with all the power and resources at our command.

Mr. LA FOLLETTE. Mr. President, I very much appreciate what the Senator from New York has said. I also appreciate the interruption of the Senator from Washington [Mr. BONE]. I do not desire at this time to debate the broader questions raised by the statements of the Senators from New York and Washington. I hope at some time in the future, before this Congress adjourns, to be able to submit to the Senate some observations on the alarming situation which I think confronts agriculture in this country, and, as I believe I shall be able to demonstrate, the unmistakable signs that unless we adopt comprehensive measures to remedy the situation confronting the farmer, within the foreseeable future we shall be confronted with practically a complete disappearance from the American economic scene of the individually owned, home-operated farm as a way of life. When that time comes, Mr. President, if it does—and I hope to God it will not—the entire character of our economy will have been fundamentally altered.

In addition to the problems suggested by the two Senators who have interrupted me, we have the problem of farm debt, which is another factor grinding away upon the farmer today. To meet this phase of the problem, the Senator from Montana [Mr. WHEELER] and the Senator from Alabama [Mr. BANKHEAD] and I have introduced a bill now pending in the Senate Banking and Currency Committee.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. ASHURST. I wish to submit a suggestion for the consideration of the able Senator from Wisconsin. In the Senator's address on this subject he has demonstrated—as he always does—that he has given the matter very careful consideration. Some Senators—I am one of them—are in a dilemma. I am of the opinion that the ruling of the Chair is correct. Much as I desire to help accomplish what the able Senator from Wisconsin seeks, I could not vote to override the ruling of the Chair, because in my judgment the Chair followed the rule.

I submit for the consideration of the able Senator from Wisconsin the suggestion that he might move to suspend the rule. I should gladly follow his leadership in that direction and should vote to suspend the rule, whereas I doubt if I could vote to override the ruling of the Chair without violating my own feelings. In this posture of affairs, in view of the arguments of the Senator and the indisputable facts, I believe he could secure a two-thirds vote on the suspension of the rule, so that the main question would be properly before us. Not a few Senators agree in toto with the arguments of the able Senator from Wisconsin; but, as I say, they hesitate to override the ruling of the Chair when they feel that the Chair has made a ruling which is correct and in accordance with the precedents.

Mr. LA FOLLETTE. Mr. President, I should be the last to wish to cause the able Senator from Arizona any intellectual discomfort. However, if I desired to take the time of the Senate I believe it is no exaggeration to say that I could cite at least 100 instances in which the very thing I am appealing for has been done. We all know, Mr. President, that in many instances when the Senate is impressed with the urgency and the necessity of action the Senate, by a majority vote,

has placed a liberal interpretation upon the rules. I appreciate everything the Senator from Arizona has said about my ability to persuade the Senate; but I am convinced that there is no prospect of obtaining a two-thirds vote in favor of suspending the rule.

Mr. President, I was about to discuss the stamp plan. Studies show that persons receiving public assistance spend an average of a dollar a week a person for food. That amounts to 5 cents a meal. I wonder if Senators appreciate what that means. Under the stamp plan, on a voluntary basis, such persons as have been certified by the public authorities as being eligible in designated cities and areas may buy a minimum of one dollar's worth of orange stamps a week for each member of the family. The orange stamps are good at any and all grocery stores for any and all products which the purchaser of the book desires to buy.

Those who buy the orange stamps receive free half again as much in value of blue stamps. The blue stamps are in lieu of the surplus commodities previously distributed directly by the relief authorities through food depots in the designated cities where the plan is in operation, the relief authorities having received the surplus from the Surplus Commodities Corporation. The blue stamps are good in any grocery store in the community, but they may be utilized only to purchase the commodities which have been designated by the Secretary of Agriculture to be surplus commodities and placed upon the eligible list to be purchased with the blue stamps.

The grocers paste the stamps on cards which hold $5 of the stamps after they have been utilized for purchases in their stores. The grocers redeem the stamps through the banks, through the wholesalers, or directly through the Surplus Commodities Corporation itself.

The blue stamps are paid for by the funds which we provide under section 32 of the Agricultural Adjustment Act and any money which may be appropriated to augment that fund.

The result is that such persons have 7½ cents a person a meal instead of 5 cents. The commodities which have been listed for purchase have been changed from time to time, as the surplus or the price of the commodity seemed in the eyes of the Secretary of Agriculture, after investigation, to justify placing the commodity upon the surplus list or removing it therefrom. I wish to emphasize, Mr. President, that while the program is of benefit to the recipients of the stamps in the designated cities, because it tends to lift their already meager budgetary allowance for family food, it has been operated from the beginning, primarily as a means of meeting the surplus problem of the American farmer; and I am confident it will be so operated so long as it remains in existence.

The first list made eligible for purchase of blue stamps contained butter, eggs, white and graham flour, cornmeal, dried prunes, oranges, grapefruit, and dried beans.

On July 16, oranges and grapefruit were dropped, and rice, fresh peaches, fresh pears, cabbages, peas, tomatoes, and onions were added.

On October 1, peaches, cabbages, pears, tomatoes, and rice were dropped, and raisins, apples, snap beans for the month of October and pork lard were added.

On December 15, pork meats, rice, hominy grits, oranges, and grapefruit were added.

Senators will notice that some of these commodities went on and off the list as time went on. I cite that fact simply to show that the Department has been conscientiously gearing this program, in the light of the amount of production and the price, to meet the most serious situations which confronted the producers of farm products, and that the list has not been made up from the standpoint of providing commodities which might be in demand by the users of the stamps.

Mr. President, by July 1 of this year the plan will be in operation in approximately 100 cities in the United States. I think all those who have made any study of the situation are impressed with the fact that Mr. Perkins and those associated with him in the administration of the plan have moved cautiously. At the outset they moved only into experimental cities, in order that they might have experience with the operation of the plan before it was further extended. In other words, the plan has received a very conservative, businesslike administration, and has not been permitted to have any mushroom growth which might have destroyed its effectiveness.

Furthermore, Mr. President, I think it should be emphasized that this plan is not put into operation until the communities desiring to have the plan designated have indicated by a widespread representation of the various aspects of the community life that they desire to see the plan inaugurated. Usually the plan is initiated by farmers desiring to have their primary or principal marketing area designated. Then the matter is later taken up by the city authorities or the governmental authorities in the area, because it is necessary for them to take action in order to provide an initial revolving fund to finance the plan. Then, usually, various other public-spirited organizations in the community come in and help to inaugurate the plan.

By July 1 between three and four million persons will be within the purview of this program in the approximately 100 designated cities.

I also wish to emphasize that in the operation of this plan all commodities are handled through regular commercial channels. There is no intervention of the Government as a purchaser at any point. Therefore all the machinery necessary for the distribution of food commodities already in existence as a result of the normal channels of wholesale and retail distribution is utilized for this purpose.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. BAILEY. I am very much interested in the Senator's description of the plan, but I am still without adequate information as to how it operates. Last week some merchants from North Carolina came to see me about the plan. They are very much in earnest for the plan.

Let me ask the Senator a question. Assume that the authorities in the administration find that there is a surplus, say, of oranges. Then they authorize the merchants to deliver so many oranges to a person with a blue slip upon his purchase of a certain amount of goods. Is that correct? They do not give out the oranges independently of a purchase, as I understand. A person with a blue slip comes to buy something and he gets, extra, something else?

Mr. LA FOLLETTE. Mr. President, in the first place, the plan is entirely voluntary, insofar as any persons desiring to make use of it are concerned.

Mr. BAILEY. I understand that.

Mr. LA FOLLETTE. However, if I were on relief, or were designated as eligible for this plan in Madison, Wis., and if that city were designated, as it happens to be, it then would be possible for me to go to a designated place in the city, and I could buy a dollar's worth of orange stamps in cash.

Mr. BAILEY. Where does the Senator get the money with which to buy the dollar's worth of orange stamps?

Mr. LA FOLLETTE. I get that money either from the relief agency, or if I am on W. P. A., from it, or from any other source if I am certified. In some communities even persons who are receiving a small pension, insufficient to sustain the family, might be designated.

Mr. BAILEY. Suppose the Senator made a dollar.

Mr. LA FOLLETTE. That is all done by the local relief authorities. They are the ones who make up the eligible list.

Mr. BAILEY. The first point is, the purchaser must have something in order to get the blue slip. He has a dollar, say.

Mr. LA FOLLETTE. Then he may get a dollar's worth of orange stamps.

Mr. BAILEY. If he had a dollar that he made himself, or a dollar that the local charitable authorities gave him, he has a dollar, and he puts up a dollar, and then he gets a blue stamp?

Mr. LA FOLLETTE. He gets 50 cents' worth of blue stamps if he buys a dollar's worth of orange stamps; but the Surplus Commodities Corporation does not pay any attention to and does not have the responsibility of designating the persons who are eligible.

Mr. BAILEY. Who does designate them?

Mr. LA FOLLETTE. The local relief authorities, just as they would for the W. P. A., or just as they would make them eligible for direct relief.

Mr. BAILEY. Is that a matter of public record?

Mr. LA FOLLETTE. It is a matter of public record, I think. I know that in the stamp offices they have the cards of the persons who have been designated by the duly constituted relief authorities of the community, and who have declared that Jones, and Smith, and Brown, and the rest are eligible.

Mr. BAILEY. I get the idea now. I am designated by the local relief authority as a person who is entitled to some assistance.

Mr. LA FOLLETTE. That is correct.

Mr. BAILEY. I have a dollar of my own, or the local relief authorities give me a dollar, or the church, or my friends give me a dollar. I take that dollar to the merchant, and I may buy what I please with it; may I not?

Mr. LA FOLLETTE. The Senator takes the dollar first to the stamp office and buys a stamp book. The stamps are put up in books, and look a good deal like the books of postage stamps that we buy. They are put up in the same form. The first part of the book contains the dollar's worth of orange stamps, and the back of the book contains the 50 cents' worth of blue stamps.

Mr. BAILEY. That is the point. I get a dollar's worth of orange stamps, and I may buy any sort of food I please?

Mr. LA FOLLETTE. Anything the Senator wants to buy.

Mr. BAILEY. Exactly; but when I buy, I also get 50 cents' worth of blue stamps, and those blue stamps must be used for the purchase of some designated surplus. Is that correct?

Mr. LA FOLLETTE. That is correct—something on the list; but within the list, Mr. President, the recipient has free choice. That, in my opinion, is the thing which has made the stamp plan so much more acceptable and work so much better than previous plans.

Under the plan which has been used heretofore, and which is still used in communities where the stamp plan has not been put into operation, there may be a surplus of cabbages, and a carload of cabbages will be shipped into a city, and then the local relief authorities have to get that car unloaded; they have to take it over to the food depot; and whoever has been certified under the stamp plan as being eligible may go down there and get his share of cabbages. But under the stamp plan the eligible persons have a list of commodities which they can go into stores and buy in accordance with the desire of the family and the housewife.

Mr. BAILEY. I understand the Senator. I may take the blue slip, which is 50 percent in value of the orange or pink slip, whatever it is called, and I get free certain commodities which are designated as surplus commodities by the authorities here. That is the bonus I get. That is a free distribution of those articles upon the purchase of certain other articles. That is what that is.

Now, the Government pays for these surplus commodities.

Mr. LA FOLLETTE. Yes.

Mr. BAILEY. It redeems the blue slips at par?

Mr. LA FOLLETTE. That is correct. It redeems them out of the same fund with which it would purchase and does now purchase directly surplus commodities, and distribute them in carload or part-carload lots over the country.

Mr. BAILEY. That is intended, on the one hand, to help the farmer get rid of his surpluses, particularly the food-producing farmer. It is intended, on the other hand, to help the man in necessitous circumstances to get something extra. He really gets $1.50 worth of commodities for $1. Is that correct? That is what he gets. It is a gift from the Government.

Mr. LA FOLLETTE. That is correct; but I desire again to emphasize that the stamp plan, as I see it, is simply a workable device for the economical distribution of these commodities which the Government has been buying under section 32 of the act of 1935, when they have been designated as surpluses, ever since that section was put into the law.

Mr. BAILEY. That is my next point. Does a merchant get the commodities which are to be purchased with the blue slip from the Government or does he get them in the open market?

Mr. LA FOLLETTE. He gets them in the regular channels. In other words, we have eliminated for the cities that have been designated all this business of the Surplus Commodities Corporation going out and buying Florida oranges, or grapefruit, or whatever it is that has been declared surplus, and then putting them into cars and shipping them around the country, and then turning them over to the relief authorities and having them give them away to persons in the communities who have been designated as eligible for relief.

Mr. BAILEY. The Senator will agree with me that we cannot justly confine a plan of that sort to any 1 or any 100 or any 1,000 communities. We live under the doctrine of equal protection of the laws and equal rights to all. If we have that plan in one city in my State, we ought to have it in all cities and towns and in all country places where persons buy goods. Is not that true? It ought to be made available to everybody.

Mr. LA FOLLETTE. Mr. President, I think that in this situation, as in many others, we can only be governed by what is possible and what is reasonable. The Surplus Commodities Corporation has to be governed by the amount of funds available for this purpose. For example, if the committee amendment should be all that was provided, as I have figured it, the plan would have only about a 20-percent expansion, in comparison with what will have been done in the year ending July 1, 1940.

Mr. BAILEY. I agree with the Senator that the Surplus Commodities Corporation is limited by the funds it receives from Congress, but I will also assert that Congress is not limited as to funds, at least theoretically speaking. True, we do not know how much we may be able to borrow, or how far we may go. I was speaking from the standpoint of Congress. If we institute a plan of this sort, is it not predicated on the assumption that it must be universal in its application?

Mr. LA FOLLETTE. That is not the way government works. Perhaps that is the theoretical way it should work, but that is not the way it works. The executive branch of the Federal Government announced, at the time when assistance for direct relief from the Government was abandoned, that it was going to take care of all the employables who were unemployed. It has never come within shouting distance of doing that. There are thousands and thousands and thousands of people today who are certified by the local authorities as being eligible for W. P. A. employment who cannot obtain it because there is not enough W. P. A. employment provided to give them jobs. As I see it, we have to be governed by the exigencies of the situation, and I should not be deterred, so far as I am personally concerned, from supporting an appropriation to take care of persons who were employable and who were out of work merely because we could not take care of everyone.

Mr. BAILEY. I am not taking that view; I am not saying we should not do anything because we cannot do all things. I agree that it is the obligation of the Federal Government, having undertaken to obtain parity prices for cotton and tobacco, to apply that principle to the producers of all farm products. We cannot make distinctions. Having undertaken to provide for the old people who are in need, we must provide for all who are within the limits, every one in his class. Having undertaken to provide for the employment of the unemployed, we cannot stop short of providing for all. The Government cannot make distinctions. The administration can, because they are limited by the money, but Congress is not limited in the matter of money, and if it were the

obligation of the Congress, there should be an equal distribution. It would not be a matter of selection as to who should be aided and who should not. There should be so much aid to every man who has a clear need.

What I wanted to get at was how far this would go. I am satisfied that I have learned a great deal, but there is something more I wish to learn. The proposal is limited to food altogether, is it not?

Mr. LA FOLLETTE. It has been announced that an experimental plan will be inaugurated for the distribution of surplus cotton in the form of manufactured cotton commodities. I do not believe that plan has yet gone into operation, but it is now in the mill.

Mr. BAILEY. North Carolina—and I am thinking about my State—produces cotton to the extent of about 500,000 bales. The production has been very greatly reduced. We are producing tobacco at the rate of five or six hundred million pounds, and we are trying to reduce from 700,000,000. There is no provision made for tobacco, I take it. The Senator has agreed that there is none for the tobacco farmer.

Mr. LA FOLLETTE. I do not say that this program takes care of every commodity. I say—and I think, if I may be allowed to proceed, I shall be able to prove—that it is being very helpful in the case of many of the commodities.

The Senator need not argue with me about equality of opportunity or equality of the law. I am as firm an advocate of that as is the Senator from North Carolina or any other Senator, but I wish to say that the theoretical operation of Government activities is often, if not always, impinged upon by the practical and obtainable considerations. Again and again, as I have said with regard to W. P. A. employment, we have provided sums of money which at the time a majority of Congress knew were not sufficient to provide W. P. A. employment to all those who had been placed in the category of being eligible by their local relief authorities. Again and again we are confronted with a situation where we can go only so far as a majority of the Congress is willing to go. I do not think it is any argument that because we would extend this plan we are committed thereby to extend it to every area in the United States, much as I should like to see it so extended, any more than we are committed, having made W. P. A. appropriations to continue W. P. A. At any time when a majority of Congress wishes to abandon it they can do so, and they are under no legal or theoretical command to continue it. In the first place, one Congress, as the Senator well knows, cannot presume to bind another.

All I am saying is that here is a program which has worked well, which has received almost the unanimous endorsement of people in every walk of life in every community where it has been inaugurated. It is one of the New Deal programs which has unanimous support in the communities where it is going forward. I say that in view of the emergency character of the situation which confronts the farmers in this country it is no argument to say that because we have extended this plan to a hundred cities, if we extend it to 60 more of the same size, or to more cities of lesser size, in the coming year, we are thereby committing ourselves to extend it to every village and hamlet in the United States.

Mr. BAILEY. Mr. President, I wish to assure the distinguished Senator that I was not undertaking to make an argument. I was making an inquiry, with a view to ascertaining the fair implications of the program. I am satisfied with the answers, but I have one more question.

I understood the Senator from Wyoming to say, in his colloquy with the Senator from Wisconsin, that the number of people in need or likely to be certified as in need was about 14,000,000. Is that correct?

Mr. LA FOLLETTE. The Senator's figure may be correct. I think there are at least 14,000,000 people who have been certified by local relief authorities as being eligible for some kind of relief in their communities.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. O'MAHONEY. In order that I may make that matter clear, I will say that I stated to the Senator from Wisconsin when I interrupted him that Mr. Milo R. Perkins, who is the head of the Federal Surplus Commodities Corporation, in testifying before the Senate Committee on Appropriations, in response to an inquiry which I directed to him, stated that approximately 14,000,000 persons in the United States have already been certified as eligible to take advantage of the stamp plan.

Mr. BAILEY. That takes in men, women, and children?

Mr. O'MAHONEY. It is the total number of persons who are eligible to receive the relief, I should think. That, of course, would mean that if the head of a family were certified as eligible, the members of the family would not be computed in this number, but 14,000,000 persons are authorized to go out and buy the stamps.

Mr. BAILEY. That would be 14,000,000 adults, or people somewhere in the neighborhood of adult age. Is that what the Senator understands?

Mr. O'MAHONEY. That is my understanding.

Mr. BAILEY. I wonder whether that includes the people who are already being provided for after our manner—I do not say satisfactorily, by any means—under what we call the W. P. A. Are they included? I wish to get the facts, to see how far the thing goes and how much it will cost. I am not arguing against it.

Mr. BONE. Mr. President——

Mr. LA FOLLETTE. Just a moment. Let us have an understanding of what the situation is.

The Surplus Commodities Corporation has been for several years buying farm commodities designated by the Secretary of Agriculture as being surplus commodities, and has been actually distributing those commodities to the localities where they are turned over to the local relief agencies, and they in turn distribute the actual commodities to those who are certified as being eligible to receive relief. The stamp plan is merely an efficient device for carrying out the same purpose; but later on I shall show that it accomplishes even more than that. I am going to show the effect of it in the communities where it is in operation over and above the actual increased buying provided under this method.

Mr. BAILEY. Before the Senator goes to that——

Mr. LA FOLLETTE. Just a moment. I should like to get along a little in my own time. There are not 14,000,000 persons in the United States who have been designated by the local relief authorities as being eligible for the stamp plan. There are 14,000,000 persons in the United States who have been designated as being eligible to receive relief. That is all the Surplus Commodities Corporation needs to know. If in Grand Rapids, Mich., a citizen has been designated as eligible to receive W. P. A., or to receive direct relief, or in some cases if he has a pension and it is inadequate to support him and his family, he may be added to the list. That is the responsibility of the local authority. Then when they put the stamp plan into Grand Rapids, as they are now doing, any person on the list certified by the local relief authorities can go to the stamp-plan window in Grand Rapids, spend a dollar of money out of his own pocket, and buy a dollar's worth of orange stamps. In the book he will find 50 cents' worth of blue stamps, for which he has not paid anything. Incidentally, he can buy a book for each member of his family. He then takes the book and goes to the grocery store. When he gets into the grocery store he uses the orange stamps just as he would money out of his pocket. He can buy anything the grocer has to sell, because he bought the book himself with his own money.

In order to provide a more efficient means of distributing these surplus commodities, which has been done for several years, he has in the back of the book of stamps a blue stamp, and in the same grocery store, or in some other, or at any place where he desires to go, he can buy any of the commodities designated by the Secretary of Agriculture as being, at the time he makes his purchases, on the surplus-commodities list. He can exercise his own judgment, or the housewife can exercise her own judgment, as to how many different surplus commodities he or she will buy, or whether to use up all the stamps in the purchase of one such commodity.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. TYDINGS. How much of the increase from $87,000,000 to $212,000,000 would be used to finance the stamp plan?

Mr. LA FOLLETTE. I shall try to answer that question as best I can. I cannot give a definite answer to it, nor can Mr. Perkins give a definite answer; but we can arrive at an approximation of the amount.

Senators must understand that the Surplus Commodities Corporation is charged with carrying out a number of different programs. It is not charged merely with carrying out the surplus disposal program; it is charged, under section 32, with the responsibility of inaugurating, under the Secretary of Agriculture, export-bounty plans, if we may call them that. They had a plan as to cotton in 1939. They had one as to wheat. There are other things involved in this language. If the amendment becomes eligible to be considered by the Senate, of course, it must be by a reversal of the decision of the Chair, the $113,000,000, which is the amount suggested in the amendment I offer, and which would be in lieu of the $85,000,000 which the committee recommended, would be added to $101,000,000 now available under section 32. There will be an extension of the plan during the next fiscal year. Mr. Perkins, who is a very able citizen and an efficient administrator, is convinced that if this amendment of mine is attached to the bill and remains in the bill through the conference it can be estimated that there will be about 60 percent extension of the plan from July 1, 1940, to July 1, 1941, as compared with what was done during this fiscal year, which will end next July 1.

In other words, by the 1st of next July about 100 cities will be on the list. Sixty more cities will be put on the list of approximately the same size as these 100 cities. But if there were smaller cities designated—and as the plan extends they will be smaller—there will be more than 60. So the best I can say to the Senator is that if this amendment should prevail we would have about a 60-percent extension of the plan next fiscal year as compared with last fiscal year.

Mr. TYDINGS. Mr. President, I think the Senator has answered the question, and I want to say that basically I am sympathetic about this plan, because I think it deals with relief and the agricultural problem at one and the same time and is one of the most intelligent approaches to the problem. Whether it stands unmodified by time or not, it is a step in the right direction to distribute the surplus, while helping the unemployed.

One reason I asked the Senator the question was that we will shortly be providing money for relief, and it seems to me that money spent this way would require less relief money than if we did not enlarge this plan. Is that assumption correct?

Mr. LA FOLLETTE. I am happy to make the best answer I can to the Senator's suggestion. Every effort has been made by the Surplus Commodities Corporation to assure that persons who come into this plan shall have additional purchasing power, not have it taken away from them, and every community where this plan has been established has agreed that it will not reduce its present relief budget or enable the families to make up their budget needs by what they get out of the blue stamps, because primarily this is a farm program, and primarily the desire is to increase the total purchasing power. It is made a relief program if we begin giving out blue stamps in lieu of wages or in lieu of direct relief.

Mr. TYDINGS. So my assumption that both problems are dealt with at the same time is an inaccurate one?

Mr. LA FOLLETTE. The Senator is usually accurate. It is not inaccurate in this sense, that with respect to the people who come under this plan the net effect is to increase their average expenditure a person a meal from 5 cents a meal to 7½ cents a meal. It improves their diet to that extent.

Mr. TYDINGS. And the more that is improved, of course, the less need there is for other relief?

Mr. LA FOLLETTE. We need not worry about that yet. Five cents a meal a person raised to 7½ cents a meal does not allow for any reduction of relief or W. P. A. I would not be willing to increase the food budget to 7½ cents a meal and then reduce relief so people were put back to 5 cents again; that is what would happen if the stamp plan was made available in lieu of relief.

Mr. TYDINGS. The closer we raise them up to what might be called normal decent subsistence level by this plan, the less money we would have to contribute to any other plan to accomplish that end.

Mr. LA FOLLETTE. That is true, but I think we are a long way away from it if in these 100 cities we raise the family food budget by the stamp plan to 7½ cents a person a meal. I personally would hate to think what would happen to my wife and to myself and to my two little children if all that I could afford to spend on each one of us a day for a meal was 7½ cents for those sitting around our table.

Mr. TYDINGS. Mr. President, will the Senator again yield?

Mr. LA FOLLETTE. I yield.

Mr. TYDINGS. The Senator likewise knows, of course, that the benefit payments to farmers in the general bill apply only to five products.

Mr. LA FOLLETTE. That is correct.

Mr. TYDINGS. Take my own State, for example, where there are many poultry raisers and truck farmers and orchardists, and so forth; the only hope that they would have their problem met at all—which is left out of the main bill—would be through an effort of the kind proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. The Senator has anticipated one of my appeals, which I hope to make to every Senator who is aware of the problem confronting the States in which farmers produce commodities that are not the five designated basic commodities.

Mr. BONE. How far does this problem apply to W. P. A. work?

Mr. LA FOLLETTE. It applies to anyone who is eligible for relief. If anyone is certified in the Senator's community for W. P. A. or for direct relief, he can buy one dollar's worth of orange stamps, and can get one-half as much in blue stamps. That is a relief program. It is not regular employment.

Mr. President, I wish to call attention of the Senate to some very interesting facts, and at this time I wish to say that I have drawn very heavily upon facts furnished by Mr. Perkins, both in his speech delivered to the Fourth Annual National Farm Institute at Des Moines, Iowa, on Saturday morning, February 24, 1940, entitled "The Challenge of Underconsumption," and his testimony before both the House and Senate Committees on Appropriations. Mr. President, I quote:

> Although the stamp plan has not been in operation long enough to measure the ultimate economic effects accurately or to come to final conclusions, we have been maintaining current information to guide us in our operations. This has been made possible through the cooperation of wholesale and retail merchants in a number of cities, including Des Moines. These businessmen have devoted considerable time to giving us accurate reports. The stores have been selected on a basis which would assure a representative sample of low-, upper-, and intermediate-income areas in each city. The cooperation that these merchants have shown is extremely helpful. I should like to take this occasion to thank them. It is very important to all of us that they continue to give us the basic information that we need. They are making a real contribution to the general welfare which is deeply appreciated.
>
> What are our low-income consumers buying with their surplus stamps? Preliminary figures now available are of great interest to every farmer in America. First of all, we can see how persons getting public aid are using their blue stamps on a wholly voluntary basis. We can tell which agricultural products are most popular and what percentage of the blue surplus stamps is going for each one on the list. The next table brings this out in great detail for three periods when different surplus commodities were available. Many of you who live in Des Moines will be particularly interested in the way in which surplus commodities have been selected here in one of the early test cities. You may want to compare those selections with the ones made in the other experimental areas. I am sure that the farmers of Iowa will be glad to learn that 31 percent of the blue stamps were used for pork meats and lard during the last month for which our records are available. Heavy blue-stamp purchases of butter and eggs have been made throughout the program. The table which follows gives the latest current information on how the blue-stamp expenditures have been divided as between the various surplus commodities which were available.

Mr. President, I ask unanimous consent that this table may be inserted at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. LA FOLLETTE. I continue to quote from Mr. Perkins:

With changes in the list on December 16, there were indications of some marked changes in blue-stamp purchases. The period is too short, however, for any final conclusion and should be interpreted in terms of possible tendencies rather than of stable averages. Pork meats were placed on the list for the first time. They were very popular. From 20 to 25 percent of the increased purchasing power was used to buy these products.

Mr. President, with hogs in Chicago around $5 and a little more I think this situation should be of interest to every Senator who has a hog producer within his State.

From 20 to 25 percent of the increased purchasing power was used to buy these products.

That is, pork meats.

Another 6 percent was used for pork lard. The demand for butter and eggs decreased somewhat, though each accounted for 17 percent of the surplus buying.

Were the stamp plan operating nationally, this would be a very healthy situation from an agricultural viewpoint. Prior to the addition of pork meats to the surplus list on December 15, butter and eggs were taking about 25 percent each of the blue-stamp purchasing power. This meant that there was a potential new market each year under a national food stamp plan for over 300,000,000 pounds of butter and over 300,000,000 dozen eggs. That was about 12 percent to 13 percent more of each of these products than the country consumed annually during the previous 10-year period. Had it been possible to establish the stamp plan throughout the country overnight, prices of butter and eggs would have shot through the ceiling under such an increased demand. A more healthy price situation would obtain, of course, if the new demand for butter and eggs represented only 4 percent or 5 percent of former domestic consumption. The balance of the blue-stamp purchasing power would then be available to help lift other farm prices. We are very glad, therefore, to see this shift to the purchase of surplus pork products. If the stamp program were operating on a national basis today, farmers in the Corn Belt would be getting a much better price for their hogs than they are today.

This was February 24, and hogs have gone down since then.

Fortunately, we'll have a chance to learn a lot more about supply and demand conditions for these surplus products before it will be possible to expand this program to cover the country.

We are vitally interested in the net increases in sales of agricultural commodities that result from our food stamp program, and are conducting studies in several cities. Here the analysis is much more difficult. It involves consideration of seasonal and other trend factors. Studies of this subject are under way, but only preliminary data are available. We have some information as a result of the figures supplied by Des Moines stores, however, in which you may be particularly interested.

FOOD PURCHASES IN DES MOINES

The stamp plan began in Des Moines on August 23. In the 12 weeks which followed there was a business pick-up in the food trades amounting to 5 percent, as compared with sales in the 6-week period before the program started. Sales in stores in low-income areas of the city, however, where most of the surplus blue stamps are used, increased by 16 percent the first 12 weeks of the program. Even after allowance is made for general business improvement in the food industry of 5 percent, such stores had a net increase in business of 11 percent. One of the very striking facts is that about one-half of this net increase apparently was due to the amount of stamps received, and another half was due to other factors. We hope that this means that many low-income families, other than the ones receiving direct assistance through the stamp plan, were spending more for agricultural products. Our preliminary information indicates that this was true for some commodities. The aggressive merchandising methods of the food trades are certainly responsible for part of this very favorable showing.

Mr. President, I digress at this point long enough to say that in the cities where the stamp plan is designated, when the surplus commodities are listed, all the grocery stores in the city begin advertising the fact that surplus commodities are for sale. The data indicate—and I think it is reasonable to assume that the stamp plan is the cause of it—that persons other than those possessing blue stamps buy farm surplus commodities through the regular channels of trade, thus helping to remove the surplus, to the advantage of the farmer so far as his price is concerned.

In terms of individual commodities, the preliminary information is very impressive. The most substantial increases in sales are for butter, eggs, and most of the fruits and vegetables. Butter sales in terms of pounds of butter in low-income area stores increased about 41 percent above the preprogram level. In upper- and intermediate-income area stores, they increased 8 percent. Allowing for seasonal and trend factors, our preliminary information indicates that total butter sales in low-income area stores increased not only by the full amount of the blue-stamp expenditure, but by 28 percent more.

Mr. President, this program benefits the farmer. It benefits the person who receives the commodities, and in addition it results in increased purchases of the price-depressing surplus of farm commodities by persons who are not participating in the plan.

In other words, for every Government dollar spent to move butter under the stamp plan through such stores, $1.28 worth of butter was actually sold.

In other words, as a result of the program, taking butter as one example, for every dollar of blue stamps spent for butter, 28 cents was spent by someone else in cash for butter; and the data indicate that such is the tendency and the trend in other communities. In other words, from the standpoint of the farmer, we are obtaining more in this program than the actual dollars being put into it.

Because the prices of so many dairy products are geared to the price of butter, this means a lot to dairy farmers in this section of the country.

Egg sales increased 52 percent in low-income area stores, while in upper- and intermediate-income area stores there was a slight decrease. Here, too, and to even a higher degree, even after the blue stamps are excluded, low-income area stores sales increased very substantially above the preprogram level, and above the relatively stable level for upper- and intermediate-income areas. For every Government dollar spent to move eggs under the stamp plan through low-income area stores, $1.40 worth of eggs was actually sold. Were the stamp plan going nationally we feel sure we could maintain a much better price level for eggs.

Mr. President, one of the well-known poultry journals in this country, the Poultry Tribune, in its issue of March 1940, made a study in Springfield, Ill., where the stamp plan was put into use on October 19, 1939. This is not Mr. Perkins talking. This is not the Senator from Wisconsin offering information. These facts were obtained by personal interviews by representatives of the poultry journal with the persons receiving the stamps to ascertain what was happening.

The question which interested the magazine was:

Would low-income families use more eggs if, in a changing economic world, they suddenly should be placed in a higher-income level?

This is the result, as stated by the Poultry Tribune:

The answer of the 50 families interviewed was an overwhelming "Yes." They said they used an average of 1.1 eggs per person each week, or 57 eggs per year, before stamps were made available, but now use an average of 6.2 eggs per person, or approximately 323 per person annually. This is an increase of 560 percent.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. DOWNEY. I am tremendously impressed by the argument of the Senator, and I am very much in favor of what he is advocating; but I must admit that my mental processes do not follow the reasoning of the article which he has read. Where does all the extra purchasing power come from to permit the purchase of additional eggs? I am unable to follow the Senator.

Mr. LA FOLLETTE. When families on the bottom rung of the ladder are receiving only 5 cents a meal a person, if the amount is stepped up to seven and a half cents by giving them blue stamps free, they will step up from a bare-necessity diet, which may produce malnutrition in the family, and begin to buy commodities which are designated as surplus and which increase the health-building elements

which they and their children need in their diets. The examples I have cited show the effectiveness of the program, if only we have the courage to enlarge it.

Mr. DOWNEY. Mr. President, will the Senator yield further?

Mr. LA FOLLETTE. I yield.

Mr. DOWNEY. I again comment that I am absolutely with the Senator in his conclusion. He has made an eloquent argument. However, if I correctly understand the figures, they indicate that the diet allowance was raised 50 percent, or from 5 cents a person a meal to seven and a half cents a person a meal, while the egg purchase was increased from one egg a week to about seven a week. I cannot follow those figures. Where did the money to purchase the additional eggs come from?

Mr. LA FOLLETTE. It came in the form of blue stamps.

Mr. DOWNEY. The blue stamps increased the purchasing power from 5 cents to 7½ cents.

Mr. LA FOLLETTE. That is correct.

Mr. DOWNEY. That is 50 percent.

Mr. LA FOLLETTE. But they may use the blue stamps only for the purchase of the surplus commodities designated. Eggs are one of the surplus commodities designated. Therefore the housewife seeking to obtain a better and more nearly balanced diet, with even this pittance of increase in purchasing power, bought more eggs for the family, just as she bought more butter, and just as she bought more pork products when they were put on the list of surplus commodities.

In other words, when the additional purchasing power made available raised the family above a very low standard diet and gave the family the opportunity to purchase eggs as one of the surplus commodities, eggs were purchased in increasing amounts with the increased purchasing power.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Pennsylvania.

Mr. DAVIS. As I understand, when a person purchases a dollar's worth of orange-colored stamps he receives 50 cents' worth of blue stamps free.

Mr. LA FOLLETTE. That is correct.

Mr. DAVIS. That is, he pays a dollar for the orange stamps and receives 50 cents' worth of blue stamps free.

Mr. LA FOLLETTE. Yes.

Mr. DAVIS. The blue stamps increased the purchasing power from 5 cents to 7½ cents a person a meal.

Mr. LA FOLLETTE. That is correct, and because the Surplus Commodities Corporation wanted to make certain that this would be a farm program, and that the additional purchasing power would be used to help the farmer to move his surplus and obtain a better price, it entered into an iron-clad agreement with the communities which entered into the plan, that they must not lower their then existing standards of relief. That is why the 50 cents' worth of blue stamps for every dollar's worth of orange stamps had such a surprising and very important effect upon the surplus commodities.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. VANDENBERG. Is there any problem of retail profiteering involved at any point?

Mr. LA FOLLETTE. So far as I can ascertain, there is not. I think Mr. Perkins, after a careful check and investigation, is certain that there is not, for the simple reason that the authorities do not designate certain grocery stores. They designate them all. The old principle of competition prevents any pyramiding of prices. I think in only three instances in all the cities in which the plan has been in operation has it been necessary for the Surplus Commodities Corporation to bring an action against grocers who have "chiseled" or violated the rules and regulations. The thing about which some persons were apprehensive did happen, but only in a very few instances. When the commodities themselves were being distributed a few persons took the commodities and traded them for something else. That happened in two or three instances. Some grocers began to trade the blue stamps for something that was not on the list. But this is a self-policing mechanism because all the other grocers in town soon became aware of the fact that the one who was "chiseling" was getting all the business, and turned the information over to the Government. The practice has been stopped.

Mr. VANDENBERG. Does the grocer receive the same sales profit from a stamp sale as he would receive from a cash sale?

Mr. LA FOLLETTE. Exactly; not only does he receive the same profit but he also gets the advantage of the increased volume of business which inevitably results, and which I have just been trying to point out. I think that is a perfectly legitimate advantage for the wholesaler and the grocer to receive because they are performing the service of distribution. They are not charging the Government any more than they would charge anyone else, and they are not asking any more for that service than they would otherwise make. The plan eliminates all the complications incident to the Government buying the commodities in carload lots and, for example, shipping a carload of cabbages to some community and having the relief authorities distribute it from a food depot to people who come to take it away in baskets, which is a very inefficient and costly plan.

Mr. VANDENBERG. Are there any figures as to the percentage of the average retail price which goes into retail profit in return for this service of distribution?

Mr. LA FOLLETTE. I shall have to confess to the Senator that that is one figure that I have not here. I do know, however, that as compared with the other program which the Government is operating directly, the stamp plan is infinitely less expensive. The Government spent about $19,000,000 in distributing these products in wholesale lots to relief authorities.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. DANAHER. Before I take up the matter about which I wish to ask the Senator, I might add that there is one thing the Senator could have answered to the Senator from Michigan, and that is that Mr. Perkins can always refuse to support the market once he has brought prices back, so that the price of butter, for instance, may be low, and yet there may be no particular surplus of it. In other words, he may then go in and build the price up to some reasonable percentage of parity, and then step out of the market; so it would seem to me that that is the best check.

Mr. LA FOLLETTE. That is the basic and fundamental check, of course, because there are two objectives in the surplus commodity removal program: First, that there is an actual surplus; second, that the price has been so depressed as to become alarming for the farmer. Once that has been taken care of, of course, the commodity goes off the list, as I have shown earlier in my remarks. The authorities are continually putting them on and taking them off as the situation changes itself.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. LA FOLLETTE. I yield.

Mr. DANAHER. What I am concerned about, if the Senator will bear with me, is this: We are now considering, in the Senator's argument, the matter of an appeal from the ruling of the Chair which had to do with an amendment which would increase the allotment from $85,000,000 to $113,000,000. Mr. Perkins testified before the Senate committee that he must achieve domestic distribution through the stamp plan, or through direct purchases, or through a school-lunch program; and the amount for each lies within his discretion. Those of us who are very much interested in the stamp plan—and I am one who is very sympathetic with it; I think it is an admirable thing—want to know what limitation there is in the amendment pending on page 83 to demand and require that if we should vote for the $113,000,000 it will be devoted to the stamp plan.

Mr. LA FOLLETTE. Mr. President, there is nothing in the amendment and there is nothing in the law which limits the activity of the Surplus Commodities Corporation under

section 32. As I stated awhile ago, there are a number of different programs that Congress authorized the Secretary of Agriculture, in his discretion, to inaugurate. There are export programs; there are surplus-removal and distribution programs; there are the other programs the Senator has mentioned. I will say, however, that insofar as anybody can give information under a situation of that kind, at my request Mr. Perkins has furnished me with the information that it is his best judgment, taking into consideration all the factors he now knows, that if this amendment should prevail and become law there could be a 60-percent expansion of last year's stamp-plan program for the year July 1, 1940, to July 1, 1941. I can give the Senator no further assurance than that; and I personally, knowing Mr. Perkins, do not require any further assurance; and, in view of the different programs which are set up under section 32, I do not see how the Congress could intelligently say that X amount of money shall be used for this part of the program and Y amount of money shall be used for that part of it, because we must remember that this situation constantly changes. As I pointed out earlier, they had a cotton-export subsidy program. It has moved a large number of bales of cotton. It has now been discontinued; but neither Mr. Perkins nor the Secretary of Agriculture nor anyone else could say now whether a program for the export of cotton or of wheat should be continued in the fiscal year 1940–41 or whether it should be abandoned. It all depends on the situation; and there will not be any more discretion with regard to the additional $28,000,000 I am pleading for than there is in regard to the $85,000,000 the committee is recommending.

I want to say to the Senator from Connecticut—although I know it does not satisfy his point, which I have discussed with him before—that I am so impressed with Mr. Perkins' integrity and his efficiency and his ability that, so far as I am concerned, I am satisfied that he has given us the most straightforward and the most explicit answer in response to my request for information that he could possibly give; and I should not want to undertake the responsibility of saying that X amount of money shall be used for this, that, or the other of these commodity programs.

Mr. DANAHER. Mr. President, will the Senator yield for one further question?

Mr. LA FOLLETTE. I will.

Mr. DANAHER. Mr. Perkins testified in the committee that he expects that the situation with reference to farm surplus exports this year will be worse instead of better. It is reasonable to think so. If we want to support a stamp plan and find that we are going to vote for export subsidies, we certainly are in a curious predicament in view of the way this language is written. Can we not therefore properly say that not less than 90 percent or not less than 85 percent of the total so voted shall be used in furtherance of the stamp plan?

Mr. LA FOLLETTE. Of course, if the Senate should decide that the decision of the Chair should not stand, such a limitation would be in order when the amendment is under consideration; or, in my view, the Senator could offer such a limitation, if he desired, with regard to the $85,000,000 in case the majority of the Senate should be against me on this proposition. That is a proposition which would come up in any event simply on an amendment to limit the use for which the expenditure could be made; and that would be in order even on the $85,000,000, in my opinion, for whatever it is worth, or upon the $113,000,000.

Mr. DANAHER. But the Senator does not think it should be done?

Mr. LA FOLLETTE. Mr. President, I should not want to take the responsibility. I know that, for example, the wheat farmers have been very well satisfied with the export program on wheat. They think it has helped them a great deal, at least so far as I have been able to ascertain their attitude; and I should not want to say that they should not have a dime of this money if they wanted to continue that program or even thought it was necessary to augment it. I feel convinced, however, that, insofar as it is humanly possible, if this sum of money is added we shall get a 60-percent increase in the program for the stamp plan. I personally would like to provide a greater sum, but I tried to be reasonable about this matter, though some Senators may think I have not been. But this program is working; it has the unanimous support of every community in which it is operating; and it is doing such a tremendous amount of good that I feel very strongly that it ought to be extended.

Mr. DANAHER. Let me thank the Senator very much.

Mr. LA FOLLETTE. I always appreciate the very cogent observations and remarks of the Senator from Connecticut.

Now, just a bit more from this article, and then I shall conclude.

> Even though these families presumably were receiving relief in the form of W. P. A. work or in other forms before the stamp plan was inaugurated, 25 of the families said they were not using any eggs before the blue stamps were made available.

Returning to Mr. Perkins' address:

> For some products, of course, all of the sales increase was not a net increase in demand associated with the stamp plan. For instance, a very substantial part of the increase in demand for prunes, white flour, cornmeal, rice, and peaches, was seasonal. In the case of some of these commodities, our information indicates that part of the blue stamps was being used in the place of cash which would have been used in the absence of a stamp program. This was true in the case of prunes, cornmeal, and rice, and to a lesser extent in the case of white flour. Very substantial net increases in sales, over and above the volume of blue stamps, and after considering seasonal factors, were noted for peaches, cabbages, peas, onions, tomatoes, and pears. For other commodities, it is still too early to come to even preliminary conclusions. The material is being studied carefully and we hope to present the information from time to time as it becomes available. So far as Des Moines is concerned, however, we feel certain that more than a dollar's worth of food was moved for every Government dollar spent to redeem blue stamps. That's one great advantage of utilizing normal trade channels.

Mr. President, in conclusion I wish to say that I believe that Congress must take effective action in view of the alarming situation that is developing so far as the control of export trade by the belligerent and neutral nations abroad is concerned, and its adverse effect upon the normal peacetime exportations of both farm products and nonmilitary manufactured products. I suggested that I shall debate this question at more length and in greater detail when the bill for the extension of the reciprocal-trade agreements is under consideration; but there is a second device which we can employ to cushion this shock upon the American farmer and to help him retain his meager share of the national income, and that is by augmenting the stamp plan.

I realize that some Senators are disturbed by the fact that to make this amendment eligible for consideration requires a reversal of a decision made by the able junior Senator from Alabama [Mr. HILL] when he was in the chair. I have not taken occasion to do so, but I know that I could furnish to the Senate instance after instance, if it would make any difference to it, showing that again and again the Senate has reversed the decision of the Chair in order to permit amendments to be considered.

So far as I am concerned, I do not think this is a dangerous precedent. The Committee on Appropriations has seen fit to initiate this appropriation of $85,000,000 for this purpose. All that the Senate will be doing, if it reverses the ruling of the Chair will be to establish a precedent—which may or may not be followed in the future, as the Senate pleases—which will permit the Senate to exercise its own good judgment, once the Appropriations Committee has decided that it is going to initiate an appropriation. In other words, a strict interpretation of this rule places us in the ridiculous position that an amendment could be offered to reduce this appropriation, the Senate committee having inaugurated it, but the Senate is powerless to increase it, no matter how strongly it may believe that more money is needed than the Senate committee has seen fit to provide.

Mr. President, I hope the decision of the Chair will not stand as the decision of the Senate; and upon this question I hope to have the yeas and nays.

EXHIBIT A

Percentage distribution of commodities secured with blue stamps in 6 areas, July 16, 1939, to Jan. 13, 1940[1]

Commodity	July 16 to Sept. 30 average	Oct. 1 to Dec. 15							Dec. 16 to Jan. 13					
		Rochester	Dayton	Des Moines	Birmingham	Pottawatomie County	Seattle	Average	Rochester	Dayton	Des Moines	Birmingham	Pottawatomie County	Average
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Butter	24	32.0	22	27.0	13	10.0	36.0	25.0	22.0	16.0	17.0	9	8.0	17.0
Eggs	24	29.0	28	25.0	20	12.0	26.0	26.0	21.0	16.0	15.0	13	10.0	17.0
Flour	13	17.0	10	13.0	24	26.0	13.0	16.0	10.0	9.0	13.0	19	22.0	12.0
Rice	2								1.0	2.0	1.0	2	2.0	1.0
Cornmeal	2	1.0	2	1.0	7	4.0	1.0	2.0	1.0	2.0	1.0	5	4.0	2.0
Hominy grits										.6	.2	1	.5	.3
Peaches	10													
Pears	2	1.0	3	2.0	1	.5	.4	1.0	.2	.6	.4	1	1.0	.4
Apples		5.0	8	12.0	6	11.0	10.0	8.0	2.0	6.0	6.0	5	7.0	5.0
Oranges									8.0	7.0	5.0	4	7.0	6.0
Grapefruit									2.0	4.0	3.0	1	2.0	3.0
Dried prunes	2	2.0	2	2.0	2	2.0	3.0	2.0	1.0	2.0	2.0	1	1.0	1.0
Raisins		2.0	2	2.0	2	3.0	2.0	2.0	2.0	1.0	2.0	1	2.0	2.0
Total fruits	15	10.0	15	18.0	11	17.0	16.0	13.0	15.0	21.0	18.0	13	19.0	17.0
Peas	2													
Tomatoes	8													
Snap beans[2]		.3	1	.1	1	.2	.2	.6						
Cabbage	3													
Onions	3	3.0	4	3.0	2	2.0	2.0	3.0	2.0	2.0	1.0	1	1.0	2.0
Dry beans	4	2.0	5	4.0	7	7.0	3.0	4.0	1.0	3.0	3.0	5	5.0	3.0
Total vegetables	21	5.0	10	7.0	10	9.0	5.0	8.0	3.0	5.0	4.0	6	6.0	5.0
Pork lard		6.0	13	9.0	15	22.0	4.0	10.0	3.0	6.0	6.0	9	9.0	6.0
Pork									24.0	23.0	25.0	22	20.0	23.0
Total	100	100.0	100	100.0	100	100.0	100.0	100.0	100.0	100.0	100.0	100	100.0	100.0

[1] Percentages smoothed to closest whole percent so that in some cases additions of individual items differ from group totals.
[2] Snap beans were on the list only during October. In that period they received about 2 percent of the additional purchasing power.
Source of data: Economic Analysis Section, Federal Surplus Commodities Corporation, U. S. Department of Agriculture.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	Reynolds
Ashurst	Donahey	Johnson, Colo.	Russell
Austin	Downey	La Follette	Schwartz
Bailey	Ellender	Lee	Schwellenbach
Bankhead	Frazier	Lodge	Sheppard
Barbour	George	Lucas	Shipstead
Barkley	Gerry	Lundeen	Slattery
Bilbo	Gibson	McCarran	Smathers
Bone	Gillette	McKellar	Stewart
Bridges	Glass	McNary	Taft
Brown	Green	Maloney	Thomas, Idaho
Bulow	Guffey	Mead	Thomas, Okla.
Byrd	Gurney	Miller	Thomas, Utah
Byrnes	Hale	Minton	Tobey
Capper	Harrison	Murray	Townsend
Caraway	Hatch	Neely	Tydings
Chandler	Hayden	Norris	Vandenberg
Chavez	Herring	Nye	Van Nuys
Clark, Idaho	Hill	O'Mahoney	Wagner
Clark, Mo.	Holman	Pepper	Walsh
Connally	Holt	Pittman	White
Danaher	Hughes	Reed	Wiley

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. CLARK of Missouri. Mr. President, I desire to address myself very briefly to the parliamentary question presented by the appeal of the Senator from Wisconsin.

In the long and very illuminating remarks of the Senator from Wisconsin he touched only briefly, if at all, upon the parliamentary question involved in the point of order made by the Senator from Georgia [Mr. RUSSELL], and sustained by the temporary occupant of the chair yesterday. That is in the nature of things, because the Senator from Wisconsin, one of the most able and expert parliamentarians in this body, and as high-minded and honorable a citizen as lives in the United States of America, I am certain would not have pretended for a moment that the point of order was not well taken under the rules of the Senate.

The question is presented upon the naked proposition as to whether or not the Senate of the United States desires at will to set aside a rule because it does not happen to like the application of it in a particular instance, without conforming to the procedure set up by the rules of the Senate themselves for setting aside rules upon occasion, which is the rule providing for suspension of the rules.

Mr. President, in the argument yesterday attention was particularly directed to the first and second paragraphs of rule XVI. It seems to me that the matter should be considered in connection with the third section of rule XVI, because to my mind that is absolutely explicit and mandatory upon the question. Section 1 of rule XVI provides—

> All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Section 2 provides—

> The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

Mr. President, it seems to me that in the section to which I am coming, section 3 of rule XVI, there is an absolute, specific, and mandatory prohibition against the amendment of the Senator from Wisconsin, because section 3 provides—and I have read the preceding sections merely because of the reference in section 3 to the provisions of section 1—

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least 1 day before they are considered, be referred to the Committee on Appropriations.

In this case the matter was before the Committee on Appropriations, and the amendment was itself reported by the

Committee on Appropriations considerably more than 1 day before its consideration actually came before the Senate.

And when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

There is more in the rule, but it is not necessary to refer to the rest of it.

It seems to me that no sound argument or serious argument can be made on the question of whether or not under the rules of the Senate this amendment is subject to a point of order. The point of order was duly made yesterday by the Senator from Georgia and was duly sustained by the Chair, and, as I see it, the whole question now is whether the Senate intends, because a majority does not at a particular moment like a particular application of a standing rule of the Senate, to set the rule aside, not by the method provided, but by the devious method of having a majority overrule a proper decision of the Chair under the rules of the Senate.

I agree with the Senator from Wisconsin that it has been done in the Senate in some instances in the past. I think it was bad practice when it was done, and I think that every time the Senate follows that practice again it prostitutes its own rules. If the Senate does not wish to be bound by rules, it should not have the rules adopted in the first place.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. NORRIS. I wish to take the Senator back to the first part of rule XVI, which he read. I understand that those who contend that this amendment is in order claim that it is authorized by law and that the objection to the amendment is that it is not authorized by law. Is that a correct statement?

Mr. CLARK of Missouri. That is not a correct statement. As I understood the point of order made by the Senator from Georgia yesterday—and he can restate his own point of order better than I can state it—my understanding was that the committee amendment itself, the whole committee amendment, providing for an appropriation under section 32 of the act of 1935 in the amount of $87,000,000, would itself have not been subject to a point of order under the provisions of the first section of rule XVI because of the fact that it had been considered and reported by a standing committee of the Senate—to wit, the Committee on Appropriations—and under the rule an increase in that amount reported by the standing committee of the Senate—to wit, the Appropriations Committee—was itself within the purview of the rules.

Mr. NORRIS. The Senator contends that if the amendment in question had not been offered at least a day before it was taken up here, it would itself have been subject to a point of order.

Mr. CLARK of Missouri. I think that is true.

Mr. NORRIS. When an amendment is subject to a point of order, and yet is considered, is not an amendment to that amendment subject to a point of order?

Mr. CLARK of Missouri. The trouble with the Senator's position is this: I will agree entirely with the Senator that if an amendment which is subject to a point of order were offered on the floor of the Senate, and the point of order were not made, or on appeal the point of order was overruled, then the amendment would be subject to any other amendment. But in this case the standing rules of the Senate have specifically laid down the procedure. They provide that on the recommendation or by the direction of a standing committee of the Senate an amendment may be offered which is otherwise obnoxious to the rule. And the rules of the Senate further provide that when such an amendment is offered an amendment to increase the amount provided in that amendment shall not be in order.

Mr. NORRIS. The Senator assumes that this increase sought to be brought about by the committee amendment is obnoxious under the rule, and that Senate rule XVI applies to that amendment in the same way that it would if the item were in the bill as it came from the House?

Mr. CLARK of Missouri. I think that is the effect of rule XVI.

Mr. NORRIS. Then we agree on that.

Mr. CLARK of Missouri. Yes.

Mr. NORRIS. I think that is fair. Now, I want to call the attention of the Senator from Missouri, whose ability as a parliamentarian is well known by everyone and respected by all, to this proposition. I have perhaps been laboring under a misapprehension. Although the Senator does not agree with me, I thought the point of order was made because this particular amendment was not authorized by law. There are several exceptions to the rule, and only under one exception, as I see it, could this amendment by any possibility be declared proper.

Mr. CLARK of Missouri. Of course, if the amount had been authorized by law, then the provisions of rule XVI would not have applied to the amendment.

Mr. NORRIS. Exactly.

Mr. CLARK of Missouri. The Senator from Georgia in his point of order negatived the application of the exception to this particular case.

Mr. NORRIS. That is the way I understood it. Now, is the proposal authorized by law? It is contended that it is not. The Chair has to pass on the record like a judge would have to pass on a demurrer on the record before him. Was there anything before the Chair when he made the decision, or has anything been offered to the Senate since which shows that the proposal is not authorized by law?

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, the burden will be on the proponent of the amendment to show that it is authorized by law, and the Senator from Georgia did quote on yesterday the provision of the statute showing the manner in which the matter is authorized by law, which is to say 30 percent of the customs duties collected for the previous calendar year, and unless it comes within the exception of a particular authorization of law it is unquestionably within the purview of the rule.

Mr. NORRIS. Congress has passed the law—it is a general law—making appropriation of 30 percent of the customs receipts to be used under the provisions of section 32. Have I presented that correctly?

Mr. CLARK of Missouri. I shall be glad to have the Senator from Georgia state his own point of order which he made.

Mr. RUSSELL. The Senator is familiar with the provision of section 32 of the act of 1935?

Mr. NORRIS. Yes.

Mr. RUSSELL. Under that provision of the act 30 percent of the customs duties collected the previous calendar year are to be used for the purpose in question.

Mr. NORRIS. That is my understanding. Then if that be true, up to 30 percent of the customs receipts are authorized by that law.

Mr. RUSSELL. That amount is automatically appropriated.

Mr. NORRIS. Exactly. But we are appropriating in this bill the money that had already been appropriated.

Mr. RUSSELL. Oh, no.

Mr. NORRIS. The Senator cannot tell what 30 percent of the customs receipts is going to amount to for the current year?

Mr. RUSSELL. The receipts for the last preceding year are the receipts in question.

Mr. NORRIS. We have not collected all of them yet.

Mr. RUSSELL. Yes; this does not relate to the fiscal year. It relates to the preceding calendar year. I tried to make that point clear yesterday.

Mr. NORRIS. Mr. President, I did not understand.

Mr. RUSSELL. The 30-percent allocation refers to the customs receipts which come into the Treasury for the preceding calendar year. The total amount of the customs receipts for the calendar year 1939 was $338,938,730.12. According to the computation I have, 30 percent of that would be $101,681,619.03.

Mr. NORRIS. In the bill there is carried $87,000,000.

Mr. RUSSELL. Eighty-five million dollars.

Mr. NORRIS. Does the Senator concede now that an amendment would be in order under rule XVI if it carried $101,000,000, or exactly one-third?

Mr. RUSSELL. I do not; because the $101,000,000 is already appropriated, and the $85,000,000 is in addition to the $101,000,000, making a total of $186,681,619.

Mr. NORRIS. I may be wrong about it, but, as I understand, the $85,000,000 is a part of the 30 percent of the customs receipts?

Mr. RUSSELL. No.

Mr. NORRIS. Then I am wrong.

Mr. RUSSELL. The Senator is in error. This is the first time I have ever seen the Senator from Nebraska misunderstand anything relating to pending legislation. But there is $101,000,000 already available to the Secretary of Agriculture, if the Congress did not even convene this year. It is a permanent allocation, and it is available to him, and is paid out of the Treasury without any further action by the Congress.

Mr. NORRIS. With the Senator's explanation, I concede I was wrong. I was under the impression that this appropriation contained in the amendment offered by the committee to the bill was a part of the 30 percent of the customs collected.

Mr. RUSSELL. It is in addition to that amount.

Mr. NORRIS. Then I was wrong.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. SCHWELLENBACH. Will the Senator discuss the question from this point of view? It is clear that the proposal is for an amount in excess of the amount authorized by law; but there are many precedents, as I understand, with respect to what seems to me to be fairly analogous situations, going back to Vice President Marshall's time, who as presiding officer of the Senate held that when the House opened the door on appropriations and put legislation on appropriation bills, the rule of the Senate did not apply.

Mr. CLARK of Missouri. Mr. President, that is undoubtedly a sound parliamentary view, but in this case, rule XVI, so far as the first three sections are concerned, is in flat derogation of the general parliamentary rule. There is an exception by which an increase may be offered, which is on the direction of a standing committee, which has been approved by the Committee on Appropriations. In this case it was not necessary, because the standing committee which authorized the amendment in the first place was the Appropriations Committee itself. But there is also a limitation set out in the body of the rule as specifically as it is possible for the English language to do, which says that when such an amendment is presented to the Senate for consideration, it shall not be subject to an increase; and the point of order made by the Senator from Georgia yesterday was specifically in accordance with section 3 of rule XVI.

With respect to the point which the Senator from Washington just presented of questions between the Houses, when one side has opened up the door, and the right of the other body to put on any amendment that it may see fit, as a matter of general parliamentary law that may be true in some cases, but we are restricted by the specific provisions of rule XVI in this particular case.

Mr. SCHWELLENBACH. But we have another more or less analogous situation. On one occasion a motion was made to suspend the rules——

Mr. CLARK of Missouri. Mr. President, evidently the Senator from Washington did not hear what I said a while ago. This is a method for evading the provision of the rule of the Senate, which authorizes a suspension of the rule. The provision for the suspension of the rule requires a two-thirds majority, and requires that notice be given 24 hours in advance. This proposal is to suspend the rule in one particular case by a majority vote without notice, on an appeal from the decision of the Chair. We have that very proposition presented here in this bill. The Senator from Louisiana [Mr. ELLENDER] has presented an amendment which he recognizes as being clearly subject to a point of order. The Senator from South Carolina [Mr. BYRNES] has another amendment which he recognizes as being clearly subject to a point of order. Realizing that under the rules of the Appropriations Committee the chairman of the subcommittee in charge of the bill is necessarily bound to make the point of order, they presented notice in due form of a motion to suspend the rule to make the particular proposition in order, and that motion can be adopted by two-thirds of the vote of the Senate.

Mr. SCHWELLENBACH. If that is done, and the door is opened, can anything be added to it?

Mr. CLARK of Missouri. Yes.

Mr. BYRNES. I do not think the Senator understands the question. If due notice is given to suspend the rule, and the rule is suspended, the Senator from Washington inquires whether it opens it up to other matters, or is it not solely confined to the matter set forth in the notice to suspend the rules?

Mr. CLARK of Missouri. It is confined to the matter referred to in the language of the notice of intention to suspend the rule.

Mr. SCHWELLENBACH. I called attention to the fact that last summer notice of a motion to suspend the rule was given by the Senator from Nevada [Mr. MCCARRAN] in connection with the work relief bill. If the rule had been suspended, the Senator from Nevada could then have offered his amendment to the bill, even if the doors were not opened up?

Mr. CLARK of Missouri. I am not familiar with that situation. The only thing I can say, Mr. President, is that so far as the pending appeal is concerned, by the specific terms of rule XVI, the ruling of the Chair on yesterday was correct.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. O'MAHONEY. I venture to interrupt the Senator because the same question which appears to be in the mind of the Senator from Washington was in my mind this morning when I read the RECORD. I was not present in the Senate yesterday when the point of order was raised. I have resolved the doubt in my mind, and I am quite satisfied now that the Chair was correct in his ruling. I venture to interrupt the Senator in the belief that by merely alluding to the processes by which I reached the conclusion I may clear up the doubt in the mind of the Senator from Washington.

As I read the first paragraph of rule XVI, it provides for three limitations upon amendments which may be offered.

Mr. CLARK of Missouri. All of which are in derogation of the general parliamentary law.

Mr. O'MAHONEY. Yes. Those three limitations are that an amendment shall not be received, first, unless it is to carry out provisions of some existing law, or treaty stipulation; second, or an act, or resolution previously passed by the Senate during the session; and, third, unless it be moved by direction of a standing or select committee.

Paragraph 3 of rule XVI is a limitation upon that third limitation in paragraph 1.

Mr. CLARK of Missouri. That is entirely correct.

Mr. O'MAHONEY. And it provides that when a standing committee has brought in such an amendment which otherwise would have been out of order it shall not be increased upon the floor of the Senate.

Mr. CLARK of Missouri. Mr. President, the Senator has correctly stated my view of the matter.

Since I am on my feet, and since I do not wish to be in the attitude of hiding behind a parliamentary position in the matter, I wish to state my own position with regard to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. I shall do so in a few sentences.

I am very much in favor of the fullest appropriations under section 32 of the Agricultural Adjustment Act. I have contributed, so far as my ability permits, to bringing about appropriations under that section. I realize the force of what has been said by the Senator from Wisconsin, and I realize that the money spent under section 32 is probably as

valuable an investment as the Government of the United States is making at the present time. Nevertheless, Mr. President, I have long been an adherent of the theory that part of something is much better than all of nothing.

We held meetings on this matter, trying to determine the amount which could be asked for in this body by the friends of parity payments and of surplus disposition under section 32, and which would in all probability be able to stand the twin ordeals of passage by the House of Representatives and signature by the President of the United States.

At the meeting which I attended, at which the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Illinois [Mr. LUCAS] were present, being particularly interested in the matter of surplus appropriations under section 32, the sums carried in the bill were suggested. There was much discussion about the matter. I do not think there was any difference in purpose among those attending the meeting. We were trying to get all that we legitimately could for these very necessary purposes of the Government.

I know that the Senator from Wisconsin did not feel bound by the discussion that day. As we all know, he is one of the most honorable and high-minded men in the United States. However, Mr. President, I must say that, so far as I am concerned, with my very deep interest in appropriations under section 32, when I left that meeting, which was held in the office of the Senator from Alabama [Mr. BANKHEAD], I felt that I was bound to cooperate with whatever was the final decision of the Subcommittee on Appropriations on the question of inserting into the House bill very extensive appropriations not carried by the House bill for these very laudable and justifiable purposes.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I shall be glad to yield in just a moment.

It was for that reason that yesterday I voted against the amendment for full parity payments. It is for that reason that if the appeal by the Senator from Wisconsin [Mr. LA FOLLETTE] from the decision of the Chair shall be sustained and the amendment shall be voted upon, I shall feel constrained to vote against it, much as I am in sympathy with the purposes which actuated the Senator from Wisconsin. I now yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I merely wish to keep the record straight. Every Senator who was in the meeting to which the Senator refers, and the only one to which I was invited——

Mr. CLARK of Missouri. That is the only one at which I was present.

Mr. LA FOLLETTE. Every Senator who was present at that meeting will remember that from the beginning to the end of the meeting I argued against any cuts being made in either parity-payment appropriations or section 32 appropriations.

Mr. CLARK of Missouri. I think that is entirely true.

Mr. LA FOLLETTE. When the meeting broke up, my recollection is that the Senator from Georgia [Mr. RUSSELL] intended to wait upon the majority leader to ascertain the prospect of taking up the agricultural appropriation bill, and that in the event he should be successful in bringing it up a subsequent meeting would be called further to discuss the matter.

So far as I am concerned, that is all I know about the matter; but I do know that I consistently maintained that, in view of the economic situation, both at home and abroad, it would be a tragic mistake for the Congress to reduce the agricultural appropriations, either for parity payments or for section 32 appropriations, below the total of appropriations which had been made out of the Treasury for those purposes during the preceding year.

Mr. CLARK of Missouri. Mr. President, the statement of the Senator from Wisconsin is entirely correct. I wish to reiterate that I know that the Senator from Wisconsin does not have the same feeling I have with regard to the effect of that meeting. Otherwise he would not have offered this amendment. I again express my deepest sympathy for the purposes of the amendment, but I also repeat that it is better to get part of something than all of nothing.

CENSUS OF 1940

Mr. TOBEY. Mr. President, I desire to present to the Senate some facts about the census and Senate Resolution 231.

In the Senate recently I asked the majority leader to allow the census resolution to be voted on by the Senate this week, but he refused, saying that the bill to extend the reciprocal-trade agreements would be taken up next.

I pointed out that time was of the essence regarding the census resolution, because 130,000 census takers will begin work on April 2, whereas the act to extend the reciprocal-trade agreements cannot take effect until June 12; but the determination of the administration leaders to stifle Senate action on the census resolution remained unchanged.

I have received more than 15,000 letters written by citizens from all walks of life, and no one who has read those letters could fail to share my determination to act to relieve the people from the hardship which is imposed by the Government regarding the personal questions contained in the questionnaire and the threat of imprisonment for refusal to answer.

Time after time in the past few weeks the Census Director has emphasized that no man has ever been put in jail for refusal to answer census questions. Several days ago I received a call from a man who told me that a friend of his, at the time of the taking of the last decennial census, refused to answer certain census questions, was put in jail, subjected to the third degree, and driven insane, and is now in an institution for the insane. I have had a search made of the police-court and jail records in his case, and the records verify that this man was sent to jail for refusal to answer census questions. He was kept there several days, until he reached such a frenzied state that, upon medical examination, he was found to have become insane and was committed to an institution for the insane. This man before the time of his arrest was an outstanding citizen in his community and enjoyed a good reputation.

My point is this: No action that could be taken by the Congress or by the Secretary of Commerce or anyone else could reestablish him in his community with the reputation and standing which he enjoyed before he was jailed for refusal to answer the census questions, but we can take action to insure that in the future no such high-handed and cruel practices will be permitted.

My position is that it is un-American to force the people of this free country to submit to such a personal inquisition under threat of imprisonment. We may send men to prison for deliberate acts of dishonesty, for thefts, for assaults, and other criminal offenses, but not decent American citizens merely for refusing to divulge personal information to their neighbor-enumerators.

I feel that it is my duty to mention another false assurance that has been given to the American people; and this is important. Time and again we have heard from the President, from Mr. Hopkins, and from Mr. Austin, of the Census Bureau, that the information which is given to the Census Bureau will be kept in strictest confidence.

Speaking over a national radio hook-up on February 5, Director Austin said:

> You also have a right to know that your reports to us remain confidential for all time. No Government bureau or agency can look into our files to find out about you. No person or bureau can get our files for any purpose—taxation or criminal investigation or anything.

That is an important assurance, and we have a right to rely upon it, but listen to the facts.

I have been advised by census employees of facts which have been corroborated by others. Businessmen have been obliged in the recent business and manufacturing censuses to fill out detailed schedules, giving intimate secrets of their affairs, secrets which they would never divulge to their rivals. If they knew of the subterfuge which is practiced by the Census Bureau, whereby private concerns are given access to such so-called confidential information, there would be an

uprising in America which would make the revolt against the income questions seem insignificant.

At the head of every census schedule the following is set forth in bold type:

> Confidential census report. This report is required by act of Congress. This act also makes it unlawful for the Bureau to disclose facts, including names or identity, from your census reports. Only sworn census employees will see your statements. Your census reports cannot be used for purposes of taxation, regulation, or investigation.

I have confirmed from sources in the Census Bureau that for many weeks representatives of the T. N. E. C., an outside agency, have been searching census records in connection with the monopoly investigation, and have had access to individual schedules of businessmen.

Moreover, outside business concerns are being allowed to send their representatives to the Census Bureau to be sworn in as temporary census employees, in order to technically come within the law which prohibits anyone but census employees from seeing the census records. A regular census employee made the following statement to me:

> These outside individuals take the oath and become a so-called census employee, but they never do a tap of work, so far as the census is concerned. They simply come down here and take the oath, which doesn't mean much to some people, and they have full access to the census records anywhere they want to go and search with a fine-tooth comb. Before they can take away this information, they are referred to a certain office, for approval, but they are sharp enough not to include anything that wouldn't be passed; but in the weeks they are working here, they could take out anything they want to in the form of small memoranda. In those confidential files they could get information about any individual or concern. They are sworn in as census employees, but they are not census employees in truth, because they do not work on the census, they work for their own use.

What an opportunity for unscrupulous business concerns to get confidential information about their business rivals.

In 1935 the Secretary of Commerce gained adoption by the Congress of an act, which, in the light of the revelations I have just made, provides an effective means by which secret and confidential data in the Census Bureau can be revealed to private business concerns or individuals. By this act the Department of Commerce is given blanket discretion, at the request of any person, firm, or corporation, to secure special services of persons who are neither officials nor employees of the United States. The money to pay these men is furnished by the person, firm, or corporation and used, "in the discretion of the Secretary of Commerce and notwithstanding any other provision of law," to employ outsiders and thereby give them access to confidential census files.

I have an affidavit stating that an agent of the F. B. I. approached a certain woman and threatened that if she refused to give him certain information as to the lives, marriages, and so forth, of her family, he would get it after the census was taken and he had talked with the census man. She said she would tell them where she was born, and so forth, and that was all; and the agent said, "You had better answer all the questions they want to ask. If you do not, you will be locked up."

I naturally dislike to present this picture, but in the choice between protecting the Census Bureau by concealing the facts and protecting the public interest by revealing the facts, my duty is clear; I have no alternative.

In my radio talk last week I spoke as follows:

> If you stand upon your constitutional rights and refuse to answer the questions which violate your right of privacy as guaranteed under the Constitution, you will have plenty of company.

Soon after the President, through his secretary, charged that I had openly advised the American people to violate the law. My answer is that an unconstitutional question or a question never authorized by Congress does not come within the law; and so I replied to the White House, "What law, Mr. President?" But he did not and could not answer that.

The President's attack comes with poor taste from the man who, in 1935, wrote to the chairman of a House committee urging passage of one of his "must" bills. He ended his letter with these words:

> I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation.

The Chief Executive lightly brushed aside the Constitution, and asked the Congress to join him in such disregard. The Supreme Court later declared the bill unconstitutional. This action of the President brought to my mind vividly the picture of Lincoln in the White House in 1861, when a group from Congress called on him to secure his support for a bill which they said was unconstitutional, but which they wanted passed, and Lincoln replied:

> Gentlemen, it was in the oath that I took that I would to the best of my ability preserve, protect, and defend the Constitution. I could not take the office without taking the oath. It is not in me to take the oath to get the power and then break the oath in using the power.

A far cry from 1861 to 1935.

The Senate Committee on Commerce has officially reported that the claim of the Department that the income questions are legal is inconsistent with the restrictions expressed by Congress. It is not correct to contend that an unauthorized ruling of a departmental bureau constitutes a law of the United States. It is time to call a halt to attempts of departments to arrogate to themselves the functions of a legislative body, especially in matters which threaten the people with imprisonment for not bowing to the will of a bureau head.

Mr. President, I now wish to point out a statement appearing on page 163 of the hearings on Senate Resolution 231, in the testimony of the Director of the Census, Mr. Austin. He made a radio address to the American people to which I have hitherto referred. In that radio address he said to the people of the country, trying to have them possess their minds in patience, and attempting to calm down righteous indignation, and I quote him directly:

> In the first place, the questions we will ask you are not our questions, but they are your questions.

I asked Mr. Austin, "Do you think that is a fair statement—that those are the people's questions?" He answered, "I think that statement is exaggerated"; and, of course, it is exaggerated. The American people never asked for those questions. Certain research organizations and large business organizations did, for their own selfish purposes—not pro bono publico, for the good of the common man—and I say again on the Senate floor that in my honest judgment there is an ulterior purpose behind some of these intimate personal questions in the census questionnaires.

More of that later. Some day the scales will fall from the eyes of the American people, they will see these things in their true light, and they will cry out, as Macbeth did to Macduff:

> Lay on, Macduff;
> And damn'd be him that first cries, "Hold, enough!"

And God pity the man who gets in the way of that righteous indignation.

Mr. President, I hold before me a volume entitled "Sixteenth Decennial Census of the United States. Instructions to Enumerators. Population and Agriculture." I refer to that volume specifically. Herein, sir, if you please, is a total of 79 pages of small type giving instructions to those who are going to make the population census enumeration, all of whom are to be partisan, politically appointed enumerators, most of whom are going to be your neighbors, if you please, some of whom may be your enemies, some of whom may be your creditors, who are going to come in this snooping investigation and ask these intimate, personal, obnoxious questions. So we have before us 79 pages of instructions, and a school for enumerators is being held of 4 days' duration, and unless they get a group of men and women in this country who have more than average intelligence, I defy them to go out on the highways and byways of the hinterland of America and ask with any coordination of mind and common sense these questions in an orderly and a sane way.

I want to read you some of these instructions. Let us have a little conversation here together. I read now from page 3 of these questionnaire instructions, under the head-

ing "Enumerator's rights." This is addressed to the enumerator, and the instructions say, under paragraph 17:

You have the right of admission to all dwellings * * * within your territory for the purpose of obtaining information required by the Bureau of the Census.

I cite that because the census group in Washington decried me because I said, "On April 2 an army of 130,000 individuals will invade your homes." I stick by my guns. They are going to invade them, and there is their authority for it:

You have the right of admission to all dwellings * * * within your territory for the purpose of obtaining information required by the Bureau of the Census.

Now go to the bottom of page 3, under the heading "Refusals to answer":

In case your authority is disputed—

I am reading from paragraph 18 of the instructions—

show your certificate of appointment, which you must carry with you at all times. It is of the utmost importance that your manner should, under all circumstances, be courteous and conciliatory.

Good!

In no instance should you lose your temper or indulge in disputes or threats. * * * After all other means have failed, call the attention of the person to the penalty provided in section 9 of the Census Act for refusal to give the information requested—

Fine and jail sentence.

In other words, do not threaten the housewife; just tell her she will go to jail if she does not answer.

Now, if you please, under "Untruthful replies," listen to this:

You have a right not only to an answer, but to a truthful answer. Do not accept any statement that you believe to be false.

Listen to this:

Where you know that the answer is incorrect—

The instructions say, "Where you know." That is a figment of the imagination of the census enumerator. He is to be the sole judge whether it is correct or not. If he is your enemy or your creditor he may purposely, according to the dictates of human nature, which is frail in all of us, say, "That is not correct," and put down what his sweet will dictates.

Here are the instructions:

Where you know that the answer is incorrect, enter upon the schedule the correct answer as nearly as you can ascertain it.

Out of his own mind he may put down what he thinks is the truth, regardless of what you say to him.

I come down now to the next paragraph, 21:

Be particularly careful when enumerating a household that no person is reading the entries you are making or the entries you have made for other households. You are not permitted to show anyone, other than authorized census employees, the schedules that you have filled out, or to retain copies of the schedules or of any parts of them.

So the questioned housewife will not be allowed to check as to the correctness of the answers as written down by the enumerator.

Now read with that paragraph 28:

You must not permit anyone to accompany or assist you in the performance of your duties * * *. This does not prevent you, however, from receiving the unpaid assistance of individuals, when necessary, in order to obtain information concerning persons who do not speak English, or concerning absent households or members of a household as provided in paragraphs 45, 305, 372a, and 387.

The application of that is this: If I am a census enumerator and go into parts of a city where there are, say, a large section of Greek, or Finnish, or Polish people, and I do not speak their language, I may call in anybody I want to—say the political boss of that group. He does not have to be sworn in. He is not an employee of the Government. He does not work for pay; but I may give him the privilege of cross-examining these people and learning the inmost secrets of a foreign group anywhere in America for political purposes if he desires to use the information.

Along this line I called on the telephone the other day the second gentleman in charge of the Census Bureau. There was apprehension in my heart regarding much of this census procedure. I said to him, "Sir, I raise a question with you. Your census enumerators over the United States, 130,000 of them, will go out on April 2. You will get this intimate personal evidence of debts, of mortgages, of age, of divorce, and many other questions. You will compile it in schedules. When your census enumerator goes home at night, what becomes of the schedules containing intimate personal data about the people he has questioned all day long? It may be open to inspection by Enumerator Tom, Dick, or Harry's family or associates. So I asked the Census Bureau, What becomes of the schedule at the close of day?" And the answer glibly came back, and it was a false answer, "Why, he returns those schedules every night to the district supervisor of his district."

I questioned this statement, as I should, and I said, "Do you mean to tell me that the enumerator in a country town in New Hampshire or in Missouri is going to travel several hundred miles to his district supervisor, who may live that far away, to turn each day's work into his hands? It is physically impossible." He said, "Wait a minute"; and he went out and got his instructions from somebody else, and returned and said, "Oh, no; I am wrong. The enumerator keeps them in his own possession until the census is concluded, a matter of 4 weeks or so." So now we find that Tom, Dick, or Harry, the census enumerators, keep these schedules of the citizens throughout the country which deal with their intimate personal affairs on the mantelpiece, perhaps, or in their pockets, or in their bureau drawers, or on the family table for 4 weeks, open to anybody's scrutiny, before they are turned in to the headquarters of the district supervisor. What a travesty on privacy and keeping this personal information confidential.

So much for some of the doubts and weaknesses and camouflage of the census enumerating.

I read you now a letter. Here is one I have received, 1 of 15,000. If this does not touch something down deep in your hearts, there is something wrong with you. I say it very frankly. It did in my case. This is not a single instance, but it is one of many; and I want to inject something right here, Mr. President.

It is a great thing for you and me, in our intercourse with our fellow Senators here, to have their good will and camaraderie and esteem and regard and affection, if we can gain them and are worthy of them, and, of course, we all desire them; but if any Senator in this Chamber wants those things so much that he sacrifices something more important, then he is not measuring up to the goal he ought to achieve. We need to look beyond the confines of this rectangular Chamber, and beyond our friends in the galleries, out over this country, North, South, East, and West, and see 130,000,000 people, men and women, your and my brothers and sisters in the last analysis, working in the shops, in the factories, in the homes. Those who sent us here and who are sovereign over us. We need to keep faith with them; and the tragic part of America today is that all over this country, regardless of party, so many men and women have lost faith in government, for this reason: They have sometimes come to the conclusion, and it is almost justified, that we who may be in the Senate or in the House or in places of authority in government do not give a damn about them except at election times, to get their votes. That is a deep-seated conviction in many hearts, and sometimes it may seem to be almost justified. That is the reason today why our Government has not the confidence of a large part of our citizenry. The one thing my party and your party have to do is to look over this Nation fore and aft, and by our works and by our utterances and by our actions revive faith of the common people in the institution of government.

I now read this letter to you with that preface. It is from a woman:

Three years ago I purchased a home for myself and little son. When the neighbors were curious about my affairs I merely told them that I was a widow. Senator TOBEY, my marriage was an unfortunate mistake. My husband, a lawyer, deserted me when my little boy was less than 1 year old, as he did not want children. I managed to keep the baby with me and make a living. A year ago

I quietly got a divorce from my husband, whom I have not seen for over 11 years.

My son is now 12 years old, and I do not wish him to know I am divorced until he is a little older and understands more about life, and I wish to tell him myself. This matter is something that concerns only his life and mine. I understand the census taker for here is likely to be a member of one of the most inquisitive and gossiping families in the neighborhood. If I am forced to answer these census questions my whole private affairs will be the property of the neighborhood and my son will be told his private personal affairs by his schoolmates and neighbors. What am I to do?

If I refuse to tell my most intimate and private personal affairs to this inquisitive neighbor and go to jail, which, believe me, I prefer doing to telling what I have now told you, I have no one to take care of my son and my home, and what effect would it have on his outlook on life and on our lives here? I know it would forever after be thrown up to him at school that his mother did a jail term. I consider if one is not a lawbreaker one's private life is a matter solely between God and oneself. What can I do? Please, Senator TOBEY, do find time to answer this letter, as I am a good citizen and have a real problem, and if someone in Washington can't help me I will have no one to turn to.

That letter, Mr. President, is but one of many from women throughout the Nation who are seriously troubled by the inquisition of the census schedules.

Mr. President, I revert to the instructions to enumerators and turn to page 28, instruction 372," Procedure for absent households":

Households in your district whose members will be away from their place of residence during the entire period of the canvass are to be handled as outlined below.

And this is the outlined program, section 372a:

Try to obtain the desired information from neighbors or from some other person who may be able to furnish it.

Try and visualize such a situation, Mr. President. Back in my town of Temple, or out in Wisconsin, or up in Vermont or Massachusetts, the enumerator would go to the door and rap, and when the housewife came he would ask her, "What can you tell me about your neighbors, Mary Smith and her husband? Have they a mortgage on their house? What is the amount of same? Frequency and amount of regular payments? Is she divorced? At what age was she first married?"

Mr. President, that is the instruction to the enumerators. When you put the microscope on these enumeration questions, and then give consideration to the rights of the American people, who are guaranteed an inherent right to privacy under the Constitution, you cry out, "Shame on the American Government for such inquisitorial methods."

Now I close, and I desire in closing to read something to the Senate. This is not CHARLES TOBEY speaking, but I am speaking for one who has a great place in the hearts and intellects of all America, who 100 years from now will be quoted by American high-school and college students. He is one of the great Americans of all time, one of the greatest liberals alive today. I refer to former Justice Brandeis, of our Supreme Court, from my native State of Massachusetts. Listen to Louis Brandeis speaking to the people of America. This is his statement, made in 1927, and what he said is as true today as it was then. It will be true a hundred years from now, please God, if we bring this Nation back to the principles of liberty and freedom on which it was founded:

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

I continue to quote from Mr. Justice Brandeis:

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized man. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.

God bless Louis Brandeis and may he live among us many more years as a citizen of the Republic; and all down through the decades, after he has passed on and gone to his reward, the spirit and the truth of those words should be an inspiration to America and an inspiration to every man to carry on, not primarily to please his fellows but to keep faith with the American people, true to the best traditions of our country, whose we are and whom we serve.

Mr. President, I ask that there be printed in the RECORD an editorial on the subject I am discussing, from the Hartford Courant of March 18, 1940.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant of March 18, 1940]

THE PRESIDENT AGAINST SENATOR TOBEY

The President, through one of his secretaries, again takes sharp issue with those Members of Congress who are demanding the deletion of certain questions that the Census Bureau has prepared for the 130,000 politically appointed enumerators to ask when they begin taking next month the Sixteenth Census of population. He particularly attacks a Senator who, in a recent national broadcast, urged his listeners not to answer inquiries about their incomes. That Senator is none other than CHARLES W. TOBEY, of New Hampshire, who introduced the resolution declaring it "to be the sense of the Senate" that the Director of the Census and the Secretary of Commerce should immediately cause to be deleted from the questionnaire these two items: "(32) Amount of money, wages, or salary received (including commissions) in 1939; (33) Did this person receive income of $50 or more from sources other than money, wages, or salary?" He is the first Senator, Mr. Roosevelt says, who, to his knowledge, has "openly advised the American people to violate the law."

Senator TOBEY is not in the least disturbed by that indictment. On the contrary, he turns it back against the President by asking him if it is his position that "an unauthorized ruling of a departmental bureau constitutes a law of the United States." He reminds him that the Senate Committee on Commerce holds that the income questions are illegal and were never authorized by Congress. Furthermore, he says that these questions are a clear infringement of article IV of the Bill of Rights, and he quotes the Supreme Court as saying that the principles of that article "embody the essence of constitutional liberty" and forbid "all invasions on the part of the Government and its employees of the sanctity of a man's home and the privacy of his life."

It is not Senator TOBEY's view alone or that of the Senate Commerce Committee or that of any number of Senators and Representatives that the Census Bureau has no constitutional or legal right to ask these Paul Pry questions, and under penalty of fine or imprisonment, or both, to compel their answer. It is also the view of distinguished authorities entirely outside of Congress; for example, Dr. William Starr Myers, professor of politics at Princeton University, who says that the questions are "a direct violation of the Bill of Rights in the United States Constitution, and totally unwarranted as an infringement of private rights and individual liberties."

So it seems that Senator TOBEY, in asking his radio listeners to stand with him in refusing to tell the census takers about their income, was in effect advising them to maintain their constitutional rights. The rules of bureaucrats may have a high rating with this administration, they may be regarded as having the full force of law, but there is a higher law than theirs, and it is laid down in the fundamental law of the land.

How shaky is the ground on which the administration, the Department of Commerce, and the Census Bureau stands with respect to these obnoxious questions is revealed by the action of Secretary Hopkins in ruling that reply may be made anonymously on a blank that the census taker will supply and mail to the Census Bureau. Yet only the other day Secretary Hopkins was standing squarely by the Census Bureau's schedule of questions, declaring that they must be answered in every particular and citing the penalties that would be incurred for noncompliance.

From this it would seem that the rulings of the Census Bureau are not quite the equivalent of either a constitutional provision or a specific enactment by Congress. Is it any worse for Senator TOBEY to tell his radio listeners what he did than it is for the Secretary of Commerce to make one law today, repeal it tomorrow, and then for the President to censure the Senator for publicly advocating the violation of law?

Congress does not appear to be impressed with the sanctity of Census Bureau law, and despite all the pressure that the administration may be able to bring it is predicted that the Tobey resolution will be adopted, if for no other reason than to give Senators an opportunity to express their approval of the popular resentment. But because the census questions have already been printed, it is proposed that the whole matter might be resolved by abolishing the penalties for not answering them. Such a proceeding might easily render the whole enumeration nearly useless. All that is seemingly required is to instruct the census takers not to ask questions 32 and 33, even if they must still ask the householder whether he owns his own home, whether it is mortgaged and, if so, for what amount, and how regularly he is meeting his debt

payments; also, whether he has a flush toilet and, if so, whether it is used by his family exclusively or is shared with others, and whether the bathtub, if any, is restricted to the uses of the family.

This will not be the first time that census takers have asked questions that the average citizen thinks are none of the Government's business, but it is the first time that the privacy of the citizen has been invaded to any such extent. It savors more of the practices of totalitarian countries than of the free representative democracy of the United States.

Mr. TOBEY. Mr. President, I now address the majority leader of this body. The majority leader and I talked this matter over before, and I am coming to him in all sincerity and good faith to make a proposition to him. He knows how anxious I am that Senate Resolution 231, reported favorably by the Committee on Commerce, with a splendid report back of it, should receive consideration and be voted upon in the Senate. I now say to the majority leader that, with between one and two million people behind this proposal, representing an outraged public opinion, the Senate and its leadership, in my honest judgment, and with all due respect, have no right to put obstacles on the track of progress and not permit a vote. So I ask the majority leader what his plans are, if he can tell me now, as to what he will suggest at the end of today's session. Does he plan to move that the Senate adjourn, or recess, and when?

Mr. BARKLEY. Mr. President, I do not think I am called upon to reveal to the Senator from New Hampshire whether it is my plan to move that the Senate recess or adjourn. I will say to the Senator that, so far as I know now, the motion will be to recess.

Mr. TOBEY. If I may make a request of the Senator at this time, I now request, before my colleagues in this body and before the American people, that instead of recessing the Senator move that the Senate adjourn at the close of today's business, for the express purpose—and I put the cards on the table, I want to be frank with the Senator—of having a new session tomorrow morning, and at that new session that we go ahead with the morning session and have the calendar called, and I pledge my word that we can dispose of this whole matter by 2 o'clock. I now ask the Senator to join me and the people of America.

Mr. BARKLEY. Whether I move that the Senate adjourn or recess may depend on how much time is wasted on extraneous "bunk" instead of considering the bill which is now before the Senate.

Mr. TOBEY. I may say to the majority leader that he has the same germ in his system other Senators have. He is trying to laugh this thing off, but I look beyond the majority leader, I am speaking for 130,000,000 people. The majority leader cannot laugh it off any more than the Senator from Oklahoma did.

Mr. BARKLEY. I am not trying to laugh it off. I think that if the Senator from New Hampshire were left to his own devices he would probably accomplish that for himself. But I stated day before yesterday, in all sincerity, what the plan was, so far as I could control it. The Senate can vote down any motion I make or that any other Senator makes. I told the Senator a day or so ago that we planned to take up the trade-agreements bill when the pending bill was out of the way. That is still the plan. When the consideration of the pending bill is concluded today, or when it is concluded, if it ever is, which I hope will be today, it is planned to move to proceed to the consideration of the trade-agreements bill. If the Senator from New Hampshire can obtain enough votes to defeat that motion, and can be recognized by the Chair, it would be in order for him to move to take up his resolution. But, I say in all frankness and sincerity, and not in any desire to be captious or carping with the Senator from New Hampshire, that that is the program. It has been the program for weeks, and I see no reason to deviate from it, if the Senate is willing to adopt the motion which will be made at the conclusion of the consideration of the pending bill.

Mr. TOBEY. Let me point out to the Senator again what I pointed out a few days ago. The reciprocal-trade agreements now in force will not expire until June 12. The census enumerators will start taking the census on April 1. I believe that anyone with any perspicacity at all will readily see that this census matter should have a prior claim on the Senate's attention, having such a great degree of public interest behind it, and especially because of the time element involved. Why not join me in this and give the people a chance to express themselves in the Senate, instead of holding it back?

Mr. BARKLEY. I have made my position known.

Mr. TOBEY. I was asking about the discrepancy in the dates.

Mr. BARKLEY. I do not agree with the Senator from New Hampshire in his premise in the first place, and I do not wish to take the time now, which should be devoted to the consideration of the pending bill, to go into a discussion of the Senator's census resolution. When the time comes, if it is before us on its merits, I may discuss it; but I do not care to consume the time of the Senate now in a discussion of it.

Mr. TOBEY. Let me put a hypothetical case. Suppose the majority leader did agree to an adjournment this afternoon and did agree to have a session tomorrow, and I made the proposition that by 2 o'clock we would have this resolution out of the way. How would that interfere with the reciprocal trade agreements measure?

Mr. BARKLEY. In the first place, I do not think the Senator could get any such agreement as that. In the next place, I do not intend to consent to the displacement or postponement of the trade-agreements bill. Of course, the Senate can do that if it wishes.

Mr. TOBEY. The Senator from New Hampshire recognizes the great leadership of the Senator from Kentucky and his great influence, and he wants him as an ally and friend in this matter.

Mr. BARKLEY. I think the Senator probably overestimates my influence.

Mr. TOBEY. No; I do not. That is my best judgment.

Mr. President, I rest my case.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

The PRESIDING OFFICER (Mr. BROWN in the chair). The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. RUSSELL. Mr. President, if the Senate does not object to reverting to the agricultural appropriation bill——

Mr. BARKLEY. If it takes unanimous consent to get back to the pending business, perhaps the Senator will make the request.

Mr. RUSSELL. Instead of asking unanimous consent, I shall address myself to the agricultural appropriation bill, despite the suggestion of the Senator from Kentucky that it is not before the Senate.

Mr. President, I wish to make only a very brief statement with reference to the parliamentary situation.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Gillette	Johnson, Colo.
Ashurst	Chandler	Glass	La Follette
Austin	Chavez	Green	Lee
Bailey	Clark, Idaho	Guffey	Lodge
Bankhead	Clark, Mo.	Gurney	Lucas
Barbour	Connally	Hale	Lundeen
Barkley	Danaher	Harrison	McCarran
Bilbo	Davis	Hatch	McKellar
Bone	Donahey	Hayden	McNary
Bridges	Downey	Herring	Maloney
Brown	Ellender	Hill	Mead
Bulow	Frazier	Holman	Miller
Byrd	George	Holt	Minton
Byrnes	Gerry	Hughes	Murray
Capper	Gibson	Johnson, Calif.	Neely

Norris	Russell	Stewart	Tydings
Nye	Schwartz	Taft	Vandenberg
O'Mahoney	Schwellenbach	Thomas, Idaho	Van Nuys
Pepper	Sheppard	Thomas, Okla.	Wagner
Pittman	Shipstead	Thomas, Utah	Walsh
Reed	Slattery	Tobey	White
Reynolds	Smathers	Townsend	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. RUSSELL. Mr. President, I am very happy that the distinguished Senator from Missouri [Mr. CLARK] has discussed in some detail the parliamentary question which the Senate will soon determine. Before my service in this body, I had had the honor of serving as the speaker of the lower house of the legislature of my State, and thought I knew something about parliamentary law.

The legislature of my State, in common with most of those in this country, used the rules of the National House of Representatives; and when I came to this body I saw the difference in the rules of the House of Representatives and the rules of the Senate, and found that all the study I had made theretofore of parliamentary procedure was a detriment rather than an aid to me in understanding the Senate rules.

But there must be very little question, Mr. President, if the Senate rules are to be observed, that the point of order against the proposition of the Senator from Wisconsin is well taken. It has been stated that the effect of the rule is to make the Committee on Appropriations superior to the Senate in the consideration of increases to appropriation bills in excess of the authorization of the basic law which limits the amount of such appropriations. I wish to point out to the Members of the Senate that this rule was not written by the Committee on Appropriations. Instead of being a rule of the Committee on Appropriations for the Senate, it is a rule of the Senate for the conduct and guidance of the Committee on Appropriations.

As has been well stated here, under the first article of rule XVI there are only three exceptions to the rule which prevents the offering of such amendments to appropriation measures. One is to carry out a treaty stipulation, or some existing law or a resolution previously passed, or proposed in pursuance of an estimate submitted in accordance with law, which, of course, means a Budget estimate or is moved by direction of a standing or select committee of the Senate.

It has been said that if a standing committee of the Senate moves to increase the estimates, that such motion, or such an amendment, is then subject to amendment. But as has been well pointed out here, under the provisions of section 3 of rule XVI, in the event the standing committee moves such an increase above the legislative authorization, no amendment shall be proposed to increase the amount stated in such amendment.

The language "no amendment proposing to increase the amount stated in such amendment" is taken directly from the body of the rules that have been compiled for the guidance of the Senate.

There is a substantial reason for this rule, Mr. President. I do not know its history or how it originated, but there is substantial reason for a rule which would prevent amendments from being offered from the floor of the Senate to increase the appropriations suggested by committees of the Senate that are already in excess of the authorizations of law.

So, Mr. President, I hope that if the Senate proposes to be bound by the rules which have been adopted by this body, that the ruling of the Chair will be sustained. Otherwise, as has been well stated by the Senator from Missouri, the Senate should in all frankness repeal all its rules and not have them printed and consume time of the Senate in undertaking to follow them.

Now, Mr. President, I shall advert very briefly to the merits of the amendment proposed by the Senator from Wisconsin.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I wish to say to the Senator from Georgia, and also to the Chair, that yesterday the Senator from Texas made an asseveration regarding rule XVI, but all of rule XVI was not presented to the Senate either by the Chair, by Senators familiar with parliamentary rules, or by the parliamentary clerk. I desire to say that I find that my position is not tenable, because part of section 3, in referring to amendments proposed by the committee, uses this language:

> And when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received.

That further language seems to place the amendment not in order. I want to say in justice to myself that I cannot vote to overrule the Chair when I see that the rule is so plain.

Mr. RUSSELL. The Senator from Texas is always candid and frank, and by the statement he has just made he measures up to the high opinion all of us have always entertained for the Senator, that he is one Member of this body who is big enough to admit it when he is in error.

Mr. CONNALLY. May I add further that I thank the Senator for his very generous and liberal compliment. I think the decision of the Chair is like some decisions of courts. They probably make a correct decision, but for the wrong reason. They do not find the real authority for the decision.

Mr. RUSSELL. Mr. President, I wish to discuss the merits of this amendment only briefly. No Member of this body who has investigated the work that has been done by the Federal Surplus Commodities Corporation, or who is familiar with the fine possibilities of the so-called stamp plan—no Senator who has a clear understanding of those matters fails to approve adequate appropriations to carry on this plan. The Committee on Appropriations in considering the bill was confronted with reductions which had been made all down the line through practically every one of the hundreds of items contained in the measure. In attempting to restore these appropriations we undertook to do so on a reasonable basis, not restoring all the appropriations to the amount contained in the bill for the current year but making reductions throughout the bill which would enable us to bring this bill back to the Senate with reductions in line with the economy move, and yet reductions not so drastic as to imperil or to paralyze any of the activities of the Department of Agriculture.

Mr. President, I wish to point out that, for instance, if the decision of the Chair shall be overruled, and if the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] shall prevail, this item will be the only item in this bill that will be materially increased above the amount of the appropriations for the year 1940. The parity appropriations have been reduced by $13,000,000. Items throughout this bill have been reduced in similar amounts. I do not think that there is any increase in this bill in all its 104 pages amounting to more than $100,000 over the appropriations for the fiscal year 1940; and yet, if the amendment offered by the Senator from Wisconsin should prevail, it would mean that the Federal Surplus Commodities Corporation would have available for expenditure in the year 1941 in excess of $10,000,000 more than was available for that Corporation for expenditure in the year 1940.

I submit that we cannot say to the farmers who receive parity: "By our action you have been compelled to take a reduction in your parity payments, but we have found money here to increase other items."

We cannot say to those who are interested in the efficient operation of the Food and Drug Administration, under the all-embracing legislation enacted by this body several years ago, "You are compelled to take a reduction in your Budget estimates for the operation of the Food and Drugs Bureau, but we have been able to find increased appropriations to carry on the work of the Federal Surplus Commodities Corporation." Throughout the bill the same argument might be applied.

Mr. President, I wish to say that due to the fact that the war in Europe has closed France and England to the importation of many agricultural commodities which they had heretofore purchased in this country, the stamp plan and the domestic distribution of surplus commodities will have much

more money next year than they have during the current year, even under the terms of the Senate amendment.

If Senators will refer to page 46 of the Senate committee hearings on this measure, they will see a break-down of how the Corporation intends to divide these funds. They will find that all the reductions under the Budget estimates would apply to the export subsidies which they anticipated would be greatly decreased next year. The amount of money which will be available for the stamp plan for the next year will be $133,000,000 as compared with $119,000,000 for the current year. By the 1st of July this system of distribution of surpluses will have been instituted in over 100 cities in the United States.

Under the committee appropriation it can be expanded to some 30 or 40 cities of like size during the coming year.

There are over 700 applications that have been filed for this plan by that number of municipalities in the United States. The evidence submitted to the committee shows that it would require an appropriation of $360,000,000 to put this plan in operation all over the United States, and if we are not going to undertake to give this service to every community in the Nation, I submit that there can be no justification for the increase of thirty or forty million dollars proposed by the Senator from Wisconsin, which would make this item of the appropriation out of line with the appropriations that have been made for the other activities of the Department of Agriculture.

Mr. President, I hope the decision of the Chair will be sustained.

On the pending question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Those who wish to vote to sustain the decision of the Chair will vote "yea"?

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Those who wish to overrule the decision of the Chair will vote "nay"?

The PRESIDING OFFICER. That is correct.

The legislative clerk called the roll.

Mr. TAFT. I have a general pair with the Senator from Montana [Mr. WHEELER]. If I were at liberty to vote, I should vote "yea"; but not being advised how the Senator from Montana would vote, I withhold my vote.

Mr. THOMAS of Utah. On this question I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I do not know how he would vote. I therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia. I am informed that if the senior Senator from Virginia were present, he would vote "yea." If permitted to vote, I should vote "nay."

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Virginia [Mr. GLASS], the Senator from Georgia [Mr. GEORGE], the Senator from South Carolina [Mr. SMITH], and the Senator from North Carolina [Mr. REYNOLDS] are unavoidably detained. I am advised that if present and voting, these Senators would vote "yea."

The Senator from Florida [Mr. ANDREWS], the Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], the Senator from Missouri [Mr. TRUMAN], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The result was announced—yeas 59, nays 18, as follows:

YEAS—59

Adams	Brown	Caraway	Connally
Austin	Bulow	Chandler	Danaher
Bankhead	Byrd	Chavez	Donahey
Barbour	Byrnes	Clark, Idaho	Ellender
Barkley	Capper	Clark, Mo.	Gerry
Gibson	Holman	McNary	Slattery
Gillette	Holt	Maloney	Stewart
Green	Hughes	Miller	Thomas, Okla.
Guffey	Johnson, Calif.	O'Mahoney	Tobey
Hale	Johnson, Colo.	Pepper	Townsend
Harrison	Lee	Pittman	Vandenberg
Hatch	Lodge	Reed	Van Nuys
Hayden	Lucas	Russell	Walsh
Herring	McCarran	Schwartz	White
Hill	McKellar	Schwellenbach	

NAYS—18

Bone	La Follette	Neely	Tydings
Davis	Lundeen	Norris	Wagner
Downey	Mead	Nye	Wiley
Frazier	Minton	Sheppard	
Gurney	Murray	Thomas, Idaho	

NOT VOTING—19

Burke	Radcliffe	Reynolds	Taft
Andrews	George	Shipstead	Thomas, Utah
Ashurst	Glass	Smathers	Truman
Bailey	King	Smith	Wheeler
Bilbo	Bridges	Overton	

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 83.

Mr. DANAHER. Mr. President, I have an amendment which I shall read and then send to the desk and formally offer.

On page 83, line 12, after the figures "$85,000,000", I propose to insert:

Not less than 85 percent of which shall be devoted to a stamp plan for the removal of surplus agricultural commodities.

Mr. President, the way the language of the committee amendment has been drawn there is no requirement in law or in terms that any part of the fund shall be used necessarily for the stamp plan. As one reads the hearings and the testimony of Mr. Perkins, one can see that while at the present time provisions have been made for the expenditure of $72,000,000 for stamp-plan cities, it is his hope that he can expand that program, and he contemplates the addition of a sufficient number of cities to make a total of 100 for the coming year.

However, Mr. President, while he has set aside $80,000,000 for the removal of agricultural surpluses, so far as the future is predictable there is nothing in the situation to indicate that the farm situation will be better. Quite the contrary, it might well be worse. Consequently, export subsidies and removal of agricultural surpluses for domestic use other than through the stamp plan may very easily deplete the available sum, which those of us who have in mind the stamp plan as represented by the committee amendment would most certainly deplore. To date the results under the stamp plan have proved generally satisfactory. I think the hearings and the testimony of Mr. Perkins conclusively demonstrate that the plan is substantially successful.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. LODGE. How would the Senator's amendment affect those who live in cities in which the stamp plan is not in effect, and in which grave practical difficulties exist in the way of putting it into effect?

Mr. DANAHER. Not only would the amendment not hinder, but it would actually tend to promote an expansion of the stamp plan and, consequently, an extension thereof to the cities which do not now have it.

Mr. LODGE. I do not think I made myself clear. I am talking about cities in which there is no immediate likelihood of the stamp plan being put into effect, but in which commodities are being distributed.

Mr. DANAHER. Commodities could still be distributed, for the simple reason that $101,000,000 of segregated revenues under section 32 of the Agricultural Adjustment Act are now set aside, in addition to which the Administrator has set aside $80,000,000 for that very purpose, according to his testimony at the hearings. Consequently, agricultural surpluses could be distributed out of that sum, as in the past.

Mr. LODGE. In other words, the Senator's allotment of funds to the stamp plan is not proposed to be made at the expense of those living in cities which have no stamp plan?

Mr. DANAHER. Precisely not. Quite the contrary. The reason why I took 85 percent is that, since last year, $72,000,000 was spent under the stamp plan. I simply took $72,000,000 in its relationship to $85,000,000, represented by the committee amendment. The percentage is roughly 85 percent. Therefore, I say that not less than a fixed minimum of 85 percent shall be allocable for the continuation of the stamp plan.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to my colleague.

Mr. MALONEY. Mr. President, I encouraged my colleague in the amendment which he offered. The question raised by the junior Senator from Massachusetts [Mr. LODGE] excites some fear on my part, and I should like to have some reassurance. I respectfully ask my colleague whether or not stating his amendment in another way, and providing that not more than 15 percent of the moneys be used for export bounty payments, would better protect the kind of communities to which the Senator from Massachusetts refers?

Mr. DANAHER. It may be that the choice of verbiage should determine our attitude. I am not certain. However, I do not want to be confronted with a point of order, such as was raised against the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. If we could have ascertained beforehand that out of the appropriation comprehended by the committee amendment we could be certain that the stamp plan would be continued—and, I hope, expanded—I should have voted to sustain the position of the Senator from Wisconsin. This morning I asked him with reference to it; but, as he himself has said, he did not want to assume responsibility for saying that a given amount should be allocable to the stamp plan. I do. He said that if I wanted to accept the responsibility I could do so by an amendment. I do, and that is why I offer the amendment providing, not that there shall be a limitation on the maximum, but that there shall be a minimum that shall be expended for the stamp plan.

Mr. MALONEY. Mr. President, I think my colleague is entirely correct. I am certain he is right in what he is endeavoring to do. However, the question raised by the Senator from Massachusetts gives me some reason for doubt. Will the Senator try to explain to me how the community without a stamp plan would be protected insofar as surplus commodities are concerned?

Mr. DANAHER. Of course, my colleague will understand that personally I have had no administrative experience with that sort of thing, and must therefore depend upon the hearings and the evidence for my information. The hearings indicate, according to Mr. Perkins, that $80,000,000 has been set aside this year. I read from page 359. Mr. Perkins said:

> Mr. PERKINS. This year we set aside $80,000,000; my estimate is that with the change in the wheat situation, we will probably not spend over sixty or sixty-five million on straight export subsidy programs this fiscal year.
>
> Senator MCNARY. Then you are buying surpluses in various regions of the country?
>
> Mr. PERKINS. We don't have any notion of abandoning that.

So, Mr. President, since Mr. Perkins himself says he has no notion of abandoning the program, I accept his statement.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. LODGE. In terms of population, what percentage of cities in the United States now have the stamp plan?

Mr. DANAHER. I have no idea of the percentage of cities in the United States.

Mr. LODGE. The Senator mentioned 85 percent. That leaves only 15 percent for cities where there is no stamp plan; is not that correct?

Mr. DANAHER. No. Let me make myself clear to the Senator from Massachusetts. As Mr. Perkins testified, and as we all know, the plan was first commenced in a few cities in an experimental way. Finally it reached the point where he included 50 typical cities throughout the United States as the beneficiaries of the stamp plan. In the course of administration of the plan during the past year some $72,000,000 was expended with great benefit. It is Mr. Perkins' plan this year to extend the program; and he says, in effect, that he hopes this year to add another 50 cities, bringing the total to 100.

Consequently, if he hopes to do it, and we do not make it mandatory at a time when we are considering adding $85,000,000 to the bill, it seems to me that at the very least we should make absolutely certain that the cities which heretofore have been led to believe that they can count on the program, and which are now the beneficiaries of it, will continue to receive the benefit of it. Therefore the $72,000,000, comprising, as it does, 85 percent of $85,000,000, necessarily will have that minimum effect.

Mr. LODGE. Is not the Senator giving Mr. Perkins much more than he needs for that purpose?

Mr. DANAHER. I am giving him only what he spent for that number of cities in the past year.

Mr. LODGE. Was $72,000,000 the amount spent on the stamp plan last year?

Mr. DANAHER. Yes. That is what the hearings indicate.

Mr. LODGE. How does that relate to the question of surplus commodities?

Mr. DANAHER. Of course, the Senator will remember that under section 32 of the Agricultural Adjustment Act, $101,000,000 has already been set aside from customs receipts. If we now add $83,000,000 to that, we shall have a total of $184,000,000 for the purposes contemplated by section 32, as amended.

Mr. LODGE. Is it the Senator's understanding that this is in addition to the amount from the customs receipts?

Mr. DANAHER. Definitely.

Mr. LODGE. I still should like to be enlightened as to this matter: If $85,000,000 is available for the distribution of surplus commodities, and about 30 percent of the total is allocated to the stamp-plan cities, that leaves 70 percent for all other purposes?

Mr. DANAHER. For all other purposes contemplated by section 32. That includes export subsidies on cotton, if you choose, and on four other agricultural commodities.

Mr. LODGE. And the Senator's figure is based on what Mr. Perkins developed in the testimony?

Mr. DANAHER. That is correct. I take the very minimum that he gave as the maximum for this year.

Mr. President, I said I would yield to the Senator from Georgia. Has he a question?

Mr. RUSSELL. Mr. President, I will make a brief statement in my own time.

Mr. DANAHER. Then, Mr. President, I will briefly conclude that I am thoroughly convinced that the stamp plan ought to be extended rather than minimized. I am perfectly willing to vote for additional assistance to make it absolutely certain that the comprehensive program of the Administrator, Mr. Perkins, shall be put into effect this year. I certainly do not want to see it curtailed, however, at the expense of the cities whose only possible advantage out of the $85,000,000 is going to come from the stamp plan; and at the same time, as the Senator from Wisconsin pointed out, we do assist the farmer whose agricultural surplus is moved in general commerce; we do assist the businessman who participates on a stamp basis just as much as on a dollar basis in every sale that is made.

I therefore urge the adoption of the amendment.

Mr. RUSSELL. Mr. President, I cannot conceive of anything that would be more disruptive of the program of the Federal Surplus Commodities Corporation than for the Senate to adopt the amendment offered by the Senator from Connecticut. The Senator proposes to earmark 85 percent of the appropriation, as I understand, for the so-called stamp plan in the distribution of surplus commodities.

Mr. President, it so happens that there are about 100 cities in the United States that have the stamp plan, or will have by the 1st of July; and that program will be extended to from 30 to 50 additional cities—of course, depending upon their size—during the coming year. That means that by the

first of the fiscal year 1940, unless other appropriations be made for this purpose, 150 cities in the United States will have the stamp plan. There are over 3,000 counties in the United States and hundreds of cities in the United States that are receiving surplus commodities which are purchased in bulk by the Federal Surplus Commodities Corporation, to be distributed to those on the relief rolls. If this amendment be adopted, it will mean that the 150 cities will have the stamp plan, but that all the money will have to be devoted to the stamp plan, and that the poorer people out in the smaller communities will have taken away from them even their present little hand-out of grapefruit, or raisins, or dates, or potatoes, or butter, which in many cases is the only direct relief those communities have received.

We have here a program which is going into all the counties of the United States, into every city of the United States where there are those on the relief rolls; and the Senator from Connecticut proposes that we should now wipe out all of that, and draw in 85 percent of all the appropriation, and devote it to the large cities where the stamp plan is in effect. This will help the stamp plan, to be sure, but it will absolutely be disruptive of the only relief that many people in the poorer communities have.

I hope the Senate will reject the amendment.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Connecticut.

Mr. DANAHER. Will the Senator assist me? I know we all want to clarify this matter. Am I not correct in understanding that the stamp plan during the past year spent $72,000,000?

Mr. RUSSELL. I think it spent more than that.

Mr. DANAHER. All right. That is the minimum, then, anyway.

Mr. RUSSELL. I might say that if the Senator is afraid of anybody coming in and disturbing the stamp plan he is just conjuring up ghosts to shy from. The committee wrote into this bill, as the Senator will see if he will read all the amendment from line 18 on down through and including line 25, at the request of the Corporation, a provision which lifted the 25 percent limitation on any one commodity or activity from its application to the stamp plan, so that the stamp plan could have more than 25 percent of the funds that were appropriated. The Department wants to go ahead with that; but why should we come in here now and seek to say that a certain amount shall be used for the benefit of certain favored cities, which have already been favored by having the stamp plan, when there are 700 other applicants at the office of the Federal Surplus Commodities Corporation clamoring for the stamp plan, when we know we cannot give it to them?

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. RUSSELL. I yield.

Mr. DANAHER. The Senator understands, of course, that the amendment I have offered does not in any way refer to the funds already set aside under section 32. The Senator knows that?

Mr. RUSSELL. No; I did not know that.

Mr. DANAHER. It applies only to the $85,000,000 mentioned here.

Mr. RUSSELL. Why is the Senator offering it, then?

Mr. DANAHER. For the simple reason that I want to make it certain that in the very cities the Senator talks about the stamp plan will be continued this year. Without the amendment, as the Administrator pointed out in his testimony, in the exercise of his discretion he could cut one city off, and add one of the other 700 cities that the Senator talks about.

Mr. RUSSELL. Mr. President, he could do that under the Senator's amendment, if he wanted to cut off the stamp plan in one city and reestablish it in another. It would not make any difference so long as he maintained the 85-percent ratio. So that argument has absolutely no potency. He could swap from city to city within the 85-percent limitation if he saw fit to do so.

Here we have a situation in which the Department say they wish to expand the stamp plan. We have 700 cities all interested in the stamp plan, with the Senators and the Representatives from the States and the districts in which these cities are located urging that the stamp plan be put into effect in their cities. We have the Department asking the committee to give them legislation which will make more money available so that the stamp plan may be expanded. The committee brings in a provision which removes any doubt as to whether or not the 25-percent limitation applies to the stamp plan. Everybody is saying that the stamp plan will be expanded; but the Senator from Connecticut sees in that situation the possibility of someone, in the stillness of the night, slipping in and wiping out, at one fell swoop, the entire stamp plan.

If the amendment applies to the entire amount the Federal Surplus Commodities Corporation will have available for expenditure, I think it will destroy the relief aspect of the program, and result in thousands of people in the poorer communities of the country going hungry, because they cannot get any direct relief. If it applies only to the $85,000,000, it is a futile and useless gesture with which the Senate certainly should not concern itself.

Mr. DANAHER. Mr. President, will the Senator assist me further?

Mr. RUSSELL. If I may.

Mr. DANAHER. As the Senator has already stated, during the past year the stamp plan spent at least $72,000,000. Does not the Senator think we ought to guarantee a minimum amount equal to $72,000,000 for this year?

Mr. RUSSELL. No; I do not, because I know that more than that amount is going to be expended, and then this money is used in other ways than the stamp plan. It so happens that we have gone into hundreds of communities and are furnishing school lunches to the underprivileged children who are not able to get lunches anywhere else. That has become quite a large part of the activities of the Federal Surplus Commodities Corporation—disposing of these surpluses by distributing them to the underprivileged children in lunches. Quite a great amount of money has been expended on that; I think something like $2,000,000, and the Department intends to expand that service considerably to other communities of the country. If, however, the Senator's limitation should be adopted, and should apply to the entire fund, it would mean that this free-lunch program for poor children could not be expanded into any more communities, because we should have to pour all of the money either into administrative expense or into the hungry maw of the expanding stamp plan.

Mr. McKELLAR. Mr. President——

Mr. RUSSELL. I yield to the Senator from Tennessee.

Mr. McKELLAR. It is admitted by all that the Department has made a wonderful success of this project. It has worked it out well. Under this authority it is using the stamp plan as it thinks best. That is one of the plans that has helped the work along. I am very much for the stamp plan. I think it has done probably better than any other; but, at the same time, why should the Senate undertake to limit this Department, which has done such a good work?

Mr. RUSSELL. Mr. President, I agree with the Senator, not only from that standpoint, but from the standpoint of permitting the program to operate in a free and unhampered manner. If this were a strictly relief program, there might be some reason for the Senate to say that so much should be used for the stamp plan, and so much should be used for school lunches, and so much should be used for the distribution of surplus commodities that have been acquired; but this is supposed to be fundamentally an agricultural program. Suppose we had a large accumulation of surplus, as happened in the case of butter and dairy products only a few years ago, and the Department stepped in and bought up

some fifteen or twenty million dollars' worth of dairy products and stored it for some time, until it could be distributed through the country to the recipients of direct relief in the several communities of the States. If the Senator's amendment should prevail, the Department could not bring a service like that to the dairy industry of the country, because they would have to approach the problem through the stamp plan in 100 or more cities where they would just be nibbling away at the surplus, and would not really accomplish anything.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DANAHER. Does the Senator remember that last year, in July, we took a million and a half dollars out of this fund, which is supposed to help agriculture, and used it to buy fish?

Mr. RUSSELL. I do.

Mr. DANAHER. The Senator certainly does not consider fish an agricultural product?

Mr. RUSSELL. I do not, and I voted against the provision. I think the Senator from Connecticut supported it, but I voted against it.

Mr. DANAHER. Does not the Senator understand that this year it is contemplated to add finished textile cotton goods?

Mr. RUSSELL. Mr. President, that is done under the existing appropriation, and it is going to be handled solely through the stamp plan. Not one dime's worth of textiles will be handled other than through the stamp plan.

Mr. DANAHER. Who decides that matter, please?

Mr. RUSSELL. It is decided because that is the only way in which it can be handled.

Mr. DANAHER. I say, Who decides it?

Mr. RUSSELL. The Federal Surplus Commodities Corporation.

Mr. DANAHER. Then I submit that the Congress ought to decide these things. I want to see that the stamp plan is kept at a minimum that will make it workable. There is not any limitation in my amendment, let me say to the Senator from Tennessee; quite the contrary. It is to guarantee the continued existence of the stamp plan.

Mr. RUSSELL. Mr. President, if the Senator thinks he can bind this Congress until adjournment by the adoption of this amendment in such a way that we cannot pass additional legislation to use any of this money for fish, I have no further statement to make. Every other Member of this body knows that whether we adopt this amendment or not, the Congress could subsequently pass a bill taking some of this money to buy fish, if the Congress saw fit to do it. At the last session of Congress I did not think we should purchase any fish with these funds, and I voted against it. As I recall, the Senator from Connecticut was one of those who voted to buy fish.

Mr. DANAHER. No, Mr. President; the Senator is incorrect.

Mr. RUSSELL. I may be in error as to that; but it was not at my behest or my doing that any of this money was used for fish, and I hope it will not happen again. But certainly the Senator cannot tie up the fish advocates by putting in this bill a limitation that Congress could repeal tomorrow.

I hope the amendment offered by the Senator from Connecticut will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 83. Without objection, the amendment is agreed to.

Mr. LA FOLLETTE subsequently said: Mr. President, I ask unanimous consent to reconsider the vote whereby the committee amendment on page 83, with regard to the distribution of surplus commodities, was adopted, in order that I may ask for a record vote upon it. I am making this request in order that this amendment may have a record vote, just as the parity amendment has had, for the purpose of showing the attitude of the Senate with regard to it on a record vote.

Mr. RUSSELL. I have no objection. I suggest to the Senator from Wisconsin, however, that he include in his unanimous-consent request a provision that the yeas and nays be considered ordered, and that the Senate proceed to vote on the amendment without further debate.

Mr. LA FOLLETTE. Mr. President, I am perfectly willing to do that, and will so modify my request. My sole purpose is to obtain a record vote on the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin, as modified? The Chair hears none. The clerk will call the roll.

Mr. RUSSELL. Mr. President, a parliamentary inquiry. This is a record vote on the so-called surplus commodities distribution amendment?

Mr. LA FOLLETTE. The committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 83. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT (when his name was called). I am advised that the Senator from Montana [Mr. WHEELER], with whom I have a general pair, would, if present, vote as I intend to vote. I am therefore at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. TYDINGS. My colleague [Mr. RADCLIFFE] is detained from the Senate. He is unable to obtain a pair. If he were present he would vote "yea."

Mr. CLARK of Missouri. My colleague [Mr. TRUMAN] is unavoidably detained from the Senate on official business. If he were present he would vote "yea."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from New Jersey [Mr. SMATHERS] and will vote. I vote "yea."

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Louisiana [Mr. OVERTON] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Virginia [Mr. GLASS], the Senator from Ohio [Mr. DONAHEY], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained.

The Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], and the Senator from New Jersey [Mr. SMATHERS] are detained in committee meetings.

I am advised that if present and voting the Senator from Louisiana, the Senator from Nebraska, the Senator from North Carolina, the Senator from Montana, the Senator from South Carolina, the Senator from Georgia, the Senator from Rhode Island, the Senator from Delaware, the Senator from Illinois, and the Senator from New Jersey would vote "yea."

The result was announced—yeas 79, nays none, as follows:

YEAS—79

Adams	Danaher	La Follette	Schwartz
Ashurst	Davis	Lee	Schwellenbach
Austin	Downey	Lodge	Sheppard
Bailey	Ellender	Lundeen	Shipstead
Bankhead	Frazier	McCarran	Slattery
Barbour	Gerry	McKellar	Stewart
Barkley	Gibson	McNary	Taft
Bilbo	Gillette	Maloney	Thomas, Idaho
Bone	Guffey	Mead	Thomas, Okla.
Brown	Gurney	Miller	Thomas, Utah
Bulow	Hale	Minton	Tobey
Byrd	Harrison	Murray	Townsend
Byrnes	Hatch	Neely	Tydings
Capper	Hayden	Norris	Vandenberg
Caraway	Herring	Nye	Van Nuys
Chandler	Hill	O'Mahoney	Wagner
Chavez	Holman	Pepper	Walsh
Clark, Idaho	Holt	Pittman	White
Clark, Mo.	Johnson, Calif.	Reed	Wiley
Connally	Johnson, Colo.	Russell	

NOT VOTING—17

Andrews	Glass	Lucas	Smathers
Bridges	Green	Overton	Smith
Burke	Hughes	Radcliffe	Truman
Donahey	King	Reynolds	Wheeler
George			

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be stated.

The next amendment was, under the heading "Farm Tenant Act," on page 85, after line 7, to insert:

FARM TENANCY

To enable the Secretary of Agriculture to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000–1006), as follows:

Salaries and expenses: For administrative expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000–1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said act, including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding as authorized by said act, $2,500,000, together with the unexpended balance of such part of the appropriation made under said act for the fiscal year 1940 (53 Stat. 976) available for such administrative expenses.

The amendment was agreed to.

The next amendment was, on page 86, line 20, after the word "Act", to strike out "$3,600,000" and insert "$6,100,000", so as to read:

Total, Farm Tenant Act, $6,100,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 20, to insert:

WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (16 U. S. C. 590r–590x), including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; the purchase, exchange, operation, and maintenance of passenger-carrying vehicles; and rent in the District of Columbia and elsewhere, $500,000, of which not to exceed $25,000 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed $50,000 of this appropriation shall be available for expenditure for any one project designed in whole or in part to benefit lands by the irrigation thereof, and all project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project, and the authority contained in said act shall not be deemed to authorize the construction of any project not in accord with this limitation.

The amendment was agreed to.

The next amendment was, under the heading "Cooperative farm forestry", on page 88, line 10, after the word "exceed", to strike out "$400,000" and insert "$477,898", so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions of the Cooperative Farm Forestry Act approved May 18, 1937 (16 U. S. C. 568b) (not to exceed $300,000), and the provisions of sections 4 (not to exceed $100,000) and 5 (not to exceed $77,898) of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (16 U. S. C. 567–568), and acts supplementary thereto, including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; not to exceed $7,700 for the purchase of passenger-carrying vehicles; the purchase of reference books and technical journals; not to exceed $30,000 for the construction or purchase of necessary buildings, and other improvements; in all, not to exceed $477,898:

The amendment was agreed to.

The next amendment was, under the heading "Rural Electrification Administration", on page 89, line 15, after the word "*Provided*", to strike out "That no part of this appropriation shall be used to pay the salary of any person who received as many as three steps of administrative within-grade promotion in all positions occupied by such person during the fiscal year 1939, at a rate of pay in excess of the salary resulting from the first two steps of such promotion; but this proviso shall not preclude the payment of the minimum salary of the grade to any person transferred, under standard regulations, to such grade: *Provided further*", so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901–914), as follows:

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports, including the salary of the Administrator, Rural Electrification Administration, and other personal services in the District of Columbia and elsewhere; rentals, including buildings and parts of buildings and garages, in the District of Columbia and elsewhere; purchase and exchange of books, law books, books of reference, directories, and periodicals; not to exceed $200 for newspapers and press clippings; financial and credit reports; and all other expenses necessary to administer said act, $3,075,000, of which amount not to exceed $1,350 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of work in the District of Columbia and elsewhere: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Rural Electrification Administration when the aggregate amount involved does not exceed $100: *Provided further*, That the Secretary of Agriculture may make allotments from this appropriation, subject to the approval of the Director of the Bureau of the Budget, to the offices and divisions of the office of the Secretary for the performance of departmental services for the Rural Electrification Administration.

The amendment was agreed to.

The next amendment was, on page 90, after line 7, to strike out:

Loans: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7 of the Rural Electrification Act of May 20, 1936, as amended (7 U. S. C. 901–914), $40,000,000.

Mr. DANAHER. Mr. President, I address myself particularly to the able Senator having the bill in charge. I notice from the purported action of the committee that the sum of $40,000,000 has been stricken from the bill, notwithstanding the fact that when the R. E. A. program was laid out there was within contemplation an annual authorization and appropriation of $40,000,000. I am informed indirectly that it is within the contemplation of the committee that R. E. A. will get these funds from the R. F. C. Is that correct?

Mr. RUSSELL. The Senator from Connecticut is correct. The President in his Budget message transmitting this item suggested that this program be financed by loans from the Reconstruction Finance Corporation, rather than by direct outlays from the Treasury. It violates no precedent. The original R. E. A. Act, as sponsored by the able Senator from Nebraska [Mr. NORRIS], provided that the original funds should come from the Reconstruction Finance Corporation and we are merely returning to the original program.

Mr. DANAHER. Mr. President, in view of the fact that the Senator has referred to the President's Budget message, I read from page 49 of the CONGRESSIONAL RECORD of January 4, 1940, this sentence:

On the basis of preliminary studies, I estimate that it will prove feasible to reduce the capital funds of some of these corporations by an aggregate figure of $700,000,000, without in any way impeding their operations.

Mr. Jesse Jones testified before the Committee on Banking and Currency that he expected to return $200,000,000 from R. F. C. funds toward the aggregate of $700,000,000 therein referred to. Of that $200,000,000 we already have set aside $100,000,000 to the Export-Import Bank in the measure recently passed, and $40,000,000 more is to go in this fashion and not through appropriations, and $40,000,000 more are to go, I am informed, to the farm-tenant program.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I am glad to yield.

Mr. BARKLEY. I think the Senator from Connecticut misunderstood the testimony of Mr. Jones on that subject. It is true that he testified that of the $700,000,000 contemplated to be returned to the Treasury out of the capital stock of these various corporations $200,000,000 would be returned out of the capital stock of the Reconstruction Finance Corporation. At the same time he testified that that would have no effect whatever on the hundred million dollars by which we increased the capital stock of the Export-Import Bank,

because that is not taken from the capital stock of the Reconstruction Finance Corporation; it is obtained by the sale of the obligations of the Reconstruction Finance Corporation.

Mr. Jones stated that they could even return to the Treasury $300,000,000 of the original $500,000,000 capital without in any way impairing the ability of the Reconstruction Finance Corporation to finance its operations. The same is true of the $40,000,000.

The Reconstruction Finance Corporation will not take the $40,000,000 out of its capital stock; it will take it out of funds which it raises by the sale of its own obligations, which it has done frequently in obtaining the funds which it has loaned to various private institutions throughout the United States. So that the Senator need not worry that this $40,000,000, or the $200,000,000, or whatever is used either to return to the Treasury or to finance these operations, will in any way cripple the Reconstruction Finance Corporation.

Mr. DANAHER. I thank the Senator from Kentucky, but I should like to know why we should not continue through our own channels to control the appropriations for the R. E. A., which is a very fine administration and which is achieving a worthy object. I certainly do not like to see it placed in such a position that any agency of the Government can say that a particular extension is not to be made because it is not a worth-while one, or something of that sort. Why can we not appropriate for it?

Mr. BARKLEY. Mr. President, if the Senator will yield, these funds which are allocated to R. E. A. are loans; they are not grants. If the appropriation comes out of the Treasury, of course, it comes out of money which is put there through taxation. If it is furnished by the R. F. C. through the sale of its own obligations, it is only a method by which the public itself invests in the lending of the money to the R. E. A., and therefore it does not in any way impinge upon the money in the Treasury which is raised by taxation. The object is to provide money to extend rural electrification, for which I have always fought, and it will not in any way interfere with that. It is merely a means by which the public will invest its own funds in R. E. A. developments.

Mr. DANAHER. We never did it before, did we; certainly not with the R. E. A.?

Mr. RUSSELL. Oh, yes.

Mr. BARKLEY. At the beginning all the money furnished to the R. E. A. was furnished by the R. F. C. It was only 3 years ago when we developed a 10-year program for appropriations at the rate of $40,000,000 a year——

Mr. AUSTIN. Mr. President, may we have order?

The PRESIDING OFFICER. The point of order made by the Senator from Vermont is well taken. The Senate will please be in order.

Mr. BARKLEY. It was only when we adopted the 10-year program for appropriations at the rate of $40,000,000 a year that we authorized an appropriation out of the Treasury of that amount for this purpose, and for the last 3 years it has been appropriated directly out of the Treasury. This proposal takes us back to the origin of the R. E. A., when the R. F. C. furnished the money with which to develop these rural-electrification projects.

Mr. DANAHER. Will the Senator enlighten me just one step further? Is it not now under the law in the power of the R. F. C. to say whether it will or will not make these loans to the R. E. A.?

Mr. BARKLEY. Theoretically, I suppose it might be said that it is, although there has never been an instance in which the R. F. C. declined or hesitated to make such a loan.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Connecticut?

Mr. DANAHER. I welcome any help from the Senator from Nebraska.

Mr. NORRIS. I should like to have the attention of the Senator from Georgia. If the pending amendment of the committee shall be agreed to, I may say to the Senator from Connecticut that, as I understand, another amendment will be offered by the Senator from Georgia which will perfect the proposal which has been discussed, and provide for obtaining this money. It will provide not only that the R. F. C. may lend the money, as I understand the amendment—it was submitted to me, and I am stating it from memory only—but they would be directed to lend the money.

Mr. DANAHER. Mr. President, will the Senator permit me to ask him a question?

Mr. NORRIS. Certainly.

Mr. DANAHER. The Senator knows that the R. E. A. at this time must get new power before it can borrow this money?

Mr. NORRIS. I do not know as to that.

Mr. DANAHER. An effort was made in the House of Representatives, and the RECORD indicates that the amendment went out on a point of order in the House when an effort was made to qualify R. E. A. to borrow this money. Am I correct in that, I ask the Senator?

Mr. RUSSELL. There was so much disorder that I could not hear all that was said, but if I understood the Senator's question it was as to whether or not the House committee had proposed to follow the President's Budget and have the funds come from the Reconstruction Finance Corporation.

Mr. DANAHER. No. On a point of order in the House, did not the language authorizing the R. E. A. to borrow money go out of the bill?

Mr. RUSSELL. It did. It was very clearly legislation. The committee of the House, as I understand, reported it unanimously, but there is no way in the House to avoid points of order being made from the floor.

In the effort that was being made by some of those opposing the bill and opposing the agricultural appropriations to make the totals of the bill appear larger than they really were, one of the Members of the House made the point of order, which, under the rules, he was entitled to make, against the legislative provisions and thereby struck out the authority to borrow from the R. F. C., and made it appear that the increase in the appropriations in the bill amounted to $40,000,000.

The Senate committee is undertaking to follow a precedent that was fixed in an act of 1936, in which the R. E. A. was directed to borrow from the R. F. C., and which was suggested in the present budget this year. Mr. President, I might say that these R. E. A. loans are good loans, and in most instances they will be fully repaid 100 percent, and there is no more reason why the R. E. A. should not come to the R. F. C. for money than that the railroads and big banks and commercial interests should come to the R. F. C. for funds.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. I should like to ask the Senator from Georgia whether he has a statement of a single rural cooperative which shows that it has, in the past year, earned the interest and retirement charges on its loans?

Mr. RUSSELL. No, Mr. President, I do not have a statement that they did or that they did not.

Mr. TAFT. I asked for such a statement last year from the Work Projects Administration. They promised to furnish it, but they never furnished it. So far as I know there is not a single R. E. A. project which, today, is earning its expenses and the interest on its loans. They have kept up with the repayments, because the repayments are made out of the loans they made to the various cooperatives. I think it is an excellent thing, but I think it is an appropriation. I doubt very much if we shall ever get back more than one-half of what we actually advance to these R. E. A. projects. In other words, it is a spending project and not a lending project. In my opinion it ought to be treated as such, and it ought to be carried as an appropriation in this bill.

If the Senator from Georgia can produce the financial statement of a single rural cooperative showing that it has earned the interest on its indebtedness, I think it ought to be inserted in the RECORD.

Mr. RUSSELL. Mr. President, I should like to ask the Senator from Ohio if he can produce a single record at this

moment showing that any bank or trust company or railroad has ever repaid $1 of its obligations to the R. F. C.

Mr. TAFT. Yes, Mr. President; I happen to know one in my own State; the Cincinnati Union Terminal Co. repaid every cent of a loan made to it by the R. F. C.

Mr. RUSSELL. Where is the Senator's record?

Mr. TAFT. I will put it in the RECORD.

Mr. RUSSELL. The Senator asked me for records pertaining to loans made to R. E. A. projects. Of course, I do not carry such records with me. I have been burdened down like a pack mule for the last several days with information relating to the agricultural appropriation bill. Certainly of all unreasonable requests made on the floor of this body is the request of the Senator from Ohio for original records of repayment of individual loans made by rural cooperatives.

Mr. TAFT. No, Mr. President——

Mr. RUSSELL. Let me complete my statement. It happened that the Farm Security Administration had made thousands of loans to farmers to enable them to make crops. The Farm Credit Administration has made millions of dollars of loans to farmers to enable them to save their farms. Certainly the Senator from Georgia could not be expected to carry around the records of all the loans made to the various farm cooperatives and the collections thereon.

Mr. TAFT. No; but I think the Senator is proposing a change in policy—that it be made on a lending basis.

Mr. RUSSELL. No. I read from the original act creating the Rural Electrification Administration. It is section 903 of the Code of Laws of the United States and reads as follows:

> The Reconstruction Finance Corporation is authorized and directed to make loans to the Administrator—

That is the Administrator of the Rural Electrification Administration—

> upon his request approved by the President, not exceeding in aggregate amount $50,000,000 for the fiscal year ending June 30, 1937, and $100,000,000 for the fiscal year ending June 30, 1939, with interest at 3 percent per annum upon the security of the obligations of borrowers from the Administrator appointed pursuant to the provisions of this chapter or from the Administrator of the Rural Electrification Administration established by Executive Order No. 7037: *Provided*, That no such loan shall be in an amount exceeding 85 percent of the principal amount outstanding of the obligations constituting the security therefor; and *Provided further*, That such obligations incurred for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines, or systems shall be fully amortized over a period not to exceed 25 years, and that the maturity of such obligations incurred for the purpose of financing the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment shall not exceed two-thirds of the assured life thereof and not more than 5 years. The Administrator is hereby authorized to make all such endorsements, to execute all such instruments and to do all such acts and things as shall be necessary to effect the valid transfer and assignment to the Reconstruction Finance Corporation of all such obligations.

Now there is a case where back in 1936 the Reconstruction Finance Corporation was directed to make these loans, and the amendment which I shall propose, and which has been printed, and which has been on the clerk's desk for more than 2 weeks, makes a specific reference to the provisions of this section, and provides that these loans shall be made in the same manner as they were under the provisions of this section.

So the Senator from Ohio was wholly in error.

Mr. TAFT. Mr. President, since the passage of that law another law has been passed providing for authorizing the annual appropriation of $40,000,000, and that procedure has been followed for the last 3 years, and this year we are proposing to change that procedure. The Senator cannot deny that that is the actual condition today.

Mr. RUSSELL. I was not undertaking to change it. I denied the Senator's original statement that it never had been done this way, and the Senator now makes another statement. I proved that the original statement was unfounded, because it had been done that way through loans.

Mr. TAFT. Mr. President, I did not say that. I said you are proposing a change of policy, and it is a change of policy over what we did last year and the year before that and the year before that.

Mr. RUSSELL. It is not. If the Senator had listened to the reading of the law, he would have seen that it appears that the $50,000,000 loans were for the fiscal year ending June 1937, and $100,000,000 for the fiscal year ending June 30, 1939, which was last year. Yet the Senator said there was a change last year and the year before that and the year before that. We are merely returning to the policy that was instituted in 1935, and from which we should never have departed to make these loans by the Reconstruction Finance Corporation just as loans were made by the Reconstruction Finance Corporation to the railroads and big financial concerns.

Mr. TAFT. We are returning to the policy; therefore it is a change of policy we are propcsing. I say that change of policy should be supported by some evidence——

Mr. RUSSELL. If the Senator desires to split hairs in regard to the matter——

Mr. TAFT. That the loans purporting to be made are really good loans. I have been trying for over a year to get a statement from the R. E. A. showing the actual operating expenses and income of the various rural cooperatives. There may be some that make money. I do not know. I do know that the representatives and the counsel of the R. E. A. testified before the Ohio Tax Commission that they had not made their interest, and that they would not for many years to come. That is in last year's CONGRESSIONAL RECORD. That is one I happen to know about. It seems to me that before such change of policy is made we ought to know that such loans are really good loans, and have the figures to support that thesis.

The fact that some of them have been paid back, which was referred to yesterday, it seems to me, makes no difference. I regard the R. E. A. to be just like the R. F. D. Just as we gradually extend rural free delivery to farmers, I think we are justified in extending rural free electric service, but we ought to recoginze that it is a spending policy and not a lending policy.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BARKLEY. If the Senator contends, as he did a moment ago, that no more than one-half of the loans made to R. E. A. cooperatives will ever be paid back, what difference does it make whether the loan is made by the R. F. C. and is not repaid to it, or whether it is made out of the Treasury and is not repaid to the Treasury? What is the difference in principle?

Mr. TAFT. The difference in principle is that if the Senator's principles are accepted, then the Budget is a fraud.

Mr. BARKLEY. I do not accept it. I say if——

Mr. TAFT. In that case the Budget is a fraud, because the expenditures listed in the Budget are not the real expenditures. The expenditures are much greater than they were before.

Mr. O'MAHONEY. Mr. President, I desire to call attention of Senators to the rule providing that they should address the Chair before interrupting one another. The procedure now being followed certainly adds to the confusion of the Chamber, and it is quite impossible for those who are trying to listen to understand the point of the debate.

Mr. BARKLEY. If the criticism is aimed at me, I will say that I thought the Senator from Ohio had the floor, and that I addressed the Chair and asked if he would yield.

Mr. RUSSELL. Mr. President, I thought I had the floor. [Laughter.] The Senator from Ohio rose to ask me what I knew about the records, or if I could produce any records in respect to repayments.

Mr. TAFT. Perhaps the Chair will tell us who has the floor.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DANAHER] had the floor, and during the colloquy between the Senator from Ohio and the Senator from Georgia the Senator from Connecticut sat down. So the only thing the Chair could do was to recognize the Senator from Ohio, who was then on his feet, and he addressed a question to the Senator from Georgia.

Mr. RUSSELL. I do not desire to contribute to this legalistic and hair-splitting discussion——

Mr. TAFT. Mr. President, I now announce that I desire to yield the floor, if I may.

Mr. RUSSELL. I want a vote on this bill, and I wish to get away from these legalistic discussions.

The PRESIDING OFFICER. Let the Chair state the parliamentary situation. The question is on the committee amendment to strike out lines 8 to 11 on page 90.

Mr. NORRIS. Mr. President, I understand that when this amendment is agreed to, if it is, and I presume it will be, the Senator from Georgia will then offer an amendment to carry out what must be carried out if we do not appropriate the money to carry on the R. E. A. And if that amendment is not agreed to, then it is the intention of the Senator from Georgia to move immediately a reconsideration of the vote by which this committee amendment is agreed to, and then ask the Senate to reject it. Is that correct?

Mr. RUSSELL. I am not sure that I understood all the Senator's statement. Under the instructions of the Committee on Appropriations, I propose when the committee amendments shall have been concluded in the main body of the bill, to offer this amendment, which has been printed for some days, and which is incorporated in the RECORD in a notice which I filed to suspend the rule, in case a point of order were made against the amendment.

If this amendment proposing that loans shall be made by the Reconstruction Finance Corporation shall be rejected by the Senate, I shall be glad to move a reconsideration of the action of the Senate in adopting the Senate amendment.

Mr. NORRIS. Has the Senator already given that notice, and is it printed under the rules?

Mr. RUSSELL. Yes.

Mr. NORRIS. So we would not have to adjourn over in order to take it up?

Mr. RUSSELL. No; notice was served 2 weeks ago, and it is on the desk at the present time.

Mr. NORRIS. What I am particularly interested in is that when this bill is finished we shall not find ourselves without any appropriation for the coming fiscal year to carry on the R. E. A. program. If the committee amendment is agreed to, then there is no appropriation in this bill except for administrative purposes only. The R. E. A. would have to stop progress during the coming year because of the want of appropriations. So we ought to have that understood. It seems to me that situation should be known by the Senate.

Mr. RUSSELL. The Senator is correct.

Mr. NORRIS. Mr. President, I take it from what the Senator from Ohio has said that he will make the point of order. Then the Senator from Georgia will move to suspend the rule. If he does not obtain a two-thirds vote to suspend the rule, then his amendment must fail. If we go on debating the bill, it may be that the time for reconsideration of this particular amendment will have expired, and it will be too late to take any action on it.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. RUSSELL. I am just as much concerned as is the Senator from Nebraska or anyone else in the appropriaton for the R. E. A. I certainly want nothing done to prevent this matter being considered fully and thoroughly on its merits, both as to the committee amendment to the House bill and the legislative amendment which I have been authorized to offer from the floor. In order that we may make progress, I ask unanimous consent that the Rural Electrification amendments be the last considered of all the committee amendments, in order that I may offer the legislative amendment as a substitute for the language in the bill. That will protect the rights of all those who are interested, either for or against the proposal, and will enable us to make some progress on other committee amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BYRNES. Referring to the statement of the Senator from Ohio as to delinquent payments, I call attention to the fact that the House hearings, on page 1126, show that there are only 10 projects which could technically be called delinquent in payments; and on page 1127 there is a statement showing the projects which not only are not delinquent, but have anticipated the payments of interest and principal due as of the date of the hearing. I should like to include as a part of my statement the list showing the projects which have anticipated the payments before the date they were due.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Mr. President, just a moment before that is agreed to.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that a certain statement be printed in the RECORD. Is there objection?

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement is as follows:

Rural Electrification Administration projects which have made payments prior to due date

	Amount of note	Current interest		Accumulated interest and principal		
		First payment due—	First payment made—	First payment due—	First payment made—	Prepaid to—
Illinois: 8028A1 Champaign	$186,000	Sept. 15, 1940	Sept. 19, 1939	Sept 15, 1940		
Indiana: 8092 Jackson	100,000	May 15, 1940	July 18, 1939	May 15, 1940	June 28, 1939	Mar. 15, 1941
Iowa:						
12 Iowa	37,000	Aug. 1, 1937	Aug. 1, 1937	June 1, 1938	May 27, 1938	Mar. 1, 1941
34 Jones	305,000	Dec. 1, 1939	Aug. 31, 1939	Dec. 1, 1939		
39 Benton	200,000	Aug. 1, 1939	Aug. 1, 1939	do	Aug. 21, 1939	Sept. 1, 1940
8039B Benton	100,000	June 15, 1940	Aug. 15, 1939	June 15, 1940	do	Feb. 15, 1941
Kentucky:						
21 Nelson	315,000	Dec. 15, 1939	July 21, 1939	Dec. 15, 1940	Oct. 6, 1939	June 15, 1941
8021B Nelson	97,000	May 1, 1940	July 10, 1939	May 1, 1940		
33 Daviess	100,000	Jan. 15, 1940	Mar. 22, 1939	Jan. 15, 1940	Sept. 14, 1939	July 15, 1942
8033BC Daviess	173,000	May 1, 1940	Sept. 14, 1939	May 1, 1940	do	Jan. 1, 1941
North Carolina:						
8014B1 Pitt	25,200	Oct. 15, 1940	Aug. 1, 1939	Oct. 15, 1940	June 20, 1939	Mar. 15, 1941
8029 P. I. & L.	42,000	Aug. 1, 1939	do	Aug. 1, 1939	Aug. 1, 1939	Feb. 19, 1941
Tennessee: 21 and 21B Franklin	379,500	July 1, 1939	July 1, 1939	Mar. 1, 1940	July 18, 1939	July 1, 1940

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. When the Senator from Ohio [Mr. TAFT] requested information from the Senator from Georgia [Mr. RUSSELL] as to the projects which were paid up and those which were not, I went to the telephone and called Mr. Slattery, the Director of the Rural Electrification Administration, and he gave me substantially the same information as that given in the House hearings. Virtually all the projects are paid up. There are about 800 in all. The majority of them are paid up, and some of them are paid up in advance.

Mr. TAFT and Mr. RUSSELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield and, if so, to whom?

Mr. NORRIS. I yield first to the Senator from Ohio.

Mr. TAFT. Mr. President, the statement inserted in the RECORD by the Senator from South Carolina is exactly the same thing which was given us last year. It does not prove in any way that the projects have earned their interest. It simply proves that they have paid the first installment of interest, or perhaps the second installment of interest, which could have been paid—and, so far as I know, was paid—out of the loans made to them. Last year we requested an operating statement. I did not say that they have not paid the interest. I said that they have not earned the interest; or at least I see no evidence that they have earned the interest. We have yet to obtain a single statement from any rural cooperative showing that during the past year it has earned the interest which it is obliged to pay to the United States.

Mr. RUSSELL. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. RUSSELL. Mr. President, I wish to express my profound disappointment with my good friend from South Carolina [Mr. BYRNES], who has read from the House hearings information as to the repayments which have already been made; and with the Senator from Tennessee, who has stated merely what the man in charge of the agency has told him, without bringing in the canceled notes. This will not suffice to contradict the opinion of the Senator from Ohio. There is no way to convince the Senator from Ohio unless the Senator brings in the canceled notes. The printed record and the statement of the man in charge of the Rural Electrification Administration are the only things brought in, and they do not convince the Senator from Ohio.

Mr. McKELLAR. Mr. President, I make my apologies to the Senator from Georgia, but I asked Mr. Slattery to send that information to the Senate, and when it comes I shall put it in the RECORD so that the Senator from Ohio may read it.

Mr. RUSSELL. That will not suffice, Mr. President. The Senator from Tennessee must go down to the Rural Electrification Administration and obtain the notes, if they have them, from the 800 companies all over the country, and bring them in. Nothing less than that will satisfy the Senator from Ohio.

Mr. McKELLAR. Must I have an affidavit?

Mr. RUSSELL. Nothing less than that will satisfy the Senator from Ohio [Mr. TAFT], who has such detailed and intimate information as to the operations of the Rural Electrification Administration.

Mr. NORRIS. Mr. President, I am interested, as I think all Senators are, in the R. E. A. continuing with its work, which I think so far has been a wonderful success. I do not want any parliamentary situation to arise by which we may find, when we get through with the bill, that we have done nothing to continue the work of the R. E. A. during the next year. I think that the unanimous-consent agreement which the Senator from Georgia [Mr. RUSSELL] has obtained practically obviates that danger.

Mr. President, I think there are two sides to the question as to whether we ought to make direct appropriations or whether we ought to borrow the money from the Reconstruction Finance Corporation to continue the R. E. A. Personally, I have not much choice. However, I understand that the Departments, including the Agricultural Department, of which the R. E. A. is now a part, have all agreed upon the change which the committee has suggested. Personally, if I were compelled to choose between the two methods, I believe I should rather have a direct appropriation, but I am not objecting to the other method if those who are administering the act, and have to do with the bookkeeping, want to do it that way. It seems to me there will be no difference in the end. So, when the Senator offers his amendment to take the place of the language which the committee amendment seeks to strike out, we can fight out that question. I do not care very much which way it goes. The Senator from Ohio [Mr. TAFT] can then oppose the amendment or make a point of order against it if he so desires—and I think it is subject to a point of order. We can then take up the question of the suspension of the rule, which will make a motion in order. If that fails, then we are to go back to this amendment, with the understanding that we are to reconsider it, and reject it upon reconsideration.

The PRESIDING OFFICER. The Chair wishes to make a suggestion to the Senator from Georgia. The amendment, in lines 8 to 11, on page 90, has been postponed for later consideration. The Chair calls attention to the fact that the next amendment, in lines 12 and 13, should be subject to the same unanimous-consent request.

Mr. RUSSELL. Mr. President, I so intended. If I did not do so, I ask unanimous consent that the amendments affecting the Rural Electrification Administration be passed over.

The PRESIDING OFFICER. Without objection, the request of the Senator from Georgia, that the committee amendment in lines 12 and 13 be likewise postponed for later consideration, is agreed to.

Mr. NORRIS. Mr. President, I cannot let this occasion pass without saying something about the financial consideration which has been given to the R. E. A. this afternoon. The Senator from Ohio says that not more than one-half the money loaned to the R. E. A. will ever be repaid, whether to the R. F. C. or to the Treasury, and that so far as he can ascertain none of the projects are now making money.

Of course, when he asks us to present definite evidence on a moment's notice, it cannot be done. I have tried to keep up with the question, and I have a general understanding. I have read many letters and reports from various local associations and cooperative institutions of farmers all over the United States engaged in supplying electricity to themselves and their members. I have received information with respect to many which appeared to me, so far as I was able to determine, to be in fine financial condition. They had paid every debt and met every obligation.

However, many of them do not meet all their obligations to begin with, and do not expect to. No private institution which ever went into the electric business ever intended to meet such obligations in the beginning, and very few of them ever did so. A period of growth is required. There is a time, running from 2 to 3, 4, or 5 years, in which a private company or a public company can be expected to lose money, when it is unable to meet its obligations and amortize its investments.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. NORRIS. I shall be glad to yield in just a moment.

Also, as we all know, there are parts of the country in which agriculture has not been prosperous and where farmers are not making money. That situation is true of most parts of the country. Today millions of farmers in the new projects want to take the electricity, but are financially unable to do so. Others do take the electricity, but they take only a minor part of what they will take if they ever get on their feet. If the country fails, and if all our farmers go to the poorhouse, then this institution will fail financially. Otherwise I regard it as the safest investment ever made by public or private investors.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, I am not prepared to answer in detail as to the cooperatives in my State, but I will say to the Senator that because of the hydraulic development on the Colorado River in my State, under Government supervision, great numbers of rural electrical cooperative projects are being put into operation. My general information is that they are meeting their obligations, and that they are welcomed by the people generally as a great forward movement. I think it has been one of the most useful things we have done to take a little comfort and convenience into the rural sections at rates which the people can pay. In my State I believe that, on the whole, these concerns are in sound condition, and that the Government will not lose money by reason of its

investment. I wish to congratulate the Senator from Nebraska on his activity and the great labor he has expended in this field.

Mr. NORRIS. I thank the Senator from Texas for his contribution.

I have received many letters and reports from the State of Texas, where farmers' cooperatives have been organized for the purpose of distributing electricity to their members.

There is another reason why we have cause to expect and believe that within the next few years there will be greater successes on the part of the cooperative farmer organizations distributing electricity. Many of these organizations are now paying an exorbitant price at wholesale for electricity because they are not always able to buy it from public corporations. They are still subject to the exactions made by private corporations. It is true that many private corporations are much better than they formerly were, and in many cases the service is fine and the rates they are charging are reasonable. As a matter of fact, however, every Senator knows, or would know if he studied the question at all, that for the past 10 or 15 or 20 years the farmers of the country on bended knees have been going to the private owners of electric energy, begging for an opportunity to use electricity in their homes; and they have been met with charges that are insurmountable, that no ordinary farmer could pay, that no one could pay who had not a salary or income outside of his farm itself. To install the electric wires they were usually asked prices that paid for the entire installation, and then the other fellow owned it after that; and they were charged rates that were exorbitant and unreasonable.

To a great extent that has now disappeared. The Government has come in, through this act, and has started a movement in favor of electrifying the farms of America; and that has had a tendency to open the eyes of private investors who heretofore had no interest in trying to furnish electricity to the farms except at prices that the farmer could not pay. The private investors have awakened to a sense of the responsibility that is theirs, and in some instances they are supplying electricity at very fair and reasonable rates; but in other instances, when there is no possibility of getting public service from some public generating plant, they are still holding up prices at an enormous level.

That condition, we hope, will disappear. I have no doubt of it. When it does, more farmers will take electricity, more electric appliances will be used in the farmers' homes. The farmers will begin to buy stoves, they will buy refrigerators, and washing machines, and ironing machines, and all sorts of things that they now cannot afford to pay for. That means, in my judgment, that unless some calamity occurs, the whole scheme of the R. E. A. is going to meet with an impetus and upgrade development that will bring success to practically every one of the projects that have been put in.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Kentucky.

Mr. CHANDLER. I desire to inform the Senator from Nebraska of an experience in Kentucky which I am quite certain will be of great pleasure to him because of his great general interest in this matter.

By negotiations in 1939 we were able to get the power companies in Kentucky to agree to a wholesale rate to rural cooperatives of 1.2 cents per kilowatt-hour. I believe that is one of the lowest rates that has been established for furnishing power wholesale to rural cooperatives. I believe the records will show that, because of that, during 1938 and 1939 the people of Kentucky perhaps made the greatest advance that was made in the United States in obtaining by negotiation electric service to the farmers of the State. I know that the Senator from Nebraska will be very much pleased with the experience of the people of Kentucky during recent years.

Mr. NORRIS. I thank the Senator.

The Senator speaks of a rate of 1.2 cents per kilowatt-hour. As rates go now, that is not a bad rate. I should not call it a low rate. There are now many lower rates than that. There are a great many that are higher. Within the next few years, when the country is more completely covered with electric wires, I think a rate of 1 cent per kilowatt-hour, wholesale, will be considered an exorbitant rate. The present T. V. A. wholesale rates are something less than 1 cent. I believe the rate which the Senator from Kentucky has mentioned probably would come close to the average, or perhaps a little lower.

Mr. CHANDLER. If the Senator will yield for just a moment, I believe that at the time the rate was obtained it was the lowest in the country.

Mr. NORRIS. It probably was.

In my judgment, Mr. President—and I want to be unprejudiced; I want to be honest about the matter—the Government of the United States never made a loan which on the average was as secure and as safe as the money that has been loaned to furnish R. E. A. electric service to the farmers of America. It is a debt that the farmer is going to pay in preference to any other debt. It is a debt that is going to be met even though the farmer cannot buy gasoline for his Ford. It is being met now in my own State. In a part of the State where there has not been a full crop in 8 years the farmers are now taking electricity where these organizations are successful. If a full crop comes this year, the consumption in the State by the farmer will treble; and do you know what that means in every electric service? Double the service without increasing the transmission lines or the number of customers, just double the service that you have, and you cut in two the price that you can afford to charge the consumer. You have made profit out of what before was a blank failure.

In my judgment, nothing the Government of the United States has ever done in a financial way equals the return that must come from loaning this money. It is not only that the Government is going to get its loans paid. There is no subsidy to the farmer in this loan. I think we would be justified in voting a subsidy to carry electricity to the farming people of America; but it is not being done. They are paying their way, and this is going to be one of the most profitable investments the Government ever made.

But that is not all. There is an obligation on the part of a government that cares anything for its people, a government that has any regard for the happiness of the families that live on the farm, that do the drudgery of the Nation, that produce what keeps us all alive and gives us clothing and food, the very foundation of our civilization. Those people have been held down in poverty because they have lacked the things that bring happiness and comfort to the fireside and to the home.

Those things are coming to the farmer. Furnishing them to him is worth more to the perpetuity of the Nation and the health of civilization than getting back the money we have loaned. The important thing is the good that we are doing. We are affording some comfort and happiness to the distressed housewife who has almost worried her life out over the hot stove in the summer time in trying to take care of the workers on the farm. We are making it unnecessary for her to break her back in washing and ironing the clothing. We are making it unnecessary for her to carry to the house water from the pump that probably came down from her forefathers. We are bringing some comfort, some happiness, to the distressed portion of our people and of our Nation. We can afford to lose all the money for the happiness these loans are going to bring, and they are going to bring it.

I saw Mr. Carmody in my office before he gave up the R. E. A. He came to see me about something, and when we got through with the consideration of the subject he had brought to my attention I said, "Carmody, do you know any instances in which you have installed electricity in farm homes and the farmers got tired of it and made you take it out?" He said, "Yes; we had a case in Minnesota. We started an organization, which went to work and put in the electricity. They got it all started and going and charged, and they had been running for 2 or 3 months when a farmer came into the office in town one day and said, 'I wish you would send a man out to my home to disconnect the electricity and bring in the meter.' They tried their best to talk him out of it. They

could not do anything with him; so they said, 'All right, we will send out a man in a few days.'

"In a few days they sent out a man, and the farmer was not there. His wife was there, however; and the man from the company explained to the wife why he had come. She said, 'Oh, no; I do not want the electricity disconnected. I do not think you will do it.' The man said, 'But it is your husband's order.' She said, 'I cannot help that, but I do not think you had better try it'; and she looked so determined and so robust to the young fellow who went out there that he decided not to try it. He went back to town, and the men in the office laughed about the incident when he reported it, and said, 'When the old man comes home she will talk him out of this crazy notion'; but she did not.

"A few days after the farmer returned home he came into the office of the company and brought the meter with him, and said, 'Here is your darned old meter. I don't want it any more. I have disconnected it.' They said, 'What for? What have we done?' 'You have not done anything, but I can't afford electricity. I won't have anything to do with it. I have paid up the bill. I am all clear, but no more electricity for me'; and so he went home. When he got home, however, his wife was not there, and up to this hour she has not returned." [Laughter.]

Mr. President, when electricity is installed in the farmer's home it is necessary to deal with the farmer's wife. It is probably to the farm women that the most happiness is brought by these modern conveniences, and that is where it ought to come. It is necessary to deal with them; and as long as there are rolling pins and fire tongs around the farm home, it will not be safe for anybody to go out there to disconnect the electricity or take away the meter. [Laughter.]

This is a debt that the farm people are going to pay if they ever pay anything. What we ought to do is to devote our energies and our abilities, what little we have, to trying to get the farmers a wholesale rate that is away below the rate they are now paying, and we ought to be able to get appliances to them at half the price they are now paying.

Electricity is different from any other commodity. It is no use and no good unless there are appliances with which to use it. The appliances are just as necessary as the electricity itself; and when the farmers pay an exorbitant price for the appliances it is just the same and just as bad as though they were paying an exorbitant price for the electricity itself.

Everybody knows that the price of appliances is all out of joint with the cost of the appliances. An enormous profit goes into the manufacture and sale of the appliances. The Government has done something with that condition. It has been criticized very severely for doing it. The Government has brought about a great reduction all over the Tennessee Valley, and is now trying to do it all over the United States. It has brought about a reduction in the construction cost of electric lines. It has brought about a reduction in the cost of meters. For instance, now, I think all over the United States, the farmers have a meter, or they can get it—at least, all new projects can get it—that, as I remember now, costs about half or less than half the cost of the ordinary meter, and it is a meter which any of us can read just as easily as we can read the figures on the speedometers of our automobiles.

Mr. HILL. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. It is not necessary to have an expert to come and read the meter. That expense and that cost have been done away with. The farmer reads the meter and telephones the reading over the country telephone. He can read it just as he can read the figures on the speedometer of his automobile, as I have stated.

About once every 3 months the experts inspect the projects the different farmers are operating and look at the meters. If a farmer has cheated, or if he has been wrong, if he has not given the correct report when he telephoned the reading as to how much had been consumed in February or March, for instance, he is caught. He will not give a false reading, even though he were inclined to do so. He will not be inclined to do so for two reasons: First, because almost all the farmers are like the general class of honest people; they are honest themselves. In the next place, they are members of cooperative institutions, and if a farmer cheats, he cheats himself the same as he cheats his neighbor. I yield to the Senator from Alabama.

Mr. HILL. The Senator from Nebraska, who knows more about this subject, certainly, than any man I have ever known, was just speaking of the reduction in the cost to the farmer due to the R. E. A. As the Senator from Nebraska so well knows, at the time we set up the R. E. A. one of the great costs incident to rural electrification was the cost of the lines. The lines cost the farmer between $1,500 and $1,800 a mile. Today, largely through the R. E. A., that cost has been reduced from between $1,500 and $1,800 to about $800.

Mr. NORRIS. It is less than that. I read a statement of the average today; it is between six and seven hundred dollars.

Mr. HILL. The same reduction which we have witnessed in the cost of the lines has gone down pretty well through the appliances and everything else connected with the system.

Mr. NORRIS. Absolutely.

Mr. HILL. At the very time when we set up the R. E. A., many of the power companies were saying, "It is not economical. You cannot carry these lines out into the rural areas." They are now themselves carrying hundreds of thousands of miles out through the rural areas, the R. E. A. having shown it could be done, and the R. E. A. having served as an impetus, a spur, to get it done. Is not that true?

Mr. NORRIS. That is correct. I want to say just a word more, and then I shall have concluded. The Senator reminds me of another thing. I wish to refer to the reduction not only in the cost of appliances, but in the cost of electricity itself, which is coming. I mentioned one improvement, in the matter of the meter, a meter which anyone can read, which is less than half the price it originally was. The prices of the wires which are to be established, and of the appliances which are to be used, are being cut in two. They are all coming down.

In the end the farmer will be one of the best electric customers in the United States. He is a better customer than the ordinary person in the city, and it is very plain why he is, for to him the use of electricity is comparatively new; in his case it has not gone far enough yet, and improvements and developments are coming every day. The farmer is going to use electricity to improve the production of eggs, and that use is advancing at a wonderful rate. He is going to use it in connection with the raising of chicks, and the raising of little pigs. The use of electricity in the pumping of water, of course, is common, has long been known. The farmer is milking his cows with electricity. There is another thing which is a practical improvement. Instead of building a five-wire fence to confine cattle and pigs, he can put up a two-wire fence, one wire for the cattle and one for the hogs, and electrify them with a very weak current, eight volts, and that is a better means of keeping stock in a field than has ever been before known. When a cow or a hog goes up against that lightly charged electric wire once, it never goes up against it again, and after the farmer has had the fence electrified for a few days, he can turn the electricity off. The animals cannot tell the difference by looking at the fence whether it is electrified or not. All kinds of improvements are being made.

Mr. LEE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LEE. I understand there are electric voting machines in New York which will elect a candidate and electrocute his opponent with the same shock. [Laughter.]

Mr. NORRIS. I do not know about that. We are living in an electric age, and we are at the very beginning of a great advance in the use of electrical appliances, with the prospect of affording greater comfort and profit and happiness than ever before known.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. NORRIS. I yield.

Mr. HILL. The Senator expressed a fear, shared by many of us, that if we strike out the language from lines 8 to 13, on page 90, the language which really makes the direct appropriation of $40,000,000, and then afterward add the committee amendment providing for financing the R. E. A. through the R. F. C., if the committee amendment should be voted down, then we would at that moment be in the position of not having anything in the bill except the small amount for administration purposes.

Mr. NORRIS. That would not do any good.

Mr. HILL. No; there would not be anything to administer. What I am wondering is why it would not be in order, instead of striking out the language on lines 8 to 11, page 90, and then offering the amendment in reference to the R. F. C., to offer the amendment providing for the loans through the R. F. C. as a substitute for this language in lines 8 to 11, on page 90. Then, if the substitute fails, the language from lines 8 to 11, making direct appropriations, would remain in the bill. Would that be in order?

Mr. CLARK of Missouri. Mr. President, the amendment is legislation, there is no question.

Mr. HILL. I understand that.

Mr. CLARK of Missouri. Therefore it would not be in order as a committee amendment for the reason that one amendment would take a two-thirds vote and the other one a majority vote.

If the Senator will permit, if the situation should arise to which he has referred, the committee amendment being agreed to and then the other amendment failing, of course it would still be in order to move a reconsideration of the vote by which the committee amendment was agreed to.

Mr. NORRIS. That is all right if we have an understanding that is going to happen in case the condition arises. The Senator from Georgia has already obtained unanimous consent to defer the consideration of this amendment until everything else in the bill has been acted on. So I do not understand that there will be any trouble on that score.

Mr. President, after we finished the debate in the Senate this afternoon relating to rural electrification, I sent to my office for some statistical information for which I had asked Mr. Slattery—data relating to various subjects connected with the electrification administration. I obtained the information, and I ask to have it printed immediately following the remarks I made this afternoon.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

INCREASE IN RURAL ELECTRIFICATION IN THE UNITED STATES

A. GENERAL STATEMENT

1. The percentage of farms in the United States with central-station service increased from 10.9 in January 1935 to about 25 percent in January 1940. In other words, the number of farms with electric service is now about two and one-half times greater than when R. E. A. was established.

2. This rapid increase reflects the work of both R. E. A. and the private industry. The Government's program has stimulated the interests of the private industry in rural electrification—has stimulated the industry to offer more reasonable terms to farmers to build in rural areas where service had previously been denied except at exorbitant rates.

3. However, there remain more than 5,000,000 of our farms without electric service.

B. STATISTICAL DATA

Rural electrification in the United States

Year ending Jan. 1—	Number of electrified farms	Percentage of all farms electrified
1925	204,780	3.2
1926	246,150	3.9
1927	309,125	4.9
1928	393,221	6.2
1929	506,242	8.0
1930	576,168	9.2
1931	649,919	10.2
1932	698,786	10.7
1933	709,449	10.5
1934	713,558	10.5
1935	[1] 743,954	10.9
1936	788,795	11.

[1] R. E. A. established May 1935.

Rural electrification in the United States—Continued

Year ending Jan. 1—	Number of electrified farms	Percentage of all farms electrified
1937	1,042,924	15.4
1938	1,241,505	18.2
1939	1,410,000	20.6
June 1939	1,513,000	22.1
January 1940	1,700,000	25.0

Source: Number of electrified farms: 1925-30, Statistical Bulletin No. 2, April 1935, Edison Electric Institute; 1931-38, Electrical World, January 1938; 1939-40, R. E. A. estimates.

GROWTH IN NUMBER OF RURAL CONSUMERS RECEIVING ELECTRIC SERVICE FROM R. E. A. FINANCED SYSTEMS

A. GENERAL STATEMENT

1. By February 1, 1940, there were 462,817 consumers connected and receiving electric service from R. E. A. financed systems. When lines now under construction are completed service will be made available to an additional 400,000 rural residents.

2. Since July 1, 1939, progress in the number of connected consumers has been at an accelerated pace. Of the 462,817 now receiving service, about 200,000 were connected between June 30, 1939, and February 1, 1940, an average of about 28,000 a month. This compares with an increase of 168,000 between July 1, 1938, and July 1, 1939, or an increase of 14,000 a month.

B. STATISTICAL DATA

Connected consumers on Rural Electrification Administration financed lines

Date	Consumers connected (approximately)	Miles of line energized (approximately)
June 1936	1,000	400
June 1937	20,000	8,000
June 1938	100,000	40,000
June 1939	268,000	115,000
July 1939	275,000	120,000
August 1939	290,000	127,000
September 1939	310,000	136,000
October 1939	340,000	150,000
November 1939	370,000	164,000
December 1939	400,000	180,000
January 1940	462,817	192,156

ALLOTMENTS

A. GENERAL STATEMENT

1. The growing importance of the Federal rural-electrification program is clearly shown by the amount of allotments made by R. E. A. By February 29, 1940, R. E. A. had made allotments totaling $269,396,793 to 689 borrowers located in 45 States.

2. As shown by the accompanying data, substantially all of the allotments of the present fiscal year were made during the first 6 months. Because of improved methods and procedures, R. E. A. was able to make these allotments as soon as appropriations became available. This has made it possible for borrowers to take advantage of favorable weather conditions of the fall for construction.

3. Of the 689 borrowers, 613 are cooperative associations, 52 are public power districts and other public bodies, and 24 are private companies.

B. STATISTICAL DATA

Allotments and number of borrowers

Date	Allotments	Number of borrowers
June 1936	$15,050,000	66
June 1937	61,148,000	266
June 1938	89,565,000	367
June 1939	229,698,000	632
July 1939	235,411,000	635
August 1939	241,715,000	648
September 1939	253,909,000	664
October 1939	261,474,000	671
November 1939	267,136,000	687
December 1939	268,037,000	688
February 1940	269,396,793	689

FUNDS ADVANCED BY THE TREASURY FOR RURAL ELECTRIFICATION

A. GENERAL STATEMENT

1. By February 29, 1940, R. E. A. had advanced funds totaling $197,583,616. This figure compares with advances of $122,338,000 on July 1, 1939, $60,500,000 on July 1, 1938, and $12,401,000 on July 1, 1937.

2. From these figures it may be observed that $75,245,616 was advanced during the 8-month period of July 1, 1939, and February 29, 1940, in comparison with $61,838,000 during the 12-month period July 1, 1938, to July 1, 1939. On a comparative monthly basis, dur-

ing the 8-month period July 1, 1939, to February 29, 1940, the monthly average of advances was $9,405,000 in contrast to $5,153,000 during the year July 1, 1938, to July 1, 1939.

B. STATISTICAL DATA

Advances by the Treasury Department for rural electrification

June 1936	$823,000
June 1937	12,401,000
June 1938	60,500,000
June 1939	122,338,000
July 1939	132,936,000
August 1939	146,078,000
September 1939	157,945,000
October 1939	166,321,000
November 1939	176,073,000
December 1939	184,099,000
February 1940	197,583,616

PROGRESS IN LINE CONSTRUCTION

A. GENERAL STATEMENT

1. During the 8-month period July 1, 1939, to March 1, 1940, a total of 78,711 miles of line was constructed, an average of 9,838 miles per month. This compares with a total of 75,817 miles constructed during the year July 1, 1938, to July 1, 1939, or an average of 6,318 miles per month.

2. During November and December of 1939 the rate of construction reached an all-time high, averaging slightly over 500 miles of line a day.

B. STATISTICAL DATA

Miles of line constructed (weighted construction)

June 1936	
June 1937	12,462
June 1938	61,460
June 1939	137,277
July 1939	146,091
August 1939	158,267
September 1939	167,558
October 1939	177,466
November 1939	190,793
December 1939	200,579
Mar. 15, 1940	215,988

PROGRESS IN REDUCTION OF LINE-CONSTRUCTION COSTS

A. GENERAL STATEMENT

1. One of the outstanding accomplishments of R. E. A. is the substantial reduction in the cost of line construction. Before R. E. A. was established the reported average cost of rural lines ranged from $1,500 to $1,600 a mile. The cost of R. E. A. financed lines averages about $800, or approximately 50 percent of previously reported costs.

2. This reduction has been achieved without any impairment of quality or durability of construction. Today R. E. A. line design is being adopted by private companies.

3. Since 1935 the over-all line costs of R. E. A. borrowers have been declining—from $980 in 1936 to $914 in 1937, to $810 in 1938, and to $754 in 1939. For the last 6 months of 1939 the average construction contract cost was $648 a mile in contrast to $865 in 1937.

DEVELOPMENT OF EQUIPMENT FOR RURAL LINES AND RURAL PEOPLE

A. GENERAL STATEMENT

1. R. E. A. is constantly striving to make rural electric service meet the needs of rural areas and, where necessary, to encourage the development of equipment for this purpose. Two of the outstanding technical developments are a cyclometer-type meter and a small, low-cost transformer.

2. In cooperation with manufacturers, R. E. A. has developed a cyclometer-type meter which permits easy, direct reading and reporting by farmers themselves, and thus reduces the cost of meter reading from about 15 to 3 cents a month per meter. This one development will save consumers on R. E. A. lines many thousands of dollars every year.

3. A second outstanding development is a low-cost, small transformer that will enable farmers of very limited income to enjoy electric lights and small electrical appliances for a minimum bill of $1 a month. This development is an excellent example of the efforts of R. E. A. to make electric service available to all farmers regardless of their income status.

BENEFITS OF FEDERAL RURAL ELECTRIFICATION PROGRAM TO INDUSTRY

A. GENERAL STATEMENT

1. During the present fiscal year it is estimated that R. E. A. borrowers will purchase electric power at wholesale from private utility companies that will total almost $3,000,000. This is new business for the private industry, business for which it did not have to incur any selling or development expense and which results generally in the improvement of their load factor.

2. The Government's rural-electrification program has made a new market for manufacturers of line construction materials. As of June 30, 1939, it is estimated that the Federal funds used for financing line construction, wiring, and plumbing required manufactured products totaling $145,500,000. This was divided among many industries, as shown in the accompanying table.

3. In addition, consumers on R. E. A. lines spent almost $27,000,000 for wiring and plumbing installations and almost $80,000,000 for appliances and other farm electrical equipment.

B. STATISTICAL DATA

Estimated value of construction materials used in R. E. A. program between May 1935 and June 1939

Conductors	$48,500,000
Guys, hardware, insulators, etc	33,500,000
Poles	27,000,000
Transformers	25,000,000
Generating equipment	4,000,000
Meters	5,500,000
Wiring and plumbing	2,000,000

LOAN APPLICATIONS PENDING

A. GENERAL STATEMENT

1. There are definite indications that the desire for electric service by farm people on terms that they can afford to pay is increasing. Loan applications on hand or being prepared in the field totaled $62,761,200 on March 15, 1940.

2. These applications have been submitted by farm groups notwithstanding the discouragement given inquirers when available loan funds are near exhaustion. The amount of $62,761,000 exceeds by $22,761,000 the loan appropriation of $40,000,000 recommended in the Budget for fiscal year 1941.

B. STATISTICAL DATA

Loan applications pending as of March 15, 1940

	Number of applications	Amount
Ready for allotment	51	$6,408,000
Being examined for allotment	182	22,851,500
Known to be in preparation in field	264	33,501,700
Total	497	62,761,200

CONTROL AND SCHEDULING OF R. E. A. ACTIVITIES

1. One of the most important managerial techniques involved in the execution of the rural-electrification program has been the establishment by an experienced management engineer of schedules of performance for each type of activity. Through close adherence to these schedules, the work involved in each operation is coordinated with the previous and succeeding operations so that the program moves forward in an orderly manner, each operation being performed at the right time and in relation to all other operations. As a result of these schedules and the necessary controls to make them effective, many operating economies and increased efficiency have been obtained without impairment of either quality or thoroughness of work. For example, the scheduled period of time elapsing between an allotment of funds and the execuon of the construction contract has been reduced from 36 weeks in fiscal 1936 to 22 weeks in fiscal 1937, to 16 weeks in fiscal 1938, and to 12 weeks in fiscal 1939.

2. In consequence of the knowledge of the personnel requirements to execute the program of the Congress as determined by the schedules and controls noted above, R. E. A. is able to develop calculated budgets of its administrative expenses. As a result, the R. E. A. administrative budget is estimated with considerable precision and the Bureau of the Budget can judge the requirements of R. E. A. with more than customary accuracy.

FINANCIAL RESULTS OF R. E. A. PROGRAM

A. GENERAL STATEMENT

1. Notwithstanding the fact that R. E. A. borrowers are new concerns and many of them have been in operation a relatively short time, they as a whole are in excellent condition and show assuring prospects.

2. Thirty percent of the borrowers' systems for which loans have been made are not yet energized. Of the remaining 70 percent, about 30 percent are constructing additions and are not completely energized; i. e., of all R. E. A. borrowers only 20 percent are completed, well rounded out, energized going concerns.

3. The best evidence of the financial results of the R. E. A. program to date is contained in the figures showing the amounts due R. F. C. and the amounts collected to meet these payments. As shown in the following table every payment has been made to R. F. C. and a surplus has been maintained for future payments.

B. STATISTICAL DATA

Interest account of Rural Electrification Administration—interest received from borrowers, interest due and paid Reconstruction Finance Corporation, and balances available for future payments

Date	From borrowers	Due and paid Reconstruction Finance Corporation	Balance
July 1, 1937	$19,329.06	$19,329.06	
Jan. 1, 1938	47,963.12	15,086.61	$32,876.51
July 1, 1938	152,015.37	14,840.63	137,174.74
Jan. 1, 1939	605,826.21	508,889.32	96,936.89
July 1, 1939	834,837.44	223,597.74	611,239.70
Jan. 1, 1940	2,382,889.85	992,362.70	1,390,527.15

SIGNIFICANCE OF DISTRIBUTION OF ELECTRICITY IN RURAL AREAS BY COOPERATIVE ASSOCIATIONS AND OTHER PUBLIC BODIES

1. Ownership and control of rural electric distribution systems by associations of citizens of a community point the way toward desirable decentralization and away from the centralized control over community activities of financial centers. It is reviving the interests of citizens in the affairs of their community.

2. The development of rural cooperatives and other nonprofit public bodies for rural electrification is one step toward a true democratic society in which citizens, through their collective efforts, can control their affairs. Such organizations help to educate them in democratic principles and democratic institutions.

Rural Electrification Administration statistical statement as of Feb. 29, 1940, except as noted

	Appropriations	Allotments	Loan contracts	Advances
1935 Relief Act	$14,165,128	$14,165,128	$14,165,128	$13,953,057
1937 R. E. A.-R. F. C	50,000,000	46,499,331	46,380,331	(1)
1938 R. E. A	30,000,000	29,926,586	29,705,136	27,548,506
1939 R. E. A.-R. F. C	140,000,000	139,923,556	139,246,196	(1)
1940 R. E. A	40,000,000	38,882,192	36,561,502	7,610,683
Total	274,165,128	269,396,793	266,058,293	197,583,616

[1] 1937 and 1939 funds cannot be segregated by years: Total, $148,471,370.

Allotments by type of borrower and purpose

Type	Number of borrowers	Total amount	Line construction	Generating plants	Wiring and plumbing
Cooperatives	613	$248,483,441	$237,481,029	$6,255,000	$4,747,412
Public bodies	52	16,490,586	15,909,636	166,000	414,950
Private	24	4,422,766	4,369,766	53,000	0
All	689	269,396,793	257,760,431	6,474,000	5,162,362

Wiring and plumbing loans

System borrowers	486
Individual's notes	29,255
Wiring notes	26,151
Plumbing notes	2,481
Amount advanced	$2,527,824.60
Average amount of note	86.41
Average wiring note	72.75
Average plumbing note	163.73

Systems, miles and consumers

Region	Number of borrowers	Allotment		Energized systems	Operating	
		Miles	Consumers		Miles [1]	Consumers [1]
United States	689	252,448	853,515	579	192,156	462,817
1. North East	63	32,355	119,407	59	27,069	70,137
2. South East	95	33,510	132,100	80	26,049	73,408
3. East South Central	79	30,145	130,585	70	24,808	87,509
4. Central	100	41,003	136,214	79	27,831	65,015
5. North Central	76	29,890	86,207	65	24,738	48,269
6. West Central	95	30,499	78,992	74	21,232	37,976
7. South West	104	38,782	121,371	95	29,991	58,160
8. West	77	16,264	48,639	57	10,438	22,343

[1] As of Jan. 31, 1940.

United States farms with central-station service

	Number	Percent
Jan. 1, 1935	744,000	10.9
Jan. 1, 1940	1,700,000	25.0

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the heading "Beltsville Research Center", on page 90, line 16, after the word "expenses", to strike out "$85,000" and insert "$86,620", so as to read:

For general administrative purposes, including maintenance, operation, repairs, and other expenses, $86,620; and, in addition thereto, this appropriation may be augmented, by transfer of funds or by reimbursement, from applicable appropriations, to cover the cost, including handling and other related charges, of services and supplies, equipment and materials furnished, stores of which may be maintained at the center, and to cover the cost of building construction, alteration, and repair performed by the center in carrying out the purposes of such applicable appropriations, and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the center not covered by this appropriation.

Mr. CONNALLY. Mr. President, I ask unanimous consent to return to the committee amendment on page 33, line 5, which was agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, will not the Senator from Texas withhold his request until we conclude action on the other amendments of the committee? There are but a few of them.

Mr. CONNALLY. In deference to the Senator from Georgia, I withhold the request.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 90, line 16.

The amendment was agreed to.

The next amendment was, under the heading "Farm Credit Administration—Salaries and expenses," on page 95, line 10, after the words "in all", to strike out "$3,750,000" and insert "$3,770,000", so as to read:

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field; traveling expenses of officers and employees including not to exceed $5,000 for travel incurred under proper authority attending meetings or conventions of members of organizations at which matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; printing and binding; contingent and miscellaneous expenses, including law books, books of reference, and not to exceed $1,000 for periodicals, newspapers, and maps; contract stenographic reporting services, and expert services for the preparation of amortization tables; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; purchase of manuscripts, data, and special reports by personal service without regard to the provisions of any other act; procurement of supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed $50; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motortrucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; payment of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration; employment of persons, firms, and others for the performance of special services, including legal services, and other miscellaneous expenses; necessary administrative expenses in connection with the making of loans under the provisions of the Act of January 29, 1937 (50 Stat. 5), and the collection of moneys due the United States on account of loans made under the provisions of the acts of March 3, 1921 (41 Stat. 1347), March 20, 1922 (42 Stat. 467), April 26, 1924 (43 Stat. 110), February 28, 1927 (44 Stat. 1251), February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3), March 3, 1930 (46 Stat. 78, 79), December 20, 1930 (46 Stat. 1032), February 14, 1931 (46 Stat. 1160), and February 23, 1931 (46 Stat. 1276), January 22, 1932 (47 Stat. 5), February 4, 1933 (47 Stat. 795), March 4, 1933 (47 Stat. 1547), February 23, 1934 (48 Stat. 354), March 10, 1934 (48 Stat. 402), June 19, 1934 (48 Stat. 1021), February 20, 1935 (49 Stat. 28), March 21, 1935 (49 Stat. 49), April 8, 1935 (49 Stat. 115), January 29, 1937 (50 Stat. 5), February 9, 1937 (50 Stat. 8, 11), February 4, 1938 (52 Stat. 26), and Executive Order No. 7305, dated February 28, 1936; examination of corporations, banks, associations, credit unions, and institutions operated, supervised, or regulated by the Farm Credit Administration: *Provided*, That the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks, or institutions in accordance with the provisions of existing laws, in all, $3,770,000, together with not to exceed $3,900,000 from the funds made available to the Farm Credit Administration under the acts of January 29, 1937 (50 Stat. 5), February 9, 1937 (50 Stat. 8, 11), February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159).

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. RUSSELL. Mr. President, I desire to offer an amendment on behalf of the committee. The committee increased the item with respect to the Commodity Exchange Corporation and overlooked increasing the amount in the District of Columbia.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 69, line 14, it is proposed to strike out "$198,340" and to insert "$214,050."

The amendment was agreed to.

Mr. RUSSELL. Mr. President, there is a clerical error on page 83, line 3. The figures "1940" should read "1941." I ask unanimous consent that it may be corrected.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the correction will be made.

Mr. RUSSELL. Mr. President, I am instructed by the committee to offer another amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 79, line 8, following the word "materials", it is proposed to insert the words "or any soil-conserving services."

The amendment was agreed to.

Mr. RUSSELL. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 79, line 14, following the word "materials", it is proposed to insert the words "or any soil-conserving services."

The amendment was agreed to.

Mr. RUSSELL. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 78, line 9, it is proposed to strike out all after the colon down to and including the colon in line 17, as follows:

Provided further, That such amounts as may be necessary of this appropriation shall be immediately available to reimburse the appropriation under this head for 1940 on account of obligations created against said appropriation in connection with the 1940 grant-of-aid program, advances for the 1940 crop-insurance program, and county-association expenses for the 1940 agricultural conservation program.

The amendment was agreed to.

Mr. RUSSELL. Mr. President, that concludes the amendments to be offered on behalf of the committee, with the exception of one passed over, the rural-electrification amendment, and another legislative amendment. I wish to offer, then, in behalf of the committee, the rural-electrification amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. RUSSELL. I dislike to suggest the absence of a quorum. The Senator from Ohio stated he wished to be on the floor when this amendment was considered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. RUSSELL. I do not suggest the absence of a quorum. I am merely making the statement in order that anyone interested might notify the Senator from Ohio.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. At the proper place it is proposed to insert the following:

Loans: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7 of the Rural Electrification Act of May 20, 1936, as amended (7 U. S. C. 901–914), $40,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said act and shall be considered as made available thereunder; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum in addition to the amounts heretofore authorized under said section 3 (a) and without regard to the limitation in respect of time contained in section 3 (e) of said act; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

Mr. RUSSELL. Mr. President, that is a legislative amendment.

Mr. NORRIS. Mr. President, does not the Senator want to make a change in line 12?

Mr. RUSSELL. I did not understand the Senator's comment.

Mr. NORRIS. Does not the Senator want to make a change in lines 12 and 13, following the amendment?

Mr. RUSSELL. Since the amendment has been agreed to, the other amendment, on line 13, is now in order, because the amendment adopted provides for a loan from the R. F. C., and this appropriation is for administrative expenses.

The PRESIDING OFFICER. Let the Chair suggest that the amendment, on lines 8 to 11 and lines 12 and 13, be disposed of in order to put the bill in proper shape.

Mr. RUSSELL. I understand that the committee amendment, on lines 8 to 11, page 90, has not been agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment on lines 8 to 11, page 90.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment presented by the committee.

The CHIEF CLERK. On page 90, line 12, it is proposed to strike out "$43,075,000" and to insert "$3,075,000."

The amendment was agreed to.

Mr. RUSSELL. Mr. President, I have a final amendment which I submit, as instructed by the committee.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 85, after line 24, it is proposed to insert the following:

Loans: For loans in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000–1005), $50,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 percent per annum; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary of Agriculture, who shall make repayment thereof out of all moneys collected by him representing payments of principal and interest on the loans made out of the funds so borrowed, and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof: *Provided, however,* That the Secretary of the Treasury is authorized, when requested by the Federal Loan Administrator, to pay to the Reconstruction Finance Corporation from funds not otherwise appropriated an amount equal to the unpaid principal amount of the loans made hereunder, together with the interest accrued and unpaid thereon, and thereafter any sums repaid on account of said loans shall forthwith be covered into the general fund of the Treasury.

Mr. RUSSELL. Mr. President, this is the legislative provision, which has been discussed earlier in the debate, which transfers the tenant farmer loan program to the Reconstruction Finance Corporation.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 85, after line 24.

The amendment was agreed to.

Mr. RUSSELL. Mr. President, that concludes the committee amendments.

Mr. BYRNES. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 80, line 8, after the figures "1942", it is proposed to insert a colon and the following:

Provided further, That notwithstanding any other provision of law, persons who in 1938 and 1939 carried out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1938 and 1939 agricultural conservation programs formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers.

Mr. BYRNES. Mr. President, this amendment is subject to a point of order. Because it is subject to a point of order I gave notice a few days ago that it would be offered. I did not offer it in the Appropriations Committee, because I realized it was subject to a point of order.

The purpose of the amendment is to correct a situation which arose out of the leasing of public lands to individuals who are participating in the agricultural program. Individual farmers leased lands from the Forest Service particularly, and believing that they had a right to participate in the benefits of the agricultural program curtailed their acreage, and the Department, believing that they had the right to participate, made benefit payments to them in 1938. In 1939 the same situation existed, and these farmers, encouraged by the local agents to believe that they were entitled to the benefits, participated in the program.

During the year, sometime in the fall, some attorney in the Solicitor's office in the Department of Agriculture concluded that the proper interpretation of the language of the act would preclude the payment of benefits to these farmers who had in 1938 received the benefits, and in 1939 had participated in the program, but had not yet been paid. After considerable discussion between the lawyers—because it was contended that the farmers were entitled to the benefits, and that was my own interpretation of the language when it was called to my attention—the attorney in the Solicitor's office took the position that whereas the original Agricultural Adjustment Act specifically authorized the payment, in the amended or second Agricultural Adjustment Act there was no specific reference to it, and he therefore construed the language which applied to all farmers, to eliminate from the payment of benefits the farmers who had leased lands from the Forest Bureau, because the second act did not contain the specific language contained in the first act.

Consequently the Department suggested the language contained in this amendment. If it is not adopted, then the Department under the interpretation of the law by the Solicitor's office would have to collect the money from the farmers who had received these benefits under the 1938 act. It would mean that they would have to put a stop order against the payment of any funds to these farmers, even if they moved to private lands.

The decision of the Department means that during this year those farmers will not receive benefits. The amendment does not seek to correct that failure of the law to provide for benefits. It seeks only to provide for the payment to those farmers who in 1938 and in 1939 in good faith cooperated and actually were paid.

Mr. RUSSELL. As I understand, the purpose of the amendment is only to correct a situation which would result in an injustice to the farmer by reason of something which he had no knowledge of at the time he leased the land; but it does not extend to the present year, 1940.

Mr. BYRNES. No; it does not. Not only did the farmer have no knowledge of it but the Department of Agriculture had no knowledge of it, and the representatives of the Department had induced the farmer to participate in the program, and actually paid him the money. The purpose of the amendment is to avoid the bringing of suits against the farmers and trying to collect the money in some way out of future benefits.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. BYRNES. No; Mr. President, the question is on suspending the rule, because the Senator from Georgia will have to make a point of order against the amendment.

Mr. RUSSELL. Yes; Mr. President, I shall have to make a point of order, because the Senator has moved to suspend the rule.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina to suspend the rule. A two-thirds majority is necessary for a suspension of the rule. [Putting the question.] Two-thirds of the Senators present having voted in the affirmative, the rule is suspended.

The question now reverts to agreeing to the amendment proposed by the Senator from South Carolina.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I stated a few moments ago, when the R. E. A. amendment was under consideration, that I had talked to Mr. Slattery, the director of that organization, and that he was going to furnish some additional figures. He told me over the telephone that there are 689 borrowers. That 504 of those borrowers have paid interest regularly, and that the amount of that interest on the first day of January 1940 was $2,382,889, which has been paid out of earnings.

Mr. CLARK of Missouri. Mr. President, how many borrowers were there?

Mr. McKELLAR. There were 689 borrowers. Five hundred and four had paid their interest in full, and some ahead of time, leaving 185 that had not paid. But it must be remembered that they all had 3 years in which to begin the payment of interest. So, as Director Slattery said, a remarkable record of returns has been made up to date, and he considers these loans of the very finest quality.

Mr. AUSTIN and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. The Chair will state that he promised to recognize the Senator from Vermont.

Mr. CONNALLY. Will the Chair put me on the list of those to whom he has made promises of recognition?

The PRESIDING OFFICER. The Chair will state to the Senator from Texas that his name already is on that list. [Laughter.]

Mr. AUSTIN. Mr. President, I am about to offer an amendment which involves a mere change of language, and I believe constitutes the remedy for an oversight in reporting the bill. This amendment relates to the hurricane fire hazard reduction on White Mountain National Forest in New Hampshire.

The First Deficiency Appropriation Act, fiscal year 1939, Public, No. 7, Seventy-sixth Congress, appropriated $500,000 for fire-hazard reduction work and timber salvage on the White Mountain National Forest, N. H., made necessary by the September 1938 hurricane. This money is being expended for additional fireguards, fire-fighting equipment, lookout towers and telephone lines, training fire fighters, and to defray the cost of administering sales of salvaged timber.

If the present hazard-reduction and timber-salvage programs are carried out between now and June 30 there will be no balance on that date. It is essential, however, that the extra effort to protect this public property of more than 700,000 acres should be continued into the next fiscal year. This can be accomplished by a change of language in the bill. This change would not require the appropriation of new money but would authorize a continuation of funds already appropriated. I would accomplish this by the amendment which I now offer and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 40, line 19, it is proposed to strike out the period and insert a colon and add the following:

Provided further, That there is hereby reappropriated for the fiscal year ending June 30, 1941, for the same purpose as originally appropriated any balance of the appropriation "National Forest Protection and Management" contained in the First Deficiency Appropriation Act, fiscal year 1939 (Public, No. 7, 76th Cong.), which remains unobligated on June 30, 1940.

Mr. RUSSELL. Mr. President, as was stated by the Senator from Vermont, this amendment does not increase the total of the bill. It is merely an appropriation of funds heretofore made available to deal with the condition in the New England States which grew out of the hurricane there a couple of years ago. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. CONNALLY. Mr. President, I ask unanimous consent that the vote by which the committee amendment on page 33, line 5, was agreed to be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CONNALLY. Mr. President, this item of $1,350,000 recommended by the committee is for the Bureau of Plant Industry. Its operations include a plant in southern California and another plant in Florida for the study of the

development, growth, handling, and so forth, of citrus fruits. Those States have that service now. I have conferred with officials of the Department of Agriculture, who say that with $10,000 additional they can give the service to the Rio Grande Valley in Texas.

I wish to suggest that the extreme weather conditions in that area during the last winter brought on quite distressing conditions there. The trees froze and a great deal of the fruit froze. I hope very much that the Senate will authorize this additional $10,000 for solving the citrus problems in the Rio Grande Valley.

Mr. President, it is one of the great citrus areas of the country. It produces this wonderful pink grapefruit that so many Senators get when they go to free banquets around Washington. [Laughter.]

I hope the Senator from Georgia will at least let this amendment go to conference. If we appropriate money for southern California for this purpose and appropriate money for Florida for the same purpose, I think it only fair that we give some consideration to the Rio Grande Valley.

I offer an amendment to the committee amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 33, line 5, in the committee amendment, it is proposed to strike out "$1,350,000" and insert "$1,360,000."

Mr. RUSSELL. Mr. President, I always dislike to disagree with my friend the Senator from Texas. I wish it were possible for me to accept the amendment. I see that we are starting a real economy drive when we object to an item of $10,000 after Senate amendments have been agreed to which involve millions of dollars.

Mr. President, I do not think this amendment can be justified, and I dislike to set a precedent for reopening the bill and all these items to amendment.

This is one of the few items, with the exception of the larger amendments which were adopted by a record vote, with respect to which the Committee on Appropriations went above the Budget estimates. In connection with this item, providing for experimental work all over the United States, the committee went $100,000 above the Budget estimate.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. There is no question about what the Senator says. I know that the committee went $100,000 above the House figures, but the Chief of the Bureau told me over the telephone today that this item was in accordance with the Bureau estimate. I do not question what the Senator says, but I wish the Senator to know that I am acting in good faith.

Mr. RUSSELL. I happen to recall this item, because our subcommittee is very fortunate in having as a member an expert on matters pertaining to fruits in the person of the Senator from Delaware [Mr. TOWNSEND], who is a practical farmer and is familiar with all phases of fruit production.

Mr. CONNALLY. Mr. President, will the Senator again yield to me?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Did the Bureau of the Budget ask for parity payments?

Mr. RUSSELL. No; the Bureau of the Budget did not.

Mr. CONNALLY. I voted with the Senator to exceed the Budget estimates with respect to parity payments. There was nothing sacred about the Budget estimates in that respect.

Mr. RUSSELL. As I was saying, this appropriation is not only above the Budget estimate, but it is above the appropriation for the current year. It is one of the two or three small increases which were allowed by the committee above the appropriation for the current year. If this work is important, and the Senator from Texas insists on it, the Bureau has plenty of money in the bill to do the work in Texas.

Mr. CONNALLY. The Bureau says it has not.

Mr. RUSSELL. O Mr. President, there is not a bureau in Washington which has ever told a Senator as capable of obtaining appropriations as the Senator from Texas that it has enough money.

Mr. CONNALLY. The Senator from Texas does not seem to be very successful in obtaining appropriations when the Senator in charge of the bill turns him down.

Mr. RUSSELL. Mr. President, it is not a very pleasant duty. Every Member of the Senate has specific items in which he is interested; and if those who look upon me as being very prodigal in the appropriation of public funds were to talk with some Members of the Senate who are interested in specific items, they would be told that I am very penurious and close. We try to be reasonable about these things. The committee has no detailed information on the subject. We know that this work is now being done in citrus experimental laboratories. If the Senator from Texas will defer his request until the next fiscal year, I do not think the citrus industry in Texas will be ruined.

Mr. CONNALLY. It is very nearly ruined now.

Mr. RUSSELL. Next year we can go into the merits of the question. I cannot accept the amendment at this time, and I hope the Senate will defeat it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY]. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. CONNALLY. Mr. President, I ask for a division.

On a division, the "ayes" were 11; the "nces" 30; so the amendment was rejected.

Mr. BANKHEAD. Mr. President, I call up an amendment which lies on the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama will be stated.

The CHIEF CLERK. On page 80, line 5, of the subcommittee print, after the words "Agricultural Adjustment Administration", and before the colon, it is proposed to insert the following:

Except that, within the total of limitations impcsed by section 392 (b) of said act for administrative expenses in the District of Columbia, regional offices, and in the several States, such limitations may be interchanged, in whole or in part, during the current fiscal year, between the District of Columbia regional offices and the several States.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Was the committee amendment which was reconsidered agreed to?

The PRESIDING OFFICER. The Chair does not know which amendment the Senator refers to.

Mr. RUSSELL. I am referring to the amendment on page 33, which was reconsidered by unanimous consent at the request of the Senator from Texas.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

Mr. BANKHEAD. Mr. President, the amendment which I have offered is subject to a point of order. However, notice has been given. Notice was given on the day the bill was presented. In fact, the amendment was brought to the attention of the committee. It does not involve any additional expenditure.

This amendment does not increase the appropriation. It grows out of the change in administration of the Federal Surplus Commodities Corporation. The amendment has been requested by Mr. Perkins. In view of the development of the stamp plan it has become necessary to have a larger force in the District of Columbia than has been necessary heretofore, because the purchases are all made in Washington. The shipments are all arranged for from Washington, and all the work in connection with distribution, the freight items, the destination, and the division of all the commodities sent out to the different States under the stamp plan, is done in Washington. The present law provides for a 3-percent expenditure for administration, but allocates only 1 percent to the District of Columbia, and 2 percent to the field.

My amendment simply permits, for the next fiscal year only, an interchange without increasing the amount. If more than 1 percent is needed in Washington, the Corporation will be authorized to use it without increasing the amount of the appropriation. Mr. Perkins states that it is important in the proper administration of the new program to have this flexibility and latitude. As I have indicated, the amendment is only for 1 fiscal year. The Senator in charge of the bill, Mr. RUSSELL, is familiar with the subject, and, as I understand, does not object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

Mr. RUSSELL. Mr. President, I must make the point of order, so that the question will be on the motion to suspend the rule.

The PRESIDING OFFICER. The Chair has not heard such a motion.

Mr. BANKHEAD. Mr. President, the motion has been filed. I now make the motion to suspend the rule. The motion has been on file for 10 days.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] to suspend the rule. [Putting the question.] The Chair is in doubt.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to suspend the rule.

Mr. RUSSELL. Is the question on suspension of the rule?

The PRESIDING OFFICER. The question is on the motion to suspend the rule.

Those favoring suspension of the rule will please rise and remain standing until counted. [A pause.]

Those opposed will please rise and remain standing until counted. [A pause.] In the opinion of the Chair, two-thirds of the Senators present have voted in favor of a suspension of the rule; and the rule is suspended.

The question now recurs on the amendment offered by the Senator from Alabama [Mr. BANKHEAD].

The amendment was agreed to.

Mr. BYRD. Mr. President, my colleague the Senator from Louisiana [Mr. OVERTON], who is ill, has asked me to offer an amendment in his behalf, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia [Mr. BYRD] on behalf of the Senator from Louisiana [Mr. OVERTON] will be stated.

The CHIEF CLERK. On page 64, line 14, after the numerals "$1,130,000", it is proposed to insert a comma and the following:

Of which $5,000 shall be available for the maintenance of a market news service at New Orleans, La.

Mr. BYRD. Mr. President, as I have said, the Senator from Louisiana [Mr. OVERTON] is detained at his home on account of illness. He has asked me to offer this amendment. It does not increase the total appropriation. It merely provides for a continuation of the market news service which is now in operation at New Orleans. I understand that the Senator in charge of the bill [Mr. RUSSELL] does not object to the amendment.

Mr. RUSSELL. Mr. President, the Senator from Louisiana [Mr. OVERTON] was very much concerned about the closing of the market news service at New Orleans and discussed the matter before he was taken from the Senate by illness. The amendment does not increase the total amount of the appropriation, and I have no objection to taking it to conference to see what can be done with it, inasmuch as it does not increase the total appropriation.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. MEAD. Mr. President, I send to the desk two amendments, which I ask to have stated at this time for the information of the Senate.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 62, line 13, it is proposed to strike out "$725,000" and insert in lieu thereof "$825,000"; and on page 64, line 14, it is proposed to strike out "$1,130,000" and insert in lieu thereof "$1,205,000."

Mr. MEAD. Mr. President, when I discussed the relative merits of these two amendments during the early period of the debate on the bill I emphasized the fact that both amendments are very necessary as a result of the increased volume of production of fruits and vegetables.

They are also necessary because of the added volume of fruits and vegetables marketed by truck. One of the amendments relates to the appropriation for marketing news service affecting the truck shipments of fruits and vegetables. The other amendment relates to the crop estimates of fruits and vegetables.

Mr. President, the increase in volume of fruits and vegetables in every State in the United States in the past 20 years makes it essential that these two services be expanded. In the past 20 years the supply of fruits in the United States has increased from 196 pounds per capita to 226 pounds per capita, while the vegetable production has increased twofold. More marketing information is therefore necessary, and better and more complete crop estimates are essential to agricultural prosperity; and, above all, more frequent news services are required.

As I stated during the debates yesterday, for a period last summer and fall the market reporters for the New York market agreed to put in extra time in order to issue a 6 a. m. market report on fruits and vegetables. The men reached the market about 4 o'clock in the morning, and released their report at 6 o'clock in the morning. Radio stations willingly cooperated with the program, with the result that farmers sitting down to their breakfasts had a report on the New York market as it had developed up to within a few minutes before they received it. It is safe to say that this proved to be one of the most popular services we have had in a long time.

For several months the reporters on the New York market put in 10 or 12 hours a day just to try out the plan, and, of course, a great deal of credit is due to them. It is obviously unfair to request them to continue this service on such a schedule, and therefore an added appropriation in each of these items is necessary.

At a national conference of fruit and vegetable producers called by the American Farm Bureau Federation in New Orleans on December 12, 1938, this subject was very thoroughly gone into. A committee was appointed to investigate the needs and the services that were rendered at that time; and the report of that committee, made to the directors of the American Farm Bureau Federation, called for additional appropriations for the crop-reporting service and for the market-news service, as well as for the development of a reporting system for truck shipments and arrivals, and also for studies of grades best adapted to meet consumer demand.

The report says, in part:

Regarding the resolution of the American Farm Bureau Federation recommending an increase of $150,000 in the funds of the Department of Agriculture for crop-reporting service, we find upon inquiry of the Department that estimates are made of the acreage, yield, production, and farm price of principal commercial fruit and truck crops. Criticisms have been received by the federation from time to time that some of the reports issued by the Department are not in enough detail, issued often enough, or promptly enough to be of most use. For example, the estimates of truck crops do not include the so-called market garden areas adjacent to large cities which have a bearing upon market supplies, nor do the reports provide prompt information on the respective volume of shipments from competing areas during the shipping season. Estimates of production have for the most part been issued monthly. With the necessity for rapid marketing of these highly perishable crops a more frequent service in this respect is needed. A weekly report covering important areas of production would help the producer materially to secure fairer prices for his crop. The Department has been unable to make a separate estimate of the acreage and production of vegetables used for quick freezing, which is rapidly expanding. More information is needed on farm and local stocks of such products as potatoes, onions, and cabbage. The reports now

issued by the Department are limited to these three crops and are issued only once a year. More frequent and more prompt reports are needed.

* * * * * * *

The federation endorsed a resolution to request $250,000 to expand the market news service on fruits and vegetables of the Department of Agriculture, including more adequate reports on the movement of fruits and vegetables by motor truck. For years the Department has had the cooperation of the railroads in reporting the number of carloads shipped each day and the number arriving in some of the principal markets. These figures, while still valuable, no longer adequately represent the day-to-day market situation because of the increasing quantities being shipped by motor truck. The lack of adequate reports of market supplies moving by motor truck is the dark spot in the daily market reports issued by the Department. Funds should be provided to obtain reports of arrivals by motor truck in many more markets, and to develop ways and means of reporting shipments from important producing districts.

The market news service conducted by the Department is the only comprehensive service farmers have to keep them advised of day-to-day changes in the markets. Its value to farmers and distributors has been firmly established. Instead of expanding to include more detailed information on prices paid for varieties, sizes, and containers, the service has actually been reduced in recent years. The Department once had offices in such important markets as Buffalo, Des Moines, New Orleans, Memphis, and Omaha, which afford outlets for producers all over the country. Such markets as Indianapolis, Louisville, and Columbus, Ohio, are not equipped with market reporters. Important producing sections in Texas, Florida, Michigan, Maine, and other States have expressed the need for more service. The resolution endorsed by the federation would provide for the reestablishment of the service at some of the important markets and provide much more complete market information for important shipping areas.

Mr. President, I have actually cut these items in two, and I have taken only two of the four items recommended by the American Farm Bureau Federation. In view of the vast increase in fruit and vegetable production in this country, in view of the impoverished condition—growing progressively worse each year—of the fruit and vegetable producers, and because of this new element in the delivery and transportation of fruits and vegetables—namely, the trucking industry—and also because of the very large areas adjacent to industrial centers which are devoted to the production of fruits and vegetables not now receiving the attention of the Department, I really believe that the two modest items included in the amendments I have sent to the desk should be included in the bill. One of them calls for an appropriation of $75,000, the other for an appropriation of $100,000. Both are recommended by the farmers of the country, and both I know are essentially necessary to the orderly marketing of these two very important crops.

Every one of the 48 States that make up the Union is now engaged in some degree in the production of fruits and vegetables, and they are all vitally interested in the expansion of these two services. A few years ago these services were curtailed in a number of important cities in the Nation, including my own home city. It occurs to me that instead of curtailing these services, as a result of the increased production of these two commodities we ought to be expanding the services.

I hope the two amendments I have sent to the desk will be adopted.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which the committee amendment on page 62, line 13, was adopted?

Mr. RUSSELL. Mr. President, I regret to feel constrained to object to the request. The amendments proposed by the Senator from New York come in the category of very desirable services in which many persons are interested, but which I do not feel that I should accept.

The appropriation proposed in the amendments offered by the Senator from New York did not have any Budget estimate; and while the committee did hear some witnesses who testified to the importance of increasing these items, the committee did not feel justified in presenting the increases to the Senate in view of the substantial increases made in other items.

As to the second amendment proposed by the Senator from New York, on page 64, line 14, I feel that that amendment possesses more merit than does the one on page 62. About the first of this year the Interstate Commerce Commission allowed a 50-percent increase in the telegraph tolls paid by the Government to the great telegraph companies. Practically all this item of the Market News Service, or a great deal of it, is used for telegraph charges to transmit the information from one section of the country to the other. This increase of 50 percent has the effect of automatically making available for the coming fiscal year $22,000 less than the Market News Service had available this year. I should be willing to accept the amendment if the Senator from New York saw fit to reduce the amount on page 64 from $100,000 to $25,000. Otherwise, I hope the Senate will reject the amendment.

The PRESIDING OFFICER. Objection is heard to the reconsideration of the amendment on page 62. The Chair will advise the Senator from New York that he may move to reconsider if he so desires.

Mr. MEAD. Mr. President, I have no desire to move to reconsider, and when I began to discuss the agricultural appropriation bill shortly after it was reported I explained that I thought that the chairman of the subcommittee had treated the subject generally very liberally. I stated that there were just one or two amendments about which I differed with the judgment of the committee, but, as a whole, I felt that we were all obligated to the chairman of the subcommittee and to the members of the subcommittee for the very liberal and the very careful consideration they gave to the entire subject. I realize that a reconsideration would not be possible under such conditions, and I shall be very glad to accept the suggestion made by the chairman of the subcommittee for reconsideration of the vote by which the second amendment was agreed to, and have the amount increased according to the figures which he has just explained. I therefore modify my amendment accordingly.

The PRESIDING OFFICER. Without objection, the vote by which the committee amendment, on page 64, line 14, was agreed to is reconsidered, and the question is on agreeing to the amendment proposed by the Senator from New York to increase the figure from $1,130,000 to $1,155,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAVEZ. Mr. President, I send an amendment to the desk, which I ask to have stated.

The LEGISLATIVE CLERK. On page 31, line 12, it is proposed to strike out "$400,000" and to insert in lieu thereof "$408,345."

Mr. CHAVEZ. Mr. President, this particular item is one which represents a decrease from the 1940 appropriation by $24,385. Even if my amendment should be accepted, so that it would go to conference, it would still leave this item $16,040 less than was available in the 1940 law.

Mr. RUSSELL. Mr. President, as I understand the amendment, it merely restores part of a reduction made by the Bureau of the Budget in the item, and if that reduction is enforced it will be necessary to discontinue important experimental work which is now under way in New Mexico, Arizona, and Arkansas.

Mr. CHAVEZ. That is correct.

Mr. RUSSELL. As a small amount of money is involved, and it represents the restoration of a part of the current appropriation, I shall urge no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GURNEY. Mr. President, I present an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 88, line 16, after the colon, it is proposed to insert the following proviso:

Provided further, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than 3 fiscal years.

Mr. RUSSELL. Mr. President, the Senate has already agreed to a committee amendment to this same effect as applied to nurseries operated by the Soil Conservation Service, and inasmuch as that provision has been accepted, it

seems to me it should also apply to the cooperative farm forestry nursery, and I have no objection to the amendment.

Mr. GURNEY. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

WEATHER BUREAU OFFICE AT BOSTON

Mr. WALSH. Mr. President, my colleague, the junior Senator from Massachusetts [Mr. LODGE] and myself have received requests from one of the Massachusetts Representatives, Mr. MCCORMACK, asking us to support an amendment to the bill providing for an appropriation of $25,000 for a weather-forcasting station in Boston. The telegram is as follows:

BOSTON, MASS., *March 21, 1940.*

HON. DAVID I. WALSH,
Senate Office:

The establishment of a regional weather bureau office in Boston is of great importance. Interest here is intense. Reports for New England have been very uncertain bringing about disturbed results. Boston once had such an office. Several exist now in different parts of country. Secretary Wallace informed me recently "Need for specialized forecast in New England area is recognized but regret lack of funds and shortage of expert forecast personnel in this country make it impossible to establish separate district for New England at present." Amount $25,000. We will never develop expert forecasts unless way is paved. This appropriation will pave way and give New England what is badly needed. Respectfully urge you try to add $25,000 on appropriation bill now in Senate so that this item will be in conference, in which event I will do all I can to convince House conferees to accept.

JOHN W. MCCORMACK,
Member of Congress.

Both my colleague and myself feel that we cannot ignore the request regardless of the parliamentary situation, and that it is our duty to offer the amendment as requested. In consultation with the Parliamentarian I am informed that in his opinion a point of order could be raised against the amendment.

I know that the Senator from Georgia has stated repeatedly on the floor that his instruction from the committee is that he must raise points of order against any and all amendments in the way of legislation. For the RECORD I should like to have a statement from the Senator, as to what his attitude would be if such an amendment were proposed.

Mr. RUSSELL. Mr. President, I have no option in the matter. However unpleasant it might be, I have not only an instruction from the committee, but I am compelled under rule XVI of the Senate to interpose a point of order if the Senator from Massachusetts offers the amendment.

Mr. WALSH. Mr. President, in order that the Representative sending the telegram may know that my colleague and I have responded to his request, I ask that the statement of the Parliamentarian be printed in the RECORD, the telegram already having been read by me. In due course, legislation authorizing this Weather Bureau office will be sought, so that later an appropriation may be in order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPINION BY CHARLES L. WATKINS, PARLIAMENTARIAN OF THE SENATE

An amendment to the Agricultural Department appropriation bill appropriating $25,000, or any other sum, for the establishment of a regional Weather Bureau office in Boston, would not be in order under rule XVI, paragraph 1, of the Standing Rules of the Senate, for the reason that:

(1) There is no specific law authorizing the establishment of such an office;

(2) It has not been reported by a standing committee of the Senate; and

(3) It has not been estimated for by the Bureau of the Budget.

In other words, the amendment would not fall within any of the classes which make amendments offered by a Senator from the floor in order, and a point of order would accordingly lie against the amendment if proposed.

Mr. LODGE. Mr. President, I should like to associate myself with the statement my colleague has made. I believe the proposal of the Representative would be a step in the right direction, and I would be happy to see the step taken at the proper time. I understand completely the procedure which makes favorable action on a matter which has not been approved by the Secretary of Agriculture, or by the House of Representatives, extremely problematical. But I did want the RECORD to show my interest.

Mr. PEPPER. Mr. President, at the appropriate place, under the heading "Bureau of Agricultural Chemistry and Engineering," I offer an amendment to add the following:

For Winterhaven, Fla., laboratory, $13,200.

I will make a brief statement, and if the Senator in charge of the bill wants to have the amendment go over until tomorrow, I shall be glad to have it go over.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. RUSSELL. I do not think it would be in accordance with the usual legislative custom to place in the bill the purpose for which the amendment would be offered. There is an item on page 50 of the bill which authorizes the work of this laboratory, and the general item of appropriation is found on line 9, page 50.

The Senator from Florida, of course, is advised that the Bureau of the Budget sends in the estimates for this purpose, which are set up in the Budget. The committee did not allow all the Budget estimates on this item, but inasmuch as there is a Budget estimate I have no objection to taking the matter to conference and seeing what can be worked out for it. But I think the proper form of the amendment would be to increase the amount in line 19, page 48, by $13,200 rather than saying anything about Winterhaven Laboratory.

Mr. PEPPER. I thank the Senator very much for his suggestion.

Mr. President, I ask unanimous consent to withdraw the amendment in the form in which it is offered and reoffer the amendment, on page 48, line 19, to strike out "$379,606" and to insert "$392,806."

The PRESIDING OFFICER. The Senator has that right.

The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 80, line 4, before the period, it is proposed to insert a colon and the following:

Provided further, That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940: *Provided, however*, That payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such act, and the following deductions shall be made from such payments on account of the excess of the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 over the proportionate share for the farm. For so much of such excess as does not exceed 25 acres, no deduction; for so much of such excess as exceeds 25 acres but does not exceed 125 acres, a deduction of $5 per acre; for so much of such excess as exceeds 125 acres but does not exceed 625 acres, a reduction of $10 per acre; for so much of such excess as exceed 625 acres but does not exceed 1,125 acres, a deduction of $15 per acre; for so much of excess as exceeds 1,125 acres, a deduction of $20 per acre.

Mr. RUSSELL. Mr. President, under the rule that has been applied here so often, I must make a point of order against that amendment as a legislative provision on an appropriation bill.

Mr. ELLENDER. I anticipated that the Senator from Georgia would make a point of order, because when I introduced the amendment I felt that it was subject to a point of order. In anticipation of the point of order being made, I gave notice on March 13 that I would move to suspend the rule so as to permit me to offer this amendment, and I now move to suspend the rule so that this amendment may be considered.

Mr. ADAMS. I wish to make the inquiry as to whether or not it is proposed to take up this matter today, as there will be considerable discussion concerning it.

Mr. ELLENDER. I defer to the majority leader.

Mr. BARKLEY. Mr. President, I was going to suggest that, inasmuch as this matter involves some discussion, we cannot dispose of it today, and that it go over as the pending amendment to the bill.

Mr. RUSSELL. I am very anxious to conclude consideration of the bill today, but it seems it is impossible to do so. Therefore I have no objection to the majority leader moving a recess at this time.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HARRISON. Since the consideration of the pending bill will go over until tomorrow, is it possible that a unanimous agreement be entered into by which a time shall be fixed for a vote on the pending bill? I do not wish to preclude anyone from reasonable discussion of the bill. I was very hopeful that we could take up consideration of the reciprocal trade agreements bill sometime tomorrow. Is it the purpose to have the session begin at 11 o'clock tomorrow?

Mr. BARKLEY. Yes.

Mr. HARRISON. Could we not agree that at a certain time tomorrow a vote shall be taken on the motion of the Senator from Louisiana and his amendment, and on the bill itself?

Mr. ELLENDER. Mr. President, I have no objection to the proposal made by the Senator from Mississippi. I believe I can make the proper presentation to the Senate of my amendment within 30 or 35 minutes or, at the most, 40 minutes.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ADAMS. I simply wanted to advise the Senator from Mississippi that if the rule is suspended and the amendment is submitted, there will be further amendments offered to the amendment which will involve a very extended discussion of the whole sugar situation.

Mr. HARRISON. So I presume there is no hope of obtaining a unanimous agreement with respect to a vote.

Mr. PEPPER. Mr. President, the Senator from Pennsylvania [Mr. GUFFEY] was called away from the floor this afternoon and desired that notice be given that he proposes to offer an amendment to the pending bill. I will read the body of the amendment, and then send it to the desk for consideration tomorrow. The Senator from Pennsylvania proposes on page 42, after line 23, to insert the following:

For a survey of forest influences in the Middle Atlantic States, to be used by the Allegheny Research Station, Department of Agriculture, $35,000.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Miss Mary S. Anderson, of Illinois, to be Administrator of the National Youth Administration for Illinois.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. BROWN in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that the first nomination on the Executive Calendar, that of Dorothy B. Keeling, to be postmaster at Camp Taylor, Ky., be passed over, and that the remaining nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters on the calendar, with the exception of the one requested to be passed over, are confirmed en bloc.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 22, 1940, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 21 (legislative day of March 4), 1940

POSTMASTERS

IOWA

Clare Dougherty, Allerton.

LOUISIANA

Carl C. Brown, Haynesville.
William F. Derrick, Pioneer.
Lois C. Adams, Roseland.
Elmer J. Dalfiume, Sondheimer.

OHIO

George A. Zettler, Hamilton.
Dudley C. Smith, Niles.

PENNSYLVANIA

Wilson I. Shrader, Berwick.
Lee W. Fisler, Hummelstown.
J. Ross Owens, Parkesburg.
Mary C. Teater, Port Allegany.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 21, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, we would tarry at the altar of prayer in the serenity of Christian faith and with imperishable hope. As the night of Calvary will soon wear its robe of darkness, pierce it with a star which gives us visions of earth's darkness and heaven's light being dissolved into the radiance of eternity. Blessed Lord, the world has grown weary of its long, long tramp down the reaches of time. O let humanity forget its forced marches, its smiting aches, and gnawing despairs by remembering Him who opened the House of God for the parliament of man. We pray Thee to take us into the lonely garden of spiritual aspiration, to those Gethsemanes where the world will be behind us; there, beyond the city wall, reveal to us the imponderable things which enrich the soul and there inspire us to live lives that will last forever. O bring to our minds the agony of the cross, unveil it before our waiting eyes; may we feel our fragile might and our gross unworthiness. O come like a holy benediction, walking through the quiet chapels of our souls; hear our prayer amid the falling shadows and give us peace. We pray in His holy name whose pardon we seek and whose guidance we beseech. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendment to the bill (H. R. 4126) entitled "An act for the relief of Warren Zimmerman," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon; and appoints Mr. ELLENDER, Mr. SCHWARTZ, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 3481) entitled "An act for the relief of C. Z. Bush and W. D. Kennedy," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon; and appoints Mr. BROWN, Mr. SCHWARTZ, and Mr. CAPPER to be the conferees on the part of the Senate.

ADJOURNMENT OVER

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ELMA S. MOULTON

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 430

Resolved, That there shall be paid out of the contingent fund of the House to Elma S. Moulton, widow of Hosea B. Moulton, late an employee of the House, an amount equal to 6 months' salary compensation, and an additional amount, not to exceed $250, to defray funeral expenses of the said Hosea B. Moulton.

The resolution was agreed to, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

Mr. CRAVENS. Mr. Speaker, I ask unanimous consent that I may be granted leave of absence for 2 days on account of official business.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain tables and other excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BUCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the address of the gentleman from Virginia [Mr. ROBERTSON] at the Fifth North American Wildlife Conference.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SECURITIES AND EXCHANGE COMMISSION

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I asked for this time in order to say that the Securities and Exchange Commission, as now functioning, is rapidly falling to the low level of the National Labor Relations Board, and unless the Commission quickly improves its behavior it is headed for the same kind of washout that awaits the Board. The high reputation set by the Commission under the chairmanship of Joe Kennedy will not save it.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Wyoming [Mr. HORTON] may be permitted to extend his remarks in the RECORD on two subjects and include in each extension articles from the press.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COLMER. Mr. Speaker, I ask unanimous consent that today at the conclusion of the legislative program of the day, and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TRUCE OF GOD

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHANLEY. In view of the protestations emanating from belligerent countries concerning their reverence for religion and their dedication to lofty religious ideals, they might take a passage from history and emulate the Truce of God of the Middle Ages.

The original Truce of God or Truega Die, to give its Latin name, was one of the outstanding contributions of the church to civil life and practices. It was a successful attempt of the Christian Church to mitigate the practices of war and war's horrors.

It started with the Synod Elne in 1027 when that body decreed that warfare was illegal and suspended from noon on Saturday until prime on Monday . It was later extended from Wednesday evening to Monday morning every week, and in addition it is said to have lasted during the season of Lent and Advent, the three great feasts and vigils of the Blessed Virgin, those of the Twelve Apostles and other saints.

It reached its highest development in the twelfth century, when it was said to have left little but one-fourth of the year for fighting. It died out, however, when the kings succeeded nobles and the power passed from the church supported by the nobles to the kings. It was now the king's peace and not the church's.

It would be well, however, for all belligerents to recognize its appropriateness at this time of the year and present another chance for a genuine suspension on Easter Sunday.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of business on the Speaker's desk and following the legislative program of the day and special orders heretofore entered, if any, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CIVILIAN CONSERVATION CORPS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, the other day our distinguished colleague the gentleman from Oklahoma [Mr. JOHNSON] pointed out that the appropriation bill that would soon be coming up for consideration would reduce appropriations for the Civilian Conservation Corps, resulting in discontinuance of 273 camps. This bill is coming up for consideration and debate on the floor of the House today. There has been no more constructive or valuable work done in behalf of the unemployed youth of this country than that carried on by the Civilian Conservation Corps. No reductions should be made in the appropriation for that activity at this time.

Mr. Speaker, I have before me a clipping from one of my local newspapers, the Ely Miner, which came last week, that points out the tremendous value of the work C. C. C. Camp No. 711 is doing in that vicinity. I dare say the same remarks would apply to the C. C. C. camps in other sections of the country. These 273 camps should not be abandoned. Funds should be appropriated for them. I ask unanimous consent, Mr. Speaker, to revise and extend my remarks and include therein this comment from the Ely Miner.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The matter referred to follows:

[From the Ely (Minn.) Miner]

ELY MAY LOSE ONLY CONSERVATIVE CAMP SITUATED IN THIS AREA—DECREASE IN FEDERAL BUDGET BY CONGRESS TO DISBAND C. C. C. CAMP 711—CIVIC CLUB PROTESTS—ELYITES URGE RETENTION OF CAMP TO COMPLETE WORK PROGRAM IN FOREST

The Ely territory may lose its only Civilian Conservation Corps camp, located at Portage River, because of a proposed cut in the appropriation for the C. C. C. which is expected to come up for consideration by Congress some time next month.

The decrease in the Budget, if it goes through, will mean that the Superior National Forest will be allotted six camps, instead of the present eight. Camp 711, at Portage River, stationed there since the corps was inaugurated in 1933, may be disbanded.

Secretary Ray Hoefler, of the Ely Commercial Club, has dispatched communications to Representative WILLIAM A. PITTENGER, of the Eighth Congressional District, and Senators ERNEST LUNDEEN and HENRIK SHIPSTEAD, urging them to "do everything in your power to secure the appropriation necessary to assist the Forest Service in carrying on its program."

Secretary Hoefler pointed out that a vast program of dam building and repairing throughout this part of the forest could be carried on.

Projects within a 15-mile radius of the Portage River camp have nearly been completed. It is understood that the Forest Service has the camp scheduled to move November 1 to Tofte Lake, on the Fernberg Trail.

What operations in this territory would include have not been definitely decided, but it is believed that they might comprise rebuilding the Fall Lake Dam and possibly work on a new dam for Prairie Portage.

A major camp site might be constructed on Lake One, at the end of the Fernberg Road, for use by the many visitors to the area who at the present time have no public facilities available. It is pointed out that from 15 to 20 cars stop here daily and that the long chain of fishing waters running up through Lakes One, Two, Three, Four, and into Lake Insula offer an ideal canoe route. Improvement of this area, including establishment of canoe camp sites, would probably be included in a work program for the Tofte Lake C. C. C. camp. Tree planting and timber-stand improvement work would also be included, and unquestionably a program which would last for from 5 to 8 years could be laid out.

Camp-site development has been one of the major accomplishments of the Portage River enrollees. They include the large grounds at Fenske, Sioux, and Meander, besides numerous small sites on boundary lakes for canoe parties. Lake surveys, timber-stand improvement, removal of fire hazards, planting, and other activities have been conducted.

The United States Forest Service's part in the operation of the camps is to lay out and supervise a work program.

A proposed $65,000,000 cut in the appropriation for the C. C. C. is expected to become a major issue confronting Congress within the next few weeks. It will limit the number of camps in the United States to 300, which will mean that the Superior National Forest will lose two. The Portage River camp may go because its program has nearly been completed.

Six camps allotted to an area embracing three and three-quarters million acres is not enough, it is pointed out.

NATIONAL DEFENSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PIERCE. Mr. Speaker, I notice in the Appendix of the RECORD, page 1546, a letter from our colleague the gentleman from Pennsylvania [Mr. FADDIS] that is worth reading. It is a letter to one of his constituents in regard to what defense means. I hope the gentleman will give us a real speech on this subject. I am getting letters constantly asking me to vote against all appropriations except those for defense. I should like to know what "defense" means. In the letter of the gentleman from Pennsylvania, which will be found on page 1546 of the Appendix of the RECORD, the gentleman outlines in brief what he means by "defense." I ask you to read the letter. I hope the gentleman from Pennsylvania will give us a speech on that subject in the near future.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Does not the gentleman believe that appropriations for the National Youth Administration and the Civilian Conservation Corps are a mighty good, practical brand of national defense?

Mr. PIERCE. Yes; especially the Civilian Conservation Corps.

[Here the gavel fell.]

LABOR-FEDERAL SECURITY APPROPRIATION BILL, 1941

Mr. TARVER, from the Committee on Appropriations, reported the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1941, and for other purposes (Rept. No. 1822), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. ENGEL reserved all points of order against the bill.

Mr. TARVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes; and pending action on that motion, Mr. Speaker, I desire to ask unanimous consent that general debate shall be confined to the bill and that general debate may proceed throughout the day, the apportionment of time to be equally divided between the gentleman from Michigan [Mr. ENGEL] and me.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I want to inquire of the gentleman why we are not to have general debate. Why does the gentleman confine the debate to one subject? There are a good many Members who have been planning to speak today on matters outside of the bill. Of course, the gentleman from Georgia understands the bill has just been introduced in the House and very few Members have had an opportunity to examine it, therefore they would not be able to talk intelligently on the recommendations of the committee.

Mr. TARVER. May I say to the gentleman that our subcommittee unanimously reached the conclusion that with a bill involving $954,000,000, upon which so many Members of the House desire to speak, especially with reference to certain controversial items involving the Civilian Conservation Corps, the National Youth Administration, and the Venereal Control Division of the Public Health Service, we ought to endeavor to give each one of those Members an opportunity to be heard, while if the usual rule permitting general debate on any subject, whether related to the bill or not, were observed, the result would necessarily be that a great many Members who want to talk about matters included in the bill would be precluded from such discussion.

I may say further to the gentleman that the subcommittee unanimously took action requesting the gentleman from Michigan [Mr. ENGEL] and myself to make this request of the House, and also requested that we not yield time to any Member of the House who does not desire to use such time for the purpose of discussing the bill. The only purpose of the request is to insure adequate opportunity to the membership of the House to express themselves on this bill and not have time uselessly consumed by those who desire to make speeches on subject matters not related to the bill and, oftentimes, for political purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I do not at all agree with the statement of the gentleman. I think a good many of the speeches made in general debate are very helpful and effective, so far as the policy of the Government is concerned. It has been the rule to have general debate and I think the policy should be continued. I am not going to

give the gentleman permission to confine the debate entirely to the bill and, therefore, I object, Mr. Speaker.

Mr. TARVER. Mr. Speaker, I desire to proceed for just one moment to say——

Mr. MARTIN of Massachusetts. I reserve my objection, Mr. Speaker.

Mr. TARVER. That the gentleman's objection will not have the result he anticipates in view of the fact that neither the gentleman from Michigan nor I will yield time to any Member unless he assures us that he proposes to use such time in a discussion of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, this is most unsatisfactory.

Mr. TARVER. I appreciate the gentleman's position, but nevertheless the committee has taken this action.

Mr. MARTIN of Massachusetts. I object to the request, Mr. Speaker.

Mr. TARVER. I submit, Mr. Speaker, another request. I submit only the portion of the request that general debate shall continue throughout the day, the time to be equally divided and controlled by the gentleman from Michigan [Mr. ENGEL] and me.

Mr. MARTIN of Massachusetts. I reserve the right to object, Mr. Speaker.

Mr. DIRKSEN. Mr. Speaker, I would like to inquire for my own information, and I believe for the information of other Members of the House, as to when it is proposed to bring this on for a record vote, if any. I assume that general debate will run through today and then we will go over until Monday and Tuesday of the following week.

Mr. TARVER. I have been informed by the leadership that it is proposed to adjourn until Monday, out of deference to Members of the House who desire to be absent from Washington during Good Friday and over the week-end. As to the length of time general debate will continue, I want to assure the gentleman that there is no disposition on the part of the committee to limit general debate so long as there are Members of the House who desire to discuss the bill; but, of course, we cannot anticipate exactly how many Members may desire to make use of that privilege.

Mr. MARTIN of Massachusetts. Does the gentleman think he is going to take this bill up on Monday?

Mr. TARVER. After the conclusion of the District of Columbia business, which it is our impression will not require the entire day, it is our purpose to continue with general debate, if possible.

Mr. MARTIN of Massachusetts. Of course we could keep that committee going, if we saw fit, on Monday.

Mr. TARVER. Oh, I am sure that the gentleman would not care to indulge in any obstructive tactics.

Mr. DUNN. Did I understand the gentleman to say that we are not going to have general debate? I am in favor of general debate, and not debate that must be confined to the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 53]

Alexander	Burgin	Culkin	Gamble
Allen, Ill.	Byrne, N. Y.	D'Alesandro	Garrett
Andrews	Byron	Darden	Gavagan
Austin	Cannon, Fla.	Darrow	Gehrmann
Barden	Casey, Mass.	Delaney	Gerlach
Bates, Mass.	Clark	Dies	Hart
Beam	Cluett	Edelstein	Harter, N. Y.
Bell	Cole, Md.	Englebright	Hess
Bender	Cole, N. Y.	Evans	Hill
Bland	Connery	Fay	Hinshaw
Bradley, Mich.	Corbett	Ferguson	Hook
Bradley, Pa.	Courtney	Fernandez	Horton
Brown, Ohio	Creal	Flannagan	Hunter
Buckley, N. Y.	Crosser	Ford, Leland M.	Jacobsen
Burch	Crowther	Fries	Jarrett
Jeffries	McLean	Reed, Ill.	Taylor
Johnson, Ill.	Maas	Risk	Tenerowicz
Kennedy, Martin	Maciejewski	Ryan	Tibbott
Kennedy, Md.	Magnuson	Sabath	Vinson, Ga.
Kirwan	Mansfield	Sacks	Wadsworth
Kleberg	Martin, Ill.	Scrugham	Wallgren
Larrabee	Mason	Seccombe	Weaver
Lesinski	Merritt	Shannon	Welchel
Lynch	Mills, Ark.	Sheridan	White, Idaho
McArdle	Mitchell	Smith, Conn.	White, Ohio
McCormack	Monkiewicz	Smith, Ill.	Wigglesworth
McGehee	Mouton	Smith, Maine	Winter
McGranery	O'Leary	Somers, N. Y.	Wood
McGregor	Peterson, Fla.	Sumner, Ill.	Woodruff, Mich.
McKeough	Rayburn	Taber	

The SPEAKER. On this roll call 306 Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, including a message from Hon. William D. Leahy, Governor of Puerto Rico, to the Rivers and Harbors Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short article on flood-control costs.

The SPEAKER. Is there objection?

There was no objection.

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a series of three articles I wrote for the Bergen Evening Record and an editorial on the same subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter I sent this morning to the Secretary of State.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARNOLD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial appearing March 17 in the Chicago Sunday Herald-American, and also an editorial appearing on the same date on the same subject in the Decatur (Ill.) Herald.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the New York Times.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. KILBURN. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative business of the day and other special orders, I be granted 15 minutes to address the House.

The SPEAKER. Is there objection?

There was no objection.

LABOR-FEDERAL SECURITY APPROPRIATION BILL, 1940

Mr. TARVER. Mr. Speaker, I desire to restate the unanimous-consent request which I made a few moments ago. I may say that this request is submitted after a conference with the gentleman from Massachusetts [Mr. MARTIN] and meets with his approval, and I trust it will not be objected to. I ask unanimous consent that general debate upon the bill may proceed throughout the day in the usual manner and under the usual rules, to be equally divided as to control between the gentleman from Michigan [Mr. ENGEL] and myself, and that in the further debate upon the bill after today general debate shall be confined to the bill.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object. It seems to me that that is entirely reversing the proper order. The Committee on Appropriations, I believe, has about 35 or 40 members. They bring in a bill and take up a day or two with the members of the committee, who discuss it, or

who talk about everything except the bill. Then when they get down to the rest of us they want to limit us to the bill. I wonder if the gentleman would not reverse his proposition and have general debate today and then have it limited after today.

Mr. MARTIN of Massachusetts. That is exactly what the gentleman from Georgia asked.

Mr. RANKIN. Oh, no.

Mr. TARVER. Mr. Speaker, there is no purpose on the part of the committee to monopolize the time. On the contrary, every request that I have for time on the sheet before me today is from some gentleman who is not a member of the committee. I am sure that the members of the committee will be glad to defer their time for speaking until a later date. We are not trying to impose any undue restriction upon anyone, but I am simply endeavoring to assure that every Member of the House who wants to discuss the bill may have opportunity to do it. I certainly hope the gentleman will not object.

Mr. RANKIN. I may say to the gentleman from Georgia that all debate under the 5-minute rule is confined to the bill. There are a great many questions that ought to be discussed on the floor of the House; there are a great many questions in which Members are interested that they would like to discuss.

Mr. MARTIN of Massachusetts. As I understand it, anyone can speak today under general debate on any subject.

Mr. RANKIN. On any subject.

Mr. TARVER. And I will say further that it will certainly be my purpose and I am certain it will be the purpose of the gentleman from Michigan [Mr. ENGEL] to accommodate those Members who wish to discuss matters other than the subject matters of the bill today.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. DICKSTEIN. About when is it intended to start reading the bill under the 5-minute rule, on Monday?

Mr. TARVER. I wish to say to the gentleman from New York that it is not possible to determine when we may begin reading the bill. It is the purpose of the subcommittee, insofar as the matter may be influenced by the subcommittee, to accord to all Members who desire it opportunity to discuss the subject matter of the bill and to be heard, which undoubtedly may, if we have our way about it, continue general debate beyond Monday.

Mr. DICKSTEIN. At least the bill will not be read until after the disposition of District of Columbia business on Monday?

Mr. TARVER. No.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

Mr. TARVER. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TARVER. Mr. Chairman, I yield myself 30 minutes.

The CHAIRMAN. The gentleman from Georgia is recognized for 30 minutes.

Mr. TARVER. Mr. Chairman, we bring you the first Labor-Federal Security Agency appropriation bill. There is no other general appropriation bill which carries so many items of such powerful and direct appeal to the hearts and minds of Members of Congress and of so much concern to the hopes and aspirations of the American people. Here are included the interests of labor and the efforts of our Government to help labor in numerous ways; the program for American youth, as outlined not only under the Office of Education, with its grants for vocational education, but in the work of the Civilian Conservation Corps and the National Youth Administration. Here also are involved the anxious hopes of those seeking social security, of the aged and those who want to be able to look forward to old age with confidence; of the blind, the crippled, and dependent children; and of those seeking security in employment at a reasonable wage. Aside from these, there is a public-health program which touches the lives and happiness of all our people. There are differences of opinion as to how the numerous objectives of this far-flung program may be best achieved. There can be no reasonable difference of opinion as to the worthiness of these objectives.

It is but natural that your committee in endeavoring to make provision for activities such as these should have handled the subject matter sympathetically. It is but to be expected that you will not find here those drastic reductions below the Budget which have distinguished some of the appropriation bills at this session. One committee could cut out the price of one great battleship and save perhaps a hundred million dollars; but if this committee should undertake to save a hundred million dollars, it would have to destroy the National Youth Administration or cut the Civilian Conservation Corps in half. These huge expenditures for national defense may be necessary. I do not know. I do not think anyone else knows. I have felt obliged, as most of you have, to follow the advice of those who claim to know. But I do know the vital necessity which exists to protect the domestic interests of the American people, their happiness, their welfare, and I do not want us to make any mistake by failing to make adequate appropriations to assure these objectives insofar as they can be assured by governmental action.

On the other hand, there is the very reasonable fear that because of the worthiness of these programs, because of the way in which they necessarily tug at our heartstrings, we may permit ourselves to be swayed into action beyond the bounds of reason and common sense. We cannot as legislators forget that if we undertake, with howsoever worthy a purpose, to place upon our National Government financial burdens beyond its capacity to bear, that very fact will insure the eventual destruction of some of these activities that we strive to foster and which can only be maintained if we find a way to maintain them within the limits of our national financial ability. Those who would make huge increases in these appropriations, therefore, may be stimulating action which will finally destroy them, or some of them.

Your subcommittee has taken evidence for exactly 1 month on this bill. It has tried to arrive at reasonable conclusions as to what we can do safely, which is certainly not in all cases what could have been desired. You have, therefore, a bill written by men who are not only not antagonistic to the humanitarian activities for which it provides, but very sympathetic toward them; and I, therefore, feel justified in hoping that those who might desire to largely increase some items in this bill may be able to feel that such action would not only be unwise but might in the long run tend to defeat the very objectives which they have in mind.

Seldom has an appropriations subcommittee of this House discharged its duties with such absolute absence of partisan rancor or squabbling, such singleness of purpose to further the public interest, as in the case of the subcommittee preparing this bill. The result has been that we bring no partisan fight to the floor, so far as this subcommittee is concerned. The Republican Members will assume their share of responsibility for the presentation of the bill to the House, as will each member of the Democratic majority on the committee. Each of these gentlemen has agreed to assume particular responsibility for the presentation of the facts with regard to certain portions of the bill. The gentleman from Kansas [Mr. HOUSTON] will have charge of the items relating to the Wage Hour Administration and the National Labor Relations

Board; the gentleman from California [Mr. SHEPPARD], the Social Security Board; the gentleman from South Carolina [Mr. HARE], the National Youth Administration; the gentleman from Michigan [Mr. ENGEL], the Civilian Conservation Corps; and the gentleman from Wisconsin [Mr. KEEFE], the Public Health Service. Thus, through concerted effort on the part of Members who have thoroughly studied the intricate details of this bill, we hope to present to the House facts which will justify every action proposed for their approval.

The committee report has been drafted in accordance with the instructions of the committee by our capable clerk, Mr. Jack McFall, whose untiring and efficient service has been of very great aid to the committee and justly entitles him to the commendation of all who are familiar with his work. We feel that the report drafted by him contains a wealth of interesting and authentic information which will be found valuable, not only by the membership of Congress but by the people of our country generally.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. TARVER. May I say to the gentleman I would prefer to defer yielding until after I have concluded a somewhat general presentation of the outstanding features of the bill?

Mr. DICKSTEIN. If that is more convenient to the gentleman, all right.

Mr. TARVER. I would prefer to take that course.

Mr. COCHRAN. Will the gentleman yield? Has the gentleman reached the Wage-Hour Division?

Mr. TARVER. No. I just stated to the gentleman from New York I would prefer not to yield for inquiries until I have completed a somewhat general presentation of the outstanding features of the bill.

APPROPRIATIONS AND ESTIMATES

The bill, as I have stated, carries proposed appropriations approximating $954,000,000, which is approximately $12,000,000 beneath the Budget estimate. We have not been able to effect reductions below the estimates of the Budget proportionate to those which have been effected by other subcommittees by reason of the facts I have heretofore referred to with reference to the particular desirability of adequate appropriations for the organizations with which this undertakes to deal. It has been impossible, therefore, to effect any very considerable economies.

May I call your attention to the fact, in this connection, that a major portion of the funds carried in the bill are used for the making of grants to States for various specific purposes with which you are familiar, and in the appropriation of tax moneys which have been collected by the Government for the benefit of certain classes of beneficiaries of social legislation, which, of course, in good conscience must be made available to those beneficiaries. The amount of these items in the bill aggregates approximately $580,000,000 of the total of $954,000,000. With regard to these particular items the subcommittee had very little, if any, discretion.

DEPARTMENT OF LABOR

I wish to begin first a brief discussion of the appropriations which are outlined in the bill for the Department of Labor and I shall confine myself to the most outstanding changes which may have been made or proposed in the bill submitted as the result of the subcommittee's action. I may say at the outset that the appropriations for the Department of Labor proposed in the bill are approximately $3,311,000 more than the appropriation for that Department for the present fiscal year, although it is less than the Budget estimate by a sum in excess of a million dollars. The reason which brought about the reduction below the Budget estimates in the main is related to the estimate for the Wage and Hour administration, and I shall undertake to discuss the estimates for that agency in greater detail in a moment.

OFFICE OF THE SECRETARY

I may point out that we have effected a saving of some $10,000 by the transfer from the Wage and Hour Division to the Central Personnel Office of the Labor Department of certain personnel activities which have been projected by the Budget for the personnel section of the Wage and Hour Division. It was the belief of the committee that these duties could be performed under this jurisdiction as efficiently and more satisfactorily than in the Wage and Hour Division, and that the effect of the transfer would permit a reduction in the amount of appropriation for the item of approximately $10,000, which we undertook to do.

There has been no other considerable reduction in the Budget estimates coming under the head of the Secretary's office, with the exception of the travel-expense item which is correlated to the deduction made in the estimate for the Wage and Hour Division, which, as I have said, I will undertake to discuss in a few moments.

DIVISION OF LABOR STANDARDS

There has been no substantial change in the estimate for the Division of Labor Standards except that the committee has reduced by two the number of field representatives who were proposed to be added to the work in the apprentice-training program. I may say that the committee has been very favorably impressed with the accomplishments of that program, but we felt that the addition of three field representatives instead of five for the next fiscal year would adequately provide for a further extension of this work.

CONCILIATION SERVICE

The committee has been very favorably impressed, as I feel sure have been the Members of Congress and the country, with the high character and great value of the work which has been and is being done by the Conciliation Service. We regretted very much to note that the Bureau of the Budget had failed to approve the increase requested by that Service for additional conciliators, who were urgently needed for the next fiscal year in the proper administration of the duties of that Service. We have thought, on the basis of the evidence submitted to us, that we were justified in adding $30,000 above the Budget estimate to the appropriation for the Conciliation Service, the effect of which would be to provide substantially 10 additional conciliators to those that were contemplated in the Budget estimate. The Budget estimate itself contemplated an increase of 8 in the number of conciliators, and the effect of the committee action is to make the total increase in number 18.

DIVISION OF PUBLIC CONTRACTS

The Division of Public Contracts estimates have been approved without change, except for the matter of administrative promotions, which were eliminated in accordance with the rule adopted by the full Committee on Appropriations, and which policy of elimination has heretofore, in connection with certain other general appropriation bills, already received the approval of this House.

BUREAU OF LABOR STATISTICS

There has been no reduction in the estimate for the Bureau of Labor Statistics. The committee has been fully aware of the great value of the work being carried on under the direction of Mr. Lubin in that organization. Of course, there was the necessary decrease occasioned by the administrative promotion rule to which I have made reference, but instead of decreasing the estimates otherwise we have in reality added $25,000 to these estimates for the Bureau of Labor Statistics, having made that amount available for their use in the printing and binding appropriation. The purpose of providing this additional $25,000 was to enable this Bureau to print and make available part of the wealth of statistics it has gathered, and which it has so far been unable to have printed and made available for use. It has seemed to the committee that it is a rather foolish policy on the part of the Government to appropriate a considerable sum of money to enable the Bureau of Labor Statistics to gather information and then fail to appropriate enough money to enable it to publish this information and make it available to those who would benefit thereby.

IMMIGRATION AND NATURALIZATION SERVICE

In the Immigration and Naturalization Service the committee found what seemed to it to be a very unreasonable situation outlined in the Budget estimates. It was proposed to effect administrative promotions aggregating approximately $128,000 in salary increases, but to do this by decreas-

ing the number of personnel; in other words, by dropping from the Service persons who are now engaged in the work of that organization and who in our judgment are urgently needed in the orderly and efficient continuance of that work. They proposed, for example, to drop 46 of the members of the border patrol and 50 field immigration inspectors. There appeared to us from the evidence to be no reason for the dropping of these portions of their personnel except a desire to have the money represented by their salaries made available to grant promotions to others who are to continue in the Service. While the committee observed the rule of the full committee with regard to eliminating new money for administrative promotions, it made this $128,000, approximately, available to insure the continuance of the border patrol without diminution in number and to insure that not more than 37 of the field immigration inspectors who were intended to be dropped, 50 in number under the Budget proposal, would have to be separated from the Service. I believe, I may say, that the committee was favorably inclined to the retention of all the personnel of these two organizations, but it felt that under the circumstances represented by the evidence before the committee and the Budget estimates it could not go further than to take the course I have indicated. It certainly seems to us that with world conditions as they are today and with so many people of other countries of the world eager to enter the United States, either legally or illegally, this is no time to undertake to relax our efforts to keep our borders clear of those whose presence is not desired. For this reason we have amended the proposals of the Budget for the border patrol and the immigration field service.

There was projected in the Budget estimates $25,000 for the construction and repair of the ferry slip and bridge at Ellis Island, which the committee thought might be postponed until the next fiscal year, and the estimate for it was eliminated in the pending bill.

CHILDREN'S BUREAU

As to the Children's Bureau, the committee made substantially no change in the estimates for the regular work of the Bureau except that it added some $32,000 to the amount appropriated for the present fiscal year for the purpose of allowing the Bureau to discharge properly additional duties and responsibilities resting upon it by reason of the enactment of the amendments to the Social Security Act in 1939, which quite naturally increased its administrative expenses in the handling of maternal and child-welfare funds and funds for crippled children.

The amounts which were estimated as grants for the various purposes coming under the jurisdiction of the Children's Bureau, and to which I have made reference, have been carried in the bill as submitted by the Bureau of the Budget without change. These are matters involving certain increases with regard to which the committee felt it could exercise no discretion, and therefore has approved the increases made necessary by the amendments to the Social Security Act.

In the proportion of the projected appropriations for the Children's Bureau having to do with its duties in the administration of the child-labor provisions of the Fair Labor Standards Act, the committee found that a very substantial increase was contemplated beyond the appropriation available to that Bureau for this purpose during the present fiscal year. We therefore examined carefully the evidence which was submitted to us and which it was thought justified the increase sought. We found that the Bureau had for salaries and expenses for this item for the present fiscal year $312,720 in addition to other amounts which are carried in the contingent expense, travel expense, and printing and binding items. We found that the Bureau during the entire course of its operations from November 1, 1938, until the time of the hearings before our subcommittee, had been able to discover only approximately 900 cases in the entire country of employment of children under 16 in violation of the child-labor provisions of the Fair Labor Standards Act.

This, of course, convinces us that there is a very small degree of violation of the provisions of that law, and we were also advised that most of the States of the Union have themselves child-labor laws which are, in most cases, adequately and efficiently enforced. It seems to us that providing the amount carried in this bill, in excess of $300,000, for the discharge of duties which during the entire period from the inception of the fair labor standards law down to now have developed only 900 cases of law violation, was certainly liberal enough, if not too liberal, an appropriation of public funds. So it was the unanimous judgment of the committee that the amount of the appropriation for this particular portion of the activities of the Children's Bureau could properly be reduced to approximately the amount of the appropriation for the present fiscal year.

I wish to point out that we found in the Children's Bureau a practice which the committee desires to condemn as being unfair to the Congress, and it is this: In the estimates for the present fiscal year that Bureau projected 112 positions for which appropriations were asked and which were granted by the Congress, but the Bureau, instead of employing 112 people, employed for a portion of the fiscal year only 91 people, thereby not using all of the funds which would have been available for that portion of the year, and then during the latter portion of the fiscal year increased that number to 121, which was 9 above the number which had been estimated for in the estimates submitted to and acted upon by the Congress, and then came in this year with estimates which contemplated the continuance of these 121 employees for the next fiscal year and contemplated an appropriation of funds to pay their salaries in full for the entire year. We felt that the Bureau was not justified in employing any greater number of employees than it had assured Congress, at the time its appropriations for this fiscal year were granted, would be needed, and we therefore took proper steps to assure that not more than the number of 112, which they had assured would be the number needed, should be employed for the next fiscal year.

It is unnecessary to discuss the items of grants for maternal and child health, crippled children, and child welfare. You understand, of course, as I have already stated, these are not matters which are within our discretion, but which have been increased in accordance with legislative action taken by Congress last year in the amendments of the Social Security Act.

WOMEN'S BUREAU

There has been no substantial change in the estimates for the Women's Bureau except, after deducting the administrative promotion money which has been included in the estimates, the committee added $3,000 for the purpose which is outlined in the report and which results in a total increase for that Bureau above the Budget of $1,050.

WAGE AND HOUR DIVISION

In the Wage and Hour Division of the Department of Labor we found that estimates had been submitted and approved by the Budget aggregating somewhat in excess of $7,400,000, when the contingent expense, administrative expense, and printing and binding items are taken into consideration, which amount was approximately $3,169,000 in excess of the appropriation available to that Division for the present fiscal year.

The committee went into the matter of the needs of the Wage and Hour Division carefully. We had before us the Secretary of Labor and also the new Wage and Hour Administrator, Colonel Fleming. Colonel Fleming, I may say, of course, had nothing to do with the preparation of the Budget estimates, since his incumbency as Wage and Hour Administrator came up long after these estimates were prepared and submitted to the Congress. Both Colonel Fleming and the Secretary of Labor indicated that they proposed certain revision and correction in regulations which would simplify, in their opinion, the work of the Wage and Hour Division and make it more satisfactory and beneficial to the people of the country.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield myself 15 additional minutes.

They indicated by their evidence that the effect of such simplified procedure would be necessarily to reduce the expenses of the Wage and Hour Division. In view of the fact that Congress entertained the opinion, or at least it was the opinion of the subcommittee that that was the opinion of the Congress when the Wage and Hour Act was passed, that it would be in a large measure self-policing and that it would not be necessary to set up any organization comparable to the old N. R. A. in order to enforce its provisions, and in view of the further fact that its appropriations have been increasing by leaps and bounds ever since it was originally organized, the committee felt that a reduction of a rather substantial nature in the amount of the estimates for the Wage and Hour Division was amply justified. So it made this reduction which, however, when all the items concerned are taken into consideration, nevertheless leaves the Wage and Hour Division $1,644,000 more for the next fiscal year than it had for the present fiscal year, although the reduction below the estimates submitted and approved by the Bureau of the Budget is somewhat in excess of $1,000,000.

Turning now to the Federal Security Agency, I must necessarily make my remarks brief, because I do not want to exhaust the patience of the House.

Mr. HEALEY. Mr. Chairman, before the gentleman leaves that subject will he yield to me for a moment?

Mr. TARVER. Yes; if the gentleman's inquiry relates to some item that I have already discussed.

Mr. HEALEY. It relates to the wage-hour appropriation. The committee cut the Budget estimate by about 20 percent.

Mr. TARVER. I have not figured out the exact percentage. I have tried to give the facts, indicating the amount involved, and also pointed out that with the cut the Wage and Hour Division still would have $1,644,000 more than it had for the present fiscal year.

Mr. HEALEY. That is true, but the gentleman's committee has recommended a substantial cut.

Mr. TARVER. Yes.

Mr. HEALEY. Of more than a million dollars.

Mr. TARVER. Yes.

Mr. HEALEY. I am sorry that I did not hear the gentleman's full explanation as to why that was made.

Mr. TARVER. I would dislike to take the time now to repeat what I said. I should be glad to discuss it further with the gentleman after I have concluded my remarks, if he so desires.

Mr. HEALEY. In reading the report I find the committee found some fault with the Administration and state as one of the reasons for the recommendation of a cut of a million dollars that certain legislation has not yet been considered, and that until that legislation is considered, they feel they should recommend this cut. It seems to me that recommending legislation is beyond the functions of the Committee on Appropriations.

Mr. TARVER. There are other reasons stated in the report in line with the statements that I have just made to the Committee of the Whole than the reason which has been quoted by the gentleman from Massachusetts.

Mr. HEALEY. That is the reason given in the report, and it seems to me the gentleman's committee is not organized to recommend legislation.

Mr. TARVER. I do not know that the committee is in the attitude of recommending legislation by reason of the quoted statement in the report. There is, however, an indication in the evidence on the part of Colonel Fleming, as I recall, that amendments to the act may be desirable, regarding which he has not yet arrived at a fixed conclusion. I know there is entertained by a number of Members of the House, if not a majority of the House, an opinion that there are some amendments which might very well be made, which would be in the interest of fair administration of the act.

The committee has not undertaken to determine that question, not being a legislative committee. I am sorry that I cannot yield further to the gentleman, because I have already used so much time on the first title of this bill that I am going to have insufficient time, unless I impose a great deal on the patience of the House, to discuss other important subject matters. I must decline to yield further.

Mr. HEALEY. Will the gentleman yield for a short observation in line with what he has said?

Mr. TARVER. Yes.

Mr. HEALEY. I do not think the gentleman has any better information than anyone else about the temper of the House regarding proposed amendments.

Mr. TARVER. Of course, if the gentleman thinks the cut is more than should have been made, he can offer an amendment when we get to that stage of the bill, and we will then take the judgment of the House, and that will be final.

FEDERAL SECURITY AGENCY

We have embodied in the report on the bill certain recommendations looking toward the consolidation of administrative functions in the office of the Administrator of this Agency with a view of attaining some economies. We recommend, for instance, that all contingent expenses, traveling expenses, and printing and binding be consolidated under those respective heads under the jurisdiction of the Federal Security Administrator. It will be possible for him to then make allotments from this fund to all of the constituent agencies and hold down the amount of travel and other expenditures.

The Federal Security Agency, with all of its branches, had for the fiscal year 1940, the present fiscal year, in excess of $812,000,000. The Budget estimates for 1941 contemplate an appropriation of $798,714,000 in round numbers. The committee has reduced that amount to $788,759,400, representing a reduction below the Budget estimate of $9,955,288. My time is necessarily too brief to enter into a discussion of all of the items here involved. I shall not refer to those which are comparatively of a minor character.

OFFICE OF EDUCATION

I do wish to point out that under the Office of Education we have eliminated the provision of $40,000 for a radio service and $106,400 for a film service. The reason for that elimination is that after consultation with the Parliamentarian we arrived at the conclusion, upon his advice, that those appropriations, or proposed appropriations, are not authorized by law and would be subject to points of order if the committee should undertake to report them in this bill to the House. It was not the desire of the committee that we should recommend any legislative matter in connection with the appropriations for any regular establishment of the Government. In addition we eliminated the sum of $72,000 which had been proposed for public-service training, which had to do with the training of people in public service, such as policemen, firemen, and so forth, with the purpose of improving their efficiency to carry on work in a public-service capacity. We did not think the work done had demonstrated the advisability of the Government undertaking to continue an activity of that sort.

In connection with the appropriations for vocational education the committee has followed the estimates submitted by the Budget, with the exception of the item having to do with vocational rehabilitation. I may say that there is no other item in the bill with regard to which the committee was more sympathetically inclined. We feel that the work which is being carried on by reason of the grants made for vocational rehabilitation is of extreme importance to the people of the country as a whole, but here is the situation: We had an authorization of approximately $1,900,000 for this work for the present fiscal year. Prior to the enactment of the Social Security Act amendments there was actually expended by the States in carrying on that part of the program somewhat in excess of $2,100,000. The authorization was raised in the Social Security Act amendments to $3,500,000, and it was proposed in the bill as submitted by the Budget to authorize allocation of funds as between the States upon the basis of $3,500,000. After carefully examining the evidence relating to the matter, we found that only about seven States, upon the

basis of expenditures being made by them during the present fiscal year, would, on the basis of their present expenditures, be able to match the full amount of funds which might be allocated to them under such an enlarged authorization; and the committee felt that under these circumstances it would be fair to approach the consummation of the full extent of the program which has been authorized somewhat more gradually than has been proposed, and that the authorization for the allocation of funds as between the States might very properly be reduced from $3,500,000 to $3,000,000, and the actual appropriation carried in the bill from $2,500,000 to $2,000,000, which appropriation would still be approximately $100,000 in excess of the former authorization. We do not feel that the projected action would be at all harmful to the orderly carrying on of this work.

If we had felt so we certainly would not have taken the action which has been recommended. It necessarily follows that if under the allocation of the $3,000,000 which it is proposed to allocate here to the States on the basis of a matching program, more than the $2,000,000 carried for appropriation in the bill should be required to meet payments under those allocations, then, of course, it would be necessary for Congress through the medium of a deficiency appropriation to take care of whatever deficiency might exist.

CIVILIAN CONSERVATION CORPS

I wish to make reference, and I wish I had the opportunity to talk at somewhat greater length on the subject than will be my privilege, to the work of the Civilian Conservation Corps. I do not know of any subject matter which is of such deep interest to the membership of the House as well as to the people of the country as a whole. There was available for this work during the present fiscal year approximately $295,000,000, of which amount $5,000,000 was impounded and of which about $3,000,000 was used in the discharge of obligations incurred during the fiscal year 1939, leaving for this work for the present fiscal year approximately $287,000,000 with which 1,500 camps are being maintained with a total authorized enrollee membership of 300,000. The average membership has been 270,000.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Will not the gentleman wait until I complete my discussion of this item? Then I will yield.

Mr. O'CONNOR. I am deeply interested in this.

Mr. TARVER. I know. As soon as I finish discussing the Civilian Conservation Corps item I will yield to the gentleman from Montana.

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. TARVER. The Budget estimate reduced the amount available for the Civilian Conservation Corps to $230,000,000, which it was estimated would provide for 1,227 camps and for a peak enrollment of 245,000 enrollees. While this is a lump-sum appropriation, the committee examined very carefully the item of estimates for administrative expenses and reached the conclusion that while we could not, under the set-up of the bill, earmark the various items for various purposes described in the estimates, that it would be easily and reasonably possible for the administrative authorities of the Civilian Conservation Corps to effect economies which could not but result in the saving of several millions of dollars. I wish to point out to you that during the last fiscal year approximately $4,500,000 of the appropriation then available was not used and reverted to the Treasury as a saving. I wish to point out also that during the first 6 months of the present fiscal year the Civilian Conservation Corps lacks about $4,000,000 of having expended one-half of the $287,000,000 made available for the present fiscal year.

The average estimated cost per enrollee for the next fiscal year for pay, subsistence, and clothing, hospitalization, and so forth, is around $600. The total expense per enrollee as estimated for the next fiscal year—not for the present fiscal year—is around $1,000, making the expense, aside from pay, subsistence, clothing, transportation, hospitalization, and so forth, approximately $400 per enrollee, which the committee is satisfied represents entirely too great an expenditure for the purpose for which it is expended. We arrived at the conclusion, because of these and other facts which I find it impossible to make reference to in this brief time, that it would be easily possible to add $6,000,000 to the $137,000,000 plus which was earmarked in this bill when it came to our committee for the pay, subsistence, and clothing items of the enrollees, thereby insuring the addition of approximately 10,000 enrollees.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield myself an additional 15 minutes in an effort to conclude my discussion of the bill.

Mr. Chairman, this will mean an addition, considering an average membership for these camps of 180 enrollees, of about 55 camps. There were some members of the committee who thought that a greater number of camps should be added, but conservatively it may be said as is indicated in the committee's report that it will make provision for 55 additional camps, bringing the total number for the next fiscal year to 1,282. If additional savings can be made in administrative costs, the number of camps can be increased, of course, still further. I yield to the gentleman from Montana.

Mr. O'CONNOR. I just want to make an observation. I deeply regret there has been any cut in the operations and the extent of the work of the C. C. C. camps. We have a large territory of forests in my district and these boys have done effective and heroic work in regard to reforestation, the preventing of fires, and the building of roads through the forests, which are very much needed, as well as splendid work along other lines.

Mr. TARVER. I am quite familiar with the value of the work to which the gentleman refers that has been carried on generally throughout the country. Personally I do not think there is any activity of the Government which is more commendable than that of the Civilian Conservation Corps. For this reason the committee has endeavored to take steps which will insure a reduction in administrative expenses and at the same time increase the number of enrollees, to which I have made reference.

I want to call particular attention to the facts developed in the hearings with reference to the benefit of the civilian-conservation work as carried on by Negro enrollees. I have some of these Negro camps in my State and have had one or two of them in my district. The evidence shows conclusively that these Negro camps have been performing useful work in soil conservation and in other lines of activity under the jurisdiction of the Civilian Conservation Corps, and, insofar as it has been called to the attention of the committee, there has been orderly conduct on the part of these Negroes in the C. C. C. camps, for which they are certainly to be commended. I feel that the activity insofar as it relates to them is very important in the building up of a better citizenship among the members of the colored race.

Mr. GIFFORD. Mr. Chairman, is not the gentleman going to yield on that topic which he has just been discussing?

Mr. TARVER. I shall yield to the gentleman from Massachusetts at almost any time.

Mr. GIFFORD. I am deeply interested in that. I was very familiar with those camps. I have seen them built and abandoned. There were young people you helped in the N. Y. A. by giving them two or three hundred dollars. Can the gentleman justify $1,000 or $1,200 for the boys in the conservation camps? Can he justify any such expenditure, when other boys and girls you can do so much for with $300?

Mr. TARVER. Of course, the gentleman knows that the sum he mentions as representing the cost of enrollees is excessive. The estimate, as I have stated, for the next fiscal year is $1,000, of which only $600 represents the pay of an enrollee, his subsistence, clothing, and hospitalization, and so forth; $400 goes into the item of materials, equipment, salaries, and other overhead items which are necessary in the consummation of these very useful projects which have been carried on. No; I do not think the amount is excessive, and I do not believe the people of the country consider it excessive. I think they regard it as a very reasonable expenditure. But I think the amount of administrative cost may be reasonably reduced so as to provide a greater number of enrollees.

Mr. GIFFORD. I want to pursue that, if the gentleman will yield further.

Mr. TARVER. I shall have to yield to the gentleman from Arkansas.

Mr. ELLIS. Mr. Chairman, further answering the gentleman's question, is it not also true that the items we call expenditures totaling the $1,000 are actually not expenditures altogether, because some of it adds to the capital wealth of the Nation in the form of various improvements which these boys produce?

Mr. TARVER. Indeed so. I am in hearty accord with the gentleman's statement.

PUBLIC HEALTH SERVICE

May I make brief reference to the Public Health Service. There are no severe cuts in the estimates as submitted by the Budget under the various items. The committee felt justified, under all the evidence submitted, in adding $2,000,000 above the Budget for the Division of Venereal Diseases, making the appropriation for that Division $5,000,000, which will be sufficient to carry on its work for the next fiscal year upon the same basis that it has been carried on during the present fiscal year. We were impressed with the thought from the expressions we have had from the health authorities and other people interested that the allowance of that sum will, in the main, be satisfactory to those who are interested in this appropriation throughout the country, and represents the full extent to which we think we would be justified in going above the Budget estimate at this time.

SOCIAL SECURITY BOARD

Under the Social Security Board there has been a reduction of $10,000,000 in the amount of the estimate for old-age assistance. Of course, old-age-assistance funds are something which the Government has to furnish if the demands of the State on the matching basis are in excess of the amount provided. If that occurs, the additional money will have to be provided for through a deficiency appropriation. But during the first two quarters of this fiscal year they used only $55,000,000 in each quarter approximately, while the estimate for the present quarter is only $60,000,000. However, the expenditures will probably not be up to that amount. But accepting that as representative, the committee thought $240,000,000 might be needed, and it has provided $245,000,000, giving a leeway of $5,000,000, which is a reduction of $10,000,000 under the estimate.

We have effected a reduction of $300,000 in the appropriation for the expense of administration of unemployment compensation. There are some interesting facts in regard to this activity that I shall not have time to discuss, but with regard to which I hope gentlemen will find time to consult the hearings.

NATIONAL YOUTH ADMINISTRATION

The National Youth Administration estimates have been approved in the lump sum recommended by the Bureau of the Budget. I realize there is some difference of opinion on the part of the membership of the House as to the desirability of the work being carried on by the N. Y. A., but, personally, I feel it is just as important to afford aid of this character to the poorer youth of the country in the securing of an adequate education to enable them to earn a livelihood as it is to carry on the commendable conservation work, conserving both human and natural resources, which has been carried on under the direction of Congress during the last several years.

The committee felt that perhaps in some of its activities the National Youth Administration has gone beyond the real objectives that the Congress had in mind in setting up that agency, and the committee has included in the bill a specific definition of the projects upon which the Youth Administration will be authorized to engage, the effect of which will be to restrict some of its activities during the next fiscal year, thereby adding something to the amounts which may be made available for school and out-of-school aid.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Montana.

Mr. O'CONNOR. This is another cut in the appropriations that seems to me unfortunate. I believe this has been one of the most far-reaching and beneficial activities in which the Government has been engaged. We have millions of youths today who are unemployed, who cannot get employment, and cannot get an education. This activity afforded, in a small measure, an opportunity for the youths of the Nation to become experts in different lines of work and receive a reasonable education. In my own State the N. Y. A. has been, and is now, of splendid service.

Mr. MURDOCK of Arizona. I fully endorse this gentleman's view concerning the N. Y. A.

Mr. TARVER. I am quite in accord with the gentleman's last statements.

EMPLOYEES' COMPENSATION COMMISSION

The Employees' Compensation Commission's appropriation is not substantially reduced, and the reasons for the reductions made are explained in the report.

NATIONAL LABOR RELATIONS BOARD

There has been some reduction in the estimates for the National Labor Relations Board. It should be pointed out in this connection that the National Labor Relations Board had brought to its attention, in the fiscal year 1938, some ten-thousand-and-odd cases. During the 1939 fiscal year this number was reduced to approximately 7,000, and during the first 6 months of the present fiscal year the number has been 3,085. The committee has felt that in view of this reduction in the number of cases coming to the attention of the Board some reasonable reduction in its operating expenses might be effected. Also, we have made provision for the elimination of the research section, composed of 14 economic analysts, which, with clerical help, bring the total number of persons employed in this Division up to approximately 30. We have felt that the Bureau of Labor Statistics, which has been set up for that purpose, is amply able to take care of the reasonable needs of the National Labor Relations Board for statistical information.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. With regard to the inquiry of the gentleman from Massachusetts about the expense of operating the C. C. C. camps, may I ask the gentleman if it is not his opinion that it is not fair to try to hold down a committee in considering these measures to valuing them by dollars and cents?

Mr. TARVER. Of course, there are certain other values which must be taken into consideration by any reasonable person and I am sure will be taken into consideration by all the Members of the House. I am quite in agreement with my friend from Oklahoma in the sentiment he has expressed.

NATIONAL MEDIATION BOARD

There has been very little change, and that of a minor character, in the appropriation for the National Mediation Board.

RAILROAD RETIREMENT BOARD

As regards the Railroad Retirement Board, a $52,000 reduction has been accomplished—$2,000 from the printing-and-binding item and $50,000 from the rent item, occasioned by the occupation of the new Social Security Board and Railroad Retirement Board Building at an earlier date than had been expected.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Indiana.

Mr. LUDLOW. Unfortunately I have not been able to be here to hear all the very admirable presentation the gentleman is making on his bill. I wonder if the gentleman has touched on the appropriation for venereal diseases, and if not, I should like to hear an explanation of that item.

Mr. TARVER. I pointed out to the House that the committee had effected an increase above the Budget estimate of $2,000,000, bringing the full amount to $5,000,000, the same amount that is available for the present fiscal year.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from New York.

Mr. DICKSTEIN. The gentleman has discussed the question of the Labor Department appropriation. My attention has been called to the fact that the appropriation has been cut below the appropriation for 1940, and that this will result in eliminating the positions of about 129 immigration inspectors and other personnel. The gentleman has just explained that the border patrol is not receiving any cut, but why should it be necessary to cut the immigration service any amount?

Mr. TARVER. May I say to the gentleman that the committee, of course, has had to pay some regard to the estimates submitted by the Budget. The committee has exceeded the estimates of the Budget for personnel by $128,000 in order to take care of this pressing border patrol and field immigration service matter and to prevent undue reductions in those activities. It has seemed to the committee impossible that it could, in the exercise of its judgment, undertake to go further than that in exceeding the estimates which were transmitted to the Congress by the President as representing the views of the Budget and of himself.

Mr. DICKSTEIN. The gentleman has made a very excellent statement—that in these times we need every man on the job we can get to deal with the enforcement of the immigration laws.

Mr. TARVER. I quite agree with the gentleman.

Mr. DICKSTEIN. You are practically breaking down the enforcement when you reduce the appropriation for the Immigration Service below the 1940 appropriation. It seems to me that is poor economy, and that we are not going in the right direction by saving a few pennies through knocking off 40 or 50 men who are in charge of important work.

Mr. TARVER. There is very much logic in the gentleman's position, but, as I have said, the committee went as far as it felt it could under the circumstances.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. The committee has the support of the thinking people down on my border when it comes to restoring the patrol on the international line.

Mr. TARVER. I thank the gentleman. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman from New York [Mr. KILBURN] such time as he may desire.

Mr. KILBURN. Mr. Chairman, the announcement by the State Department recently that active negotiations are again under way between the United States and Canada looking forward to another agreement and treaty on the Great Lakes-St. Lawrence waterway and power project should be welcomed by all. Reports from Canada indicate that the Ontario Government is now supporting the project and that the sentiment of dominion unity furthered by the war will help overcome the forces which heretofore have been opposed to the development. I sincerely hope that the negotiations may be concluded at an early date and a treaty submitted by the President to the Senate for its consent to the ratification.

The question raised by opponents of the project that such a treaty will violate our neutrality because Canada is now a belligerent nation is absolutely false. I refer to a letter which I received from Secretary of State Hull and inserted in the RECORD, March 7, 1940, in which Mr. Hull advised me that such a treaty would in no way affect our neutrality.

As an ardent supporter of the St. Lawrence waterway and power project, I am happy to have this opportunity to say a few words in its furtherance. It is my privilege to represent the Thirty-first New York Congressional District in the House of Representatives, and I have a special interest in the St. Lawrence development since the river marks the northern boundary of a part of my district. The residents of northern New York State are almost unanimous in their support of the waterway and power project. For two decades now we have been looking forward to this development which will open the St. Lawrence and the Great Lakes to ocean shipping and provide large quantities of cheap electric power. I trust that we may be pardoned for our special interest in the project. Undoubtedly northern New York will benefit much from the increased shipping and cheap power, but we sincerely believe that not only the Great Lakes region but the Nation as a whole will profit considerably from the completion of the development. And I trust that when another treaty is submitted to the Senate the mistake of almost exactly 6 years ago, March 14, 1934, will not be repeated.

NOT A PARTISAN PROJECT

This is not a partisan project. The original surveys were started in the Wilson administration. Presidents Harding and Coolidge both advocated joining with Canada in improving the St. Lawrence, and it was in President Hoover's administration, 1932, that the treaty was finally signed. President Roosevelt has long been a supporter of both the navigation and power aspects of the development. Both the Republican and Democratic Parties have pledged themselves at various times in their platforms to undertake the completion of the Great Lakes-St. Lawrence waterway.

FORTY-SEVEN-MILE BOTTLE NECK

The Great Lakes-St. Lawrence waterway is the most important navigation and power project now before the country. Ocean shipping and reduced transportation costs will be brought to the Great Lakes ports by deepening the channels and removing certain obstructions in only 9.6 percent of the total mileage of the seaway. The other 90.4 percent of the waterway is complete and ready for ocean shipping. In the International Rapids section between Lake Ontario and Montreal large amounts of cheap electric power will be generated, and the United States, through the Power Authority of the State of New York, will receive one-half of the output. The project is economically sound and will provide great benefits in the way of increased trade, lower transportation and power costs to the Great Lakes region and the Nation as a whole.

The Waterway, extending a distance of 2,350 miles from Duluth-Superior to the Atlantic Ocean, has already been improved to a minimum depth of 21 feet except in the short section of the St. Lawrence River between Ogdensburg and Montreal. In that 120-mile section there are now 47 miles of 14-foot canals. This section forms a bottle neck which prevents the passage of most ocean-going vessels and makes Montreal virtually the head of ocean navigation and the transhipment point for inbound and outbound commerce. The treaty of 1932 in substance was an agreement between the United States and Canada to complete the improvement of the existing waterway to provide a minimum depth of 27 feet from the Great Lakes ports to the Atlantic Ocean.

The major portion of the work provided for in the treaty will be done in the International Rapids section of the St. Lawrence River, which forms the boundary between the State of New York and the Province of Ontario. There two dams will be built and ocean-going vessels will be passed around them by canals and locks. The dams will also be used to generate 2,200,000 horsepower of electrical energy, which will be shared equally between the United States and Canada.

NINETY-SEVEN PERCENT UNRESTRICTED

The completed seaway from Duluth to the Atlantic Ocean will provide a waterway in which vessels may move with unrestricted speed over approximately 97 percent of the total distance. The time required for navigation by ordinary cargo vessels from Duluth or Chicago to the ocean is estimated at approximately 9 days.

The total cost of the project is estimated at $543,000,000; the share of the United States under the 1932 treaty was to be $272,000,000 and that of Canada $271,000,000. The United States is already credited with expenditures totaling $14,000,000 and Canada is credited with $128,000,000 already spent on the Welland Canal.

The New York Power Authority has agreed to assume $90,000,000 of the cost to the United States as the allocation to New York's St. Lawrence power development. This reduces the new expenditure required by the United States on account of the seaway to $168,000,000. There may be some slight readjustments in plans, estimates, and cost allocations growing out of the present negotiations, but it is not anticipated that they will be substantial.

WILL STIMULATE TRADE

As has been indicated there are two main considerations in the St. Lawrence project—navigation and power. The completion of the seaway will admit the great majority of ocean vessels from the Atlantic Ocean clear into the Great Lakes and add 3,500 miles to our coast line. As a result the cost of transportation to the seaboard and foreign ports of the agricultural products of the Plains States and the automobiles and other industrial products of the Lake States will be reduced materially. Thus the midwestern manufacturer and farmer will have an opportunity to get closer to equal terms with the eastern and Pacific seaboards and to recover the disadvantage which became effective with the completion of the Panama Canal. This great inland area is composed of nearly half the States in the Union and has a population of over 40,000,000 people.

Our export trade, particularly to Europe, will be stimulated by the completion of the waterway. And it will permit our citizens in the great industrial and consuming centers of the Great Lakes to exchange products with the Atlantic, Gulf, and Pacific ports in the coastal and intercoastal traffic which comprises more than 80 percent of the ocean shipping of the United States. The opening of our home markets by this means to the full enjoyment of all sections alike is the key to national recovery. It will stimulate the growth of new industry which will absorb labor and raw materials, create new rail tonnage, revive domestic commerce, and open up rich markets to the shipping and industry of our Nation.

WILL PROVIDE CHEAP POWER

Of at least equal importance as the navigation aspect of the St. Lawrence waterway is the development of the great supply of cheap electric power. We in New York State are particularly interested in the power project for our power authority is going to assume about $90,000,000 of the cost of construction and in return receive for distribution about 1,100,000 horsepower. And we are awaiting the time when the St. Lawrence power project will bring to our homes, farms, and business enterprises electric power at rates comparable with other low-rate areas.

The St. Lawrence power can be made available within a wide area at so low a cost as to render its development an essential step in providing for the power requirements of the region. It is an economically sound project both in terms of providing for industrial development near the river and for base-load power in conjunction with other plants to a distance of 300 miles from the point of production. Thus the metropolitan region of New York City and the industrial areas of New England can be served economically with the St. Lawrence power. The savings to light and power consumers served by St. Lawrence power will be around $50,000,000 a year.

WILL BRING NEW INDUSTRIES

The St. Lawrence project will stimulate a great deal of industrial development in the immediate area as well as provide direct employment for over 22,000 men in the construction work. The northern half of New York State has never been adequately developed industrially because of the absence of transportation and cheap power. Within 50 miles of the proposed development there are large quantities of magnetic ore, zinc, lead, arsenic, molybdenum, and the materials for a huge ceramic industry. Lack of fuel and power, combined with the transportation factor, has prevented the development of these mineral resources. I am not unmindful of the vigorous opposition in some quarters to the completion of the waterway and power project. But I believe that the expression of fears are not justified and the predictions of woe unwarranted. The railroads, public utilities, and seaboard ports in the long run will profit from the increased industrial development and transportation rather than suffer from the completion of the project.

WILL INCREASE RAILROAD BUSINESS

The economic development of the Middle West and upper New York State as a result of the seaway and power development will provide the railroads and existing canals with more rather than less traffic. The opening of a much cheaper transportation route has the effect of removing a barrier to the exchange of goods which do not move because of high transportation costs. Such a route, therefore, does not so much divert existing traffic as produce new traffic. It creates more business activity in all regions between which increased interchange thereby becomes practicable. The experience with the Panama Canal has proved this fact. In the 10-year period 1920 to 1929, shippers saved $876,000,000 in transportation costs on goods shipped through the Canal. Yet the western railroads showed a gain in revenue because the new economic development from the Canal brought them an increase in the more profitable classes of freight traffic. The economic growth of the country will require all existing transportation facilities as well as the St. Lawrence waterway to meet its requirements.

The most vigorous opposition in New York State to the project comes from the private power interests. Again I feel that the power people exaggerate their fears as to the consequences of this St. Lawrence power development. I by no means advocate public ownership and management of the generation and distribution of all electric power. But I do believe that in this case it is entirely proper for the Power Authority of New York State to have charge of the generation of the power and then sell it to the existing public-utility companies and districts. Furthermore, I believe that the production of the St. Lawrence power will benefit the private power companies rather than harm them. The cheaper rates will stimulate consumption of electricity to such an extent that large additional supplies of steam-generated energy will be required over and above the full output of the St. Lawrence project itself. Thus the water power will not supplant the steam power but rather supplement it. The tie-up will result in lower rates and greater consumption of power. And private investment will be made more secure rather than endangered.

SUPPORT FROM NEW YORK

I am also aware that many of my colleagues from New York City and the down-State area are opposed to the waterway and power project. It is only natural that they should be interested in protecting and preserving their trade and commerce. I believe that their fears also are unwarranted. Not all are of the same opinion, however, and I wish to quote Mayor LaGuardia, who is a strong supporter of the waterway project. In 1934 he wrote Senator LA FOLLETTE in support of ratification of the treaty of 1932. He said in part:

> No official study has ever been sponsored by the city of New York that supports the claim that completion of the seaway will injure the commerce and shipping of our port. We have one of the great natural harbors of the world, and it has been improved by the use of public funds. New York City is unique as a port and not afraid of inland competition. Since 80 percent of the water-borne commerce of the United States is domestic rather than foreign trade, the extension of our seacoast into the Middle West will inevitably increase the profitable exchange of goods between New York and the other great American cities in the littoral of the Great Lakes.
>
> A temporary or slight diversion of export and import tonnage does not justify, in my opinion, the obstructing of a national project so obviously in the interests of the United States as a whole. In the long run it is certain that New York City as the metropolis of the Nation will benefit from economic recovery and development in the Middle West. I am therefore heartily in favor of the ratification of the treaty which President Roosevelt has submitted to the Senate. (CONGRESSIONAL RECORD, vol. 78, pt. 4, 73d Cong., 2d sess., p. 4062.)

In conclusion let me say again that I hope that we can reach a satisfactory agreement with our Canadian neighbors and start this project soon. I do not feel that the war situation should deter us. There is no question of our continued friendly relations with Canada, and it is not likely that the project can be completed until after the war is over. In the post-war period the project will be of great value. Cheap energy and cheap transportation have always been forces tending to alter the economic situation which they find in the direction of expansion of industrial and business enterprise. I am confident that the Great Lakes-St. Lawrence waterway project will prove no exception. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield myself 30 minutes.

Mr. ENGEL. Mr. Chairman, the Civilian Conservation Corps has been perhaps the most popular of all new organizations which sprang into existence during the past 7 years. It has been popular with the people back home and popular with the Members of Congress. This organization has spent since its beginning approximately $2,450,000,000, of which $560,400,000, or approximately 23 percent, has been allotted by the enrollees to their relatives back home. This $2,450,000,000 has been turned over to this organization in annual lump sums averaging from $250,000,000 to $300,000,000.

I like Mr. McEntee, the Director of the Corps, very much personally. I believe he is sincere. I was greatly impressed by his desire to do things for the enrollees. In his testimony—page 179 of the hearings—he said:

It is a question of utilizing every dollar we can get under the law from Congress for the benefit of these enrollees.

I believe that Mr. McEntee, and I know that Mr. McNutt, head of the Federal Security Agency, will welcome any constructive criticism. It is because I believe that we have not been utilizing every dollar Congress has appropriated for the benefit of these enrollees that I am speaking here today. At the outset, let me say that I am not attempting to cut the Budget figures of $230,000,000. What I am trying to do is to get more camps and more enrollees for the same amount of money. I shall try to make my criticism constructive and not destructive.

CIVILIAN EMPLOYEES

According to the Budget Director's estimates for 1940, 32,406 civilian employees, including Army Reserve officers, will at the end of the present fiscal year have received $58,234,711 in salaries, while 270,000 C. C. C. enrollees and their dependents will have received $101,185,200 in wages.

This bill provides for a maximum authorized C. C. C. strength of 245,400 enrollees, which will give us an actual enrolled strength of 221,000 enrollees. The committee amendment earmarks the pay-subsistence item of the C. C. C. in this bill. It takes $6,000,000 from overhead and adds it to the pay-subsistence item. If this amendment is retained, it will provide for 55 additional camps with the same amount of money. If this bill is passed as it was submitted to the committee by the Budget Director, without the committee amendment, 28,055 civilian employees, including Army officers, will receive $49,413,697 in salaries during the next fiscal year, while the 221,000 enrollees and their dependents will receive $82,821,960 in pay. These figures do not include expenses and other allowances which the civilian employees will receive. For every $8 the enrollee or his family will receive during the next fiscal year the civilian employees will receive approximately $5.

Discussing the 1941 estimates as set forth in the hearings we find on page 198, part 2, an itemized statement of the estimated representative cost and pay of the individual technical service for each Civilian Conservation Corps camp operated under the Department of the Interior, which is as follows:

1 superintendent at $2,300 per year	$2,300
2 senior foremen at $2,000 per year	4,000
2 foremen at $1,860 per year	3,720
1 foreman at $1,680 per year	1,680
1 mechanic at $1,500 per year	1,500
1 blacksmith at $1,500 per year	1,500
Average clerical assistance for camp services	1,260

Or a total of $14,661 per year per camp for technical-service operations, for each of the 397 camps which will be operated under this bill by the Department of the Interior. We will have a total of 3,176 employees in these 397 camps receiving $5,820,417 pay.

On page 238, part 2, of the hearings we find the estimated break-down for the technical service of the 830 camps which will be assigned to the Department of Agriculture. Each camp will have:

1 superintendent at $2,300 per year	$2,300
1 engineer at $2,000 per year	2,000
1 technician (forestry, soils, etc.)	2,000
1 senior foreman at $2,000	2,000
1 foreman at $1,860	1,860
2 junior foremen at $1,680	3,360
2 squad foremen at $1,200	2,400
1 mechanic	1,440
½ skilled worker	600

Making a total of 10½ employees per camp who will receive a total of $16,031.35 per camp-year. Multiply this by 830 camps and we find that the Department of Agriculture for technical service will have 8,715 people on the pay roll who will receive $13,305,730; or, summarizing, these 1,227 camps provided for by the Budget will, during 1941, have 11,891 employees who will receive from $1,200 to $2,400 per year, or a total of $19,126,147. These 11,891 employees are the people who look after the boys during the working hours between 8 o'clock in the morning and 4 o'clock in the afternoon. In addition to these 11,891 employees, we have a group of employees who are supposed to look after these boys after 4 o'clock in the afternoon and until 8 o'clock in the morning, and on pages 185 and 186 of part 2 of the hearings we find that we will have 9 staff officers who will receive $3,800 per year; 63 staff officers at $3,500 a year; 108 staff officers at $3,200 a year; 228 staff officers at $2,900 a year; 1,227 camp officers at $2,900 a year; 342 staff officers at $2,600 a year; 409 camp officers at $2,300 a year; 818 camp officers at $1,980 a year; 827 staff officers at $3,500 a year; and 642 staff officers at $2,900 a year. In other words, we will have 4,673 camp and staff officers with a yearly average salary of $2,787, totaling for the 1,227 camps $13,025,640, or almost 4 camp and staff officers for each camp at a cost of over $10,000 a year.

The third class of employees we have in the camp are the educational group. We will find this group itemized on page 170, part 2, of the hearings, as follows:

Director of C. C. C. camp education	$7,000
Assistant director of C. C. C. camp education	5,600
Assistant to the director	3,200
Special assistant to the director	3,200
2 research assistants	6,400
Secretary to the director	2,000
Secretary to the assistant director	1,800
3 stenographers	4,860
Statistical clerk	1,620
File clerk	1,440
Part-time clerical assistance	1,440
Administrative promotions	1,240
Total departmental pay roll	39,800

You will also find under "Field services, project 1," the following:

9 corps area educational advisers, at $4,800	$43,200
9 assistant corps area educational advisers, at $3,200	28,800
9 secretaries to corps area educational advisers, at $1,620	14,580
11 clerks (corps area educational advisers' offices), at $1,440	15,840
1,227 camp educational advisers, at $2,000	2,454,000
59 district educational advisers, at $2,900	171,100
Administrative promotions	132,500
Overlapping services	18,673
Total, field service	2,878,693

We have here 1,339 more employees, 1,307 of whom will receive from $2,000 to $7,000 per year, or a total of $2,918,793 in the Educational Department. This makes a grand total of 17,903 men who are supposed to look after the welfare of the enrollees, or 14 employees per camp. These 17,903 employees will receive a total of over $35,000,000. This does not include 11,000 more civilian employees in the Army, Interior Department, and Department of Agriculture, which brings the total number of civilian employees to more than 28,000 and the total pay roll up to nearly $50,000,000.

These 17,903 employees above referred to will receive an average of approximately $2,000 per year. If we could cut off two of the higher bracket employees from each camp, we would save $5,000,000 of the $6,000,000 which we have transferred from overhead to enrollee pay and subsistence.

EDUCATIONAL PROGRAM

The testimony shows that 91 percent of the enrollees take part in the educational program. The average enrollee stays in the camp 9 months and takes 4 hours per week of educational work. Four hours per week for approximately 36 weeks equals 144 hours of actual class work. A high-school or grade student in our public schools attends classes from 9 until 12 in the morning and from 1 until 4 in the afternoon, or he has 6 hours' class work per day, 5 days a week, or a total of 30 hours' class work per week. At the end of 5 weeks, he will have had 150 hours in school.

According to the testimony, the average enrollee receives the equivalent of about 5 weeks' high-school or grade-school education. At first I was rather enthusiastic about this program. There is no question but some good is being accomplished by this work. However, I am now convinced that the good that has been accomplished has been greatly exaggerated, and I wonder whether it justifies the employing of a group of men who receive from $7,000 a year on down in salaries aggregating $3,000,000. This $3,000,000 would give us 3,500 more boys in camps or 20 more camps. It certainly is a matter that should be carefully considered.

CITY ENROLLMENT

One of the greatest arguments that has been advanced in favor of the Civilian Conservation Corps is that the C. C. C. takes the boys from the city streets, slums, and poolrooms of the city. Undoubtedly this is true to a certain extent, but again I think this benefit has been greatly exaggerated. A survey was made in 1937 by the C. C. C. of 350,000 enrollees. It was found that 55 percent came from rural areas, 12 percent from cities of 2,500 to 10,000 in population, and only 33 percent came from cities of over 10,000. Mr. McEntee testified that since that time, the enrollment from the large cities has been reduced below the 1937 figures.

Applying these percentages to the 221,000 enrollees which the testimony shows will attend these camps if this bill is passed as it was presented to the committee, we find that 55 percent or 121,000 will come from rural and farm areas, that another 12 percent or 26,000 will come from cities of from 2,500 to 10,000 and that only 73,000 of the total enrolled will come from cities of 10,000 or over. To say that these 73,000 or any material percentage of them will come from poolrooms, and slums, and so forth, is, of course, not true. While undoubtedly some of these boys do come from the slums, poolrooms, and so forth, it would be difficult to justify an appropriation of a quarter of a billion dollars for this purpose on this ground. The 1930 census shows that there were approximately 9,000,000 boys in the United States between the ages of 17 and 25. It is obvious that we cannot help all of these boys, and the work that is being done along this line is merely a drop in the bucket, worthy though it may be. When you take the increased population into consideration over 1930, this 73,000 represents approximately one out of every 130 boys in America. Again, I feel that the public has been very much oversold on this part of the program.

LUMP-SUM APPROPRIATIONS

I have expressed myself repeatedly as being opposed to lump-sum appropriations and lump-sum debt increases. The one is as vicious as the other; the two together, if continued, will spell financial ruin. That policy is conducive to waste and extravagance. The Budget can never be successfully balanced without imposing a great many unnecessary taxes unless the policy is abolished and unless we earmark appropriations and provide that all unused portions should be turned back into the Treasury.

When I called the attention of the C. C. C. to the great discrepancy between the amounts for each item which that organization justified before the Budget Director and the Appropriations Committee, and the amount they actually spent, the Director attempted to justify this discrepancy by saying that the estimates for 1939 were submitted upon a Budget providing for 1,200 camps, while Congress later amended the law increasing those camps from 1,200 to 1,500, or adding 25 percent. I have before me a table which I ask unanimous consent to insert into the RECORD.

TABLE I.—*Civilian Conservation Corps*

		1939 Budget estimates for 1,200 camps	Additional 25 percent for 1,500 camps	Actually spent in 1939
02	Supplies and materials	$13,060,037	$16,326,296	$18,645,062
03	Subsistence	38,882,929	48,720,732	40,247,657
05	Communications	491,397	614,246	576,636
06	Travel of persons	7,172,021	8,965,026	11,718,475
07	Transportation of things	4,034,130	5,042,660	2,758,093
08	Printing and binding	207,680	259,600	202,047
09	Advertising and publishing of notices	2,546	3,182	13
10	Furnishing heat, lights, and water	1,128,797	1,410,996	1,479,276
11	Rents	572,688	715,860	589,442
12	Repairs and alterations	8,414,445	10,518,056	15,114,133
13	Special and miscellaneous	4,886,843	6,106,554	5,924,585
22	Burial expenses	150,617	188,271	89,761
30	Equipment	3,358,789	4,198,486	12,635,879
32	Structure and parts	7,464,622	9,330,777	10,285,159
33	Refunds and awards		40,053	50,106
	Total	89,827,541	112,284,426	120,306,271

Column 1 shows the estimates for 1939, item for item, for 1,200 camps which the C. C. C. justified both before the Budget Director and before the Appropriations Committee, and which the Budget Director and the Appropriations Committee approved before the House increased the number of camps from 1,200 to 1,500. Column 2 shows each item increased by 25 percent to take care of the increase of camps. In other words, column 2 shows what would have been undoubtedly allowed had each item been increased the same percentage that the camps were increased. Column 3 shows the amount that was actually spent by the C. C. C. for each item during the fiscal year ending June 30, 1939. No one can look over this table and justify the discrepancy between the several amounts. For instance, for supplies and material they justified $13,060,000. When you add 25 percent you have $16,326,000. They actually spent $18,645,000 or $1,300,000 more. The subsistence item is rather interesting because of the fact that one of the justifications they gave for the increase was the Ohio flood. They justified for subsistence for 1,200 camps $38,882,929. Adding 25 percent, we would have for 1,500 camps, $48,720,732. They actually spent only $40,247,000 for the 1,500 camps—a discrepancy of over eight and a half million dollars which cannot be justified on the ground of decreased ration cost. For travel of persons which includes, of course, the travel of C. C. C. enrollees back and forth from their homes, they asked for $7,172,000 for 1,200 camps. For 1,500 camps they would have received $8,965,000. They actually received $11,718,000, or $1,800,000 more. I asked Mr. McEntee to insert into the record an itemized statement of the money they spent during the Ohio flood, which statement can be found on page 224 of the hearings. They only charged up against the travel item approximately $320,000, so of course that would not justify the increased travel allowance. In the item of transportation of things, they asked for $4,034,000 for 1,200 camps. Adding 25 percent for the extra 300 camps would make it $5,042,000. They actually spent only $2,758,000 or approximately 50 percent of what Congress allowed them. Under the item of repairs and alterations, which certainly could not have been affected by the flood, they asked for $8,414,000. Adding 25 percent for additional camps would give them $10,518,000, and they actually spent $15,114,000 for this item, or nearly $5,000,000 more than they justified. Again on equipment they asked for $3,358,000. Adding 25 percent for the 1,500 camps would give us $4,198,000. They actually spent $12,635,879. In other words, they spent $8,400,000 more than they justified, or three times the amount they justified. While a part of this amount can be justified by the Ohio flood, the difference between the amount justified and the amount spent is $2,000,000 more than the total amount spent by the Corps in the Ohio flood. If this statement does not convince this House of the waste and extravagance caused by lump-sum appropriations, there is nothing that I can say that would convince this House. I feel very keenly on this subject.

The framers of the Constitution tried to safeguard the money of the taxpayers in every way possible. They provided that revenue bills and appropriation bills must originate in the House of Representatives, and cannot originate in the

Senate. The House has always defended that position. The framers of the Constitution then limited the terms of Members of the House to 2 years so that if this privilege were abused, we would have to answer to the people. I feel that the Constitution gives me, as a Member of Congress, the right to reach into a taxpayer's pocket, take out money we call taxes and put that money into the Treasury. The Constitution also, in my judgment, places upon me the responsibility of seeing that every dollar of taxes which we have placed into the Treasury is properly spent and accounted for. The criticism I make is not of Mr. McEntee nor of the C. C. C., but the criticism I make is of the practice of lump-sum appropriations which we have been following for the past 7 years. We have no one, only ourselves to blame, if this money is juggled and wasted.

AVERAGE DISTRIBUTION OF ENROLLEE STRENGTH

I asked for and received from the Director of the C. C. C. a table which gives the average distribution of enrolled strength during the fiscal year ending June 30, 1939, that being the only complete fiscal year for which we have figures.

This table shows that the daily average strength of the entire corps during the fiscal year ending June 30, 1939, was 289,205.

I was also furnished a monthly work-progress report, giving 151 type or project designations, which they classify in this table as field-work projects, and which are of a permanent type. In other words, these 151 projects represent, when they are complete, the permanent value that we have received in the way of construction, and so forth, through the C. C. C. They have also designated camp projects which are temporary projects. Mr. McEntee states that 65 percent of these camp projects have a public benefit over and above the direct benefit to the C. C. C., but he does not state of how much benefit they are; and in view of the fact that they are temporary projects, they cannot be of much value.

I think you will find, if you should examine the sheet, that the field-work projects cover practically everything of a permanent nature. This table shows that during the fiscal year ending June 30, 1939, there were employed on an average 196,161 men, or approximately 66 percent of the total enrollment on field-work projects, with over 93,000 who were not employed on permanent projects. These are classified as follows: Camp-work projects, 41,847; detached service and special detailed-work projects, 14,295; overtime, 409; light duty, 5,149; not used due to bad weather, 8,792; sick, on leave, or in transit, 21,598; all other causes, 954.

The appropriation for the C. C. C. for 1939 was $296,000,000. Of this amount, four and a half million dollars was turned back into the Treasury, and six and a half million was used for the Ohio flood, leaving approximately $285,000,000, which the C. C. C. actually got. If this were a business with a going concern, you would charge against this permanent type of work the entire appropriation, leaving out of consideration the question of benefits to the workers themselves; and looking at it from a hard-boiled, cold-blooded business standpoint, it costs us $285,000,000 to keep these 196,000 men on the front-line-work projects. In other words, for every enrollee who worked on actual permanent field-work projects, the taxpayers put up $1,450 a year.

I personally feel that we have not been getting value received for our money, even when we take into consideration the benefits to the enrollees. If we could have reduced the number of enrollees—in 1939—detailed to other than permanent-work projects to 25 percent, and increased the number of enrollees who work on field-work projects from 66⅔ percent to 75 percent, we would have had 216,900 enrollees employed on permanent field projects instead of 196,161. This means that we would have had 20,000 more enrollees working on permanent camp projects. This would be the equivalent of 110 extra camps with an average enrolled strength of 180 men each. Surely, with 32,000 civilian employees to look after the welfare of these men, it should not be necessary to detail and have off duty for various causes 93,000 enrollees.

I want it distinctly understood that I am not blaming Mr. McEntee, the Director, for this. Mr. McEntee, Mr. McNutt, or those working in the Civilian Conservation Corps are not responsible. They had nothing to do with the detailing of these men for various duties. These men and those who are under them, whether staff officers or technical officers, are under the control of the Department of the Interior and the Department of Agriculture, and those two Departments must take the responsibility for any wastage of manpower here.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes.

Mr. GIFFORD. I heard our chief forester of the State of Massachusetts say, "Give me 20 trained men and 2 tractors and I will do more work than the 400 boys are doing."

Mr. ENGEL. I have talked to foresters, both State and National, and they tell me if we would give them a third of the money they will do as much work, but they will not say anything about that publicly because they are afraid they are going to lose these camps.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes.

Mr. VORYS of Ohio. I did not hear the gentleman's full statement, but will he indicate in his statement where we can find a break-down as to what the $400 per boy is spent for which the boy does not get?

Mr. ENGEL. Mr. Chairman, the gentleman will find that break-down in the RECORD. That is accounted for somewhat in this respect: $58,000,000 last year was expended for salaries of 32,000 civilian employees. The gentleman will find in the RECORD a break-down of supplies and materials, itemized, for 1939, which will give him a pretty good idea.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes.

Mr. KNUTSON. Would the gentleman give us an idea as to what it costs to maintain a soldier and what it costs to maintain a C. C. C. enrollee—that is, exclusive of the accouterments?

Mr. ENGEL. I do not want to go into that. Of course, it costs a lot less for a soldier, but I do not think the comparison would be fair. I say this to the gentleman: If this were a business concern, they would charge against these 151 work projects all of the items which we have, and they would have to charge against these 196,000 men working on these 151 projects the total appropriation, and they would find that it would cost about $1,450 per man per year. In other words, if every man who worked in the front line, planting trees, doing actual work, soil conservation, or any of the other 151 work projects, had charged against him every item, it would be found that it cost for the actual work about $1,450 per man—that is, putting it on hard-boiled financial basis.

SOCIAL SECURITY BOARD PROMOTIONS

In going through the Social Security Board offices, I made a "spot check" of the pay cards. By "spot check" I mean I took every tenth pay card for, we will say, 150 cards, in the letter "A," then dropped down to perhaps "F" and again took every tenth card; then down to the letter "J," "L," and so on down the line. When I finished that check, I went through the personnel files, taking every tenth file of a section taken at random, examining the personnel records, endorsements, and so forth. I then went to the section which contained the records on promotions. The last complete year was the fiscal year 1939. I found that the Social Security Board had for the fiscal year ending June 30, 1939, an average of 8,723 employees. During that same fiscal year they made 7,087 administrative promotions at an annual cost of $538,180, as against 1,404 administrative promotions made during the preceding fiscal year at a cost of $117,960. These are administrative promotions within the grade, and not step-ups, that I am speaking about.

The tables furnished me show that, in addition to these 7,087 administrative promotions we had 3,122 grade promotions during the same period of time. Some of these employees who received grade promotions also received administrative promotions and were canceled out. However, this shows that the Board made 10,109 administrative and grade promotions during the fiscal year ending June 30, 1939.

The Reorganization Act provided that no promotions should be made within 1 year from the effective date of reorganization. The effective date of reorganization of the Federal Security Agency, of which the Social Security Board is a part, was July 1, 1939. The testimony in the record I have shows that the Social Security Board made 2,989 administrative promotions at an annual cost of $221,960, on June 15, 1939, or within 15 days next preceding the effective date of reorganization after which date Congress said no promotions should be made. Eighty-five percent of the administrative cost of the Social Security Board, according to testimony, is paid out of pay-roll taxes paid in by employers and employees, so 85 percent of this $538,000 increase in pay during 1939 will come out of the money that actually belongs to the widows, the orphans, and to the employees who have earned this money by the sweat of their brow. Mr. Altmeyer tried to justify these promotions by his desire to bring the average pay of his employees up to the general average of the other departments. The employees of these older departments have worked for years and have earned their promotions, and the Social Security Board is trying to give, within a few months, promotions to their employees that employees of other departments have worked for years to earn. Let me not be misunderstood. I am not opposed to reasonable promotions, but we have here a situation where I find employees worthy, honest, hard-working people with excellent records who have received no promotions for years. Here we have a department which has given 32½ percent of their employees promotions in 1 month. It is not conducive to good morale on the part of other employees. It is not fair. These other employees will say, "I have not had a promotion in 4 or 5 years. If I had been in the Social Security Board, I would have received it at once."

The testimony of Mr. Altmeyer is rather amazing. Naturally he tried to justify his promotions. On page 849 of the hearings he frankly admits that these promotions were made to get around the Reorganization Act. I quote from the testimony:

Mr. ENGEL. The administrative promotions, from July 1 and through December 31, 1938, were 2,778, at an annual cost of $207,760, and in June 1939 there were 2,889 at an annual cost of $221,960. Regardless of whether the act of Congress is advisable or not, you "jumped the gun" on the act of Congress?

Mr. ALTMEYER. Let me explain.

Mr. ENGEL. Is it not true, Mr. Altmeyer, that you have jumped the gun, and that these 2,889 promotions were made in June—I am not discussing the justification, but they were made to get around the Reorganization Act?

Mr. ALTMEYER. Yes; that is right.

I might add that they made 2,989 administrative promotions, but 100 were canceled out by grade promotions. I feel that the entire Social Security Board is responsible for this and I have no desire to place the responsibility on Mr. Altmeyer's shoulders alone. We have here again another department to which we have handed lump-sum appropriations of millions of dollars, with absolutely no strings attached, to spend as they saw fit. In discussing the lump sum appropriation question with Mr. Altmeyer during the hearings, I asked him the following question (p. 868 of the hearings):

Mr. ENGEL. If we had earmarked these appropriations and items, would you have been able to find the money to make 7,087 administrative promotions in a year?

Mr. ALTMEYER. I don't know; but I would say that I feel that our personnel policy is justified in terms of the results our people are turning out.

I think we have here the crux of the whole matter. You know, Mr. Altmeyer knows, and I know that these 7,087 administrative promotions would not have been made in 1 year had the Appropriations Committee and Congress earmarked these funds and had they followed a policy where unused portions of earmarked funds would revert to the Treasury, and provided that such unused portions could not be used for other purposes.

Again, you and I as Members of Congress cannot shirk the responsibility. I personally feel that you and I are to blame for the condition existing more than the Social Security Board or its Chairman. I like Mr. Altmeyer personally. I think he is an efficient official, doing a good job. I know my criticism is rather harsh, but you cannot get around the facts. I am directing that criticism rather to Members of Congress in permitting these lump-sum appropriations and not against the Social Security Board, nor against any Board nor employee. You and I cannot dodge that responsibility. We are to blame.

I went through their offices, visiting every nook and corner, examining the files, records, and methods of doing business. I was in every building, including the Baltimore office. I said then and I say now that they have an efficient organization. I think the Baltimore office is operating as efficiently as it would be were it a private insurance company. I believe the same can be said more or less of the entire Board's operation. However, I feel the salaries on the Board and those under the Board are far above what they would be on the average were this Board being operated by a private insurance company. I want to be fair and say that I know of no one whom I esteem more, whose ability I place upon a higher plane than that of Mr. Altmeyer, and, as a rule, those under him. However, I cannot justify the expenditure of this money and the making of these promotions.

I also call attention briefly to promotions made by the United States Employment Service. I have in my office the name of every employee who was promoted in the Social Security Board and the United States Employment Service between March 1939 and June 30, 1939, the old salary, the new grade, and the new salary. The United States employment records show that they jumped their pay roll from $368,980 on April 1, 1939, to $427,780 on June 30, 1939. They had on July 1, 1939, 684 employees. They promoted during that 3-month period 185 employees, or 27 percent, at a cost of $58,800. I call attention again to the fact that no promotions could be made after July 1, 1939, for 1 year under the Reorganization Act. Practically all of these promotions were made during the month of June or within a short time of the effective date of reorganization. They could not have been made after July 1.

I find that 11 employees received increases of $1,000 to $1,600 a year, aggregating $11,300. Forty-four employees received increases of $500 a year or more; 66 employees received increases of $300 a year or more. In other words, nearly 20 percent of this salary increase went to 11 employees and over 50 percent went to 44 employees. They tried to justify the increases on various grounds.

I asked Mr. McNutt about these promotions which were made just prior to the effective date of reorganization. On pages 10 and 11 of the hearings you will find that in referring to these promotions I asked Mr. McNutt:

You knew nothing about any of those promotions at that time; that all took place prior to the time you took office, and you had no knowledge at that time of those facts?

And Mr. McNutt answered:

Nor would I attempt to justify any such procedure at all.

Mr. Altmeyer denied responsibility, and his testimony is found on page 851 of the hearings, referring, of course, to the United States employment promotions only and not to the Social Security Board promotions:

Mr. ENGEL. Did the Social Security Board know, prior to July 1, that those promotions were being made?

Mr. ALTMEYER. We learned about it, as I recall it, in June.

Mr. ENGEL. At the time they were being made?

Mr. ALTMEYER. No; after they were made.

Mr. ENGEL. You knew nothing about it at the time?

Mr. ALTMEYER. No.

Mr. ENGEL. Then the Social Security Board itself had nothing to do with the making of these promotions, either impliedly or otherwise?

Mr. ALTMEYER. No, sir.

Mr. ENGEL. Did anyone connected with the Social Security Board?

Mr. ALTMEYER. No, sir.

Mr. ENGEL. And the first knowledge you had of these promotions was after they had been made?

Mr. ALTMEYER. Yes.

Again this testimony refers only to these 185 promotions made by the United States Employment Service prior to their merger with the Social Security Board.

Mr. O'CONNOR. Mr. Chairman, who did effect these promotions?

Mr. ENGEL. They came from the reorganization plan in the Labor Department before the United States Employment Service went to the Security Board.

LUMP-SUM APPROPRIATION

I desire now to discuss briefly the lump-sum appropriation as it affected the Social Security Board. I ask unanimous consent to insert in the RECORD at this point a table compiled by myself, showing the estimates other than pay rolls justified before the Budget Director and before the Appropriations Committee by the Social Security Board and upon which was based the appropriation for the fiscal year ending June 30, 1939. This table shows, also, item for item, the actual amount spent by the Social Security Board.

TABLE II.—*Social Security Board*

		Budget estimate for 1939	Actually spent in 1939
02	Supplies and materials	$1,088,552	$363,457
04	Storage and care of vehicles	6,000	807
05	Communications service	516,022	220,000
06	Travel expenses	1,275,000	1,156,495
07	Transportation of things	105,904	30,214
10	Furnishing heat, lights, and power	105,190	67,631
11	Rent	1,991,252	[1] 653,793 [2] 990,678
12	Repairs and alterations	101,870	[3] 60,329 [3] 152,008
13	Special and miscellaneous current expenses	143,445	41,450
30	Equipment	498,275	402,496
	Total other obligations	5,831,510	4,140,227

[1] Rent. [2] Equipment. [3] Operations and maintenance.

TABLE III.—*Social Security Board*

	Budget estimate for 1940	Actually spent during first 6 months of 1940
Supplies and materials	$374,354	$132,945
Storage and care of vehicles	917	287
Communications	245,589	79,614
Travel	1,502,920	628,050
Transportation of things	58,655	14,602
Advertising		483
Heat, light, and power	90,162	28,816
Rental of space	938,405	348,092
Rental of equipment	944,281	442,119
Repairs and alterations	66,933	21,610
Operations and maintenance	174,450	73,675
Special	157,710	
Equipment	318,427	144,423
Total	4,872,803	1,914,717

This table shows that the Social Security Board justified in 1939 for supplies and materials $1,088,552. They actually spent $363,457, or approximately one-third of the amount they justified. They justified $6,000 for storage and care of vehicles; they spent $800. They justified $516,000 for communication service and spent $220,000. They justified $105,904 for transportation of things, and they spent $30,000. They justified $1,991,000 for rent, and they spent $1,440,000, including rental of equipment, or over one-half million dollars less than the amount they justified. They justified a total for a list of obligations at $5,831,510, and they spent $4,140,000. You will find great discrepancies in item after item where they overestimated the amount of the actual expenditures. After making these promotions involving over one-half million dollars, they turned back into the Treasury one and a half million dollars.

I am wondering just what you and I would say if someone criticized us for appropriating taxpayers' money in this way—that you and I as Members of Congress allowed three times as much for supplies and materials as they could spend, or allowed them one-half million dollars more for rent than they could spend, and right on down the line. Again, 85 percent of this money comes from the pay roll of taxpayers, big and small, that is earned by the sweat of many workers' brows.

I also ask unanimous consent to place into the RECORD the estimates justified before the committee for 1940 and the expenditures for the first 6 months of 1940. You will find there the same discrepancies when you compare the 6 months' actual expenditures with the 1940 estimate. Some of these discrepancies are justified by the fact that undoubtedly the expenditures of the last half of 1940 will be heavier than the first half. However, I call attention to the fact that the Board justified $4,872,803 for the full year for the items specified, and they actually used only $1,914,717 the first 6 months. If they spend the same amount the last 6 months as they did the first 6 months, they would have expended for these purposes $3,829,000 as against an appropriation of $4,872,000. I am certain that while a part of the remaining million will be used for the purpose for which it was appropriated, you will find other discrepancies at the end of the year.

FEDERAL SECURITY AGENCY

The Honorable Paul V. McNutt, as Administrator of the Federal Security Agency, occupies a peculiar position. He was appointed July 13, 1939. I want to be fair about the matter, and in justice to him I want to say that the promotions referred to in the record here were made and approved prior to the time that he took office. I want, however, to discuss the peculiar relations that exist with regard to Mr. McNutt's administration of the Civilian Conservation Corps. Mr. McNutt, as Administrator, is responsible for the C. C. C. operations. A part of the camps are assigned to the Interior Department and are under Secretary of the Interior Ickes. The remainder are assigned to Mr. Wallace, Secretary of Agriculture. Both of these men hold a position of Cabinet officer—naturally a higher rank than Mr. McNutt as Administrator; yet Mr. McNutt is charged by law with certain administrative duties over the C. C. C. operations that are taking place under these Departments.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes.

Mr. LEAVY. The question I am about to ask is not in any way a criticism of the subcommittee nor of the gentleman himself, but he has been chastising the Social Security Board rather severely, and yet I notice that there is an increase for salaries and expenses this year—that is, for the coming fiscal year 1941—over those of 1940 of $2,204,060, but when it comes to old-age assistance in grants to States there is a reduction below the Budget estimates of $10,000,000, and when we take this bill as a whole, the cut below the Budget estimate is $11,798,942, but $10,000,000 of that comes out of the old folks, if it is ever spent.

The CHAIRMAN. The time of the genteman from Michigan has again expired.

Mr. ENGEL. Mr. Chairman, I yield myself 15 minutes more. First, as to this increase in the pay roll. The gentleman will recall that Congress passed an amendment which jumped ahead the payments of old-age pensions. The gentleman will remember that.

Mr. LEAVY. Very well.

Mr. ENGEL. And this extra pay roll you have in there comes first, in rental of machines. They spent a million dollars a year for rental of tabulating machines and other costs made necessary by this increase in work because of the increased benefits which are being paid under the act and under the new act of Congress last year. Whether we put this extra $10,000,000 in or not will not affect the amount that the old people will receive. It is just a question of how much will be required to match the funds of the States. Those funds are going to be matched. The committee thought there was $10,000,000 more than was required to match those funds, but if it should not be enough, those funds will be matched just the same and a deficiency bill for the necessary amount will come in.

Mr. LEAVY. On the other hand, if the States did not make a demand for this the money would not be spent, would it?

Mr. ENGEL. That is true. On the other hand, however, the committee has done all it could to appropriate only such money as will be used. Let me close with the thought that this cut will not affect the old-age pension nor the Federal contribution to the old-age pension nor assistance of one eligible person. Understand, it is just a question of overestimating or underestimating. If we underestimate we can take care of the situation through a deficiency appropriation.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. O'CONNOR. Let us assume that the States demand a greater sum than that provided in this bill. In order to meet that demand of the States further legislation will be necessary by this Congress.

Mr. ENGEL. Oh, not at all.

Mr. O'CONNOR. Did not the gentleman just say that a deficiency bill would be necessary?

Mr. ENGEL. What I said was that we could try the lesser amount; that, if necessary, the fund would be replenished through a deficiency appropriation. We do that right along.

Mr. O'CONNOR. In other words, Congress will again have to act upon the matter.

Mr. ENGEL. We have deficiency bills during every session of Congress. This money will not be used up until July 1, 1941, and Congress will be in session beginning January 3, 1941.

Mr. O'CONNOR. The point I am not clear on is just why was this sum taken away from the aged people of this country who need it?

Mr. ENGEL. It was not taken away from the aged people of this country. It is not going to affect the pension of one aged person. It is just a question of who is right in the estimate. We looked into the situation carefully and came to our conclusion that the amount provided by the bill is adequate.

Mr. O'CONNOR. If I may make this observation, it seems to me that if there is a doubt in the mind of the committee, it should have been resolved in favor of the aged people.

Mr. ENGEL. There was no doubt in the mind of the committee at all.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. LEAVY. Suppose a Congress should be elected this fall that is hostile to this whole social-security program and should refuse to make a deficiency appropriation, if the judgment of the present Subcommittee on Appropriations proves to be wrong?

Mr. ENGEL. If that kind of Congress should be elected, they probably would repeal the whole Social Security Act and would not do anything for it.

Mr. LEAVY. The gentleman is not fearful of that occurring?

Mr. ENGEL. I am not worrying about that at all. I am concerned about the soundness and wisdom of the committee's action in handling the items in this bill. This will not affect the pension of a single aged person. If I thought it would, I would not be for it, because I am most sympathetic with the needy aged. Let me say in passing that the entire membership of this subcommittee is sympathetic toward old-age pensions and care of the aged. There is not one member of the committee that is not sympathetic with them. We want them to get everything they are entitled to.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield for a short observation?

Mr. ENGEL. I yield.

Mr. O'CONNOR. In the questions I asked I was not impugning any desire on the part of the gentleman from Michigan to cut down old-age pensions, because I know the gentleman is sympathetic to the program; but I do think that the action of the committee is subject to criticism in taking a part away from them and putting up to a future Congress the question as to whether or not the fund will be made up.

Mr. ENGEL. If we were to operate on the theory that the Committee on Appropriations should always recommend the appropriation of money beyond the amount that in its judgment is needed, we would bring in bills carrying twice the amount they should carry.

The gentleman says that I criticized the Social Security Board. I did; but I want to say that the responsibility is not that of the Board, nor of Mr. Altmeyer alone; the responsibility is yours and mine for turning funds over in lump sums to the extent of hundreds of millions of dollars. You turned over $2,500,000,000 in the last 7 years to the C. C. C. organization in lump sums of $250,000,000 and $300,000,000.

Mr. O'CONNOR. Then why does not the committee earmark funds so as to prevent just such occurrences? I feel, knowing the gentleman for his fairness, that he personally would be in favor of such action.

Mr. ENGEL. The gentleman will find that in the short time at the disposal of the committee to conduct hearings on matters of such great extent and ramification it is impossible to earmark funds dollar for dollar unless it has been done from the very beginning of the hearings in the Bureau of the Budget. The gentleman will find that stated in the report.

Mr. O'CONNOR. When is the committee going to start to do that? I think it ought to be done. Administration costs should be cut to enable those sought to be benefited would secure a more just share, and I know the gentleman would favor that action.

Mr. ENGEL. The bill provides that expenditures under the several classes of objects of expenditures for which this appropriation is available shall not exceed by more than 10 percent the amounts estimated for such items in the Budget.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I have yielded so much of my time and have so much ground to cover that I regret not to be able to yield further. I cannot yield.

I wish now to address myself to the matter of cars owned by the various agencies which come under the bill.

In going through the departments I asked for a report of all the cars owned by the various agencies which come under the bill—whether those cars were pooled or not pooled, the number of stenographers, and how many operated in the pool and how many were assigned individually. I also endeavored to learn whether or not automobiles were properly marked as required by law, and whether they were being used for personal and private use as prohibited by law. You will find rather interesting testimony on page 858, part 2, of the hearings. I asked Mr. Collins, the Budget officer for the Federal Security Agency, to furnish me with records, and prior to entering the committee room, in order to shorten the record, I discussed with him the question as to whether and to what extent bureaus and agencies under the Federal Security Agency were complying with the law. After considerable hesitation and reluctance, which, of course, came naturally, Mr. Collins showed me the correspondence which you will find on pages 858 and 859 of the hearings, pertaining to the lettering of official cars.

The C. C. C. cars operated in the Department of Agriculture and in the Department of the Interior are purchased with C. C. C. funds, and Mr. McNutt is charged with the responsibility of seeing that those cars are properly marked. In this matter I have no jurisdiction and no desire to enter into any question pertaining to the Department of the Interior and Department of Agriculture only insofar as these C. C. C. cars are concerned. This subcommittee is responsible for the appropriation for the purchase and operation of these cars and for its personnel. I found that these C. C. C. cars assigned to the Department of the Interior, in my judgment, were not properly marked as required by law. I call attention to the testimony on page 857:

Mr. ENGEL. Are all the cars that you have marked plainly for the Social Security Board and the Federal Security Agency, Mr. Collins?

Mr. COLLINS. Yes, sir. We got out a circular on November 30, 1939, calling attention to the provisions in the Treasury-Post Office bill which prohibits the use of Government cars for personal purposes. We also cited the code provision which requires that the name of the establishment be conspicuously painted on the cars. So far as I can learn, those provisions are being observed. We did, however, have a little difficulty with the C. C. C. cooperating Departments, Interior and Agriculture, misconstruing our circular as requiring additional painting being put on the cars, and the Secretary of the Interior objected also on the ground that the painting on the doors of the cars made them too conspicuous, so that their use after regular hours for official purposes might easily be misconstrued. The contention of the Interior Department is that the use of official tags, without painting of any kind on the body of the cars, should be sufficient.

Mr. ENGEL. Official tags without painting.

Mr. COLLINS. Without painting on the cars. That question is still up with the Interior Department. The Secretary of the In-

terior wrote the Administrator to the effect that he did not believe it would serve any useful purpose having painting put on the doors, in view of the fact that they had the official tags on the cars.

Mr. ENGEL. He wrote to the Administrator.

Mr. COLLINS. Yes. The letter was actually addressed to Mr. McEntee, Director of the C. C. C.

Mr. ENGEL. What does the Interior Department have to do with it?

Mr. COLLINS. This is in connection with the C. C. C. cars.

Mr. ENGEL. Does the Agriculture Department comply with that order?

Mr. COLLINS. The Agriculture Department is complying with it so far as we know, but the Secretary of the Interior wrote he did not think it was advisable, but there was too much room for misunderstanding where the cars were used outside of office hours on official business.

Mr. ENGEL. In other words, he didn't want the cars identified; and if they were identified, there might be some public reaction.

Mr. COLLINS. In justice to the Interior Department I might read exactly what they wrote.

Mr. ENGEL. I would be glad to have you do that.

Mr. COLLINS (reading from letter). "I object, in the first place, to any lettering being painted upon the body of passenger cars used by employees of this Department and, secondly, I object to the omission of the name of the Department of the Interior. Of ccurse, I have no particular objection to adding 'Federal Security Agency' to the lettering on the present special license tags which are now in use, and which identify the vehicle as Government-owned. If the lettering is to notify taxpayers that the car is an official one and is used for official business only, it can be done less conspicuously. The proposed lettering would undoubtedly prove embarrassing to many of our employees who must use their cars after regular working hours on official business in making important contacts, but the use of which might be misinterpreted by a casual observer. I use official Government cars on which purposely there is no lettering except the license tag, and I do not see why the employees of the Department of the Interior, even though paid from C. C. C. funds, should be inflicted with a form of advertising which I find objectionable for myself."

Mr. SHEPPARD. Who signed that letter?

Mr. COLLINS. It is signed by Harold L. Ickes.

Mr. ENGEL. Doesn't the law require him to mark it plainly? Have you a copy of the law there?

Mr. COLLINS. The circular quoted the law.

Mr. ENGEL. The circular issued by whom?

Mr. COLLINS. By the Federal Security Agency?

Mr. ENGEL. Read the circular—the law, I mean.

Mr. COLLINS (reading). "No part of any money appropriated by any act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle * * * for the personal or official use of any officer or employee of any of the executive departments or other Government establishments at Washington, D. C., unless * * * all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the executive department or other branch of the public service to which the same belong, and in the service of which the same are used."

Mr. TARVER. I want to know how any department of the Government gets around that requirement of the law, and how you can use any funds for the operation and the maintenance of these vehicles in any department without complying with the law?

Mr. COLLINS. As I read the law, the money is not available for operating these cars unless they are painted.

Mr. TARVER. And as a matter of fact they are not, in the Interior Department, so painted.

Mr. COLLINS. The Interior Department contends that the official tag "Department of the Interior" is sufficient.

Mr. TARVER. But its contention in that respect is patently erroneous. I am just wondering whether or not the Interior Department is disregarding the law. Is it, as a matter of fact, disregarding the law?

Mr. COLLINS. I only have this letter from Secretary Ickes.

Mr. TARVER. What about the Civilian Conservation Corps funds administered by the Interior Department?

Mr. COLLINS. The question arose because of the issuance of this circular by the Federal Security Agency, calling attention to the two provisions of the law and designating the type of painting that should be placed on cars that did not carry painting at the present time. After a meeting with the director of the Civilian Conservation Corps this circular was passed out for compliance insofar as cars or equipment purchased from the C. C. C. funds was concerned, and the response was that which I have just read.

Mr. TARVER. Of course, the Secretary objects to the law, but that does not have any effect, that does not change the law, and I am wondering whether or not the law has been carried out in the Civilian Conservation Corps motor equipment, in the Civilian Conservation Corps acting under the jurisdiction of the Department of the Interior.

Mr. COLLINS. Well, it would appear from this reply of the Secretary of the Interior that so far as passenger cars are involved it is not being complied with.

Mr. TARVER. How is he getting the money which is not available unless the requirement is met?

Mr. COLLINS. You will recall when the Civilian Conservation Corps estimates were under consideration, it was shown that a large sum of money is transferred for expenditure under the supervision of the Department of the Interior, and they are enabled to purchase their equipment in that way.

Mr. TARVER. But the Comptroller General should be notified that they are not complying with that requirement made by Congress, in which event those funds would not be available.

Mr. COLLINS. That is correct.

Mr. TARVER. I am wondering if it isn't your duty, on account of the position you hold with the Federal Security Agency, to call that matter to the attention of the Comptroller General.

Mr. COLLINS. The matter has not yet been disposed of with the Interior Department. It will be further discussed with the Interior Department to the end that all cars will be properly marked. When the discussion was first had with the cooperating departments, they reached the conclusion that the Federal Security Agency was requiring a lot of painting to go on the cars in addition to the painting already on the different types of automotive equipment. "Federal Security Agency, Civilian Conservation Corps, official" was what we suggested to go on the cars.

Mr. TARVER. But this restriction as to the use of money carried in the appropriation bill for the operation and maintenance of motor equipment has been effective throughout this fiscal year, has it not?

Mr. COLLINS. That is taken from the code. This law has been in effect for a great many years.

Mr. TARVER. How have they been able to get money without having their cars marked as required by law?

Mr. COLLINS. If the Department of the Interior purchased an automobile and did not paint it, unless the Comptroller General sent a representative to investigate, the matter would not be brought to light. If you saw a car on the street unpainted, unless you looked at the official tag, you could not identify it as a Government automobile.

Mr. TARVER. In other words, they were using the funds in violation of the law.

Mr. COLLINS. That is my opinion.

Mr. SHEPPARD. They have a legal department down there to keep the Department posted as to the enactments by the Congress, do they not?

Mr. COLLINS. Yes.

Mr. SHEPPARD. Is there any excuse that you know of as to why there should not be a proper compliance with that law?

Mr. COLLINS. Not that I know of.

I feel that Mr. Collins was placed in rather a difficult position, but his testimony was absolutely fair, and I want to commend him for the courage he had in furnishing this committee with the facts upon request.

OFFICE OF EDUCATION—FILM SERVICE

Time does not permit me to discuss fully either this or the remaining departments. I can only point to the high spots. You will find on page 284, part 2, of the hearings some interesting facts. The President allocated $331,000 for this service which is now under the Office of Education. This money was all emergency and relief money, and not one dime was spent for relief. You will find on page 299 the testimony of Mr. Mercey, Assistant Director of Film Service, as follows:

Mr. ENGEL. This $331,000 is W. P. A. and P. W. A. money?

Mr. MERCEY. For the most part that is correct.

Mr. ENGEL. You didn't hire any W. P. A. labor on it at all, did you?

Mr. MERCEY. We didn't hire relief workers as such.

Mr. ENGEL. In other words, this $331,000 did not go for the purpose for which Congress appropriated it, that is, for relief, did it, or for W. P. A. workers, people who were in need? It did not go for that purpose, did it?

Mr. MERCEY. There are a good many extenuating justifications that might be made——

Mr. ENGEL. Wait a minute. Please answer. It did not go for that purpose, did it? You can justify it if you want to. It did not, did it?

Mr. MERCEY. If you answer it strictly, I should say that you are quite correct.

Mr. ENGEL. And out of this $331,000 you paid these per diem employees. How much per diem did you pay out?

Mr. MERCEY. I don't have that figure.

Mr. ENGEL. How much did they get per day?

Mr. MERCEY. Our per diem people receive from $5 to $25 per day.

Mr. ENGEL. From $5 to $25 per day?

Mr. MERCEY. That is correct.

Mr. ENGEL. Plus expenses?

Mr. MERCEY. Plus traveling expenses, yes, which is the regular Government traveling expense—subsistence.

Mr. ENGEL. That was paid out of these funds?

Mr. MERCEY. That is correct.

You will find on pages 290, 291, 292, and 293 a table showing the positions and the amount that each person received out of this relief money. On page 290 you will find that the director received a salary of $10,000. The production consultant and technical consultant received $9,000 a year each. Each of their salaries were $25 per day when actually employed. A chief of photo research received $4,600 a year. A

motion-picture director received $25 per diem or an aggregate sum of $4,350. Another motion-picture director in the A. A. A. received $5,900 working on a $25 per diem basis.

I learned of a picture which this agency made called The Fight for Life. Mr. Mercey testified, on page 300 of the hearings, that this picture cost $150,000. I have an itemized statement furnished me by the Service showing that it cost $178,000. I call attention to the further testimony, on page 300, which reads as follows:

Mr. ENGEL. Were those films that you took, showing the bad housing conditions, taken from actual life?
Mr. MERCEY. Yes, sir.
Mr. ENGEL. Were those people who were walking around actors, or were they people that you just got out there to take their picture?
Mr. MERCEY. We employed in the production of that picture seven professional actors, who played the principal parts.
Mr. ENGEL. What I mean is, in taking the picture, the people who were walking around those houses back and forth.
Mr. MERCEY. Well, many of them.
Mr. ENGEL. For instance, you have in that picture a scene of people going to a garbage can and taking out food. Were those people actually going there, or were they actors playing that part?
Mr. MERCEY. I will have to ask our production manager, Mr. Atkins.
Mr. ATKINS. Those are actual documentary scenes. They were not staged.
Mr. ENGEL. They were not staged? The people actually went there and got that food out of the garbage can?
Mr. ATKINS. That is true.
Mr. ENGEL. I am amazed.
Mr. HOUSTON. I have seen that right here in Washington in the last 18 months.
Mr. ENGEL. I am amazed to learn that after 7 years of the abundant life under the New Deal we still have people eating out of garbage cans.

I am not discussing the picture. Personally, I saw nothing objectionable. However, I am criticizing the spending of $178,000 of relief money for one picture, paying salaries of $5,000, $9,000, and $10,000 per year out of relief money for a film service, not one dollar of which went to any person on relief. Is it not strange that after 7 years of the New Deal, after spending $60,000,000,000 of the taxpayers' money, after trying all the quack remedies under the sun, we should take $178,000 of relief money which Congress set aside to feed the hungry and clothe the naked and make a picture in order that we might tell those people that after 7 years of the abundant life under the New Deal they are still eating out of garbage cans?

WAGE AND HOUR DIVISION

I do not have time to discuss the Wage and Hour Division or to go into it in detail. Many Members of this House, including myself, were very much disturbed over the opinions of the legal department of the Wage and Hour Division interpreting that act of Congress, particularly as it pertains to the area of production. You will find in the hearings the complete examination on the subject, by the gentleman from Wisconsin [Mr. KEEFE] and me, of Mr. McNulty, the chief counsel.

In going through this department I naturally made inquiries about the Legal Division. I was amazed to learn that the man who is in charge of the department which writes the legal opinions interpreting this law, including the opinions interpreting the area-of-production clause—opinions which affect every industry from United States Steel down to the little farmer's warehouse on the corner—that man is 29 years old, was graduated from Harvard Law School in 1935, had been out of school for 4 years, and was placed in charge of this most important department.

Mr. O'CONNOR. At that point, may I ask, does this gentleman you have referred to—the young lawyer—have to try any lawsuits in connection with carrying on the affairs of the department?

Mr. ENGEL. No; but he has to construe the laws. Let me be frank. I have potato warehouses and bean warehouses in my district. Here is a farmer who grows potatoes or beans on an 80-acre farm. He takes those potatoes or beans in a wagon with steel tires and an old team 3 miles to a farmer warehouse owned by farmers in a town of 150 people, and because that warehouse has more than 7 employees they say that warehouse is not in the area of production—that Congress did not intend to exempt that case. For heaven's sake, if Congress did not intend to exempt that warehouse, what did it intend to exempt? Those are the kind of opinions you get, and you have hundreds of them. The Secretary of Labor referred to other cases. I call your attention to page 416, part 1, of the hearings, which reads, in part, as follows:

Mr. ENGEL. On page 33 of your justifications, you have the legal branch, opinion section. You have there an assistant general counsel at $6,500. That is a man who has charge of the opinion section of the Legal Division; is that correct?
Mr. MCNULTY. That is correct.
Mr. ENGEL. What is his name?
Mr. MCNULTY. Joseph Rauh.
Mr. ENGEL. How old is he?
Mr. MCNULTY. Twenty-nine, I believe.
Mr. ENGEL. He told me he was 29 years old. He was graduated from the Harvard Law School in 1935. What legal experience did he have since graduating from the law school?
Mr. MCNULTY. I think he first came to the Securities and Exchange Commission. Then he was a law clerk or secretary, whatever it is called, to Mr. Justice Cardozo.

On page 417 you will find his record. He was a law clerk to Justice Cardozo for about 18 months. He was law clerk to Justice Frankfurter for 1 month. On February 26, 1939, he came to the Wage and Hour Division as chief of the opinion section of the legal branch, and on June 30, 1939, 4 years after he was graduated, he was made assistant general counsel of the Wage and Hour Division at a salary of $6,500 and placed in charge of the opinion section. On page 417 you will also find the following testimony:

Mr. ENGEL. Has this man ever tried a lawsuit?
Mr. MCNULTY. No.

There is no doubt but that this is a bright young man, perhaps a brilliant young man, idealistic; but what we need in the opinion section of the Wage and Hour Division is somebody with a little realism and less idealism, and I submit that regardless as to this man's training or mind, no man 29 years old, out of law school 4 years, who has never tried a lawsuit, ought to be put in charge of a department which so vitally affects not only the various industries and corporations in the country but affects millions of farmers, their employees, and workers. I submit that a man of his age, brilliant though he may be, does not have that mature judgment that comes only with age, that one must have to handle this difficult department.

NATIONAL YOUTH ADMINISTRATION

I went through the National Youth Administration, and while I was not able to complete the work there because of lack of time, I have some interesting facts. I found there, a teletype pounding away, giving the news of the country. I asked Mr. Williams' assistant in just what way that teletype helped to serve the boys and girls in your district and in my district. I found no answer. When Mr. Williams appeared before the committee, I asked him the question as appears on page 621 of the hearings, part 2:

Mr. ENGEL. In what way does the use of the teletype help to give service to the students down in the country?
Mr. WILLIAMS. I think one could defend the teletype, but I am not going to make any attempt to. I will just tell you without attempting to argue that I have discontinued it.
Mr. TARVER. Then you ought to save $900 there?
Mr. WILLIAMS. Yes.

Mr. Chairman, $900 saved in this one little item will pay $15 a month for 10 months in the year to six boys or girls going to school.

Again, I asked each department to furnish me with a list of the cars that they had, together with any other information. The N. Y. A. had furnished me with the name of a Ford, Chevrolet, and a Pontiac. Imagine my amazement and surprise when, in walking across from the new to the Old House Office Building, I found a beautiful new Packard parked at the curb, with a colored chauffeur at the wheel. On the door was painted the name "Federal Security Agency, National Youth Administration." I asked the chauffeur whose car it was. He told me that it was Mr. Williams' car.

In the testimony, on page 364, Mr. Williams testified that he thought he was buying a Buick but when the car arrived, it was a Packard; that he paid $722 for the car, and that the

delivery price was not in excess of $1,200. I, of course, do not question that testimony, but I am wondering whether he got the colored chauffeur who sat in the car for half price.

I drive a 1938 Ford. If you will examine it carefully, you will not find any colored chauffeur at the wheel. If you will look at the cars parked in front of the office buildings, you will find that very few Members of Congress have Packards, and certainly few of them have chauffeurs. They drive their own cars. This chauffeur undoubtedly gets from $1,200 to $1,400 a year. A salary of $1,200 a year, not including expenses, will pay $15 a month to 8 boys or 8 girls for 10 months while they are attending school. It is their money we are spending. I would suggest to Mr. Williams that he apply the same principle to the chauffeur that he applied to the teletype and save another $1,200.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. O'CONNOR. In the gentleman's reference to cars operated by the C. C. C. and other agencies he referred to cars of subordinate officials being driven by chauffeurs.

Mr. ENGEL. Yes. I drive a 1938 Ford. If these men I refer to are being driven around by chauffeurs, they should not be.

Mr. O'CONNOR. Will the gentleman state just what he means by that?

Mr. ENGEL. He is not a Cabinet member.

Mr. O'CONNOR. But he is an officer of the Government.

Mr. ENGEL. But that is no reason why he should be furnished a chauffeur.

Mr. O'CONNOR. The gentleman is right, and I am not defending the practice. I am simply trying to show it is a practice that is followed which should be stopped.

Mr. ENGEL. The cost of the teletype and chauffeur comes out of the boys and girls of the country.

Mr. O'CONNOR. And that practice should be stopped.

Mr. ENGEL. Absolutely.

Mr. O'CONNOR. It seems to me it is the committee's duty to stop it by earmarking the funds.

Mr. ENGEL. I am sorry that time did not permit me to go into this department in more detail. I was impressed, however, with Mr. Williams' willingness to adopt suggestions made by the committee. These two items are small and perhaps of little importance, but I hope that it is not typical of other matters in the department. [Applause.]

Mr. ENGEL was granted leave to include in his remarks certain tables compiled by himself. Also, Mr. ENGEL was granted leave to extend his remarks in the RECORD.

Mr. SHEPPARD. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. ELLIS].

Mr. ELLIS. Mr. Chairman, what I shall say will deal mostly with the Civilian Conservation Corps. I think that in all of the 7 years of the New Deal nothing has been thought out and inaugurated that has more completely met the overwhelming approval of the American people than the C. C. C. Its benefits are both direct and indirect; its benefits are both immediate and remote; its benefits no doubt will be felt even in the next half of this century.

Mr. Chairman, we have today in this country, 1,500 C. C. C. camps located in every State of the Union. Last year we appropriated for the Conservation Corps $295,000,000. With that figure we accommodated, roughly, 300,000 enrollees in this country. This year, under the estimates submitted to the committee, it is anticipated there will be 1,227 C. C. C. camps compared with the present 1,500. Of course, I know the committee has figured out that 55 camps more may be operated by reducing the overhead. The expenditure is $230,000,000 compared with $295,000,000, and the number of enrollees to be accommodated this year will be 245,400 compared with 304,000 during the present year.

Breaking this down into percentages, we find that the $230,000,000 which stands as the figure in this bill, is 77.9 percent of the $295,000,000 appropriated last year; but we find that the number of enrollees that will be taken care of under the present bill compared with last year's bill in percentage is not 77.9 but 70.2 percent. In other words, Mr. Chairman, we are taking a bigger cut off the boys in these camps by, roughly, 8 percent than we are taking off of the top of the structure. Surely no one can argue that is fair, if the present system has been working well, and we think it has been. I am sure the same thing has happened to you, Mr. Chairman, that has happened to me and to every Member of Congress. Since the reduction became known you have been receiving requests from your States and districts asking you to restore the cut. Members of the Senate have been receiving those same requests, and the Department has been receiving them. The reason is that the American people do not favor this reduction in the C. C. C.

The State of Arkansas passed a resolution, the State Planning Board of Arkansas and the State Parks Commission of Arkansas passed a resolution, requesting that Congress or the administration, as the case may be, see to it that these proposed reductions in the C. C. C. will be proportionate with the camps instead of eliminating enough camps to take up the reduction, which seems to be a fair proposition.

The day before yesterday I introduced a bill, H. R. 8975, to do that very thing. If I could properly offer such an amendment to this bill without its being subject to a point of order I would certainly do so. You and I would not contend, if we were going to cut relief half in two or cut off 22 percent, as is being done in this bill, that we should cut off relief entirely in some counties and continue the status quo in other counties. We would not contend that. I hope that someone will offer an amendment; and if no one else does, I believe that before the consideration of this bill is completed I shall do so, to increase this item $50,000,000. I understand from talking with the Director of the C. C. C. that $50,000,000 would do the job. This would still be $10,000,000 under the present figure, but he believes they could get by on $50,000,000 and leave intact all the camps that are now in existence.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. I yield to the gentleman from Montana.

Mr. O'CONNOR. May I say that the gentleman is making a very fine and informative speech in support of the C. C. C. camps.

Mr. ELLIS. I thank the gentleman.

Mr. O'CONNOR. I believe the C. C. C. camps have made more lasting and beneficial improvements than have been made by any other department in connection with conservation and relief work. May I say to the gentleman that if he or any other Member offers an amendment such as he suggests I shall give it my hearty support.

Mr. ELLIS. I thank the gentleman.

Along the line of what the gentleman was speaking of, may I read from the report of the committee some of the things of value which the committee states the C. C. C. has done in this country? The committee states that the C. C. C. has planted in this country more than 1,700,000,000 forest trees. Surely that is adding tremendously to the wealth of this Nation. It is not an expenditure; it is a capital investment.

Mr. O'CONNOR. If the gentleman will yield further, may I point out that I have had the personal experience of seeing great forest fires raging in the forests of my own State and being eventually put out by the C. C. C. boys, who were driven in there by Army trucks, and did that work at the risk of their lives. By doing this they saved a tremendous amount of capital wealth to the country in the form of these great and magnificent virgin forests.

Mr. ELLIS. The gentleman from Montana has in his State a number of these forest camps, I believe fifty-some altogether, camps of all different branches of the Government. The committee has listed the very activity of which the gentleman speaks as one of the great values of the C. C. C. The committee says that fire-hazard reduction has been prosecuted on nearly 2,000,000 acres, that 75,000 miles of telephone lines have been constructed, I presume mostly in the forests, and that 109,000 miles of truck trails and minor trails have been completed, with nearly 500,000 miles maintained. The committee also states that saving-check dams numbering nearly 5,000,000 have been built to prevent erosion. Think of it; 5,000,000 saving-check dams. This again adds to the capital wealth of this Nation and is not an expenditure. I believe we all agree that the total cost of the C. C. C. in this country

when offset by the values which it has added to the wealth of this Nation is nothing.

Some of these days the boys and girls who are of the age of the boys now in these camps are going to take over this country, and some of these days we are going to see youth movements in this country much like those on the continent of Europe unless we do something about the boys who are today unemployed.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The gentleman uses the phrase "some of these days." Does not the gentleman believe that when in the future we read the biographies of some of our great men of the future we will find that in their early days they put in time at a C. C. C. camp? Just as we read in the biographies today of men who were Spanish-American War veterans and turned out to be great businessmen; are we not making great businessmen and great leaders in these C. C. C. camps?

Mr. ELLIS. Yes, indeed. I also believe, I may say to the gentleman, that if the day ever comes in this country when the boys who are today walking the streets, and have nothing to do and cannot find anything to do, get in the majority, that is the day American democracy will no longer be safe.

Mr. WHITE of Idaho. Does not the gentleman believe it is a great education in itself for these boys to be transported from the cities to the newly developed sections of the country where they can learn to build roads and learn to crib and handle timber and do other useful things, such as running rock drills? I may say to the gentleman that in my section men who learned to run rock drills in the C. C. C. camps are now in demand in the mines at $5 a day, and the employers are glad to get them. I can cite one case where five boys have gone out of the camps and have been taken in as expert machine drillers by the mines of Idaho.

Mr. ELLIS. What the gentleman says is in partial answer to the statements of the gentleman who preceded me, who was talking about the overhead of experts in these camps. I sincerely believe it would do no good at all toward helping these boys get along in the world merely to segregate them in camps and keep them there and pay them so much a month. They would be worse off when they came out, perhaps. But when you put men in these camps who are trained, who are expert carpenters, expert concrete mixers, expert steel workers, experts in every line, under whom the boys may learn a trade, then you are helping to educate these boys and make them useful citizens, and they will not join Communist movements in this country.

Mr. WHITE of Idaho. It is my observation that the practical men who go out and handle these boys and teach them to operate machinery and follow other trades are of more value to the rising generation than are some of our highest-paid college professors.

Mr. ELLIS. They are doing a great work.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield for another observation?

Mr. ELLIS. Yes.

Mr. O'CONNOR. The Government of the United States is spending a tremendous amount of money for the purpose of conservation of our natural resources. I have observed the work of these C. C. C. boys, particularly in the forests. They are employed along the line of building roads in the forests, marking out and building trails in virgin forests, the purpose of this being to enable people to get into the forests during these great forest fires, so as to put out the fires and save these great millions of acres of fine timber in the forest regions. Now, it seems to me it is penny wise and pound foolish to curtail this expenditure or to cut down this appropriation, thereby taking the chance of losing the millions of acres of splendid forest trees. We are getting more than value received for this outlay of money.

Mr. ELLIS. I thank the gentleman for his contribution.

In conclusion, I think we have done the same thing with N. Y. A. that we have done with the C. C. C. We have made an unwise reduction. They, too, like the C. C. C., have done a great work in this country. Much has been done to help the youth of this Nation, much has been done to stabilize the unrest that did exist and will still exist among the youth.

I am sure the administration was sincere in recommending this cut, I am sure the committee was wholly sincere in recommending the cut, but I am also sure that if you and I feel that it is the overwhelming opinion of the American people whom we represent that these agencies should not be thus reduced, then it becomes our duty to endeavor to retain them at the proper status without these drastic reductions. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, the American people will be astonished and shocked to learn of the existence of a joint agreement between the United States and Great Britain—secretly negotiated and relating to joint control over strategically located islands in the Pacific Ocean—which in its implications amounts to a political alliance of far-reaching and dangerous consequences.

The agreement relates to the Canton and Enderbury Islands of the Phoenix group located some 1,912 miles southwest of Hawaii and some 1,316 miles southeast of the Japanese mandated islands.

The agreement, which has the force and effect of a treaty and by its terms is to endure for 50 years, is the fruit of a controversy between Great Britain and ourselves with respect to the ownership of these islands and rests upon diplomatic interchanges between the two Governments which have never been made public, and which the State Department now refuses to disclose to Members of Congress.

The facts evidence that President Roosevelt and Secretary of State Hull have been guilty of collusive action in entering into this alliance with Great Britain in relation to these islands, and that secret diplomacy has dominated the situation from start to finish.

In March, 1937 the British Government took formal and legal possession of these islands. A year later, after our State Department had had secret correspondence with Great Britain, the United States, according to the press, seized the islands, asserting ownership.

It is manifestly absurd, in view of Secretary Hull's repeatedly declared policy of "parallel action" with Great Britain, to suppose that the United States seized these islands claimed by Great Britain, which act in itself was an act of war, without some previous understanding with Great Britain.

Here was a situation of conflicting claims of ownership which obviously called for arbitration, and had good faith and honesty of purpose governed the action of the United States arbitration would have been sought; but instead there was more secret negotiation with Great Britain, and in August, 1938 the issuance of a joint communiqué which announced that the two Governments had "agreed to set up a regime for the use in common of these islands."

The next step, so far as the public is concerned, was the exchange of joint notes in April, 1939 between Secretary of State Hull and the British Ambassador which purported to recite an agreement respecting the joint control of the two Governments over these two islands for civil aviation. One of the vices of this agreement was the provision whereby the two Governments may secretly agree to use the islands for any other purpose.

If an enemy of Great Britain should attack these islands, the United States, having joint control over them, would have to join Great Britain in their defense, thereby becoming involved in war. Such an arrangement constitutes not only a political alliance but, what is more, a military alliance, inasmuch as even the armament of the islands could be agreed upon secretly by the two Governments.

The United States has no such arrangement with any other nation.

The United States is being deliberately entangled in Asia for British political purposes. British economic interests in Asia are 10 times greater than those of the United States.

This alliance was closely followed by our notice to Japan of termination of treaty relations, a move manifestly in ac-

cord with British policy in the Far East. Now we have threats of embargoes by the United States of trade with Japan and threats by Japan of retaliation, all of which are the seeds of war.

The making of secret commitments which cannot be disclosed to the people or to officials of the Government is the policy of dictators. President Roosevelt and Secretary of State Hull make a fateful mistake if they believe that when loyal Americans, not hyphenated Americans who put British interests ahead of American interests, obtain control of this Government there will not be an investigation of this political alliance and of other political commitments made in the interest of Great Britain.

I shall now read the correspondence between the State Department and myself in relation to Canton and Enderbury Islands:

APRIL 13, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State,
Washington, D. C.

MY DEAR MR. HACKWORTH: I note in the press that there has been an exchange of notes between Secretary Hull and the British Ambassador making a 50-year agreement for "the joint control of the United States and Great Britain" of Canton and Enderbury Islands, part of the Phoenix group of coral islands lying midway between Hawaii and Australia.

Will you kindly give me a short résumé of the facts in the situation which led to this agreement, including advice concerning the discovery of these islands?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, April 21, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: I have your letter of April 13, 1939, in regard to Canton and Enderbury Islands of the Phoenix group in the Pacific Ocean.

I am not in a position to state who were the discoverers of these two islands. However, they were known to American whalers before 1828.

Without entering into details concerning the claim of the United States to the two islands, I may state that Enderbury and Canton, under the name of Mary's, were, along with other islands, included in the lists of guano islands appertaining to the United States issued by the Treasury Department. These lists are printed in Moore's International Law Digest, volume 1, pages 567–568. On December 31, 1859, Lewis Cass, Secretary of State, issued to the Phoenix Guano Co. a guano certificate covering Enderbury and certain other islands. On March 3, 1938, the President by Executive order placed Canton and Enderbury Islands under the control and jurisdiction of the Secretary of the Interior for administrative purposes.

The British Government has also claimed jurisdiction over these two and other islands in the Phoenix group, and the British order in council of March 18, 1937, provided for the ncorporation of the islands in the Gilbert and Ellice Island colony. This Government has not acceded to the British claims. In view of their conflicting claims, the two Governments, by an exchange of notes on April 6, 1939, agreed, without prejudice to their respective claims to Canton and Enderbury Islands, to a joint control over these two islands.

A copy of the Department's press release, No. 129, of April 6, 1939, containing the text of this agreement is enclosed.

Sincerely yours,

GREEN H. HACKWORTH,
Legal Adviser.

(Enclosure: Press release No. 129.)

MAY 31, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I trust you will excuse my delay in thanking you for your communication of April 21 in regard to Canton and Enderbury Islands of the Phoenix group in the Pacific Ocean (your reference Le 811.0141 Phoenix group/122).

In your letter you refer to a list of guano islands printed in Moore's International Law Digest, volume 1, pages 567–568. The list of guano islands in Moore's International Law Digest is followed by detailed information concerning various islands as to which correspondence had taken place. There does not appear to have been any international discussion regarding the islands particularly mentioned above at the time of the publication of the Digest of International Law in 1906. Were there any international discussions regarding these islands previous to the recent discussions which resulted in the agreement of "joint control" by the United States and Great Britain? What is the evidence?

In your letter you state: "On March 3, 1938, the President, by Executive order, placed Canton and Enderbury Islands under the control and jurisdiction of the Secretary of the Interior for administrative purposes." But you also state that the British Government by an Order in Council of March 18, 1937, provided for the incorporation of Canton and Enderbury Islands "and other islands in the Phoenix group * * * in the Gilbert and Ellice Island colony." You further state that the Government of the United States "has not acceded to the British claims," but that, in view of their conflicting claims, the two Governments, by an exchange of notes on April 6, 1939, "agreed without prejudice to their respective claims to Canton and Enderbury Islands, to a joint control over these two islands."

Taking these statements as a whole, it appears that the President's Executive order placing Canton and Enderbury Islands "under the control and jurisdiction of the Secretary of the Interior for administrative purposes" was issued a year after the British Government had by Order in Council incorporated them in the Gilbert and Ellice Island colony. My question is: Was any correspondence on the subject exchanged between March 18, 1937, and March 3, 1938? You make no statement in relation to this.

Of course, the British Foreign Office has a copy of Moore's International Law Digest, and those who are familiar with the work and use it may be supposed to know that it contains a list of the islands which are considered as "appertaining to the United States," under the Guano Islands Act of August 18, 1856.

If we assume that the British Government possessed such information, it is natural to infer that it had a particular reason for undertaking to assert sovereignty over the islands in question. Possibly they saw fit to assume that the islands had been abandoned by the United States and took the chances of acting upon that assumption. However, in your letter to me it does not expressly appear that when the Executive order of March 3, 1938, was issued the Department of State was acquainted with the Order in Council of March 18, 1937. Will you kindly inform me whether or not the Department of State was acquainted at that time with the Order in Council of March 18, 1937?

You do not state in your letter to me what is meant by "joint control." Will you kindly elucidate this point?

If the "joint control" is meant for military purposes—and I wish to ask whether or not it is, and if it is alleged that it is not, what prevents it from being so—let me observe that an embarrassing situation might arise in case the parties should not be acting in harmony; and the embarrassment would not be lessened if their interests and their aims should positively conflict. Such a predicament is always possible between parties that are independent and equal.

With appreciation of your kind attention and with cordial personal regards, I remain

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, June 9, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: In response to the inquiries contained in your letter of May 31, received June 6, 1939, concerning Canton and Enderbury Islands, you are informed that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British Order in Council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail.

The nature of the joint control to be exercised over the islands by the two Governments is indicated by the exchange of notes of April 6, 1939, the texts of which are embodied in the Department's press release No. 129 of April 6 last, a copy of which has already been furnished you, but another copy of which is enclosed for your convenience.

You will note that paragraph 5 stipulates that the use of any part of either of the islands or their territorial waters for aviation purposes, except as therein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

Sincerely yours,

GREEN H. HACKWORTH,
Legal Adviser.

(Enclosure: Press release No. 129, April 6, 1939.)

JULY 10, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I regret that the press of many urgent matters has so long delayed my writing you to thank you for your letter of June 9, 1939, concerning Canton and Enderbury Islands (your reference Le 811.0141 Phoenix group/140).

In your letter you stated "that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British Order in Council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail."

May I see the correspondence in question if I come personally to the Department?

Mr. Hull's note of April 6, 1939, proposed an agreement which the British Ambassador's note accepted in the terms in which it was

presented to him; and this agreement, which embraces aviation in the most comprehensive terms, is to last for 50 years. During all those years the islands are to be subject to "a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time." Moreover, while it is specifically provided (pars. 3, 4, 5) that during those 50 years only civil aviation companies incorporated in the United States or in British jurisdiction shall be permitted to use the islands for scheduled air services, yet it is stipulated that the use of them for "any other purpose," aviation or otherwise, shall be the subject of agreement between the two Governments. From this it appears to follow that, as neither Government admits the other's claim of sovereignty over the islands, they have agreed jointly to use them in common, to the exclusion of all other powers. In the papers that have been disclosed there is nothing to show that a third power has advanced a competing claim of title. On the other hand, as each of the two joint users claims title, it would seem logically to follow that if a power at war with only one of them should attack the islands, both would combine to repel the attack, and in this aspect the agreement would in effect operate as an alliance.

With cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, July 25, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: In response to your letter of July 10, 1939, I regret to inform you that exchange of communications with Great Britain with respect to Canton and Enderbury Islands could not be made available for your inspection without the consent of the British Government.

This correspondence does not amplify or modify in any way the information in regard to the joint control over these islands, contained in press releases No. 384 of August 10, 1938, and No. 129 of April 6, 1939, copies of which you already have.

Sincerely yours,

GREEN H. HACKWORTH.

JULY 27, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I thank you for your letter of July 25, 1939, your reference Le 811.0141 Phoenix group/144.

I have before me a map of the Pacific Ocean published in December of 1936 by the National Geographic Society. I note on this map that Christmas Island carries the notation, "United States and Great Britain." Will you please explain what the situation is in relation to this island and how such a connection as that indicated came about, and when?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, August 3, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: I have your letter of July 27, 1939, in which you refer to a map of the Pacific Ocean published in December 1936 by the National Geographic Society on which Christmas Island carries the notation "United States and Great Britain," and request to be informed of the situation with respect to this island.

As you doubtless are aware the National Geographic Society is not a governmental institution and its maps are not official publications of this Government.

According to the Department's information, Christmas Island was discovered by Capt. James Cook, a British subject, on December 24, 1777. Capt. John Stetson, of New Haven, Conn., reported having landed on Christmas Island from the American ship *Equater* on February 15, 1825.

The island has been occupied at various times by American citizens and British subjects. It was first occupied by Americans about 1858 and was bonded as an American guano island on December 29, 1859. Christmas was included in the lists of guano islands issued by the Treasury Department. See in this connection Moore's International Law Digest, volume I, page 567. You may also desire to read the discussion of Christmas Island commencing on page 572 of that volume and also to see the exchange of correspondence referred to therein between the United States and Great Britain concerning this island which is published in the Foreign Relations of the United States 1888, volume 1, pages 712, 713, 727–728.

The island is now reported to be occupied by the Central Pacific Coconut Plantations, Ltd., a British corporation, under a lease from the Brtish Government which grants the use of the island for 87 years from January 1, 1914. By a British Order in Council dated July 30, 1919, the boundaries of the Gilbert and Ellice Islands colony were extended to include Christmas Island. No protest in respect to the British Order in Council of 1919 has been made by the Government of the United States.

Sincerely yours,

GREEN H. HACKWORTH.

AUGUST 5, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I thank you for your letter of August 3, 1939, your reference Le 811.0141 Phoenix Group 144.

May I ask whether there are any other islands than Canton and Enderbury Islands, or any other territory, which are owned in common by Great Britain and the United States?

May I ask you further whether you know of any other similar arrangement in the world, under which islands or territory are under joint ownership or control of two or more countries? Of course, I do not mean islands or territory some or part of which is under the jurisdiction of one country and some or part of which is under the jurisdiction of another country.

With cordial good wishes, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, August 22, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: In the absence of Mr. Hackworth I acknowledge the receipt of your letter dated August 5, 1939, addressed to him, inquiring whether there are any other islands than Canton and Enderbury Islands, or any other territory, which are owned in common by Great Britain and the United States.

As you will note from the copy of the Department's press releases transmitted herewith, the islands of Canton and Enderbury are not "owned in common" by Great Britain and the United States, but provision is made for "a joint control over these islands" by the two Governments. There are no islands or other territory which are owned in common by Great Britain and the United States.

With respect to your inquiry whether there is any other similar arrangement in the world under which islands or territory are under joint ownership or control of two or more countries, you are advised that the New Hebrides are under the joint administration of Great Britain and France, pursuant to the British-French Convention of October 20, 1906, which was superseded by a protocol of August 6, 1914, and extended until modified by common agreement by an exchange of notes of December 15, 1922, and December 25, 1922, between the British and French Governments. Administrative regulations with respect to the New Hebrides were approved by these Governments by an exchange of notes of August 29, 1907, amended by exchanges of notes dated December 15, 1931, and January 31, 1935.

Reference is also made to the British-Egyptian agreements of January 19 and July 10, 1899, which provide for the administration of Sudan. The status of Sudan as a condominium was reaffirmed by article 11 of the British-Egyptian Treaty of August 26, 1936.

You doubtless recall the general act providing for the neutrality and autonomous government of the Samoan Islands concluded at Berlin on June 14, 1889 (26 Stat. 1497), under which Great Britain, Germany, and the United States exercised jurisdiction over these islands. This general act was replaced by the convention respecting the Samoan Islands, concluded on December 2, 1899 (31 Stat. 1878), between the United States, Germany, and Great Britain.

Sincerely yours,

JOSEPH R. BAKER,
Acting Legal Adviser.

(Enclosure: Press releases.)

NOVEMBER 24, 1939.

JOSEPH R. BAKER, Esq.,
Assistant to the Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. BAKER: Please accept my belated thanks for your letter of August 22, written in reply to a letter which I wrote to Mr. Hackworth on August 5 concerning questions in relation to Canton and Enderbury Islands. Had I not been obliged to spend considerable time out of Washington since the receipt of your letter, you would have heard from me much sooner in relation to its contents.

In your letter of August 22 you state that Canton and Enderbury Islands are not "owned in common" by Great Britain and the United States but that Great Britain and the United States agreed to "a joint control" by the two Governments. Your letter fails to show any distinction between common ownership and joint control. If the control does not mean ownership, it would be interesting to know by whom the islands are owned. You would I take it, be reluctant to admit that they are owned by the natives but controlled by Great Britain and the United States, because that would be hardly consistent with the exalted conception of "democracy" of which we now assume to be the glorified champion.

Your letter cites precedents for the assertion of joint control, and among them you mention the Sudan as a "condominium" reaffirmed by a British-Egyptian treaty of August 26, 1936. If you will consult Webster's Dictionary you will find "condominium" defined as "joint dominion or sovereignty," and specifically, in Roman law, as "joint ownership." Similar language will be found in other dictionaries. Moreover, no matter what we may call the joint occupation, it necessarily implies the right and the intention to defend it against the claim of any other power. It can hardly be supposed that if some third power, whether Germany or any other, should de-

mand, not indeed the exclusive control, but a joint control of the islands with the two present occupants, the latter would feel that they were obliged to yield the claim without a fight. We have taken the ground without any physical occupation of the Latin American countries that we would defend them by force against occupation by any European power. I fancy that we should not have supposed our claim of protection and defense to be weakened if we had induced some other power to share the burden with us, or if we ourselves had actually assumed control of them.

You will understand the pertinency of the foregoing observations if you will read my earlier correspondence with Mr. Hackworth in relation to these islands.

With kindest regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, December 2, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: I have read with interest your letter of November 24, 1939, addressed to Mr. Joseph R. Baker in further relation to Canton and Enderbury Islands.

As you of course are aware, sovereignty and ownership are not synonymous terms. A State may have sovereignty over territory privately owned and even over territory owned by aliens. There has been no discussion regarding the actual ownership of the land comprising the islands in question. As heretofore indicated these islands are not owned in common by the United States and Great Britain, but are merely under the joint control or administration of the Governments of the two countries. The present situation is due to the fact that the two Governments having conflicting claims to sovereignty over Canton and Enderbury Islands, as a practical expedient and without prejudice to their respective claims, entered into the arrangement for joint control embodied in the exchange of notes of April 6, 1939, of which you have copies.

Sincerely yours,

GREEN H. HACKWORTH,
Legal Adviser.

DECEMBER 1, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: In your letter of July 25, 1939 (your reference Le 811.0141 Phoenix Group/144), you stated:

"In response to your letter of July 10, 1939, I regret to inform you that exchange of communications with Great Britain with respect to Canton and Enderbury Islands could not be made available for your inspection without the consent of the British Government."

After carefully investigating the matter it is my understanding that prior to 1913 the publication of our diplomatic correspondence was kept up to date; that in our earliest days as a government, even when wars pervaded the entire globe, we published everything, and that we were in a position to do this freely because we had no secret commitments; that the annual publication of our diplomatic correspondence began during our Civil War, and that while that great conflict was going on, as many as four volumes were published in one year, and that their contents candidly and comprehensively covered the entire field of our foreign relations.

It would seem that since the era of "open covenants openly arrived at," proclaimed as an American policy in 1918–19, there have been secret commitments which cannot be disclosed to the people or to officials of the Government. The significance of this situation does not appear to have been grasped either by our people or by those who, as Senators and Representatives, act for them in the Congress. We read and hear the daily prattle about "dictatorships," but a dictatorship is nothing but a system under which an individual in an executive office disposes of the fate of a country and its people as he likes. Consequently, a country in which secret engagements are made, which are not to be disclosed to the legislature or the people without the consent of the other party, is necessarily living under a dictatorial regime. In my opinion, the acceptance of such a situation by the legislature does not mitigate the situation; on the contrary, it seems to me that the submission demonstrates that the legislature has abdicated its functions.

It would appear from the facts that the transaction between Great Britain and the United States with regard to Canton and Enderbury Islands constitutes an alliance; that arbitration, the classic method of settling disputed territorial ownership, has been carefully avoided in this case, just as it would be avoided in the case of a collusive transaction so that the true facts in the situation would not come to light. The apparent desire to conceal the true facts in this matter would seem clearly to support a charge of secret diplomacy. In the circumstances, it seems to me that there should be an independent and thorough examination of the transaction in question by the Congress.

Sincerely yours,

GEORGE HOLDEN TINKHAM.

No. 129

DEPARTMENT OF STATE,
April 6, 1939.

Confidential release for publication at 3 p. m., Eastern standard time, Thursday, April 6, 1939. Not to be previously published, quoted from, or used in any way

On August 11, 1938, the following joint communiqué was issued simultaneously in London and in Washington:

"The Governments of the United States and of the United Kingdom have agreed to set up a regime for the use in common of the islands of Canton and Enderbury in the Phoenix group and for the employment of these islands for purposes connected with international aviation and communication, with equal facilities for each party. The details of the regime will be determined in notes to be exchanged between the two Governments."

The Secretary of State made public today the texts of notes exchanged on Thursday, April 6, 1939, between the Government of the United States and the Government of the United Kingdom defining the future administration of the islands. The texts of the notes are as follows:

NOTE FROM THE SECRETARY OF STATE TO THE BRITISH AMBASSADOR IN WASHINGTON

APRIL 6, 1939.

EXCELLENCY: With reference to recent correspondence between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Canton and Enderbury Islands in the South Pacific Ocean, I have the honor to propose an agreement concerning these islands in the following terms:

1. "The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

2. "The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

3. "The islands shall, during the period of joint control, be subject to a special joint ad hoc regime the details of which shall be determined by the two Governments in consultation from time to time.

4. "The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

5. "The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

6. "An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

7. "The joint control hereby set up shall have a duration of 50 years from this day's date. If no agreement to the contrary is reached before the expiration of that period, the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments."

I have the honor to suggest that if an agreement in the sense of the foregoing paragraphs is acceptable to the Government of the United Kingdom this note and Your Excellency's reply thereto in similar terms shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL.

NOTE FROM THE BRITISH AMBASSADOR TO THE SECRETARY OF STATE

APRIL 6, 1939.

SIR: I have the honor to refer to your note of this day's date proposing an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on the subject of Canton and Enderbury Islands in the following terms:

"1. The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

"2. The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

"3. The islands shall, during the period of joint control, be subject to a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time.

"4. The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

"5. The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

"6. An airport may be constructed and operated on Canton Island by an American company, or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

"7. The joint control hereby set up shall have a duration of 50 years from this day's date. If no agreement to the contrary is reached before the expiration of that period, the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments."

I have the honor to inform you that an agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United Kingdom, and that this note, and your note under reference, will be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

R. C. LINDSAY.

Mr. SHEPPARD. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable CARL A. HATCH, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

I desire also, Mr. Chairman, to direct attention to the Gallup poll, as it appeared in the Washington Post of March 20, 1940. It is not my intention to single out any particular State and refer to it in any way that might be construed as derogatory. The Gallup poll, however, does have to do with the State of Pennsylvania, and it reveals some very interesting and, I believe, significant facts.

For instance, this poll, which has an excellent record for accuracy, shows in 1936 President Roosevelt carried the State with 58 percent of the major party vote cast. In 1938, the poll reveals, the Republican candidates for the House of Representatives polled 53 percent of the major party vote in the congressional elections, to 47 percent for the Democrats, and a Republican Governor was elected with a 54-percent vote. In 1939 the Gallup Institute survey in July showed Democratic strength at 46 percent to 54 percent Republican, a new low level in Democratic strength since President Roosevelt was first inaugurated. Today, the poll shows, sentiment is virtually evenly divided, with 51 percent of the voters favoring a Democratic victory in the Presidential election, and 49 percent a Republican victory. What has brought about this change? Let me say to you, Mr. Chairman, the passage of the Hatch Act did more than any other one factor by restoring the confidence of the people in the Democratic Party and its leadership. By adopting in the House the amendments to the Hatch Act, as they recently passed the Senate, and are now in the House Judiciary Committee, an even greater confidence will be inspired in the public.

What possible valid reason could be given for failure of this House to act favorably upon the amendments now pending? The feeling in some quarters, I understand, is that it will deprive the Democrats of sufficient campaign funds to match those which the Republican Party may be able to obtain. I desire to make a suggestion to the Democrats, which I strongly feel will be helpful. Campaign funds are sought only to be used for increasing the vote for the ticket of a political party. That may result, in a degree, but history has shown repeatedly that any party that can instill confidence in the minds and hearts of the voters is building strength that no campaign fund can offset. Confidence is the greatest possible political asset and I, as one Democrat, am in favor of relying on public confidence and faith rather than on any campaign policy which requires the use of large funds, no matter from what source they may be derived.

In my opinion the attitude of the general public toward this legislation is faithfully reflected through those channels of expression which the public possesses. It is significant, indeed, that virtually every newspaper, every magazine, every radio commentator or reporter in the United States is favorable to this measure. I am equally certain that the great majority of the Members of this House will honestly reflect the sentiment of the public which they represent and vote for the amendments to the Hatch Act in the event this legislation is brought before them for action.

Mr. Chairman, let me call your attention to the situation which exists today in the Work Projects Administration. We all recall the investigation by a subcommittee of the House Appropriations Committee, the resultant scandals in the various States of the Union—there is scarcely a State to which some bad odor did not attach—and this all brought about because Members of the Congress and others insisted upon the appointment of unqualified persons, considered only for political reasons and because they would do the bidding of their political leaders and force certified workers—even their families—to submit to partisan dictates.

With the Hatch Act came a change, and it has been a long time, indeed, since I have heard a single charge of political activity in the W. P. A. Frankly, I know the W. P. A. is doing an honest, clean job, and it is my purpose to do what I can to assist in furthering efficiency and integrity in other agencies.

I can see no objection to Members of Congress, or any other elective officer, recommending an efficient man for a job. I do, however, look with disgust and resentment upon those who dismiss efficient men and women because those men and women will not either do their bidding or kick in to a campaign fund. And this feeling, it has been evidenced, is shared by the general public.

I have been in many States of the Union since the Hatch Act was passed. It has given new life and liberty to Government employees. No longer do they have that feeling of sacrificed rights and freedom denied that formerly existed. Nor do they fear an arbitrary and coercive political assessment on their wages, which means deprivation of their families of some of the comforts and necessities of life. This condition, I am sure, will be reflected when the time comes for them to cast their votes, particularly with regard to those who are responsible for bringing about this desirable change.

It is my desire to bring to the attention of the House the status of these amendments in order that those who are interested in their passage may take such steps as they deem necessary. I, for one, propose to do all within my power to pass the amendments to the Hatch Act, which I know to be essential to good government and political decency in this Nation. [Applause.]

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. KNUTSON. The distinguished gentleman from New Mexico expresses the opinion that some of the Democrats are apprehensive that if the Hatch bill becomes a law, it will be difficult to raise campaign funds. You still have the Diplomatic Service to put on the block, and there is nothing to stop the President from autographing three or four thousand convention books to be sold at $1,000 apiece.

Mr. DEMPSEY. I understood that the gentleman was going to ask me a question, not make a speech.

Mr. KNUTSON. The gentleman's party has so many ways of raising money that I marvel at his modesty.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CREAL. I notice that the distinguished Senator from New Mexico [Mr. HATCH] has further legislation in mind in which he says that he will propose that the Federal Government appropriate money to the two major parties for the campaign, and prohibit all sorts of contributions. I presume, since the gentleman is in touch with his Senator, that he knows that this campaign contribution by the Government would be proportioned upon the basis of the last Presidential vote between the two parties?

Mr. DEMPSEY. Let me say to the gentleman that one job at a time is quite sufficient for me, and before I go into another phase of amending the Hatch Act, I should like first to dispose of that bill which is now in the Judiciary Committee.

Mr. CREAL. But if we knew that this was coming, it would somewhat clear the atmosphere in respect to it.

Mr. DEMPSEY. I do not know that it is coming.

Mr. CREAL. Well, the press has given it out.

Mr. DEMPSEY. The gentleman will have to consult Senator HATCH about that.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. SHEPPARD. Mr. Chairman, I yield the gentleman 3 minutes more.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. FISH. I am glad to see the gentleman is standing for clean government. The gentleman also said in his remarks that he was opposed to the highjacking of Government officials, and making them contribute to campaign funds.

Mr. DEMPSEY. I am now and always have been.

Mr. FISH. I am in thorough accord with the gentleman, as I am in many other matters.

Mr. DEMPSEY. I thank the gentleman.

Mr. FISH. Would the gentleman accept an amendment to the Hatch bill that hereafter would prohibit Government employees from being highjacked to make contributions to future memorial libraries?

Mr. DEMPSEY. Oh, I don't know that Federal employees have been hijacked for that particular purpose.

Mr. FISH. They have been merely assessed?

Mr. DEMPSEY. I don't know that they have been assessed. I think they contributed voluntarily. I think that was a worthy project.

Mr. FISH. And I have just learned now that they will be free of income tax on that account.

Mr. DEMPSEY. I would not know anything about that.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. RANDOLPH. As a sponsor of the bill in the House, would the gentleman be able to say whether in his opinion, when it come to the floor of the House from the Judiciary Committee, it will pass this body?

Mr. DEMPSEY. I am advised by a great many Members on my side of the aisle that it will. Many Members who voted against the original act are in favor of the amendments now.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. HOUSTON. I want to say to the gentleman from New Mexico that I am one Member who is very much in favor of the proposed amendments. I think that unless the Judiciary Committee reports them out within a reasonable length of time the gentleman from New Mexico would be justified in filing a discharge petition on the Speaker's desk, and I would be glad to sign the petition.

Mr. DEMPSEY. I thank the gentleman very much.

Mr. Chairman, I yield back the balance of my time.

Mr. KEEFE. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I am fortunate this afternoon in having chosen this occasion to speak because there are a lot of Members here waiting to speak. If it were not for that, I doubt if anybody would be here. [Laughter.]

On the bill now before the Committee for consideration there cannot be very much debate. On several features of it I think we are all agreed. For one, we all agree that the C. C. C. camps perform and have been performing very useful services—that they have proven the best thing that could have been done at the time. I think we are all agreed that aid to the blind and crippled is a good thing. We all agree in the health-service program. There seems to be only one subject involved on which there is great agitation in this country. There is a division of opinion as to whether our social security for the aged has been anything other than a mere dole handed out to the aged. It is my firm opinion from my experience in the Western States that if we had made no provision for the aged at all under social security they would have fared just as well under general relief as they have under this program. I think this program is wrong.

There is one disadvantage that we have as Republicans in the coming campaign—and I suppose I am a candidate again on the Republican ticket, so far as I know—we have no program at all. The Democrats at least have had a program—one they have put through. I have not seen anything yet emanate from the Republican Party that shows the least sign of having any program of security for the aged, and I think that is going to be an issue in this campaign. I do not want you to understand that just because I believe in the Townsend plan that that is the only plan that could be put through Congress, but I do believe in the plan and I do not see where anybody can say anything against it in this House—at least, I do not believe it is entitled to very much weight if they do because we have tried everything else. You have sidetracked the Townsend plan and put through every variety of plan conceivable. The result is that we are just as bad off as, if not worse than, we ever were before. Why should anybody object to trying a new thing? Let me tell you about it. In substance all it amounts to is a proposal to levy a tax on gross incomes above $3,000. Those earning under $3,000 would not be touched on the theory that the real basis of taxation is as laid down by every economist that ever discussed the subject—that people should pay taxes according to their ability to pay. If I have an income of $10,000, which I have as a Member of Congress, I ought to be willing to pay—and I have to pay it whether I am willing to pay it or not, both here and at home—but that is the test. Those having meager incomes will not have to pay anything.

How are you going to raise the money? The gentleman from Pennsylvania is not here this afternoon to raise that question, but I can tell him how. We are going to raise the money from a 2-percent tax on the gross income of this country in the brackets above $3,000. In these brackets we find that the total gross income of the United States annually, figured on the present situation, is about $360,000,000,000. About $60,000,000,000 of this income belongs to the lower brackets that we are not going to touch at all; so there will be a tax on gross incomes in the amount of $300,000,000,000. Two percent on that will be $6,000,000,000. In the United States are some 10,000,000 people over the age of 60 years. On the basis of the best authorities I can trace down, the number does not exceed 10,500,000. Of these, about 8,000,000 will qualify. There are a great many aged people who would not want any assistance at all. I am 60 years of age myself, and I do not think that public opinion would let me file for this additional $50 a month when I am receiving $10,000 a year, and there are a great many aged people in this country in the same situation. So, the best estimate that I can give this House is that about 8,000,000 of these will apply for this assistance; and of the $6,000,000,000 received from a tax on the gross income of $300,000,000,000, measured in terms of so much a month, will approximate $51 a month to the aged who can qualify. I am telling you where the money is coming from. The very first argument I now hear is that used the

last time to destroy this bill, and that is, "They said you want $200 a month." Nobody in this Congress ever said anything about $200 a month. The bill itself did not set out $200 a month as the amount to be paid; nobody advocated $200 a month. If you will read the bill that was under consideration last year, you will discover that that was a maximum; that they were to receive whatever the tax would bring in; and that is the situation again this year.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. Yes; I will yield to anybody on this subject.

Mr. GROSS. I voted for the Townsend bill. Does not the gentleman believe, however, that the Republican Party is going into power next fall and that then much of the need for Federal relief will disappear because of increased business and better conditions in the country?

Mr. BURDICK. There is only one chance in this world of the Republicans getting into power next fall, and that is by their adopting the Townsend plan, or some plan equally as good as a social-security program.

Mr. O'CONNOR and Mr. COLMER rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. BURDICK. I yield to the distinguished gentleman from Montana.

Mr. O'CONNOR. In the bills that have been introduced before the Congress, known as the Townsend bills, there was no minimum fixed at all, was there?

Mr. BURDICK. No.

Mr. O'CONNOR. In other words, it would only pay what the tax would bring in, as the gentleman said?

Mr. BURDICK. That is right.

Mr. O'CONNOR. The State of Indiana has a gross income-tax law, which, as I understand it, is satisfactory to that State. What is the difference in principle between a gross income-tax law and the Townsend plan, except as to the allocation of the funds derived from the tax, namely, to be paid to the elderly people and that the amount paid would be required to be spent and put in circulation?

Mr. BURDICK. That is a good question and it involves another one. I will try to answer them both together.

Mr. RANDOLPH. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I want the gentleman to tell the story that he told me the other day about what William Jennings Bryan said to a certain audience where the Republican and Democratic Parties were at issue.

Mr. BURDICK. This is a most unusual request and I doubt if the story will be quite applicable to this debate. I cannot, however, resist the request since the gentleman from West Virginia, JENNINGS RANDOLPH, was named by the Great Commoner and has in a marked degree emulated in this Congress the wisdom, ability, and statesmanship of this great Democrat and American. If the Democratic side will yield me 2 additional minutes I shall be glad to tell the story.

Mr. SHEPPARD. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BURDICK. I will try to tell this story in 2 minutes.

When Mr. Bryan came through Williston where I reside, in the very western section of North Dakota, he stopped there to make a speech. I was asked as a Republican if I would consent to introduce Mr. Bryan to the people. I said I would be delighted, because he was one of the great men of the country. I did not look upon his democracy or the party he was affiliated with in derogation of his standing as one of the great, outstanding leaders of his time. I introduced him. Of course, the audience assembled there were mostly Republicans and he said in substance something like this: "Ladies and gentlemen and friends: I am on my way to the Democratic convention at San Francisco. I do not know what the Democrats are going to do. I have been a long time on the front firing line and I have come to understand that it does not make much difference which party name you have, it is really what you stand for that counts. Now, I can prove by every Republican that when the Democrats are in power the Democrats are incompetent."

A great cheer went up from the Republican audience. Then he continued and said, "And when the Republicans are in power, no proof is necessary." [Laughter and applause.]

There is some argument I hear around the cloakroom here that the Townsend people have receded from the program last year of taxing upon the various elements that go to make up a gross income. Last year it was a transaction tax, and, as the gentleman from Montana has suggested, economically there is no difference between a tax on the various items that go to make up the gross and a straight tax upon the gross income, because the gross is the measure of all transactions that enter into it; so fundamentally there is no difference at all.

Mr. HOUSTON. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Kansas.

Mr. HOUSTON. Is not this similar to the proposed tax in the District of Columbia which they are about to bring in here?

Mr. BURDICK. I cannot answer that because I am not familiar with that subject.

Mr. O'CONNOR. If the Government of the United States were to adopt that system of taxation to take care of the aged people, it would simply be following along the same lines that the people of Indiana have followed to meet the expenses of running the government of the State of Indiana.

Mr. BURDICK. Yes; the gentleman is correct. May I say further that all the charges that the Townsend people have receded from the first stand they made is not warranted by the evidence, because there is no receding whatever. The amount is the same. The tax is the same.

Mr. O'CONNOR. May I say to the gentleman that the time is coming when the United States Government has got to come to that method of taxation to take care of the aged people of this country and it might as well do so now, and I am in favor of immediate action on the Townsend plan and I favor it and will support it.

Mr. BURDICK. You are right, Mr. Chairman, let us consider this situation of the old people getting $51 a month. There is not a man in the House who would object to that if it can be done. It should be paid as a matter of principle from those most able to pay. We can agree on that. Now, what is the situation? We are operating under the present social-security program and under it you have made paupers out of everybody who takes advantage of that law. I have in my office at least 500 examples of how the aged are treated in my State. Here is an old couple struggling along. They have a little home not worth over three or four hundred dollars. They have no income. They are old. The State and the Federal Government together are the measure of what they are going to get. The law we passed provided that the Federal funds must be matched by State funds. The Government is matching what my State that has had 9 years of total drought and grasshoppers can put up. The sum total of all we are paying the aged in North Dakota ranges all the way from $8 a month to $17 a month. But before they can get a nickel of this money something has to be done, and I want you gentlemen, the Democratic organization particularly that is responsible for the present program, to realize this. Before they can get a nickel they must deed this little old home worth three or four hundred dollars to the administration of the State. In other words, under the program we are now operating in America there is not an aged person who can get 1 cent unless they prove themselves to be abject paupers. Is that what you want or do you desire something different? Maybe we can pay $51, $52, or $53 under the Townsend plan. We hope it will be $200 a month. At least this is true—as business revives under the operation of the Townsend Act, the gross income will increase. Some who have incomes less than $3,000 now will receive more than $3,000. As the incomes increase the proceeds of the tax will increase and larger payments will follow.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Kentucky.

Mr. CREAL. Is not the matter of conveying the property wholly a State matter?

Mr. BURDICK. No. The regulations of the Social Security Board here in Washington determine that situation entirely.

Mr. CREAL. A number of States have repealed the laws requiring the conveyance of property to the State under those conditions. My State is one of them, and took this action 2 months ago. I understand the States have that authority, but if they do not require the conveyance of the property it is not compulsory that the property be conveyed.

Mr. BURDICK. I will give the gentleman another example of the same thing. We have never passed an act of Congress requiring a farmer to give security on his old seed loans before we would give him seed loans for the coming year, yet the administration down there demands such security. While we appeal to them, "Let this fellow go another year, because you are going to keep him off relief if you do; don't sew him up so he cannot operate," the fact remains the farmers are required to give mortgages covering past seed loans. You can pass all the laws you want to, but if those who administer the laws are given power to make regulations and interpret the law in the light of these regulations, they can and do actually circumvent the law itself.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Montana.

Mr. O'CONNOR. The gentleman is certainly to be congratulated on the splendid speech he is making before the Members of the House. The gentleman is pointing out the necessity for the bill he has mentioned. Yesterday morning the gentleman and I sat on a committee and heard testimony to the effect that aged Indians in this country, whose good land the Government of the United States has taken away from them by various methods, are actually living on dog meat with no other kind of food, and living in tents during winter months. This is the way we are permitting many of the old people who are our wards to live, and we refuse to provide for them. At the same time we are extending assistance to the distressed in other countries. We should at least, in addition, look after our own.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I yield 3 additional minutes to the gentleman from North Dakota.

Mr. THILL. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Wisconsin.

Mr. THILL. I did not listen to the gentleman's fine address in its entirety, but can the gentleman tell me just how much revenue this bill would produce and how much it would give to each aged individual?

Mr. BURDICK. It would produce about $6,000,000,000 of revenue, and this sum divided among those who will participate will amount to about $51 per month.

Mr. THILL. How many people does the gentleman expect will participate?

Mr. BURDICK. A little over 8,000,000.

Mr. THILL. I am very sympathetic with the end the gentleman is trying to attain.

Mr. BURDICK. I know the gentleman is sympathetic, and I believe he will vote for the bill.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Wisconsin.

Mr. KEEFE. In connection with the statement of the gentleman it may be well to point out that the State of Wisconsin for a number of years has collected a surtax upon incomes in order to provide the State's share of the pensions provided for teachers. The teachers make a contribution, it is true, but in order to provide the State's share of the pension fund for teachers they have resorted to a surtax on incomes.

Mr. BURDICK. I thank the gentleman for his contribution.

Mr. KEEFE. I thought it might indicate that there is perhaps nothing new in the application of a tax on incomes. In one case the tax is on net income and in the other case, as in the bill proposed by the gentleman, the tax is on the gross income.

Mr. BURDICK. The gentleman is correct.

The only thing we are trying to do is take care of these old people. If in taking care of them we can at the same time help all those who are not 60 years of age, if we can help those who are 40 or 30 or 15, I say it is worth trying.

Mr. KEEFE. If the gentleman will yield further, may I call the attention of the gentleman, in answer to the remark of the gentleman from Kentucky [Mr. CREAL], to the fact that the social-security law effective July 1, 1941, provides that each State plan must provide that the State agency shall in determining need take into consideration any income and resources of an individual claiming old-age assistance. Therefore, the question of need is determined by the ownership of property.

Mr. BURDICK. I appreciate your statement. Our present system, under the Social Security Act, of taking care of the aged is a disgrace to this Republic. The Townsend bill will finance itself, and if you want to stop reaching into the Public Treasury to fish out pitiable doles for the fathers and mothers of America, here is your chance to do it. Let us put this assistance on the high plane it deserves, and thus care for the aged, provide opportunities for the young and the forgotten class (those between 45 and 60), revive business everywhere in this Nation, and write finis to the depression. [Applause.]

[Here the gavel fell.]

Mr. SHEPPARD. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. MASSINGALE].

Mr. MASSINGALE. Mr. Chairman, on this occasion I propose to discuss the answer to the unsolved farm problem.

I am thinking now of the people I represent in the Seventh Oklahoma District. I am thinking of the people of the Nation, and I am thinking of their welfare. I am fully aware of the fact that the farmers of my district, with all the help they have been given, with all of the appropriations, with all of the expenditures of money, and with all of the vast efforts that have been made in their behalf, my farmers and the farmers of the Nation are receiving little more than one-half of cost of production for their products and less than three-fourths of parity prices.

Since I was first elected to the Seventy-fourth Congress in the fall of 1934 I have introduced and reintroduced legislation which would assure the farmers market prices for their products consumed in the United States of not less than the cost of production. Early in the Seventy-sixth Congress 15 of my colleagues from 14 agricultural States on either side of the aisle and 18 Senators joined me in introducing this important legislation. I can say without fear of contradiction that this legislation has the active support of the great majority of the real farmers of my district and I dare say that of a majority of the farmers of the Nation. It has had the active support of the independent national farm organizations and their leaders.

We have two new situations today, both of which are important and either of which is a peril to the farmers of my district and of the Nation.

The first of these new situations is the growing reluctance on the part of the Congress to make huge annual appropriations for so-called parity payments. We are all painfully aware of that fact. If we take a realistic view of this we must conclude that the day is approaching fast, if not already here, when the farmers cannot depend upon the Congress to make these huge appropriations particularly affecting parity payments and crop control under title III of the Agricultural Adjustment Act.

The second and most dangerous of these new situations is the fact that the war in Europe is certain to end some day—it may be soon—or that day may be far away. It may be within 3 months or 3 years. It may be within 6 months or 6 years. But we know with certainty that each day brings us 1 day closer to the end of the European war. Under our present system the end of the European war will bring a post-war deflation. A deflation that hits farm prices first. Up to this day we have not provided the farmers with worthwhile safeguards against that day of post-war deflation and collapsing farm prices.

I am sure that every Member of this House knows well the history of deflation following the first World War. The bitter experience of that depression burned deep into the hearts and minds of the farming class. Their holdings and homes were either immediately swept away from them or were so severely devalued that they had to give them up and look for others and a new kind of employment within short periods. That deflation was the staggering blow to agriculture, for farm products were practically without value, land had no salable value, and thousands of farm communities were disintegrated. We can prevent a recurrence of the worst features of another post-war deflation if we will only set ourselves to the task of enacting the principles set out in H. R. 2371 into law. We know that when farm prices collapse the little-business man at the country crossroads suffers a decline in business, industrial production slows down, unemployment increases, business stagnation follows, and national income rapidly declines. We are not prepared financially or otherwise to deal with this peril when it comes, but we are intellectually prepared to prevent it.

It is the duty of Congress, it is the duty of this Congress, to enact into law an honest answer to the unsolved farm problem. In my judgment it is the duty of the House Committee on Agriculture to cooperate with the House and report a bill which will put a legal floor under farm prices consumed in the domestic market and to protect our domestic market price and domestic market from the unnecessary invasion of foreign competing agricultural products. I want to speak more particularly about the farm bill which I have introduced. It is H. R. 2371. I have spoken to you about this bill many times on this floor. I have argued and debated this bill on the floor. I have fought and defended it before the House and Senate Committees on Agriculture when extensive hearings were being held before those committees a year ago. My bill is safe for the farmer because it puts a legal floor under farm market prices consumed in the domestic market. It is safe for the Treasury, because it requires no huge appropriations or subsidy payments to the farmer. It is safe for labor because it gives them assurance of employment opportunities. It is safe for business, because it gives business an opportunity to sell an additional $5,000,000,000 worth of goods to our 6,800,000 farmers. It is safe for the 130,000,000 people of the United States, because it assures all of us of prosperity based upon agricultural prosperity.

Now, let us examine the provisions of this bill; let us see what it will do if enacted into law:

First. It would aid and protect the producers of 50 of the 78 agricultural products produced by the farmers of this Nation.

Second. It would aid and protect 98 percent of the value of our total agricultural production.

Third. It would place a legal floor under the market price of these 50 agricultural products consumed in the domestic market.

Fourth. It would assure farmers minimum market prices for the products we consume here in the United States.

Fifth. It would give farmers the world price on the percentage of their production in excess of domestic requirements.

Sixth. It would make agricultural products gilt-edged security for loans, public or private, at nearly 100 percent of the minimum price.

Seventh. It would prevent the importation of competitive agricultural products.

Eighth. It would give our farmers 100 percent of our domestic market.

Ninth. It would protect our domestic market and domestic price level against foreign competitive imports.

Tenth. It would repeal crop control or title III of the Triple A but would leave undisturbed the soil-conservation part of the act, commodity loans, and crop insurance.

Eleventh. It would eliminate the necessity of annual appropriations from the Treasury.

Twelfth. It would provide an annual cash income from marketing to the farmers of the United States of about twelve to twelve and a half billion dollars, and would raise the national income to about $85,000,000,000.

Thirteenth. It would eliminate Government control and operation of the farmer and his farm and substitute Government aid and protection of the farmer's market price, his income, and his domestic market.

Fourteenth. It would be self-financing, self-maintaining, without appropriations or subsidies or processing taxes by making agricultural products sell for not less than their actual worth in the domestic market.

Fifteenth. It would stabilize agricultural prosperity—the base of our economic pyramid.

Last night I am sure some of you heard Mr. Stoddard in the caucus room of the old House Office Building discuss Germany from inside the German boundary lines. It was an informative address. He made the statement there that the German Government advises every farmer in that empire, before the farmer even prepares his ground for seeding and before any kind of crops are planted, just exactly what the price is going to be in Germany during that year for the entire farm products of his farm and all other farms in Germany. People know what they are going to get. The German Government pays them that price.

Now, I am not a totalitarian by any means. I do not believe in that philosophy. I do not believe in any other philosophy than that American philosophy under which we ought to let this Nation grow and prosper.

Year before last, in Italy, Mussolini made an agreement with the people of that country that if they would plant so many acres of wheat that he, the people and the Government of Italy, would pay the farmers $2.12 a bushel for it in American money. They planted it, and they got that much in American money for their wheat, while our farmers here in the United States were forced under our kind of agricultural legislation to take from 40 cents to 60 cents a bushel for their wheat.

Mr. MUNDT rose.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I yield 2 minutes more to the gentleman from Oklahoma so he may answer the questions of the gentleman from South Dakota.

Mr. MASSINGALE. I shall not agree to answer them, but I agree to try to answer them.

Mr. MUNDT. I am very much interested in the remarks of the gentleman from Oklahoma because I have followed his valiant fight for a just farm program for a long while. I just want to add by way of emphasis that it is true, is it not, that the present farm program, if it were working 100 percent successfully, would not give more than 75 percent parity to the American farmer.

Mr. MASSINGALE. The gentleman is exactly correct and the law itself does not begin to provide parity payments unless the farm prices are below 75 percent of parity.

Mr. MUNDT. The law does not operate 100 percent, and if it did it would still give the farmer only 75 percent of parity, while the gentleman's bill soundly and logically assumes that the farmer must have 100 percent of parity. So that even if the farm program were to operate permanently and successfully, eventually you would bankrupt every farmer in America because if he gets 25 percent less than parity every year, he is bound to go broke.

Mr. MASSINGALE. I think that is correct and I will further state to the gentleman and to my friend, who I know is sincerely interested in this program, that we might just as well make up our minds to give the farmers of America an opportunity to make a living.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. I gladly yield to the gentleman from Montana.

Mr. O'CONNOR. The House owes the gentleman a vote of thanks for his splendid and convincing argument in support of the cost-of-production bill, and I sincerely hope the time will come when this House and the Senate of the United States will follow out the advice of the gentleman from Oklahoma and pass the cost-of-production bill and solve perma-

nently the problem of the American farmer which will never be solved until such a bill is passed.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman.

Mr. GROSS. Does the gentleman subscribe to the policy of this administration of agricultural regimentation as now put on by Wallace?

Mr. MASSINGALE. I think if the gentleman had ever heard me open my mouth on it, he would not have asked that question.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman from Kansas.

Mr. HOUSTON. I want to congratulate the gentleman from Oklahoma for coming in here and giving us an explanation of this bill that he has proposed. I am 100 percent for it, as are most of the Members of the House. I would like to know why the Committee on Agriculture does not conduct hearings on this bill and report it out and bring it up on the floor here so we may pass it.

Mr. MASSINGALE. The Committee on Agriculture did not pass the bill out because of protests filed against the bill by officials of the Farmers' Union who stated that the farmers did not want the bill, and the bill is now pending in the House Committee on Agriculture. In order to get the bill from before the committee and to the House for consideration I have filed petition No. 5. This petition now has about 120 signatures on it. I trust that every Member who has not signed this petition and who wants enacted into law a legislative program of some kind for the farmer will sign it.

The enactment of my bill into law would give the farmers of this Nation an annual cash income of about $5,000,000,000 more than the farmers received in cash farm income in 1939. This additional $5,000,000,000 in income would increase their own consumption of food and fiber, and it would increase the farmers' consumption of industrial products, which increase in consumption would necessitate an immediate increase in the employment of labor. I dare say that it would produce an immediate reemployment of idle men and women in private industry of not less than four and one-half million workers at American wages. This, my friends, is a sincere approach to a solution of the unsolved farm problem. This is also an approach toward solving the unsolved unemployment problem. I believe the passage of this bill will aid us in finding a market within the United States for the products of industry that is at least five times greater than the elusive and vanishing market which our industrialists are seeking to find abroad. If we will trade wisely with prosperous people among ourselves, we will have the employment, the goods, the money, and the prosperity. We can then trade with the world, not as dependents, but as independents.

My bill, H. R. 2371, is in perfect harmony with the historical policy of the United States, it is in harmony with the Constitution, it is in harmony with our democratic principles and our republican form of government, it is in harmony with the principles enacted into law by this Government to aid and protect others of our economic groups since the beginning of the Government. It has been the policy followed by the Government from that day to this.

There are 23 valid laws on the statute books designed to help our several economic groups. These 23 laws have been enacted by the Congress. Each of these 23 acts of Congress authorizes and directs certain Federal agencies to fix by regulation prices, rates, wages, and services. This covers the field of business, industry, transportation, communication, public service, and the wages and hours of labor.

Congress has fixed the administration of these acts and vested the administrators of them with regulatory powers to fix prices, rates, wages, and services, with commissions, boards, bureaus, departments of government surrounding this very Capitol on every side; and for your information let me just name a few of them. There is the Commissioner of Indian Affairs, the Secretary of War, the Maritime Commission, the President, the Interstate Commerce Commission, the Federal Power Commission, the Secretary of Agriculture, the Tennessee Valley Authority, the Federal Communications Commission, the Security and Exchange Commission, the Secretary of Labor, the National Bituminous Coal Commission, the Tariff Commission, and the Administrator of Wage and Hour Division. These are just a few of the many. This list does not include the governmental powers to fix interest rates or insurance rates, or the price of gold, or the value of money, or the Federal Trade Commission, or many other agencies and institutions of this Government which, directly or indirectly, are engaged under authority of law to regulate prices and enforce fair trade practices among and between the citizens of the United States. But the laws which I have named for you, in principle and application, furnish complete authority for all that is proposed to be done under my bill H. R. 2371. We are at long last proposing now to come to the aid of the farmers with the historical aid of Federal law, when we should have come first to the farmers' aid. It is the business of the Government and it is the duty of the Government to protect the weak against the strong. We have in times past been aiding the strong against the weak. Now let us fulfill our duty to the farmers; let the House Agriculture Committee report out the bill. The Senate Committee on Agriculture and Forestry unanimously reported this cost-of-production bill April 7, 1939, and made this general comment:

GENERAL COMMENT

This bill is a protection to agriculture in general. It may work some hardship on the large producer, but for the average producer it will do the job; and if agriculture is put on the proper base, the large producer will adjust his production to the law of supply and demand, and agricultural labor will be taken care of in increased wages and compensation. Purchasing power will put farm labor on an equitable basis, and the farmer will be able to pay his farm labor adequate wages.

This is the best proposal yet offered to solve the farm problem. Our American farmer has sold his crops in the open market at world prices in competition with low-priced labor and very low living standards. Everything the American farmer has bought has had to pay the costs of production plus a profit and protected against outside competition by the tariff laws. In short, the American farmer sells in an open market and buys in a closed market.

It is either this bill or one like it, or free trade, which would have the same effect on the industrial worker, that the present system has on the farmer. The industrial worker sells his product to the American consumer in a protected market and works only part time. He could sell a greater volume and work practically full time if the farmer, too, had a protected market.

This bill is an attempt to equalize conditions.

Your committee recommends S. 570 as a well-thought-out and seasoned legislative attempt to solve the agricultural problem and, by solving it, induce national prosperity. Your committee believes that the American farmer is entitled to the American market at a profit.

Shortly following the Senate report, and on April 19, 1939, while the bill was being heard by the Agricultural Committee of the House, there appeared the president of the Farmers' Union of America, the president of the Oklahoma Farmers' Union, and other farmers' union officials and filed their protest and objection to the passage of the cost-of-production bill. The result was failure of the House Committee on Agriculture to report out the bill H. R. 2371. Bear in mind that S. 570 is identical with H. R. 2371.

Now, let us pass an honest farm bill which will raise the domestic prices of farm products to at least 100 percent of parity.

If this bill were enacted into law, we would raise the domestic-market price of cotton per pound to 17 or 18 cents, the domestic-market price of wheat per bushel to about $1.20, corn around 85 cents per bushel, hogs to $9.50 to $10 per hundredweight, butterfat to around 38 to 40 cents per pound, wool to about 25 cents per pound, lambs to about $8 per 100 pounds, and so on down the list of 45 or 50 agricultural products in every section of the United States and in every State in the Union.

There is no use of us begging the question any longer. There is no use of us dodging the real issue. We have 150 years of precedent, and for 150 years we, as a government, have been engaged in applying this same principle of Federal legislation to aid and protect practically every other economic group in our society; let us now apply this same principle of Federal legislation to aid and protect the market price of our farmers throughout this Nation and give our farmers 100 percent of cost of production; certainly not less

than parity prices, if you please. Let us enact this law in this session of Congress. Let us protect the farmers of our Nation against the peril of inadequate appropriations and the perils of a postwar deflation, which will come upon us like a thief in the night unless we enact into law now an honest answer to the unsolved farm problem. H. R. 2371 is the honest basic answer to this problem.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I, too, come from a farm district and I believe I belong to all of the great farm corporations, the National Grange, the Farm Bureau——

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. FISH. Oh, I would like to at least finish my sentence before I am asked to yield. I just stated that I come from a farm district, and although I have represented a farm district for many years, both in the legislature at Albany and here at Washington, I have never yet claimed to be a dirt farmer, like my great constituent, who now resides in the White House, the President of the United States.

Every election year my constituent suddenly discovers the compelling urge to be a dirt farmer and wants everyone to know it. He is as much a dirt farmer as I am a Communist. However, because of the failure of the New Deal to even approach solving the farm problem and carry out their solemn promises, and because of the complete failure and collapse of the New Deal farm program as agricultural conditions now exist in America, I am 100 percent in favor of the bill proposed by the gentleman from Oklahoma [Mr. MASSINGALE]. However, I am not so sure that I would vote for such a bill next January, because then we will have a Republican President and he will automatically restore confidence, employment, and purchasing power throughout the United States so that our wage earners in the East can buy farm products at reasonable prices from the farmers of the West and restore prosperity among the farmers.

There will be no prosperity in America until there is prosperity on the farms, and there will be no prosperity on the farms until there is restoration of buying power on the part of the wage earners of the Nation. Furthermore, there will be no prosperity in America until the farmer gets a fair price for his products and has a purchasing power of his own. That is what the gentleman from Oklahoma wants and so do I. But if these deplorable farm conditions continue, and as a result of this program, of scarcity and destruction, of plowing under of crops, of wheat, cotton, and corn, and of birth control of pigs, of which I am sure the gentleman from Oklahoma is not in favor, then I am sure the best thing the administration can do is to accept the bill proposed by the gentleman from Oklahoma, and I shall be glad to support it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHAFER of Wisconsin. Where did the New Deal get their idea of birth control for the pigs? Upon reading a pamphlet published by Mr. James Cromwell, the New Deal Minister to Canada and the husband of the richest woman in America, I found that he had a program to solve all of the political and economic ills of America which includes the repeal of the income tax and birth control as applied to human beings.

Mr. FISH. And he also wants to control those of us who want to keep us out of war, does he not?

Mr. SCHAFER of Wisconsin. Yes; and he also believes that Uncle Sam should lend money to everyone who wants to borrow money, and that Uncle Sam, for the privilege of making the loans, should pay the borrower 6-percent interest. I think he ought to be taken care of by Uncle Sam in the United States instead of taking care of Uncle Sam's interests in Canada.

Mr. FISH. Can the gentleman tell us what he wants to do to the isolationists and Members of Congress who believe in maintaining American neutrality and keeping out of foreign wars?

Mr. MASSINGALE. Mr. Chairman, before the gentleman answers that, will the gentleman from New York yield to me?

Mr. FISH. With pleasure.

Mr. MASSINGALE. I just want to answer the gentleman from Wisconsin [Mr. SCHAFER] about where the Democrats got this idea. I thought he knew that we stole it out of the Republican platform and put it into operation. That is how we got it first.

Mr. FISH. Which—the program of scarcity?

Mr. MASSINGALE. Yes. We got it from the Republicans.

Mr. FISH. Well, you have stolen a lot from the Republican platforms but not any program of scarcity. We used to be the party of what we called reasonable centralized government, and you Jeffersonian Democrats used to believe in State rights, but the New Deal has gone far beyond us as far as reasonable centralized government is concerned in regimentation, bureaucracy, collectivism, and State socialism. We are actually now much more closely identified with the Jeffersonian theory of State rights than the so-called Democratic Party.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I have been given 15 minutes, and I would like to know if I can get any more time, because I would like to have 5 minutes to talk on my own topic, which I want to discuss briefly this afternoon.

Mr. KEEFE. I suggest that the gentleman better begin to talk on his own topic.

Mr. HOOK. I am wondering what the gentleman thought about the program set forth by Mr. Glenn Frank, where he seems to adopt most of the New Deal measures, but says that they are not properly administered.

Mr. FISH. I do not know that he adopted most of the New Deal measures at all. I know that as far as foreign affairs is concerned he is entirely opposed to the internationalism of the New Deal, and I think that is the most important issue at the present time.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. COLMER. While we are in this facetious mood I want to take my friend to task for his party's failure to cooperate with the gentleman from Oklahoma if the fact be that his bill would be enacted into law when the Republican President came into power.

Mr. FISH. No; I did not say that his bill would be enacted into law if the Republicans came into power. I said I hoped that when the Republicans came into power they would restore confidence and buying power that actually would solve the farm problem. Everyone interested in the subject knows that farm prices are too low, that farm prices are at least 50 percent lower than they were under the Republican administration from 1920 to 1930.

Mr. HOUSTON. Does the gentleman think the farmers can last that long?

Mr. FISH. No; not under the New Deal, I do not think they can wait another 6 months. And that is why I said in the beginning that I would like to get a vote right now, right today on the gentleman's bill.

Several Members rose.

The CHAIRMAN. The Chair has been very lenient this afternoon in not requiring gentlemen who wished to interrogate a speaker first to address the Chair.

Mr. FISH. I thank the Chair and I hope the Chair will protect me in my effort to make a speech.

The CHAIRMAN. The Chair reminds the Members that those desiring to interrogate the speaker must first address the Chair and secure recognition.

Mr. MASSINGALE. Mr. Chairman, may I be recognized by the Chair?

Mr. FISH. Mr. Chairman, the Members on the Democratic side are just anxious for enlightenment.

The CHAIRMAN. Does the gentleman yield, and if so, to whom?

Mr. FISH. To the gentleman who is the author of the bill. Then I must proceed.

Mr. MASSINGALE. If the gentleman would just assist us, if he is so anxious to have this bill become a law and thinks that the farmers are in peril to the extent that they cannot last over 6 months under the New Deal—I think he is nearly correct about it, but I want to ask the gentleman why he does not get busy and sign petition No. 5.

Mr. FISH. I will sign it gladly. I will sign it today.

Mr. WHITE of Idaho. Mr. Chairman——

Mr. FISH. I hope the gentleman will not interrupt.

Mr. WHITE of Idaho. I am addressing the Chair. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Idaho?

Mr. FISH. Yes; for one last question.

Mr. WHITE of Idaho. I would like to ask the gentleman if he will not now address himself to the subject matter of the bill, discuss the issue before the House, the appropriation for the N. Y. A. and the C. C. C., rather than bring up questions entirely irrelevant to this bill.

Mr. FISH. How about the silver problem?

Mr. WHITE of Idaho. The gentleman will hear more of that in the future.

Mr. FISH. We are still being crucified on the cross of foreign silver. Perhaps it would be a good subject to discuss.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FISH. For the last time.

Mr. BROWN of Georgia. The gentleman stated that he was a farmer. Am I correct in assuming from his remarks that he is a cropper of the President?

Mr. FISH. No; the greatest crop the New Deal and the President raise is propaganda. They excel at that, and that is the most expensive crop in America for the taxpayers.

Seriously, the reason the Members of Congress are not signing the Massingale petition is not because they do not believe in the bill but because they know that the administration is opposed to it and that the administration is in control, and therefore they feel it is more or less an academic problem.

I see one Republican Member has just signed the petition. There goes one vote for it. I will try to persuade others. I am appealing to them to sign it to show that we Republicans are for it under a Democratic administration.

Mr. MASSINGALE rose.

Mr. FISH. No; I cannot yield further.

Mr. Chairman, no one questions the intentions of the President or of the New Deal in trying to solve the farm problem by increasing prices. They depreciated the currency, bought huge quantities of gold and silver, with the thought that it would increase farm prices. Their intentions were good, we are not questioning them, but farmers cannot make a living on good intentions. We are questioning the price of agricultural products today, and what it has been for the last 6 months, and 6 years, compared to what it was under Republican administration, not what it was in 1932, when there was an economic collapse and the banks closed, but for 10 years, from 1921 to 1931. The Democrats themselves agree that the farm prices of 1926 are what they want to get back to as fair farm prices. But you have failed to do it after 7 lean years of agricultural scarcity and destruction.

I think the Democratic New Deal farm program is one of the greatest failures of the New Deal. The gentleman has a solution, and it is a practical solution, that of setting up a two-price system.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. FISH. No; I cannot yield.

Mr. MASSINGALE. I just want to pay the gentleman a compliment.

Mr. FISH. I know that, but the gentleman has done that before. He has nominated me for Secretary of State and for everything else, but I cannot accept under a Democratic administration.

The gentleman has brought up his bill which provides for a two-price system. He says, "Let the farmers grow all they want, and we will guarantee a certain price, maybe $1.20 for wheat, 80 cents for corn, and 12 or 15 cents for cotton." These are approximate parity prices. Not exactly but approximately. Then he says, "We will have no restrictions. Grow all you want, and we will give you these guaranteed prices. If you can get more than that, God bless you, we hope you do, but we will give you those prices for what we consume in our American market."

This ought to appeal to the cotton and wheat growers. He says, "We will sell all the rest of the cotton and wheat abroad. We will not plow it under. We will sell it abroad to regain the world market for those exportable crops, and we will get whatever we can. We may get only 5 cents for cotton, 50 cents for wheat, and so forth. We will bring those hundreds of millions of dollars back to the United States and distribute them among the farmers. We will regain the world market which we have lost under a program of scarcity and will put our people back to work."

You talk about farm prices in this country, and that is one of the worst features of the failure of the New Deal farm program. But you have also lost the world markets. We want to regain those world markets for our wheat, cotton, and other farm products, and bring back that wealth to America.

That is why I am for the gentleman's bill and I wish it could be enacted into law, but it will not be under this administration. But under a Republican administration, if we fail within a year to restore farm prices by restoring purchasing power we ought to take the gentleman's bill and enact it into law. I hope the gentleman will support his own bill introduced under Republican auspices.

Mr. Chairman, I rise here today to call attention to a situation that exists throughout the country but one that particularly affects the city of New York. Merchants from the city and port of New York bought goods from Germany prior to January 1 and they paid for those goods in accordance with the British orders in council issued on November 27, 1939.

Germany has the money, but the goods bought and paid for by our American merchants are being held up by the British in Italy, in Holland, and in Belgium, in Genoa, Rotterdam, and Antwerp. The only losers and the only ones who have been and will be injured are American citizens who paid for the goods but who have not received them. Germany has the money. England cannot harm Germany because the goods have already been paid for, but the British refused to let these goods come over to America. Certificates of origin and interest have been properly filed by our importers showing when they ordered the goods and when they paid for them.

The American people are sympathetic with the British and they are tolerant, but they do not want their own merchants to be robbed and mulcted after they have paid for German goods. They see no justice in withholding their goods in foreign warehouses in neutral nations. They have a right to protest.

They have a right to petition the Congress and the State Department to insist, no matter how sympathetic we may be for the British, that our citizens and our merchants be protected. They have a right to obtain their own merchandise and the commodities they have already paid for and brought out of Germany. I insist that there shall be no more delay. These small merchants who paid five, ten, fifteen, or twenty-five thousand for goods, and cannot get them, are being ruined. They have paid their money, they have lost their merchandise and they cannot get either back. The British authorities keep on giving excuses or try to pass the buck and thereby cause delay after delay, all of which is ruinous to our own American merchants in New York and other cities.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FISH. Mr. Chairman, it is an outrageous and intolerable situation. The State Department has been created and is paid for by the American people to look after the interests

of our merchants, importers, and citizens, not the interests of the British Government, even though that Government may be in a war for its own existence.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kansas.

Mr. HOUSTON. Then why does not this Government levy on one of these boats they harbor at one of our docks in order to pay these merchants back? Why does the Government of the United States allow the British Government to come into the United States to recruit as they are doing today all over the United States? They do it, and everybody knows it as well as I do, so I am not saying anything out of order.

Mr. FISH. Of course, some action ought to be taken by the State Department immediately. It should not permit this delay, and if the British Government continues to ignore this unfair situation and let our merchants go bankrupt, then we ought to resort to some form of reprisal if our just demands are not complied with without further delays. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SCHULTE].

Mr. SCHULTE. Mr. Chairman, a few moments ago, during the discussion I heard the name of the State of Indiana mentioned and referred to our gross-income tax now being used in my State. We are proud to say that a number of States are getting ready to adopt a similar tax law, feeling that it certainly has worked well in the State of Indiana. May I say that the gross-income tax that is today being used in the State of Indiana was brought into being while Paul McNutt was Governor of that State. Here is just one of the many things it has done for us: We were the only State in the Union at that particular time to pay the school teachers and keep our schools operating and paid $700 a year to each school teacher's salary and the first to suggest old-age pension to be paid from the gross income. So we are mighty proud of the record made in Indiana so far as that law is concerned, with but very little opposition from either business, manufacturing, or labor. They feel it is very equitable and proud of the record of Gov. Paul McNutt made as the Governor of our State; and in the event the President of the United States does not choose to run, I hope the State of Indiana may give to the Nation that outstanding citizen, Paul McNutt. [Applause.]

Now, Mr. Chairman, about 3 weeks ago, Mr. Carl Mullen, president of the Indiana State Federation of Labor; Adolph Fritz, secretary of the Federation of Labor of Indiana; Charles Coombes, business agent of the carpenters' union in Lake county, my district; Ed Stearns, secretary of the carpenters' union of the Gary district; Ed Konkel, officer in the painters' and glaziers' union; Jack Mears, officer of the plumbers' and steamfitters' union of Hammond; and Frank Greenwald, representing the teamsters' and chauffeurs' union, along with others also connected with various unions who are members of the Indiana State Federation of Labor, came to Washington to make a plea for a new public-works program, realizing and appreciating the good work that had been accomplished under the Public Works Administration program, and, of course, each and every one of these men have the interests at heart of the men they represent.

These men represent a total of about 150,000 to 200,000 building-trades men. By that term I mean, of course, carpenters, plumbers, electricians, bricklayers, and all the allied crafts that enter into the picture in the construction business. They are very much worried about the future of their men, and rightly so. Banks are not making any loans on new construction, and, of course, the building-trades men suffer. So, at the suggestion of the president of the State Federation of Labor, which is an affiliate of the American Federation of Labor, I called into my office all the members of the Indiana delegation, both Democrats and Republicans, and these union men explained their situation to the Indiana delegation in Congress, which is that the majority of the men belonging to the various crafts have never applied for aid and intend never to go on relief if it is at all possible to keep from doing so; but they are being forced and crowded at this particular time to seek some kind of aid unless we get a new P. W. A.

No one can point a finger at any of the activities of the P. W. A. It was my pleasure just recently to introduce a bill similar to the Mead bill introduced in the Senate, with just this exception: That under my bill we undertake to pay the prevailing rate of wage in the particular district in which the construction is taking place, and I have also included schools.

In June 1933, President Roosevelt signed the act passed by the Congress creating the Public Works Administration. That was nearly 7 years ago. Since that time the Public Works Administration has fostered the greatest construction program in the world's history, and itself became the world's largest construction agency.

P. W. A. was charged with two important functions: First, to construct useful and public works in the interest of the general public and along this line P. W. A. has done a magnificent job; second, to increase employment by providing a stimulus to American industry.

Let us look for awhile at the results of the first of these functions—the construction of public works. Since June 1933 to date P. W. A. has made grants of $1,505,290,288 and repayable loans of $813,137,665 to aid in the construction of 16,648 non-Federal projects located in all but two of the Nation's counties, as well as in the Territories and possessions. In addition to this there have been 17,820 Federal projects constructed under the direction of various Federal agencies to which P. W. A. allocated $1,775,542,395. The estimated total construction cost of the more than 34,400 projects is $5,985,309,535. These figures, which I have just quoted, include 775 non-Federal projects still remaining to be completed authorized by the Congress under the 1938 P. W. A. Act.

I want to call your attention to the fact that while P. W. A. was making grants of more than a billion and a half dollars toward the construction of non-Federal projects, the applicants—that is, cities, towns, counties, States, and other public bodies—were contributing the major portion of the cost of the projects which amounted to $1,887,682,789. So you see, P. W. A. has enabled the Nation to literally rebuild itself by enabling cities, counties, and States to construct useful and necessary public works which, in the majority of cases, were sadly needed. The visible wealth of the Nation has been increased nearly $6,000,000,000, and the ownership of nearly $4,000,000,000 worth of non-Federal projects lies with the public bodies.

For example, P. W. A. has aided in the building of 871 sewage-disposal plants, 1,860 complete waterworks, 118 filtration plants, 227 municipal power plants, 3,060 elementary-school buildings, 2,305 high-school buildings, 1,315 college and university buildings, 105 public libraries, 102 municipal auditoriums and armories, 620 courthouses and city halls, 2,056 hospitals and institutional buildings, 131 social and recreational buildings, 378 bridges and viaducts, as well as highways, streets, grade-crossing eliminations, wharves, piers, docks, vehicular tunnels, and a host of other types. All of these projects and hundreds of others originated not with P. W. A. but with public bodies—cities, towns, counties, and other subdivisions throughout the length and breadth of the land.

From the standpoint of aiding employment P. W. A. has been eminently successful. Hundreds of thousands of men have been employed at construction sites throughout the country for the past 7 years—men who were employed not by the Federal Government or P. W. A. but by private construction. In this way skilled and unskilled workers who have never appeared on relief rolls have been given employment.

Add to this many thousands of architects, engineers, and draftsmen employed by cities, counties, and States in connection with P. W. A. projects. Through the stimulus of $3,115,149,000 in orders for materials, additional hundreds of thousands of men have been employed by the heavy-goods industries and the spending of pay rolls has aided the consumers' goods industries, which, in turn, have aided employment.

The Bureau of Labor Statistics of the United States Department of Labor has estimated that up to March 1, 1940,

P. W. A. projects have provided at construction sites a total of 2,039,826,000 man-hours of direct employment for which $1,538,208,820 were paid out in wages. The Bureau has found that every 2 man-hours of work at a construction site, 5 man-hours of employment in industry were necessary to produce, fabricate, and distribute the material going into P. W. A. projects. Applying this formula, it is estimated that P. W. A. has furnished 5,099,565,000 man-hours of indirect labor at the sources of manufacture. But this is for the past 7 years pay rolls resulting from P. W. A. projects have been spent in thousands of communities in nearly every county of the Nation. This has resulted in increased demands for consumers' goods and services, and it has been estimated that an additional 4,079,652,000 man-hours of indirect employment have been created to supply this demand.

I want to also point out that employment at construction sites of P. W. A. projects has been at prevailing wage rates, and with P. W. A.'s system of inspection, the quality of construction has shown by the thousands of P. W. A. projects now in use is, by and large, far superior to any other construction program in the country's history.

The results of the huge P. W. A. program can be divided roughly into two parts—health and education. For a number of years prior to the P. W. A. program there had been a continual decrease in hospital construction resulting in a serious shortage of hospital beds and other facilities. In 1933 the capital outlay for hospitals amounted to only 20 percent of the normal expenditures for this purpose. The accumulated shortage of hospital facilities as well as the need for modernization and the replacement of existing equipment was by the direction of the President given immediate attention by P. W. A. shortly after its organization. As of March 1, 1940, allotments had been made for 743 non-Federal hospital and allied projects involving the construction or improvement of 2,056 buildings at a cost of $397,253,706. Through the construction of these projects, P. W. A. has been responsible for the addition of approximately 110,000 hospital beds. The greatest need for hospital facilities is in the rural and semiurban sections of the country, and it has been these sections that have benefited chiefly from the hospital program, since the average hospital project has been in an average community of 20,000 population. Many communities in the United States now have hospitals where none existed before, and others have been provided with clinics and medical centers. The 110,000 beds provided by P. W. A. are equivalent to approximately four and a half years of normal expansion of such accommodations.

Another outstanding and important health measure undertaken and carried out by P. W. A. has been the program for the improvement of the Nation's sewage-disposal facilities and sewage-treatment needs.

Stream pollution, long a health menace as well as an economic problem, has been entirely eliminated in hundreds of communities through the efforts of P. W. A. In addition to these corrective measures now in effect, hundreds of other communities entirely lacking such conveniences and sanitation now have complete new sewage-disposal systems and modern treatment plants. Along this line P. W. A. has considered each project as part of the general national plan for the correction of stream pollution, thereby serving not only the urgent needs of a single community but the general welfare of other communities, particularly downstream towns and cities. Allotments have been made for 1,524 sewer projects costing $468,083,625. Many of these projects are for complete new systems in small towns and communities which had no facilities of this kind prior to the P. W. A. program. Of the total number of sewer projects, there are 871 sewage-disposal plants costing $327,401,038.

Still another phase of the P. W. A. program affecting the public health has been 2,411 water-system projects costing $310,393,801. This number includes 1,860 complete waterworks, having an estimated construction cost of $234,566,000, and the large percentage of these new waterworks are in small communities which heretofore had been dependent on unreliable and oftentimes insanitary sources for their water supply. It has been estimated that approximately one-fourth of the population of the Nation today are enjoying the benefits of more sanitary water systems constructed by P. W. A.

P. W. A. was and has been the answer to a crying need on a Nation-wide front for adequate housing facilities for the Nation's school children. From the beginning of the Republic public-school construction has never kept pace with the growth of school population. In 1926 the total outlay for schools was $400,000,000, and in 1932 it had dropped to $200,000,000, and in 1933, before P. W. A. was put under way, it had dropped to less than $100,000,000, with indications of almost complete discontinuance in 1934. During the life of P. W. A. approximately $1,200,000,000 have been spent on the school-construction portion of the building program. Of this amount, the major portion, or approximately $650,000,000, has been supplied by the communities and the balance through loans and grants by the Federal Government. In the current program school construction alone amounted to $477,000,000. Towns, cities, and counties were equipped to take advantage of the P. W. A. aid, and the records have proven that their first thought was for more and better schools. As a result, 70 percent of all school construction for the past 6 years has been P. W. A. financed, and 44 percent of all P. W. A. non-Federal projects, or slightly over 7,000, have been for educational buildings.

At the beginning of the P. W. A. program there were approximately 400,000 students who were compelled to attend school only part of the time because of the lack of seating accommodations. Thousands of children were housed in old, unsanitary buildings and portable structures. P. W. A. has been able to eliminate 1,200 one- and two-room buildings of the little "red schoolhouse" type by the construction of 704 consolidated schools. The school-construction program altogether has provided 59,615 classrooms, with facilities for two and a half million pupils. In addition to these facilities there have been constructed approximately 4,300 auditoriums, 3,500 gymnasiums, 1,800 school libraries, 890 cafeterias, and some 12,000 other units, including laboratories, study halls, and science and commercial classrooms.

In addition to the assistance given local communities in the construction of necessary educational facilities, allotments were made to provide educational institutions and facilities for the American Indian, and the school children of Alaska, the Canal Zone, Puerto Rico, and Hawaii have been aided by P. W. A.

The current program, that is, the one authorized by the 1938 act, is rapidly being completed and due to the curtailment of funds the highly efficient and skilled P. W. A. organization has been reduced nearly 80 percent. But emaciated as it is, it could on a few hours' notice spring into action should the occasion arise. With all of the accomplishments of the past 7 years, there is still much to be done along the lines of national health and sanitation, and in my estimation, the Public Works Administration is the one agency that is equipped to carry on the type of work in which they have been engaged for 7 years. Surveys have pointed out that to bring the Nation's hospital-bed supply up to normal demands, it would be necessary to increase the present capacity 160,000 beds. As indicative of the realization for the need for more hospitals I call your attention to the fact that when P. W. A., because of lack of additional funds, returned to public bodies last September more than 5,000 applications, 203 were for hospitals.

While P. W. A. sewer-system construction raised the percentage of the country's population served by adequate sewage disposal facilities from 35 to 54 percent, there are still 46 percent of the Nation's communities inadequately served by these important utilities. In like manner approximately 35 percent of the Nation's population is today dependent upon unsatisfactory sources of water supply.

Senator Mead has introduced into the Senate a bill known as S. 3269, providing $300,000,000 for the purpose of establishing a revolving fund for the making of loans to public bodies and nonprofit organizations for the construction of

hospitals, water and sewage works, and works for the reduction of pollution in streams, and related facilities necessary or proper to safeguard the health of the people. I have introduced into the House a similar bill known as H. R. 8288, which I hope will receive the serious consideration of this body. My proposal has already been endorsed by the A. F. of L. of Indiana, and also the national body.

We as a Nation are not yet entirely free from the devastating effects of the depression. Industry is still in need of the stimulus provided by the material orders of the P. W. A. program, and hundreds of thousands of the type of workers employed on P. W. A. projects are in need of employment.

It is my earnest conviction that we should continue the job that we began in 1933 and that the Public Works Administration of the Federal Works Agency should again be charged with this task so that the small town, the counties, and States can complete their plans to build necessary and useful public works to take care of the need of their people.

We as a Nation should continue to build. It is the verdict of history that when a nation for any reason stops building, it dies. This was true of ancient civilizations, like Egypt, Babylon, and Tyre. This was also true of ancient Mexico and could easily be true of the United States. Wise leaders have realized that in times of stress the creative instinct of the people should be protected. It is also an axiom of common experience that construction works involving large numbers of skilled and unskilled workmen are among the most useful and efficient expedients that any Government can adopt in seasons of economic distress. The P. W. A. programs have been doing just this and this great work can be continued by the passage of the Schulte-Mead bill, known as the Health Security Act of 1940.

I now appeal to the Members of this body to kindly join in using your influence to help bring the Schulte-Mead bill out on the floor and have it passed this session of Congress, which will mean giving employment to over 1,000,000 building tradesmen throughout the United States, at but very little cost to your Government. I thank you. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. EDWIN A. HALL].

Mr. EDWIN A. HALL. Mr. Chairman, I realize that I start out under very much of a handicap when I attempt to speak on agriculture, because several distinguished gentlemen have pretty well covered that subject this afternoon. I had intended to wait until next week before reviewing the measure I introduced recently, but due to the fact that there is an emergency of no small severity in my own district I take this time to describe briefly the bill, H. R. 8312, otherwise known as the Hall farm bill, which I last month introduced in the House.

1935 and 1936 marked a very serious era for my locality. I live at the confluence of the Susquehanna and Chenango Rivers in up-State New York, where at that time there were floods of a very serious nature, followed some time later by a terrible drought. It is needless to say that the farmers of my locality, some 15,000 strong, have been very seriously affected. I bring this measure before the House for its consideration because I feel that although it is sectional in its provisions there will come a time when every Member of this body from an agricultural district will find that it can be used in his district.

In brief, the measure provides in connection with subsistence crops, namely, hays and fodders, that when any farm area has been decreed an emergency district by the Federal Government the Department of Agriculture shall take certain action. This measure will profit every single section of the country in times of dire stress.

Last summer, as I have mentioned, there occurred one of the most devastating droughts in the history of southern New York and northern Pennsylvania. As a result, there is today a shortage of some 50,000 tons of hay in my district alone, and in the surrounding counties there exists a much larger shortage.

In presenting this measure to the House, I ask that every Member read my bill thoroughly, as I am about to mail each Member a copy of it.

The bill provides, among other things, that the Governor of the States or States in the afflicted area shall at the request of the farm bureaus and agencies, which, of course, will have been urged to do so by the various farmers in the district—and when I use the term "district" I refer not to a congressional district but to the area that is afflicted—call upon the Secretary of Agriculture to come to their aid by providing transportation for hay from surplus areas to the local area affected.

You may say that I have included in my bill provisions which are already included in certain agricultural laws. My reply is that there is no provision that the Government may make crop loans—and by the term "crop" I mean subsistence crops, such as hays and fodders, not grains or commercial feedings of any kind—to farmers in areas where the drought or flood or other act of Nature beyond their control has precipitated itself upon the farm population. Under the Farm Security Administration at the present time a farmer may borrow upon his dairy herds or his farm to obtain hay at the existing prices. May I point out to you that under the present system and under the prevailing rate for a ton of hay in my district farmers are forced to pay from $18 to $20 a ton for hay. I know you will agree with me when I say this is economically unsound in every way.

My bill provides that the Secretary of Agriculture be empowered to set a definite price for hay in a certain locality which is afflicted, say $8 or $10 a ton, under the existing need, and allow the surplus hay to be shipped in, the Government assuming the transportation charges. This arrangement will be used only in times of dire need, and I need not say that there are plenty of brakes provided which will prevent any area from receiving this special aid unless there has been a thorough investigation of the situation and it is determined that an emergency exists.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. EDWIN A. HALL. I gladly yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that the Government can obtain a greatly reduced freight rate from land-grant railroads?

Mr. EDWIN A. HALL. That is true to a certain extent, but let me reply to the gentleman that I have conducted extensive research along with my local farm bureaus and I find that there is not enough difference between the prevailing transportation rate and the rate which might be provided to make any material difference, and I can assure the gentleman that we have gone into that subject not only with the Department of Agriculture but with the railroad systems.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman.

Mr. GROSS. I want to make this observation: I have very carefully read the gentleman's bill and I think it has a great deal of merit, much more so than much of the grasshopper appropriation measures we have passed or the moneys appropriated for New England to clean up the storm.

Mr. EDWIN A. HALL. I thank the gentleman, and wish to add that it is in no sense a grab-bag measure. It is based on sound economic and social propositions.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. EDWIN A. HALL. Gladly.

Mr. WHITE of Idaho. The gentleman speaks of the price of hay. What does the gentleman consider to be a fair price?

Mr. EDWIN A. HALL. I consider a nominal and fair price for hay to be about $10 a ton under existing economic conditions in my particular locality, and I think that is pretty generally accepted throughout the country.

Mr. WHITE of Idaho. To what does the gentleman attribute the high price in his district?

Mr. EDWIN A. HALL. The high price is attributable to just one thing, the fact that there is a serious shortage of hay in our locality and that there has been brought in by hay dealers from outside an inferior grade of hay, and at the same time they have demanded a very high price for it. In the event of the adoption of the policy of my bill there would be a preclusion of any such happening. There would be no

possibility of anything like that which is occurring under the present situation. Incidentally, I may add to the statement that I have made by saying that I have gone into this policy thoroughly with the Department of Agriculture, and although it has not been agreed to in whole, the Department has seen fit—and I do not mean the partisan politicians which might be at the head of various bureaus, but I have talked with experts on the subject—to agree with me that such a policy is necessary to maintain the existing situations in various farm areas.

I will add that in the event the measure is passed, although it cannot be enacted in time to benefit my district, at the same time there will be other agricultural districts which will be literally saved from economic ruin by this policy because it will absolutely prohibit a repetition of the disastrous occasions which have been brought about in my own district this year. There are a great many farmers who are being forced to sell their dairy herds in my district because of the fact that they find it economically unsound to borrow money under the present conditions. You will concur with me that there is little sense in a farmer mortgaging his dairy herd and his farm for an opportunity of borrowing three or four hundred dollars to buy hay to keep his herds throughout the remainder of the winter.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. EDWIN A. HALL. Gladly.

Mr. WHITE of Idaho. Does not the gentleman think that the conditions he describes go deeper than the borrowing of money? Does not the gentleman think that the profiteering of the milk dealers, the huge profits they make, and the profiteering of the people who supply the necessities to the farmers in the way of hay and other feed, enter into the problem, and does he not think that the trouble lies in that direction?

Mr. EDWIN A. HALL. I say to the gentleman that although we have had a serious milk situation in our district and there have been many farmers who have been vitally affected by the low price of milk, at the same time there is just one reason for my presenting the measure at this time and that is because of the dire need which my district or your district or the district of any other agricultural Member or State may suffer in severe drought, flood, or other act of nature, and maybe next summer your district will be just as vitally affected as mine is now.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. EDWIN A. HALL. Gladly.

Mr. SCHAFER of Wisconsin. The gentleman's bill is a two-way bill. It will help the people in the districts of the country where there is a scarcity of hay through an act of God, and at the same time it will help the people in other parts of the country where there is a surplus of hay.

Mr. EDWIN A. HALL. I appreciate the gentleman mentioning that fact. It will do just that. I do not advocate bringing hay a great distance. My proposal is that the farmers of my district who need hay at nominal and reasonable prices and who find it economically unsound to borrow money at the existing price of hay, will be helped and it will also help surplus areas to dispose of the hay which they now have and are unable to sell.

I commend this measure to the House, and I thank each and every Member for the opportunity given to present it, because I can assure them that in my district there is vital need for it.

In closing let me say that I have been before the chairman of the Committee on Agriculture urging him, entreating him, at the behest of various committees and farm bureaus and agencies in my district, for a hearing on this bill. I shall greatly appreciate the assistance that any Member from an agricultural district will give me to get a hearing on this bill. I have the personal promise of the chairman, but I am still anxious to get a hearing so that I can present the case of the farmers who are drought-stricken and who are economically flattened by the fact that between now and pasture time they will be unable to feed their cattle on anything except through an expensive loan, which will put them into debt for a great number of years and will cause them to be unable to farm economically and profitably over a period of the next 4 or 5 years. I submit this in a nonsectional manner and ask that every Member here from an agricultural district consider it with thoroughness and openmindedness. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield now to the Delegate from Hawaii [Mr. KING].

Mr. KING. Mr. Chairman, an amendment has been proposed to the agricultural appropriation bill now under consideration in the Senate which, if adopted, will destroy the domestic sugar industry. I believe this amendment was offered on the assumption that the conditional payments made to domestic sugar producers are a gratuity, and that the excise tax on sugar is a consumers' tax. This is an error, as any study of the present system will show. Because the conditional payments made to domestic sugar producers are published without reference to the excise tax that is levied on the sugar marketed in the United States it is assumed that these payments are gratuities. Nothing is further from the truth. Whatever may be said in regard to benefits extended to other agricultural commodities, the conditional payments to sugar producers is first collected by the Government in the form of excise taxes from the industry itself, and is not a charge against the general taxpayer.

In fact, a larger sum is collected from the industry than is paid back to the industry, leaving a considerable sum available to the Government for the expenses of administering the Sugar Act, and as a realization of the United States Treasury. At the time the Department of Agriculture appropriation bill was before the House, in early February, I was informed that excise taxes collected to date totaled $140,000,000 and only $86,000,000 had been expended, leaving a balance in the Treasury of $54,000,000.

It is obvious, therefore, that the conditional payments to sugar producers is not a gratuity nor a levy on the taxpayer, but a levy on the industry itself, returned in part to the sugar producers who comply with the various provisions of the Sugar Act, who in fact earn a refund of the tax already paid on the amount of sugar produced by them. To withhold the conditional payments, or to impose arbitrary limitations on the amount paid, without regard to compliance or production, destroys the integrity of the quota system. Such a procedure places the sugar producers in the position of having had their returns from the industry substantially reduced by an excise tax, with no compensatory offset. If it is proposed to place such limits on payments, then similar limits should be fixed on the amount of taxes to be collected.

The assumption that the excise tax is in effect a consumers' tax is based on the natural conclusion that this tax is passed on by the producer and processor to the consumer. Perhaps normally this would be the case, but the controls established in the Sugar Act prevent such a course in this instance; and the excise tax on sugar is not paid by the consumer.

I quote from a statement made by Secretary of Agriculture H. A. Wallace on March 15, 1937, in support of this contention:

> One is likely to assume that excise taxes increase prices under all conditions; but an excise tax on sugar, within certain limits, under a quota system is one of the exceptions.

Also, the Bureau of Agricultural Economics, in a report published in 1937, said:

> Since the total quota for sugar was completely filled each year, the quota system definitely limited the quantity of sugar made available for sale in the United States, regardless of the processing tax. Consumers would pay only a given price and aggregate amount for such a quantity, depending upon the existing state of demand, which is largely influenced by consumer purchasing power. Therefore, the tax did not affect the retail price in any way, at least over any appreciable period of time, and so could not have been passed on to consumers. (P. 67, "An analysis of the effect of the processing taxes levied under the Agricultural Adjustment Act," published 1937.)

Since the tax was not borne by consumers or by refiners or distributors of cane sugar, and apparently was not borne by the

manufacturers of raw sugar, it follows that the grower of cane sugar, as the residual element in the situation, did bear the burden of the tax as such.

The best proof that the consumer does not carry the burden of the excise tax is the record of the retail price of refined sugar over a number of years, under the protective-tariff system and under the quota system. The average retail price for the period 1909–13 was 5.95 cents higher than for 1935, 1936, 1938, and 1939. Over the period 1929 to 1939, inclusive, this price, the cost of sugar to the ultimate consumer, has ranged from 6.4 cents to 5 cents; but lower on the whole under the quota system, with a range of from 5.7 cents to 5.4 cents.

An American market free to all the producers of sugar in the world might give the American consumer cheaper sugar; but that lower price would be obtained only at the cost of the destruction of a great American industry. Also, the same might be said of many other American commodities, the tariff or a satisfactory substitute being necessary for their protection against foreign competition. On the other hand, America has had some bitter experiences when at the mercy of foreign producers. On several occasions when a domestic supply of sugar was lacking the price of sugar went to unreasonable heights, and complete dependence on imports would, if the past is any criterion, not help the consumer.

If it is conceded that the present system does not grant a gratuity to the sugar producers, and that the excise tax is not borne by the consumer, then the only remaining effect of the proposed limitation on conditional payments is as punitive legislation against large producers. Under the Sugar Act a sliding scale of payments is already prescribed which penalizes large producers and grants proportionately greater payments to the smaller producers.

Because the amounts paid to some producers are large, and the fact that a larger tax has already been collected on the sugar produced is rarely, if ever, mentioned, there is a tendency to fix a limit on such payments. That they were earned by compliance with the restrictions and other provisions of the Sugar Act is never stressed. No effort is made to determine the relative cost of production nor any attention paid to the number of persons employed by the larger producers and dependent for their livelihood on the prosperity of these industries. The limitation becomes simply a punishment for being big.

In this connection an excerpt from a letter by Acting Secretary of Agriculture Harry L. Brown with reference to some aspects of a proposed agricultural bill is quoted herewith as pertinent:

> By modifying the provision in section 340 (b), whereby the certificate allotments per farm would be scaled down as the total number of bushels increases. It is possible that this provision was included on the assumption that large producing units have a marked advantage from the standpoint of efficiency in production. If this assumption were correct, the ultimate effect of these scale-down provisions would be to foster the adoption of less efficient production units. On the other hand, efficiency of production seldom, if ever, increases in any given proportion to the increases in the size of the enterprise. Some small farms are low-cost producers and some large farms are high-cost producers. Consequently these scale-down provisions would not be an equitable means of avoiding excess profits. The equitable and nondiscriminatory device for this purpose is a tax on the things themselves, namely, high net incomes and excess profits.

Unfortunately, Hawaii, where plantation farms are by necessity operated in large units, is vulnerable to this sort of attack, and the large payments its producers receive are the object of much unjustifiable criticism. The truth is, Hawaii receives in conditional payments nearly $1,000,000 less than the amount of the tax collected on the sugar it produces. The industry employs over 47,000 persons, who, with their families, comprise over 100,000 people, about one-fourth of the total population. This group is directly dependent on the sugar industry for their livelihood. As the sugar industry comprises from 60 percent to 75 percent of Hawaii's economy, the welfare of the entire population of the Territory is involved with its prosperity. Limitations such as have been proposed are so drastic as to be in fact a legislative ban against the continued existence of the industry at all. Surely it cannot be seriously intended to deny economic life to Hawaii, which has in every way cooperated with other domestic producers of sugar, and asks only to be treated fairly and justly as a part of this American democracy, whose creed is "equal justice under the law."

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, the bill for the extension of the reciprocal trade treaty program has passed this House and is now before the Senate, but I want to call the attention of the Members to the claims being made by the foreign traders that it was through their efforts, through their propaganda, that the reciprocal trade treaty measure was passed by this body and reported favorably by the Senate Committee on Finance.

About 2 weeks ago the New York Times carried a story, from which I will read you two paragraphs:

> Credit for the change in feeling of the Senate is claimed in part by the foreign traders who carried on an organized campaign in behalf of the trade treaties this year for the first time since the act was adopted 6 years ago. Working through civic groups, women's organizations, and similar bodies, the foreign traders have built up a strong feeling in favor of the treaties among consumers who, in turn, have brought pressure to bear on Congress.
>
> Effectiveness of the foreign traders' campaign, spokesmen for importers and exporters asserted, can be judged by the fact that in December the chances for Senate passage of the bill was considered so slim that the foreign traders themselves credited opponents with having at least 10 more votes than they needed to defeat the renewal bill in the Senate.

You will note that this story quotes the foreign traders as openly claiming credit for influencing the votes of more than 10 Members of the Senate on this issue.

Few persons realize the extent to which these foreign traders are working to induce the American people to buy foreign goods in preference to American-made merchandise. Government departments have had their share in the propaganda, as some of you know. On June 7, 1938, I spoke upon the floor of this House condemning the policy of the Government in going too far in recommending buying too much merchandise from foreign countries to the detriment of our industries and the workers in our own country. At that time I presented a copy of a syllabus on foreign trade used in the schools of New York City, which was prepared for the high-school division by the Board of Education of the City of New York, by the high-school coordinating committee, and the New York national foreign-trade committee, the High School Principals Association, with the cooperation of the United States Bureau of Foreign and Domestic Commerce, the Chamber of Commerce of the United States, and the Port of New York Authority.

This syllabus was issued in the attempt to sell the idea to school children that foreign-made goods are better than those made here. The first page of the syllabus contained a statement which I want to repeat.

> All of us are attracted by new and novel things; also we believe that imported goods are better than our own. This further encourages trade between nations.

Of course, that was an outrageous thing, and I recall it to this House merely to show the kind of propaganda the foreign traders resort to, to make Americans buy foreign goods and in pressing for the continuation of the reciprocal trade treaty program.

Nobody would be foolish enough to claim that we should not have any foreign trade. That is not the question at issue. But when the largest commercial association in the country, the high-school associations, and the departments of our Government unite in promoting and advertising foreign-made goods as superior and preferable to our own, then it is time to call a halt.

This is the only country in the world where such a thing could happen. Try to picture the consequences of such a statement in any other nation. In some it would be tantamount to treason, so jealous are the authorities of their countries' manufactures. Every English boy and girl is taught to "Buy British," and this slogan is known throughout the world. British goods are advertised as being the best and a real resistance to foreign-made goods is noticeable in the British buying public.

The foreign-trade groups in America have gone to extreme ends, and boast about it, in influencing other groups in favor of the extension of these trade treaties. They induced the civic groups, women's organizations, such as the Young Women's Christian Association, and similar bodies to be placed on record in the hearings in favor of the trade treaties. So far as I can ascertain, however, the membership of these organizations has never acted upon the question. Certainly they would not willingly hurt the workers in the United States.

Long articles have been printed in leading magazines under the bylines of prominent people. One such appeared in a national weekly magazine, wherein a well-known and highly respected financier indicated clearly that his support of the trade-treaty program was based upon data issued by Department of State officials. Among other things, he wrote:

I know that the State Department figures as to the favorable working of the agreements have been challenged on some points, but I have no reason to doubt that the Department's compilations are substantially correct.

What a shame it is that before he made up his mind and before he wrote that article he did not have these compilations checked to see whether or not they represented the true facts. It is a known fact that during the 6 months beginning September 1, 1939, and ending February 1, 1940, American exports showed a marked increase over the amount during the same period a year ago. Before attributing this increase to the reciprocal trade treaty program it is wise to examine the details of our exports during this period. If we take a quick view of the circumstances we find our trade on the whole with Europe increased approximately 20 percent, Canada about 45 percent, South America about 55 percent, and Asia approximately 34 percent. Without looking any further, these percentages I have just mentioned disclose very interesting—in fact, significant—circumstances. The 20-percent increase in export trade with Europe is almost entirely due to the war. This is proved by the fact that products of such tremendous military value as aluminum increased during this 6-month period about 325 percent; raw cotton, 112 percent; aircraft, airplane engines and parts, almost 100 percent; and chemicals, approximately 65 percent. If these products for the use of destroying civilization were reduced to the normal commercial exports in a normal peaceful Europe, it appears quite obvious that our exports to Europe would show very little, if any, increase whatsoever.

Let us examine our exports to the more peaceful sections of the world, such as Canada, South America, and Asia—although we consider that there is a real war going on in Asia. Here we also find large increases in our exports such as I mentioned before. Where such marked increases occur there must be a cause for them. Is this cause the reciprocal trade treaty program? I think not, and for this reason: With the great industrial nations of the world locked in a conflict that might threaten their very existence, they cannot give attention to exports. For them the channels of trade are limited to the vital necessities for war. Their attention, their industrial life, with all of its ramifications, is riveted to one objective—winning the war. Human desires and demands never cease; they are constantly reflected in ever-changing market conditions. Markets are not static. It is perfectly obvious that with all of the industrial nations involved in war—except one—that one, which is the United States of America, would receive the large proportion of trade from the peaceful nations of the world. As the intensity of the war develops, their markets are gradually forced into the lap of the United States. This increase in trade with these sections during the 6 months mentioned is not, therefore, due to the Reciprocal Trade Treaty Act but rather to war tying up the industrial nations of Europe as well as Japan in Asia. Had the well-known financier whose support of the Reciprocal Trade Treaty Act based upon the statistical data of the Department of State given sufficient analysis and attention to the facts I have just presented, I believe his conclusions would have been different.

To illustrate another point which the financier could not have considered: Prior to a few weeks ago the proponents of the trade-treaty program compared our exports of 1937 and 1938 with our exports of 1932 and alleged that the increase in our exports since 1932 was due to our trade treaties with foreign nations. The fact is that the trade treaties were not authorized until June of 1934, and up to September of 1935 there was only one such treaty in effect a full year.

I believe no one will contend that we are going to provide jobs for our 10,000,000 of unemployed so long as we permit competitive imports to enter into American markets at less than our costs of production. Here in America we have fought hard against sweatshop conditions and impoverishing wages. We have established minimum-wage scales and maximum-hour regulations to protect our workers. We have done more to make the worker satisfied, to educate him and his family, to see that he is properly housed, and to guard his health than any other nation in the world. Now, because the foreign traders through their propaganda are admittedly successful in winning over legislators to their point of view, are we to be a party to the encouragement of these conditions abroad by admitting to our markets the products of pauper labor? Repeatedly upon this floor I have pointed out that we have the best labor in all the world—the best trained, best educated, best housed and clothed. Our workers are accustomed to a standard of living, and rightly so, that is far above that of workers abroad. It is a thing to be guarded and protected. Any influx of cheap-labor goods from abroad weakens that standard of living and undoes the good work of years in improving our standards. [Applause.]

The letter from the workers referred to and showing how they feel about these treaties is as follows:

PACIFIC MILLS WORSTED DIVISION EMPLOYEES ASSOCIATION,
Lawrence, Mass., March 13, 1940.

Hon. EDITH NOURSE ROGERS, M. C.,
House of Representatives, Washington, D. C.

DEAR MADAM: In order that you may appreciate more thoroughly the viciousness of these reciprocal-trade agreements insofar as they affect the city of Lawrence and similar centers, I am referring the following facts to you:

IMPORTS, WOOLEN PIECE GOODS

Imports increased substantially in November and December so that the total for the year was 78 percent above 1938 and 20 percent above 1937.

Wholly in chief value of wool and similar hair

1929	pounds	10,233,000
1930	do	5,182,000
1931	do	2,779,000
1932	do	1,899,000
1933	do	2,791,000
1934	do	2,485,000
1935	do	3,148,000
1936	do	4,532,000
1937	do	5,729,000
1938	do	3,865,000
1939	do	6,891,000

The above figures give the total imports of woven piece goods in pounds from 1929 through 1939. It will be observed that the imports for 1939 are higher than any year since 1929. England is making every effort to increase her exports of woolens in 1940.

It isn't necessary to go into any further statistics because the Department of Commerce in Washington is filled with those but we view with a great deal of concern the days which will follow the end of this struggle in Europe, not because we are not anxious for peace but rather because we fear an economic reaction which will be far worse than the one which followed the last World War. We read daily of special trade agreements which have been consummated between England and France on the one hand and Turkey, Rumania, and Italy on the other hand, with the result that when the war is over practically all of these countries will be committed to each other to such an extent that they will do most of the trading amongst themselves. The only contact that we will apparently have with them will be when their goods are imported into this country. In other words, it will be one-way traffic, with goods entering America and not leaving.

We trust that you will not let us down at a time when this act is the most dangerous to us. Vote to eliminate trade agreements and vote to keep American work for American workers.

Yours very truly,

PACIFIC MILLS WORSTED DIVISION
EMPLOYEES ASSOCIATION.
WILLIAM A. SHEARER, *President.*

Mr. TARVER. Mr. Chairman, I yield now to the gentleman from Mississippi [Mr. COLMER].

PARITY PAYMENTS FOR FARMERS

Mr. COLMER. Mr. Chairman, representing as I do what is largely an agricultural district in an agricultural State, it has been my privilege, and I have regarded it as a solemn duty, for the brief time that I have been a Member of this body to give considerable thought and effort to the problems of the farmers of this country. And I shall be frank enough to admit that I have been selfish enough in that consideration and effort to consider primarily the problems of the southern and more particularly the cotton farmer. I am profoundly and intensely interested in this subject, and so with your permission I should like to have your sympathetic attention and consideration of these problems for the next 15 or 20 minutes. But my chief purpose in so seeking your indulgence is to most particularly call your attention to the conference report on the Agriculture appropriation bill, which it will be the serious duty of this House to consider within the next few days. And I should also like to call your attention to one phase of that report, namely, the item appropriating $212,000,000 for parity payments which was placed in the bill by the Senate. It will be recalled that when the bill passed the House no provision was made therein for the continuation of the parity payments to the farmers. Of course this was no oversight by those of us who were so intensely interested in agriculture. But since the President had made no recommendation and the Budget had included no item therefor, it was thought that discretion would warrant no fight for this item in the consideration of the bill in the House. It was generally conceded by all interested parties that the Senate would place this item in the bill and that chances for its being written into the law would thereby be enhanced. This was not due to a lack of interest in agriculture in the House, although it is, of course, realized that because of the larger representation of States with great urban centers in the House as compared with the Senate, the representation of the farmers in the two bodies suffers by comparison. But it was hoped that between the lapse of time between the passage of the bill by the House and its passage by the Senate, those who had hoped that wartime activities would bring about an increase in the price of agricultural commodities would more forcefully realize that such a coveted event was not likely to happen.

And so, Mr. Speaker, the bill comes back from the Senate with an appropriation therein for something approaching parity payments for the farmers of this country for 1941. Realizing as I do that there is such a disparity in the representation of the rural areas I nevertheless cannot believe that this House will fail to do its duty to the farmers and to the country by failing to retain this appropriation item in the agriculture appropriation bill.

Mr. RICHARDS. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield.

Mr. RICHARDS. I understood the gentleman to say a day or two ago he was planning to call a meeting of Representatives interested in agriculture to take some steps on this subject. I want to know whether the gentleman has done anything about that, or whether he intends to, looking toward keeping these parity payments in the bill.

Mr. COLMER. I may say to the membership and to the gentleman from South Carolina that this matter is now under consideration. We hope to have a meeting or caucus of all interested Members in a few days. I have discussed it with the various leaders of the subcommittee on agricultural appropriations and of the legislative committee on agriculture, and others interested.

Mr. RICHARDS. I am glad to hear of that, as I know of no gentleman more interested in this problem than the gentleman from Mississippi, nor of anyone better qualified to lead the movement. Day in and day out he has worked for the best interests of the farmer here.

PARITY PAYMENTS BENEFICIAL TO CITY INHABITANTS

Mr. COLMER. Mr. Chairman, in this connection let me point out to those of you who represent large metropolitan centers that the urban citizens cannot be prosperous without the farmer first enjoying some form of prosperity. Our whole civilization and national life is so interwoven that the one cannot be prosperous without the other. History reflects the fact that in order for the inhabitant of New York City to enjoy a fair degree of prosperity the farmer of Georgia and Mississippi must first likewise enjoy a fair price for the commodities which he produces from the soil. So let no Member of this House representing an urban center be deluded into a state of blissful indifference to the welfare of the farmers of this country. For, verily I say to you now that if this item does not remain in this bill, your constituents who labor in the automobile factories, the shoe factories, the clothing factories, or whatever industry they are engaged in, will suffer in ratio to the degree of the inadequacy of the price that the farmer receives for his crop next year.

But, Mr. Chairman, I shall not dwell upon this longer. There should be no necessity therefor. For, after all, I am sure that we in this great representative body realize—however selfish we might be in representing our particular constituency—that in the long run whatever benefits one section of the country is bound to benefit the other. Therefore this is no sectional matter. There is no occasion for the South being arrayed against the North—or the East against the West—for it is a matter of common knowledge that parity price payments to the farmers of all sections of the country, as provided in this appropriation, can have but one result, a happier agricultural people, a more prosperous Nation, an increase in employment, and a stronger and more contented national existence.

PARITY DEFINED

Mr. Chairman, of course, the membership of this House understands what we mean by parity payments. But it would not be amiss here to call the attention of the membership to the fact that section 301 of the Agricultural Adjustment Act of 1938 provides for and defines parity and parity income as follows:

> Parity as applied to prices for any agricultural commodity shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period. The base period, except for tobacco, is the period of August 1909 to July 1914.
>
> Parity as applied to income for agriculture shall be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation as prevails during the period from August 1909 to July 1914.

But we might go a little further and ask what is meant by net income from farming operations. Net income means income that the farmer has that is available for living after he has deducted from what he received for his products the amount that he has paid for fertilizer, feed, interest, taxes, and the ordinary and incidental expenses incurred in his farming operations. The 1909 to 1914 period is used as a yardstick for measuring parity prices and income. Certainly no one can contend that the farmer is not entitled, in these days of increased prices for everything that he uses, to what he was receiving in the period from 1909 to 1914. But I call the attention of the membership of the House to the fact that this appropriation does not even do that. It is merely an attempt to reach the parity prices so arrived at. We are not asking for an appropriation here large enough to give agriculture a parity income in 1941. What we are seeking by this appropriation is sufficient money to be paid to the farmer to guarantee an income on the basic commodities of corn, wheat, cotton, rice, and tobacco to 75 percent of parity. There are many of us, frankly, who would like to see an appropriation sufficient to pay full parity prices provided for. But realizing the difficulties to be surmounted we are only asking for 75 percent of parity prices by this appropriation.

Mr. Chairman, there is no question about the necessity for this appropriation. What will happen to the farmers of this country if this appropriation is not made? It is estimated that the cotton farmer will receive around 6 to 8 cents per pound for his cotton, and the wheat farmer will receive

around 30 to 45 cents per bushel for his wheat if provision is not made by this appropriation for a continuation of these payments for the next year. The already harassed farmer, harassed by an ever-increasing price that he must pay for everything that he purchases, cannot produce these basic commodities at such a price. That being true how can he be expected not only to purchase the articles that are manufactured in the cities, but how is he going to exist under such conditions?

FARM INCOME

I hope that you will bear with me further while I call your attention briefly to some statistics. What has been the average income of the farmer over the period of the past 5 years? Statistics compiled by the Department of Agriculture show that the net income of each person living on the farm for the past 5 years has been $166 per year per person. While the same statistics show that the net income of persons not engaged in farming, for the same period, has been $625 per year per person. Can any fair-minded person, therefore, for a moment, argue against this effort to approach parity payments for our farmers? Can it be argued, without the blush of shame, that this pitiable net income should be further reduced? And I hope that the Members will bear in mind that this income has been over the period of the past 5 years and takes into consideration the parity payments and other governmental subsidies. How can the farmer be expected to pay his taxes, his interest, buy new farm machinery, and send his children to school, as well as to enjoy a few of the luxuries of modern life—such as the automobile, the radio, and electricity—on an income less than that which he has been receiving for the past 5 years?

INCREASED COST IN THE PRICE OF FARMERS' PURCHASES

And in this connection may I not call your attention to a further analogy? The distinguished Secretary of Agriculture, in his testimony before the Senate Agriculture Committee, very graphically pointed out the inequality in the position of the farmer, as compared with other groups, by reading from two mail-order catalogs, such as are found in practically every farm home in the country. The catalogs were for the years 1913 and 1940, respectively. He gave, for instance, the average price that the farmer had to pay for a work shirt in 1913 as 57 cents. While in 1940 the catalog listed the same shirt as 73 cents—a 28 percent increase in the price the farmer has to pay for an ordinary work shirt today over what he paid for the same shirt in 1913.

Or to put it another way, in terms that anyone can understand, the farmer in 1913 could purchase with 8.4 pounds of hogs an average work shirt. While in 1940 he would have to sell 14 pounds of hogs to buy the same shirt. In terms of cotton—in 1913 the Mississippi farmer could, from the proceeds of 4.7 pounds of raw cotton, have purchased a work shirt. While in 1940 he would have to sell 7.2 pounds of raw cotton to purchase the same cotton shirt. This contrast could be carried on indefinitely, but with the permission of the House, which I now seek, I will insert at this point two tables, as furnished me by the Secretary of Agriculture, which most graphically illustrate this point:

TABLE C.—*Comparative prices for selected articles, Sears, Roebuck & Co., 1913 and 1940*

Article	Unit	1913 catalog			1940 catalog			Price change, 1913–40	
		Page Nos.	Number of items listed	Average price	Page Nos.	Number of items listed	Average price	Amount	Percent
Work shirts	Each	310–313	34	$0.57	324–327	60	$0.73	+$0.16	+28
Overalls (bib)	Pair	432–434	10	.70	319–323	18	.97	+.27	+39
Men's suits	Each	383–393	68	12.32	271–274, 277–279	34	18.08	+5.76	+47
Women's shoes	Pair	336–341, 343–346, 349–351	124	1.84	118, 119, 122–131	68	2.81	+.97	+53
Common nails, 8d	100 pounds	1100	1	2.10	896	1	3.65	1.55	+74
Axes, single-bit, 4-pound head	Each	1102	8	.96	904	1	1.89	+.93	+97
Handsaws, 26 inches	Each	1110–1111	8	1.16	906	5	2.07	+.91	+78
Spike-tooth harrows, 2-section 60-tooth	Each	1162	1	10.06	940	1	19.75	+9.69	+96
Corn planter, 2-row check	Each	1163	1	31.25	942	1	65.95	+34.70	+111

TABLE D.—*Farm products equivalent in value to specified commodities, Jan. 15, 1913 and 1940*

Commodities	Unit	Farm products											
		Pounds of cotton		Pounds of wool		Pounds of beef		Pounds of hogs		Bushels of wheat		Bushels of corn	
		1913	1940	1913	1940	1913	1940	1913	1940	1913	1940	1913	1940
Work shirts	Each	4.7	7.2	3.1	2.6	10.6	10.6	8.4	14.0	0.73	0.86	1.1	1.4
Overalls	Pair	5.8	9.6	3.8	3.5	13.0	14.1	10.3	18.7	.9	1.15	1.4	1.8
Men's suits	Each	102.0	179.0	66.0	64.0	228.0	262.0	181.0	348.0	15.8	21.4	25.0	34.0
Women's shoes	Pair	15.0	28.0	9.9	10.0	34.0	41.0	27.0	54.0	2.4	3.3	3.7	5.3
Common nails, 8d	100 pounds	17.0	36.0	11.3	13.0	39.0	53.0	31.0	70.0	2.7	4.3	4.2	6.9
Axes, single-bit, 4-pound head	Each	7.9	18.7	5.2	6.7	18.0	27.0	14.0	36.0	1.2	2.2	1.9	3.6
Handsaws, 26 inches	Each	9.6	20.5	6.2	7.4	22.0	30.0	17.0	40.0	1.5	2.4	2.3	3.9
Spiketooth harrows, 2-section, 60-tooth	Each	83.0	196.0	54.0	70.0	186.0	286.0	148.0	380.0	12.9	23.4	20.0	37.0
Corn planter, 2-row check	Each	258.0	653.0	168.0	235.0	570.0	956.0	460.0	1,268.0	40.0	78.0	63.0	124.0

TARIFF

But, Mr. Chairman, I realize that there are those here who are opposed to these payments on the ground that they are subsidies to the farmer. Well, I admit that they are subsidies, and why should not there be some sort of subsidy to the farmer? We are living in a very complex and complicated era of our civilization. We have found it necessary to subsidize many activities and endeavors that are a part of our national existence. For instance, we found it necessary to annually subsidize the air-mail service to the extent of $8,000,000. We are subsidizing our second-class mail to the extent of $87,000,000 annually. We are subsidizing our airports and airways to the extent of $50,000,000. Our waterways are being subsidized to the extent of $100,000,000. Our public-roads sytem is being annually subsidized to the extent of $1,200,000,000. What about the billions that we are appropriating annually for national defense? All of these items, the Congress has determined, are essential in this period of social and economic upheaval. But what about the gigantic subsidy in the form of tariffs which go to the industry of the country? I do not hear the opponents of these measly pittances, in the form of appropriations to the farmer, raising any question about the gigantic, if indirect, subsidies that result from the tariff. As a matter of fact, Mr. Speaker, if it were not, in my humble judgment, for the high-tariff walls that were erected under a Republican administration, and which contributed to the collapse of our world economic structure, there possibly

would be no necessity for subsidy to the farmer. Can anyone deny that the iniquitous practice of building up these veritable Chinese walls in the form of tariff barriers contributed largely to the loss of the exports of our surplus agricultural commodities? Certainly, if industry is entitled to a subsidy in the form of a tariff so as to bring about an average net income of $625 per person to those engaged in industry and other allied endeavors, no one should have the temerity to suggest that the farmer should not be entitled to a subsidy sufficient to bring his net income up to $166 per person, which is all it is hoped this appropriation would do.

PRESIDENT'S ATTITUDE

But, it will be argued here in the next few days that this item will upset the Budget, and that the President is opposed to it. Mr. Speaker, I assume that this item will upset the Budget to an extent. But, so far as I am concerned, I am perfectly willing for it to be upset to that extent. As a matter of fact, while we prate about balancing the Budget we all know that the Budget would not be balanced even if the farmer were made to make this additional sacrifice. And, I might mention that the farmer is the only one who has been asked to sacrifice in order to balance the Budget; and, so far as I am concerned, I am not willing to be a party to making the farmer the proverbial goat of this drive to retrench and economize. But, it will be argued again that the President is opposed to this item for parity payments. I do not think that anyone has a right to quote the President to that effect. We do know that the President, in his message on the Budget, said:

> I have not, however, included estimates for new appropriations for parity payments in 1941. I am influenced by the hope that next year's crops can be sold by their producers for at least 75 percent of parity. I do not suggest in any way the abandonment of the policy of parity payments heretofore adopted, and future events may call for some appropriation to this end. I note, however, in passing, that the Congress has failed to make any provision for the financing of these payments already made or obligated for 1938 and 1939 crops.

But it will be borne in mind that this message was sent to the Congress several weeks ago when the President, like everyone else, hoped that there might be an increase in the price of agricultural commodities as a result of war activities abroad which would justify the leaving out of this item from the Budget. But we know now that no such thing has happened. Nor do we have any reason to believe that it will happen. On the contrary, all indications point to the fact that the European countries will utilize their credit in this country for the purchase of arms and ammunition rather than agricultural commodities.

Let us analyze the President's statement in the Budget, which reads in part as follows:

> I am influenced by the hope that next year's crops can be sold by their producers for at least 75 percent of parity.

Can it be said that this is an argument against parity? On the contrary, it is an argument for parity, for does it not follow that if this appropriation remains in the bill and the price of agricultural commodities should rise sharply enough to meet the President's hope "for at least 75 percent of parity" then there would be no necessity for using the appropriation.

However, I am in accord with the President in his statement to the effect that there should be some provision made for placing parity payments on a more substantial basis. I think that we should work out some comprehensive and effective legislation of a self-liquidating nature which would insure not 75 percent of parity but full parity prices. And that on a permanent basis rather than on a piecemeal basis, asking Congress for these appropriations from year to year.

Mr. Chairman, I am very much interested in this permanent legislation. I have discussed it with members of the House Agriculture Committee. In fact, they are considering legislation to that end now. It so happens that about 2 years ago I collaborated with two of my distinguished colleagues, the gentlemen from Texas, Messrs. PATMAN and POAGE, and we jointly introduced such a bill. The difficulty of this legislation was that it was more or less confined to cotton. But it is safe to say that those of us interested are going to do everything within our power, without pride of authorship, to bring about such legislation.

CONCLUSION

Mr. Chairman, in conclusion, allow me to say that this Congress has heretofore recognized the necessity for parity payments. The Congress has provided for such payments by appropriate legislation. This is merely an appropriation carrying out the mandate of Congress to provide such payments by a sufficient appropriation. If there was necessity for parity payments in 1938, 1939, and 1940, there is certainly necessity for parity payments in 1941. The Congress will be most derelict in its duty to the farmer and to the country if it fails to make the necessary appropriation available for these parity payments.

Mr. Chairman, last fall the President of the United States called the Congress into extraordinary session for the purpose of enacting a neutrality bill that would keep this country out of war so far as it was humanly possible by legislation to do so. The Congress enacted that legislation. You and I were primarily interested in keeping this country out of war. We said by that legislation that we were willing to make substantial economic sacrifices in order to keep out of war. We did make the greatest and most colossal sacrifice that any powerful Nation like ours has ever made in an effort to keep out of war and to prevent millions of young Americans from spilling their blood on the altar of the god of war. But may I not point out to you that possibly among the chief sufferers and among those who were called upon to make the greatest sacrifices were the farmers of this country when by virtue of this neutrality law we kept our ships from going to the ports of belligerent nations and required cash payments for our products, thereby lessening the opportunity of the farmers of this country to dispose of their surplus agricultural commodities. Shall we now deny them this appropriation to partially off-set that sacrifice? The farmers of America have throughout the ages demonstrated their patriotism and their loyalty to this country from the Minute Men of '76 down the years through the last great World War. Let us not, in this effort to prevent this country from becoming drawn into this war, turn the back of our hands to the farmers by requiring them to make all of the sacrifices. I hope in common fairness and justice to that great class of our patriotic American citizenship—the farmers of America, who number 25 percent of our population—that this House will appropriate these necessary funds for these necessary parity payments. [Applause.]

Mr. TARVER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. MILLS].

Mr. MILLS of Louisiana. Mr. Chairman, the three great fundamental problems before the United States are the farm problem, unemployment, and the industrial question. True enough, Congress has endeavored to bring the price of farm products to parity, or a level with manufactured products, but to this end we have only reached our objective to about 75 percent, taking into consideration all farm commodities; that is, when the great mass of the farming people need $1 worth of merchandise they are only able to buy 75 cents worth. However, in the case of the cotton farmer, he is only able to purchase 55 cents worth, considering the price he received for his 1939 cotton crop. So let us turn the page and note the public workingman's problem. Do you know what we will find? Approximately 11,000,000 men unemployed. Yet in our beautiful land of America, where there is too much to eat, too much to wear, and too much of everything to supply the demands, we find people hungry, undernourished, poorly clad, and without the very necessities of life. Therefore it is not enough to paint an unpleasing picture or situation and sit idly by and see our farmers till the soil and at the close of the year's hard task be forced to accept for his produce—cotton, cottonseed, corn, and other commodities—a price far less than the cost of production. Therefore we must come to the rescue of our unfortunate farmers and laboring men of America by

showing that Congress has an interest in that they may enjoy some of the pleasures and happiness that God intended for them to enjoy.

I hesitate to state it, but the farming question is becoming a deplorable problem, and unless Congress now undertakes a sound program dealing with the subject in a more comprehensive manner, not forgetting labor, agriculture, and industry, I say disaster is looming directly at every man's door.

Now, let no one say I am undertaking to depreciate certain benefits from the Agricultural Adjustment Act, such as soil conservation, the purchasing of surplus commodities, and other recourses available the last several years, but the fact remains they have not solved the farm problem, and instead they have failed by a wide margin to bring farm prices or the farm income up to parity or near parity. Why, cottonseed sold from approximately $12 per ton at the opening of the 1939 season to $24 per ton at the close of the season. Why, so frightful was this condition in the South until the farmer had to make financial arrangements whereby he could harvest his crop, whereas the farmer has always enjoyed a price for his seed that would enable him to pay for his ginning as well as the harvesting of his crop. So far the bait that has been sugar-coated and handed to the American farmer are only efforts, it appears to me, to redeem certain national political campaign pledges. I say they have had a fair and exhaustive trial, but in no respect does the present agricultural program assure the American farmer a price for his products on a par basis of cost, and this statement can well be borne out by the following table prepared and submitted by the Bureau of Agricultural Economics.

Prices received by farmers for specified commodities on Nov. 15, 1919 and 1939, and parity price Nov. 15, 1939

Commodity	Unit	Prices received by farmers on Nov. 15		Parity price, Nov. 15, 1939
		1919 (1)	1939 (2)	(3)
Wheat, per bushel	Cents	214.0	73.1	113.2
Corn, per bushel	Cents	131.0	46.8	82.22
Oats, per bushel	Cents	69.6	32.1	51.1
Barley, per bushel	Cents	118.8	42.2	79.2
Rye, per bushel	Cents	131.5	44.6	92.2
Buckwheat, per bushel	Cents	148.6	62.4	93.4
Flaxseed, per bushel	Dollars	4.10	1.64	2.16
Rice, per bushel	Cents	266.2	76.1	104.1
Cotton, per pound	Cents	36.00	8.80	15.87
Cottonseed, per ton	Dollars	72.65	23.75	28.86
Potatoes, per bushel	Cents	156.2	69.2	86.5
Sweetpotatoes, per bushel	Cents	135.1	64.5	112.4
Peanuts, per pound	Cents	9.1	3.39	6.1
Apples, per bushel	Dollars	1.85	.62	1.23
Butterfat, per pound	Cents	62.9	28.1	35.8
Chickens, per pound	Cents	22.0	12.4	14.6
Eggs, per dozen	Cents	59.1	25.8	39.5
Hogs, per 100 pounds	Dollars	13.36	5.87	9.24
Beef cattle, per 100 pounds	Dollars	8.65	6.89	6.67
Veal calves, per 100 pounds	Dollars	12.65	8.64	8.64
Lambs, per 100 pounds	Dollars	11.45	7.48	7.51
Tobacco, per pound	Cents	62.1	16.0	15.5
Hay, per ton	Dollars	19.40	7.51	15.1
Wool, per pound	Cents	51.0	27.6	23.4

You will note in the middle column, or column 2, is the price we are paying the farmer, and in column 3 is the price we promised him, whereas in column 1 is the price the farmer received in 1919. It is true and we acknowledge without the agricultural measures we have had prices would be far less; but do you think it is fair for farmers to collect one-half of his pay for his day's work?

Further, the national income for 1939 was $67,608,000,000, whereas the farming population, consisting of approximately one-third of the Nation's people, only received $4,458,000,000, which is less than 7 percent of the national income. So farm prices and farm income have been steadily dropping for 5 years, according to the Bureau of Agricultural Economics, while labor and industry costs entering into farm necessities have been rising to such a degree until it is almost impossible for the farmer to continue; and at this point I would like to quote from several of our leading agricultural authorities relative to our present farm program.

William Hirth, president of the Missouri Farmers Association and chairman of the historic Corn Belt Committee, who led the fight for the McNary-Haugen bill, and without whose support it could not have been passed, says:

Agriculture is facing a new crisis. Already Secretary Wallace has sounded a warning that there is no assurance that the new Congress will be willing to keep on appropriating hundreds of millions of dollars * * * and thus it is not unlikely that the farm relief of recent years, economically unsound * * * as it has been, will come to an end and the farmers will once more be left to root hog or die. * * * Will the Democratic leaders have the courage to tell the consumers of the Nation that they should be willing to pay the farmer cost of production, plus a reasonable profit, for the products of his toil? Or, to put it another way, when they tell our millions of city workers that they are entitled to an American standard of living, will they have the honesty and courage to tell them that they should be willing to concede the same kind of living standard to the farmer? * * * If the farm men and women of the United States were willing to ignore partisan politics and would speak with one voice, they would make demands for economic justice to agriculture which neither party would dare ignore, and the time is close at hand when farmers must act in this manner if the Republic is to be preserved.

And I quote from a statement made by Earl Smith, of Illinois, who is one of the most able farm leaders of America:

Everything yet done by Congress for the solution of the farm problem has been to appease the farmer rather than directed fully to the solution of the agricultural problem.

Edward A. O'Neal, president of the American Farm Bureau Federation, writes:

I am willing to support any feasible and reasonable farm program and support any and all reasonable expenditures in behalf of agriculture, if only there is some prospect that a solution will be found. In the light of the experience of the last few years, with generous appropriations to carry out a program for curtailing supply and expanding demand, is there anyone so bold as to insist that we have found the solution, or, if not, approximate solution? It is results that we are after, and I believe I express the sentiment of a majority of farmers that they seek results rather than experimentation.

Louis J. Taber, master of the National Grange, said at the seventy-third annual convention of the Grange:

We have not yet solved our farm problem. The farmer is not receiving his share of the national income. Although he has educated, housed, clothed, and fed 31 percent of the youth of the land, the prices he has received for the last 10 years equal only 78 percent of the prices he has paid for commodities and services used in rural life.

Prices paid the farmer for what he sells are so low that when the year's accounting is taken he has not enough money to pay his taxes and interest, and as a result a percentage of our farmers throughout the Nation are losing their homes, and this can be well borne out by the fact that the big life-insurance companies of this country are farming 29,000,000 acres of land, and it might be well to note in 1937 the biggest single beneficiary of the New Deal's program was the Metropolitan Life Insurance Co. An Agricultural Department report to Congress revealed this company received $257,095 in A. A. A. benefits on farms which it owns. Nearly all the top payments went to life-insurance companies, which have become large-scale owners of farms through mortgage foreclosures. The Federal monopoly committee evidence indicated recently that active competition among insurance companies for farm mortgages during the period following the World War made insurance companies the largest farmers in the United States. Therefore, it is very evident that in the light of experience of the last few years, with generous appropriations to carry out a program for curtailing production and undertaking to expand demand or undertaking to increase consumption at the cost of production, we have not discovered a proper solution, so I believe the Agricultural Committee should bring to this House a bill in this present session of Congress that will at least guarantee cost of production. However, in the meantime, we must increase the present agricultural appropriation bill which is pending before Congress at least $800,000,000, whereby Congress may be able to carry out our contract with the American farmer. The farming people of the Nation have shown their willingness to participate in the present agricultural program through cooperation, knowing, however, the program did not give agriculture proper recognition, but the poor farmer has accepted part of the loaf as a lamb being led to the slaughter pen without a cry. So if this present Congress

should not appropriate the necessary funds to carry out our contract we will have broken faith in that the farmers were led to believe they would be paid certain benefits through participation.

I believe it is a well-established principle, through the economic relationship of business, labor, and agriculture, that for a people to be prosperous economically the farmer must be given cost of production plus a profit for his produce, labor a decent wage, and business a profit. Why, you wouldn't ask a manufacturing concern to operate without paying operating cost. Then after cost of production—certainly no program can have a healthful life, whether it be agriculture, industry, or labor, unless a fair margin of profit is realized. No one would deny or neglect to accept this philosophy; therefore the paramount question arises, What method of approach will be accepted as a permanent cure for agriculture? Well, admitting first the farmer is entitled to parity, to which there is no disagreeing opinion, we must then consider production, but at no time are we to have curtailment of production during the years we actually cultivate the land, but, to the contrary, permit a farmer to produce all he may.

You see, under the present program a farmer is assigned a certain acreage allotment and is given, in addition, certain small benefit payments, but the big objection to the present agricultural program is that thousands of our farmers are losing their homes each year; in fact, 40,000 families each year are becoming tenant families and certain tenants and sharecroppers, as well as certain landowners, today are actually in need of the very necessities of life, such as food and clothes. I repeat again, I personally do not depreciate soil-conservation, purchasing of surplus commodities, and farm-tenant legislation but favor them. However, one step, and a proper one, is to give agriculture an even keel with industry. The country and Congress must accept Alexander Hamilton's views on the question of tariff or else it will be too late to plant corn after harvesting; then I believe we will have made the first step toward a sound and appreciative agricultural program. Hamilton, the first advocate of a protective tariff in this country, recognized that the farmer, as well as the manufacturer, needs Government assistance when he suggested that the farmer be paid a bounty as an offset to the tariff. I read a statement from Alexander Hamilton, as follows:

> The true way to conciliate these two interests is to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty, by way of bounty, either upon the production of the material itself or upon its manufacture at home, or upon both. In this disposition of the thing the manufacturer commences his enterprise under every advantage which is attainable as to quantity or price of the raw material, and the farmer, if the bounty be immediately to him, is enabled by it to enter into a successful competition with the foreign material.

Therefore, I insist the farmer should have an offset to the tariff and be put on an equality with industry, as he is equally in need of this protection. I would like to quote at this point from Mr. MARVIN JONES, chairman of the Agriculture Committee, House of Representatives, as of February 8, 1938, on the subject of tariff.

> I believe in the philosophy of a tariff for all or a tariff for none.

Second, we recognize the law of scarcity and demand; therefore, I believe it a necessity for the fields to lie idle every seventh year by declaring a cotton holiday and during this year when the land is not being cultivated we can pay to the landowner, including the tenant and sharecropper, a sum equal to an average to his 6-year income.

Now assuming that agricultural production will be cared for in the manner specified in the Bible and given an offset to the tariff, we would raise all the cotton that we could raise, all the corn, wheat, and everything else that we could raise. Let us say, for example, that we raised more cotton than we could use, but this is only a gesture as if everybody could buy all the towels, all the sheets, all the bedding, all the clothing, all the carpets, all the window curtains, and all of everything else they reasonably need America would consume 20,000,000 bales of cotton per year without having to sell a bale to the foreign countries. The same would be true of all other farm products.

But for the sake of argument, let us say, however, that there would be a surplus, and I hope there will be, because it will do the country good to have a big surplus in case of famine, war, or calamity. Let us take cotton for an example, by saying the United States will have a market for 10,000,000 bales and that we raise 15,000,000 bales of cotton. We will store 5,000,000 bales in warehouses provided by the Government. If the next year we raise 15,000,000 bales of cotton and only need 10,000,000, we will store another 5,000,000 bales of cotton and the Government will care for that. When we reach the year when we have enough cotton to last for 12 or 18 months as we have in store presently we will plant no more cotton for that year.

So I contend if we would recognize this law of practice and at the same time give the farmer an offset to the tariff the farmer would be immediately placed on equality with industry, giving this great mass of people the first breath of hope, cheer, and happiness. [Applause.]

Mr. TARVER. Mr. Chairman, I yield such time to the gentleman from Arizona [Mr. MURDOCK] as he may desire.

Mr. MURDOCK of Arizona. Mr. Chairman, the bill as presented to us provides $85,000,000 for the National Youth Administration, which is the full amount of the Budget estimate for the coming year. While it is true that that amount is $4,000,000 more than the Appropriations Committee wrote into the bill a year ago for the National Youth Administration, it is also true that it is $15,000,000 less than was appropriated last year for the N. Y. A. In this case it is a Budget cut, whereas a year ago there was a committee cut. Several of us who are very vitally interested in this appropriation remember that the Budget last year recommended $123,000,000 for this work, and when the committee bill was before the House it contained an item for $81,000,000 in the printed draft. Some of us at that time felt that the Budget estimate was nearer right than the committee provision.

The gentleman from Mississippi [Mr. COLLINS] and several other gentlemen, of whom I was one, made an effort last year to amend the bill and raise it to the $123,000,000 which the President had approved. We failed on the first amendment, but did get an amendment added which increased the amount by $19,000,000, thus appropriating $100,000,000 for the present year for the National Youth Administration. I have talked with several gentlemen who feel an amendment should be offered to increase the amount in the bill now before the House.

In former sessions I have received many communications from my constituents asking me to support a liberal N. Y. A. appropriation. Perhaps it is because I have been a schoolman and am known to sympathize with the program that schoolmen of Arizona have contacted me so freely on this item. It has been the schoolmen heretofore, from the president of the State university down to classroom teachers, who have asked me to work for a generous N. Y. A. support. However, this year I have received communications from parents and ministers of the gospel and educational lay members. Their urging is very significant.

Heretofore, I have thought mostly of the fine, constructive work which this fund has done for young people in high schools and colleges. I have commented on what I have seen in my own experience with small colleges in the West. I now am agreeably surprised to learn that the N. Y. A. program has been greatly expanded beyond that which I knew as dean of a teachers college. I am surprised and pleased to see how much "out of school" aid has been given. I am also pleased to see that young people have not been discriminated against because of race or color, which is as it should be. I learned that in Arizona in 1 year 63 young colored persons have been located in private employment by this agency, and 96 young colored students have had opportunity to pay a part of their expenses in high school and college.

I do not have the figures at hand concerning Mexican students, but I know positively that, at the small college

where I worked before coming to Congress, worthy young Mexicans were given impartial consideration such as was accorded all other students, and they participated in the benefits of the program as did all others. I have many times before indicated to the Members that some of the best students graduating from my college were enabled to complete their college work through this program of Government aid. I know that it has been a wise investment.

Mr. TARVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. COOPER, having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 9007, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a radio address by the Honorable Gifford Pinchot, former Governor of Pennsylvania and also the first Chief Forester of this country, on the subject of the farmer and the Forest Service.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to include in the remarks I made on the bill under consideration today a letter from the Pacific Mills, Worsted Division, Employees Association, on the subject of the reciprocal trade agreement policy and the very objectionable part that the foreign traders have played in securing the passage of that bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a proclamation regarding cancer control, issued by the President yesterday under the provisions of Public Resolution 82, Seventy-fifth Congress, which I introduced and was successful in securing the passage of.

I also call the attention of the House to the bill, H. R. 4585, which, if passed, I think would very materially lessen the dread disease, cancer. I hope it will be given consideration at this session.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. SHAFER] may be given an indefinite leave of absence because of serious injury suffered in an automobile accident last evening.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. BRADLEY] may be given leave of absence for the next 2 or 3 days on account of official business.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. GRIFFITH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short table which summarizes the current operations of the National Youth Administration in Louisiana and the program of the National Youth Administration in my district.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana [Mr. GRIFFITH]?

There was no objection.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Oklahoma [Mr. NICHOLS] may extend his own remarks in the RECORD and include therein an address.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. SHEPPARD]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURGIN, for 10 days, on account of illness.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; and

S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes.

ADJOURNMENT

Mr. TARVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.), under its previous order, the House adjourned until Monday, March 25, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid in the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, March 27, 1940, at 10:30 a. m., for the public consideration of H. R. 4221, Naturalization not denied alien because on relief, and H. R. 7239, to naturalize Filipinos.

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

IMPORTANT NOTICE

The hearings scheduled on the dates below have now been indefinitely postponed until further notice:

The Committee on Patents will hold hearings Wednesday and Thursday, April 10 and 11, 1940, at 10:30 a. m. each day,

on H. R. 8441, to afford greater protection to the purchaser of patent rights; H. R. 8442, to prohibit proof of acts done by an inventor in foreign countries; H. R. 8443, to give the Commissioner of Patents power to protect inventors by establishing adequate standards of professional conduct among attorneys; and H. R. 8444, to permit the assignee of an application for letters patent to make certain supplemental applications.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Friday, March 22, 1940, at 10 a. m., for the consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING MARCH 18, 1940, AT 10 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

1. Monday, March 18: Maj. Gen. Julian L. Schley, Chief of Engineers, has been requested to make a general statement, with his recommendations covering a general flood-control bill and the projects that should be included in the bill. He, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

2. Tuesday, March 19: Sponsors and representatives of the Corps of Engineers, from New England, New York, and the Atlantic seaboard on all reported projects and pending bills.

3. Wednesday, March 20: Sponsors and representatives of the Corps of Engineers, from the upper Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

4. Thursday, March 21: Sponsors and representatives of the Corps of Engineers, from the lower Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

5. Friday, March 22: Sponsors and representatives of the Corps of Engineers, for the upper Mississippi and tributaries, and Missouri River and tributaries.

6. Saturday, March 23: Sponsors and representatives of the Corps of Engineers for projects on the Arkansas River and tributaries.

7. Monday, March 25: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

8. Tuesday, March 26: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

9. Wednesday, March 27: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

10. Thursday, March 28: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

11. Friday, March 29: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

12. Saturday, March 30: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

13. Monday, April 1: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1482. A letter from the Chairman, Reconstruction Finance Corporation, transmitting, pursuant to the provisions of section 201 (b), title II, of the Emergency Relief and Construction Act of 1932, the report of the Reconstruction Finance Corporation of its activities and expenditures for the month of February 1940 (H. Doc. No. 677); to the Committee on Banking and Currency and ordered to be printed.

1483. A letter from the Secretary of War, transmitting a draft of a bill to amend section 10, National Defense Act, as amended, with relation to the maximum authorized enlisted strength of the Medical Department of the Regular Army, which the War Department recommends to the favorable consideration of Congress; to the Committee on Military Affairs.

1484. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill which would afford relief for certain certifying and disbursing officers of the Indian Service, the United States Veterans' Administration, and the Treasury Department in whose accounts disallowances have been made by the General Accounting Office; to the Committee on Claims.

1485. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill to authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the municipal center; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TARVER: Committee on Appropriations. H. R. 9007. A bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes; without amendment (Rept. No. 1822). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Accounts. House Resolution 430. Resolution for the relief of Elma S. Moulton. (Rept. No. 1823). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8262. A bill to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes; without amendment (Rept. No. 1824). Referred to the House Calendar.

Mr. KRAMER: Committee on Patents. S. 2689. An act to amend section 33 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, and for other purposes; without amendment (Rept. No. 1825). Referred to the Committee of the Whole House on the state of the Union.

Mr. NICHOLS: Committee on the District of Columbia. H. R. 8980. A bill to provide revenue for the District of Columbia, and for other purposes; with amendment (Rept. No. 1826). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK:

H. R. 9008. A bill to regulate interstate and foreign commerce in barley, providing for the orderly marketing of barley at fair prices in interstate and foreign commerce, insuring to barley producers a parity income from barley based upon parity price or cost of production, whichever is higher, and for other purposes; to the Committee on Agriculture.

H. R. 9009. A bill to regulate interstate and foreign commerce in rye, provide for the orderly marketing of rye at fair prices in interstate and foreign commerce, insure to rye producers a parity income from rye based upon parity price or cost of production, whichever is higher, and for other purposes; to the Committee on Agriculture.

H. R. 9010. A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in hogs, providing for the orderly

marketing of hogs at fair prices in interstate and foreign commerce, insuring to hog producers a parity income from hogs based upon parity price or cost of production, whichever is higher, and for other purposes; to the Committee on Agriculture.

By Mr. EBERHARTER:

H. R. 9011. To provide for recording of deeds of trusts and mortgages secured on real estate in the District of Columbia, and for the releasing thereof, and for other purposes; to the Committee on the District of Columbia.

By Mr. GILCHRIST:

H. R. 9012. A bill to subject sugar, molasses, and similar products used in the distillation of alcohol to the taxes on sugar; to the Committee on Ways and Means.

By Mr. GOSSETT:

H. R. 9013. A bill to transfer Hardeman County, Tex., from the Fort Worth division to the Wichita Falls division of the northern judicial district of Texas; to the Committee on the Judiciary.

By Mr. SCHULTE:

H. R. 9014. A bill to amend the act to regulate barbers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WEST:

H. R. 9015. A bill authorizing construction, operation, and maintenance of a project for flood control, and for the conservation, regulation, and utilization of the waters of the Rio Grande, and authorizing appropriation for that purpose; to the Committee on Foreign Affairs.

By Mr. ANDREWS:

H. R. 9016. A bill to amend the joint resolution creating the Niagara Falls Bridge Commission; to the Committee on Foreign Affairs.

By Mr. EDELSTEIN:

H. R. 9017. A bill to provide hospitalization and medical care for the officers and enlisted personnel of the United States Reserves, of the Army and Navy; to the Committee on Military Affairs.

By Mr. ELLIOTT:

H. R. 9018. A bill authorizing an appropriation for the purpose of providing the necessary control of fire, control of erosion, and conservation of water, by the protection of the existing vegetative cover and improvement of said cover for the control of run-off on lands lying within the Angeles, San Bernardino, Los Padres, and Cleveland National Forests, and adjacent lands in Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Ventura, and Riverside Counties, State of California; to the Committee on Agriculture.

By Mr. SANDAGER:

H. R. 9019. A bill to provide for a continuous census of unemployment, and for other purposes; to the Committee on the Census.

H. R. 9020. A bill to stabilize employment, to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes; to the Committee on Labor.

By Mr. DIMOND:

H. R. 9021. A bill to require the payment of prevailing rates of wages on Federal public works in Alaska and Hawaii; to the Committee on Labor.

By Mr. SHERIDAN:

H. R. 9022. A bill to prohibit making or collecting loans to Government employees on Government property; to the Committee on the Judiciary.

By Mr. COOLEY:

H. R. 9023. A bill to provide for the development of marketing and marketing services for farm commodities; to the Committee on Agriculture.

By Mr. BELL:

H. R. 9024. A bill relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard, of the United States, and to amend section 113 of the Criminal Code; to the Committee on Military Affairs.

By Mr. MURDOCK of Utah:

H. R. 9025. A bill to facilitate control of soil erosion and to minimize flood damage on lands within the Fishlake National Forest, Utah, and to promote efficiency and economy of administration of said national forest; to the Committee on Agriculture.

By Mr. BLOOM:

H. J. Res. 495. Joint resolution to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair, 1939, authorizing an appropriation therefor, and for other purposes," approved July 9, 1937, to provide for participation in the New York World's Fair, 1940, to authorize an appropriation therefor, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEA:

H. J. Res. 496. Joint resolution providing for more uniform coverage under the Railroad Retirement Acts of 1935 and 1937, the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H. Res. 434. Resolution to investigate oil tanker and oil barge transportation agencies in the United States and for other purposes; to the Committee on Rules.

By Mr. HENDRICKS:

H. Res. 435. Resolution to make H. R. 8264, a bill to provide for national recovery by raising revenue and retiring citizens past 60 years of age from gainful employment and provide for the general welfare of all the people of the United States, and for other purposes, a special order of business; to the Committee on Rules.

By Mr. TARVER:

H. Res. 436. Resolution providing for the consideration of appropriations and language for the National Youth Administration in connection with the consideration of the bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1941, and for the other poses; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to consider their House Resolution No. 125, with reference to the deportation of undesirable aliens carrying on un-American and subversive activities; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to consider their House Resolution No. 122, with reference to a survey of the Rough River Basin and a drainage and reclamation project; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. H. CARL ANDERSEN:

H. R. 9026. A bill for the relief of Carl August Engelhardt; to the Committee on Naval Affairs.

By Mr. GAVAGAN:

H. R. 9027 (by request). A bill for the relief of Dr. Gustav Weil, Irma Weil, and Marion Weil; to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH:

H. R. 9028. A bill to confer jurisdiction upon the United States District Court for the Eastern District of Louisiana to determine the claim of Dr. M. O. Becnel, of New Roads, La.; to the Committee on Claims.

By Mr. HARE:

H. R. 9029. A bill for the relief of Charles A. Quattlebaum; to the Committee on Claims.

By Mr. HOOK:

H. R. 9030. A bill for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta; to the Committee on Claims.

By Mr. HOPE:

H. R. 9031. A bill for the relief of Collin B. Myatt; to the Committee on Naval Affairs.

By Mr. MAY:

H. R. 9032. A bill granting an increase of pension to John Salyer; to the Committee on Pensions.

By Mr. OSMERS:

H. R. 9033. A bill for the relief of Angelo Carlino; to the Committee on Immigration and Naturalization.

By Mr. TERRY:

H. R. 9034. A bill for the relief of Ruby Gaskins; to the Committee on World War Veterans' Legislation.

By Mr. THOMAS of New Jersey:

H. R. 9035. A bill for the relief of Allen C. Hover; to the Committee on Claims.

By Mr. MURRAY:

H. R. 9036. A bill granting an increase of pension to Peter Erickson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7081. By Mr. GILCHRIST: Petition of sundry citizens of the Eighth Congressional District of Iowa, asking passage of House bill 1, being the Federal chain-store tax bill; to the Committee on Ways and Means.

7082. By Mr. JENKS of New Hampshire: Petition of 60 residents of the First Congressional District of New Hampshire, urging the enactment of House bill 5620; to the Committee on Ways and Means.

7083. By Mr. MICHAEL J. KENNEDY: Petition of the Walter R. Robertson Association, Inc., of Queens Village, N. Y., urging enactment during this session of the Congress of legislation that will prohibit the further expansion and curtail the importation of refined sugar made in the tropical islands for our markets, thereby protecting the jobs of American men and women of Brooklyn, N. Y.; to the Committee on Foreign Affairs.

7084. Also, petition of the United Federal Workers of America, Internal Revenue Local, No. 47, New York City, opposing enactment of certain pending alien bills; to the Committee on Foreign Affairs.

7085. Also, petition of the Enterprise Association of General Pipe Fitters, etc., Local No. 638, of the United Association, expressing opposition to Senate bill 2719, presented by Senator O'MAHONEY, as unfavorable to working men; to the Committee on the Judiciary.

7086. Also, petition of the United Electrical Radio and Machine Workers of Brooklyn, N. Y., opposing any amendments to the National Labor Relations Act, detrimental to labor; also the Smith proposals to amend the act and the functions of the Board; to the Committee on Labor.

7087. Also, petition of the Real Estate Board of New York, Inc., opposing Senate bills 591 and 1275, to amend the United States Housing Act of 1937, and for other purposes, and House bill 1, the Patman chain-store bill; to the Committee on Ways and Means.

7088. Also, petition of the Merchants Association of New York, expressing opposition to enactment of House bill 1, the Patman bill, providing for an excise tax on retail stores; to the Committee on Ways and Means.

7089. By Mr. KEOGH: Petition of the Enterprise Association, Local Union 638 of the United Association, New York City, concerning Senate bill 2719; to the Committee on the Judiciary.

7090. Also, petition of the International Longshoremen's Association, New York City, concerning the Wheeler bill (S. 2009), to the Committee on Interstate and Foreign Commerce.

7091. Also, petition of the National Association of Retail Meat Dealers, Inc., Chicago, Ill., concerning the Patman bill (H. R. 1); to the Committee on Ways and Means.

7092. Also, petition of the Merchants Association of New York, concerning the Patman bill (H. R. 1); to the Committee on Ways and Means.

7093. Also, petition of the United Electrical Radio and Machine Workers of America, concerning the Smith committee with regard to the National Labor Relations Act; to the Committee on Labor.

7094. Also, petition of the Medical Society of the County of Kings, Brooklyn, N. Y., concerning appropriation of funds for land and plans for new building of Army Library and Museum; to the Committee on Appropriations.

7095. By Mr. PFEIFER: Petition of the Victor Metal Products Corporation, Brooklyn, N. Y., opposing duty on quill brushes used by nail-polish manufacturers, as well as an increase in the ad valorem rate; to the Committee on Ways and Means.

7096. Also, petition of the Enterprise Association, Local Union No. 638, New York City, concerning the O'Mahoney bill (S. 2719); to the Committee on the Judiciary.

7097. Also, petition of the Merchants Association of New York, New York City, opposing the Patman bill (H. R. 1); to the Committee on Ways and Means.

7098. Also, petition of the International Longshoremen's Association, New York City, concerning the Wheeler-Lea bill (S. 2009); to the Committee on Interstate and Foreign Commerce.

7099. Also, petition of the Medical Society of the County of Kings, Brooklyn, N. Y., urging the passage of legislation providing for appropriation of funds for land and plans for a new building of Army Medical Library and Museum; to the Committee on Appropriations.

7100. Also, petition of the State of New York, Department of Law, of Albany, N. Y., urging the passage of House bill 7737; to the Committee on the Judiciary.

7101. By Mr. SCHWERT: Petitions of Dr. Francis E. Fronczak, city health commissioner, Buffalo, N. Y.; Dr. Herbert H. Bauckus, chairman, Board of Health of Buffalo, N. Y.; Dr. Leo M. Michalek, health officer, Lackawanna, N. Y.; Dr. Earl D. Osborne, professor of dermatology and syphilology, University of Buffalo, Buffalo, N. Y.; Dr. James R. Borzilleri, of Buffalo Columbus Hospital, Buffalo, N. Y.; and Paul L. Benjamin, executive secretary, Council of Social Agencies of Buffalo, N. Y., urging support of the original appropriation for venereal-disease control; to the Committee on Appropriations.

7102. By Mr. SWEENEY: Petition of Louis C. Kuehn, secretary of the Greater Cleveland Concourse Association, in behalf of House bill 7813, a bill to safeguard the homing pigeon; to the Committee on Agriculture.

7103. By Mr. VAN ZANDT: Petition of the Pennsylvania State Association of Township Supervisors, urging an amendment to the Federal Work Projects Administration appropriation bill to provide that the funds be apportioned to the 48 States for allocation by the State treasurer to local political subdivisions; to the Committee on Appropriations.

7104. By the SPEAKER: Petition of the International Labor Defense, Polish Branch, Chicago, Ill., petitioning consideration of their resolution with reference to discontinue the Dies committee; to the Committee on Rules.

7105. Also, petition of Local Union No. B-302, International Brotherhood Electrical Workers, Richmond, petitioning consideration of their resolution with reference to the United States Housing Authority; to the Committee on Banking and Currency.

7106. Also, petition of the Marion County Building Trades Council, Indianapolis, Ind., petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

7107. Also, petition of the Central Labor Council, San Pedro, Calif., petitioning consideration of their resolution with reference to House bill 7447, providing for Federal aid in the construction of the T-tunnel project at San Pedro Harbor; to the Committee on Military Affairs.

7108. Also, petition of the International Union of Operating Engineers, Local No. 612, Tacoma, Wash., petitioning

consideration of their resolution with reference to the United States Housing Authority; to the Committee on Banking and Currency.

SENATE

FRIDAY, MARCH 22, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. James Shera Montgomery, D. D., Chaplain of the House of Representatives, offered the following prayer:

O Thou who hast borne our griefs and carried our sorrows, Thou who wast wounded for our transgressions and bruised for our iniquities, consider and hear us. Allow not the clouds and the darkness to be around about Thy throne. We bow and bend at the altar of prayer, mercy, and supplication. We unveil the cross and behold infinite love struggling for infinite expression.

God so loved the world, that He gave His only begotten Son, that whosoever believeth on Him should not perish but have everlasting life.

Not unto us, O Lord, but unto Thy holy name be glory and honor, both now and ever. We pray that Thy holy truth may become coextensive with the being of man throughout the wide earth. O, may the throngs touch the hem of Thy garment, that the pangs of hate and paralyzing fear may no longer stain the hearts of men.

We tarry a moment as we vision the rugged brow of Calvary clothed in darkness and blackness because of human weakness and sin. God help us to glimpse and to vision at its foot the glory, the promise, the faith, and the hope of a new coming day. In Thy holy name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 21, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	Frazier	Lodge	Schwartz
Bailey	George	Lucas	Schwellenbach
Bankhead	Gerry	Lundeen	Sheppard
Barkley	Gibson	McCarran	Shipstead
Bilbo	Gillette	McKellar	Slattery
Bone	Green	McNary	Smathers
Bridges	Guffey	Maloney	Stewart
Brown	Gurney	Mead	Thomas, Idaho
Bulow	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chandler	Hill	Nye	Vandenberg
Chavez	Holman	O'Mahoney	Van Nuys
Clark, Idaho	Holt	Overton	Wagner
Clark, Mo.	Hughes	Pepper	Walsh
Connally	Johnson, Calif.	Pittman	Wheeler
Danaher	Johnson, Colo.	Radcliffe	White
Donahey	King	Reed	Wiley

Mr. MINTON. The Senator from Virginia [Mr. GLASS] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

RELIEF OF CERTAIN DISBURSING AGENTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of certain disbursing agents and certifying officers of the Indian Service, the United States Veterans' Administration, and the Treasury Department, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the Council of the City of Cambridge, Mass., favoring increased appropriations for the W. P. A. so as to maintain present quotas and avoid lay-offs, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by Local No. 65 (C. I. O.), United Wholesale and Warehouse Employees, of New York, N. Y., protesting against involvement of the United States in war, and opposing all loans to belligerent countries, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a telegram in the nature of a memorial from Local No. 65 (C. I. O.), United Wholesale and Warehouse Employees, of New York, N. Y., remonstrating against the enactment of legislation to establish a merit-rating plan for unemployment insurance benefits, which was referred to the Committee on Finance.

Mr. WALSH presented a resolution of the Council of the City of Quincy, Mass., favoring additional appropriations for the W. P. A. in the State of Massachusetts, which was referred to the Committee on Appropriations.

Mr. WILEY presented resolutions adopted by the Polish-American Citizens Club, of Milwaukee, Wis., favoring appropriations for Polish relief and the rendering of aid to the people of Poland, and the exiles therefrom, suffering as a result of the twofold invasion of that country, which was referred to the Committee on Foreign Relations.

Mr. BARKLEY presented the following resolution of the General Assembly of the State of Kentucky, which was referred to the Committee on Immigration:

House Resolution 125

Concurrent resolution requesting the Government of the United States to cause the deportation of undesirable aliens carrying on un-American and subversive activities

Whereas the American Government has proved to be the best ever conceived by man, being capable of amendment and adaptation to meet every human need and condition; and

Whereas the citizens of this Nation are capable of making such changes, adjustments, and adaptations as they may desire and as may be needed, without suggestions, advice, or attempted compulsion of aliens or agents of any foreign government; and

Whereas there are in this country many persons engaged in un-American, subversive, and destructive activities seeking to change our form of government and to undermine the very foundations of our liberties, peace, happiness, and well-being, and much of this un-American and destructive activity was and is being initiated, carried on, and financed by aliens who enjoy the protection of the American flag and the blessing of our free institutions; and

Whereas in these days of wars, international chaos, domestic agitation, and uncertainty it behooves the American people to zealously guard and protect the institutions that have made this the greatest nation in the history of mankind; and

Whereas these problems are of vital concern to the cities of Kentucky as they are to all other American citizens: Now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That we respectfully and urgently request our National Government to use all available means to speedily deport all aliens who are engaged in un-American and subversive activities and who may be advocating or seeking to change, modify, or overthrow our form of government and institutions by force or otherwise, or who are members of or affiliated in any way with any organization engaged in such activities, or that is supported and financed in whole or in part by aliens or by any foreign government.

2. If existing laws do not confer sufficient authority for the deportation of the aliens referred to in this resolution, we respectfully request the National Congress to speedily enact necessary legislation.

3. A copy of this resolution shall be sent by the secretary of state to the President of the United States, to the clerk of the United States Senate, to the Clerk of the United States House of Representatives, to the Secretary of Labor, and to the Kentucky representatives in the United States Senate and the United States House of Representatives.

I, George Glenn Hatcher, secretary of state of the Commonwealth of Kentucky, do hereby certify that the above and foregoing copy of House Resolution No. 125 is a true and correct copy of said resolution.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done at Frankfort, Ky., this 18th day of March 1940.

[SEAL] GEORGE GLENN HATCHER,
Secretary of State, Commonwealth of Kentucky.

Mr. BARKLEY also presented the following resolutions of the General Assembly of the State of Kentucky, which were referred to the Committee on Commerce:

House Resolution 106

A resolution memorializing the Congress of the United States of America to take such steps as are necessary to cause the East Fork of Clarks River to be drained as a health project from the north line of Calloway County to Bryants Ford on said river near the northeast and southeast corners of Graves and McCracken Counties

Whereas by reason of erosion upon a scale that cannot be controlled by private enterprise the channel of the East Fork of Clarks River has been filled from the north boundary of Calloway County to Bryants Ford on said river, thereby creating a slash or pond about 20 miles long that stands practically all the year, which has become a breeding place for multiplied millions of mosquitoes that spread malaria fever over a large portion of Marshall, a part of Calloway, Graves, and McCracken Counties; and

Whereas the cost of draining said territory, if done under any of the drainage acts of Kentucky, would amount to confiscation of all the land that would be affected as a drainage project under the drainage laws of Kentucky, and cannot so be done; and

Whereas the existence of said slash or pond constitutes a menace to all the people living in the surrounding territory that can be reached by the flight of mosquitoes or to which they can be brought by wind: Therefore be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That the Congress of the United States of America be petitioned to take such steps as are necessary to cause the East Fork of Clarks River to be drained from the north boundary line of Calloway County to Bryants Ford on said river as a necessary health project.

SEC. 2. That each United States Senator and Representative in the Kentucky delegation be urged to use his personal efforts to secure the action herein contemplated.

SEC. 3. That the secretary of state be directed to certify a copy of this resolution to each member of the Kentucky delegation in the Congress of the United States.

I, George Glenn Hatcher, secretary of state of the Commonwealth of Kentucky, do hereby certify that the above and foregoing copy of House Resolution No. 106 is a true and correct copy as it appears on the records of this office.

In witness whereof I have hereunto set my hand and affixed the official seal of this office.

Done at Frankfort, Ky., this 18th day of March 1940.

[SEAL] GEORGE GLENN HATCHER,
Secretary of State, Commonwealth of Kentucky.

House Resolution 122

Concurrent resolution memorializing the Congress of the United States to have a survey made of the Rough River Basin and a drainage and reclamation project set up and prosecuted in that river basin

Whereas by erosion and from other causes Rough River and its many tributaries have so filled that the channel no longer affords sufficient drainage, and as a result thousands of acres of good farm lands are being flooded each year and the crops destroyed; and

Whereas this situation exists in the entire Rough River Basin, which includes many thousands of acres of rich farm lands and vitally affects the health, prosperity, and happiness of hundreds of farm families and others; and

Whereas this overflow carries much poor subsoil from the surrounding hill country, depositing same on level bottom land, and is gradually destroying the fertility of much of said land; and

Whereas there is no apparent remedy for this situation except a thorough dredging and straightening of Rough River and its tributaries; and

Whereas the cost of such a drainage and reclamation project would be far beyond the ability and resources of the landowners and counties involved: Now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Congress of the United States is hereby memorialized to take the necessary steps to have a complete survey made of the entire Rough River Basin and to set up and prosecute to completion a drainage and reclamation project that would give the needed relief.

2. That each of Kentucky's Senators and Representatives in the United States Congress are requested and urged to personally look into this situation and do everything possible to secure the result requested.

3. That the secretary of state is hereby directed to mail a certified copy of this resolution to each Member of the Kentucky delegation in the United States Congress and to the Clerk of each House.

I, George Glenn Hatcher, secretary of state of the Commonwealth of Kentucky, do hereby certify that the above and foregoing copy of House Resolution No. 122 is a true and correct copy of said resolution as it appears on the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done at Frankfort, Ky., this 18th day of March 1940.

[SEAL] GEORGE GLENN HATCHER,
Secretary of State, Commonwealth of Kentucky.

APPROPRIATION FOR BOOKS FOR THE ADULT BLIND

Mr. WAGNER. Mr. President, on yesterday I introduced a bill—S. 3645—to amend the act entitled "An act to provide books for the adult blind," approved March 3, 1931, under the provisions of which the annual appropriation for the purchase of sound-reproduction records known as talking books is authorized to be increased by $75,000.

I ask unanimous consent to have printed in the RECORD and referred to the Committee on the Library a resolution adopted by the executive committee of the American Foundation for the Blind, and a statement by Robert B. Irwin, executive director, regarding the need for such legislation.

There being no objection, the matter was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

AMERICAN FOUNDATION FOR THE BLIND, INC.,
New York, N. Y., March 19, 1940.

Hon. ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WAGNER: As you know, the majority of blind people, because of a dull sense of touch or for some other cause, cannot read with their fingers. For this reason the American Foundation for the Blind developed a method of producing books on long-playing phonograph records. Thanks to the cooperation of yourself and others, Congress now makes an annual appropriation of $175,000 for the production of these so-called talking books for the blind. These are circulated by the Library of Congress to the blind people of the country just as Braille books are circulated.

There are now about 400 talking-book titles available in the libraries for the blind. The number is increasing at the rate of from 60 to 80 titles per year. The reading tastes of blind people are as varied as those of seeing persons and few care to read all the books in any library. While the blind people are grateful for the talking-book libraries, they are constantly clamoring for a more rapid increase in the collection of titles. At the present rate many years will elapse before a library of even modest proportions can be accumulated.

I am writing to ask if you will not sponsor a bill authorizing an increase in the talking-book appropriation from $175,000 to $250,000 per annum. Attached is a copy of a proposed bill which has been endorsed by the American Foundation for the Blind, and to which we sincerely hope you will find it possible to give your powerful support.

Very sincerely yours,

R. B. IRWIN, *Executive Director.*

P. S.: I am attaching a more extended statement regarding the need for such legislation.

R. B. I.

Resolution adopted by the executive committee of the American Foundation for the Blind, March 19, 1940

Whereas because of a dull sense of touch and for other reasons less than one-fourth of the blind people in the United States can make use of books in raised type; and

Whereas the majority of blind readers depend upon books on sound-reproduction records for their reading matter; and

Whereas a generation will pass before the present annual appropriation will make available even a modest library of sound-reproduction records for the blind: Be it

Resolved, That the executive committee approve action by Congress increasing the annual appropriation to the Library of Congress for sound-reproduction records from $175,000 to $250,000.

INCREASE IN TALKING-BOOK APPROPRIATION DESIRABLE

About 12 years ago the American Foundation for the Blind made a study of the library service for the blind in this country. This study disclosed that library service for blind people was woefully inadequate, and that not more than 10 percent of the blind people of this country were making any use of such library service as existed. Since the number of blind people is so small in any one community, even in the large cities, it was decided that 15 or 20 libraries could adequately serve the entire United States. This meant that most libraries for the blind must serve a territory larger than the taxing unit supporting such library.

A plan was evolved, therefore, by which the Federal Government would supply Braille books to regional libraries through the Library of Congress, and in return the regional libraries—usually branches of city public libraries—would serve a considerable territory, often including several States. The original law authorized an appropriation of $100,000 annually for embossed books, making possible the publication of about 200 titles each year.

In order to reach the large number of blind people who, because of a dull sense of touch or for some other reason, cannot learn to read with their fingers, the foundation set up a studio in which it developed a method of economically recording books on phonograph records. In 1933 Congress, at the request of the American Foundation for the Blind, authorized an annual appropriation to the Library of Congress with which to establish libraries of sound-reproduction records known as talking books. This appropriation is now $175,000 annually. The foundation made its studio available to the Library of Congress on a nonprofit basis in order that the appropriation would procure a maximum number of titles with the funds appropriated.

Since that time about 400 talking-book titles—all kinds, large and small—have been added to the libraries. With the present appropriation about 60 to 80 titles can be published each year. As the reading tastes of blind people are as broad as those of the seeing, few, if any, blind people will care to read all the books in the library. At the present rate of production the number of titles in another 10 years will not exceed more than 1,000 or 1,200. A generation will pass before talking-book readers may hope for a library of even modest proportions.

Sightless people throughout the country are clamoring for a substantial increase in the talking-book appropriation for at least the next few years. The two national organizations of professional workers for the blind, the American Association of Workers for the Blind and the American Association of Instructors of the Blind, are urging that the annual appropriation for talking books for the blind be increased from $175,000 to $250,000.

The American Foundation for the Blind heartily endorses this proposal, and respectfully urges that the present law be amended authorizing such an increased appropriation by the present session of Congress.

REPORTS OF COMMITTEES

Mr. CLARK of Missouri, from the Committee on Interoceanic Canals, to which was recommitted the bill (H. R. 5584) to amend the Canal Zone Code, reported it with an amendment and submitted a report (No. 1336) thereon.

Mr. HILL, from the Committee on Commerce, to which was referred the bill (S. 3552) to authorize the construction of works for flood control and other purposes on Autauga Creek at Prattville, Ala., reported it without amendment and submitted a report (No. 1337) thereon.

Mr. VAN NUYS, from the Committee on Expenditures in the Executive Departments, to which was referred the bill (H. R. 8150) providing for the barring of claims against the United States, reported it without amendment and submitted a report (No. 1338) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 21, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; and

S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 3649. A bill for the relief of Harry D. Gann; to the Committee on Claims.

By Mr. SCHWELLENBACH:

S. 3650. A bill to require the payment of prevailing rates of wages on Federal public works in Alaska and Hawaii; to the Committee on Education and Labor.

By Mr. AUSTIN (for Mr. BARBOUR):

S. 3651. A bill to enable the Secretary of Agriculture to furnish additional statistical information and marketing service for the benefit of the poultry industry, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

S. 3652. A bill for the relief of Richard L. Byrd; to the Committee on the Judiciary.

S. 3653. A bill for the relief of Algy Fred Giles; and

S. 3654. A bill to amend section 10, National Defense Act, as amended, with relation to the maximum authorized enlisted strength of the Medical Department of the Regular Army; to the Committee on Military Affairs.

S. 3655. A bill relating to personal-injury suits by seamen, and to amend the act of March 4, 1915 (ch. 153, S. 136, 38 Stat. 1185; act of June 5, 1920, ch. 250, art. 33, 41 Stat. 1007); to the Committee on Commerce.

By Mr. PEPPER:

S. 3656. A bill to prohibit common carriers and other carriers from owning or acquiring any interest in a newspaper published in the United States; to the Committee on the Judiciary.

CHANGE OF REFERENCE

On motion by Mr. MEAD, the Committee on Banking and currency was discharged from the further consideration of the bill (S. 3269) to authorize loans to public bodies and nonprofit organizations for hospital, water, sewer, stream-pollution control, and related projects and facilities, and making an appropriation therefor, and it was referred to the Committee on Education and Labor.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENT

Mr. GURNEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CLARK of Idaho submitted an amendment intended to be proposed by him to House bill 8745, the Interior Department appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 6, line 18, after "1941", insert the following clause:
"For the detection, prevention, and suppression of fires on lands within grazing districts, including the maintenance of patrols, the employment of field personnel, and purchase of necessary equipment, $130,000."

ADDITIONAL COPIES OF HEARINGS ON SILVER

Mr. PITTMAN submitted the following concurrent resolution (S. Con. Res. 41), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2, of the Printing Act approved March 1, 1907, the Special Committee on the Investigation of Silver, United States Senate, be, and is hereby, authorized and empowered to have printed in one volume for its use 1,500 additional copies of the hearings held before said committee pursuant to the resolution (S. Res. No. 187, 74th Cong., 1st sess.) authorizing a special committee of the Senate to investigate the administration, and the economic and commercial effect, of the Silver Purchase Act of 1934.

OTTER CREEK AT RUTLAND, VT. (S. DOC. NO. 171)

Mr. BAILEY presented a letter from the Secretary of War, transmitting a report dated February 27, 1940, from the Chief of Engineers of the Army on the reexamination of Otter Creek at Rutland, Vt., which, with the accompanying report, was referred to the Committee on Commerce and ordered to be printed, with illustrations.

NORTHEAST (CAPE FEAR) RIVER, N. C. (S. DOC. NO. 170)

Mr. BAILEY presented a letter from the Secretary of War, transmitting a report dated February 27, 1940, from the Chief of Engineers of the Army on the reexamination of Northeast (Cape Fear) River, N. C., which, with the accompanying report, was referred to the Committee on Commerce and ordered to be printed, with illustrations.

ADDRESS BY SENATOR O'MAHONEY ON THE PRESERVATION OF FREE PRIVATE ENTERPRISE

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD an address on the subject of the preservation

of free private enterprise, delivered by him before the New York Board of Trade at the Waldorf-Astoria Hotel, New York City, December 13, 1939, which appears in the Appendix.]

ADDRESS BY SENATOR CAPPER ON THE GOVERNMENT'S OBLIGATION TO THE FARMER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on March 19, 1940, on the subject of the Government's obligation to the farmer, which appears in the Appendix.]

CENSUS, 1940

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter dated March 19, 1940, from William L. Austin, Director of the Census, to Senator TOBEY, on the subject of the census of 1940, which appears in the Appendix.]

ADDRESS BY MR. JUSTICE MURPHY AT ONE HUNDRED AND FOURTH ANNIVERSARY OF FOUNDING OF NEW YORK UNIVERSITY LAW SCHOOL

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address delivered by Hon. Frank Murphy, Associate Justice of the Supreme Court of the United States, at a dinner on March 3, 1940, celebrating the one hundred and fourth anniversary of the founding of New York University Law School, which appears in the Appendix.]

STATEMENT BY GOVERNOR MOORE, OF NEW JERSEY, ON EQUAL RIGHTS AMENDMENT

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD a statement by Hon. A. Harry Moore, Governor of New Jersey, on the subject of the equal rights amendment, which appears in the Appendix.]

FARM PRICES—LETTER FROM SECRETARY OF AGRICULTURE WALLACE TO SENATOR SCHWELLENBACH

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a letter on the subject of farm prices written by him to the Secretary of Agriculture, and the reply of the Secretary of Agriculture under date of March 21, 1940, which appear in the Appendix.]

LETTER FROM ADMINISTRATOR OF FARM SECURITY ADMINISTRATION RELATIVE TO LOANS IN WISCONSIN

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a letter from Will Alexander, Administrator of the Farm Security Administration, relative to loans by the Farm Security Administration in Wisconsin, which appears in the Appendix.]

LETTER FROM WILLIAM GREEN ON MERIT RATING SYSTEM

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a letter from William Green, published in the New York Times of today, on the subject of the merit rating system, which appears in the Appendix.]

LETTER FROM ARTHUR CHARLES JACKSON, PRESIDENT OF THE FRANCES WILLARD CENTENNIAL TOTAL ABSTINENCE SOCIETY

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a letter addressed to him by Arthur Charles Jackson, president of the Frances Willard Centennial Total Abstinence Society, which appears in the Appendix.]

COSTS OF WAR—ARTICLE FROM THE SUNDAY OREGONIAN

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an article from the Sunday Oregonian, dated March 17, 1940, entitled "Unbearable Costs," which appears in the Appendix.]

PURCHASE OF FOREIGN SILVER—ARTICLE FROM THE WASHINGTON POST

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an article from the Washington Post of March 22, 1940, entitled "Mexico Won't Like It," which appears in the Appendix.]

EDITORIAL FROM SIOUX FALLS DAILY ARGUS-LEADER ON TEACHING OF SOUTH DAKOTA HISTORY

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an editorial from the Daily Argus-Leader of Sioux Falls, S. Dak., of March 19, 1940, entitled "As South Dakota History Is Being Taught," which appears in the Appendix.]

SLANDERING KENTUCKY—EDITORIAL FROM JACKSON DAILY NEWS

[Mr. CHANDLER asked and obtained leave to have printed in the RECORD an editorial from the Jackson (Miss.) Daily News of March 20, 1940, entitled "Slandering Kentucky," which appears in the Appendix.]

FOREIGN SILVER PURCHASES

[Mr. BYRD asked and obtained leave to have printed in the RECORD an editorial from the Washington Daily News of March 21, 1940, entitled "Silver Takes a Licking," which appears in the Appendix.]

EDITORIAL FROM WHEELING INTELLIGENCER ENTITLED "SHALL THIS AMERICA PASS?

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an editorial from the Wheeling Intelligencer of March 14, 1940, entitled "Shall This America Pass?" which appears in the Appendix.]

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

Mr. ELLENDER. Mr. President, just before the Senate recessed yesterday, I moved to suspend paragraph 4 of rule XVI of the Senate, so that I might offer an amendment to the pending measure.

It is not my purpose to speak at any length with regard to the amendment, because I think it is very simple and has much merit. As a matter of fact, even though I should remain in the Senate for the balance of my natural life, I never expect to present to this body a proposal which has more merit, more equity, and more justice than the amendment I propose to offer to this bill.

As the Senate is aware, the sugar producers of our Nation are now operating under the so-called Sugar Act of 1937. Section 509 of that act provides that in case of emergency the President has a right to suspend certain sections of the act, particularly sections 2 and 3, which give to the Secretary of Agriculture the right to fix the quota of sugar to be produced and marketed in the United States.

Pursuant to section 509, the President, on September 11 of last year, suspended the quota provisions of the act. The suspension occurred just about a week before the Louisiana sugar planters and farmers began the planting of their sugarcane crops for 1940.

As Senators may know, when sugarcane is planted in Florida and in Louisiana, the cane itself is planted—that is, the growing stalk—and from that planting are harvested three or four successive crops of sugarcane. It is unlike the planting of beets, where the seed is planted and new seed must be planted each year.

When the President issued the proclamation suspending the quota provisions of the act under date of September 11, the Agriculture Department notified every sugar farmer in my State and in Florida that the sugar quotas were no longer in effect; that there was no prospect of having any quota for 1940; and, as a matter of fact, it was the consensus of opinion at the time that because of the war the sugar quotas would not be restored.

I desire now to quote from several telegrams that were sent by the Department of Agriculture to the farmers of my State and Florida advising them of the suspension of the quotas. One in particular from Dr. Bernhardt, head of the Sugar Division, under date of September 23, 1939, stated:

> Producers desiring to change from paragraph (a) of the 1939 proportionate share determination to some other option may do so, provided compliance with that option can be established beyond a reasonable doubt.

The effect of that telegram was to permit the production of more sugar, because under the sugar program from 1939 a farmer has one of two options to exercise in complying with the 1939 quota provision: He could take a direct cut of 25 percent on his 1939 acreage, and a like cut in 1940, or he could harvest all of his 1939 crop of cane and defer his entire cut until 1940. I repeat, the purpose of the telegram that I

have just read was simply to give to the farmers of Louisiana and Florida the right to harvest and process into sugar all of the cane planted in 1939 and to take their cut, if any, in 1940. Why? Because of the war. Prices were going up. Sugar farmers were being encouraged to produce more sugar.

The next telegram, sent by Dr. Bernhardt, was under date of October 2, 1939, and in that telegram, among other things, he stated:

> In view of the suspension of quotas, no program of payments under the provisions of title III of the Sugar Act is in effect or contemplated at this time for the 1940 crop in any producing area.

This telegram was sent to all sugar planters. County agents throughout the State further told the farmers that since there was no quota, and none was contemplated for 1940, and since it was evident that the war would continue, they could safely plant sugarcane in excess of their proportionate shares. Pursuant to that advice emanating from an official source, the farmers of my State did plant excess acreage, and I submit that they had a perfect right to do so, because the quotas were not then in effect, and according to officials of the Department of Agriculture none were contemplated for 1940.

Under date of December 26 of last year, the quota system, as we know, was restored in this country, with the result that it was necessary for the Department of Agriculture to again put into effect quota regulations which had been issued prior to the date when the President suspended the quotas. This is what is going to happen as a consequence. Sugarcane farmers of my State who planted sugarcane in excess of their proportionate share, at a time when they had been advised they had the right to do so—at a time when they thought that if the war continued the quotas would not be restored—those farmers who planted in good faith will be forced to plow up every acre of that cane which is in excess of their proportionate shares unless my amendment is adopted. As I will show, my amendment does not provide for any increased expenditure; it does not increase the appropriation one copper cent; on the contrary, as I will point out to the Senate, it will reduce it.

In the proclamation issued by the President on September 11 he said, among other things:

> It should also be noted that domestic sugar producers will continue to receive payments under the 1939 conditional payment program now in effect. Producers will, of course, understand that under provisions of the Sugar Act it should not be assumed that payments can be made with respect to future crops so long as quotas may be continued in suspension. Nor should anyone assume that increased acreage planted under the stimulus of war conditions can be made permanent for purposes of determining future allotments.

In other words, when the President suspended the quota he anticipated that, because the war was on, the American sugar farmers would naturally increase their plantings. He so said, as above indicated in the statement released by him on the day upon which he issued his proclamation.

When the quota was restored my people, of course, were very much distressed. They called on me and on my colleague, the senior Senator from Louisiana [Mr. OVERTON], and every Congressman from the State, to relieve their situation. I took the matter up with the Department, and the Department stated to me that the only way by which it could be empowered to afford relief to the Louisiana and Florida sugar planters was through the adoption by Congress of a resolution authorizing such relief. Therefore when I returned to the Senate on January 4 of this year I introduced Senate Resolution 190. The purpose of the resolution was to provide that the sugar farmers of my State would receive benefit payments on all cane then growing and which was planted prior to January 1, 1940. I felt at the time, and I feel now, that since the sugarcane was planted in good faith, and at a time when there were no quotas in effect and none contemplated, we should be paid on the entire amount of cane planted even though it might be in excess of the proportionate shares.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LUCAS. Will not the Senator from Louisiana tell the Senate what disposition was made of the resolution he offered, to which he has just referred?

Mr. ELLENDER. I am coming to that. With the Senate's permission and kind indulgence, I expect to indicate every step taken by me, in order to place the facts of this matter fairly and squarely before the Senate.

The Department refused to give an O. K., as it were, to the resolution, contending—and there is merit to the contention—that a good many sugar planters in Florida and a good many in Louisiana had taken a 25-percent cut in 1939, and some had deferred the cut to 1940, and that therefore it would be unjust to treat both groups of planters alike; and I agree with that. The Department countered by saying, in effect:

> We are anxious to prevent a plow-up campaign. We are willing to help, but in justice to those farmers who took their cut in 1939 we propose to limit the benefit payments to sugarcane produced from the proportionate-share acreage established for 1940, and penalize excess planting according to a certain schedule—

Which schedule I shall submit to the Senate in a few moments.

After I received an unfavorable report on the resolution to which I have just referred, I offered Senate Resolution 225, and in that resolution it was provided that benefit payments be made on all of the sugarcane produced on the 1940 proportionate-share acreage; and further, that sugarcane farmers be permitted to market and reduce to sugar all cane produced on the excess acreage, but without benefit payments on such excess cane. It was when I presented that latter proposal to the Department that the Department countered with certain penalty provisions, portions of which are incorporated in the amendment that I hope to present to the Senate.

At first the Department suggested a penalty along this line, that an allowance be made of 10 percent of each farmer's proportionate share; that is, that there be no penalty on 110 percent of the proportionate-share acreage harvested, but on any acreage in excess of 110 percent of the proportionate share there be imposed a penalty of $20 an acre. I took the matter up with the Department, and pointed out that such a penalty provision would result in many farmers, and particularly small farmers, owing the Government. So we discussed the matter further, and before I was able to obtain a compromise agreement from the Department. I offered the amendment which forms the basis of my motion to suspend the rules.

It will be noted in the amendment that on the first 25 acres above the proportionate share there would be no penalty. On the next 100 acres above the proportionate share there would be a penalty of $5 per acre.

On the next 500 acres there would be a penalty of $10; on the next 500 acres a penalty of $15; and on anything above the aggregate acreage I have just mentioned, which is 1,125 acres, a penalty of $20 an acre.

After I introduced the amendment, I sent it over to the Department and the Department officials felt that if the amendment remained as I have offered it, it would tend to complicate matters from an administrative standpoint, and they preferred to go back to the 10-percent allowance which they first suggested. So, after a further discussion with the Department officials, it was finally agreed to approve an amendment to permit all cane planted prior to January 1, 1940, to be ground into sugar, and that each farmer would receive benefit payments only on cane harvested from his proportionate share acreage for 1940. And as to the excess acreage there would be an allowance free from any penalty of 10 percent on the proportionate acreage or a minimum of 25 acres. In other words, it was contemplated that a minimum of 25 acres in any event would be allowed to a farmer without the imposition of a penalty, and on the first 500 acres in excess of the 10 percent there would be a penalty of $10 per acre, and on all acreage in excess of that, the penalty would be $20. That is how I expect to modify the amendment which is now pending if the rule is suspended. And at this point,

I will read to the Senate the text of the modified amendment, which I will ask the Senate to adopt:

On page 82, line 14, before the period, insert a colon and the following: "*Provided further*, That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940, but payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such act, and the following deductions shall be made from such payments on account of any acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 which is in excess of (1) 110 percent of the proportionate share for the farm, or (2) the proportionate share for the farm plus 25 acres, whichever is the greater; for so much of such excess as does not exceed 500 acres, a deduction of $10 per acre; for so much of such excess as exceeds 500 acres, a deduction of $20 per acre."

That, Senators, is the proposition which has been agreed to, and which has been recommended by the Department of Agriculture.

I have taken the matter up with the Department on many occasions; I have consulted quite a number of Senators whom I thought might be interested in the proposition, and 4 or 5 days ago, at the suggestion of the senior Senator from Mississippi [Mr. HARRISON], Dr. Bernhart and two of his associates, Messrs. LaGuardia and Bagwell, were called upon, and we had a meeting in the office of the senior Senator from Mississippi. The senior Senator from Colorado [Mr. ADAMS] was present, as well as the junior Senator from Colorado [Mr. JOHNSON]. At that meeting we entered into a full discussion of this proposition. The Sugar Division of the Department of Agriculture favors this amendment. They see merit in it and feel that the only way by which the sugarcane planters of my State can be afforded relief is by the adoption of this amendment.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. The Senator says that the Sugar Division of the Department favors this proposal. Does the Senator mean that they favor it as a separate proposition to be presented in the manner the Senator has presented it?

Mr. ELLENDER. Yes. The Department, as I understand, feels that this proposal can stand on its own feet, and that even though the amendment were submitted in connection with a sugar bill—I presume that is what the Senator from Washington had in mind——

Mr. SCHWELLENBACH (interposing). That is correct.

Mr. ELLENDER. For 1941 or future years, that this situation could not be corrected. I may say to the Senator from Washington that, of course, we could add this amendment to a sugar bill, but the point is that the farmers of my State today are confronted with the proposition of having to destroy their cane within the next 30 days in order to be able to comply with the regulations which would make it possible for them to collect benefit payments on this year's crop.

Mr. President, that is the situation, and I fear that if this proposition is deferred and not taken up until a sugar bill is considered and passed by Congress, which may not be until some time in June or July, it will be too late. The farmers will have been forced to plow up their excess acreage, and a great and irreparable damage will have been inflicted, unjustly I say, upon them.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. VANDENBERG. I understand that the additional sugar produced will have to be carried over into 1941 without disturbing the 1940 marketing quota. Is that correct?

Mr. ELLENDER. That is correct.

Mr. VANDENBERG. Well, what happens to the sugar farmers of the Senator's State in 1941?

Mr. ELLENDER. They will get correspondingly less acreage in 1941 should a sugar bill be enacted providing for the quota system.

Mr. VANDENBERG. Will you not get very substantially less acreage? In other words, are you not just postponing your problem for 1 year?

Mr. ELLENDER. No, I doubt it. In further answer to the Senator from Michigan, I may say that during the past winter the farmers of Louisiana have been confronted with the worst weather conditions they have faced since they have been engaged in the production of sugar.

We have had the most severe cold weather during last January and February of record. For a period of over 2 weeks the thermometer registered from 14° to 22° above zero, and in some instances the ground froze as deep as 4 inches, thereby affecting the planted sugarcane as well as the stools from which stubble cane grows.

In direct answer to the Senator from Michigan, I will say that it is estimated that with this additional acreage and under normal weather conditions we might produce as much as 35,000 to 40,000 tons of sugar in excess of what we would normally produce on the 1940 proportionate-share acreage. But I venture to say that, from reports which I have before me from the United States sugar station located in south Louisiana, the loss to the Louisiana sugar producers in 1940 will be in some cases as much as 35 percent, due to the abnormal weather conditions to which I have just referred.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ELLENDER. Permit me to complete my statement. I sincerely believe that, with the variable weather conditions that are confronting the farmers of Louisiana today, the production of sugar on the additional acreage will not be as great as that which would be produced on the proportionate share acreage under favorable weather conditions. So I will say to the Senator from Michigan that I do not believe that the farmers will produce a greater amount of sugar with this additional acreage than on the proportionate share acreage under normal conditions. On the other hand, if the Lord is good to us from now on and revives some of the damaged stools and plant cane, so that we can produce a normal crop, there may be an excess of 35,000 to 40,000 tons of sugar. Our sugar is produced from mid-October, in November, and December. We grind the bulk of our cane in November and December. And if anyone will suffer by virtue of this excess cane sugar, we will be the ones, because it will be charged against our quota for 1941 should the present Sugar Act be continued or a revised bill enacted.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. VANDENBERG. Of course, there may be some other sufferers, incidentally, but in the event that you confront this carry-over, do I understand that the Louisiana area is prepared to accept this substantially reduced quota in 1941?

Mr. ELLENDER. Well, the sugar farmers will be bound to if there is a sugar bill enacted with the same provisions as are contained in the present law.

Mr. VANDENBERG. They will be bound to, but they will be bound to ask their distinguished Senator to rise once more in the Senate and ask for further relief or revision.

Mr. ELLENDER. I suppose that the Senator from Michigan has in mind the fact that last year I fought that battle as well as humanly possible on the Senate floor, and asked for relief for the sugarcane growers. I may say to the Senator that the situation in that case was not the same as now prevails. In 1938 the sugar farmers of my State were allocated a certain number of acres to plant, and quite naturally none of them expected to obtain less for their 1939 planting than was allocated to each of them in the prior year. But the trouble was that the allocation of acreage for 1939 was made late in 1938, after the plantings for 1939 had been completed. We came to the Congress for relief. We could not obtain it. As a result of that situation the planters of my State were compelled to plow up as much as 30,000 acres of growing sugarcane. But the situation then differs from the present, in that when they planted for the 1939 crop the law was in effect, the quotas were in effect, although the Department had not announced any reduction in acreage. And I would like to point out, further, to the Senator from Michigan that

by virtue of that plow-up campaign, whereby approximately 30,000 acres of cane were destroyed, my State was denied a potential revenue in excess of $5,000,000. In other words, there was $5,000,000 destroyed, which would have meant employment and purchasing power to the rural population of Louisiana. But the proposition that confronts us today is totally different, in that there was no law on the statute books and there was no prohibition at the time with respect to the planting of this excess acreage. As I pointed out a while ago, the President of the United States had suspended sections 2 and 3 of the act during the entire planting season of sugarcane in Louisiana.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. O'MAHONEY. I desire to make clear in my own mind just what the Senator's estimate of the excess production will be, weather permitting. I understood him to say that it will be between 35,000 and 40,000 tons above the normal production.

Mr. ELLENDER. Weather permitting, yes; under normal conditions. I think that is about the estimate of the Department.

Mr. O'MAHONEY. The estimate of the Department, I may say to the Senator, was 50,000 to 60,000 tons.

Mr. ADAMS. Yes; that was the estimate made at the meeting I attended.

Mr. O'MAHONEY. The Senator feels that this would be corrected only by future legislation?

Mr. ELLENDER. Yes; because the present law expires, as I understood, in December of this year.

Mr. O'MAHONEY. That is correct.

Mr. ELLENDER. And, of course, if there happens to be no sugar bill reenacted, necessarily there will not be any quota, and the planters of my State as well as the sugar-beet growers of the Senator's State will not be affected.

Mr. O'MAHONEY. I assume the Senator is desirous of having the sugar bill reenacted?

Mr. ELLENDER. Positively. I will say to the Senator from Wyoming and to the Senator from Colorado that I have heard, on two or three occasions, that there was no disposition on the part of the junior Senator from Louisiana to have a sugar bill, but I wish to affirm that I am very much interested in a sugar bill, and that as far as I am personally concerned I shall do all I can to have one enacted, because I sincerely believe that the best way by which we can take care of the sugar farmers of both Wyoming and Louisiana, and in fact the sugar farmers of the Nation, is under the quota system. I want it understood, however, that I desire a much larger quota for continental producers than is now provided by law. Rather than reenact the present law, I would much prefer no law at all on the subject, but a restoration of the tariff system for the protection of sugar producers.

Mr. O'MAHONEY. Mr. President, I wonder if the Senator realizes that if this excess of which he speaks were allowed to come into existence without a solution of other immediately pressing problems of a like character, those who are growing sugar beets in many States of the Union would be facing exactly the same dilemma that the farmers of Louisiana are now facing, and that the sugar-beet areas would be confronted with the necessity of curtailing their acreage.

Mr. ELLENDER. No. There is no comparison, Senator. I should like to have the attention of the Senators from California.

Mr. O'MAHONEY. Before the Senator proceeds, let me say that that is a position with which I do not agree. I think it will be possible for us later to demonstrate that unless the whole sugar problem is settled, with all the elements in it, including the planters in Louisiana, sitting down together, the planters in beet-sugar areas will be bound to suffer materially. I thank the Senator for permitting me to interrupt him.

Mr. ELLENDER. Of course, I cannot agree with the distinguished Senator from Wyoming. The proposal which I now present to the Senate would not give to my people the same relief as the Department has been able to afford to the sugar-beet growers. California planted her beet crop during the time that the President had suspended the quota system. In order to get around the difficulties which confronted the California growers, the Minnesota growers, and some growers in Colorado, the Department issued rulings under which the farmers would be entitled to benefit payments with respect to all beets that had then been planted and were then under contract, even though the amount planted was in excess of their pro-rata share.

Then the flood came in California several weeks ago, and under date of March 9, 1940, the Sugar Division issued the following release:

WASHINGTON, D. C., *March 9, 1940.*

The Sugar Division announced today that the sugar-beet proportionate share (acreage allotment) for any farm for the 1940 crop will be the acreage of sugar beets planted on the farm for the production of sugar. This supersedes previous announcements regarding proportionate shares which were necessary because of early sugar-beet plantings in certain areas.

It will be noted from this announcement, issued by the Department of Agriculture, that there is no limitation on the 1940 plantings of beets in the United States. Every farmer in the State of Nebraska may plant beets to the extent of his ability. The same thing is true of Idaho and of every other State in the Union.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. ELLENDER. I shall be glad to yield in a moment.

Mr. President, there is no prohibition whatsoever against the planting of sugar beets in 1940. Furthermore, under the law, the Government will make benefit payments on every pound of sugar that is produced on this acreage.

Senators, I plead for my people. I plead for the farmers of Louisiana. I am not asking that we be permitted to collect benefit payments from the Government on the excess acreage, but merely that our farmers be permitted to harvest and reduce to sugar the cane now planted on said excess acreage. That is all I am asking. I do not want the farmers of my State to be compelled to plow up cane which was legally planted by them in good faith, and I am pleading with Senators not to permit that to happen. It would mean the destruction of more than 40,000 acres of cane which were planted by my people in good faith and at a cost of $28 to $35 an acre. Just think of the tremendous out-of-pocket loss these farmers will have to stand if my amendment is not adopted—40,000 acres at $35 per acre means a total actual loss of $1,400,000, and a potential loss of property in excess of $6,000,000. Will any friend of the farmer refuse to support legislation to protect the American farmers against such a loss? It is unbelievable to me that anyone will oppose such a fair and just proposal.

The sugar-beet growers have not yet planted their crops. Only a third of the beet area has been planted. Two-thirds remains to be planted; and there is no restriction. The beet growers may plant all they wish. They may plant to the limit, and the Government will pay them on every pound of sugar they produce. In the case of the sugarcane farmer, we shall have to destroy cane which we have already planted, and which we rightfully planted. Otherwise we cannot receive benefit payments. I say again that such discrimination is unfair, and all I am asking is justice.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I ask the Senator if there is not a limitation upon the marketing allotments?

Mr. ELLENDER. Yes.

Mr. O'MAHONEY. So exactly the same situation exists——

Mr. ELLENDER. If the Senator will permit me, under the law, if the production of sugar on the excess acreage is less than the marketing quota fixed for processors, of course, it may be marketed. However, the law provides that a processor may not sell except within his quota limit, and that quota limit is fixed by the Department of Agriculture under a formula written in the law. So any excess sugar produced from this acreage, whether on the proportionate share or on the additional acreage, may not be marketed. It is carried over, and that sugar is credited against Louisiana or Florida.

Mr. O'MAHONEY. Does not the same situation exist with respect to the beet-sugar area?

Mr. ELLENDER. Yes.

Mr. O'MAHONEY. So the problem is exactly the same in both areas?

Mr. ELLENDER. Certainly.

Mr. O'MAHONEY. The amount of sugar which may be marketed is limited by the quota; and if plantings are allowed in excess of the acreage which produces the quota, whether they be allowed in Louisiana or in the beet-sugar areas, they are bound to produce an excess inventory which will smash the price of sugar for the Louisiana planter as well as for the beet planter. Is not that correct?

Mr. ELLENDER. Would the Senator advocate——

Mr. O'MAHONEY. Is not that correct?

Mr. ELLENDER. I would not say so; not under the conditions which exist in my State today. I would not admit that, because, as I shall point out in a few minutes, on the additional acreage which we are trying to save, and on our proportionate acreage, the loss in sugar production will be from 8 to 35 percent. In my humble opinion—I may be mistaken, but I do not think so—the entire production on the whole acreage planted to cane in Louisiana prior to January 1, 1940, will not be what the production would have been on the proportionate share acreage if weather conditions had been normal.

Mr. O'MAHONEY. I understand the Senator's contention; but perhaps he is overly pessimistic in his prophecy. Perhaps the weather will permit the Louisiana planters to produce what the Department of Agriculture estimates will be their excess, namely, from 50,000 to 60,000 tons above their already increased quota.

Mr. ELLENDER. I will say to the Senator that the estimates of the Department are based on normal or near-normal conditions. Last week we had a freeze in Louisiana which affected all the cane. We have had as much as 14 inches of rainfall within 48 hours. Does the Senator know that the planters of my State are now 4 or 5 weeks behind schedule, and that the reason why they are so far behind is that they cannot work their cane because of unfavorable weather conditions? With the adverse weather conditions now prevailing in Louisiana the sugarcane will not mature in sufficient time for a normal harvest. Farmers will be confronted with cold weather and with other difficulties, which are bound to reduce the production of sugar to the extent I have just indicated to the Senator.

Mr. O'MAHONEY. If the Senator will permit me to interrupt him at this point, since he is talking about bad weather, I should like to read from the announcement of the Department of Agriculture Sugar Division of March 9, 1940. The announcement deals with the beet-sugar area. In that announcement the Sugar Division says:

> In view of unfavorable climatic conditions, such as floods in some areas and drought conditions in others, as well as other factors which affect adversely the sugar-beet crop, it is no longer expected that the 1940 crop will produce an amount of sugar which, when added to current supplies, will be more than is required to meet the continental beet area's quota and carry-over requirements.

Let me say to the Senator that I appreciate and thoroughly sympathize with the quandary in which the planters of Louisiana find themselves, and I should like very much to be able to assist the Senator in obtaining relief for that area; but it is my contention that the Senator is dealing with only one small fraction of one of the most complicated problems in agriculture in this country. There are beet-sugar farmers throughout the West, there are cane farmers in Florida, there are beet farmers in the Middle West who are confronted with almost the identical problem which the Senator from Louisiana outlines, in a little different way.

My contention is that if we deal with one factor of this complicated problem by way of a rider to the pending bill such action will necessarily compel those of us who represent other sugar areas to seek legislation upon the matter, because we dare not have one small factor handled and allow others to remain without attention.

I am ready to cooperate with the Senator from Louisiana in urging the Department of Agriculture and the State Department to cooperate immediately in bringing in a sugar bill. The problem confronts us, as the Senator has so well said. The sugar legislation ceases to operate this year. We must legislate within the next month or so; and it is of the utmost importance to all areas concerned that that task should be undertaken immediately, not upon the floor of the Senate but where it ought to be handled, namely, in a committee.

Mr. ELLENDER. In answer to the Senator from Wyoming, I will say that his immediate problem has been met by the Department. Somehow the Department has found in the law a provision by which, on account of floods, climatic conditions, and so forth, his farmer constituents are given carte blanche to plant and cultivate and receive Government payments on all sugar beets produced.

As I said a while ago, there is no prohibition against beet planting. All I am asking is that the sugarcane farmers be put in the same boat. I have taken the matter up with the Department; but, somehow, under the law, the Department is unable to give us relief—because, I am told, of the difference in the method of planting, cultivating, and so forth, as between sugar beets and sugarcane.

Mr. O'MAHONEY. Mr. President, the beet growers did not regard the action of the Department as a gift in any sense of the word. Many of them are fearful that the effect of the release with respect to plantings was rather to serve the Cuban interests than to serve the domestic interests in the United States.

Mr. ELLENDER. I cannot quite follow the Senator as to how the Cuban interests could be served in this instance, because my amendment does not affect Cuba in any manner. It simply puts the Louisiana sugar planter on the same basis on which the beet farmer has been placed by regulation, with this exception, that the beet farmer will receive payments on all he produces and the cane farmer will receive benefits on his proportionate acreage only and will be penalized on his excess acreage.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield.

Mr. BYRNES. I should like to try to understand the situation. As I understood the Senator's proposal, it is that by reason of the declaration suspending the quotas at the time of the outbreak of war the cane growers of his State proceeded to plant cane without regard to quotas.

Mr. ELLENDER. That is correct.

Mr. BYRNES. That now they are confronted with the situation that the quota again having been applied, and their acreage being in excess of the quota, they must plow up some of that cane, or do what the Senator asks that they be permitted to do—grind the cane and carry it over to next year.

Mr. ELLENDER. That is correct.

Mr. BYRNES. But I understood that if it should be carried over, the sugar carried into next year could not be marketed except as part of the quota to which you would be entitled anyway if the program continues.

Mr. ELLENDER. That is correct.

Mr. BYRNES. Then, for the life of me, I cannot see how it affects Cuba or the beet-sugar States. The question presented seems to be whether we should, by not acting at this time force you to plow up the cane and destroy it, or else pay you benefits now and deduct the quantity of sugar from the quota you would get next year. Is that right?

Mr. ELLENDER. That is correct.

Mr. BYRNES. There is no question about the correctness of my statement that it would not exceed the quota you would be entitled to next year?

Mr. ELLENDER. No question at all.

Now let me make a statement to the Senator in further answer to the argument of the Senator from Wyoming as to the effect of this excess sugar on the markets. As the Senator from South Carolina has correctly stated, the amount of sugar that goes on the market, that will affect the market, is fixed under the act, and any excess must be carried over. It cannot be sold. Therefore it cannot affect the market.

Now permit me to illustrate to the Senate the discrepancy which exists between the status of beet people and that of the sugarcane people. I am not trying to find fault with what the sugar-beet people received. I am glad they got what they are now receiving. I will join with them in getting more, because I feel that this country of ours should be permitted to produce at least 40 percent of our sugar requirements. Continental producers ought to produce that much sugar.

Listen to this, Senators: When the act went into effect in 1937——

Mr. PEPPER. Mr. President, while the Senator is talking on that subject, will he state the percentage of domestic consumption which is domestically produced?

Mr. ELLENDER. Under the act, domestic producers, that is, continental producers, may supply between 28 and 29 percent of our requirements. That is all they may produce.

In 1937 the acreage harvested in the beet area was 755,000 acres, and the amount of sugar produced was 1,374,990 tons. In Louisiana, for the same year, the acreage harvested was 254,000, and the production was 405,000 tons.

In 1938 the harvested acreage in the sugar-beet area was increased to 930,000 acres, and on that acreage was produced 1,803,000 tons of sugar. In Louisiana in 1938 the acreage was fixed at 270,000 acres, with a production of 492,000 tons of sugar; and listen to this, Senators:

In 1939 the acreage for the beet producers was increased from 930,000 to 1,030,000 acres, upon which was produced 1,756,383 tons of sugar, or 36.43 percent more acreage than was harvested in 1937.

Now, let us see what happened in Louisiana. In 1939 our acreage was cut down to 238,000 acres, or 6.3 percent under the 1937 acreage, and for this year the beet farmers are given carte blanche, as it were, unlimited acreage to produce unlimited amounts of sugar, and the Government is going to pay them on every pound they produce in 1940 and let——

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. ELLENDER. Gladly.

Mr. ADAMS. Will the Senator allow me to make what I think is a needed correction?

Mr. ELLENDER. I gladly yield to the Senator.

Mr. ADAMS. Day before yesterday the Secretary of Agriculture issued a bulletin in which he limited the beet production in the domestic areas to 1,549,898 tons. In other words, the producers are to be cut down more than 200,000 tons below what they produced in the 2 preceding years.

Mr. ELLENDER. The Senator refers to the 1940 beet-sugar marketing quotas, and not grower allotments.

Mr. ADAMS. So that cut is being applied to the beet area, and yet the Senator wishes to increase the production in the competing areas.

Mr. CLARK of Idaho. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Idaho?

Mr. ELLENDER. Just a minute. But, Mr. President, when the beet growers are permitted unlimited acreage, I grant to the Senator from Wyoming [Mr. O'MAHONEY] that the same condition which will face his farmers because of increased acreage will face our growers. The sugar carried over because of the production of more sugar than can be marketed under the act will, of course, decrease their acreage for next year. You are faced with that proposition to a greater extent than would be Louisiana if we were permitted to harvest these few excess acres of sugarcane.

Mr. CLARK of Idaho. Mr. President——

Mr. ELLENDER. Just a moment. As I just stated, the beet farmers may produce on an unlimited acreage. They produced in 1938 on 930,000 acres 1,803,000 tons of sugar, and it is possible that on an unlimited acreage they might produce as much as 1,800,000 or probably 2,000,000 tons of sugar; and, of course, if the Lord is good to them, and they should produce that much sugar, they would necessarily have to decrease their acreage in proportion to the extent of the carry-over of sugar for the succeeding year. By the same token, I say that the Senator from Wyoming [Mr. O'MAHONEY] and the distinguished Senator from Michigan [Mr. VANDENBERG] are correct from that standpoint, that the Louisiana farmers will be faced with the same proposition, if we have favorable weather conditions, under which we produce as much as fifty to sixty thousand tons of sugar more than we would have produced on the proportionate share average. Should such a production occur our farmers will be the sufferers in being compelled to take a cut in acreage in 1941.

I now yield to the senior Senator from Idaho [Mr. CLARK].

Mr. CLARK of Idaho. Mr. President, the Senator, of course, is technically correct when he states that a regulation or an order has been issued allowing the beet areas to plant an unlimited acreage. Why such an order was issued no one knows. It is a snare and a delusion; but I think the impression one is likely to get from that technical truth is quite misleading, because the actual plant of sugar beets is dependent upon contracts with the processors, which are signed in advance.

Mr. ELLENDER. We face the same condition.

Mr. CLARK of Idaho. No farmer goes out and just plants sugar beets. He has his organization, and they make a contract with the processors in that area; and the processor must have a factory in that area or it is uneconomic, of course, for the farmer to plant sugar beets.

Mr. ELLENDER. That is our condition.

Mr. CLARK of Idaho. Exactly. So the processor bases the contracts with the grower entirely upon his marketing quotas. As a practical matter, the processor is not going to contract for any more sugar acres than he thinks he can market under existing quotas. The Senator knows, I am sure, that we have a carry-over of something like—I may be only approximately correct—a million tons.

Mr. ELLENDER. One million three hundred and fifty thousand tons.

Mr. CLARK of Idaho. We have a carry-over of 1,350,000 tons of sugar overhanging the market today, which the processors are holding in storage because last year and the year before they undertook to contract for too much acreage in the beet area. So this order allowing the beet producers to grow an unlimited number of acres of sugar is nothing but a sham, because the processor will contract only for the necessary amount of acreage to produce the amount of refined sugar he thinks he can sell. That is correct, is it not?

Mr. ELLENDER. I presume so, unless he would be willing to increase his stocks.

Mr. CLARK of Idaho. And, as a practical matter, the beet grower cannot plant any more acres than the processor will contract to buy from him.

Mr. ELLENDER. That is correct. The same proposition faces us. No sugarcane farmer desires to plant cane unless he can contract with a processor to grind his cane and convert it into sugar.

Mr. CLARK of Idaho. That is exactly the point we make.

Mr. ELLENDER. Our farmers in Louisiana do not grow cane unless they have a contract with a factory to grind it, as I just stated.

Mr. CLARK of Idaho. Yes; but if I correctly understood the Senator, he undertook to say that we had unlimited production; and the impression—I am sure the Senator did not mean to leave a misleading impression—was that as a practical matter we could plant more acres than the processor would contract for.

Mr. ELLENDER. Certainly; but I desire to point out the proposition to the Senator, and I do say that you have no limitation, according to the announcement of the Secretary of Agriculture which I read to the Senate a short while ago.

Mr. CLARK of Idaho. That is true. As a practical matter, however, we do.

Mr. ELLENDER. I understand; but your constituents may plant all they desire, all they can contract for, and they will be paid on the entire amount of sugar processed. There is no limitation whatever if they can find someone to process their beets.

Mr. CLARK of Idaho. But as a matter of fact we cannot do so, except legally.

Mr. ELLENDER. And, as I understand the situation today with reference to the sugar-beet producers, less than one-third of the beet-sugar acreage has been planted up to now. I may be wrong, but I understand they are planning to plant all they can.

As I recall, some time ago the Senator from Nebraska [Mr. NORRIS] desired a greater sugar-beet acreage for the State of Nebraska; and under the ruling that was issued by the Department under date of March 9, the beet farmers of Nebraska may now plant as many acres as they desire, as many acres as they can contract for, and they are going to be paid out of the Federal Treasury a subsidy on every pound of sugar they produce.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Nebraska?

Mr. ELLENDER. Yes; I yield.

Mr. NORRIS. It does not do the farmer any good to plant a lot of beets unless he can have somebody to process those beets into sugar. Unfortunately, the farmer himself cannot make sugar out of his beets. It costs a lot of money to put up a sugar factory. To say to him, "You may plant as many acres of beets as you desire" does not mean anything to him unless he can sell the beets. He cannot sell the beets unless there is a factory which has enough capacity to make sugar out of the beets; so that does not means anything to him.

Mr. ELLENDER. I believe the statement I made before I yielded to the Senator indicated that the farmers of Nebraska had the right to unlimited plantings provided they could get contracts from the manufacturers of sugar to convert the beets into sugar.

Mr. NORRIS. Will the Senator further yield?

Mr. ELLENDER. I yield.

Mr. NORRIS. If the farmer could process his own beets into sugar, then this unlimited ability to plant would be fine. Nobody will build a factory, however, unless he knows that he is going to get beets to manufacture into sugar through his factory. When there is a limitation on that, in effect it is a limitation on the farmer's ability to sell—not any limitation on his ability to produce—but he would be foolish, indeed, to raise a lot of beets if he knew in advance that he was not going to have any way of processing them and getting sugar out of them. It would be perfectly silly and foolish for him to do so. On the other hand, the men who have money to invest in a factory will not build it unless they are assured that they are going to have a sufficient quota to make sugar out of all the beets in that vicinity that they can handle.

Mr. ELLENDER. I realize that, and we in Louisiana are faced with the same condition.

Mr. ADAMS. Will the Senator permit me to make a comment to the Senator from Nebraska?

Mr. ELLENDER. I yield first to the Senator from Michigan.

Mr. BROWN. I wish to make a very brief comment, particularly on what the Senator from Nebraska stated. I ask the Senator from Louisiana if this is not the situation: That there is an American market for sugar; that we have turned over to Cuba something like 45 percent of the total market, and have retained for the United States something like 55 percent for the cane area and the beet area. We have all protested against that situation. I think that Nebraska and Florida should have a part of that market, and that it ought to be taken from Cuba. But what we are concerned with here, it seems to me, is not the situation as the Senator from Nebraska points it out or as the Senator from Colorado points it out. I do not quite agree with the Senator from Idaho. It is absolutely true, as the Senator from Idaho and the Senator from Nebraska have said, that the marketing limitation does prevent the planting of any more beets than the factory will take. That is a fact, and I grant that to be true. But I am a little sympathetic with the situation which faces the Senator from Louisiana. The farmers in his State do not plant a crop in the spring which is developed during the summer months and is harvested in the fall, as is the situation in Idaho, in Michigan, and in Colorado, but they plant a crop which lasts for 3 years. When they plant their sugarcane, it is not for 1 year, it is not for 2 years, it is for 3 years; and in perfect good faith the Louisiana planters planted their sugarcane crop, assuming that the crop would bear its sugar for a period of 3 years.

I understand that the Senator from Louisiana has agreed substantially with those in the Department who have approved his amendment, that if the amendment shall be agreed to and become the law, Louisiana will not use the fact that their situation will be serious in 1941, if weather conditions make it so, as the basis for an argument that Louisiana should have a larger share of the 1941 market than they have under the provisions of the sugar law.

The market is divided between the American sugar producers, domestic beet 41.72 percent, mainland cane 11.31 percent. That is the share each class gets. I understand that the Senator is willing to say that he will not use the fact that the Louisiana planters may have a profit in 1941 as to the marketing of their sugar—as the basis for an argument that their share of the 1941 crop should be increased. If that is a fact, and I understand it to be so——

Mr. ELLENDER. That is a fact.

Mr. BROWN. That being a fact, I do not think that, as the representative of a good many sugar-producing people in Michigan, I should stand here and say that I am going to make these Louisiana planters plow up a large amount of sugarcane they have planted, if they will say to us, as the Senator has under my questioning, that they are not going to use the situation which may possibly confront them in 1941 as the basis for an attempt to grab a larger share of the 1941 marketing quota. I accept that assurance in good faith, and I say that if that is the situation, we should alleviate this condition in Louisiana, and permit the farmers there to go on with their crop, which, as I have said, is a 3-year and not a 1-year crop, as is the case in the beet-producing areas, and we should permit them to recover the benefit payments which come under the Sugar Act. Have I stated the matter fairly?

Mr. ELLENDER. The Senator has, and I thank him very kindly.

Mr. BROWN. As my colleague stated this morning, and I think my colleague puts his finger on the vital thing, if the situation in Louisiana in 1941 is not to be made the basis for a demand for a larger share of the 1941 market, I, as a representative in part of the State of Michigan, am willing to accept the Senator's amendment.

Mr. ELLENDER. I thank the Senator. Now, I yield to the Senator from Colorado.

Mr. ADAMS. My inquiry is now stale. I desired to ask a question which was pertinent to what the Senator from Nebraska was saying.

Mr. ELLENDER. I am so sorry.

Mr. CLARK of Idaho. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. CLARK of Idaho. I am not unsympathetic, if I may say so to my distinguished colleague from Michigan, with the situation in which Louisiana may find herself. I think that is a fair statement. Let me say to the Senator, however, that, as he well knows, we have been working for a great many months on general sugar legislation, which will have to be passed in some form or other before the present session ends. We have met with Members of Congress from the Senator's State of Louisiana a great many times, and we think a bill has been introduced in the House now, I think by the chairman of the Committee on Agriculture [Mr. JONES], which is fairly satisfactory. That bill as presently introduced contemplates taking approximately 200,000 tons of sugar from Cuba's allotment. Probably amendments will be proposed, either in the House or in the Senate, which will take even a larger quantity over a period of time, but at least 200,000 tons will be taken this year. If Cuba's quota should be decreased and the mainland and possibly to Territorial quotas of the United States could be thereby increased, a part of the problem which confronts the constituents of the Senator from Louisiana will have been solved.

Mr. ELLENDER. If I may interrupt, our present situation cannot be solved by adding to the present quota for the reason that under any law which might be passed by Congress, increasing the domestic quotas, any additional sugar would have to be prorated among all the farmers.

Mr. CLARK of Idaho. Of course, it would.

Mr. ELLENDER. In the present situation there are some farmers who planted a little bit more than their quota would ordinarily be, and that is why the suggested amendment would do them no good if it is tacked on another bill, and an attempt made to solve the problem in a future sugar bill.

The situation which confronts us today is this: Unless this legislation is made possible within the next 30 days, farmers will have to destroy the excess cane in order to receive benefit payments on their 1940 crop; and, as the Senator from Michigan correctly pointed out, when we plant sugarcane in Louisiana it is planted this year and harvested over a period of 3 successive years. First there are the plant-cane stalks, then first-year stubble stalks, then second-year stubble stalks. The destruction of that plant cane means to the average farmer that he is out nothing short of $28 to $35 per acre of actual loss. The cane that was planted in the fall of 1939, when there was no quota, when the quota was suspended, would have to be destroyed; and what would be the result? The farmer would lose not only the crop of plant cane that he would have harvested in the fall of 1940 from that planting but also the crop of first-stubble cane that he would have harvested in the fall of 1941, as well as the crop of second-stubble cane in the fall of 1942.

Next year this situation can be well met, even under the present law, because by September, when we plant again, the farmer could be advised of his acreage allotment for 1941 and he could destroy second-year stubbles and reduce his planting, and he would come out on an even basis.

Mr. CLARK of Idaho. I am not unsympathetic with the Senator's position——

Mr. ELLENDER. I thank the Senator. However, what I desire is not sympathy but votes. [Laughter.]

Mr. CLARK of Idaho. I may say to the Senator that I am opposed generally to this method of legislating, however.

Mr. ELLENDER. If the Senator will permit me, I cannot see any connection between the proposal I am making to the Senate today and a new sugar bill. As I suggested to the Senator from Colorado, I am willing to pull off my coat and fight as hard as I can for a sugar bill. We must enact a sugar bill. I believe in the quota system, and the only way by which we can continue under it is to have another sugar bill passed. But the situation of the Louisiana sugar farmers needs immediate attention.

Mr. CLARK of Idaho. Does the Senator think it is so serious that action must be taken within 30 days?

Mr. ELLENDER. The Department has already given orders to destroy the sugarcane under penalty that the farmers will not get benefit payments for 1940. It is different from the position in which the Senator's constituents find themselves. If they had to plow up their excess acreage, all they would lose would be a few pounds of beet seed. In our case we will lose three crops if we have to destroy the cane we planted last fall.

In view of conditions in agriculture today, and in view of the fact that last year Louisiana cane growers were cut down to a minimum and had to plow up 30,000 acres, I say to the Senator from Idaho that to make them plow up again would simply mean that they could not stand the burden, and it would put many of them out of business, which I know the Senator would not want to have occur.

I plead with my colleagues to adopt my amendment without delay. I cannot see how it will disturb any beet growers. It cannot affect them, because, as I see it, the adoption of this amendment would simply put the sugarcane growers in practically the same condition in which the beet growers are, with this exception—that the beet farmers are going to receive benefit payments on everything they produce in 1940, and we are willing to receive benefit payments on only that cane grown on proportionate share acreage, and in addition be penalized for the acreage harvested in excess of our proportionate shares.

Mr. JOHNSON of Colorado and Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. I yield first to the Senator from Colorado.

Mr. JOHNSON of Colorado. I wish to challenge the statement of the Senator from Louisiana that the only thing the beet farmer would lose would be the seed. I know the Senator from Louisiana is a good farmer, and he must know that there is such a thing as crop rotation, and that the beet farmers can afford to plant beets only in their most fertile and best-prepared fields. It takes years to prepare a field for beet planting. They have to rotate with legumes and other crops, they have to plant alfalfa, and they have to plow under crops to make the ground ready for the growing of beets.

Mr. ELLENDER. Is there not anything else which could be planted?

Mr. JOHNSON of Colorado. The Soil Conservation Service places restrictions upon beet growers. When the farmers get an order from the Federal Government in March allowing them to increase their acreage they cannot proceed to plant new acreage to beets which they have not planned to plant, because it is necessary to prepare the soil over a period of 5 years of crop rotation.

Mr. ELLENDER. We are faced with the same conditions. We have to plant legumes, we have to ditch our land, and we have to work it for a period of 2 or 3 years before we put in a cane crop. But the point I am making is that we would not only lose that, but we would also lose the seed cane that is already in the ground, and upon which we anticipate at least three crops of sugarcane. That is the situation which confronts us today, and I know the Senator from Colorado will agree with me that it is a most serious one.

Mr. NORRIS. Mr. President, will the Senator permit me to ask a question at that point?

Mr. ELLENDER. Certainly.

Mr. NORRIS. I am not very familiar with the Senator's amendment I am sorry to say. I heard it read, but I have not looked into it since, and I cannot quite understand it. If the Senator's amendment should become law, would it mean that the sugar quota coming to the beet-sugar area, for instance, would be lessened?

Mr. ELLENDER. No.

Mr. NORRIS. What are we to do about the increased production in Louisiana above the quota?

Mr. ELLENDER. That would be charged to us, because it would be carried over to next year.

Mr. NORRIS. When is it to be taken care of?

Mr. ELLENDER. Next year.

Mr. NORRIS Next year?

Mr. ELLENDER. Exactly.

Mr. NORRIS. Is that provided for in the amendment?

Mr. ELLENDER. No; that is in the law. In other words, this would be the effect of my amendment. Under the present law, in order for a farmer to receive benefit payments from the Government, he must not plant in excess of the acreage assigned to him; otherwise he does not get the payments.

Mr. WILEY. The cane-sugar farmer?

Mr. ELLENDER. Yes; and the sugar-beet farmer as well. When the quota was off, after being suspended by the President, some sugarcane farmers planted in excess of their proportionate share acreage.

The effect of my amendment will be to give authority to the Treasurer of the United States to pay to the sugar farmers of Louisiana and Florida benefit payments on all sugarcane grown on their 1940 proportionate share acreage and as to the cane on the excess acreage they will be permitted to have it ground into sugar; provided, however, that they pay the penalties imposed in my amendment which are to be deducted from the benefit payments made to them on their proportionate share acreage. That is what my amendment amounts to, and nothing else.

In some cases the amount of penalties assessed, if the farmer chooses to produce sugar on that excess acreage, will equal the amount of benefit payments he would be entitled to receive from his proportionate share acreage.

Further answering the Senator from Wyoming [Mr. O'MAHONEY]—I am sorry he is not in the Chamber at the moment—I will say that the imposition of penalties will have a tendency of cutting down sugar production in Louisiana and Florida because no farmer would want to leave standing an acre of cane, for instance, second-year stubble, where the net revenue he would get from that cane after harvesting it would be less than the $20 penalty imposed under my amendment. And I am confident that under this penalty system quite a few thousand acres of second-year stubble will be destroyed. I, of course, dislike the penalty feature, but my amendment represents the best bargain I could obtain from the Sugar Division.

As I said a while ago, the appropriation which is to be made to pay sugar producers for 1940 will benefit because quite a number of farmers in Louisiana and Florida will take advantage of the option of cultivating their excess sugarcane acreage and making it into sugar, and permit the Government to deduct from their benefit payments whatever amount the penalty imposed by my amendment adds up to in their particular cases.

I repeat that the fund which is now being appropriated to pay the sugarcane farmers of my State will benefit under my proposed amendment. The amount expended in benefit payments will be reduced by several thousand dollars because I am sure that quite a number of Louisiana farmers will prefer to cultivate some of their excess cane acreage and accept the penalty.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. NORRIS. Would not the complete result be this: In the first place, your farmers have planted an excess acreage?

Mr. ELLENDER. Yes.

Mr. NORRIS. They ought not to have done that, of course.

Mr. ELLENDER. Oh, yes. They acted in good faith. There was no quota at the time they made their plantings. The quota provisions of the act were suspended. There was no law in effect.

Mr. NORRIS. I assume that might occur because it is a 3-year crop.

Mr. ELLENDER. No; the quota was suspended.

Mr. ADAMS. Is the Senator correct that title III was suspended? Title III contains the limitation on the cultivation. Title III was not suspended, but only title II of the Sugar Act was suspended.

Mr. ELLENDER. The quota was suspended; and I read to the Senate a few minutes ago a telegram that was sent by Dr. Bernhardt, of the Sugar Division, advising that at that time the Department did not contemplate a 1940 quota. His exact words were:

> In view of the suspension of quotas, no program or payments under the provisions of title III of the Sugar Act is in effect or contemplated at this time for the 1940 crop in any producing area.

Mr. ADAMS. Title III was not suspended. Only title II was suspended. I will be glad to read it to the Senator.

Mr. NORRIS. Mr. President, the amendment of the Senator from Louisiana will result in increased production in Louisiana, we will say. If we are to have quotas on sugar, and the amount that the American producer of sugar can produce is limited, and then if one section of the country overlaps and goes beyond its quota, will it not affect the other sugar producers, and they will not get the same quota they otherwise would receive?

Mr. ELLENDER. No, sir, it cannot, Senator, and I will state the reason. Let us say that the law as it is now written should be extended into the next year. Here is what would happen. If Louisiana produces in excess of its marketing quota, any excess is carried into the next year, so that when the acreage is fixed for next year, Louisiana's acreage is reduced in proportion to the amount of excess sugar her processors have on hand. It does not affect the area of the Senator from Nebraska. The same situation exists in the beet area. If in the beet area there is sugar produced far in excess of its marketing quota of sugar, the following year its acreage would be, of course, in proportion to the excess sugar it has on hand. In other words, the larger the carry-over in either the beet area or the sugarcane area, the less will be the acreage the following year.

The two territories are treated separately. We in the cane-sugar area have to suffer in succeeding years, depending on the amount of carry-over sugar we have on hand, and likewise the sugar-beet farmers suffer in loss of acreage in proportion to the carry-over sugar in their industry. That is why I cannot for the life of me see why my good friends who represent those who produce beet sugar should object to this proposal, because it does not affect them.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER (Mr. DANAHER in the chair). Does the Senator from Louisiana yield to the Senator from Washington?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. The thing I cannot understand about the Senator's argument is this. The senior Senator from Michigan [Mr. VANDENBERG] earlier in the Senator's remarks asked the Senator whether you were not simply postponing your problem from this year to next year, and that next year you would have the added burden, and the Senator from Louisiana explained in answer to that question, that an excessive freeze occurred in Louisiana this year, and therefore it probably would not mean an additional problem next year. But the Senator explained that in Louisiana a 3-year crop is obtained. If you carry along your excessive planting, due to the situation last fall, you may be able to rely upon this freeze as far as this year is concerned, but can you possibly rely upon this year's freeze in washing out your problem in the second year and the third year? Will you not certainly in the second and the third years be met with the same problem?

Mr. ELLENDER. No; for this reason, Senator: That each year we destroy a third of our crop. When the proposition faces us next year, we will, under ordinary planting practices, destroy one-third of our cane; that is, the second stubble of this year will become third stubble next year, and in Louisiana it is customary to destroy third stubble. Next year, if we have to reduce, we can simply make no new plantings or reduce our new plantings. And so the monetary loss will not be as great, the Senator can readily see, as it would be if we are forced now to destroy plant cane that will be good for 3 years. Senators, if we are permitted not to destroy the cane planted this year, then if the law which is now on the statute books happens to be reenacted next year, in the ordinary course of sugar culture, we are going to have to destroy one-third of our acreage. And the only thing the farmer will have to do will be to plant less cane next year, and the loss will be what he would naturally lose; that is, the stools from one-third the acreage.

Mr. SCHWELLENBACH. Does that mean that you are objecting to destroying it now, but are going to destroy it next year? What is the difference between destruction at one time and destruction at another time?

Mr. ELLENDER. No. If we destroy a stubble cane that has produced two crops, our loss will not be great, but this year many farmers will be called upon to destroy a great deal of new plant cane that has never produced anything. As I pointed out a while ago, cane produces at least three crops.

Mr. SCHWELLENBACH. Why would you not destroy more of the stubble cane this year of your second-year cane and leave that which is excess planting remain?

Mr. ELLENDER. Because in some cases certain farmers had less than 25 percent of their acreage in sugar and they naturally increased their plantings. They complied with the requirements of the Department in not destroying their cane last year, expecting to take advantage of the situation this year, and, of course, under the rulings of the Department, if the quota system had not been lifted a good many farmers would have had to destroy the first year stools. But under the proposition as it now stands I can assure Sen-

ators that thousands of acres of cane planted this year, that never produced a stalk of cane, are going to be destroyed if this amendment is not adopted.

Mr. CLARK of Idaho. Mr. President——

The PRESIDING OFFICER (Mr. GURNEY in the chair). Does the Senator from Louisiana yield to the Senator from Idaho?

Mr. ELLENDER. I yield.

Mr. CLARK of Idaho. Does the Senator know whether there is power in the Sugar Division of the Department of Agriculture to tide the farmers of the Senator's State over until the sugar bill can get over from the House?

Mr. ELLENDER. I would not ask the Senate to adopt my amendment if that were possible.

Mr. CLARK of Idaho. Does not the Sugar Section of the Department of Agriculture have power to relieve the farmers of Louisiana for a month or two?

Mr. ELLENDER. Of course, they could, Senator, but it would probably be postponing the agony. There is no assurance that can be given that cane will not be destroyed. If the cane is not cultivated now, it is bound to suffer in the future, and no farmer wants to invest more money today if there is a chance that the cane has to be destroyed in the future. In other words, as I pointed out a while ago, we are faced with a loss of from $28 to $35 an acre, besides all the work that has been done for 1 or 2 years on the land. That cane is planted. It is there. It has to be worked today and tomorrow. And if the farmer cultivates that cane, it means that he has to put out more money. And unless there is assurance now that his additional expenditure of labor and money will not go by the wayside, and this money he has to spend to cultivate the crop will not be lost, he will have no incentive. That is why I say that immediate action should be taken, because if that cane is permitted to remain in the ground uncultivated, it will deteriorate further. That is why it is imperative that help be rendered now.

As I stated to the Senate previously, and I repeat, I cannot understand how my amendment can affect the sugar-beet growers. On the contrary, as I see it, all of us would be in the same boat; this proposition simply means that the sugar-cane farmers are going to be put on the same level as the sugar-beet farmers. There will not be any difference. If the sugar-beet farmers this year produce in excess of their quota, they will have to carry that excess into next year; and if cane growers are permitted to produce sugar from this excess planting, our own carry-over is increased likewise, and we shall have to suffer next year. And overproduction in one area cannot affect the other.

Mr. THOMAS of Idaho. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. THOMAS of Idaho. Does it occur to the Senator from Louisiana that the farmers of Idaho are just an anxious about the sugar legislation as the farmers of Louisiana? We are now planting our sugar beets. We do not know how many acres of sugar beets to plant. The quota has been raised, but the processor does not know how much to contract for.

Mr. ELLENDER. But the proposition is this: That the dilemma facing you is not the law itself. It is a question of the factories you have in your area which are willing to contract with your farmers. In our case the farmers who have planted their cane in good faith have contracts with processors to grind the cane and make it into sugar, and those contracts are valid, and I repeat that it would be a crime to destroy that cane.

Mr. THOMAS of Idaho. Is it the Senator's contention that if you produce this excess sugar this year it will be carried over to next year?

Mr. ELLENDER. That is if we are blessed with normal yields, but all evidence points to a much smaller yield per acre this year. But the only persons who will be affected by that increase in production, even if we have an increase, will be the Louisiana farmers, not the farmers of the Senator's State. It will simply mean that if on this excess acreage there is produced more sugar than our marketing quota we will be penalized by having our acreage reduced for the following year.

Mr. THOMAS of Idaho. What happens to the sugar producer is that the carry-over reduces the price. The price is now very low.

Mr. ELLENDER. Of course the price now is very low, but I cannot see how my amendment could have any detrimental effect on the price of sugar.

Mr. THOMAS of Idaho. A carry-over of sugar reduces the price, which affects the beet grower as well as the cane grower.

Mr. ELLENDER. Even though under normal conditions we should produce 50,000 tons of sugar on the excess acreage, that would not be enough to satisfy the palate of the people of this country for 48 hours; and it cannot possibly affect the market value. Our sugar experts agree to that proposition.

Mr. THOMAS of Idaho. It is the extra amount which always ruins the market.

Mr. ELLENDER. I understand; but the amount is very small, and that amount would not be placed on the market, except within our marketing quota.

Mr. THOMAS of Idaho. However, the principle is the same. This legislation has been pending all winter. Our people in the West are very much interested and very anxious to have legislation come over from the House. If the administration will cooperate, that legislation can come over in 2 or 3 days. It is ready; and when it comes to the Senate I am sure we can dispose of it. The Senator's people will not be hurt at all. But if we go ahead and accept the amendment——

Mr. ELLENDER. The Senator knows that we cannot propose sugar legislation on this side because of the tax provisions.

Mr. THOMAS of Idaho. I understand that.

Mr. ELLENDER. It must originate on the other side. If I felt in my heart that the bill would come over from the House within 30 or 40 days, I should not be alarmed. But with the opposition to the bill which comes from many sources, I fear that the bill may not come over to the Senate until May or June, which, of course, would be too late. The horse would then be dead.

Mr. President, I believe the Senate thoroughly understands the situation which confronts my people, and I am very hopeful that it will stand by me. As I said when I started this debate, even though I should stay in the Senate for the remainder of my natural life, I do not expect to offer a proposal to this body which has more merit than the pending amendment.

Mr. BROWN. Mr. President, will the Senator yield for a moment?

Mr. ELLENDER. I yield.

Mr. BROWN. I was on my feet some time ago to bring this matter up. I have been impressed with one argument which has been advanced by the Senator from Colorado [Mr. ADAMS], the Senator from Wyoming [Mr. O'MAHONEY], and others who indicate some apparent opposition to the amendment, and that is the argument that it ought to be the subject of a general consideration of the sugar question. I admit that there is some merit in that contention.

On the other hand, I recognize the very difficult problem presented by the Senator from Louisiana [Mr. ELLENDER]. I do not agree with the view that we shall not have sugar legislation in this session. As was intimated a short time ago, we cannot originate such legislation.

However, two bills are pending in the House, and I have been assured—not by the Secretary of Agriculture, but by the head of the Sugar Division in the Department of Agriculture—that the Department is desirous of having sugar legislation in one of two forms—either a general bill or a continuing resolution—with some consideration for some changes which I think should be made in section 201 of the act, both with regard to the price section and with regard to the allotment of the market between foreign producers and those in the United States. I think the principal difficulties are involved in the two questions which I have just suggested.

I notice that the chairman of the Finance Committee [Mr. HARRISON] is in the Chamber. He honored me by having me

report the sugar bill of 1937, and with my feeble ability I handled the bill on the floor. I ask the Senator from Mississippi, the chairman of the Finance Committee, whether or not in his judgment there will be any delay whatsoever in the consideration of any bill affecting the sugar situation which may come over from the House of Representatives.

Mr. HARRISON. Mr. President, will the Senator yield so that I may answer that question?

Mr. ELLENDER. I yield for that purpose.

Mr. HARRISON. Of course, I am extremely interested in the passage of legislation affecting the sugar quota. I think one of the most difficult tasks we ever had was in the passage of the original Jones-Costigan Act; and yet I think it accomplished quite as much for producers of both sugar beets and sugarcane as any legislation we have ever passed.

I am intensely interested in the measure coming over to us from the House. I shall cooperate to the limit to see that some legislation passes at this session. In this connection I will say that when the amendment was first offered by the Senator from Louisiana [Mr. ELLENDER] I was skeptical of it. In the first place, I was afraid that it would require too much time and would delay other legislation and that perhaps it was best to handle the matter in one piece of legislation.

As stated by the Senator from Louisiana, I went into an investigation of this amendment and consulted with the experts of the Agricultural Department. I was impressed with the justice of the proposed legislation. I know the Department of Agriculture favors it. Because of the emergency situation, the Department thinks it ought to be tied onto this bill. For that reason I shall vote for the amendment offered by the Senator from Louisiana. I shall vote not only for the motion to suspend the rule but also for the amendment itself.

I will say to the Senator from Michigan [Mr. BROWN], who so ably handled the past quota legislation, and to those interested from the sugar-beet area, as well as the sugarcane area, that I shall lend every cooperation toward expediting the legislation when the bill comes over from the House. I regret that there is any division between the sugar-beet people and the sugarcane people, or between them and any representative who feels sympathetic to Puerto Rico or other sugar-producing areas. The way to pass sugar legislation is through cooperation and pulling together. For that reason I regret that a fight over the amendment has arisen in the Senate.

Mr. BROWN. Mr. President, I thank the Senator for his contribution. I am certain he expresses the hope of all of us that we shall have sugar legislation at this session. I think it is absolutely essential to the continuance of the industry.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I ask the Senator from Louisiana to yield in order that I may address an inquiry to the Senator from Mississippi [Mr. HARRISON].

Mr. ELLENDER. I yield for that purpose.

Mr. O'MAHONEY. Of course, it is very encouraging to have the announcement of the Senator from Mississippi that he will be very glad to cooperate in facilitating the passage of sugar legislation. I should expect such a statement from the Senator from Mississippi, because it can be said without question that it was his cooperation, both in 1934 and 1937, which made possible the legislation first called the Jones-Costigan Act, and the continuing act, called the Sugar Act of 1937.

That legislation has been extremely beneficial to all the elements of the sugar industry, including producers of cane and producers of sugar beets; but, unfortunately, a feeling has grown up in the country that some obstacle of some kind, not altogether clear, has arisen in the way of enactment of legislation at this session. It is impossible to put our fingers upon it, but the feeling exists.

As several Senators have already announced, ever since the beginning of this session those of us who represent the sugar-producing States have been in conference in an effort to work out some form of legislation. Several weeks ago Representative CUMMINGS, of Colorado, introduced in the House a bill to provide for a substitute for the legislation which expires this year. As yet there has been no report on that bill.

Only a few moments ago, in the course of this debate, I went to the telephone to talk with the head of the Sugar Division to find out when a report may be expected. I find that the bill has not reached the Sugar Division for analysis. Where is the obstacle? The bill has been before the Committee on Agriculture in the House for several weeks, and no progress has been made.

I ask the Senator from Mississippi [Mr. HARRISON] whether or not there is any possibility of his advising us what we may expect with respect to early action by the Department of Agriculture and the administration in connection with a recommendation for legislation. It is perfectly obvious that we cannot legislate unless we have cooperation among all concerned, including the planters of Louisiana, with whom we have always previously cooperated, the State Department, representing the very difficult conditions which exist in Cuba—which I recognize—the processors, the refiners, and also the vast labor interests involved in this matter, the refinery workers in the United States, both in the beet-sugar refineries and in the refineries along the Atlantic seaboard.

Over and above all that, we have great areas of land in the United States which are capable of producing sugar. I see the Senator from Nebraska [Mr. NORRIS] in the Chamber. In his State new reclamation projects which are ideally suited to the production of sugar beets are now open for operation, and yet those areas may not produce sugar beets because of the marketing allotments. It is said on the floor that the Department has lifted the restrictions upon planting, but of what use is the lifting of the restrictions upon planting if the sugar to be produced may not be sold? That limitation exists. So what hope have we for early action?

Mr. HARRISON. In answer to the Senator's question, I can see no reason why sugar legislation should not be passed at this session unless those interested in it from the sugar-beet areas and from the sugarcane areas fall out among themselves. I have found that when they get together they are very effective, and usually they obtain what they want. I could not go so far as to say that I want to increase the burden upon the consumers——

Mr. O'MAHONEY. Mr. President, I must interrupt the Senator, because there never has been a time within my knowledge when the domestic producers of sugar beets or sugarcane have ever wanted to place any burden upon the consumers. That is a complete misrepresentation of the attitude of our producers. All they want is a fair price.

Mr. ELLENDER. A fair return for their crops.

Mr. O'MAHONEY. In the legislation which is now upon the statute books we agreed very gladly to the provisions which were intended to guarantee to the consumer that there should not be an excessive price. The danger to the consumer, Mr. President, arises not from anything that the domestic producers of cane or sugar beets will do. It arises from the danger that the domestic consumer in the United States will be made dependent upon supplies from foreign areas; and then, as in the past, the domestic consumer will be confronted by the danger of a greatly increased price for the product.

Mr. HARRISON. Mr. President, I understand the Senator's viewpoint, and that of the Senator from Louisiana [Mr. ELLENDER]. In former days I have had many discussions on the floor about the tariff on sugar, but I think the present arrangement of quota systems is fine. If the bill now in the House passes the House, I shall call the Finance Committee together as soon as possible and help to put through the legislation at this session.

I have had no indication as to what the administration or the Agriculture Department desire; but it is my belief—and, of course, I cannot understand why there should be a contrary viewpoint—that they would want the bill to pass. The present measure has done well, and it expires at the end of this year. I am very hopeful that the bill will pass.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. PEPPER. I have been very much interested in hearing these comments on the sugar bill; and I hope the same enthusiasm that is manifested for the passage of that bill will be entertained and expressed by Senators to see to it that the areas of this country which are capable of producing sugar for domestic consumption have an opportunity to do it. So far as the junior Senator from Florida is concerned, he will cooperate with anyone in the Senate in an effort to obtain in the coming sugar legislation a fair opportunity for those who are fitted by nature to grow sugar in this country to do so.

Mr. ELLENDER. Mr. President, I do not know that I can add more to this debate than I have up to the present time. If there is any doubt in the mind of any Senator as to the purport of this amendment of mine, I shall be glad to answer any questions on the subject. I stated on several occasions during the debate that I had reports from my State showing the injurious effect of the recent cold on the cane crop. The report that I have here comes from Mr. George Arceneaux, who is the agronomist at the United States sugarcane experiment station at Houma, La. It is headed:

REPORT ON COLD DAMAGE TO SUGARCANE ON HOUMA EXPERIMENT STATION AND SURROUNDING PLANTATIONS—PLANT CANE

Studies conducted immediately after the January freezes indicated that while the shoots had been frozen back to a depth of 1½ to 2 inches below the ground surface, very few of the plants had been destroyed.

Germination to date indicates fairly normal stands of plant cane, but the crop is from 2 to 3 weeks late. It is estimated that this disadvantage in itself will probably account for a reduction in yield of sugar per acre of from 5 to 8 percent. Actual yields to be obtained, however, will obviously depend greatly on weather conditions between now and harvest.

STUBBLE CANE

As I indicated a while ago with reference to the difference between plant cane and stubble cane, as a rule one-third of our plantings is plant cane and two-thirds is stubble. Now, I am going to read to the Senate the effect that the recent cold had on stubble cane:

Counts made immediately after the January freeze showed that from 12 to 30 percent of buds below the ground surface were dead. Weather conditions since the freeze have been on the whole unfavorable, and observations at this time indicate that an additional 3 to 5 percent of the underground buds have died.

In other words, it means that from 15 to 35 percent of the buds underground are actually dead, and, of course, cannot be revived.

From 10 to 20 percent of the buds still viable are located within a region of the old stubble piece which shows evidence of freeze injury. It is feared that with continued cold, wet weather, extensive stubble deterioration may occur, with consequent loss of many of the buds now viable.

Stubble cane is germinating very slowly, and the crop has been retarded even more than plant cane. Stubble has unquestionably been damaged more severely than plant cane, but it is considered impossible at this time to estimate accurately the probable effect in terms of percent of yield reduction. With warm, dry weather during the next 4 or 5 weeks, the resulting reduction in yield would probably not exceed 10 to 15 percent. On the other hand, should the weather continue cold and wet, we can expect exceedingly gappy stands. Under such conditions I consider it possible that the eventual yield of sugar per acre from stubble cane may be reduced as much as 20 to 30 percent.

Mr. President, from that investigation made by the United States Government sugar station in Louisiana, I am convinced that the sugar farmers of my State stand to lose from 10 to as much as 30 percent of their production; and I repeat to the Senate that even though this amendment of mine be accepted, the probabilities are that the production on this excess acreage will not equal what the normal production would have been on our proportionate-share acreage. Therefore I plead with you that this amendment will not increase our sugar surplus, and will not hurt the beet people in the least; and, as I have pointed out on many occasions during this debate, I am convinced that some of the beet people are unduly alarmed about the situation. The amendment cannot affect them; it cannot affect their sugar prices; and I urge that the Senate vote to suspend the rule so that I may offer my proposed amendment.

The VICE PRESIDENT. The question is on the motion of the Senator from Louisiana [Mr. ELLENDER] to suspend the rules in order to permit him to offer the amendment heretofore submitted by him, which will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 80, line 4, before the period, it is proposed to insert a colon and the following:

Provided further, That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940: *Provided, however*, That payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such act, and the following deductions shall be made from such payments on account of the excess of the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 over the proportionate share for the farm. For so much of such excess as does not exceed 25 acres, no deduction; for so much of such excess as exceeds 25 acres but does not exceed 125 acres, a deduction of $5 per acre; for so much of such excess as exceeds 125 acres but does not exceed 625 acres, a deduction of $10 per acre; for so much of such excess as exceeds 625 acres but does not exceed 1,125 acres, a deduction of $15 per acre; for so much of excess as exceeds 1,125 acres, a deduction of $20 per acre.

Mr. ADAMS. Mr. President, the remark recently made by the chairman of the Finance Committee [Mr. HARRISON] is a very pertinent remark—that the sugar people should cooperate. What brings about our trouble here is failure to cooperate. One group of sugar producers come in and seek to attach to an appropriation bill a measure to meet, not the combined or cooperated needs, but one particular need.

I am convinced that we ought not to seek to attach general legislation of this kind to an appropriation bill. I think this discussion rather definitely discloses the impropriety of doing so. There has been no hearing. No testimony has been taken. We are dependent upon disputed facts on the floor of the Senate as to something which affects a great industry, and I am concerned that the sugar people shall work together.

I am not contending essentially against the situation in Louisiana. I am saying that Louisiana and Michigan and Colorado should all go before the Agricultural Committee or the Finance Committee, present their problems, and work out a bill that we can all get behind, where we will have the full statements of fact; where we will have the experts; where we will have the representatives of cane growers and the representatives of beet growers, rather than to come in and attach as a rider to an appropriation bill a partial sugar bill.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. ELLENDER. The Senator attended the conference to which the Senator from Mississippi [Mr. HARRISON] referred, when Dr. Bernhardt and several others attended?

Mr. ADAMS. I did.

Mr. ELLENDER. Does the Senator recall Dr. Bernhardt's statement that even though a sugar bill was passed by the Senate, the distress incident to the Louisiana situation could not be cured by such a bill?

Mr. ADAMS. I do not recall his saying so, but if he did say so, I do not think the statement is correct.

Mr. ELLENDER. The Senator understands that if an additional quota, let us say, is allowed to Louisiana, the quota would have to be distributed among all the farmers on a certain proportionate basis.

Mr. ADAMS. I will say to the Senator from Louisiana that in considering a sugar bill which affects the beet people and all, I am perfectly willing to have the identical amendment which the Senator is now submitting considered in connection with that bill.

Mr. ELLENDER. I appreciate that statement, Mr. President. What I fear is that it may take too long to do that. It may take 60 days or 90 days.

Mr. ADAMS. Mr. President, of course, I am a member of the Appropriations Committee. I have two interests as I

think of appropriation bills and their proper treatment, representing as I do a beet-growing area. This is a problem that arose on the 27th of December of last year. If the Senator from Louisiana had seen fit to introduce a bill on the subject, it could very properly have gone through the regular course and gone through hearings. I know the Senator from Louisiana was busy; I know he met obstacles; but the opportunity is still available to the Senator to introduce the measure as an independent bill and have it go through the regular legislative process. But as a member of the Appropriations Committee, interested in that, I cannot approve the development of the practice of putting general legislation—I do not mean merely an item of legislation such as we put on from time to time, but a general bit of legislation connected with other legislation—on an appropriation bill and carrying it through.

Mr. ELLENDER. Mr. President, am I to understand the Senator from Colorado to mean that if the proposal I am now advancing to the Senate were incorporated in a separate bill, he would urge no objection to its passage? As the Senator might know, I have such a bill pending.

Mr. ADAMS. I might offer amendments to it in order to protect our beet people.

Mr. ELLENDER. Of course, the amendments would be such that the bill probably would meet the same fate that Senate bill 69 met at the hands of the House last time.

Mr. ADAMS. Not at all; no. The Senator and I are both at the mercy of the House.

Mr. ELLENDER. Yes; I understand.

Mr. ADAMS. This amendment will be at the mercy of the House when it goes across. The judgment of the House cannot be escaped by attaching the matter to an appropriation bill as an amendment.

Mr. ELLENDER. I understand that.

Mr. ADAMS. As a matter of fact, I am inclined to think the Senator will find a harsher judgment of the House in this procedure than if the matter came across in a separate bill, because I know the members of the Appropriations Committee and their disposition to fight legislation on appropriation bills. I know what they will do. They will submit this amendment to a separate vote of the House. That is an inevitable situation. It will not just go before the House voting yea or nay on the appropriation bill. Under their practice, whenever legislation comes from the Senate on an appropriation bill, it is submitted as a matter of their rule as well as a matter of course to a separate vote in the House, and a controversy arises on the floor of the House.

Mr. ELLENDER. Would not that take place, and does it not take place in cases in which the appropriation involved would be increased by virtue of such legislation?

Mr. ADAMS. Oh, no! Whenever general legislation is placed by the Senate on an appropriation bill the rules of the House require the submission of that particular amendment to a vote of the House.

Mr. ELLENDER. The Senator concedes that if this amendment should be adopted it would have a tendency to decrease the appropriation provided for sugarcane growers in Louisiana, does he not?

Mr. ADAMS. I do not think it would; no. I should think the reverse would be true; and yet that is one of the things that bothers me. The matter has not been worked out. I will say to the Senator that I do not care about the payment feature. As a matter of fact, I hope the growers of Louisiana will be liberally treated. I would rather they got more than less. As I say, I am not concerned with the payment feature. I am concerned with the quantity of sugar. My people, the representatives of the beet-sugar growers in the western country, say to me they are afraid this amendment will be detrimental not because of the increased payments but because there will be produced 60,000 tons of marketable sugar—I do not mean legally—but sugar, even though you seek to warehouse it and say, "We will not sell it," has its effect upon the market; and the beet grower is paid upon the price at which sugar sells. Roughly, the grower of beets in my State and in all the Western States gets 50 percent of what the sugar brings.

Mr. BROWN. Mr. President, will the Senator yield to me for a moment?

Mr. ADAMS. Certainly.

Mr. BROWN. I grant that the amendment which the Senator from Louisiana proposes is probably legislation.

Mr. ADAMS. Not probably, but certainly.

Mr. BROWN. It seems to me, however, that by any rule of logic, aside perhaps from the strict rules of the Appropriations Committee, when the amendment treats with the disposition of the $46,000,000 which is provided for on page 82 of the bill, it certainly logically attaches itself to the expenditure of that money; and while it might be in violation of the strict rules of the Appropriations Committee, it certainly addresses itself to the precise subject to which this legislation addresses itself.

Mr. ADAMS. I will say to the Senator that the amendment of the Senator from Louisiana is an amendment of subdivision (c) of section 301 of the Sugar Act of 1937. It is a definite amendment of a provision of the law. That law says that benefit payments shall not be made unless there is compliance with the limitations on the production. The amendment provides that that provision of this subsection shall not apply to excess production of sugarcane in violation of the section, provided the sugarcane was planted prior to January 1, 1940.

Mr. BROWN. The Senator will admit that it relates to the $46,675,000, which is raised by reason of a processing tax upon the very sugar which is here produced, because it disposes of that fund of money, in part, to the Louisiana cane growers. It takes from them something out of this $46,000,000 which, were it not for this situation, they would otherwise receive.

Mr. ADAMS. No. As a matter of fact, it gives to them something which they would not get under the law as it stands. It is not a limitation upon an appropriation; it is an expansion. As I have said, I hope they will get it.

Mr. BROWN. Not an expansion of the amount of money, but of the use of the money; it does not make the amount any larger.

Mr. ADAMS. It does not make the amount any larger, but the amendment in turn provides "That no payment under the Sugar Act of 1937, with respect to the 1940 crop, shall be withheld from any producer" because he has produced sugarcane "in excess of the proportionate share for the farm." In other words, it amends the limitation of the conditional-payment provision which would prevent payments being made for the excess. It does not affect the amount of the appropriation at all; it merely makes certain people eligible for payments for which they are not eligible this moment.

Mr. BROWN. The Senator will admit that it is not totally unrelated to the $46,000,000 about which we are talking.

Mr. ADAMS. Of course not, but I am trying to say to the Senator and others that the concern of the beet people is not over the money. Our people are concerned over the increased production of sugar. I am perfectly willing to have the Louisiana producers paid for plowing up, but what we are concerned about—and I am speaking of the advices I receive from beet growers—is that 60,000 tons would be put on the market as the result of the adoption of the amendment, which would have two effects, one being the probable lowering of the price of sugar in the American market because of increase in the supply. The Senator knows that the suspension of title II of the act resulted in something over 300,000 tons of sugar being brought into the United States from Puerto Rico.

Mr. OVERTON. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. OVERTON. How would this amendment increase the marketing quota of the sugar of Louisiana?

Mr. ADAMS. No one said it would.

Mr. OVERTON. Then how would it affect the price of sugar produced from beets? Under the amendment, the Louisiana growers could process cane into sugar and get the benefit payments, yet they could not market the sugar in

excess of the marketing quota; so how would it affect the beet people?

Mr. ADAMS. The Senator is not conscious of the persuasiveness of the Senators from Louisiana. I am. Let us assume that Louisiana has 60,000 tons of sugar which perhaps they are not able to sell today. I have not a doubt in the world but that when the able and persuasive and eloquent Senators from Louisiana appeal to the Senate for legislation enabling their farmers to market this extra sugar which they process, because of all of these untoward circumstances, Congress will yield and the 60,000 tons will go on the market.

Mr. OVERTON. The Senator's objection is that he anticipates that at some time in the future Congress will increase the marketing quota for Louisiana.

Mr. ADAMS. No; I am not concerned about the marketing quota for Louisiana.

Mr. OVERTON. Louisiana cannot market its sugar except within the confines of the marketing quota.

Mr. ADAMS. That is correct, but Louisiana does not have a specific State-wide marketing quota. This is the practical situation which I was trying to outline when I yielded to the Senator——

Mr. OVERTON. One more question, and I will not further take up the Senator's time. I just got out of a sick bed to come here and vote on this matter. I think the Senator has gotten the wrong impression of the amendment. It cannot affect the sugar-beet market, because it does not increase the quota of Louisiana. It merely gives the right to the grower to go ahead and process sugar.

Mr. ADAMS. The theory of the Sugar Act of 1937, and the theory of the prior act, was to restrict marketing, and also to restrict production. They are so closely allied that if the sugar is produced it inevitably affects the market. By reason of the suspension of the quota by the President, a large amount of sugar came into the United States, so that there was a great deal of sugar hanging over the market; that is, there was a bit of hysteria because of the recollection of the sugar situation during the World War, and the housewives said, "We are not going to be caught this time," and they went out to the stores and began to buy hundred-pound sacks of sugar. Fearful of a speculative movement the President suspended the quota. Added to the domestic supply were the 300,000 tons from Puerto Rico, and some storage sugar which has been released. So the Department of Agriculture has fixed the marketing quota for the coming year at the lowest point at which it has ever been fixed.

The beet-sugar people produced last year or the year before 1,803,000 tons, and in the other year 1,700,000 tons, or a little over. They are restricted under the new limitation to 1,549,000 tons. In other words, the beet people are being held down to a limit due to the suspension of the quota, the same problem, in its effect, Louisiana is confronting. We are being told we cannot sell, therefore we cannot plant. In other words, we are held down more than 200,000 tons below what we have been producing. There are farms ready to produce, and factories ready to process. The farmers cannot sell to the factory, which is their only market, if the factory cannot market the sugar.

Mr. OVERTON. Louisiana is under the same limitation.

Mr. ADAMS. Being in the same situation, I think we should all act under the same law. I do not think we should start in and take out one class of farmers who are in trouble and leave the others out on the ocean without life preservers.

Mr. OVERTON. Louisiana is not trying to market any additional sugar at all.

Mr. ADAMS. It is going to produce it.

Mr. OVERTON. We merely want the farmers there to get the benefit payments under the law.

Mr. ADAMS. And produce 60,000 tons of sugar additional.

Mr. OVERTON. That may be very true; but it is to be carried over.

Mr. ADAMS. If the Senator's theory is correct, perhaps it can be carried over.

Mr. OVERTON. The farmers in the beet area are getting benefit payments on all they produce, are they not?

Mr. ADAMS. They have been, but they may not get them if they produce the same amount of sugar this year they produced last year. Under the marketing quota we would have 250,000 tons upon which we would not get benefit payments.

Mr. OVERTON. Louisiana farmers want to be paid just as the beet farmers are.

Mr. ADAMS. We are in entire accord, and the only way to accomplish that is to work it out in one bill, at one time, so that we can sit down and each take care of the other.

Mr. ELLENDER. Mr. President, will the Senator from Colorado yield to me?

Mr. ADAMS. I yield.

Mr. ELLENDER. With further reference to the appropriation under the bill, it is true that my amendment seeks to amend the present Sugar Act; but, in all events, whether the amendment shall be adopted or not, the only payments which could be made to the farmers of my State under the existing law would be on their proportionate share, and the only way by which they could obtain those payments would be by destroying the cane on the excess acreage. The Senator admits that, does he not?

Mr. ADAMS. Not eliminate them by order, as has been thought, apparently from what has been said in the discussion, by an order of the Department of Agriculture, but eliminate them in order to qualify. It has to be a voluntary action by the planters.

Mr. ELLENDER. If the planter does not destroy voluntarily, as the Senator would have it, he will be precluded from marketing the sugar, will he not?

Mr. ADAMS. Yes. The Senator is presenting an amendment to an appropriation bill seeking to have the troubles of his constituents cared for and leaving us out on a limb.

Mr. ELLENDER. I cannot agree that we would be leaving the Senator's constituents out on a limb because under the provisions of the rule which was issued on March 9 by the Department giving the beet people the right to produce and to receive payments on all of their acreage——

Mr. ADAMS. That is only true with a limitation—provided the amount they produce does not exceed the reduced beet-sugar quota.

Mr. ELLENDER. There is no limitation.

Mr. ADAMS. Oh, yes. The farmer cannot sell to the factory an additional amount of sugar beets to enable him to produce this quota. Every acre of beets they produce in excess of the amount which could be sold when reduced to sugar is simply lost.

Mr. ELLENDER. I quote from a memorandum which I hold in my hand, which states:

> Official figures issued on February 21 by the Sugar Division show that the carry-over of beet sugar on January 1, 1940, was 1,356,000 tons, which is about the same as in 1938 but is almost 300,000 tons greater than in 1937, 400,000 tons greater than in 1936, and 435,000 tons greater than in 1935. Therefore the carry-over is apparently well above normal.

The Senator does admit that on this excess sugar the beet people have been paid their benefit payments?

Mr. ADAMS. Yes; but we are concerned with the next year; we are not concerned with the last year.

Mr. ELLENDER. By the same token, if the beet acreage which is planted this year in Colorado and other beet-producing States is manufactured into sugar, the Senator concedes that under the present regulation every beet farmer will be paid a benefit payment on every pound of sugar he produces.

Mr. ADAMS. No. It just depends. If they keep within the quota, they will be paid.

Mr. ELLENDER. I know; but if the beet factory grinds the beets into sugar——

Mr. ADAMS. Of course, they will not buy the beets from the farmer unless they can sell the sugar.

Mr. ELLENDER. As I interpret the ruling which I have read and placed in the RECORD——

Mr. ADAMS. I am talking about the Department of Agriculture, which, under the statute, has the right to fix the

quotas for the domestic area, and they have reduced the quota for domestic beets to 1,549,000, the lowest it has ever been.

Mr. ELLENDER. That is the marketing quota.

Mr. ADAMS. That is the marketing quota. But you cannot sell to the factories sugar beets which will produce more than the marketing quota.

Mr. ELLENDER. I do not see how the Senator can reach that conclusion when, as a matter of fact, there is on hand today 1,356,000 tons of beet sugar, which is a carry-over, and upon which he admits that benefit payments have already been made.

Mr. ADAMS. That has nothing to do with the crop that is to be raised next year.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Louisiana yield to the Senator from Wyoming?

Mr. ELLENDER. The Senator from Colorado [Mr. ADAMS] has the floor.

Mr. O'MAHONEY. In connection with the colloquy which has just been going on, I desire to call the Senator's attention to the provision of section 302 (a) of the Sugar Act, reading as follows:

> The amount of sugar or liquid sugar with respect to which payments may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary.

And so forth. So that the benefit payment is clearly tied to the marketing quota, and the marketing quota, as the Senator from Colorado has so clearly pointed out, has been established, so there is no possibility of any benefit payments upon sugar that is not marketed.

Mr. ADAMS. I will add to the remarks of the Senator from Wyoming that the Sugar Act of 1937 was based on a minimum domestically produced quota of 371,715 tons, and this allocation is right at the lowest possible point that the Secretary of Agriculture could put it under the statute, and then he has put the apportionment to the sugar-producing areas down simply to make up this minimum.

If I may make a few general observations about the sugar business and the thing that causes all this difficulty, the sugar production in the United States is regarded, and has been regarded, as some kind of a stepchild. Here we are in this very bill making appropriations of hundreds of millions of dollars to aid in the disposal of surplus commodities. Here is a great commodity, of which we produce less than is required. We are producing only 28 or 29 percent of what we consume, and our trouble rises out of the fact that the Government of the United States and the Congress puts limitations on the production of this vital necessity of life.

One day they say to us, "You can only produce 420,000 tons of cane sugar in the United States. You can only produce one and one-half million tons of beet sugar." If they would do the fair thing, they would say to the people of Louisiana and to the people of Colorado, "Produce all that your fields can produce and then we will go abroad for the deficiency."

As it is, it seems as if the first consideration was being given to some foreign areas. The prevalent idea seems to be that one dollar's worth of foreign trade is worth more than a dollar's worth of domestic trade—that it is better to buy a dollar's worth of sugar from Cuba than a dollar's worth of sugar from Louisiana. Of the dollar that is sent to Cuba, perhaps 30 cents comes back. For the dollar that is spent in Louisiana, 100 cents of it is spent in the United States. Yet we are here contending with one another over the opportunity to produce of crop of which there is a deficiency in the United States.

Mr. President, we have that fundamental difficulty. It is an outrageous thing that we must contend over the right to supply that which the American people need.

Mr. ELLENDER. Mr. President, I am in thorough accord with what the Senator has just said, and in connection with his statement will he permit me to read into the RECORD from a table showing the number of sugar mills in Cuba and their production for 1938? Senators, listen to these facts: The number of mills in Cuba aggregates 174. The number of mills that are owned and controlled by United States citizens is 67. The production of sugar from those 67 mills aggregates 55.75 percent of the entire production of the island.

Mr. President, the table shows that Cuban capital owns about 55 mills and the percentage of production of sugar on the island by Cuban-owned mills amounts to 22.2 percent.

The other mills on the island belong to citizens of Spain, Canada, England, France, and Holland. These figures show that in respect to the entire production of sugar in Cuba 55 percent of any tariff differentials that accrue to Cuba find their way back to New York.

Mr. President, I ask that this table be inserted in the RECORD at this point in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Sugar mills in Cuba and their production, 1938

Country of owners	Number of mills	Production of sugar (pounds)	Percentage of production	Percent of cane ground		Acres of cane ground	
				From company-owned and operated lands	From free colonos	From company-owned and operated lands	From free colonos
United States	67	3,715,811,125	55.75	86.40	13.60	692,759.67	109,090.00
Cuban	55	1,479,616,775	22.20	71.20	28.80	251,809.33	101,808.33
Spanish	33	981,249,425	14.72	83.83	16.17	160,730.00	31,002.00
Canada	10	297,773,125	4.46	94.57	5.43	58,109.33	3,315.00
England	4	93,150,850	1.40	84.23	15.77	20,452.67	3,847.67
French	3	60,975,850	.91	97.93	2.07	6,308.33	110.33
Holland	2	37,094,200	.56	100.00	-------	6,185.00	-------
Total	174	6,665,671,350	100.00	-------	-------	1,196,354.33	249,173.33

Source: Anuario Azucarero de Cuba, 1939; compiled and edited by Cuba Economica y Financiera. Zafra de 1938: Secretaria de Agricultura—Memoria Anual. Manual of Sugar Companies for 1939; compiled and edited by Farr & Co.

Mr. ELLENDER. Mr. President, may I further interrupt the Senator?

Mr. ADAMS. Certainly.

Mr. ELLENDER. With respect to the question asked by the Senator from Wyoming a moment ago, is it not a fact that the beet producer is paid on whatever acreage is allotted to him?

Mr. ADAMS. No; he is paid on his tonnage. He is paid on his sugar basis. He is paid 60 cents per 100 pounds on his sugar basis. Is that not correct?

Mr. ELLENDER. Yes. But on the sugar, though, that is produced on his allotted acreage. Is that not true?

Mr. ADAMS. Yes.

Mr. O'MAHONEY. Mr. President, that is not exactly true.

Mr. ELLENDER. Why is it not?

Mr. O'MAHONEY. Because the law specifies that the payment shall be made not alone upon the allotted acreage, but upon the sugar on allotted acreage which is marketed or processed. And since the Secretary has definitely fixed the amount which may be marketed, the condition in the beet area is exactly the same as was just described by the colleague of the Senator from Louisiana with respect to the situation in Louisiana. The Senator says to us in justification of the amendment which he desires—and I sympathize with the Senator's position—that though fifty or sixty thousand extra tons may be produced it will not enter marketing allotment. Is not that the Senator's position?

Mr. ELLENDER. Yes.

Mr. O'MAHONEY. The same thing applies in the beet area.

Mr. ELLENDER. It will not enter the marketing for that year. But I will say to the Senator that if production of sugar in Louisiana is made on the allotted acreage, in excess of the marketing quota, the farmers of Louisiana will be paid on that to the same extent as the farmers of the Senator's State will be paid. I can show the figures to prove that the

production of sugarcane on the allotted acreage in Louisiana was far in excess of the marketing quota fixed by the Department. The sugar farmers of my State were paid on that amount. By the same token I can give the figures with reference to beets, and here they are: In 1938 the marketing allotments for the beet area amounted to 1,584,083 tons of sugar. The beet farmers produced in that year a total of 1,802,269 tons of sugar. Likewise, in 1939 the marketing allotments were 1,566,719 tons, and the beet growers produced a total of 1,753,390 tons. The beet growers received benefit payments on every pound of sugar produced in 1938 and 1939, although production in each year was considerably in excess of the Department's marketing allotments.

In other words, the way the law has been administered by the Department is that when once a given acreage is allotted to farmers, if the amount of sugar produced on that given acreage is in excess of the marketing quota, the farmer is paid on the total produced at the rate of 60 cents per hundred pounds of sugar. That is the way the act has been administered in the States. I can produce facts and figures to show that within the last 3 years the acreage in Louisiana has varied from 275,000 acres to two-hundred-and-thirty-thousand-odd acres, and that the production on that acreage was in excess of the marketing quota. Yet our farmers were paid on that excess production. The same thing has resulted in the case of the beet producers, as I have just indicated. So that when the Senator says that although the beet farmers of the Nation can produce on this allotted acreage, that their payments are relegated to the amount of sugar marketed, I think he is in error, with all due respect to him. The Sugar Division has announced, under its regulation of March 9, that the proportionate share or acreage allotment for any farm for the 1940 crop will be the acreage of sugar beets that is planted on the farm for the production of sugar and my contention is that he will be paid on all sugar manufactured.

Mr. ADAMS. Which has nothing to do with the payments. That is, they are only paid within the limits of their marketable quotas.

Mr. ELLENDER. That may result from the fact that the processor will not take the beets, but if the processor does take the beets and does reduce the beets to sugar, then the farmer will have complied with the law.

The marketing figures as I recall, for my State and for the State of Florida, are fixed at 420,000 tons.

Mr. ADAMS. Four hundred and twenty thousand one hundred and sixty-seven tons.

Mr. ELLENDER. If 500,000 tons of sugar is produced this year on the proportionate share of acreage, does the Senator from Colorado contend that the sugar producers of my State and those of the State of Florida will not be paid on that 500,000 tons?

Mr. ADAMS. Yes; they will not be paid, of course, unless the law is changed.

Mr. ELLENDER. My contention is that even with the beet producers, if the amount of acreage, which is unlimited, is planted, and it is harvested and produced into sugar by the sugar-beet factories all over the country, the Treasury will pay to each and every farmer who produces those beets at the rate of 60 cents per hundred pounds.

Mr. ADAMS. Yes; but the Senator is assuming the impossible thing that it will be processed. Of course, what we are trying to say is that the factory will not make contracts for beets which will produce sugar in excess of the marketing quota.

May I make another general observation or two, because I am anxious to have the very eloquent and ardent support of the Senator behind efforts to remedy the evils of the general situation? That is what I am concerned about.

Mr. President, we are told frequently that the people of the United States are being robbed in behalf of the sugar producers. I suppose that the tariff walls result in a tax upon the American people of anywhere from $6,000,000,000 to $10,000,000,000 in increased prices of what they buy.

I am familiar with the sugar-beet situation. Our people raise a ton of beets and are reasonably content if they obtain six and one-half dollars a ton. It is an expensive crop to raise. It involves the finest kind of land. The crop must be rotated for at least 2 years out of 3. It requires three or four processes—the cultivating, the planting, the thinning, and the topping, and going through the factory.

Take a crop like alfalfa, which requires merely water, and of which two or three crops a year are obtained. If you were to try to contract with the farmer for six and a half dollars a ton in advance, he would say the price was absurd. Try to contract for any of these crops of that kind, and you will find that the price paid for sugar beets is the lowest price paid for any agricultural crop.

Then go beyond that. Here is an expensive process of manufacture. When the factory ends with the sugar beet it is ready for the table, and you can buy the completed product of the beet for 5 cents a pound.

It has gone through expensive processes of cultivation and factory manufacturing and requires no cooking or further household processing. There is not a single thing that goes on the American table with respect to which there is so little spread between the cost of the product on the table and its cost of production. Think of other great crops—onions, cauliflower, cabbage, and so forth. The producers would not think of selling them at $6.50 a ton; and yet that is all we are fighting for in the beet area. We are fighting for three-tenths of a cent a pound for a crop which costs a great deal to produce. It is an essential crop in wartime and peacetime.

Mr. LEE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LEE. What is the average production per acre of sugar beets?

Mr. ADAMS. Probably from 10 to 12 tons per acre, and probably 290 pounds of sugar per ton. For purposes of computation, if the Senator takes 300 pounds he will have an outside figure. I think in our State sugar beets are paid for on the basis of about 280 pounds of sugar per ton. When we are asking a little Government aid to further an industry which is an essential industry, a minority industry, we should not be confronted with opposition to its expansion. The Senator from Louisiana and others know that we have met constant opposition to the expansion of this industry. The opposition has been open.

Sugar is the only product which receives a Government benefit which more than pays its way. Some $47,000,000 is paid out in benefit payments; and the Government, after it has collected its excise taxes, has $20,000,000 left in the Treasury. In other words, the sugar industry, of all industries, is the only one which pays its own benefit payments.

Mr. President, I am not opposing the purpose of the Senator from Louisiana [Mr. ELLENDER]. I think we should all get together; get behind a bill to take care of the injustices to the industry and expedite it. I am very reluctant to have the sugar matter taken up piecemeal.

Mr. PEPPER. Mr. President, I have listened with much interest to the discussion which has taken place upon the amendment offered by the Senator from Louisiana [Mr. ELLENDER]. I heartily agree with the sentiment expressed by the Senator from Colorado [Mr. ADAMS] that the sugar industry in America is entitled to every consideration which can be extended to it. It is certainly vital to the welfare of our own people to be able to have a domestic source of sugar which is dependable and reliable. No portion of agriculture is entitled to more consideration at the hands of the Government than that portion devoted to the production of sugar.

Relative to the particular amendment, as I understand the facts—and I have conferred with representatives of the Department of Agriculture for corroboration of the technical aspects of the question—the amendment is a very much more harmless proposal than some of our friends fear.

The existing law provides that if a producer of sugarcane or beets plants and proposes to harvest more than the quota which is allowed to him, he thereby cuts himself off from the

privilege of enjoying benefit payments for the production in which he is engaged. Suppose that in the State of Florida, therefore, a sugar producer has a quota of 16,000 acres, and suppose that instead of confining his acreage to 16,000 acres he plants and proposes to harvest 19,000 acres, or 3,000 acres in excess of the quota allowed to him. He would not be able, by planting the excess, cultivating it, and harvesting it, to obtain any benefit payments whatever, even on his quota of 16,000 acres.

This amendment proposes to make it possible for the grower in the case I put to obtain benefit payments upon his quota acreage of 16,000 acres, by allowing the Government to impose a penalty upon him for his excess acreage. The amount of the penalty is graduated in the amendment itself. Suppose that the producer were entitled to $400,000 in benefit payments upon his 16,000 acres. He would not receive the $400,000 which he would have received if he had had only 16,000 acres. He would receive a lesser sum than the $400,000, the amount to be determined by the principle laid down in the amendment. In other words, the penalty for the excess would be subtracted from the payments he would have received for his quota acreage.

It may be asked, "How does the producer come out? Would he better have conformed to his quota, or would he profit by having an acreage in excess of his quota?" In the words of the Department itself, he would have less money in benefit payments with the Ellender amendment in effect than he would have had in benefit payments had he produced only his quota acreage. The only benefit he receives is that he is not cut off entirely from receiving any benefit payments merely because his acreage happens to exceed his quota. If he has some reasonable justification for having planted, harvested, and made sugar out of the excess acreage planted, he ought not to be penalized.

So it seems to me it is only a question of determining whether or not in a proper case, when a man has a proper excuse, he shall be permitted to obtain a part of the benefit payments which he would have obtained had he confined himself to his quota acreage; but remember, Senators, that he will not receive for the excess acreage—the 19,000 acres in the case I put—as much money in benefit payments under the Ellender amendment as he would have received if he had planted only the 16,000 acres, or his quota acreage.

Why should anyone complain about that? In my State of Florida, for example, many of the sugarcane growers planted a larger acreage than might have been their quota acreage. They were therefore in a class which would probably not have received benefit payments. However, nature intervened, and a cold spell diminished their production. For the current year their producing acreage will actually be smaller than the quota acreage, so they have a perfect justification for favoring the Ellender amendment. Yet, literally and technically following the existing law, they would not be able to obtain any benefit payments at all, in spite of the fact that their harvested acreage is not in excess of their quota acreage.

What benefit, then, is to be derived from the Ellender amendment? Why favor it? I have stated one reason why we favor it. It is to make it possible for the grower who has an excess acreage not to lose all his benefit payments, as the law now contemplates, but to receive what he would have received had he conformed to his quota less the penalties which the Ellender amendment imposes.

A second advantage which he might obtain is his ability to market the production which might come from the excess acreage. But his marketing quota is not enlarged by the Ellender amendment. He has no marketing quota under the Ellender amendment that he does not have under other authority, so under the Ellender amendment he cannot possibly gain a dime by the sale of the sugar which he might produce from his excess acreage over his quota acreage.

Why should anybody say that the Ellender amendment is not a desirable or fair amendment? How can anyone else be hurt by it? Our friends who grow sugar beets do not care how much cane we grow in Florida or Louisiana. They are not affected. They do not come in competition with it unless the cane sugar actually goes into the market; and we are not proposing by the Ellender amendment to put any cane sugar in the market, because the amount of sugar we can put in the market is limited by a marketing quota, and not by our growing quota. Therefore our sugar-beet friends are not affected by the benefit payments we received; and we are not receiving as much as we would have received if we had conformed to the quota we had. So they cannot complain, as taxpayers or consumers, that we are receiving more money than we should have received from benefit payments. They cannot complain of competition, because the Ellender amendment does not propose to enlarge our marketing quota at all. I, therefore, cannot quite follow the argument of our friends that somehow or other the beet industry is being adversely affected by the Ellender proposal.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. O'MAHONEY. I think the Senator misunderstands the position taken by those of us who come from the sugar-beet area. We are not complaining particularly about relief being granted Louisiana planters. We are more alarmed by handling the matter piecemeal. The planters in Louisiana and Florida, as well as farmers who grow sugar beets, will all suffer. Our contention is not that Louisiana should not receive relief. I should be very glad to see Louisiana receive relief.

Mr. PEPPER. Florida is similarly affected.

Mr. O'MAHONEY. Yes; but if the action is taken in this manner, we shall all suffer—Florida, Louisiana, and the sugar-beet areas as well.

We are pleading for the handling of this matter not upon the floor, where it obviously cannot be handled, but in committee. We are asking that the Department of Agriculture cooperate with us in handling the matter at the earliest possible date.

Let me say to the Senator that I am very fearful that the conditions presented to us point directly to the complete suspension of the Sugar Act, or rather, I should say, point to an intention on the part of the Department to allow the Sugar Act to fail completely. That is what I am fearful of.

Therefore I feel that we should undertake to handle this matter as we have handled it in the past, working together, because we certainly have legislation which has been beneficial to the producers of sugarcane and of sugar beets. It has been beneficial to farmers throughout the United States, and it has been altogether satisfactory to the consumer. So let not the Senator feel that we are criticizing the cane areas. Not at all. We want to cooperate with the cane areas, and we are asking the representatives of the cane areas to help us, and not to take benefits for themselves and allow us to take all the losses.

Mr. PEPPER. Mr. President, of course, the Senator knows that this amendment applies only to a peculiar situation; but it applies similarly to those who come within the class.

This amendment does not propose a new theory about sugar legislation. It does not purport to be a revision of our existing law on the subject. It simply deals with a particular situation which is a present hardship upon certain areas of the country, and it proposes to deal with it in a certain way. Our friends in the beet industry should not complain when we ask for help for ourselves, unless they as citizens have some reason to object, or unless they as beet-sugar producers have some reason to object.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Florida further yield to the Senator from Wyoming?

Mr. PEPPER. Just a minute. So I should appreciate it if the able Senator from Wyoming would particularize any reason why he, as a citizen or as a representative of a beet-producing State, should object to the Ellender amendment.

Mr. O'MAHONEY. Mr. President, the answer, I think, is quite simple. I have already indicated it.

I hold in my hand the bill introduced by the Senator from Louisiana [Mr. ELLENDER], who is the author of this amend-

ment—a bill which he introduced in the spring of last year. This is Senate Bill 69, relating to the apportionment of shares of the sugar crop for 1939 and 1940.

As the Senator from Louisiana will acknowledge, that bill, introduced by him, was sent to the Committee on Agriculture and Forestry—not to the Committee on Finance, which has handled all the sugar legislation. It was reported out of the Committee on Agriculture and Forestry before the Department of Agriculture had made any comment at all upon the bill; and it was here upon the floor, upon the Calendar of the Senate, before any of us representing the beet-growing States had any knowledge of the fact that the bill had been introduced and had come out of the committee. It was a complete surprise to us. Then, as now, we took the position that the bill was dealing with only a fraction of a great and complicated problem; and that it was necessary, in justice to all who are interested in the sugar industry and to all who are dependent upon the sugar industry, that there should be other amendments in addition to those requested by the Senator from Louisiana.

We did not fight his bill. We did not fight his amendment. We asked only that while he was getting the benefits he desired for the cane areas we should get protection also. Therefore we tried to legislate upon the floor of the Senate and we added amendments, and the Senator from Louisiana and the Senator from Florida were good enough to cooperate with us in securing these additional amendments.

The bill was passed by the Senate on March 23, 1939. It went over to the House of Representatives, and since that moment it has been reposing in a pigeonhole in the Committee on Agriculture.

So I say to the Senator from Florida and to the Senator from Louisiana that what we fear is the failure of all legislation. The Senator has alluded to the announcement made by the Department of Agriculture just the other day, on March 9, which reads, in part, as follows:

> The Sugar Division announced today that the sugar beet proportionate share—acreage allotment—for any farm for the 1940 crop will be the acreage of sugar beets planted on the farm for the production of sugar. This supersedes previous announcements regarding proportionate shares which were necessary because of early sugar-beet plantings in certain areas.
>
> In view of unfavorable climatic conditions, such as floods in some areas and drought conditions in others, as well as other factors which affect adversely the sugar-beet crop, it is no longer expected that the 1940 crop will produce an amount of sugar which, when added to current supplies, will be more than is required to meet the continental beet area's quota and carry-over requirements.

Reading that announcement—I have not read it all—conveys to my mind only one thought, and that is that the Sugar Division of the Department of Agriculture in giving out that statement, was anticipating the complete failure of sugar legislation. That is what we are fearful of; and we are fearful that the planters of Louisiana and the planters of Florida will go down with the farmers who raise sugar beets, all together, unless we here stand together now upon the floor of the Senate and defend this industry in which we are all equally interested.

Mr. PEPPER. Mr. President, it seems that the argument of my able friend from Wyoming comes down to this: "Because we want to put some pressure on the Department of Agriculture to do something that we would like to see done in the future, we think perhaps we had better not agree to this amendment, in spite of the fact that we have no objection to the merit of this particular amendment." It comes down to this: Just because we cannot get all the amendments we would like to have upon a full consideration of this subject, we are not going to let you have an amendment that perhaps we admit is a fair and meritorious amendment.

I rather think that argument is not altogether becoming to the able Senator from Wyoming. I mean by that that the argument does not deal quite fairly with this individual amendment. We have not dealt conclusively and comprehensively with the whole farm problem here, yet we are considering a bill on agriculture.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. PEPPER. Yes; I yield.

Mr. O'MAHONEY. Inasmuch as the Senator alludes to the manner or motive or circumstance under which the Senator from Wyoming presents his argument, and expresses the opinion that it is not becoming to the Senator, I will say that we are contending for the rule by which the Senate is governed. This legislation upon an appropriation bill—all legislation upon an appropriation bill—is condemned by the rules of the Senate. Will the Senator say that it is unbecoming of a Member of this body to ask that the rules be upheld?

What was the purpose of the rule? The purpose of the rule was to prevent inadequate, improper, and sometimes impossible legislation upon the floor of the Senate. There is only one way to legislate effectively, and that is by taking problems into the committees which are equipped to pass upon them.

Mr. President, I feel that the Senator from Wyoming is acting in an altogether becoming manner in attempting to sustain the rules of the Senate.

Mr. PEPPER. Mr. President, the deftness of the able Senator from Wyoming was never better illustrated than by the rapidity with which he has changed his position. Instead of opposing the Ellender amendment because he was speaking in defense of the great sugar industry of this country, about which just a few moments ago he so eloquently spoke to his colleagues, he now opposes the Ellender amendment because he is a purist for parliamentary procedure.

Mr. O'MAHONEY. The Senator does not think I have abandoned the other argument; does he?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. PEPPER. I do. I think, therefore, that since the Senator has rather widely diffused the opposition that he has to this amendment, perhaps it is not as thick in any particular place as it might have been were it more minutely concentrated.

The Senator, of course, understood by my remarks that what I meant to say was that I did not think it was fair to say to the Senator from Louisiana and to those of us who have his point of view, "You cannot have your amendment adopted because we cannot at the same time have adopted all amendments on the subject which should be adopted."

Relative to whether or not the Senator from Louisiana is about to violate the rules of the Senate, let me say that the Senator from Louisiana has proceeded literally and strictly in accordance with the rules of this body. He gave notice that his amendment would be subject to a point of order. Did he not move a suspension of the rules, and that is in accordance with the rules—to give notice and move a suspension—and if he is awarded the suspension he seeks, it will take a two-thirds vote of the Senate. But I contend that the amendment of the Senator from Alabama [Mr. BANKHEAD], which was adopted to the agricultural bill in identically the same way that the Senator from Louisiana proposes to have his amendment adopted, was adopted just as much in accordance with the rules of the Senate, just as much in pursuance of legitimate parliamentary procedure, as any other amendment which has been adopted to this bill.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. PEPPER. I do.

Mr. SCHWELLENBACH. I inquire of the Senator from Florida if he did not, on an occasion last week, very ably and eloquently argue that because we were not covering the whole question of purity in politics we should not enact the Hatch bill, just because the Senate was not willing to take up certain other additional questions in reference to the Hatch bill? And is not that in analogy with the situation today?

Mr. PEPPER. No; I will say to the able Senator from Washington that I do not think he has suggested an analogy. What the Senator from Florida complained about in regard to the Hatch bill was that it affirmatively contained an erroneous principle, and that that erroneous principle should not

be enacted into law; and I opposed the adoption of that principle. In this case I say that the amendment of the Senator from Louisiana proposes a correct principle. It proposes to relieve unfairness and hardship, and I think it is a desirable policy for Congress to adopt. Therefore I favor it.

Mr. President, the whole sugar question is not without difficulty. A great many persons think the Sugar Act is one of the best pieces of legislation this administration has proposed; and in many respects that is true. Unfortunately, it does have a characteristic which I think is not altogether desirable in American policy. That is, it tends to limit to a certain number of persons and to a certain acreage the production of a vital necessity to the people of the United States.

My State of Florida, for example, happens by nature, by climate, to be very well fitted for the production of sugarcane. A great deal of benefit has come to the sugarcane industry from experiments which have been carried on in that State, which have been made possible by Federal and State appropriations; but we have literally hundreds of thousands of acres which are ideally fitted in soil type and in climatic conditions for the production of sugarcane out of which sugar will be produced. Yet by virtue of this law which provides a quota system, and by virtue of the principle of the historical base, which is a necessary incident of the quota system, we are permitted to grow only a small percentage of the sugar which is consumed in the State of Florida alone. Many times, therefore, the producers of sugar in Florida have sought an opportunity to grow sugar even without benefit payments; and we have repeatedly contended here that it might perhaps be a desirable policy not to burden the consumer excessively with a tax which goes to the support of this industry, and remove another class of restraints for a little while, and let something like natural equilibrium come about in sugar production in this country.

There is, however, a very peculiar situation which exists. The beet industry, which exists in many of the States of the Union, is not favored in a good many respects as the sugarcane area is in Florida. They have to have a subsidy to live, and we do not. Therefore, because they have to have a subsidy to live, we have to have a quota in order to be able to produce sugar; but we from Louisiana and Florida are four Senators, and the Senate has already observed today the number and the ability of the Senators who come from the beet area.

There are at least 10 or 12 States, if I am not in error, which are interested directly in beet-sugar production, and just two States largely interested in sugarcane production. When a bill is to be written it is not the Senators from Louisiana or the Senators from Florida who are generally called into consultation and conference; it is a group of our friends from the beet States. They get together and generally decide and determine what kind of a bill we should have. About all we can do is just come along, or butt our heads up against a legislative wall. The same condition exists in the House of Representatives. Florida has 5 Representatives in the House, and the beet area has very many more than that. Our voice is scarcely heard, in the first place, and never heeded, in the second place. So a State which is capable of producing several hundred thousand tons of sugar is permitted to produce only about 60,000 tons a year. The tragedy of it is that I can see no opportunity for anyone else in Florida in the future, who is not already engaged in the production of sugar, to get into that industry. In other words, it amounts in substance to a certificate of public convenience and necessity to produce sugar to those who are already engaged in that enterprise. That is the vice of the quota system. Many times it operates to give a monopoly to one corporation or to a small group of individuals, to the absolute exclusion of other citizens who wish to engage in the enterprise of growing sugarcane. I do not know any way whereby they can get a larger opportunity to grow sugar under such a law as that which is now on the statute books.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BYRD. I call the attention of the Senator to the fact that the list of payments made in Florida discloses that the United States Sugar Corporation draws from the Federal Treasury $430,000 a year, which is proof that what the Senator has said is true, that under the act as it is now operating, monopolistic production of sugar is promoted.

Mr. PEPPER. Mr. President, the situation to which the Senator has just referred has been one which has caused no little embarrassment to me, representing the State of Florida, as I do. The benefit payment of $430,000 to the United States Sugar Corporation is, I believe—and the Senator from Virginia will correct me if I am in error—the highest amount received by any domestic sugar producer.

Mr. President, I went before the Committee on Finance of the Senate when the last sugar bill was being considered, as Senators on the floor now will attest, and I stated:

> I do not favor monopoly in my State any more than I favor monopoly in any other Senator's State, and I want provision made, therefore, in this bill for new producers to get into the industry of sugarcane production.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK of Idaho. The tenor of the remarks of the Senator from Florida makes our position on the amendment of the Senator from Louisiana even more emphatic. It is perfectly evident that the Senator from Florida is interested only in general sugar legislation to the extent that it can give Florida unlimited production, and that is the difficulty with which we from the beet areas have always been confronted. We have found, and the Senator from Idaho found when he was a Member of the House of Representatives, that we never did receive cooperation from the Representatives of Louisiana and Florida, and that there is only one thing in which they have been interested, so far as general legislation regarding sugar is concerned, and that is unlimited production, by which they felt they could develop and monopolize the sugar market of the country. That is why we sometimes wonder whether we will get cooperation later, in having general sugar legislation enacted, from the Senators from Florida and the Senators from Louisiana. Consequently we are very fearful of letting an amendment which has for its objective a temporary and an immediate benefit to the State of Louisiana, and perhaps to the State of Florida, being enacted under suspension of the rules in the manner proposed.

Mr. PEPPER. Mr. President, I thank the able Senator from Idaho. There are two questions involved in the discussion, of course. The first one is the question of general sugar legislation. I will say to the Senator from Idaho that I know that there are limitations to the length of time in which a natural situation can be upset, in other words, an unnatural situation be preserved. In the long run, the areas which are adapted by nature to the production of a given commodity are going to come to be the producers of that commodity. In the long run, under the handicaps of competition, those which are best favored by natural conditions will longest survive. So I know that the Senator from Idaho and the other proponents of sugar legislation do not mean, as was intimated in the argument of the Senator from Idaho, that they have to resort to sugar legislation in order to enable the beet area to keep abreast of the cane area, in competition in sugar production, because the cane area has a natural advantage.

Mr. CLARK of Idaho. If the Senator will yield further, of course, as long as we continue to give 40 percent of our entire domestic market to Cuba—and that is what is done—this difficulty will exist. If we could obtain the entire domestic market for the cane and the beet area, then I think all the problem would be solved.

Mr. PEPPER. I do not favor, and I shall not at any time favor, legislation which discriminates against an area which is fitted by nature and by nature's law for the production of sugarcane. Obviously no Senator, it would seem to me, could insist upon that legislative attitude.

When general legislation shall be proposed later I shall insist that some consideration be given, in the allotment of quotas, to ability to produce sugarcane, to fitness to produce it, and therefore fitness to produce sugar. I do not mean that

I would expect the beet industry to diminish abruptly, or perhaps at any time, whatever production it now has. It does not mean that I think that Florida or Louisiana or any other State should have a monopoly of the sugar market, but I do think that sugar legislation cannot rest, so far as the quota is concerned, upon the historical basis alone, because that ignores the essential principle of fitness by nature to produce the commodity.

Florida just happened to have gotten into sugar production later than certain other areas, but we are not willing to close the doors forever on Florida's expansion because someone else happened to get a little ahead of us in the production of sugar. That is not in accordance with the essential freedom of American institutions. Some procedure must be worked out which will allow new producers to come into the field. Here I am, a Senator from Florida, going before a Senate committee asking that some way be worked out whereby other people in Florida can produce and sell sugar, and I cannot get that done, and therefore two corporations essentially produce practically all the sugar that is produced in the State of Florida. We do not want to preserve that condition. We want to give the other fellows at least a reasonable chance to come in—not all at one time, but gradually, and in a way that is fair to all.

So I am in favor of proper sugar legislation, and I will help as best I can to secure the passage of a fair sugar bill, but I do expect that any future sugar legislation shall give due consideration to the ability of Florida to produce sugarcane in fair proportion to other areas which can produce sugar economically.

Mr. SCHWELLENBACH. In other words, the Senator from Florida takes the same attitude toward legislation which he criticizes most of us who represent beet-growing States for taking against both Louisiana and Florida.

Mr. PEPPER. I am afraid I do not get the suggestion the Senator seeks to make. I shall be glad if he will repeat it.

Mr. SCHWELLENBACH. If the Senator will read the record of his speech, I think he will find it.

Mr. PEPPER. I shall not only read the record of it but, if I find any error, I shall apologize to the Senator from Washington, or if I have been guilty of any inconsistency in logic, I shall attempt to make a proper correction.

We were engaged in a discussion of general sugar legislation, and I was expressing some views which I happened personally to entertain about general sugar legislation, which led me to a brief criticism of the existing law; to point out briefly the defects in the existing law, and to state the conclusion that I would support sugar legislation in Congress if those defects were given consideration when new legislation was proposed. I confess I see nothing in these remarks to justify my friend's suggestion.

The second aspect is whether or not this particular amendment should be proposed because of ideas we may have or theories we may entertain about the enactment of general sugar legislation. I do not think it is quite fair to the Senator from Louisiana to say that we are not going to let a good amendment be adopted, one which does not affect us, because we are going to bring some pressure on the Louisiana Senators to help us pass a sugar bill later on in the session.

The Senator from Louisiana rose a while ago and stated he would be in favor of sugar legislation. He has shown no disposition to oppose such a bill. His able colleague was here a moment ago, and I know he has shown no disposition of that character. My colleague has no disposition of that kind. We are not trying to hold any club over the head of anyone. We are certainly not threatening anyone with anything. We are merely asking that this amendment be considered on its merits, and if it is agreed to on its merits, no detriment can ensue from its passage to any Senator on this floor. So, with the statements from the Senator from Louisiana and myself—which may be taken as expressive of the sentiments of our colleagues, I believe—that we are not trying to oppose sugar legislation, I trust the pending amendment will be permitted to be considered on its merits.

GOVERNMENT FINANCING

Mr. BYRD obtained the floor.

Mr. AUSTIN. Mr. President, I rise to suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Virginia yield for that purpose?

Mr. BYRD. If the Senator will withhold that, I desire to present something for printing in the RECORD.

Mr. AUSTIN. Very well. There are several Senators who are absent who would like to hear the Senator from Virginia, perhaps on another subject than the one he is about to discuss.

Mr. BYRD. Mr. President, in view of the suggestions which have been made that the working balance shown in the Treasury report be used in part for the payment of increased appropriations, I ask unanimous consent to have inserted in the body of the RECORD as a part of my remarks a letter received from the Secretary of the Treasury, and I ask that the clerk read the letter to the Senate.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 20, 1940.

Hon. HARRY F. BYRD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The following information is furnished you in compliance with your telephone request of this morning.

In the 1941 Budget submitted to the Congress in January of this year it is estimated that the Treasury's working balance on June 30, 1940, will be about $1,011,000,000, a reduction of $1,291,000,000 during the current fiscal year. The Treasury does not segregate its working balances in the general fund to show its obligation on any particular class of accounts, but considers its total working balance as available to meet the demands made on any of these accounts as well as to meet general and trust-fund expenditures of the Government.

In view of the large amount of demand obligations now outstanding which the Treasury may be called upon to meet, such as the checking accounts and deposits of governmental corporations, credit agencies, etc., in the aggregate amount of over $400,000,000; the unemployment trust fund, amounting to $1,640,000,000; special obligations issued for account of the Postal Savings System and the Federal Deposit Insurance Corporation, amounting to $142,000,000; and outstanding United States savings bonds with a redemption value of $2,700,000,000, it is felt that the estimated working balance of the Treasury on June 30, 1940, as contemplated by the President's Budget, will be about as low as it can be permitted to go.

Sincerely yours,

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Mr. BYRD. Mr. President, I am authorized by the Honorable D. W. Bell, Under Secretary of the Treasury, to say that there is included in the estimated $1,011,000,000 working balance of the Treasury as of June 30, 1940, the item of approximately $400,000,000 of deposits from the various Government corporations. In this instance the Federal Treasury is merely acting as a depository for the balances to the credit of these various corporations, the funds for which were not necessarily derived from appropriations. Therefore I am advised by Mr. Bell that the actual working balance, after deducting the deposits of the Government corporations, will be approximately $600,000,000 as of June 30, 1940. This figure, I may say, Mr. President, is confirmed by the General Accounting Office.

I call especial attention to the admonition given in the letter of the Secretary of the Treasury that the estimated working balance in the Treasury on June 30, 1940, as contemplated by the President's Budget, will be about as low as it can be permitted to go. It is therefore evident, by reason of the action of the President in reducing the working balance by $1,291,000,000 as set forth in the above letter from the Secretary of the Treasury, that it would not be prudent financing to reduce still further this working balance.

It is, of course, obvious that the purpose in reducing this working balance, as well as the recovery of $700,000,000 from the Government corporations, is to avoid by postponement at this time action by Congress to increase the existing $45,000,000,000 legal debt limit, which, without the two devices above-mentioned, would be necessary in order to pay

the current appropriations for the year beginning July 1, 1940.

The letter of the Secretary of the Treasury sustains my contention that the working balance cannot be further reduced to pay for new appropriations outside the Budget.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

Mr. O'MAHONEY obtained the floor.

Mr. JOHNSON of Colorado. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Colorado for that purpose?

Mr. O'MAHONEY. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	Frazier	Lodge	Schwartz
Bailey	George	Lucas	Schwellenbach
Bankhead	Gerry	Lundeen	Sheppard
Barkley	Gibson	McCarran	Shipstead
Bilbo	Gillette	McKellar	Slattery
Bone	Green	McNary	Smathers
Bridges	Guffey	Maloney	Stewart
Brown	Gurney	Mead	Thomas, Idaho
Bulow	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chandler	Hill	Nye	Vandenberg
Chavez	Holman	O'Mahoney	Van Nuys
Clark, Idaho	Holt	Overton	Wagner
Clark, Mo.	Hughes	Pepper	Walsh
Connally	Johnson, Calif.	Pittman	Wheeler
Danaher	Johnson, Colo.	Radcliffe	White
Donahey	King	Reed	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have responded to their names. There is a quorum present.

Mr. O'MAHONEY. Mr. President, I am very happy that the very eloquent and able Senator from Florida undertook to speak upon this matter a few moments ago, and I wish that many more Senators had been in the Chamber while he was talking than were actually here, because I feel that they would have profited very much from what he had to say. Personally I believe that his argument lends great strength to the contention which is being made by some of us this afternoon that the rule against legislation upon an appropriation bill should not be waived for the purpose of dealing with one simple phase of a great national problem.

The Senator from Florida pointed out that he desired to have unlimited production of sugarcane in his State.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. The Senator from Florida may have said that, but he did not intend to say it. The Senator from Florida intended to say that in the determination of the principle by which quotas should be made you must take into consideration the ability of a section to produce sugarcane, and by implication I meant, of course, economically.

Mr. O'MAHONEY. Mr. President, I understood the Senator to say that, and I drew from it the conclusion that it meant what I said. I accept the interpretation of the Senator. His desire is to have domestic areas which are capable of producing sugarcane, produce all they are able to produce. Is that correct?

Mr. PEPPER. Mr. President, I do not want to interrupt the Senator, but I will have to qualify that statement. I mean that in the determination of the quotas for all the country, that along with other factors which must be taken into consideration, one of the factors to be considered is the ability of each area in the country to produce sugarcane, or beet sugar, economically. Naturally the Senator from Florida did not contemplate that a particular segment of the country should have a preference over the other sections pro rata or in proportion. I merely meant that in fixing the picture giving each his quota we must not confine ourselves to historical tests alone. Along with other factors which are appropriate to be considered, we must also consider the natural ability of each area to produce sugar economically.

Mr. O'MAHONEY. It was not then the intention of the Senator to urge that the quota of sugar to be allowed to the continental area should be limited to that which now exists, and that that quota should then be divided according to the standard, including the factor which the Senator mentioned? That was not the Senator's intention, was it?

Mr. PEPPER. Mr. President, I can say briefly this, that it was the idea of the Senator from Florida that a consideration of the factors to which the Senator from Florida adverted a moment ago would give the State of Florida a larger quota than it now has, even if the domestic quota were not enlarged at all. That is the first thing. But only in a certain X quantity; that is, in a fair amount.

Mr. O'MAHONEY. But it is not the desire of the Senator to restrict the over-all quota necessarily to that which it now has?

Mr. PEPPER. The second point is that the Senator from Florida believes very strongly that an undue advantage has been given to the offshore production of sugar as against the whole domestic sugar-producing area in supplying the consumption requirements of the United States.

Mr. O'MAHONEY. I think we are in agreement. That is what I understood the Senator to mean.

Under the situation which exists, the capacity of the State of Florida to produce, and obviously the capacity of the State of Louisiana to produce, as well as the capacity of the beet-growing areas to produce, is limited under the present system, because we have historically been dependent upon offshore areas for the supply of our sugar requirements.

Under the bill which is about to go out of existence, and its predecessor, the Jones-Costigan Act, there was a substantial reduction of the amount of sugar which comes into the United States from Cuba. All of the areas, including the area of Florida, have benefited by that change. The production in the State of Florida increased from something like 21,000 tons to something over 80,000 tons under this legislation. The State of Florida and its planters were benefited so that they were able to produce more.

The point I wish to make is that the Senator from Florida [Mr. PEPPER] has clearly indicated the necessity and the desirability of solving the domestic problem of how much sugar the domestic producer shall be permitted to produce.

The Sugar Act occupies an altogether extraordinary and unusual position. It is the only agricultural act which has worked effectively and efficiently and to the benefit of the growers of agricultural crops. But more important than that is the fact that with respect to a very large area in the United States this crop is a family farm crop. It is produced by farmers who themselves own and operate their tracts. I refer to the growers of sugar beets. There are some growers of cane who own and operate their own farms. Some of them are in Louisiana. Very few of them, if any, are in Florida. The Senator from Florida [Mr. PEPPER] very properly desires to extend an opportunity to the farmers in his State to grow sugarcane in order that they may benefit from this legislation.

With that objective I am in complete accord, and I shall be happy to cooperate with the Senator in every way to bring about some expansion of the ability of individual farmers to produce their own individual crops upon their own individual land. Unfortunately that is not now the case in Florida; and, as the Senator himself mentioned during his discussion, there are only two corporations in Florida which are producing sugarcane.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. Perhaps I gave a somewhat erroneous impression. There are two sugar mills in Florida. There are a greater number of sugarcane growers. In fact, the data put into the RECORD by the Senator from Virginia [Mr. BYRD] indicate that eight producers of sugarcane received subsidies of $10,000 or more in Florida.

Mr. O'MAHONEY. The Senator is correct. There were eight producers in the State of Florida who received benefit payments totaling $670,644.15. Be that as it may, that fact in itself indicates exactly the problem the Senator desires to overcome, because he, like many others, recognizes the fundamental problem of the growth of farm tenancy in the United States and the expansion of corporate farming.

In Cuba, Puerto Rico, and Hawaii the producers of sugarcane are corporate producers. They are not independent enterprisers operating their own land. Certainly if there is any problem we ought to devote our attention to solving it is the problem of putting people upon their own lands to produce agricultural commodities. The importance of this question is so great that Senators ought to bear it in mind. It seems to me it has been pointed out particularly by the amendment offered by the Senator from Virginia [Mr. BYRD], which will presently be debated and voted upon in this body. His amendment is to reduce the benefit payments, to provide a limit so that no benefit payment in excess of $5,000 may be paid to any producer. If that amendment should be passed it would reduce the benefit payments to producers of sugar in Louisiana, the 12 big corporations which produce one-half of the entire Louisiana crop. It would reduce the benefit payments to producers in Florida, who under the corporate farming plan, produce the entire crop of Florida.

I allude to this amendment to indicate——

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. The Senator did not mean to say that there are not some producers who receive benefit payments of $5,000 and less.

Mr. O'MAHONEY. That is quite true; but I am speaking of the general picture.

I have alluded to this amendment to emphasize the fact that in this bill we are dealing with two phases of sugar legislation and to emphasize the plea which we are making that we should not deal with this matter in a piecemeal manner. If we are to suspend the rule and adopt the amendment of the Senator from Louisiana [Mr. ELLENDER] and then adopt the amendment of the Senator from Virginia [Mr. BYRD], we shall have dealt with a portion of the problem and we shall probably have undermined and destroyed the entire sugar legislation.

The difficulty about the situation which confronts us this afternoon is that it points directly to the complete destruction of sugar legislation. In the absence of the Senator from Mississippi [Mr. HARRISON], I pointed out that last March the Senate passed Senate bill 69, dealing with the extension of the Sugar Act, and that that bill, approved by the Senate, has been reposing in the Committee on Agriculture in the House ever since. It has not been taken out of the pigeonhole. That delay of more than a year in the consideration of a measure which was intended to extend the operation of the Sugar Act naturally arouses a fear that there may be an intention to abandon all sugar legislation and to let it go by the board. If that happens, then the sugarcane-producing areas of Louisiana and Florida will suffer, like all the other producing areas in the United States. Cane in Florida and cane in Louisiana will be on exactly the same basis as sugar beets in the West.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. How does the Senator from Wyoming associate the Ellender amendment with such a dire result? All of us desire legislation on the sugar question in some proper way. How would the amendment of the Senator from Louisiana adversely affect the situation?

Mr. O'MAHONEY. I did not mean to give the implication that the amendment itself would do so. However, I am pointing out certain facts. A sugar bill was passed in the Senate last March and has not been acted upon in the House. A sugar bill was introduced in the House about a month ago, and it has not yet been submitted to the Department of Agriculture for a report. On March 9 the Sugar Division gave out a release with respect to sugar-beet plantings which has the effect of indicating to those of us who represent those areas that it is in the contemplation of the Department that there may be no legislation, and that therefore there will be no necessity for paying benefits in 1941.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Gladly.

Mr. PEPPER. The junior Senator from Louisiana [Mr. ELLENDER] is not in the Chamber at the moment, although his able colleague [Mr. OVERTON] is here, and I am sure he can attest to the fact that the initiative on this amendment did not come from the Department.

Mr. O'MAHONEY. I understand that.

Mr. PEPPER. I understand that the Senator from Louisiana merely submitted the amendment to the Department and received the approval of the Department in principle. The Department said it was all right, and met a need. The Department is not trying to block sugar legislation, at least so far as this amendment is concerned.

Mr. O'MAHONEY. I did not mean so to imply. I am sorry if the Senator gained that impression.

However, it seems to me to be a justifiable conclusion that unless we press forward all together in defense of the legislation which obviously has been beneficial to family farmers in the United States, we are in great danger of losing the entire legislation. So we are now confronted with the question whether or not we shall attempt to defend our interests upon the floor or whether we shall do it in the orderly way and allow the legislation to be acted upon in committee. I am hoping that the opportunity may be speedily presented—and I think it will be unless we pass this amendment—for the Department of Agriculture, the representatives of the domestic producing areas, and the representatives of our Territorial possessions to get together and reach an agreement once again, as they have already done twice, for legislation which will protect all. This is one case in which it seems to me it is altogether necessary for all the producing areas in the continental United States to stand together. The best way to do that, Mr. President, is to stand by the rule of procedure in the Senate which forbids the adding of legislation to an appropriation bill.

Mr. President, there was some testimony on this bill before the Appropriations Committee which is of considerable interest in connection with the whole problem of sugar. I ask unanimous consent that excerpts from the testimony of Dr. Joshua Bernhardt, the head of the Sugar Division of the Department of Agriculture, before the Appropriations Committee may be printed in the RECORD as a part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LIMITATION IN ACT ON SUGAR PRODUCED IN CONTINENTAL UNITED STATES WITH BENEFIT PAYMENTS

Dr. BERNHARDT. The applications of a number of individuals for planting or production with payments have had to be denied under the act. The act provides that payment shall be made to producers who comply with the proportionate shares; and the proportionate share is based on the quota for the area which is established under the act, plus an allowance for normal carry-over or stock. Consequently, there is a definite limitation in the act on the quantity of sugar which may be produced in continental United States with benefit of payments. Strictly speaking, there is no limitation on the right of anyone to produce sugar anywhere under the act. Any producer may produce sugar beets or sugarcane in any amount if he is contented with the payments made to him by the processor for his sugarcane or beets. However, if he desires the payments and benefits contemplated by the act, he is obligated to comply with the conditions of the act, one of which is an acreage allotment.

EFFECT OF ACT ON SUGAR IMPORTED INTO THE UNITED STATES

Senator O'MAHONEY. I think it ought to be added, Doctor, that the act has had an effect upon the amount of sugar imported into the United States. Will you please state for the record what the Cuban quota now is, and what Cuba formerly sent into the United States?

Dr. BERNHARDT. In the late 1920's Cuba supplied the United States market with approximately half of the total consumption.

Senator O'MAHONEY. And that amounted to how much?

Dr. BERNHARDT. That averaged around three and one-half million tons of sugar per year. Under the act the percentage is approximately 29 percent. It has almost been cut in half, as compared with the period of the late 1920's. The quota for this year, which has just been revised, is 1,863,217 tons. That compares with a high of 3,944,000 tons of Cuban sugar imported in 1926, and a low of 3,125,000 tons in that period.

Senator O'MAHONEY. What are the comparative figures with respect to the Philippines?

Dr. BERNHARDT. Philippine importations are regulated by the terms of the Philippine Independence Act, which provides that the equivalent of approximately 980 short tons, raw value, may be admitted to the United States in 1 year, duty free.

Senator O'MAHONEY. Yes; but what was the situation prior to that?

Dr. BERNHARDT. In 1933 the record importations of Philippine sugars took place, and that year 1,248,500 tons came in.

EFFECT OF EXCESSIVE IMPORTATIONS FROM THE PHILIPPINES AND CUBA

Senator O'MAHONEY. In other words, excessive importations of sugar from the Philippines and from Cuba narrowed the market for domestic producers of sugar beets and sugarcane.

Dr. BERNHARDT. That is correct.

Senator O'MAHONEY. The Sugar Act had the effect of reducing the amount of sugar that comes into the United States from these offshore areas, thereby granting the continental producers a larger opportunity to raise sugar profitably.

Dr. BERNHARDT. That is correct.

Senator O'MAHONEY. But that profit could be achieved only by the imposition of the processing tax, which had the effect, by and large, of taking from the processors the excess profits which they were making by reason of the reduction of offshore quotas, and distributing that in benefit payments to the domestic farmers.

Dr. BERNHARDT. That is correct.

NO RESTRICTION ON AMOUNT OF SUGAR PRODUCED WITHOUT BENEFIT PAYMENT

Senator RUSSELL. Dr. Bernhardt, I was interested to hear you say that there was no restriction whatever on the amount of sugar anybody could produce in this country.

Dr. BERNARDT. That is correct.

Senator RUSSELL. But there is a limit on those who can receive the benefit payments.

Dr. BERNHARDT. That is correct.

Senator RUSSELL. Is there no penalty on the marketing of such sugar?

Dr. BERNHARDT. When the grower produces sugarcane or sugar beets, there is no penalty on his marketing them to a processor.

LIMITATION ON PROCESSOR

Senator RUSSELL. How about the processor?

Dr. BERNHARDT. The processor, in turn, however, is limited in some years to a marketing allotment, whenever the Secretary finds that the amount which may be marketed in that year, or the available supply, is in excess of the quota.

Senator RUSSELL. It seems to me that would be a very effective limitation on the amount that could be produced in America, if a market could not be found for it.

Dr. BERNHARDT. In that event the total quota is broken up, after public hearing, into allotments to the various processors; in that case a situation might arise in which a processor might have to carry over sugar from one year to another.

Let us say that a processor has an allotment of 50,000 tons of sugar that he may market. His allotment may be 35,000 tons in a particular calendar year. Consequently he is obligated to carry over to the next year 15,000 tons of sugar without marketing it in the calendar year in which it was produced.

QUESTION AS TO GUARANTEEING MARKET

Senator RUSSELL. Do you guarantee a market for all the cooperators who plant only their quota?

Dr. BERNHARDT. You mean the growers of sugar beets and sugarcane?

Senator RUSSELL. The producers.

Dr. BERNHARDT. The growers of sugar beets or sugarcane in the continental United States have never had any difficulty marketing all the sugarcane or sugar beets they produced.

Senator RUSSELL. What is the reason, then, for the complaints? As I stated a moment ago, I am not familiar with the act. I do not know that I have ever read it. I happened to be out of the country when it was passed by the Congress. I receive many letters from those busily engaged in propaganda—I do not know how many there are, but they are very diligent. I receive quite a few letters from my State complaining about the fact that Florida is treated unjustly in the sugar matter, and that producers may not produce as much sugar down there as they would like. From what you state they produce all they please, but they would not receive the benefit payment of 60 cents a hundred pounds.

SITUATION IN FLORIDA

Dr. BERNHARDT. The Florida situation is somewhat as follows: Under this program, production has increased from approximately 21,000 tons of sugar prior to the program, up to 85,000 tons in the year preceding this year, the last finished crop.

Senator O'MAHONEY. In Florida?

Dr. BERNHARDT. In Florida. That is, there has been approximately a fourfold increase in their production. However, there are many people who would like to produce sugarcane. It appears to be profitable under this program, and there is much eagerness to produce. Whether or not those growers are actually equipped to produce sugarcane, and to what degree, is really very hard to say. There are some vegetable growers in Florida who have had difficulties with vegetables due to frost and other conditions.

Senator RUSSELL. They must be exceedingly well organized.

Dr. BERNHARDT. There are only two sugar companies in Florida. One of them——

Senator RUSSELL. They must be pretty well organized to be able to get around as much as they do. As a rule, an unorganized group of farmers could not get very far.

Dr. BERNHARDT. There is one large corporation which operates there, and is desirous of expanding its production.

Senator O'MAHONEY. When you speak of a corporation operating in Florida, you mean operating in the growing of the cane, do you not?

Dr. BERNHARDT. And the manufacture of the sugar. It is an integrated enterprise, a large plantation enterprise. There are some 15 independent farmers who sell cane to that company.

SITUATION IN LOUISIANA

Senator O'MAHONEY. Now, what is the condition with respect to the farmers in Louisiana?

Dr. BERNHARDT. In the case of Louisiana, there has been an increase in production——

Senator O'MAHONEY (interposing). No; I am talking about the number of farmers.

Dr. BERNHARDT. In Louisiana there are approximately 12,000 individual producers who are applicants for payments under the act. Approximately 40 of them are the largest plantation companies producing possibly half of the crop, but the other 11,960 growers range from 5-acre people to several hundred acres.

COMPARISON OF CORPORATE AND INDIVIDUAL FARMING IN BEET-SUGAR INDUSTRY

Senator O'MAHONEY. With respect to beet sugar, what is the character of that as between corporate farming and individual farming?

Dr. BERNHARDT. There are relatively few corporation enterprises in the mainland sugar-beet industry. Practically all the 70,000 growers who applied for payment in the last program were individual holdings, averaging possibly 11 or 12 acres of sugar beets.

Senator O'MAHONEY. In other words, as far as the beet-sugar industry is concerned from the agricultural point of view, it is a family-farm activity?

Dr. BERNHARDT. Yes, sir; in the main.

Senator O'MAHONEY. By far the great majority of producers and by far the greatest amount of production is from the family-size farm?

Dr. BERNHARDT. That is true, Senator. We publish each year, as you know, the list of payments of $10,000 or over.

Senator HAYDEN. Do I understand that the reason why they are having difficulty in Florida is that the total continental United States quota must be divided by States, based upon previous production, and while there has been expansion in the beet-sugar area and in Louisiana to the extent that there has been a greater expansion there than anywhere else, based upon the prior history of growing sugar, they are caught by a State quota? Is that where the difficulty lies?

Dr. BERNHARDT. No, Senator. The real problem in Florida is that there is a very profitable enterprise there and other people want to go into that field.

Senator O'MAHONEY. This program, as Dr. Bernhardt has testified, has been so beneficial that it has resulted in a fourfold increase of the amount of sugarcane grown in Florida. Now there are others who would like to get in, too.

Senator HAYDEN. Well, why can't they?

Dr. BERNHARDT. The reason is that at the present time under the Sugar Act of 1937, every producing area has a quota.

Senator HAYDEN. It comes back to the fact that the Florida area had a quota.

Dr. BERNHARDT. That is right, except that it is not divided by States. There are no State quotas; the mainland sugarcane area has a quota in toto embracing both Florida and Louisiana. The State does not get a State quota as such, but the individual growers get an allotment of acreage.

Senator HAYDEN. Then a man that hadn't been growing sugar at all would have no quota and would have no history?

PROVISION FOR NEW PRODUCERS

Dr. BERNHARDT. We have made some provision under the act for new producers. The act provides specifically that in allotting acreage, i. e., in establishing "proportionate shares," as the acreage allotments are termed in the Sugar Act, the Secretary shall give consideration to new and small producers.

Mr. O'MAHONEY. Mr. President, I shall not occupy the time of the Senate further, except to express my belief that the wise course in this case is not to suspend the rule against legislation on an appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana [Mr. ELLENDER] to suspend the rule.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Frazier	Hayden
Austin	Chandler	Gerry	Hill
Bankhead	Chavez	Gibson	Holman
Barkley	Clark, Idaho	Green	Hughes
Bilbo	Connally	Guffey	Johnson, Calif.
Brown	Danaher	Gurney	Johnson, Colo.
Bulow	Donahey	Hale	King
Byrd	Downey	Harrison	La Follette
Byrnes	Ellender	Hatch	Lee

Lodge	Norris	Schwellenbach	Tydings
McCarran	O'Mahoney	Sheppard	Vandenberg
McKellar	Overton	Shipstead	Van Nuys
McNary	Pepper	Slattery	Wagner
Mead	Pittman	Stewart	Walsh
Miller	Reed	Thomas, Idaho	White
Minton	Russell	Thomas, Utah	Wiley
Murray	Schwartz	Tobey	

The PRESIDING OFFICER. Sixty-seven Senators have answered to the roll call. A quorum is present. The question is on the motion of the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. I ask for a yea-and-nay vote on my motion.

The yeas and nays were ordered.

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state it.

Mr. AUSTIN. I should like to know in what form the question is presented.

The PRESIDING OFFICER. The question is presented on the motion of the Senator from Louisiana to suspend clause 4 of rule XVI. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McNARY. The senior Senator from Kansas [Mr. CAPPER] is unavoidably absent. If present, he would vote "nay."

Mr. CHANDLER. I have a general pair with the Senator from Pennsylvania [Mr. DAVIS]. I do not know how that Senator would vote, if present, so I withhold my vote.

Mr. AUSTIN. I announce the following general pairs:

The Senator from New Jersey [Mr. BARBOUR] with the Senator from South Carolina [Mr. SMITH]. If present, the Senator from New Jersey would vote "nay." I am not informed how the Senator from South Carolina would vote.

The Senator from Ohio [Mr. TAFT] with the Senator from Montana [Mr. WHEELER]. The Senator from Ohio would vote "nay," if present. I am not advised how the Senator from Montana would vote.

Mr. McKELLAR (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. TOWNSEND], who seems not to be present. I transfer my pair with him to the senior Senator from Florida [Mr. ANDREWS], and will allow my vote to stand.

Mr. PEPPER. My colleague the Senator from Florida [Mr. ANDREWS] is in Florida. If present, he would vote "yea."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from North Carolina [Mr. REYNOLDS]. I am not advised how either Senator would vote, if present. I vote "nay."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness in his family.

The Senator from Arizona [Mr. ASHURST], the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Washington [Mr. BONE], the Senator from Nebraska [Mr. BURKE], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. NEELY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senator from West Virginia [Mr. HOLT], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MALONEY], and the Senator from Oklahoma [Mr. THOMAS] are detained on business in Government departments.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

The result was announced—yeas 28, nays 38, as follows:

YEAS—28

Bankhead	Bulow	Connally	Hayden
Barkley	Byrd	Ellender	Hill
Bilbo	Byrnes	Guffey	Hughes
Brown	Caraway	Harrison	Lee
McKellar	Minton	Russell	Van Nuys
Mead	Overton	Sheppard	Wagner
Miller	Pepper	Stewart	Wiley

NAYS—38

Adams	Green	McCarran	Slattery
Austin	Gurney	McNary	Thomas, Idaho
Chavez	Hale	Murray	Thomas, Utah
Clark, Idaho	Hatch	Norris	Tobey
Danaher	Holman	O'Mahoney	Tydings
Donahey	Johnson, Calif.	Pittman	Vandenberg
Downey	Johnson, Colo.	Reed	Walsh
Frazier	King	Schwartz	White
Gerry	La Follette	Schwellenbach	
Gibson	Lodge	Shipstead	

NOT VOTING—30

Andrews	Chandler	Lucas	Smith
Ashurst	Clark, Mo.	Lundeen	Taft
Bailey	Davis	Maloney	Thomas, Okla.
Barbour	George	Neely	Townsend
Bone	Gillette	Nye	Truman
Bridges	Glass	Radcliffe	Wheeler
Burke	Herring	Reynolds	
Capper	Holt	Smathers	

The PRESIDING OFFICER. On this question the yeas are 28, the nays are 38. Two-thirds of those present having failed to vote in the affirmative, the motion is lost.

Mr. BYRD. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. On page 82, line 14, before the period, it is proposed to insert a colon and the following:

Provided further, That no part of the amount herein appropriated shall be available for making total conditional payments in excess of $5,000 to any one person, firm, partnership, or corporation in connection with the 1940 sugar program.

Mr. BYRD obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. BYRD. I do.

Mr. RUSSELL. I have discussed this amendment with a number of Senators who are interested and who had approached me to ascertain whether or not, as the representative of the committee reporting the bill, I would make a point of order against the amendment.

My first intention was to make the point of order against the amendment, because I do not think it has any business in this bill. It is, in effect, repealing the Sugar Act. After discussion with the Parliamentarian of the Senate, however, and after examining the precedents in such cases, I am convinced that a point of order could not properly lie against the amendment. I therefore shall not urge the point of order.

I make this statement in order that any other Senator who may desire to make the point of order against the amendment will have an opportunity to do so.

Mr. BYRD. Mr. President, I do not profess to have an expert knowledge of all the intricacies and complexities of sugar legislation; but I do wish to call to the attention of the Senate what I believe to be the very exorbitant and excessive benefits now being paid under what is known as the sugar program.

On March 20 I requested insertion in the CONGRESSIONAL RECORD, pages 3156 and 3157, of a list of payments which have been made under the sugar program, as furnished me by Mr. R. M. Evans, of the Department of Agriculture. I find that the largest amount received by any firm or individual was paid in Puerto Rico to a firm by the name of Luce & Co., receiving $665,211.20.

Mr. LEE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Oklahoma?

Mr. BYRD. I yield.

Mr. LEE. Is that a soil-conservation payment or a benefit payment under the A. A. A.?

Mr. BYRD. That is a benefit payment under the sugar program; but, in addition to the amount I have just mentioned, the regular soil-conservation payments can be made to all of those who are also receiving these benefit payments under the sugar program.

Mr. LEE. In what year was that? Does the table show?

Mr. BYRD. That was the last year available—the growing season of 1937—but I am advised by Mr. Evans that there has been no substantial change in these payments since that time.

Mr. LEE. We now have a law which puts a ceiling of $10,000 on payments to any one farmer. I presume that was before the $10,000 law took effect. Does the Senator know whether or not that is so?

Mr. BYRD. The ceiling of $10,000 does not apply to these particular payments, and it is my purpose to modify my amendment so that the same limitation which applies to the ordinary operator under the soil-conservation program shall apply to these payments.

Mr. LEE. I am in sympathy with the Senator's efforts.

Mr. BYRD. To make it clear, I will say again to the Senator that these payments are now being made. While these records are for 1937, there has been no substantial change in the annual payments.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the Senator.

Mr. RUSSELL. I merely wish to make clear what the Senator from Virginia has already stated, that the limit of $10,000 referred to by the Senator from Oklahoma applies only to soil-conservation payments and to parity payments. Payments under the Sugar Act are made under independent legislation, and are in nowise related to the soil-conservation payments.

Mr. BYRD. Mr. President, before I yield further, I wish to say that I do not agree with the Senator from Georgia that they are in nowise related. They are made on the same principle on which the soil-conservation payments are made.

Mr. RUSSELL. I was referring to the funds from which the payments are made. Of course, they do not come from the same funds, because the Senator is seeking to apply his amendment solely to the sugar payments.

Mr. BYRD. The Senator is correct. But they are made by direct payments from the United States Treasury, just as all other payments are made.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. O'MAHONEY. There is a very essential difference between the two cases, because payments under the Soil Conservation Act and payments under the parity-payment appropriation are not covered into the Treasury by any tax. The payments under the Sugar Act are all covered by a tax. So that the sugar industry raises the funds by which the benefit payments are made.

Mr. BYRD. I shall in due time answer the Senator from Wyoming. Revenue from this tax goes into the General Treasury, and it is a tax, as I shall attempt to show, which is passed on to the American consumer and is not paid by the sugar producer.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TYDINGS. The Senator indicates that he will later cover the point about which I was about to ask him. A few days ago the Delegate from Hawaii in the House of Representatives came over and presented a long list of companies in Hawaii, showing the amount of benefits they receive under the law, and the amount of taxes they pay under the law. As I recall the table, with one exception they all pay in more than they receive back. That led me to ask him how that happened, and he said the tax was primarily levied as a matter of regulation. I asked him whether it was not passed on to the consumer, not paid by the producers. He said that in effect and practice in the Hawaiian Islands it was not passed on to the consumer; that it was paid by the growers and producers.

If it is a tax for regulation purposes only, and is returned to the people who do pay it for regulatory purposes, I am concerned to know whether or not we would create an additional injustice were we to cut the amount to $10,000, if my premise be sound; and I hope the Senator will come to that.

Mr. BYRD. If the statement made by the gentleman from Hawaii is correct, that they pay more than they receive out of it, he should be willing to have the tax repealed, and likewise have the benefit-payment provision repealed.

Mr. TYDINGS. I think he would be, but I think what he is concerned about is the prospect of having the tax remain in effect, and to compel the companies to pay $150,000, under the assumption that they are to get it back, and then find that they are to get only $10,000 back, which would be an outlay of taxes for no purpose at all, when the purpose of the tax, as I understand, is for regulation of the sugar industry only, and not as a matter of general revenue.

Mr. REED. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. REED. I desired to offer a suggestion to the Senator from Virginia touching the point raised by the Senator from Maryland. I talked with the Sugar Division of the Department of Agriculture this morning as to where this tax finally is laid. It is a tax of one-half cent a pound collected from the processor. The Sugar Division of the Department of Agriculture informed me this morning that normally this tax was passed on to the consumer, that there might be conditions of trade at certain times when the tax would possibly pass back to the producer, but that that was not a normal condition.

Let me add, Mr. President, with the permission of the Senator from Virginia—because I have to go to a conference-committee meeting at 3:30—that I am in entire accord with the Senator from Virginia. I make the distinction in my mind between this limitation and a limitation which is suggested to be imposed upon the so-called basic crops of which we have an exportable surplus. On the one hand there is to be a limit on tobacco, rice, wheat, cotton, and corn. If the desire is to restrict production, the large producer should be included.

With regard to the matter before us, the United States produces less than 30 percent of the sugar which it consumes. That puts sugar in a different category. We can consume all the cane sugar and all the beet sugar we raise or can possibly raise in the United States, and then we have to import the rest we need. I can see no possible justification for assessing the consumers of sugar in the United States for the benefit of growers whose refunds, as has been already mentioned by the Senator from Virginia, go as high as $665,000. That is an intolerable condition. I think the Senator from Virginia is entitled to the thanks of the Senate and of the country for bringing these facts to the attention of the Senate, and I thank the Senator from Virginia for yielding to me.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. BYRD. I yield.

Mr. TYDINGS. I may say to the Senator, because I basically am sympathetic with his amendment, that my only concern is that there is a matter of dispute as to whether or not the grower and producer pays the tax or whether the ultimate consumer pays it. The probable truth of the matter is that they both pay some part of it. If it is levied not for revenue purposes but to regulate industry, and the industry is regulated on the basis of the tax laid, and we object to these refunds, then in all logic we should repeal the tax, because if it is true, as it has been presented to me, that the producers pay the tax, and it is only for purposes of regulation, and they are entitled to a refund of the tax when they have complied with the law, if that is the sole reason for its being, then it seems to me that we should not only cut down the benefit payment to $10,000 but we should repeal the tax altogether.

To conclude, there cannot be a real reason for levying a tax on food other than for regulation purposes. There cannot be any sound reason for levying a tax on something which every man needs unless it is for the purpose of regulation. That was the thought when it was put into the law.

My only concern is that Hawaii has no representative in this body, nor has Puerto Rico, and as I happen to be the chairman of the Committee on Territories and Insular Affairs, I am very much concerned lest we do them an unintentional injustice. I should like to have the facts brought out clearly and in bold relief so that there will be no mistake as we cast our votes in this matter.

Mr. BROWN. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. BROWN. One of the most difficult things for Members of the Senate to do is to attempt to defend large payments of the character brought to our notice. I am glad the Senator from Maryland mentioned the subject, and I am also glad the Senator from Kansas referred to it.

The purpose of the processing tax in effect is this: The tax is levied upon the manufacturing process of making sugar. The purpose of it is to transfer to the producer, the farmer, or the sugarcane grower—whether he be a small farmer, as he is in Michigan, Colorado, or Wyoming, or a large farmer, as he is in Hawaii, Puerto Rico, and the Virgin Islands—the purpose is to transfer 60 cents a hundred to the producer, and take it out of the manufacturer or the processor. A tax of 53½ cents a hundred is levied on refined sugar; a tax of 50 cents a hundred is levied on raw sugar. When we consider that there are 107 pounds of raw sugar in a hundred pounds of refined sugar, that works out to practically the same tax.

Whether the tax is shifted onto the consumer or not would be an easy question to answer if it were not for the complicated quota and tariff system, but because that system exists, and because we very definitely limit the amount of sugar which can come into the United States from this vast reservoir in Cuba, the Secretary of Agriculture is able, within reasonable limits, to fix the price of sugar. I say that that price would be substantially the same, whether there was a processing tax or not.

Mr. BYRD. May I interrupt the Senator there?

Mr. BROWN. Certainly.

Mr. BYRD. The Secretary of Agriculture thinks this tax is being passed on to the consumer.

Mr. BROWN. I do not agree with the Senator.

Mr. BYRD. I talked with officials of the Department of Agriculture this morning and they said it did, and I have here a letter addressed to the Senator from Michigan which indicates that the Secretary believes that to be the case.

Mr. BROWN. There is no question but that the tariff passes a large burden on to the American consumer in the entire sugar field; but I am not talking about that.

Mr. BYRD. Is the Senator from Michigan prepared to say that the Secretary of Agriculture does not think this tax is passed on?

Mr. BROWN. I will read what he says, if the Senator will pardon me. The Secretary of Agriculture says:

> One is likely to assume that excise taxes increase prices under all conditions, but an excise tax on sugar within certain limits under the quota system is one of the exceptions.

Those are the exact words of the Secretary.

The Bureau of Agricultural Economics, in a report on this bill, said, giving the same reason I gave a few moments ago:

> Since the total quota for sugar was completely filled each year, the quota system definitely limited the quantity of sugar made available for sale in the United States.

In other words, we have not a free market for sugar; we have a "quota-ized" market for sugar. There is not free competition. There is Government regulation.

> Consumers would pay only a given price, an aggregate amount for such a quantity, depending upon the existing state of demand, which is largely influenced by consumer purchasing power. Therefore—

And this is the Department of Agriculture speaking—

> the tax did not affect the retail price in any way over any appreciable period of time, and so could not have been passed on to the consumer.

Since the tax is not borne by consumers or by refiners or by distributors, it apparently is, according to their view, borne by the producer of cane sugar. Let me prove that to the Senator from Virginia from another angle.

Mr. BYRD. If the Senator will permit me, I should like to read to the Senate, at this point, a letter written by Secretary Wallace to the Senator from Michigan, dated April 6, 1938, which is in conflict with the statement which has just been read. Secretary Wallace said in this letter:

> I know that you will also appreciate the difficulty from the standpoint of the public interest in finding adequate justification for a policy of charging American consumers higher prices for sugar. In my letter to Senator Bulkley, referred to above, attention was called to the fact that "it is estimated that at current prices American consumers are obliged to pay more than $350,000,000 per annum in excess of the value, at world prices, of their annual sugar supply (without allowance for the estimated net revenue of approximately $47,000,000 represented by the difference between disbursements under the Sugar Act of 1937 and receipts from the tariff and the 50-cent tax on sugar, or for the possible increase in world price that might result from changed conditions). This is equivalent to a tax of approximately $2.70 per capita on a population of 129,000,000 persons. It means on the average a levy of more than $10 per family, including that one-third of the Nation which is ill-nourished, and it represents an amount of purchasing power equal to more than 50 quarts of milk and 50 loaves of bread for each family in the United States."

By that statement the Secretary of Agriculture meant that those three processes—one, the tariff; two, the quota; and, three, this tax—have increased the burden upon the people of the United States in the purchase of sugar by $350,000,000, and I confirmed that this morning by calling up the Department of Agriculture and was told that that was what the Secretary intended to say.

Mr. BROWN. Mr. President, there is no question, as I said, that the general situation with regard to sugar is one which is highly expensive to the American consumer. I want to be perfectly frank about that. It is not the time now to go into the arguments that could be gone into relative to the importance of preserving this system in the American sugar market, but does the Senator think that the Secretary of Agriculture would favor this sugar legislation, as he does favor it, if he objected to the payments to which the Senator is now objecting?

Mr. BYRD. I cannot say what the Secretary may favor, but this letter certainly indicates that he believes that a burden of $350,000,000 has been placed upon the American consuming public, first, by the tariff; second, by the quota system; and, third, by this taxation.

Mr. BROWN. Let me ask the Senator from Virginia if it is a burden? We had no sugar-processing tax from 1909 to 1913. The price of sugar then was $5.95 a hundred. In 1935 we put a processing tax on, and the price of sugar was $5.70 a hundred. In 1936 the price was $5.60 a hundred. In 1938, the first year under the present act, the price of sugar was $5.30 a hundred. And at the present time it is $5.40 a hundred.

The entire record of the price of sugar is contrary to the statement that the Senator from Virginia makes.

Will the Senator pardon me a moment longer? In the 10-year average in the period that we call the "gay nineties" the price of sugar was $5.74 a hundred. I want Senators to get this.

That was in the period 1891 to 1900, the 10-year period. In the 10 years from 1929 to 1938 the average price of sugar was $5.61 a hundred, or a decrease of 2.26 percent. Every other important item in the list of food products—butter, lard, flour, potatoes, milk, eggs, cornmeal, bacon, pork chops, round steak, and ham—have increased in the last 10 years over that 10-year period.

Mr. BYRD. Let me interrupt the Senator at this point. This particular act became effective on September 1, 1937. At that time the price of hogs was $10.55 a hundred. Now it is $4.97 a hundred. At that time the price of cattle was $7.54 a hundred and now it is $6.84 a hundred. Then the price of corn was 93.9 cents per bushel and now it is 84.1 cents a bushel. Then the price of wheat was 93 cents a bushel and now it is 84 cents a bushel.

Showing that all those commodities have declined since September 1937, when this act went into effect, but sugar has remained stationary and has been protected from a decline by the quota system and by the tariff, and the consumers of America have, therefore, in my judgment, paid this extra tax.

Mr. BROWN. To finish the figures that I gave the Senator, we have had a general increase in all agricultural prices that I have named except sugar.

Mr. BYRD. That is not true, if the Senator will pardon me, as compared with this period of——

Mr. BROWN. I am speaking of the 10-year period.

Mr. BYRD. I am talking of the month that this act went into effect. That is the time with which to make the comparison.

Mr. BROWN. The Senator knows, if he knows anything about sugar at all, that there was no essential difference between the Jones-Costigan Act, which was in effect, I believe, in 1934 and 1935, for a 2-year period, and the Sugar Act of 1937. They were practically identical.

Mr. President, I ask unanimous consent that a table giving a comparison between retail prices today and the "gay nineties" be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Retail prices today compared to the "gay nineties"

	Average retail price in United States		Percent decrease (−) or increase (+)
	10 years from 1891 to 1900	10 years from 1929 to 1938	
Refined sugar per pound	$0.0574	$0.0561	−2.26
Butter per pound	.2575	.3759	+45.98
Lard per pound	.0953	.1432	+50.26
Flour per one-eighth barrel	.6382	1.0782	+68.94
Potatoes per peck	.2229	.3825	+71.60
Milk per quart	.0677	.1217	+79.76
Eggs per dozen	.2067	.3727	+80.31
Hens per pound	.1331	.3128	+135.01
Corn meal per pound	.0190	.0468	+146.32
Bacon per pound	.1323	.3597	+171.88
Pork chops per pound	.1115	.3083	+176.50
Round steak per pound	.1254	.3519	+180.62
Ham per pound	.1549	.4550	+193.74

Mr. BYRD. Mr. President, will the Senator permit me to finish my preliminary remarks, because I first wish to bring out some of these large contributions. Then, I should like to make my statement with respect to the taxation matter, and the Senator can then interrupt me.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me at this point?

Mr. BYRD. I should like to finish my preliminary statement first.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. TYDINGS. Mr. President, will the Senator yield for a suggestion which would save some debate?

Mr. BYRD. I yield.

Mr. TYDINGS. I hope that the Senator reads the payments that each concern will get, that he will also read simultaneously the payment of tax that each concern has made, so we can get the rounded picture.

Mr. BYRD. I am sorry I do not have that information.

Mr. BROWN. I have it here. That is what I interrupted to cover.

Mr. BYRD. The Senator can place that information in the RECORD when I have completed my argument.

The next largest payment was made to the Fajardo Sugar Growers' Association, $565,000.

The third largest payment was made to the United States Sugar Corporation, Florida, $430,000.

The Hawaiian Commercial & Sugar Co. obtained $340,000; the Ewa Plantation Co., $283,000; the Oahu Sugar Co., $262,000; the Waialua Agricultural Corporation, $253,000; the Central Coloso, $149,000; the Central Vannina, Inc., $102,000; and Rubert Hermanos, Inc., $163,000.

In Hawaii, for example, there were 36 firms, corporations, and individuals obtaining more than $10,000, with an average payment in excess of $200,000; $200,000 was the average received by these producers of sugar in Hawaii receiving more than $10,000.

In Puerto Rico the average was $60,000. With the exception of Florida, in America the average was far less. In some instances it was $10,000 to $15,000. The only large payment made in this country was $430,000 to the United States Sugar Corporation in the State of Florida. This emphasizes another evil of this plan, namely, that it is tending to monopolistic control. Here is a great corporation in Florida, referred to by the Senator from Florida [Mr. PEPPER], that receives practically all the large appropriation that was made for Florida for this sugar payment.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. ADAMS. My State, Colorado, is the largest sugar-producing State. What is the average there?

Mr. BYRD. Colorado does not get one single payment in excess of $10,000. No Colorado payment is included in this list. There are some payments in California. California, for example, has 49 payments above $10,000, with an average of about $15,000. Louisiana has 60 payments above $10,000, with an average of about $30,000.

Mr. BILBO. Mr. President, will the Senator yield to me before he leaves that point?

Mr. BYRD. I yield.

Mr. BILBO. Has the Senator the number of recipients of these payments in the smaller brackets? How many producers are there that are being taken care of under this program?

Mr. BYRD. I asked the Secretary of Agriculture only for those receiving more than $10,000.

Mr. BILBO. The Senator simply obtained the names of those in the higher brackets?

Mr. BYRD. Yes.

Mr. BANKHEAD. Mr. President, will the Senator yield to me for a question?

Mr. BYRD. I yield.

Mr. BANKHEAD. Suppose the Senator's amendment is adopted, who will receive the money that is cut off?

Mr. BYRD. It stays in the General Treasury.

Mr. President, it seems to me this whole argument revolves around this point: Does this tax, which is paid by the processors of sugar, constitute a reduction from their income, or is the tax passed on in the normal process of business to the American consumer? And, Mr. President, I wish to address myself to that point.

The Secretary of Agriculture, by the letter that I have read to the Senate, evidently is of the opinion that these three things—namely, the tariff, the quota, and this tax—have increased the burden upon the American consuming public in the purchase of sugar, to the extent of $350,000,000 each year, because he said so in his letter.

Mr. President, I do not know of any excise tax—and this is in the nature of an excise tax—I do not know of any tax of this character that cannot under certain conditions be passed on to the consumer, unless an attempt is made to fix definitely the price of the product that is sold.

What determines the price of an agricultural product? It is determined by the law of supply and demand. We all know that. I have been in the farming business for more than 30 years selling agricultural products. I know, for example, that in the production of apples, one year we can have 30,000,000 barrels of apples and obtain a low price, and in another year we can have a 30,0000,000-barrel crop of apples and obtain a higher price. Why? Because the demand is affected by the purchasing power of the people, by the general prosperity that exists when that particular commodity is sold.

Mr. BROWN. Mr. President, will the Senator yield at that point?

Mr. BYRD. I yield.

Mr. BROWN. The proposition that the Senator just made is exactly correct. If the law of supply and demand controls the price, and there were no artificial legal barriers to that price, the Senator would be right. But the Senator evidently has not read section 201 of the Sugar Act, which I will say, if the Senator will permit me, in a general way—and I will read it in a moment—provides that the importations from this great reservoir of Cuba shall be increased in amount whenever the Secretary determines, in the interest of the consumer, that the price is too high. When the situation is the other way, and the price appears to be too low, the Secretary may cut off and reduce its importation.

Let me read the vital part of section 201 to the Senator:

In making such determinations—

That is, the amount of sugar that shall come in—

the Secretary shall use as a basis the quantity of direct-consumption sugar distributed for consumption, as indicated by official statistics of the Department of Agriculture, during the 12-month period ending October 31 next preceding the calendar year for which the determination is being made, and shall make allowances for a deficiency or surplus in inventories of sugar, and changes in consumption, as computed from statistics published by agencies of the Federal Government with respect to inventories of sugar, population, and demand conditions; and in order that the regulation of commerce provided for under this act shall not result in excessive prices to consumers, the Secretary may make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available under this act shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole, and the amounts of such additional allowances shall be such that in no event will the amount of the total supply be less than the quantity of sugar required to give consumers of sugar in the continental United States a per capita consumption equal to that of the average of the 2-year period 1935–36.

In effect, in that technical language it provides that the Secretary shall raise or lower these importations so that the price shall not be too high and shall not be too low. I know of no product in the United States with respect to which there is such definite hard and fixed control over price as there is in the sugar situation.

The business—within the limitations fixed by the statute—the price, and I might say the fate of the sugar industry are in the hands of the Secretary of Agriculture. We have no free market for sugar. We have a restricted market. We have a restricted business, in which the Secretary has practically complete control of price.

Mr. BYRD. Mr. President, in my judgment, the statement of the Senator from Michigan confirms my argument. If we have restricted production and importation of sugar, the other question, which the Secretary cannot control, is the purchasing power of the people. The law says there must not be an excessive price of sugar. Nobody would consider excessive a price for sugar sufficient to cover payments to sugar producers averaging from 30 to 60 cents a hundred, or approximately half a cent a pound. Sugar might go up half a cent a pound without the Secretary of Agriculture feeling justified in increasing the quotas which come into this country and lowering the price of sugar.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BYRD. Mr. President, I wish to be courteous to the Senator, but I have been interrupted to a considerable extent, and I should like to make an argument with some continuity.

I say again, Mr. President, that the Senator from Michigan [Mr. BROWN], in calling attention to the average prices of other agricultural commodities over a 10-year period, confirms my argument. Hog prices have gone down to one-half of what they were in September 1937, when this act became operative. Cattle prices have gone down substantially. Corn and wheat prices have gone down, and the prices of practically all agricultural products, except sugar, have gone down. Why is it not true, then, that the tax which was imposed upon the sugar producers in 1937 was absorbed by those who purchased the sugar, the great American public?

Mr. President, when we quote the Secretary of Agriculture as favoring this act, favoring the quota system, and favoring a tariff system, we make him say in effect he would charge the American people $350,000,000 more for sugar than they should be charged. I read the letter which was sent to the Senator from Michigan [Mr. BROWN] in which it is stated that these three things are imposing on the American people each year a burden of $350,000,000 more than should be paid on the basis of world prices for this great necessity of our existence.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRD. I have yielded very frequently, and I should like the privilege of concluding my statement. I shall be through very shortly, and the Senator may then interrupt me or take the floor.

Mr. President, I know of no processing tax that cannot be passed on to the consumer if business conditions justify it, and if there is sufficient purchasing power on the part of those who must purchase the particular article to justify it, or if the article is sufficiently necessary to existence to compel people to purchase it no matter at what price it is offered.

Consider the cigarette tax, about which I happen to know something. That is in the nature of an excise or processing tax. It is passed on directly to the consumer in every instance. Five hundred and eighty million dollars of tobacco taxes are being collected each year by the Federal Government. Ten percent of the total gross income of the Government is in the form of tobacco taxation. That amount is twice as much as all the money which the farmers who produce tobacco receive. It would be an absurdity to say that those farmers pay for the processing tax which is collected directly from the manufacturers and indirectly from the public.

The same thing applies to gasoline taxes. All of us who have participated in State administration know about gasoline taxes. When I was Governor of Virginia, the first substantial gasoline tax of 3 cents a gallon was imposed. Immediately the price of gasoline to the people was increased 3 cents a gallon. I had no objection to that because it was intended that the consumers should pay that tax.

There is no way in which protection can be given to the American public against having the tax passed on to them unless the price of sugar is definitely fixed and determined by legislative act. Then we must consider whether sugar prices should decline as the prices of other agricultural products decline. I have the records to show that the price of sugar has not declined in the degree that prices of other agricultural products have dropped. The prices of other agricultural products have substantially declined, but the price of sugar today is approximately what it was in 1937, when the act became effective.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. LEE. The difference between the tax which is collected on gasoline, to which the Senator from Virginia refers, and the tax which is being collected on cigarettes is that the gasoline tax goes into the Public Treasury and is used, in turn, for all the people—all the consumers. However, the tax on sugar is channeled right back into the pockets of the growers of sugar and is not distributed to the consumers generally.

Mr. BYRD. I realize the distinction. However, the tax on sugar goes into the General Treasury. It is not an earmarked tax. It is not a segregated tax. It goes into the General Treasury and it is paid out by general appropriations.

Mr. LEE. In the form of the big payments to which the Senator has referred.

Mr. BYRD. The payments practically absorb the total receipts from the taxation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BARKLEY. On that point, when the gasoline tax is paid by the consumer, of course the consumer knows precisely what he is paying in the way of a tax. If the tax is 5 cents, it is so posted at all the gasoline stations.

Mr. BYRD. Not necessarily so.

Mr. BARKLEY. Not necessarily; but as a matter of practice the gas price is usually stated as so much, and the tax as so much. At any rate, everybody knows what the tax is and what he is paying. The same thing is true of cigarettes. When one buys a package of cigarettes, he knows that he is paying a tax of 6 cents.

Mr. BYRD. I venture to say that not 1 percent of the American people know that they are paying a 6-cent tax when they purchase a package of cigarettes.

Mr. BARKLEY. How is anyone to know, when he buys sugar, whether or not he is paying a tax, or how much he is paying?

Mr. BYRD. There is no way to know it, except that everybody who knows anything about business operations knows

that when a processing tax is placed upon a product the effort is made to pass the tax on to the consumer, and the effort usually is successful.

Mr. BARKLEY. Let me ask a question which bothers me in regard to the amendment of the Senator. Does the statute under which sugar quotas are made constitute a contract between the Government and the producers?

Mr. BYRD. There is nothing in the act to indicate that the Secretary of Agriculture has any right to make a contract. I am told, upon inquiry at the Department of Agriculture, that not a single contract has been signed by the Secretary of Agriculture with respect to these payments.

Mr. BARKLEY. Does the act itself constitute a contract if the producers of sugar comply with it? Is the Government morally obligated, until there is a change in the basic law, to go ahead and comply with the terms of the act of 1937?

Mr. BYRD. The Senator can judge that moral obligation as well as I can. I can find nothing in the act which obligates the Government in the form of a contract.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TYDINGS. Assume that the Senator is correct in his statement that the tax is passed on to the ultimate consumer. The process of correction which he proposes, namely, to pay not more than $10,000 to any producer, would not cure the evil. It seems to me that if his premise be sound, his amendment would only mitigate the evil by reducing the payment. If his premise be sound, the only way to correct the injustice would be to wipe out the tax altogether.

Mr. BYRD. I am perfectly willing to vote to wipe it out; but that question is not before the Senate. There is before the Senate a bill appropriating a certain number of millions of dollars to pay these benefit payments.

Mr. BARKLEY. Mr. President, will the Senator again yield?

Mr. BYRD. I yield.

Mr. BARKLEY. I am asking purely for information, because I do not know much about the details of the sugar business. The tax is being levied, and the Senator's amendment does not in any way deal with the tax; but if a limitation of $10,000, or any other sum less than would be received under the law as it now exists were imposed, what would become of the surplus money which would be left in the Treasury? Would it be available for general purposes?

Mr. BYRD. Of course, it would be available for general purposes. It goes into the general fund, as does any other tax.

Mr. BARKLEY. But it was collected, theoretically, for the purpose of making these payments.

Mr. BYRD. Theoretically it was collected for the purpose of making these payments, but it is not earmarked in any way. As the Senator knows, that is a matter of legislation and would be subject to a point of order in connection with this particular bill.

Mr. O'MAHONEY. Mr. President, will the Senator now yield to me?

Mr. BYRD. Just a moment. What the Senator is now asked to vote upon is approval of the annual appropriation for this particular purpose.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I thought that the answer to the question of the Senator from Kentucky [Mr. BARKLEY] might well be made at this point and that the terms of the law might well be cleared up in the mind of the Senator from Virginia [Mr. BYRD].

The Senator from Kentucky inquired whether or not there was a contract, or what amounts to a contract, between the producers and the Government. The Senator from Virginia responded that he was advised by the Department of Agriculture that not a single contract had been signed between a producer and the Department. That answer, of course, is perfectly correct. However, the contractual obligation which has been meant by those of us who are speaking about this phase of the matter is not contained in any written contract. It is contained in the law which provides for these payments. Section 301 is the first section of title III, which is labeled "Conditional Payment Provisions." In other words, all the payments are made upon condition. Section 301 begins:

> The Secretary is authorized to make payments on the following conditions with respect to sugar or liquid sugar commercially recoverable from sugar beets or sugarcane grown on a farm for the extraction of sugar or liquid sugar.

Then follow subparagraphs (a), (b), (c), (d), and (e). Next follows section 302, with subparagraphs; then sections 303, 304, 305, 306, and 307, all expressing the terms which the producers must meet to qualify for the payments.

I say this, Mr. President, as a matter of fairness. I quite agree in principle with the argument which the Senator from Virginia is making. In 1937, when the Sugar Act was under consideration, I introduced and had printed and laid on the table an amendment which would have limited all benefit payments to corporations to $50,000, intending to reach exactly the same condition which the Senator has in mind. I was persuaded by those who were in consultation with me not to present that amendment because it might tend to destroy the general beneficial purposes of the legislation. Instead we wrote into the bill a provision which is to be found in section 304 (c), which provides for a graduated scale-down.

The condition which is presented to us is that the producers have in good faith carried out the conditions which were laid upon them in the act; and it seems to me that in these circumstances it would be improper for us to change the compensation which they are to receive for carrying out the conditions until we legislate on a new bill. The matter could then properly be brought up and given the most serious consideration.

Mr. BYRD. Mr. President, with respect to the soil-conservation payments to the farmers of America, the same condition existed as that to which the Senator from Wyoming has referred. Certain things were set forth in the act which the farmer was supposed to do before he received any soil-conservation payments. Restriction of his acreage, the use of certain legumes, and other things were set forth in the act and in the regulations of the Department of Agriculture. Yet what did Congress do in that respect? As the Senate knows, when the law was first passed there was no restriction upon the payment to corporations or individuals of any sum whatsoever for soil-conservation payments. As a result, the insurance companies of this country obtained tremendous benefit payments. The Metropolitan Life Insurance Co. received $257,000 in 1 year. The Equitable Life Assurance Society received $208,000 in 1 year. But what was done in that case? Congress passed a law providing that no farmer or corporation operating under the soil-conservation program could receive over $10,000; and the House of Representatives has just recently passed a bill which shortly will be before the Senate reducing those payments to $5,000.

I have been a strong supporter of the soil-conservation program. I think it is one of the most constructive acts this administration has undertaken for the benefit of the farmer; but I think the value of the act lies in its application to the smaller farmers. I speak as one who happens to be one of the larger farmers, and who has never asked for a single dollar from the Federal Government in any way, shape, or form. Although I operate 4,000 acres of land under cultivation, I have never received a soil-conservation payment. I have never sold any of my products to the Government—apples are purchased under the surplus-commodities program. I think the benefits of the Soil Conservation Act should be to the smaller farmer, because larger farmers have facilities for marketing which the smaller farmers do not have, and when this bill comes from the House of Representatives to the Senate I intend to ask that the $5,000 limit be reduced. I do not think any farmer should receive more than $2,500 in soil-conservation payments, so perhaps larger amounts may be given to the smaller farmers, those who have not the facilities to market their products, and who could benefit much more.

So I do not think a great deal of argument can be made along the line suggested by the Senator from Wyoming [Mr. O'MAHONEY].

No contract at all is involved here, so far as I can see. There is nothing signed on the part of the Secretary of Agriculture, and so far as I can see, there is no obligation upon the Federal Government to continue indefinitely the payment of these subsidies, even though the tax may be paid.

Mr. LEE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Oklahoma?

Mr. BYRD. I yield.

Mr. LEE. I am in accord with the Senator in trying to help the little farmer. The Senate passed an amendment to the original A. A. A. Farm Act limiting to $300 the payments to any one farmer. The House changed that, and the result was a $10,000 limitation. At that time the figures showed that 96 percent of the farmers of the United States drew less than $100. The same figures that show one life-insurance company receiving $256,000 show that 3,700,000 farmers in the United States received an average of $75 each.

Evidently, from the figures just presented by the Senator from Virginia, the producers of cane sugar are corporation or plantation farmers; for he presented no figures at all showing that any beet-sugar producer received any of those large payments. The beet-sugar farmer is a farmer in the typical sense.

I believe we should put a limitation on these payments to the big-scale operator, because he is farming on a corporation, syndicated basis. His cost of production is lower. He can buy and sell in large quantities. He can save on freight rates. He has all of those advantages that the little unit farmer does not have. We are trying to legislate to help the man who needs it; and I am in sympathy with the amendment of the Senator from Virginia.

Mr. BYRD. I thank the Senator.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. BYRD. I yield.

Mr. NORRIS. Before the Senator leaves that subject I should like to ask him a question.

I agree 100 percent with the Senator from Virginia that the payment of these fabulous sums of money to corporations probably never was thought of by Congress, and is unjustified. However, this question arises in my mind:

This is an appropriation bill. The Senator's amendment, as I understand it—I have not heard it read—would simply make it impossible for a larger payment than $10,000 to be made.

Mr. BYRD. I will say to the Senator that the present amendment provides a limitation of $5,000, but I intend to modify it and make the amount $10,000.

Mr. NORRIS. I understood that the Senator had that intention, and I am wondering why he proposes to do it. It seems to me that $5,000 is enough.

Mr. BYRD. The reason I propose to do it, if the Senator will permit me, is that such is the amount now authorized under the domestic conservation program. I hope it will be reduced to $5,000 and still further reduced.

Mr. NORRIS. I understand that it has been reduced, however.

Mr. BYRD. The House has passed a bill reducing it, but the Senate has not acted upon the bill. What I am attempting to do is to put these foreign beneficiaries on a basis equal to that fixed for the American farmer.

Mr. NORRIS. Suppose the House makes that change, and we make this change to $10,000. Then the amounts will be unequal again, just the reverse of what they now are.

Mr. BYRD. I will say to the Senator, however, that reduction from $660,000 to $10,000 would be a vast improvement.

Mr. NORRIS. Oh, yes; I do not dispute that fact; but I think we ought to have both of them.

Mr. BYRD. I agree with the Senator; but I cannot predict—and I do not think the Senator from Nebraska can predict—what the Senate of the United States will do about any bill before it.

Mr. NORRIS. But if we are going to reduce the amount at all, could not that be used in the House as an argument to reduce the amount in that bill to $5,000?

Mr. BYRD. I have so much confidence in the Senator from Nebraska that I am going to leave my amendment as it is, with the understanding that if the amendment is defeated I shall modify it so as to provide for a larger sum, because I think we should take any reduction that can be secured in these colossal payments.

Mr. NORRIS. The question, however, which I wanted to ask the Senator is this: Is it true that these amounts have already been earned by these various corporations under the law? Have they, in the face of the law that we have passed without any limitation in it, gone on and produced the crop; and are they, therefore, in the condition suggested by the Senator from Wyoming of a contractual relation, the contract being based on the law itself instead of a written contract?

That is the only thing that bothers me in hesitating to support the Senator's amendment. If we are obligated to pay these sums of money, I think we ought to pay them, even though I consider them unjust and unfair.

Mr. BYRD. I agree with the Senator; and if he or any other Member of the Senate can work out an amendment that will protect that situation, I shall be delighted to accept it. I have no desire whatever to do any injustice to anyone if a contract has actually been entered into.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the Senator from Maryland.

Mr. TYDINGS. Of course, the Senator cannot deal with the law itself in an appropriation bill; but I am going to ask him a question on the subject while we have this matter under debate, so that I may have the matter in mind should the Sugar Act itself again come up.

Assuming that the Senate agrees to the Senator's amendment to reduce these payments to not more than five or ten thousand dollars, as the case may be, and the basic Sugar Act remains the same, what will be the effect on the price of sugar to the consumer if we leave the basic act as it is and cut down the benefit payments in line with the Senator's amendment?

Mr. BYRD. I will say to the Senator that even if there is no reduction in the price of sugar the amount that is going into the Treasury can be used to pay other expenses of the Government.

Mr. TYDINGS. That is correct; but if the Senator will yield, I do not think he got my question.

I concede that the Treasury will have more money by withholding payment of all sums over $10,000, but I am wondering, therefore, whether we ought to keep this tax on sugar when we do not need to keep it on sugar. Why should we not give the consumer the advantage of that, if this tax now is being passed on to him, and is a part of the purchase price? Does the Senator think my premise is right?

Mr. BYRD. I do. I am very much in favor of repealing the tax.

Mr. BARKLEY. Mr. President, will the Senator yield for a question at that point?

Mr. BYRD. Yes.

Mr. BARKLEY. The same question bothers me that bothers the Senator from Nebraska, as I indicated a while ago. Is it true or is it not true—and Senators who are interested in the production of sugar may answer the question—that the tax levied on sugar is based upon and for the purpose of making possible the payment of these benefits? Is it true that the tax was levied for the purpose of enabling the Government to pay these benefits and for no other purpose?

Mr. BYRD. I imagine that that was certainly the original purpose of the tax.

Mr. BARKLEY. Now this question arises in my mind: Having taxed the entire production of sugar for the purpose of raising the money to pay these benefits, provided the producers of sugar comply with the law—which I assume they

have done, and are thereby, under the law, entitled to it—can the Government in good faith withdraw the payments and still continue to collect the tax, assuming that the producers have earned and will continue to earn under the law the amount they get, so long as it is the law, and the tax is raised?

Mr. TYDINGS. Mr. President, will the Senator allow me to read the law itself?

Mr. BARKLEY. I should feel much freer to vote on an amendment like this on the Sugar Act itself when it is taken up again; but the situation is somewhat different on an amendment to an appropriation bill. However big and unjustifiable in morals these payments may be, they are based on a law that we have enacted. We are responsible to these concerns for the law which says to them, "If you do certain things, you are going to draw certain benefits," and those benefits are drawn in proportion to the amount of their production.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. BARKLEY. I have not the floor.

Mr. BYRD. I yield to the Senator from Maryland.

Mr. TYDINGS. In answer to the Senator's question—it is not a complete answer, because I have not the entire Sugar Act—but on page 82 of the bill which is now pending, in line 10, the Senator will find the following provision:

That conditional payments—

And that is what these are—

in connection with the 1940 sugar program shall not be made if, by proclamation under section 509 of said act, title II or title III shall have been suspended and shall remain suspended until July 1, 1940.

Assuming that the Secretary of Agriculture were to act and make his proclamation before July 1, 1940, in my opinion none of these conditional payments would have to be made, if the act means what it says.

Mr. BARKLEY. Of course, that is in pursuance of the act itself, which authorizes him to make the suspension.

Mr. TYDINGS. That is correct.

Mr. BARKLEY. But it is entirely in the discretion and judgment of the Secretary of Agriculture as to whether he shall make the suspension of the operation of the act itself prior to July 1, 1940.

Mr. TYDINGS. The point I made was that there would not be any contractual relation if he were to make his proclamation prior to July 1, 1940.

Mr. BARKLEY. Suppose he does not make that proclamation?

Mr. TYDINGS. Well, we ought to know whether the whole situation has the valve turned on or off.

Mr. NORRIS. Mr. President, will the Senator yield right at that point?

Mr. BYRD. I yield to the Senator from Nebraska.

Mr. NORRIS. What the Senator from Maryland has read clears up the matter in my mind very much. This beet and cane sugar, as applied to the appropriation bill before us, is the crop of 1940?

Mr. TYDINGS. That is correct.

Mr. NORRIS. If we pass this appropriation, there is ample time, no advantage will be taken of anybody. To my mind, the language which has been read makes it clear that we have a right to adopt the Senator's amendment, if we want to do so, without any violation of contract or obligation.

Mr. TYDINGS. Absolutely; the Senator is correct.

Mr. BYRD. Mr. President, I do not desire to take any more of the time of the Senate. I think, by all means, we should reduce these exorbitant payments. I can see no hardship that would result. If there is any contract which in any way is violated, I should be the first one seeking to protect the honor and credit of the United States Government.

The PRESIDING OFFICER. May the Chair ask the Senator from Virginia in what form his amendment is presented? There was some conversation pro and con about the figures in the amendment.

Mr. BYRD. The Senator from Virginia desires the amendment voted upon first on the basis of $5,000.

Mr. RUSSELL. Mr. President, I know very little about the details of the sugar industry. I am sure that I have shared the shock sustained by a great many Members of the Senate as a result of the revelations of the Senator from Virginia as to the very large amounts that have been paid some of the producers of sugar. I have undertaken to make some little investigation of this matter. While I think the subject matter of the amendment proposed by the Senator from Virginia certainly is a proper one for legislation by Congress, I have reached the conclusion that it would be unwise and unjust for us to undertake to legislate in this manner in this bill.

Mr. President, in the first place, the chief hardship which would be worked by the amendment offered by the Senator from Virginia would be upon those engaged in the production of "offshore" sugar, those who produce sugar in Puerto Rico and in Hawaii, and who have no representative in the Senate of the United States to give us all the details as to the effect this amendment would have upon the agricultural economy of those islands. I hold no brief for corporate interests. I have been critical of corporate farming.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRD. I think the most powerful lobby in Washington today is the sugar lobby.

Mr. RUSSELL. I have no doubt of that, though I have no knowledge of it. I have never favored any of the sugar legislation now being discussed. I have heard one of the most powerful lobbies in Washington is the sugar lobby, but I do not think the Senator will believe that I am speaking for the sugar lobby.

Mr. BYRD. I am very sure of that.

Mr. RUSSELL. They have not lobbied with me. The only person who has mentioned this amendment to me in any way has been the Delegate from Hawaii in the House of Representatives, who was elected by the people of Hawaii, and who is the only person in Washington who speaks authoritatively for the 460,000 people who live under the American flag in the Hawaiian Islands. Certainly, considering the fact that those people have no representation here, we should lean backwards rather than do them an injury.

If the so-called Sugar Act were permanent legislation, the Senate might be justified in proceeding to debate the amendment suggested by the Senator from Virginia, but I wish to point out that the present sugar law will die on December 31 of this year, so that this legislation is ineffective after that date. The Senate will have an opportunity at this session of Congress to go into this very matter in connection with permanent legislation which will be proposed to extend the operation of the Sugar Act.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRD. After this appropriation is once made, will it not be effective for the year beginning July 1, 1940?

Mr. RUSSELL. It might be.

Mr. BYRD. In other words, even though we might change the Sugar Act later, this appropriation for the next fiscal year would still be paid, and these enormous benefits would be provided for the next year.

Mr. RUSSELL. I do not dispute that statement, but I think the payments are made this year.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. NORRIS. It seems to me that if we adopt the amendment offered by the Senator from Virginia we run less risk of violating what someone may claim to be a contractual relationship arising under the law than we would if we waited.

Mr. RUSSELL. That may be true. My remarks are not related to that thought.

Mr. NORRIS. Because if we wait until the regular sugar bill comes before us 30 or 40 days from now, then they probably will have gone so far that there will be something in this claim.

Mr. RUSSELL. That may be correct.

Mr. NORRIS. But if we do it now, it will be before the season will open, and it seems to me no one could complain.

Mr. RUSSELL. I have no interest whatever in the matter; as I stated a moment ago, the only man who has discussed this question with me at all has been the Delegate from Hawaii [Mr. KING], who did come over from the House and discuss with me the amendment offered by the Senator from Virginia. But I do know that there are other conditions attached to these payments than the one affecting the taking of land out of production. The Secretary of Agriculture has almost complete charge of the operation of these corporate farms by virtue of the sugar law, as I understand it. He will withhold payment to these corporations unless certain wages are paid to those who are engaged on the sugar plantations. I have been informed that the highest wages paid farm labor under the American flag are those paid the employees on the sugar plantations in Hawaii. In those islands perhaps there are more automobiles owned per capita than in any State of the Union, and the same applies to radios, because the Secretary of Agriculture has required the plantation operators to pay very substantial wages. I think the average is something like $1.90 a day for the farm laborer who works in the field on the sugar plantations. The chief complaints I heard when I was in Hawaii last fall were from plantation owners, who criticized the Secretary for his requirements as compared with the conditions imposed elsewhere.

Sugar is a 3-year crop in Hawaii. If the law expires this year, these producers, be they corporate or be they individuals, will have been required to pay these high wages for 2 years on the assumption that these sugar benefits would be received this year. The act will expire this year, and, speaking for myself, I do not think it should be renewed. It causes confusion, and certainly these large payments are difficult to justify. Since Congress is to go into this matter in the future, it should not permit by subsequent legislation any such payments as those to be paid to any corporation, or any individual, for that matter, because they are out of all proportion. But we are dealing with a problem in which those who are vitally affected have had no representative to tell us the effect this amendment would have. The people of Hawaii have not been heard here, the people of Puerto Rico have not been heard here, and I am merely undertaking to convey to the Senate the statements which were made to me by the Delegate from Hawaii to the House of Representatives. I do not believe that in simple justice I should do less than that.

Mr. BARKLEY. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. BARKLEY. The Senator stated a moment ago that in Hawaii sugar is a 3-year crop.

Mr. RUSSELL. Yes.

Mr. BARKLEY. That is, they plant the cane, and do not have to plant it again for 3 years.

Mr. RUSSELL. That is as I understand it. I have no personal knowledge about it, but that is the information that has been given to me.

Mr. BARKLEY. Is that true as to Puerto Rico?

Mr. RUSSELL. I do not know. I have not talked with the Delegate from Puerto Rico.

Mr. BARKLEY. It is my understanding it is true as to Puerto Rico.

Mr. RUSSELL. I think so.

Mr. BARKLEY. If that be true, would it not affect cane already planted under the authority of law, and with the understanding that the law would be complied with and continued until next December?

Mr. RUSSELL. It would. Land has been taken out of cultivation for 2 years, and other lands have been cultivated for 2 years, under wages fixed by the Secretary of Agriculture, because of these benefit payments, under a law which confers on him the power to fix the wages, and now, after this year's crop is practically made, the Senate of the United States is asked to come in and saw off the payments on the strength of receiving which these people have undoubtedly made expenditures.

Mr. BARKLEY. So that the withdrawal of land from cultivation has been accomplished on the basis of the act, and the shifting of the crop from one acreage to another has been based on that also.

Mr. RUSSELL. That is true.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. PITTMAN. I must confess my slight knowledge in regard to sugar legislation; it is not a subject which would interest my State very much. But I should like to have an answer to this question: Are these funds to pay benefits during the year 1940? Is there the authority in the legislation to utilize the tax receipts for the payment of benefits in 1940?

Mr. RUSSELL. I cannot answer that question. I do not know a great deal about the Sugar Act. I understand they apply to 1940, for the act expires this year.

Mr. PITTMAN. I am trying to get the information from someone.

Mr. O'MAHONEY. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. O'MAHONEY. I should be glad to answer the question. The appropriation is made to pay the benefits to be earned on the harvesting of the 1940 crop.

Mr. PITTMAN. That answers that question. Then I will ask another. Does any law authorize the Secretary of Agriculture to suspend these payments by proclamation prior to July 1?

Mr. O'MAHONEY. The provision of the appropriation bill to which allusion was made by the Senator from Maryland, found on page 82, beginning in line 10, is as follows:

> Conditional payments in connection with the 1940 sugar program shall not be made if, by proclamation under section 509 of said act, title 2 or title 3 shall have been suspended and shall remain suspended until July 1, 1940.

That provision was written into the bill in the House, because the President, on the 11th of September last, when there appeared to be a runaway market in sugar as the result of the war, suspended the provisions of title 2 and title 3—namely, the quota provision and the conditional-payment provision. So that to place any confidence in that saving clause in the pending appropriation bill is merely to console ourselves with the thought that, if the quota system is abandoned and the benefit-payment system is abandoned by suspension through proclamation by the President, then no payment shall be made under this act.

Mr. PITTMAN. The information I am seeking—and I think I have it inferentially from the Senator—is this: Has the President the right under the law to suspend these payments?

Mr. O'MAHONEY. The President has this right. I will read it to the Senator:

> Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or title III above, which he determines, on the basis of such findings, should be suspended, and thereafter the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. The Secretary shall make such investigations and reports thereon to the President as may be necessary to aid him in carrying out the provisions of this section.

Obviously that is intended merely to give the President the power in an emergency to suspend the quota provisions of the law which restrict importations into the United States and restrict domestic production.

Mr. PITTMAN. Does the law which the Senator has read cover the payment of these benefits?

Mr. O'MAHONEY. Yes. Title III is the title which carries the conditional-payments provision.

Mr. PITTMAN. Then all I have to say about it is that those who undertook to take a contract or who planted crops

did it with full knowledge that the payments might be suspended. They certainly had no contractual relations; and if there was a contractual relation, the contract was subject to the condition that it might be terminated by proclamation of the President.

Mr. O'MAHONEY. In a national emergency or other economic crisis.

Mr. PITTMAN. That does not have very much force and effect. They have no contract at all. They were put on notice that the payments might be terminated by a proclamation. If the President has the right under the law to make that proclamation, certainly Congress, who gave him that authority, has authority to indicate that this is the time to make such a proclamation.

Mr. PEPPER. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. PEPPER. It seems to me the able Senator from Nevada overlooks the fact that the suspension referred to by the Senator from Wyoming is a suspension of the whole law, the quota system, the limitation on marketing, and everything, whereas the Senator from Virginia is not proposing to suspend the operation of the whole law; he is merely proposing to strike down the benefit payments and allow the quota system to remain in effect, if I make myself clear. The benefits to be derived by the producer from the suspension of the law would be that he would be able to make a sale in an open market, presumably without limitation, and there would not be any limitation on the quantity he might produce. The whole law is suspended; it is contemplated in the section the Senator from Wyoming read.

Mr. PITTMAN. Am I to understand that the law does not allow the President to suspend the collection of these taxes on processing or to suspend the benefit payments without the whole law being repealed?

Mr. PEPPER. The Senator is right; it is not possible to suspend one part of the law without suspending the whole thing.

Mr. BYRD. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. BYRD. The Senator from Florida certainly is wrong about that. On page 82, if the Senator from Nevada will refer to it, specific authority is given in the following language:

> Conditional payments in connection with the 1940 sugar program shall not be made if, by a proclamation under section 509 of said act, title 2 or title 3 shall have been suspended and shall remain suspended until July 1, 1940.

Mr. PITTMAN. That is as I understood it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. I decline to yield at this time. I desire to make just a brief comment, then I will yield the floor.

I certainly have no special interest in this matter. I advised the Senate when I started my remarks that I knew little about the details of the Sugar Act. It so happens that I was away from Washington at the time it was under consideration in this body.

I am only interested in seeing justice done.

I do feel that the Senate should not precipitately, in the last year of the act, after permitting these payments to pass for 2 years, when the act will expire by its own terms the last day of December of this year, seek to legislate on this matter with knowledge of only half the facts. We are told that abnormally large payments are being made in some instances, but the people who are most vitally affected have had no one to explain their case to the Senate, and to raise his voice to show what if anything has been done to earn these payments. There are certainly two sides of the case, and we have only one before us. This matter should go before a committee for a hearing to develop all of the facts. It should not be decided in this way.

We are dealing principally with Hawaii and Puerto Rico, two Territorial possessions of the United States which do not have the status of States, which do not have representatives here, even though they have much larger populations than many of the States which do have two Members representing them in this body. I think the Senate should go very slow, even though there is down here in Washington a vicious lobby, and not say, based solely on the statement that these large payments have been made, with no other information whatever before us, that we are going to proceed to cut these payments off, when undoubtedly many American citizens have proceeded in good faith for 2 years to comply with the requirements made by the Department of Agriculture, expecting to earn these payments this year.

Mr. President, I really do not care very seriously what the Senate does. But in view of the fact that I was charged with the responsibility, I felt that I should let the Senate know that there is another side to this question that has not yet been presented to the Senate, that of those who have proceeded for 2 years to do the work and to pay higher wages predicated on the assumption that the Government would make these payments to them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BARKLEY. In connection with the question asked by the Senator from Nevada as to whether the suspension by the President, which he might inaugurate under titles 2 and 3, would suspend the tax also, I think it ought to be said that it would not.

Mr. O'MAHONEY. The Senator is absolutely correct.

Mr. BARKLEY. Title 2 of the Sugar Act provides for the quota provision. Title 3 provides for the conditional payments provisions. Title 4 contains the tax. So that while the President can suspend the quota provisions under title 2, and the conditional payments under title 3, as he did last September, as has been detailed here today, in connection with the amendment offered by the Senator from Louisiana, he did lift the quota provisions last September, and then reestablished them in January. But he did not in that proclamation, and could not, under this act, suspend the tax these people paid into the Treasury on the sugar they produced.

Mr. ELLENDER. Mr. President, I do not propose to consume very much of the Senate's time, but I want to clear up a few of the points raised a few minutes ago. When the Sugar Act was considered in 1937 this question of payments was discussed very thoroughly; and during the debate, as the Senator from Wyoming has pointed out, some effort was made to limit the amount to be paid an individual or corporation. Because of those suggestions the Senate adopted a provision in the act whereby a difference is made in the payments to these various producers of sugar, dependent on the quantity of sugar they produce.

On page 10 of the act, in title III, the conditional-payment section, there is a provision that the payment to a sugar producer shall be at the rate of 60 cents per 100 pounds of sugar and that rate is decreased in proportion to the amount of sugar produced by an individual or a corporation.

Any producer who produces up to 500 tons of sugar receives payment at the rate of 60 cents per 100 pounds, but the moment he produces in excess of that amount and up to 1,500 tons his benefit payments are decreased at the rate of 5 cents per 100 pounds. That scale works downward to the point where, if a producer makes more than 30,000 tons of sugar, his payments are cut in half. It is my understanding that in many instances the larger sugar producers receive from 20 to 30 cents lower than the basic rates fixed in the act.

Mr. President, as was pointed out on two or three occasions, we cannot compare the benefit payments that are afforded to the sugar producer with those that are paid to other farmers as soil-conservation payments. We have here a tax that is being collected for the purpose of meeting these benefit payments. The amount that is paid to the sugar producers aggregates but $48,000,000, in round figures, and the amount collected by the Treasury amounts to as much as $60,000,000.

We have had on the statute books provision for a tariff amounting to 1½ cents a pound with regard to sugar that is imported from Cuba, and on all other foreign sugars the

amount is 2 cents a pound. Under present conditions, the Cuban Government is given an allowance of 60 cents per 100 pounds because of an existing trade agreement, and the tariff on Cuban sugar, instead of being $1.50 as the law provides, the President has seen fit to reduce to 90 cents a hundred pounds. So there is little difference, insofar as Cuban sugar is concerned, between the amount of the original tariff and the total of this excise tax plus the present tariff rate. In other words, they are practically equal.

Mr. President, I wish to refer to another matter, with particular reference to the question asked by the Senator from Nebraska. A contract now exists between the producers of sugar in my State, in Florida, in the beet States, in Hawaii, in Puerto Rico, on the one hand, and the Federal Government, on the other hand. I wish to point out to the Senate that in my State, for instance, we have been operating under this law for 3 years; and the cane that was planted 3 years ago, and that will be harvested this year, was planted under certain rules and regulations set out by the Department. Those rules and regulations provided that the farmers of my State should pay certain wages for the production of that sugar.

The same situation prevails in the beet-sugar area and, in fact, in every other sugar area. There is a provision in the Sugar Act which gives the Secretary of Agriculture power to fix the wages that are to be paid in Louisiana, the wages that are to be paid in Florida, and the wages that are to be paid in other sections of the United States and its possessions where the farmer receives benefits under this act.

Listen to this, Senators: Under regulations promulgated by the Department of Agriculture, the wages in Louisiana for planting and cultivating cane have been increased 26.3 percent.

For harvesting the rate of pay has been increased from 14 to 19 percent.

In Florida, where the wages were much better than those paid in Louisiana, the increase in wages for planting and cultivating was 6.7 percent. For harvesting it ranges from 7.8 to 8.2 percent.

In the continental beet area also the wages were apparently much better than they were in the South, but the increase in that territory was 6.4 percent.

Listen to the figures for Hawaii: With respect to the cane that was planted in Hawaii 3 years ago, the price of labor to plant that cane was fixed by the Department. The Hawaiian planters were told 3 years ago, "We are going to pay you benefit payments; but in order to make yourself amenable to these payments you will have to increase the price of labor." As a result of the regulation issued by the Department, the labor costs in Hawaii increased 29 percent, so that in the case of all cane that has been planted and cultivated since the Sugar Act went into effect 3 years ago, the farmers had to pay their labor 29 percent more than they usually paid. So, Mr. President, we do have a contract to fulfill.

Take the case of Puerto Rico: The increase in that island over the rate of pay that existed prior to this act is 10.5 percent.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD. Am I to understand the Senator to contend that when the Secretary of Agriculture increases the price of labor, there is an obligation upon the Federal Government to pay that increase back to the producer?

Mr. ELLENDER. It so happens that benefit payments will be paid only if farmers conform to the labor provisions of the act as administered by the Department of Agriculture.

Besides that, Mr. President, the act gives to the Secretary the further right to go into my State, where we planted as many as 350,000 acres of cane in the past——

Mr. BYRD. We have a national act—a wage and hour law—which provides for that pay.

Mr. ELLENDER. The Senator no doubt knows that all forms of agricultural labor are exempted from the Wage and Hour Act. The Sugar Act is the only law on the books that gives the Government authority to regulate agricultural labor. Several years ago, before the Sugar Act went into effect, the Louisiana sugar farmers planted as many as from 310,000 to 350,000 acres of cane; but under this act the planting has been reduced to as low as 234,000 acres in the past 2 or 3 years.

Mr. BYRD. The Senator is not answering my question.

Mr. ELLENDER. Just a moment. I wish to say to the Senator from Virginia, that in Louisiana, if a farmer produces cane on 100 acres of ground it is almost as cheap for him to operate his farm with 125 to 150 acres in cane as it is to operate where 100 acres of cane are planted; and by this curtailment the cost of producing sugar has been further increased. He must have the same equipment and provide for practically the same number of laborers.

Mr. BYRD. The Senator does not contend, then, that by reason of these subsidies there should be a payment back to the producer simply because the Secretary of Agriculture has power to fix wages? If he contends that, then every manufacturer whose wages are increased under the wage and hour law has a claim against the Government on the same principle.

Mr. ELLENDER. I am glad the Senator mentioned our manufacturers. Although tariffs are imposed, ostensibly, to help labor, yet some manufacturers still have sweatshops, hence our labor laws. Let us see what happens to the manufacturer in this country who is benefited by virtue of the tariff. I can see no difference between the imposition of a half-cent processing tax on sugar for the benefit of the sugar farmer and a 40-percent ad valorem tariff to protect a processor of cotton goods, except as to the rate of the tax. I am certain that the Senator will concede that a processing tax and the tariff are one and the same thing. Both are taxes which are ultimately paid by the consumer. The only difference between the two propositions is this: In the case of the 40-percent tariff on manufactured cotton goods, as I am going to point out to the Senate, the American manufacturer collects that tax direct from the consuming public, and in the case of the processing tax, as is the case with respect to sugar, the Government collects it and pays part of it over to the sugar producer for faithful performance of rules and regulations imposed on him, one of the regulations being better wages.

It is true that the manufacturer distributes a portion of it to labor, but not in proportion, as a rule, to benefits received. He should be able to pay better wages by virtue of that tariff protection. But for the tariff, he could not maintain high wage scales. But in the case of sugar the 53 cents a hundred pounds processing tax is collected by the Government, and part of it is given back to the farmer, as I have just indicated.

Mr. BYRD. It is paid by the consumer.

Mr. ELLENDER. Yes; it is all paid by the consumer. That is correct. I ask the Senator from Virginia, Who pays the tariff taxes? Let me point out to the Senator from Virginia a few facts: I hold in my hand a table issued by the United States Tariff Commission entitled "Comparison of Rates of Duty in the Tariff Act of 1930 and in the Tariff Act of 1922." In this table the Commission used the value of dutiable goods that were imported into this country in 1928.

Let us take the case of manufactured cotton goods. In 1928 there were imported into this country from abroad $48,300,609 worth of cotton goods. The tax on that importation was $19,451,364, or 40.27 percent on the value of the goods.

Who got that? The manufacturer did. He was protected because he paid better wages to his workers than foreign manufacturers. I agree with that.

By the same token, what we have done in the Sugar Act is to impose a tax of half a cent on raws and 53 cents a hundred on refined sugars; and with the proceeds of those taxes we pay to the producer the amount provided for in the bill, and in turn, he is forced to pay fixed wages, or else receive no benefits. It is a great pity we do not impose the payment of better wages and more adequate living conditions for labor against those who benefit from high tariffs. We might be able to do away with many labor laws.

Take chemicals, oils, and paints. In 1928 there were imported into this country dutiable chemicals, oils, and paints in the amount of $93,000,000, in round figures. In order to protect the manufacturer of such products in this country

the American people paid a tariff on those goods of $27,688,000, or 29 percent of the value of the products.

Take earth, earthenware, and glassware. In 1922, $53,000,000 worth of such products were shipped into this country, and the American people paid a duty on them equal to 53.73 percent of the value of the goods.

Mr. President, I do not intend to detain the Senate very much longer. I ask unanimous consent to have printed in the RECORD following my remarks the table to which I have just referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Imports, duties, and equivalent ad valorem rates, by schedules, for the dutiable list of the Tariff Act of 1922 and for the dutiable list of the Tariff Act of 1930, calculated upon the basis of 1928 imports

Schedules	Value of total dutiable 1928 imports for consumption		Noncomparable items	Comparable items					
				Value of dutiable 1928 imports		Computed duties		Equivalent ad valorem rates	
	Act of 1922	Act of 1930		Act of 1922	Act of 1930	Act of 1922	Act of 1930	Act of 1922	Act of 1930
								Percent	*Percent*
1. Chemicals, oils, and paints	$93,161,563	$82,418,402		$93,161,563	$82,418,402	$27,688,949	$29,748,153	29.72	36.09
2. Earths, earthenware, and glassware	53,486,931	56,919,960	$1,113,104	52,373,827	55,806,856	25,511,007	29,985,159	48.71	53.73
3. Metals and manufactures of	129,601,301	130,167,881	11,762,717	117,838,584	118,405,164	40,003,772	41,538,921	33.95	35.08
4. Wood and manufactures of	16,917,211	47,034,289		16,917,211	47,034,289	4,191,356	5,519,370	24.78	11.73
5. Sugar, molasses, and manufactures of	174,759,643	174,759,643		174,759,643	174,759,643	118,572,109	134,939,588	67.85	77.21
6. Tobacco and manufactures of	62,318,624	62,318,624		62,318,624	62,318,624	39,314,791	40,371,197	63.09	64.78
7. Agricultural products and provisions	282,417,950	309,398,797		282,417,950	309,398,797	64,124,204	108,514,018	22.71	35.07
8. Spirits, wines, and other beverages	1,347,013	1,433,616		1,347,013	1,433,616	523,045	680,069	38.83	47.44
9. Manufactures of cotton	48,300,609	48,300,609		48,300,609	48,300,609	19,451,364	22,422,198	40.27	46.42
10. Flax, hemp, and jute, and manufactures of	133,207,491	133,207,491		133,207,491	133,207,491	24,191,702	25,500,925	18.16	19.14
11. Wool and manufactures of	116,343,426	116,343,426		116,343,426	116,343,426	57,636,641	69,609,241	49.54	59.83
12. Manufactures of silk	32,440,182	32,440,182		32,440,182	32,440,182	18,348,161	19,181,350	56.56	59.13
13. Manufactures of rayon	16,077,417	16,077,417	4,651,821	11,425,596	11,425,596	6,019,359	6,125,965	52.33	53.62
14. Paper and books	21,927,120	21,927,120	1,260,683	20,666,437	20,666,437	5,113,098	5,385,775	24.74	26.06
15. Sundries	216,635,842	337,320,204	21,980,177	194,655,665	315,340,027	71,959,426	89,698,307	36.97	28.45
Not assigned to any schedule	361,609	361,609							
Total	1,399,303,932	1,570,429,270	40,768,502	1,358,173,821	[1] 1,529,299,159	[2] 522,648,984	629,220,236	38.48	41.14

[1] Includes undistributed values of $20,915.

[2] Includes undistributed duties of $27,601.

Mr. ELLENDER. Mr. President, for every dollar's worth of manufactured cotton goods that was sold in the United States, the manufacturer received a tariff protection against outside competitors equivalent to 40 percent of the value of the article. And in that way he was able to get just that much more from the American consumer when he sold his product. Just think of that. A 40-percent increase over what he would have received if he were forced to sell on an open market. I ask the Senator, Who does he think had to pay that 40-percent increase? The American consumer, of course, as I have previously indicated. Therefore I argue that it is only fair and just that this half-cent processing tax be collected on sugar, and the revenues thus raised be distributed to the American sugar farmers to enable them to meet competition from foreign shores.

From the exhibit I have placed in the RECORD I cite a number of examples similar to that I have just mentioned, to show how other industries are benefited through tariff protection, the cost of which is borne by the consumer.

There is one other point that I desire to call to the Senator's attention in connection with these sugar benefit payments. I am sure that everyone in this chamber remembers quite vividly what happened to the American consuming public back in the days after the World War. We depended to a great extent on Cuba and other off-shore producing areas, for the major portion of our sugar supply. And when the World War came along, with the resultant dislocation of foreign trade and shortage in sugar stocks, the American consuming public was gypped to the tune of as much as 26 cents per pound for sugar, and it wasn't always that we were fortunate enough to be able to buy it, even at that fancy price. Let us remember those days, and remember also that they may come again. And I urge upon the Members of this body, that we make provision for the time when we may not be able to import sugar into this country from off-shore areas. Then we will have to fall back on continental production. And if we increase our continental production up to 40 percent of our domestic consumptive requirements, as we can very easily do simply by expanding our domestic quotas, we will be serving a dual purpose.

We will be protecting ourselves against a sugar shortage in times of national emergency, and at the same time we will be putting into gainful cultivation thousands of acres of cropland that are now lying idle or that are devoted to crops that are already overproduced in this country. Let us give the American farmers this opportunity to produce as much as possible of the sugar that is consumed in these United States.

It may be that a further reduction in benefit payments should be made to large sugar producers, but now is not the time to do so. Let us postpone action until we write another sugar bill. I hope the Senate votes down the pending amendment.

Mr. PEPPER obtained the floor.

Mr. BARKLEY. Mr. President, does the Senator intend to address the Senate?

Mr. PEPPER. Only briefly.

Mr. BARKLEY. I was hoping that we could fix a time, not later than 5 o'clock, for voting on the pending amendment.

Mr. PEPPER. I have no objection to voting at 5 o'clock.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Kentucky that the Senate vote on the pending amendment not later than 5 o'clock? The Chair hears none, and it is so ordered.

Mr. PEPPER. Mr. President, the Senator from Virginia heard the remarks which I made a few moments ago, wherein I mentioned the item of benefit payments received by the United States Sugar Corporation; and I expressed my sentiment that it was not proper for any one corporation to have an undue share of the quota of a given area. I, therefore, approach this question not as one who is trying to protect a monopolist, except in a way which is fair. In my State the predecessor of the United States Sugar Corporation was a pioneer in the production of sugar from sugarcane. As a matter of fact, when a disease attacked the sugarcane industry in Louisiana, experimental work was begun in the area near Lake Okeechobee, to try to develop a type of cane which would be resistant to the destructive disease which had almost destroyed the sugarcane industry in the State of Louisiana. From the experimentation carried on there they developed a type of cane which was better in resistance to disease, larger in size, and greater in sugar content than any which had previously been developed there or anywhere else in the cane area. The soil there was happily adapted to the growth of sugarcane. The climate was adapted to it. So a group of people came into the Lake Okeechobee area and started a sugar mill. That sugar mill was opened in 1929. It hap-

pened to be my privilege to be present when the mill was opened. It was a new thing for that section, and it attracted much sympathetic appreciation from the people of Florida and of the South.

At first the operation was not successful, because the types of cane had not been perfected to the extent to which they were later perfected, and the corporation went through receivership and was finally reorganized. A number of investors, most of them from the North—one of the prominent ones being Mr. Mott, of the General Motors Corporation, and another being Clarence R. Bitting, a very able operator and businessman—came in and put money into the enterprise. They made such an efficient operation of it that they can now produce sugar within a fraction of a cent as cheaply as it can be produced with cheap labor in Cuba and in other offshore areas. All this time the corporation has gone along legitimately developing a business and conforming to the Government's program in relation to wages, the employment of minors, and in other respects. The corporation has received the benefits which the Government has made available to it. To come in suddenly in the middle of the year, when the sugarcane was planted before January 1 of this year and is now being cultivated, and after the corporation has incurred expenses in anticipation of benefit payments, is not fair.

The Department of Agriculture informs me that the benefit payments to this company have largely represented the difference between profit and loss to the corporation in the production of sugar since it has been engaged in that enterprise. After it has made commitments for the whole year, and has gone along in good faith, complying with the Government's program in the employment of labor, paying the wages which the Secretary of Agriculture requires, and furnishing good housing conditions for the labor employed there—and some Senators here have seen the excellence of the operation—to chop off the benefit payments in the middle of the year because the corporation happens to be receiving a large amount is unfair, even to a corporation.

Mr. BROWN. Mr. President, will the Senator yield to me for a question regarding the situation in his own State?

Mr. PEPPER. I yield.

Mr. BROWN. I notice from the figures inserted in the RECORD by the Senator from Virginia [Mr. BYRD] that the United States Sugar Corporation in Clewiston, Fla., received $430,000. I ask the Senator, first, was not that benefit payment to the United States Sugar Corporation based upon the lowest rate fixed in the statute, namely, 45 cents a hundred?

Mr. PEPPER. Yes.

Mr. BROWN. When the Senator from Virginia gave the figure, he should have pointed out that the United States Sugar Corporation paid a tax of 53½ cents a hundred on exactly the same amount of sugar. So the Government took 53½ cents per hundred out of the United States Sugar Corporation and gave it in return 45 cents a hundred.

Mr. PEPPER. I am very much obliged to the Senator.

Mr. BROWN. In Hawaii 90 percent of the sugar production comes about in this way: The processor and the planter are one and the same corporation. The processing tax is levied, and the benefit payment is made, and in nearly every instance in Hawaii—and certainly in this instance in Florida—the corporation receives less money than it pays in in processing taxes.

Mr. PEPPER. I thank the able Senator from Michigan for his observation.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. MALONEY. I should like to be sure that the Senator from Florida entirely concurs in the observation of the Senator from Michigan.

Mr. PEPPER. I concur in the factual statement which the Senator made.

Mr. BROWN. To which particular fact does the Senator refer?

Mr. PEPPER. I understand that the Senator is stating the facts.

Mr. MALONEY. I have great respect for the Senator from Michigan, but the Senator from Florida comes from the area to which the Senator from Michigan referred, and I wish to be certain that he concurs in the statement.

Mr. PEPPER. In all fairness to the Senator, the only thing that could be said against the statement of the Senator from Michigan is that while the tax was collected from the corporation in the amount which the Senator specified, a portion of it is probably passed on to the consuming public. That should be said on the other side in order to be completely fair.

Mr. MALONEY. I understand that.

Mr. PEPPER. Otherwise, according to my understanding, the Senator is absolutely correct in the facts he stated.

Mr. MALONEY. That is, the tax payment was greater than the return.

Mr. PEPPER. The tax payment per unit.

Mr. BROWN. That is fixed by the statute. It could not be otherwise.

Mr. PEPPER. The Senator from Virginia [Mr. BYRD] has made the point of saving money to the consumer. With respect to the quantity of sugar produced by the United States Sugar Corporation, if every bit of the tax were passed on to the consumer, the cost to the consumer would be less than if the same amount of sugar were produced by an aggregation of small producers, for the very reason which the Senator from Louisiana pointed out a moment ago. Whereas the small producer would have obtained 60 cents a hundred on all his production quantity, the United States Sugar Corporation had a reduced subsidy from the Government because of its larger quantity, which carries a progressively smaller subsidy. So, from the point of view of the consumer, it would be more economical to the consuming public for one corporation to produce all the sugar produced in the United States. So the payment of this large sum to the large producers is not an extra charge to the consuming public.

Mr. President, this corporation now has at least two or three million dollars invested in the enterprise at Clewiston, Fla., on Lake Okeechobee. Its investment ramifies into the whole business life of south Florida. To come along and cut off its activity and destroy a business of this size, as the amendment would practically do, obviously is an unfair way to approach the subject.

The Senator from Virginia [Mr. BYRD] heard me say this afternoon that I am not in favor of one corporation, even in my State, having a monopoly in sugar production; and when we come to enact a sugar law I shall go to the committee and ask the committee to work out some way of limiting the proportion of an area's quota which any one corporation may have. That seems to me to be the fair way of approaching the subject—gradually to reduce any one group's share of the total quota where it is excessive without putting it out of business or confiscating its property. If we approach the question in that way I shall have no objection. I certainly do not want any group to have an unfair advantage. However, I think that the Senator from Virginia wishes unduly to accelerate what may be a helpful program, which would have the effect of bringing about gross unfairness to an enterprise which has contributed much to the science of sugar production and rendered a great service to my State and to the country.

Mr. O'MAHONEY. Mr. President, I desire merely to add that while I am in complete sympathy with the general purpose of the Senator from Virginia in offering this amendment, I cannot see my way clear to support it, because I am convinced that to adopt this amendment would be to destroy the Sugar Act; and if the Sugar Act is destroyed, those who will suffer most will not be the big corporations, which are receiving the large benefits of which the Senator complains, but the small farmer, who is endeavoring to maintain himself upon a small farm. If the large corporations are released from the restrictions which are placed upon them in the Sugar Act, it will be practically impossible for the small farmer to compete with them and to operate at a profit. If the benefit payment is changed, as the Senator proposes to change it, we stand in great danger of losing the very beneficial prohibitions against

child labor which are contained in the act. We stand to lose the very beneficial provisions for the payment of farm labor contained in the act; and that danger is so great that it would react upon the small farmer, because if the big corporation is released from these restrictions and is permitted to produce sugar at a cheaper rate, it will be impossible for the American farmer in the cane areas and the beet areas to compete with them. So my opposition to the amendment is based wholly upon a defense of the small man who is running a small farm.

Mr. BYRD. Mr. President, I ask unanimous consent to modify my amendment by striking out "$5,000" and inserting "$10,000."

The PRESIDING OFFICER. Unanimous consent is not necessary. The Senator has the right to modify his amendment. The amendment will be so modified.

The question is on agreeing to the amendment offered by the Senator from Virginia, as modified.

Mr. BYRD. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. VANDENBERG]. I am not able to say how he would vote if present. If I were at liberty to vote, I should vote "yea." I withhold my vote.

Mr. CHANDLER (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. DAVIS]. I understand that if he were present he would vote "yea." I therefore am at liberty to vote, and I vote "yea."

Mr. McKELLAR (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WHEELER (when his name was called). On this question, if I were at liberty to vote, I should vote "yea"; but I have a pair with the Senator from Ohio [Mr. TAFT] who, if present and voting, would vote "nay." I therefore withhold my vote.

The roll call was concluded.

Mr. AUSTIN. I announce the following pairs:

The Senator from New Jersey [Mr. BARBOUR] with the Senator from South Carolina [Mr. SMITH]. If present, the Senator from New Jersey would vote "nay." I am not informed how the Senator from South Carolina would vote.

The Senator from Michigan [Mr. VANDENBERG] with the Senator from North Carolina [Mr. BAILEY]. I am informed that the Senator from Michigan, if present, would vote "nay."

The Senator from Delaware [Mr. TOWNSEND], if present, would vote "yea."

Mr. WAGNER. I have a pair with the junior Senator from North Dakota [Mr. NYE]. I am not informed how he would vote on this question, so I am not at liberty to vote.

Mr. PEPPER. My colleague [Mr. ANDREWS] has to be in Florida at this time. If he were present, he would vote "nay."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness in his family.

The Senator from Arizona [Mr. ASHURST], the Senator from Nebraska [Mr. BURKE], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. NEELY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from New Jersey [Mr. SMATHERS] are detained on important public business.

The Senator from Washington [Mr. BONE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], and the Senator from Illinois [Mr. SLATTERY] are detained on business in Government departments.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

The result was announced—yeas 23, nays 46, as follows:

YEAS—23

Bridges	Frazier	Lodge	Stewart
Bulow	George	Murray	Tobey
Byrd	Gerry	Norris	Tydings
Capper	Gurney	Pittman	Van Nuys
Chandler	Holt	Reed	Walsh
Danaher	Lee	Shipstead	

NAYS—46

Adams	Ellender	Johnson, Colo.	Pepper
Austin	Gibson	King	Russell
Bankhead	Green	La Follette	Schwartz
Barkley	Guffey	Lucas	Schwellenbach
Bilbo	Hale	McCarran	Sheppard
Brown	Harrison	McNary	Thomas, Idaho
Byrnes	Hatch	Maloney	Thomas, Okla.
Caraway	Hayden	Mead	Thomas, Utah
Chavez	Hill	Miller	White
Clark, Idaho	Holman	Minton	Wiley
Connally	Hughes	O'Mahoney	
Donahey	Johnson, Calif.	Overton	

NOT VOTING—27

Andrews	Davis	Neely	Taft
Ashurst	Downey	Nye	Townsend
Bailey	Gillette	Radcliffe	Truman
Barbour	Glass	Reynolds	Vandenberg
Bone	Herring	Slattery	Wagner
Burke	Lundeen	Smathers	Wheeler
Clark, Mo.	McKellar	Smith	

So Mr. BYRD's amendment, as modified, was rejected.

Mr. FRAZIER. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from North Dakota will be stated.

The CHIEF CLERK. It is proposed to insert in the bill at the proper place the following:

BUREAU OF INTERNAL REVENUE

The funds continued available (by the Treasury and Post Office Departments Appropriation Act, 1941) during the fiscal year 1941 for refunds of processing and related taxes shall be available during such fiscal year for the payment, hereby authorized under such regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to any person who raised or produced and marketed hogs for slaughter on which there was levied, collected, or paid a processing tax under the provisions of the Agricultural Adjustment Act (of 1933), or his legal representative, of so much of such tax as was in fact borne by such person: *Provided*, That the amount of such tax borne by such person with respect to any particular quantity of hogs shall be deemed to be an amount equal to the processing tax payable upon an equal quantity of hogs at the time such particular quantity of hogs was marketed minus any amount by which the spread between the average hog product value at Chicago of such particular quantity of hogs during the month in which they were marketed and the average hog price at Chicago of such particular quantity of hogs during such month was less than the amount of such processing tax plus 65 cents for each hundredweight of such particular quantity of hogs: *Provided further*, That the rate of processing tax levied, collected, or paid with respect to any particular quantity of hogs marketed by a claimant under the provisions of this paragraph shall be deemed to be the rate prevailing on the day following the day upon which such hogs were marketed by such claimant: *Provided further*, That any claim for payment under the provisions of this paragraph shall be filed with the Commissioner of Internal Revenue after the date of enactment of this act and prior to July 1, 1941, and proof upon such claim must be submitted prior to December 31, 1941: *Provided further*, That the allowance or disallowance by the Commissioner of Internal Revenue of any claim filed under the provisions of this paragraph shall be reviewable in the same manner and to the same extent that the allowance or disallowance of a claim filed under the provisions of title VII of the Revenue Act of 1936 is reviewable under section 906 of such act: *Provided further*, That account sales kept by a vendor, or a vendee, or by an agent of either, with respect to a particular quantity of hogs shall be accepted as proof of a claim for payment under the provisions of this paragraph with respect to such quantity of hogs: *Provided further*, That no part of any payment made under this paragraph in excess of 10 percent thereof shall be paid to or received by any agent or attorney on account of services rendered in connection with obtaining such payment, and the same shall be unlawful, any contract to the contrary notwithstanding; and any person violating the provisions of this proviso shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding $1,000.

Mr. FRAZIER obtained the floor.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. RUSSELL. Mr. President, I rise to make a point of order against the amendment on the ground that it is clearly legislation on an appropriation bill.

The PRESIDING OFFICER. Does the Senator from North Dakota yield for that purpose?

Mr. FRAZIER. Does the Senator from Georgia make a point of order?

The PRESIDING OFFICER. Yes. Does the Senator from North Dakota yield for that purpose?

Mr. FRAZIER. I yield.

The PRESIDING OFFICER. The point of order is sustained.

Mr. FRAZIER. Mr. President, I desire to debate the question before the Chair gives his decision. It is debatable, is it not?

The PRESIDING OFFICER. The Chair has made the ruling. He could not very well take it back.

Mr. FRAZIER. I have entered a motion to suspend the rule.

The PRESIDING OFFICER. Very well. The Senator's motion is in order.

Mr. FRAZIER. I wish to call the motion up.

The PRESIDING OFFICER. The question is on the motion offered by the Senator from North Dakota to suspend paragraph 4 of rule XVI. The Senator from North Dakota is recognized.

Mr. FRAZIER. Mr. President, during the first session of this Congress a joint resolution was introduced, Senate Joint Resolution 66, which provided for refunding, to farmers who could prove that they had paid it, the processing tax paid on hogs, by receiving a lower price for the hogs. The Treasury Department and the Department of Agriculture admitted that this processing tax on hogs was paid in whole or in part by the farmer in practically all cases. The joint resolution provided for the refund where the farmer could prove that he did pay the tax, either in whole or in part, through receiving a lower price on his hogs.

The joint resolution was referred to the Committee on Agriculture and Forestry of the Senate, and a subcommittee was appointed, which held hearings. The subcommittee reported back to the full committee, and the full committee discussed the measure and reported it to the Senate, and it was placed on the calendar. On the 1st day of August of last year the joint resolution was passed by the Senate without any objection.

We have a precedent for this method of handling such a matter. Senate bill 2601 was introduced in 1938, providing for a refund to cotton farmers and others of processing taxes which had been paid on cotton, and a refund of the processing taxes paid on tobacco, and the penalty tax on potatoes under the Potato Control Act. The bill passed the Senate and went to the House, but was held up in the committee in the House, just as the joint resolution to which I have referred has been held up. When the deficiency appropriation bill was before the Senate in 1938, the bill was attached to that appropriation bill and passed.

In this case no new money is to be appropriated. In the Treasury and Post Office appropriation bill recently passed there was included a carry-over of a little over $31,000,000 for refunds of processing taxes, and this would come under that carry-over.

No one knows just how much money it would take to refund the processing taxes to the hog raisers, but we believe it would be only a small amount, because they have to prove their cases, and farmers generally do not keep books. Probably it would not amount to more than five or ten million dollars at the outside, so it can well come within the $31,000,000 carried over in the Treasury and Post Office Department appropriation bill this year.

Refunds have been made to the packers and to the mills which paid processing taxes on cotton and tobacco and the other products affected, and we believe the farmers who paid the processing tax on hogs are entitled to a refund, just as the others were. So I hope the rule may be suspended in order that the amendment can be voted on, and I hope the amendment will be agreed to. I feel that the farmers are entitled to it, and, as I stated, we have the precedent. The bill for the refunding of the processing taxes on cotton was handled in just this way.

Mr. BANKHEAD. Mr. President, I have no sort of objection to the refund of any tax improperly paid by anyone in this country, but I am obliged to take issue with the Senator in the statement that this is similar to any cotton-tax refund. There has been no refund of a cotton tax except in the amount of a million and a half dollars representing taxes paid directly into the Treasury, money received by the Treasury of the United States. Of course, when the law under which those taxes were paid was construed by the Court to be unconstitutional, the taxes were refundable.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. The Senator has confined his remarks to cotton. The Senator from North Dakota referred to other products, tobacco and other commodities, the taxes on which were refunded. The Senator knows what I have in mind, and I will ask him to explain that also.

Mr. BANKHEAD. All the taxes which have been refunded, so far as I know, including the taxes on cotton and tobacco, and rice, I believe, were taxes actually paid into the Treasury of the United States, money which in good conscience did not belong to the Government, under a decision of the court, and therefore, under the rulings of the court, as recognized in the action on the deficiency bill referred to by the Senator, the taxes were refunded.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. The act to which the Senator refers, the deficiency act, carrying the appropriation, was specifically limited to refunds of taxes which had actually been paid into the Treasury of the United States.

Mr. BANKHEAD. That is absolutely true. So far as the other taxes are concerned, there may be some equity involved in them, but I do not think the statement should go unchallenged that the amendment comes under the same principle which applied to the taxes on cotton, because that is absolutely not borne out by the record.

This amendment, as I understand, is based upon the contention that the processors under the Agricultural Adjustment Act did not pass on to the consumer the tax on hogs but took it out of the price. That is the basis for the proposed action. It is a debatable question whether they took it all out, whether they took part of it out, or whether they took any of it out. Certainly the owners of hogs paid no processing tax. All processing taxes relating in any way to hogs or to corn were paid by the packers. The packers paid the tax into the Treasury. If anyone is entitled to a refund, it seems to me it would be the packers and not the producers of the hogs, because the hog producers did not pay anything. What part of the market price, if any, was deducted by the packers is a question, of course, which necessarily must be gone into very fully.

I do not know whether they took any of it. Certainly in the cases of wheat and cotton they did not take it out, but it is claimed they did as to hogs. So there is no analogy at all between the hog program, covered by the Senator's amendment, and what was done in the case of any other commodity—wheat, cotton, rice, or tobacco. There is no analogy at all between the claims presented in this amendment and those involving the other commodities.

Mr. President, I wanted to make that clear, so that the assertion that, judging this program by others, the raisers of hogs should have refunds, is not supported by the facts or by the record.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. FRAZIER. I cannot agree with the Senator from Alabama. I hold in my hand a Treasury Department statement, issued by the Bureau of Internal Revenue, entitled "An Analysis of the Effect of the Processing Taxes Levied Under the Agricultural Adjustment Act," and on page 18, there is a paragraph dealing with the effects of the hog-processing tax on producers. It reads:

> It has been indicated that retail prices of hog products in 1934 and 1935 were no higher than they would have been if the tax had not been in effect, that processors' margins were widened by about the amount of the tax, and that retailers' margins were not affected by the tax. It follows that live-hog prices were lower by about the amount of the processing tax than they would have been if no tax had been imposed but all other conditions had been the same.

In the same pamphlet appears a table indicating just how the processing taxes on hogs can be adjusted. Of course, it is provided in the amendment that the farmer must prove his case. So there is a similarity. It has been the policy of the Government since time immemorial to refund any tax collected illegally.

Mr. BANKHEAD. As I pointed out, Mr. President, under the corn-hog part of the Agricultural Adjustment Act the processing tax is paid by the packers. After the Supreme Court annulled that provision, Congress passed a law requiring that anyone claiming a refund of the tax based upon the unconstitutionality of the act would be obliged to satisfy the Internal Revenue Commissioner that the tax had not been passed on to the consumer, and had not been taken from the producer, the farmer.

As a matter of fact, I think the records will disclose, although I do not have them available at the moment, that the processors, although they paid a large amount of processing taxes, did not present any claim, certainly not to any very great extent, for refund of the taxes they had paid, and I assume it was because they were unable to make the proof that they had not taken the amount of the tax from the producers.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. GEORGE. Some processors of hogs have filed claims, and those claims are now pending in the process of adjustment in the Bureau.

Mr. BANKHEAD. If this amendment is agreed to, will there be a double refund?

Mr. GEORGE. I think so. I know that one of the big packing companies has pending now claims amounting to approximately $12,000,000. They have been in the process of adjustment for some time.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. GURNEY. This whole provision was thoroughly considered by the Committee on Agriculture and Forestry when they reported favorably the bill which passed the Senate on August 3 last year, and in the report of the committee they came to the conclusion that the producer did pay the tax, not the consumer. They also came to the conclusion that the processor has not been benefited by the tax.

Mr. BANKHEAD. The only answer I can make to that is that I am a very regular attendant upon the meetings of the Committee on Agriculture and Forestry, and if the full committee had any hearings on this subject I knew nothing about it.

Mr. GURNEY. A committee report was made on it, and the proposal which the Senator from North Dakota now offers is an amendment to the agricultural appropriation bill.

Mr. BANKHEAD. Mr. President, I do not wish to delay the Senate unduly. I should like to see the hog processors, who are farmers, protected, if they have been treated unfairly. But I do not think that an appropriation bill is any more a measure in which to settle this question than it would be the appropriate measure in which to take care of the sugar question, which was voted on awhile ago. The question is a controversial one. The amendment offered by the Senator from North Dakota does not fix any amount. He goes into the subject of averages, average prices, and all that sort of thing, not providing for refund of any taxes paid, not to fix the matter upon a tax basis, even, but apparently to legislate on the theory that some amount has been deducted by the producers of the hogs on account of the taxes; and an arbitrary basis or average is fixed in the amendment to cover that.

Every Senator knows I am in sympathy with any claim which has any merit to it, when presented by any group of farmers in this country, yet I feel that my position on this matter should be just the same as that which I took a while ago when I voted on the sugar question, as sympathetic as I am with the sugar farmers. The bill before us is an appropriation bill, and in my judgment this amendment ought not to be adopted.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. SHIPSTEAD. There is merit in this claim.

Mr. BANKHEAD. That is possibly true, Mr. President. I do not deny that.

Mr. SHIPSTEAD. And while it is true the packers paid the processing tax, and had to pay it, it did not come out of the packers.

Mr. BANKHEAD. Suppose they got it back now, which they may do under the law?

Mr. SHIPSTEAD. The processing tax came out of the farmer in the reduction of price, as was well understood at the time. The usual differential between the price of hogs in Canada and in the United States, which has followed along a general line for years, was changed immediately. The packer did not pay the tax out of the price for which he sold pork. We who were on the Committee on Agriculture and Forestry, and who studied the pork prices at that time, all agreed that it was evident on the face of the record that the packer was not paying up to the price of hogs plus the processing tax. The farmer did not get it in the price of the hogs. Of course, the packer took it out of the price of the hog and paid it into the Treasury. Those who followed the record at the time agreed that the amount of the processing tax was taken out of the price paid to the farmer for the hog.

Mr. GURNEY. Mr. President, I wish to make one short statement on the amendment offered by the Senator from North Dakota. The amendment definitely states that the farmer must prove his claim. The amendment requires no appropriation. The refunds of the processing tax which might be made on proven claims would come out of a fund which is already available.

Mr. FRAZIER. Mr. President, in regard to the statement of the Senator from Alabama that there is no precedent for a measure of this kind being attached to an appropriation bill, in the case of the tax penalties levied under the Bankhead Cotton Control Act, the Kerr-Smith Tobacco Act, and the Potato Control Act of 1938 an amendment covering those refunds was attached to the deficiency bill in 1938 when the bill was pending before the House Committee on Agriculture, and the bill was passed in that way.

Mr. BANKHEAD. Mr. President, I am sure the Senator realizes and will admit that the only amounts covered by that bill were refunds of money actually paid into the Treasury by farmers.

Mr. FRAZIER. These amounts have actually been paid.

Mr. BANKHEAD. Oh, no.

Mr. FRAZIER. Yes; they have. I have a table prepared by the Department of Agriculture giving the prices of hogs by months during the years when the processing tax was in effect. According to the figures, for 3 years prior to the time the processing tax was in effect the spread between the price of hogs and the price of hog commodities was 65 cents per hundred pounds.

In September 1934 the value of hog products was $9.90 a hundred. The hog price in Chicago was $6.99. The spread between the two was $2.91. Before the hog processing tax went into effect it was only 65 cents a hundred. The tax at that time was $2.25. The spread was $2.91.

Take practically any month shown in the report. In August 1935 the price of hog products in Chicago was $14.65 a hundred. The hog price in Chicago was $11.54. The spread

was $3.11 a hundred, whereas before the tax went into effect it was only 65 cents a hundred. The processing tax was $2.25. The farmer paid $3.61 and received back $3.25. If the farmers are not entitled to this refund—provided they can prove their claims—I do not know who would be entitled to it. The difference is worked out by months, and from the difference is deducted the amount of 65 cents, which was the average tax. So the farmer paid the balance, whatever it was. If he can prove his case——

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. SHIPSTEAD. He must prove his case to the satisfaction of the collector of internal revenue. What can be wrong with that? If he can prove his case he has a claim. If he cannot prove his case he has no claim.

Mr. BANKHEAD. Mr. President, I wish to remind the Senator that this is an appropriation bill.

Mr. FRAZIER. No new money is appropriated.

Mr. BANKHEAD. I might go along with the proposal if it were embodied in a separate bill setting up the machinery to ascertain the loss and present the claims, but this is an appropriation bill.

Mr. FRAZIER. No new money is appropriated. The cost is taken care of by the carry-over of the money which was appropriated for the refund of processing taxes.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. FRAZIER] to suspend the rules. [Putting the question.] It is apparent that two-thirds of the Senators present and voting have not voted in the affirmative. Therefore the motion is rejected.

Mr. BYRD. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The CHIEF CLERK. On page 82, line 14, before the period, it is proposed to insert a colon and the following:

Provided further, That no part of the amount herein appropriated shall be available for making total conditional payments in excess of $50,000 to any one person, firm, partnership, or corporation in connection with the 1940 sugar program.

Mr. BARKLEY. Mr. President, is the Senator willing to yield to me to see if we can agree on a time to vote on this amendment?

Mr. BYRD. So far as I am concerned it can be voted on immediately.

Mr. President, the amendment is identical with the amendment which the Senate rejected, except that the limit is $50,000 instead of $10,000. I have no desire to consume the time of the Senate, but I do think that I am entitled to a yea-and-nay vote. If I may have a yea-and-nay vote, I shall not take up any further time.

I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. WAGNER. On this question I have a pair with the junior Senator from North Dakota [Mr. NYE]. I am not informed as to how he would vote. If I were at liberty to vote, I should vote "nay."

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND], who is absent. I am informed that if he were present and voting he would vote as I have voted, so I permit my vote to stand.

Mr. CHANDLER (after having voted in the affirmative). I have a general pair with the Senator from Pennsylvania [Mr. DAVIS]. I am informed that if he were present he would vote as I have voted, so I permit my vote to stand.

Mr. ELLENDER. My colleague [Mr. OVERTON] has a pair with the senior Senator from Virginia [Mr. GLASS]. I am advised that if present and voting the Senator from Virginia would vote "yea" and my colleague would vote "nay."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness in his family.

The Senator from Washington [Mr. BONE], the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Nebraska [Mr. BURKE], the Senator from New Mexico [Mr. CHAVEZ], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Illinois [Mr. LUCAS], the Senator from Minnesota [Mr. LUNDEEN], the Senator from West Virginia [Mr. NEELY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

Mr. AUSTIN. I announce the following pairs:

The Senator from Michigan [Mr. VANDENBERG] with the Senator from North Carolina [Mr. BAILEY]. If present, the Senator from Michigan would vote "nay," and the Senator from North Carolina would vote "yea."

The Senator from Ohio [Mr. TAFT] with the Senator from Montana [Mr. WHEELER]. If present, the Senator from Ohio would vote "nay," and the Senator from Montana would vote "yea."

The Senator from New Jersey [Mr. BARBOUR] with the Senator from South Carolina [Mr. SMITH]. If present, the Senator from New Jersey would vote "nay." I am not informed how the Senator from South Carolina would vote.

Mr. PEPPER. My colleague [Mr. ANDREWS] is detained in Florida. If he were present he would vote "nay."

The result was announced—yeas 27, nays 37, as follows:

YEAS—27

Ashurst	Danaher	Lee	Shipstead
Bridges	Frazier	Lodge	Stewart
Bulow	George	McCarran	Thomas, Okla.
Byrd	Gerry	McKellar	Tydings
Capper	Hatch	Murray	Van Nuys
Chandler	Holman	Pittman	Walsh
Connally	Holt	Reed	

NAYS—37

Adams	Gibson	Johnson, Colo.	Russell
Austin	Green	King	Schwartz
Bankhead	Guffey	La Follette	Schwellenbach
Barkley	Hale	McNary	Sheppard
Bilbo	Harrison	Maloney	Slattery
Brown	Hayden	Mead	Thomas, Utah
Byrnes	Herring	Miller	White
Caraway	Hill	Minton	
Clark, Idaho	Hughes	O'Mahoney	
Ellender	Johnson, Calif.	Pepper	

NOT VOTING—32

Andrews	Donahey	Norris	Thomas, Idaho
Bailey	Downey	Nye	Tobey
Barbour	Gillette	Overton	Townsend
Bone	Glass	Radcliffe	Truman
Burke	Gurney	Reynolds	Vandenberg
Chavez	Lucas	Smathers	Wagner
Clark, Mo.	Lundeen	Smith	Wheeler
Davis	Neely	Taft	Wiley

So Mr. BYRD's amendment was rejected.

Mr. HAYDEN. Mr. President, I offer the amendment which I have heretofore had printed, and which is lying on the table.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 25, line 15, after the word "Industry", it is proposed to insert a colon and the following:

Provided further, That not to exceed $5,000 of the amount herein made available may be used to purchase and supply beef to the Seminole Indians of the Big Cypress Swamp area, Hendry County, Fla., during the time that deer infested with cattle ticks are being removed from said area and until such area is restocked with deer.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. RUSSELL. I move that the Senate insist upon its amendments, request a conference with the House on the

matters in disagreement, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. HAYDEN, Mr. TYDINGS, Mr. BANKHEAD, Mr. SMITH, Mr. NYE, and Mr. MCNARY conferees on the part of the Senate.

Mr. RUSSELL. I also ask unanimous consent that the clerks be permitted to correct the totals in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

Mr. HARRISON. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 407.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. Joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Finance, without amendment.

Mr. BARKLEY obtained the floor.

Mr. PITTMAN. Mr. President——

Mr. BARKLEY. I yield to the Senator from Nevada.

Mr. PITTMAN. I desire to ask the Senator from Mississippi and the Senator from Kentucky if it is the intention to proceed with the joint resolution tomorrow.

Mr. BARKLEY. It is not. I propose to move a recess until Monday.

Mr. PITTMAN. I wanted to know that because I shall have to be absent tomorrow.

At this time, with the consent of the Senator from Mississippi, I give notice that on Monday, following the address of the Senator from Mississippi, with the consent of the Senate, I shall address the Senate on the amendment which is now lying on the table, which I offered, and which was referred to the Committee on Finance, which amendment requires ratification by the Senate of treaties made under this measure as other treaties are ratified.

I feel that I should mention this matter because I voted against the extension of the act 2 years ago on that ground. I have been interviewed in the press, stating that I intended to support such an amendment. I have talked with a number of members of the Foreign Relations Committee, which committee is generally concerned in such questions; and at the earliest possible moment I desire to present the subject, so that there may be an opportunity for its study by the committee.

Mr. BARKLEY. Mr. President, it is not desired that we proceed with the joint resolution today. Therefore I am about to move that the Senate take a recess until Monday.

Mr. HARRISON. Mr. President, as I understand, I have the floor.

Mr. BARKLEY. I hope so.

The PRESIDING OFFICER. It will depend upon the Presiding Officer on Monday. The Chair thinks there will be no difficulty about the Senator from Mississippi obtaining recognition. He hardly ever has difficulty in doing so.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. If there is nothing further, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate took a recess until Monday, March 25, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 22 (legislative day of March 4), 1940

PROMOTIONS IN THE NAVY

The following-named commanders to be captains in the Navy, to rank from the 23d day of September 1939:

Herbert R. Hein
George B. Ashe
Carlos A. Bailey

The following-named commanders to be captains in the Navy, to rank from the 8th day of December 1939:

Virgil C. Griffin, Jr.
Schuyler Mills.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of August 1939:

Thomas E. Flaherty	Walton R. Read
John B. Barrett	Robert B. Crichton
William E. McClendon	Thomas B. Fitzpatrick
Charles E. Olsen	George V. Whittle
Elmer R. Runquist	

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of September 1939:

Hermann P. Knickerbocker	Benjamin C. Purrington
Cornelius V. S. Knox	Anton L. Mare
John B. McGovern	Sumner C. Cheever
Arthur W. Peterson	

Lt. Comdr. Jack E. Hurff to be a commander in the Navy, to rank from the 23d day of September 1939.

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the date stated opposite their names:

Edward S. Pearce, June 23, 1938.
Lewis S. Parks, August 1, 1939.
Kenneth C. Hurd, October 1, 1939.
William L. Benson, December 8, 1939.
Everett E. Mann, December 29, 1939.
Hunter Wood, Jr., December 29, 1939.
Barton E. Bacon, Jr., January 1, 1940.
George J. Dufek, January 1, 1940.
Frank P. Tibbitts, February 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Richard H. Best, September 1, 1939.
John R. Leeds, October 1, 1939.
Travis R. Leverett, January 1, 1940.
George E. Hughes, January 1, 1940.
Ernest M. Snowden, January 1, 1940.
Herbert J. Campbell, February 1, 1940.
Barry K. Atkins, February 12, 1940.

Ensign Louis J. Gulliver, Jr., to be a lieutenant (junior grade) in the Navy, to rank from the 4th day of June 1939.

The following-named lieutenants to be lieutenants in the Navy, to rank from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

Henry G. Munson, July 1, 1939.
Thomas K. Bowers, July 1, 1939.
Frank C. Acker, August 1, 1939.
Howard F. Stoner, August 1, 1939.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Edward B. Peterson, August 1, 1939.
William H. Ferguson, August 1, 1939.
Frederick C. Sachse, September 23, 1939.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

William E. Townsend, August 1, 1939.
John H. Kaufman, September 1, 1939.
Joseph H. Kuhl, September 1, 1939.

Howard R. Prince, September 1, 1939.
Jacob A. Lark, September 1, 1939.
Milton F. Pavlic, September 1, 1939.
Anthony H. Dropp, September 1, 1939.
William L. Richards, September 23, 1939.
William M. Ryon, September 23, 1939.
William B. Short, Jr., November 1, 1939.
Ray M. Pitts, December 29, 1939.
Jack I. Sandy, January 1, 1940.
Thomas F. Williamson, January 1, 1940.
Richard H. Blair, January 1, 1940.
Nicholas J. Nicholas, February 1, 1940.
John R. Spiers, February 12, 1940.

POSTMASTERS

ALABAMA

William E. P. Lakeman to be postmaster at Haleyville, Ala., in place of W. E. P. Lakeman. Incumbent's commission expired March 13, 1940.

James D. Ratchford to be postmaster at Lafayette, Ala., in place of W. H. Royston, removed.

William B. Hardegree to be postmaster at Talladega, Ala., in place of W. B. Hardegree. Incumbent's commission expired March 13, 1940.

ARIZONA

Leonard D. Redfield to be postmaster at Benson, Ariz., in place of L. D. Redfield. Incumbent's commission expired March 17, 1940.

Nott E. Guild to be postmaster at Florence, Ariz., in place of N. E. Guild. Incumbent's commission expired January 23, 1940.

Myrtle Prophet to be postmaster at Oatman, Ariz., in place of Myrtle Prophet. Incumbent's commission expired February 14, 1940.

ARKANSAS

William D. Fowler to be postmaster at Brinkley, Ark., in place of W. D. Fowler. Incumbent's commission expired March 10, 1940.

Irene R. Bodenhamer to be postmaster at El Dorado, Ark., in place of S. B. McCall. Incumbent's commission expired August 2, 1939.

CALIFORNIA

Fred D. Wilder to be postmaster at Angels Camp, Calif., in place of C. T. Mills. Incumbent's commission expired March 19, 1939.

Purley O. Van Deren to be postmaster at Broderick, Calif., in place of P. O. Van Deren. Incumbent's commission expired March 25, 1940.

Floyd F. Howard to be postmaster at Courtland, Calif., in place of F. F. Howard. Incumbent's commission expired March 25, 1940.

Valente F. Dolcini to be postmaster at Davis, Calif., in place of V. F. Dolcini. Incumbent's commission expired March 25, 1940.

James A. Lee to be postmaster at Glendora, Calif., in place of J. A. Lee. Incumbent's commission expired August 27, 1939.

Lena M. Burris to be postmaster at Meridian, Calif. Office became Presidential July 1, 1939.

Elizabeth M. Taylor to be postmaster at Tulelake, Calif., in place of E. M. Taylor. Incumbent's commission expired July 1, 1939.

Genevieve A. King to be postmaster at Winton, Calif., in place of F. R. Willey, resigned.

COLORADO

Lloyd W. Failing to be postmaster at Craig, Colo., in place of L. W. Failing. Incumbent's commission expired February 7, 1940.

CONNECTICUT

Albert C. Santi to be postmaster at Ivoryton, Conn., in place of A. C. Santi. Incumbent's commission expired January 23, 1940.

Frederick J. Bielefield to be postmaster at Middletown, Conn., in place of F. J. Bielefield. Incumbent's commission expired July 11, 1939.

Patrick J. Goode to be postmaster at New Haven, Conn., in place of P. J. Goode. Incumbent's commission expired March 4, 1940.

FLORIDA

Edith Boyles to be postmaster at Brewster, Fla., in place of Edith Boyles. Incumbent's commission expired August 26, 1939.

Howard W. Harrison to be postmaster at Jay, Fla., in place of H. W. Harrison. Incumbent's commission expired August 9, 1939.

GEORGIA

Thomas W. Dalton to be postmaster at Alto, Ga., in place of T. W. Dalton. Incumbent's commission expired January 20, 1940.

Joseph D. Long to be postmaster at Bremen, Ga., in place of J. D. Long. Incumbent's commission expired March 18, 1940.

Charles L. Adair to be postmaster at Comer, Ga., in place of C. L. Adair. Incumbent's commission expired March 18, 1940.

John Marvin Gillespie to be postmaster at Demorest, Ga., in place of J. M. Gillespie. Incumbent's commission expired January 20, 1940.

Thomas M. Carson to be postmaster at Lavonia, Ga., in place of T. M. Carson. Incumbent's commission expired March 18, 1940.

Clifton O. Lloyd to be postmaster at Lindale, Ga., in place of C. O. Lloyd. Incumbent's commission expired January 20, 1940.

William A. Pattillo to be postmaster at Macon, Ga., in place of W. A. Pattillo. Incumbent's commission expired March 18, 1940.

Irene W. Field to be postmaster at Monroe, Ga., in place of I. W. Field. Incumbent's commission expired March 18, 1940.

Wilbur N. Harwell to be postmaster at Oxford, Ga., in place of W. N. Harwell. Incumbent's commission expired January 20, 1940.

Olen N. Merritt to be postmaster at Ringgold, Ga., in place of O. N. Merritt. Incumbent's commission expired March 18, 1940.

Etta Sneed Arnall to be postmaster at Senoia, Ga., in place of E. S. Arnall. Incumbent's commission expired March 13, 1940.

IDAHO

Lewis Parker Runyon to be postmaster at Buhl, Idaho, in place of L. P. Runyon. Incumbent's commission expired February 18, 1939.

Elsie H. Welker to be postmaster at Cambridge, Idaho, in place of E. H. Welker. Incumbent's commission expired March 13, 1940.

Iva F. Madden to be postmaster at Cascade, Idaho, in place of I. F. Madden. Incumbent's commission expired January 20, 1940.

Mack H. Shotwell to be postmaster at Gooding, Idaho, in place of M. H. Shotwell. Incumbent's commission expired February 9, 1939.

Ernest L. Clinger to be postmaster at Shoshone, Idaho, in place of E. L. Clinger. Incumbent's commission expired February 18, 1939.

Henry B. Jones to be postmaster at Wilder, Idaho, in place of H. B. Jones. Incumbent's commission expired January 20, 1940.

ILLINOIS

Jacob Feldman to be postmaster at Batavia, Ill., in place of Jacob Feldman. Incumbent's commission expired February 4, 1940.

John W. Rettberg to be postmaster at Divernon, Ill., in place of W. E. Wall, deceased.

Harold F. Kuettner to be postmaster at Dundee, Ill., in place of H. F. Kuettner. Incumbent's commission expired February 4, 1940.

Howard J. Hall to be postmaster at Elburn, Ill., in place of H. J. Hall. Incumbent's commission expired February 14, 1940.

Dorothy A. O'Donnell to be postmaster at Grafton, Ill., in place of D. A. O'Donnell. Incumbent's commission expired January 20, 1940.

Walter T. Smith to be postmaster at Havana, Ill., in place of W. T. Smith. Incumbent's commission expires March 25, 1940.

Edwin C. F. Braun to be postmaster at Lebanon, Ill., in place of E. C. F. Braun. Incumbent's commission expired January 20, 1940.

John W. Norris to be postmaster at Washington, Ill., in place of J. W. Norris. Incumbent's commission expired January 20, 1940.

INDIANA

Clarence H. Andres to be postmaster at Batesville, Ind., in place of C. H. Andres. Incumbent's commission expired March 10, 1940.

Lawrence M. Slough to be postmaster at Bourbon, Ind., in place of L. M. Slough. Incumbent's commission expired January 20, 1940.

William W. Workman to be postmaster at Kokomo, Ind., in place of W. W. Workman. Incumbent's commission expired March 20, 1940.

William H. Lauterbach to be postmaster at Rosedale, Ind., in place of I. R. Huxford. Incumbent's commission expired January 18, 1939.

Walter H. Droege to be postmaster at Seymour, Ind., in place of W. H. Droege. Incumbent's commission expired January 20, 1940.

IOWA

Edward J. Kooreman to be postmaster at Alton, Iowa, in place of E. J. Kooreman. Incumbent's commission expired January 23, 1940.

Martin C. Fitzpatrick to be postmaster at Greeley, Iowa, in place of M. C. Fitzpatrick. Incumbent's commission expired January 23, 1940.

Wilford S. Smiley to be postmaster at Grinnell, Iowa, in place of W. S. Smiley. Incumbent's commission expired February 5, 1940.

John L. Harrison to be postmaster at Hornick, Iowa, in place of J. L. Harrison. Incumbent's commission expired July 1, 1939.

Albert S. Barry to be postmaster at Muscatine, Iowa, in place of A. S. Barry. Incumbent's commission expired January 23, 1940.

Philip J. Carolan to be postmaster at Ridgeway, Iowa, in place of P. J. Carolan. Incumbent's commission expired January 23, 1940.

Florence Gilman to be postmaster at Rock Rapids, Iowa., in place of Florence Gilman. Incumbent's commission expired January 23, 1940.

KANSAS

George R. Willson to be postmaster at Cedar Vale, Kans., in place of Max Montgomery, removed.

George F. Heim, Jr., to be postmaster at Ellinwood, Kans., in place of G. F. Heim, Jr. Incumbent's commission expired August 21, 1939.

James Martin Miller to be postmaster at Fort Scott, Kans., in place of Martin Miller. Incumbent's commission expires March 25, 1940.

Raymond E. Stotts to be postmaster at Garden City, Kans., in place of R. E. Stotts. Incumbent's commission expired July 27, 1939.

James B. Doyle to be postmaster at Herington, Kans., in place of J. B. Doyle. Incumbent's commission expired March 4, 1940.

Anna H. Smith to be postmaster at Morland, Kans., in place of A. H. Smith. Incumbent's commission expired January 20, 1940.

Anna M. Bryan to be postmaster at Mullinville, Kans., in place of A. M. Bryan. Incumbent's commission expired March 11, 1940.

Leo P. Gallagher to be postmaster at Osborne, Kans., in place of L. P. Gallagher. Incumbent's commission expired March 11, 1940.

Rollie David to be postmaster at Russell Springs, Kans., in place of Rollie David. Incumbent's commission expired January 20, 1940.

KENTUCKY

William E. Ferguson to be postmaster at Albany, Ky., in place of W. E. Ferguson. Incumbent's commission expired May 1, 1938.

LOUISIANA

Mrs. Leonard C. Davenport to be postmaster at Mer Rouge, La., in place of L. C. Davenport. Incumbent's commission expired June 6, 1938.

MARYLAND

Lena S. Townsend to be postmaster at Girdletree, Md., in place of L. S. Townsend. Incumbent's commission expired February 4, 1940.

G. Howard Hergenrother to be postmaster at Havre de Grace, Md., in place of H. A. Coy, removed.

Katherine G. O'Donnell to be postmaster at Mountain Lake Park, Md., in place of K. G. O'Donnell. Incumbent's commission expired January 20, 1940.

MASSACHUSETTS

Anna L. Cavanaugh to be postmaster at Ashland, Mass., in place of A. L. Cavanaugh. Incumbent's commission expired February 15, 1940.

Arthur I. Maguire to be postmaster at East Walpole, Mass., in place of A. I. Maguire. Incumbent's commission expired March 3, 1940.

Nelson J. Buckwheat to be postmaster at Huntington, Mass., in place of N. J. Buckwheat. Incumbent's commission expired March 11, 1940.

MICHIGAN

Louis J. Vanderburg to be postmaster at Holland, Mich., in place of L. J. Vanderburg. Incumbent's commission expired January 20, 1940.

Ernest O. Samuelson to be postmaster at Sawyer, Mich., in place of Robert Miller, Sr., deceased.

MINNESOTA

Roy N. Martin to be postmaster at Claremont, Minn., in place of C. W. McDonald, removed.

Delmer J. Laudon to be postmaster at Dover, Minn., in place of A. A. Dale, retired.

Miles L. Sweeney to be postmaster at Jeffers, Minn., in place of M. L. Sweeney. Incumbent's commission expired July 27, 1939.

MISSISSIPPI

Luna B. Stocks to be postmaster at Baldwyn, Miss., in place of L. B. Stocks. Incumbent's commission expired February 14, 1940.

Howard Cochran Overstreet to be postmaster at Brooklyn, Miss. Office became Presidential July 1, 1939.

Robert H. Redus to be postmaster at Starkville, Miss., in place of R. H. Redus. Incumbent's commission expired March 13, 1940.

MISSOURI

James E. Sharp to be postmaster at Gideon, Mo., in place of J. E. Sharp. Incumbent's commission expired August 27, 1939.

Sterling H. Bagby to be postmaster at Huntsville, Mo., in place of S. H. Bagby. Incumbent's commission expired March 28, 1940.

Wayne Osborn to be postmaster at Macks Creek, Mo. Office became Presidential July 1, 1939.

Harry E. Ball to be postmaster at Montgomery City, Mo., in place of H. E. Ball. Incumbent's commission expired January 23, 1940.

Herbert J. Fallert to be postmaster at Ste. Genevieve, Mo., in place of H. J. Fallert. Incumbent's commission expired February 15, 1940.

Alethea S. Williams to be postmaster at Silex, Mo., in place of A. S. Williams. Incumbent's commission expired January 23, 1940.

Max L. Kelley to be postmaster at Steele, Mo., in place of M. L. Kelley. Incumbent's commission expired March 13, 1940.

Clare Magee to be postmaster at Unionville, Mo., in place of Clare Magee. Incumbent's commission expired March 4, 1940.

John P. Cunningham to be postmaster at Wentsville, Mo., in place of J. P. Cunningham. Incumbent's commission expired January 23, 1940.

MONTANA

John A. Manix to be postmaster at Augusta, Mont., in place of W. J. McManus, removed.

Edgar L. Bowers to be postmaster at Culbertson, Mont., in place of E. L. Bowers. Incumbent's commission expired August 26, 1939.

Edward J. Coyle to be postmaster at Lewistown, Mont., in place of D. F. Crowley. Incumbent's commission expired March 20, 1939.

Ralph Drew to be postmaster at Somers, Mont., in place of Ralph Drew. Incumbent's commission expired March 21, 1940.

NEBRASKA

James M. McKinley to be postmaster at Sutherland, Nebr., in place of A. B. Yates, removed.

May E. Nichols to be postmaster at Valley, Nebr., in place of John Monahan, deceased.

NEW HAMPSHIRE

Ruth N. Ray to be postmaster at Chester, N. H., in place of R. N. Ray. Incumbent's commission expired January 20, 1940.

Leon A. Warren to be postmaster at Groveton, N. H., in place of L. A. Warren. Incumbent's commission expired August 15, 1939.

Arlene S. R. Wells to be postmaster at Haverhill, N. H. Office became Presidential July 1, 1938.

NEW JERSEY

William H. D'Arcy to be postmaster at Cranford, N. J., in place of W. H. D'Arcy. Incumbent's commission expired August 26, 1939.

Anna Belle Willey to be postmaster at Pennsville, N. J., in place of A. B. Willey. Incumbent's commission expired June 6, 1939.

NEW MEXICO

Helen Anna Childers to be postmaster at Jal, N. Mex., in place of H. A. Childers. Incumbent's commission expired January 23, 1940.

Alline B. Johnson to be postmaster at Loving, N. Mex., in place of J. C. Wyman, resigned.

NEW YORK

Gertrude L. Miller to be postmaster at Accord, N. Y., in place of G. L. Miller. Incumbent's commission expired August 21, 1939.

Frank Crowley to be postmaster at Bombay, N. Y., in place of Neal Sullivan, removed.

Charles W. Dunn to be postmaster at Calcium, N. Y., in place of C. W. Dunn. Incumbent's commission expired March 13, 1940.

Edward J. O'Mara to be postmaster at Cornwall, N. Y., in place of E. J. O'Mara. Incumbent's commission expired August 2, 1939.

Evenor A. Andre to be postmaster at Croghan, N. Y., in place of E. A. Andre. Incumbent's commission expired August 2, 1939.

Hattie D. Lyon to be postmaster at East Setauket, N. Y., in place of H. D. Lyon. Incumbent's commission expired March 10, 1940.

Leon L. Rider to be postmaster at Falconer, N. Y., in place of L. L. Rider. Incumbent's commission expired August 2, 1939.

Dennis J. Sullivan to be postmaster at Fort Plain, N. Y., in place of D. J. Sullivan. Incumbent's commission expired January 20, 1940.

Barbara J. Kelly to be postmaster at Frankfort, N. Y., in place of B. J. Kelly. Incumbent's commission expired January 20, 1940.

Grant W. Fuller to be postmaster at Gouverneur, N. Y., in place of G. W. Fuller. Incumbent's commission expired June 28, 1939.

Nathan D. Williams to be postmaster at Highland, N. Y., in place of G. E. Dean, resigned.

John J. Gaffney to be postmaster at Liverpool, N. Y., in place of J. P. Young, removed.

George H. Bogardus to be postmaster at Morristown, N. Y., in place of G. H. Bogardus. Incumbent's commission expired July 24, 1939.

Chester J. Brown to be postmaster at Newburgh, N. Y., in place of J. A. Donahue, deceased.

Thomas E. Roeber to be postmaster at Port Washington, N. Y., in place of T. E. Roeber. Incumbent's commission expired January 20, 1940.

Daniel S. Foster to be postmaster at Saranac Lake, N. Y., in place of D. S. Foster. Incumbent's commission expired January 20, 1940.

Beatrice A. Sweet to be postmaster at Smyrna, N. Y., in place of F. L. Sweet, deceased.

Marie D. Proctor to be postmaster at Theresa, N. Y., in place of J. W. Murray, removed.

Edward N. Skinner to be postmaster at Westfield, N. Y., in place of E. N. Skinner. Incumbent's commission expired March 10, 1940.

NORTH CAROLINA

James Franklin Greene to be postmaster at Bakersville, N. C., in place of J. F. Greene. Incumbent's commission expired January 28, 1940.

Talmage S. Teague to be postmaster at Fairmont, N. C., in place of W. B. Jennings, transferred.

Pinckney R. Holman to be postmaster at Ridgecrest, N. C., in place of P. R. Holman. Incumbent's commission expired February 14, 1940.

OHIO

Howard M. Stanley to be postmaster at Albany, Ohio, in place of H. M. Stanley. Incumbent's commission expired January 23, 1940.

Noah H. Overturf to be postmaster at Granville, Ohio, in place of N. H. Overturf. Incumbent's commission expired March 12, 1940.

Earl F. Reeb to be postmaster at Newark, Ohio, in place of E. F. Reeb. Incumbent's commission expired February 14, 1940.

Minerva D. Case to be postmaster at Powell, Ohio, in place of M. D. Case. Incumbent's commission expired March 3, 1940.

Nathan H. Ladd to be postmaster at Put in Bay, Ohio, in place of B. F. McCann, deceased.

Paul B. Parkin to be postmaster at Tiffin, Ohio, in place of U. S. Abbott, deceased.

Charles U. Read to be postmaster at Upper Sandusky, Ohio, in place of C. U. Read. Incumbent's commission expired January 23, 1940.

Julius A. Stark to be postmaster at Wooster, Ohio, in place of J. A. Stark. Incumbent's commission expired January 23, 1940.

OKLAHOMA

Murlin V. Braly to be postmaster at Buffalo, Okla., in place of M. V. Braly. Incumbent's commission expired August 26, 1939.

Ephriam L. Garrett to be postmaster at Coalgate, Okla., in place of Patsy Greenan, Jr. Incumbent's commission expired August 13, 1939.

Hugh M. Foreman to be postmaster at Duke, Okla., in place of Hugh Foreman. Incumbent's commission expired August 26, 1939.

Tip J. Hammons to be postmaster at Hammon, Okla., in place of T. J. Hammons. Incumbent's commission expired February 5, 1940.

Melvin L. Clow to be postmaster at Holdenville, Okla., in place of M. L. Clow. Incumbent's commission expired March 17, 1940.

Vera L. Moreland to be postmaster at Hominy, Okla., in place of V. L. Moreland. Incumbent's commission expired March 17, 1940.

Jewell E. Wilson to be postmaster at Hulbert, Okla., in place of D. D. Jones. Incumbent's commission expired August 13, 1939.

Clifford A. Shaw to be postmaster at Oakwood, Okla., in place of C. A. Shaw. Incumbent's commission expired January 24, 1940.

Earl M. Light to be postmaster at Pondcreek, Okla., in place of E. M. Light. Incumbent's commission expired August 13, 1939.

OREGON

Otis A. Snook to be postmaster at Drain, Oreg., in place of O. A. Snook. Incumbent's commission expired August 27, 1939.

Harry D. Force to be postmaster at Gold Hill, Oreg., in place of H. D. Force. Incumbent's commission expired July 27, 1939.

James E. Jenks, Jr., to be postmaster at Tangent, Oreg. Office became Presidential July 1, 1939.

PENNSYLVANIA

Thomas A. Wilson to be postmaster at Ellwood City, Pa., in place of T. A. Wilson. Incumbent's commission expired July 3, 1939.

Frank M. O'Connell to be postmaster at Gilbertsville, Pa., in place of H. E. Reichert, resigned.

John A. Coleman to be postmaster at Hegins, Pa., in place of T. J. Geist, removed.

Charles H. Rettew to be postmaster at Honesdale, Pa., in place of C. H. Rettew. Incumbent's commission expired May 12, 1938.

Frederick S. Magargal to be postmaster at Spring House, Pa. Office became Presidential July 1, 1939.

Ralph H. Shook to be postmaster at Spring Mills, Pa., in place of H. C. Wingard. Incumbent's commission expired August 22, 1939.

SOUTH CAROLINA

Marion R. Mayfield to be postmaster at Denmark, S. C., in place of J. H. Chitty, resigned.

SOUTH DAKOTA

Martha L. Williams to be postmaster at Oelrichs, S. Dak., in place of E. M. Coffield, removed.

TENNESSEE

Ralph K. Godwin to be postmaster at Jefferson City, Tenn., in place of R. K. Godwin. Incumbent's commission expired January 20, 1940.

Ray B. Quinn to be postmaster at Lancing, Tenn., in place of M. E. Pemberton. Incumbent's commission expired July 18, 1939.

Sam L. Cummins to be postmaster at Lyles, Tenn., in place of S. L. Cummins. Incumbent's commission expired July 1, 1939.

Charles Oscar DuBois to be postmaster at Madison, Tenn., in place of H. S. Bell. Incumbent's commission expired August 27, 1939.

Claude G. Taylor to be postmaster at Mountain Home, Tenn., in place of C. G. Taylor. Incumbent's commission expired January 23, 1940.

Grace M. Bryan to be postmaster at St. Joseph, Tenn. Office became Presidential July 1, 1939.

Ralph M. Murphy to be postmaster at Sevierville, Tenn., in place of R. M. Murphy. Incumbent's commission expired January 20, 1940.

Albert Sydney Shriver to be postmaster at Wartrace, Tenn., in place of F. C. Hargis. Incumbent's commission expired August 27, 1939.

Roey D. Shoulders to be postmaster at Westmoreland, Tenn., in place of R. D. Shoulders. Incumbent's commission expired May 29, 1939.

TEXAS

Thomas Aaron Downing to be postmaster at Caddo, Tex., in place of Ova Richardson, deceased.

Roberta M. Isom to be postmaster at Carrollton, Tex., in place of R. M. Isom. Incumbent's commission expired January 31, 1940.

Edna Martin to be postmaster at Charlotte, Tex., in place of G. S. Brownwell, removed.

Guy L. Fellmy to be postmaster at Dickens, Tex. Office became Presidential July 1, 1939.

Harry L. Humble to be postmaster at Groesbeck, Tex., in place of L. E. Eubanks, resigned.

Clyde T. Martin to be postmaster at Hubbard, Tex., in place of C. T. Martin. Incumbent's commission expired March 20, 1940.

Clarence G. White to be postmaster at Natalia, Tex. Office became Presidential July 1, 1939.

Joseph Marecek to be postmaster at Rowena, Tex., in place of Joe Marecek. Incumbent's commission expired February 14, 1940.

William Matthew Burnett to be postmaster at San Marcos, Tex., in place of O. W. Cliett. Incumbent's commission expired May 28, 1938.

Annie I. Hackney to be postmaster at Sunset Heights, Tex. Office became Presidential July 1, 1939.

Emma S. Vick to be postmaster at Valentine, Tex. Office became Presidential July 1, 1939.

UTAH

Alpha B. Barton to be postmaster at Monticello, Utah, in place of A. B. Barton. Incumbent's commission expired August 27, 1939.

Richard R. Francis to be postmaster at Morgan, Utah, in place of R. R. Francis. Incumbent's commission expired June 26, 1939.

Raymond F. Walters to be postmaster at Price, Utah, in place of R. F. Walters. Incumbent's commission expired March 13, 1940.

VIRGINIA

Lewis N. Glover to be postmaster at Berryville, Va., in place of L. N. Glover. Incumbent's commission expired January 20, 1940.

WASHINGTON

Clara Wilson to be postmaster at Rainier, Wash. Office became Presidential July 1, 1939.

John M. Eager to be postmaster at Raymond, Wash., in place of J. M. Eager. Incumbent's commission expired January 31, 1940.

Clara G. L. Phipps to be postmaster at Spanaway, Wash. Office became Presidential July 1, 1939.

Bert B. Schmitz to be postmaster at Waterville, Wash., in place of B. B. Schmitz. Incumbent's commission expired January 31, 1940.

WEST VIRGINIA

John T. Hollandsworth, Jr., to be postmaster at Beckley, W. Va., in place of J. T. Hollandsworth, Jr. Incumbent's commission expired February 14, 1940.

WISCONSIN

Roman W. Stoffel to be postmaster at Allenton, Wis., in place of R. W. Stoffel. Incumbent's commission expired July 1, 1939.

Clarence H. Mullendore to be postmaster at Viola, Wis., in place of C. H. Mullendore. Incumbent's commission expired August 26, 1939.

WYOMING

Franklin P. Nelson to be postmaster at Evanston, Wyo., in place of F. P. Nelson. Incumbent's commission expired July 10, 1939.

SENATE

MONDAY, MARCH 25, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who at this glorious Eastertide hast turned the shadow of death into the morning, causing the hearts of men to exult with joy: We bless Thee for all that conspires to make us sure of Thee—the gracious sunshine, the stir of springtime, yea, the secret thrill that vibrates through the air from far-off days with its message of the risen Lord—for Thou hast conquered our last enemy, and hast revealed to us that in all pain there lies the promise of redemption.

Be with those now walking through the vale where awaits the shadow that is feared by man. Comfort them, dear Lord, with the knowledge that death is only a shadow where the glory from an endless world shines through, beyond the mind's imagining, beyond the heart's desire; for eye hath not seen nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love Him. In the name of our risen Lord we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 22, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lee	Russell
Ashurst	Ellender	Lodge	Schwartz
Austin	Frazier	Lucas	Schwellenbach
Bankhead	George	Lundeen	Sheppard
Barbour	Gibson	McCarran	Shipstead
Barkley	Gillette	McKellar	Slattery
Bilbo	Green	McNary	Smith
Bone	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Thomas, Idaho
Bulow	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chandler	Holman	Nye	Vandenberg
Chavez	Holt	O'Mahoney	Van Nuys
Clark, Idaho	Hughes	Overton	Wagner
Clark, Mo.	Johnson, Calif.	Pepper	Walsh
Connally	Johnson, Colo.	Pittman	White
Davis	King	Reed	Wiley
Donahey	La Follette	Reynolds	

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Nebraska [Mr. BURKE], the Senator from Alabama [Mr. HILL], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Missouri [Mr. TRUMAN] are detained from the Senate on public business.

The Senator from Michigan [Mr. BROWN] is unavoidably detained.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

AMENDMENT OF TRANSPORTATION ACT—DISPOSITION OF SECURITIES

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Transportation Act of 1920, as amended, which, with the accompanying paper, was referred to the Committee on Interstate Commerce.

PERISHABLE AGRICULTURAL COMMODITIES ACT

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Perishable Agricultural Commodities Act of 1930, as amended, and for other purposes, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry.

INSURANCE OF WORLD WAR VETERANS

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to define the limitations of section 408, War Risk Insurance Act, as amended, and section 305, World War Veterans' Act, 1924, as amended, and for other purposes, which, with the accompanying paper, was referred to the Committee on Finance.

COMPACT FOR DIVISION OF WATERS OF THE YELLOWSTONE RIVER

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1759) granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River.

Mr. THOMAS of Oklahoma. I move that the Senate disagree to the amendments of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER conferees on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the South Jersey Port Commission, Camden, N. J., protesting against ratification of the St. Lawrence seaway treaty, which was referred to the Committee on Foreign Relations.

Mr. WALSH presented resolutions of Webster Square Post, No. 13, of Worcester, and Governor Mayhew Post, No. 242, of Oak Bluffs, both of the American Legion in the State of Massachusetts, favoring the location of a general hospital and diagnostic center in Boston, Mass., or the vicinity thereof, which were referred to the Committee on Finance.

Mr. TYDINGS presented resolutions of the Ninth Ward Republican Association and the Ladies' Auxiliary, Department of Maryland, Veterans of Foreign Wars of the United States, of Baltimore, Md., protesting against the entry of tropically refined sugar into the United States and also a reduction of the quantity of cane sugar refined in this country, which were referred to the Committee on Finance.

He also presented the petition of members of Local Union No. 90, American Flint Glass Workers' Union of North America, of Baltimore, Md., praying for the imposition of higher tariff duties on glassware, and also that the control of all tariff legislation be retained in the Congress, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. MILLER, from the Committee on the Judiciary, to which was referred the bill (H. R. 7421) to provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville, reported it without amendment and submitted a report (No. 1339) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (H. R. 7015) to reenact section 259 of the Judicial Code, relating to the traveling and subsistence expenses of circuit and district judges, reported it without amendment and submitted a report (No. 1340) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 4776. An act to amend section 6 of the Organic Act of Alaska (Rept. No. 1342); and

H. R. 7612. An act for the transfer of funds to the town of Wrangell, Alaska (Rept. No. 1341).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GIBSON:

S. 3657. A bill authorizing the appointment and retirement of John Tomlingson as a second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. McNARY:

S. 3658. A bill authorizing the Reconstruction Finance Corporation to make loans to owners of timber and timber lands for the purpose of providing for more orderly marketing of timber holdings; to the Committee on Banking and Currency.

By Mr. DOWNEY:

S. 3659. A bill to confer jurisdiction upon the Court of Claims, to hear, determine, and render judgment upon the claims of Ben White, Arch Robinson, Lee Wells, W. S. Wells, A. J. McLaren, A. D. Barkelew, Oscar Clayton, R. L. Culpepper, W. B. Edwards, the estate of John McLaren, the estate of C. E. Wells and the estate of Theodore Bowen; to the Committee on Claims.

By Mr. CAPPER:

S. 3660. A bill to aid in the establishment and administration of State health insurance plans; to the Committee on Education and Labor.

By Mr. HATCH:

S. 3661. A bill to amend the Perishable Agricultural Commodities Act, 1930, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. KING:

S. 3662. A bill for the relief of W. D. Foster; to the Committee on Claims.

S. 3663. A bill to authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the Municipal Center; to the Committee on the District of Columbia.

By Mr. THOMAS of Oklahoma:

S. 3664. A bill to correct the military record of Mackgilbery H. Williams (with accompanying papers); to the Committee on Military Affairs.

By Mr. REED (for Mr. WHEELER and himself):

S. 3665 (by request). A bill to regulate freight forwarders; and

S. 3666 (by request). A bill to regulate freight forwarders; to the Committee on Interstate Commerce.

By Mr. MEAD:

S. 3667. A bill to provide for the local delivery rate on certain first-class mail matter; to the Committee on Post Offices and Post Roads.

By Mr. MILLER:

S. 3668. A bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control and for other purposes," approved June 28, 1938; to the Committee on Commerce.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENT

Mr. O'MAHONEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was ordered to lie on the table and to be printed.

PREVENTION OF COLLISIONS AND REGULATION OF MOTORBOAT EQUIPMENT

Mr. VANDENBERG. Mr. President, Calendar No. 728, Senate bill 2259, to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes, which is the same as Calendar No. 898, a House bill on the same subject, has been on the calendar since June last. It is a Department of Commerce measure. The Department and I have been in disagreement on the subject throughout these months. We have now come to a complete agreement. I am offering two amendments to the Senate bill, which I ask unanimous consent to be considered as pending if and when the Senate reaches Calendar No. 728 on a call of the calendar. I also ask that a statement regarding the amendments be printed in the RECORD.

The VICE PRESIDENT. Without objection, the amendments will be received, considered as proposed, and be printed; and, without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

AMENDMENTS TO MOTORBOAT BILL, S. 2259

Strike out subsection (a) of section 3, lines 16 to 19 on page 2; reletter the succeeding subsections (b), (c), (d), and (e) of section 3 to read (a), (b), (c), and (d), respectively.

Amend the first sentence of the new subsection (a) of section 3 on lines 19 and 20, page 2, to read as follows:

"(a) Every motorboat of classes A and 1 shall carry the following lights:"

In its present form S. 2259 states in section 3 (a) that boats of less than 16 feet in length (class A) are only required to show a bright white light mounted on the bow or stern to show around the horizon.

Boats in class A should be required to carry the combination red and green running lights as well as a white light aft.

The purpose of the motorboat bill is to promote safety afloat. The danger factor is greatly increased at night, and proper lighting is the most important means of preventing accidents.

Between sunset and sunrise, accurate calculation of a course of another craft can only be determined by the red and green running lights. This is the basic reason for these lights and the means of directional relations between boats. These facts remain the same regardless of the size of a boat and, therefore, regulations governing the use of these lights should be uniform.

Motorboats in class A have a range of speed from less than 5 miles per hour to over 45 miles per hour. The operators of these boats have the same responsibility of safety as motorboats of greater length and more speed and should be required to carry the combination red and green lights for their own protection as well as for the safety of other craft. The law requires motorboats to give way or hold a course and speed when approaching other vessels at certain angles. The only method of determining these angles is by the red and green running lights. With only a white light showing, it is not only difficult to determine the boat's course but hard to distinguish the white light from shore lights. If the class A boats are permitted to operate without the red and green running lights, other boats should be relieved of the "privileged and burdened" requirements when approaching them.

As an example of uniformity, aircraft regulations require planes operating between sunset and sunrise to carry the red and green lights on their wing tips and a white light on the tail. This law is uniform and no distinction is made between light planes or airliners. Uniformity is also found in motor vehicle lighting equipment.

Strike out the new subsection (c) of section 3, commencing on line 24, page 3, and running through line 4, page 4, and substitute in lieu thereof a subsection (c) to read as follows:

"(c) Motorboats of classes 2 and 3, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section: *Provided, however,* That motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision: *Provided further,* That motorboats of classes A and 1, when so propelled, shall not be required to carry the combined lantern prescribed by subsection (a) of this section."

S. 2259 in its present form stipulates that motoboats, in classes A and 1 when propelled by sail and machinery, or by sail alone, shall carry, ready at hand, a lantern showing a white light which shall be exhibited in sufficient time to avert collision.

For the added safety of sailing craft and other boats operating at night, all boats in this class should be required to carry and exhibit the white light.

Due to the nature of a sailing vessel, it is difficult to maneuver and, therefore, dependent to a great extent on making its presence known to other approaching craft at night. This is true of small and large boats alike and, therefore, all boats of this type should be required to carry a lantern or a flashlight to be exhibited in sufficient time to avert a collision.

The word "flashlight" is added to conform with modern equipment.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

Mr. MINTON. Mr. President, in Indiana the League of Women Voters has been giving intensive study to the reciprocal-trade agreements. After consideration of the problem they have endorsed the proposal to extend the authority of the Executive to continue the program. In their study they became convinced that the reciprocal-trade agreements had been beneficial to the country and especially to In-

diana, a State of diversified interests. A well-written, concise article by Freda L. Bridenstine, showing how the trade agreements had affected Indiana was published in the Indiana Woman Voter, January 1940. I ask unanimous consent that this splendid article may be incorporated in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Indiana Woman Voter for January 1940]

INDIANA AND THE TRADE-AGREEMENTS PROGRAM

One of the most vital issues before the present Congress is that regarding the reenactment of the Reciprocal Trade Agreements Act. Feeling on the subject is running high. Extravagant claims are made by its advocates. Its opponents contend it is ruining the country. As voters, we should know some facts about this matter:

1. What is it?
2. Has it benefited the country as a whole?
3. How has it affected Indiana?

It is generally conceded that tariff making in the United States has been an unscientific, log-rolling procedure. Also, most students of international affairs believe that a vigorous revival of world trade would have a healthy effect on the national economy of most countries and would, therefore, greatly aid the cause of world peace. For these reasons, and for the more immediate purpose of restoring a fast-diminishing market for American agriculture and industry, the Reciprocal Trade Agreements Act was passed June 12, 1934, effective for 3 years, and extended in 1937 for another 3-year period. Under it the Department of State may negotiate trade agreements with foreign countries without the consent of the Senate, altering tariffs to the extent of 50 percent, providing no article is taken off or put on the free list. Trade agreements have been concluded with 21 countries, including 8 European nations (of which Great Britain is the most important), 11 with American republics, and with Turkey and Canada.

Between 1929 and 1933, the year before the Trade Agreements Act was passed, the exports of the United States declined from $5,241,000,000 to $1,675,000,000. What is more disturbing, our trade fell off proportionately more than did the international trade of the world as a whole. Exports from the United States during 1934–35 averaged $2,200,000,000. For the years 1937–38 they averaged $3,200,000,000. It is not claimed that this increase was due entirely to the trade-agreements program, but it is significant that during 1937–38, exports to countries with which trade agreements were in operation averaged 61.2 percent greater than during the 1934–35 period, which is substantially a preagreeemnt period since only one agreement was in effect for the entire year of 1935. Over the same period, our exports to non-trade-agreement countries averaged only 37.9 percent greater. It is also true that the trade-agreement countries have increased their purchases of American products more than their purchases from other countries.

Indiana has a diversity of agricultural products and a great deal of manufacturing, and foreign demand plays an important part in the successful marketing of many of its products of farm and factory. In 1929 Indiana's foreign exports amounted to $74,000,000. By 1932 this figure had fallen to seventeen million, causing a violent dislocation in the State's economy.

It is impossible to allocate exactly the share of any one State in the increase in the foreign trade of the United States as a whole under the Trade Agreements Act. But by studying the movement of the products Indiana produces and manufactures and noting the concessions granted them in the various agreements, we may find an indication of the gain to Indiana.

The following facts about Indiana's eight leading industries are enlightening. In this table, by a concession we mean a provision by a foreign country which facilitates the export of United States goods to that country, such as the removal, lowering, or binding at the present level of a foreign duty on an American export or the fixing or increasing of the present quota which a nation will accept of a given American product. The year 1938 has been chosen with which to compare the 1931–35 and 1926–30 averages for total United States exports, as being a representative year to give a picture of the importance of the trade-agreements program in restoring foreign markets to United States products. Our exports in 1937 were greater than in 1938 and the exports for the first 11 months of 1939 also show an increase over 1938. The 1938 figures, however, show an increase over the low average for the years 1931–35 in every case except for meat products and also show a general return toward the high average for the years 1926–30.

1. Iron and steel industries: Indiana ranks third in the output of steel and rolling mills, with only Ohio and Pennsylvania outranking her.

In 1937, Indiana's output was about 11 percent of the total for the United States.

Decrease in Indiana's exports, 1929–32 was 78 percent ($6,866,000 to $1,512,000).

Concessions have been obtained in 15 of the 21 agreements.

Total United States exports of iron and steel mill products: 1938	$184,300,000
Average for 1931–35	62,900,000
Average for 1926–30	170,700,000

2. Automotive products: Indiana ranks third in the United States as a producer of bodies and parts for motor vehicles. This industry is the third most important in the state.

In 1937, Indiana's output was over 6 percent of the total for the United States.

Decrease in Indiana's exports, 1929–32 was 83 percent ($26,000,000 to $4,300,000).

Concessions on automobiles and automotive products have been obtained in 17 of 21 agreements.

Total United States exports of automotive products: 1938	$270,400,000
Average for 1931–35	146,500,000
Average for 1926–30	406,200,000

3. Agricultural machinery and implements: Indiana ranks third in the production of agricultural machinery and implements.

In 1937, Indiana's output was over 4 percent of the total for the United States.

Decrease in Indiana's exports, 1929–32 was 93 percent ($4,500,000 to $300,000).

Concessions have been obtained in at least nine agreements.

Total United States exports of agricultural machinery: 1938	$75,400,000
Average for 1931–35	26,800,000
Average for 1926–30	109,900,000

4. Industrial machinery—(cranes and dredging, excavating and road-building machinery, machine-shop products, etc): Indiana ranks sixth in production of conveying and construction machinery and machine-shop products.

In 1937 Indiana's output was over 5 percent of the total for the United States.

Decrease in Indiana's exports, 1929–32, was 90 percent ($7,800,000 to $840,000).

Concessions have been obtained in at least 12 agreements.

Total United States exports of industrial machinery 1938	$269,900,000
Average for 1931–35	94,700,000
Average for 1926–30	214,400,000

5. Electrical machinery (including radios, phonographs, and refrigerators): Indiana ranks seventh in the production of electrical machinery, apparatus, and supplies; fourth in the production of radios and phonographs; and second only to Michigan in the production of refrigerators.

In 1937 Indiana's output of electrical machinery, including radios, was 7 percent of the total for the United States, while the production of refrigerators was 15 percent of the United States total.

Decrease in Indiana's exports, 1929–32, was 46 percent ($1,657,000 to $900,000).

Concessions have been obtained in 16 of 21 agreements.

Total United States exports of electrical machinery 1938	$102,200,000
Average for 1931–35	62,600,000
Average for 1926–30	102,700,000

6. Meat products: Indiana is one of the first five States in production of hogs.

In 1937 Indiana's output of meat products was almost 3 percent of the total for the United States.

Decrease in Indiana's exports of lard, hams, shoulders, and other meat products in 1929–32 was 73 percent ($10,100,000 to $2,800,000).

Concessions on ham, bacon, pork lard, and a variety of other meat products have been obtained in 17 of 21 agreements. Cuban imports of lard increased between 1933–38 from $500,000 to $4,000,000.

Total United States exports of meat products: 1938, $48,000,000; average for 1931–35, $65,700,000; average for 1926–30, $194,100,000.

7. Canned fruits and vegetables: Indiana ranks sixth in the United States in the canning industry as a whole, leads in the processing of tomatoes and baked beans, and is third in the canning of corn. Beans, peas, and kraut are also canned in large quantities.

In 1937 Indiana's output was over 5 percent of the total for the United States.

Concessions have been obtained on fresh, dried, or canned vegetables in 17 of 21 agreements and on various canned fruits in 20 of 21 agreements.

Total United States exports of canned fruits: 1938, $23,200,000; average for 1931–35, $19,600,000; average for 1926–30, $25,600,000.

8. Chemicals and allied products: Indiana ranks third in drug production.

In 1937, Indiana's total output of chemicals and allied products was valued at $65,863,159.

Decrease in Indiana's exports, 1929–32, was 70 percent ($2,900,000 to $850,000).

Concessions have been obtained in at least 15 of 21 agreements.

Total United States exports of chemicals, 1938	$128,900,000
Average for 1931–35	91,800,000
Average for 1926–30	137,400,000

Favorable concessions to the United States have also been granted by agreement countries on the following products which Indiana produces in considerable quantities: Glass, wood and wood products, textile manufactures, rubber products, musical instruments, paper and paper products.

It would seem, therefore, that the reciprocal-trade agreements have helped to reopen foreign markets for our surplus products. But these are "reciprocal" agreements. In order to sell, we must buy. In return for concessions obtained from other countries on hundreds of American agricultural and industrial items the United States has granted carefully considered concessions on certain products of which the other countries concerned are the chief or important sources of our imports and which are necessary to our economic well-being. Let it be remembered that a very small percentage of the imports on which concessions are granted are competitive with American products and most of these are fixed by quotas. It is estimated that one-fifth of the raw material used in the United States comes from foreign sources. A large proportion of our imports is used in factories and makes exports possible. For example, we are almost entirely dependent on our imports for aluminum, tin, nickel, silk, vegetable fiber, hides, skins, dying and tanning material, cacao beans, paper stock, and rubber. The census of manufactures for 1935 shows that over 10,000 in Indiana were engaged in factories working imported raw materials and another 10,000 factory jobs were dependent on the secondary processing of imported materials.

We may, therefore, conclude that through the trade agreements excessive restrictions on the sale of our products in foreign countries are being gradually reduced and equality of treatment is being substituted for trade discriminations. In this way the program is aiding American producers and exporters to recover and expand their foreign markets, and in this expansion Indiana shares.

N. B.—The above figures and tables have been compiled after a study of the following publications:

United States Department of Commerce: Bureau of the Census, the Census of Manufacturers, 1937; Bureau of Foreign and Domestic Commerce, Foreign Trade of the United States, Calendar Year 1938, part I.

United States Department of State: Indiana and the Trade Agreements Program, August 1938 and December 1939; Status of the Trade Agreements Program, December 1939.

FREDA L. BRIDENSTINE.

JOHN NANCE GARNER—ADDRESS BY SENATOR SHEPPARD

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD a radio address on JOHN NANCE GARNER, delivered by Senator SHEPPARD on March 23, 1940, which appears in the Appendix.]

TIMBER RESOURCES OF VERMONT

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD a letter addressed to him by R. M. Evans, regional forester for the eastern region, United States Department of Agriculture, relative to the timber resources of Vermont, which appears in the Appendix.]

ADDRESS BY FRED BRENCKMAN ON THE AGRICULTURAL SITUATION

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address on the agricultural situation delivered on March 16, 1940, by Fred Brenckman, Washington representative of the National Grange, which appears in the Appendix.]

ADDRESS BY R. W. BLACKBURN ON RECIPROCAL-TRADE AGREEMENTS

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an address on the subject of reciprocal-trade agreements delivered by R. W. Blackburn, secretary, American Farm Bureau Federation, before the Illinois League of Women Voters at Chicago, Ill., on March 19, 1940, which appears in the Appendix.]

STATEMENT BY MATTHEW WOLL ON RECIPROCAL TRADE AGREEMENTS RESOLUTION

[Mr. THOMAS of Idaho, asked and obtained leave to have printed in the RECORD a statement by Matthew Woll, vice president of the American Federation of Labor, before the Committee on Finance, on the joint resolution for the extension of the Reciprocal Trade Agreements Act, which appears in the Appendix.]

SENATE BILL 785 AND DOMESTIC SILVER

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD a letter written by him to Senator WAGNER, chairman of the Committee on Banking and Currency, relative to Senate bill 785; which appears in the Appendix.]

NATION-WIDE SUPPORT FOR SILVER REPEAL BILL

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD excerpts from editorials relative to the proposed cessation of purchases of foreign silver; which appear in the Appendix.]

LETTER FROM BERNARD M. BARUCH ON HOSPITALS FOR RURAL AREAS

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a letter addressed to him by Bernard M. Baruch endorsing proposed legislation providing for the construction of small hospitals in rural areas, which appears in the Appendix.]

LABOR RELATIONS IN THE AUTOMOBILE INDUSTRY—REPORT BY PROF. WILLIAM H. M'PHERSON

[Mr. WAGNER asked and obtained leave to have inserted in the Appendix of the RECORD a press release on a forthcoming report on labor relations in the automobile industry by Prof. William H. McPherson, of Oberlin College, which appears in the Appendix.]

ARTICLE FROM NATIONAL GRANGE MONTHLY ON WALTER-LOGAN BILL

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article relative to the Walter-Logan bill for the regulation of administrative procedure, published in the National Grange Monthly for March 1940, which appears in the Appendix.]

EDITORIALS FROM BALTIMORE SUN AND WASHINGTON DAILY NEWS ON RECIPROCAL-TRADE AGREEMENTS

[Mr. BILBO asked and obtained leave to have printed in the RECORD an editorial from the Baltimore Sun of March 25, 1940, and an editorial from the Washington Daily News of the same date, on the subject of the reciprocal-trade agreements, which appear in the Appendix.]

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

The Senate resumed the consideration of the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Mr. HARRISON. Mr. President, if I should discuss every phase of the subject matter before us, ranging from statistical data on imports and exports to and from agreement countries, as well as nonagreement countries, and their effects—beneficial or injurious—upon our own peoples and industries, to the highly controversial questions of constitutionality, congressional approval, and the most-favored-nation principle; and should I attempt to answer the many untenable and spurious arguments made by some of the opposition to the continuation of the trade-agreements program, I would burden too greatly your patience and utilize too much of the Senate's time. We all appreciate the time that is necessarily required and should be taken for a reasonable discussion of the vital phases of this question, but it is far too serious from every standpoint for partisanship to influence our judgment or blur our vision. We are still trying to meet an emergency. The reason that impelled us to enact this legislation as an emergency measure in 1934, and again in 1937, exist now to a far greater degree than in those years.

Mr. McNARY. Mr. President, will the Senator yield? I do not want to intrude with a question if it will interfere with the Senator's plan to go forward without interruption. Does the Senator desire to yield at this time or at any time?

Mr. HARRISON. Of course, I will yield to the Senator, but I should much prefer to do so after I shall have finished. My preliminary remarks on the joint resolution will be very brief.

Mr. McNARY. Very well. I have been interested in what the Senator and others have said on this subject. I desired to ask the Senator what the emergency is, but I will omit that inquiry at present and make it later.

Mr. HARRISON. I may say to the Senator that it is apparent that the world is at war today, and, in my opinion, the present emergency is greater than the one which existed in 1934. We are still trying to meet that emergency. What we are striving to do, in the tragic circumstances of today, is to continue that trade policy, which has been helpful in the enlargement of our international trade and beneficial to our own people, and which has sustained and promoted our good relations with peoples everywhere. So, in the consideration of this question, let us, sirs, do so in the spirit of broad statesmanship, and adopt the continuation of this reciprocal-

trade policy which, in my opinion, the country believes the wisest and most constructive. That is evidenced by the overwhelming majority of the Republican press of the country, by the overwhelming majority of the Democratic press of the country, and by the resolutions passed by numerous business and civic organizations, many of which have been placed in the hearings both of the House and of the Senate.

I may say to the Senator from Michigan [Mr. VANDENBERG] and to the other Senators on the other side who honor me with their presence, that the principle of reciprocity is not of Democratic origin. If one or the other of the two major political parties deserves the greater credit for the idea, it is the Republican Party. Nearly three decades ago, in the first session of Congress that I attended, in common with nearly all of my colleagues of Democratic faith in the House of Representatives, I followed the leadership of the able and unselfish President, William Howard Taft, in his espousal of the Canadian reciprocity agreement. I did it, not as a Democrat but as an American who believed in the principle and felt that it was constructively wise, through mutual concessions, to increase our trade and promote a better relationship between the two countries. At that time so strong was President Taft for the principle of reciprocity that he called the Sixty-second Congress in extraordinary session to enact his program. It also had the unqualified endorsement and enthusiastic support of Theodore Roosevelt. Indeed, on January 12, 1911, Theodore Roosevelt, then the editor of the Outlook, wrote President Taft, in which letter he said, in part:

> It seems to me that what you propose to do with Canada is admirable from every standpoint.

At the close of my remarks I shall ask leave to insert in the RECORD the very illuminating correspondence which took place at that time between Mr. Taft and Mr. Roosevelt.

But, Mr. President, other great leaders of the Republican Party, nearly two decades before that event—and that was in 1911—entertained and championed the reciprocity principle. Blaine, McKinley, and Harrison all believed in the principle of reciprocal-trade arrangements.

I may say that Senators Frye and Hale—the latter the father of one of the Senators from Maine now occupying a seat in this body—entertained the same views with reference to the principles of reciprocity; and the fact has been called to my attention that Senator Frye was the grandfather of another distinguished Senator from Maine.

As far back as 1892 we find that the Republican national platform, under the heading "Triumph of reciprocity," employed this language:

> We point to the success of the Republican policy of reciprocity, under which our export trade has vastly increased and new and enlarged markets have been opened for the products of our farms and workshops. We remind the people of the bitter opposition of the Democratic Party to this practical business measure and claim that, executed by a Republican administration, our present laws will eventually give us control of the trade of the world.

In 1896, under the large heading of "Reciprocity," we find the Republican national platform preaching the doctrine:

> We believe the repeal of the reciprocity arrangements negotiated by the last Republican administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

Again, in 1904, the Republicans in their national platform boasted:

> We have extended widely our foreign markets, and we believe in the adoption of all practicable methods for their further extension, including commercial reciprocity, wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.

The kindly McKinley, in his last speech, on that tragic day at Buffalo, shortly before his assassination, uttered these broad, patriotic, thoroughly American, and constructive words:

> The period of exclusiveness is past. The extension of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the time; measures of retaliation are not.

Oh, I know that in the course of this debate some of the opposition will attempt to differentiate the pending resolution from the kind of reciprocity championed by these great Republicans. Hairsplitting differences will be discovered. Sirs, you may deceive yourselves, but the country will not be deceived. The people will know that this joint resolution embodies the same principle and philsophy of reciprocity that ran like a golden thread through the principle and philosophy of reciprocity which these distinguished Republicans and leaders of the past advocated.

Mr. VANDENBERG. Mr. President, I wish to ask the Senator a question. Does he desire to have us wait until he has concluded?

Mr. HARRISON. I prefer to wait, but I always like to have the Senator from Michigan ask me a question.

Mr. VANDENBERG. When the earlier reciprocal arrangements involved a specific legislative formula, when often there were even written into the law the precise items which could be touched and the spread of the duties which could be changed, I wonder whether the Senator thinks it is hairsplitting to differentiate between that sort of delegation of power under specifications and the present delegation of power under no specifications whatever. Is that hairsplitting?

Mr. HARRISON. Let me give the Senator a little history of the reciprocity agreements.

Back in 1890, I believe it was, Mr. Blaine was advocating reciprocity. The then Senator Hale offered a provision to the effect that, since we were permitting certain products from South and Central America to come into the United States free of duty, namely, sugar, wool, leather, and some others, specifying them, the countries from which those products came should do the right thing by us, and permit products from this country to go into their countries free of duty. Such agreements did not have to come back to the Senate for ratification.

In 1897 another provision was written into the law which gave the Executive the right to make treaties with foreign countries involving the principle of reciprocity and mutual concessions, which treaties were to be ratified by the Senate. These were the Kasson treaties, some 12 of which, I believe, were negotiated, 11 of which were sent to the Senate, and which remained before the Senate for ratification for 5 years. McKinley, in light of this experience, did not bother to submit the twelfth for ratification because he knew that it, too, would be killed.

The negotiation of those treaties gained absolutely nothing; it was not possible to get them ratified. There appeared the old logrolling process, the same kind as that referred to by the Senator from Michigan [Mr. VANDENBERG] in 1932, and by President Hoover in 1932 when he vetoed a bill dealing with the tariff question.

In 1922, when the Fordney-McCumber bill was being considered, reciprocity was included in that bill as it came from the House. Section 301 provided for trade agreements subject to congressional approval. As though recognizing the political impracticality of this provision, it also added another reciprocity provision, section 303, a true reciprocal trade agreement measure differing from the present bill in that the rates could be reduced by 20 percent rather than lowered or raised by 50 percent as now provided.

I have before me what was stated at that time by a great friend of ours, a very able man, Mr. Longworth, who was then a member of the Committee on Ways and Means of the House of Representatives. On July 12, 1921, he said:

> I believe also that it [the tariff] should be sufficiently flexible in some cases to enable us to give some countries certain advantages in their market.
>
> Such a consummation, I concede, is difficult of attainment, and has never been hitherto satisfactorily worked out. Reciprocity has never been a success in this country and, in my judgment, never will be, requiring, as it may, the action not only of the Senate but of the House, and precipitating a general tariff discussion upon each occasion.

Thus spoke Mr. Longworth.

And while provisions for reciprocity treaties have been made in this bill I have little expectation, as I have already indicated, that many, if any, will be satisfactorily negotiated by this administration.

He was referring to the agreements which would have to come back to Congress for approval. Mr. Longworth continued:

There is, however, a provision in this bill under which trade agreements may be made which will inure both to our advantage and to the advantage of certain other nations. * * * I refer to the provision which authorizes the President to reduce the conventional duties in this bill by 20 percent in the case of any foreign nation with whom we may negotiate trade agreements in return for our receiving the benefits of their minimum tariffs on certain of our commodities. I conceive of nothing which will have a more beneficial effect upon the enlargement and retention of our export trade than inclusion in this bill of section 303 of title 3, which makes of this a bargaining tariff. * * * If other nations know that the President of the United States has it in his power to give them certain special advantages in our market in return for certain special advantages in theirs, I have every confidence that instead of discrimination against our exports there will be encouragement of them by many countries and that an era of good feeling in our international commerce will be inaugurated, unexampled in our history.

The statement which I read applied to section 303, which provided for reductions in our duties through agreements embodying mutual concessions, which did not require congressional approval, and that is what Mr. Longworth said about it.

Mr. President, as I have said, the country will not be deceived by resort to the argument that this is not the reciprocity of McKinley, Blaine, Hale, Frye, Harrison, Theodore Roosevelt, and Taft. The pending measure embodies the same principle and philosophy of reciprocity that ran like a golden thread through the principle and philosophy of reciprocity which the distinguished leaders of the past, the great men to whom I have referred, advocated.

Oh, there may be a difference in detail and a difference in phraseology, but the point I want to make is that they believed as we believe, as McKinley so well stated in that same speech at Buffalo wherein he advocated sensible trade agreements, and said:

A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade.

What we are trying to do is to strengthen our economic position and enlarge our foreign trade through the exchange of mutual concessions. It may be said that one or more of these great leaders, while advocating reciprocal-trade agreements and mutual concessions to build up international trade, also advocated the carrying out of this policy without injury to American industry or American labor. With this principle I am in thorough accord. But, sirs, if one thing has been demonstrated above everything else, it is that the Interdepartmental Trade Agreements Committee, now sitting in Washington, which has negotiated these trade agreements, has zealously guarded American industry and labor from any injury resulting from the exchange of these mutually advantageous concessions.

That this policy has been successfully carried out is well attested by the fact that in many instances when witnesses appeared before us they complained not of what had been done but rather of their fear of something that might happen in the future. In this connection it is interesting to quote a colloquy between myself and Mr. Marshall, secretary of the National Wool Growers Association:

The CHAIRMAN. Well, they have done pretty good so far as the wool people are concerned? They have not affected it?

In these trade agreements we made no reduction in the tariff on raw wool. We did make certain reductions in the tariffs on wool fabrics, waste, and rags.

I continue the quotation:

Mr. MARSHALL. They have been pretty good only to us. I wish we could feel assured of as good treatment in the future.

So it had not hurt them; they were simply fearful of the future. Mr. President, those who want too much are generally fearful.

In similar vein, Mr. Besse, president of the National Association of Wool Manufacturers, who appeared before our committee, was asked the question by the Senator from Missouri [Mr. CLARK]:

So it comes down to this, it shows that you have not been hurt yet, but you are afraid you will be hurt?

Mr. Besse replied:

Substantially that is what I am saying.

We find also that Mr. Arnold, speaking for a farmers and stockmen's group, made the following statement before the committee:

I am not here to complain of what has been done. My fears * * * relate solely to what may be done.

Mr. Holman, a representative of the National Cooperative Milk Producers Federation, said to the committee:

We are more concerned with the possible future of the trade-agreements program than with the present or the past.

When we are dealing in trade-agreements programs with agricultural countries, if they trade with us at all on that basis, they insist upon concessions on our competitive products. It is at that point that the dairy farmers have a great fear. It is for the future.

Up to the present time we cannot say that we have suffered greatly as to these prices.

And so, running through the whole hearing, we find not injury, but fear.

Mr. W. L. Monro, president of the American Window Glass Co., who appeared before the committee and criticized the concessions in the Czechoslovakian agreement, which is now out of the window and does not exist, admitted that the domestic production of window glass had progressively increased during the years the trade agreements have been in effect. Production of window glass in the United States had increased from 4,398,000 boxes in 1932 until in 1939 the total production rose to 11,321,000 boxes—an increase of 200 percent. It was admitted, too, that some of our domestic-glass manufacturers—the Libbey-Owens Glass Co., for instance—had shown some of the largest profits and in the financial reports of this year were in prosperous condition. Certainly they have not declined during the life of these trade agreements. I was very much interested to learn of the statement Mr. Monro made in his report in 1938 to the membership of the American Tariff League—I need not tell the Senators on the other side what the American Tariff League is—and I congratulate him on this statement, in which he paid tribute to Mr. Hull and to those associated with him for their fairness and efficiency in the negotiation of these trade agreements. I presume the Senator from Michigan [Mr. VANDENBERG] heard that statement before the committee.

Mr. Monro, as president of the American Tariff League, said:

I will also stress the fact that in carrying out the trade-agreement policy by Mr. Hull great credit should be given to the fact that there has been no suspicion of political influence regarding the reduction of duties on any of the articles placed on the reciprocal-trade list. I believe that everyone who has had occasion to contact the staff that makes up the schedules must admit that, regardless of whether we approve of the policy or not, the agreements were prepared solely with a viewpoint of endeavoring to increase foreign trade with the least injury to domestic production.

When I questioned Mr. Monro as to the accuracy of the statement that he was reported to have made to the American Tariff League, from which I have quoted, he said:

I made that statement, and I would be the last one to intimate that Mr. Hull was susceptible to any influence of any politician or anybody interested in the formation of his reciprocal-trade agreements. I do not agree with his theory, however, upon which he is working.

You on that side, as well as those on this side, recall the methods employed in writing the thousands of rates on innumerable items in the Fordney-McCumber tariff law in 1922. The sky was the limit, and for the most part rates finally adopted were based on no scientific study or factual basis. Representative Fordney, with whom I served and whom I personally admired, frequently and without reluctance stated openly and boastfully that no one was a higher protectionist than he, and was annoyed at the more modest

demands infrequently requested by an exceptionally few representatives of certain special interests. The men who wrote that tariff monstrosity—permit me to use that expression—became habitual in putting the question to those seeking higher rates, "How much do you want?" not "What do you need?"

As exorbitant and excessive in far too many instances as were the rates in the Fordney-McCumber law, within less than 8 years the same interests and the same influences drove through the Hawley-Smoot Tariff Act. Those of you who were here then, and those of you who have come since, remember the tremendous opposition throughout this country to the enactment of that law. Our people never became quite so aroused as when they observed what was about to happen in the writing of that tariff legislation. Our isolationist trade policy and the injurious effects that inevitably would flow from it caused 1,028 of the leading economists of this country, Republicans, Democrats, and Independents, to petition the Congress to delay the economic blow, and pointed to the baneful effects that would result from such a policy. With unerring accuracy they prophesied that the enactment of such a law would influence retaliation and reprisals throughout the world. They saw with prophetic vision foreign countries preparing themselves, through cartels, bargaining arrangements, and every contrivance that human mind could conceive, to destroy our international trade. We know that 39 foreign nations promptly protested formally to our State Department. Why, the press of this country, hardly without exception, condemned the threatened policy, and business overnight became panicky, capital started its flight into foreign countries, and there, in the hope of saving a part of the products formerly sold in foreign countries, was invested in foreign industries, giving employment to foreign labor and adding to our own unemployment problem. Our export trade fell from 5.2 billion in 1929 to 1.6 billion in 1932. Our railroads applied to the courts for receiverships.

Our ships tied up at their docks and were useless. The millions of our former employed found themselves in bread lines. It was not long until the economic collapse was complete, and we were faced with the most tragic period in the history of our country. I would not say that the high rates in the Hawley-Smoot tariff law were the only or the major cause of the economic collapse of the country, but certainly the adoption of that policy played a very large part in creating that economic disorder.

Confronted with this emergency the administration in 1934 adopted the policy of negotiating trade agreements which, through the exchange of mutually beneficial concessions, would find for our goods necessary foreign outlets which were so vital to rebuilding the economic structure of our country. In this act Congress adopted a policy of—

> Expanding foreign markets for the products of the United States * * * for "various branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States."

And the opportunities in our market were to be offered "in accordance with the characteristics and needs of various branches of American production."

The administration of this policy was left to the Executive, and he formulated a method which has admirably served the purpose of the Congress and has not exposed the country to the uncertainties and fears which have usually attended a general revision of the tariff laws. General tariff revision, with all of its uncertainty—and Senators know this is true—has always acted as a deterrent to business. The average American citizen believes in the orderly adjustment of things without abrupt or revolutionary changes.

And so, it was in 1934 that we presented this program. Under it, 22 agreements have been negotiated. Throughout the negotiation of each and every trade agreement, orderly methods have been employed and the most careful study made by experts thoroughly competent, wholly unselfish, and without any political consideration in the service they have rendered. So satisfying to the American people and to Congress was this policy that in 1937 it was continued for a further 3-year period. It is our viewpoint that in the exigencies of the hour and the conditions of the world today, as an emergency measure, the program should be continued for another 3 years. There may have been some mistakes made in negotiating these trade agreements. They may not all be perfect, but following a careful study of the administration of the program since its inauguration in 1934, and after reading all the hearings before the House Ways and Means Committee, and listening to all who came before the Finance Committee of the Senate, it is my opinion that those charged with the responsibility of negotiating these trade agreements have performed a magnificent job and are deserving of the highest appreciation of the American people. I do not suppose that everybody is satisfied. Some will pick a flaw in this or that agreement. However, I feel that excellent progress has been made and that marked improvement has taken place in the administration of the program since its inception in 1934. If there were good reasons for the adoption of the trade-agreements program in the beginning—and certainly few will deny that it was constructive to adopt this policy in 1934 because of the economic dislocation of business everywhere—and if it was wise to continue the act in 1937, how much greater is the cause to continue the policy at this time for another 3 years.

The opposition in the House and some witnesses before our committee advanced the thought that with half the world at war, with millions of men in arms and more millions of citizens in the war-infested areas engaged in the production of implements and necessities of war, when peace comes this country will be flooded with foreign products, and newer and higher tariff rates will be needed. That to me is a spurious argument. I prefer to envision peace some day; and when it comes, as it assuredly will, those in foreign countries who are now engaged in the manufacture of implements and necessities of war—and it is said they number 80,000,000—and the twenty-odd million who are tramping the battlefields or bivouacking in their camps will assuredly return to their peacetime occupations and peaceful pursuits. When they do, factories forced by the war to close will again reopen, fields which remained idle will again be tilled, and with only exhausted treasuries to supply their needs, foreign nations will dedicate their energies toward increasing their productions and selling their products where they can. In those circumstances, with foreign fields and factories vying with each other and with us in the sale of their surplus products, without a definite program to pursue or a constructive policy to follow, if a trade war should ensue our country might suffer from an economic collapse.

We have given the countries of the world a sound reciprocal-trade policy. We have given them an opportunity to trade with us and with each other on just and wisely established principles. Such principles will be the greatest influence toward preserving and promoting rational international trade and the maintenance and preservation of peace. If we as a great government turn our backs upon the policy written into the joint resolution—a policy which we inaugurated—we shall throw to the winds an opportunity in the future to help the peoples of the world along rational, unselfish, and just principles of international trade. By doing so we shall invite our foreign neighbors at the close of this war to begin another one, which will be a trade war. Let no one be deceived as to the magnitude of such a trade war. Will anyone deny that the result would be injurious to our own economy? Why not keep what we have? Why desert a constructive program which has accomplished beneficial results under circumstances which have not at all times been encouraging? Perhaps the program has not accomplished everything we had hoped for, but when we consider the dark background against which the policy was inaugurated 6 years ago we must admit that marked improvement has taken place. Let us consider our country's position when this present war shall come to an end. Let us through the continuation of this program extend a helping and cooperative hand toward the goal of economic stability and peace among nations. This program should be

a beacon light to the war-torn foreign nations—a light which, when peace does come, will guide them along the paths of better international economic relationships.

Mr. President, earlier in my remarks I referred to the correspondence between President Taft and Theodore Roosevelt with regard to the proposed reciprocity arrangement with Canada. I ask that the correspondence be printed in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

[Confidential]

THE WHITE HOUSE,
Washington, January 10, 1911.

MY DEAR THEODORE: Just at present I am in the midst of reciprocity matters and it would gratify me a great deal to talk over with you this issue. I have, as you have known, always been a low-tariff and downward-revision man, and the reason why I favored the last tariff bill and praised it as the best one we had ever had was: That the consideration of it on its passage and the efforts of those who defended it afterward to show that it was a downward revision were all a concession by the Republican Party that downward revision was necessary, and that the rule upheld by Shaw and Cannon and other stand-patters of the orthodox type that no tariff could be too high, because what you needed was a Chinese wall, had been departed from. Now, the probability is that we shall reach an agreement with our Canadian friends by which all natural products—cereals, lumber, dairy products, fruits, meats, and cattle—shall enter both countries free, and that we shall get a revision—not as heavy a one as I would like but a substantial one, and equivalent certainly to the French reciprocity treaty and probably more—on manufactures.

The truth is that the minute we adopt in convention the proposal that our tariff should be measured by the difference in the cost of production we necessarily adopt a rule which would lead us straight to reciprocity in natural products with Canada, because the conditions of the two countries are so similar that there is substantially no difference in the cost of production. Possibly labor is slightly lower in some parts of Canada than in the United States, but it is also higher in some parts, and the adoption of free trade would rapidly increase the cost of labor in those parts where it is cheaper in Canada, so that the conditions would be the same.

It might at first have a tendency to reduce the cost of food products somewhat; it would certainly make the reservoir much greater and prevent fluctuations. Meantime the amount of Canadian products we would take would produce a current of business between western Canada and the United States that would make Canada only an adjunct of the United States. It would transfer all their important business to Chicago and New York, with their bank credits and everything else, and it would increase greatly the demand of Canada for our manufactures. I see this is an argument against reciprocity made in Canada, and I think it is a good one.

The proposition is to make an arrangement by which we shall present to both Houses of Congress an identical bill and pass it as an agreement for joint legislation. In this way we would avoid the necessity for two-thirds in the Senate and would secure at once the consent of the House, which in tariff matters is generally regarded as necessary, at any rate. This will cause a great commotion, I presume. It will be unpopular in New York because of certain lumber-manufacturing interests and the dairy interests. It will be unpopular in Minnesota because of wheat; but, on the other hand, free lumber will be popular in some places, and as it includes free paper and free wood pulp we may count on the fairly good support of the press.

This letter, of course, I must ask you to regard as confidential, though I would be glad to have you discuss with your colleagues on the outlook for such a proposition and should be glad to hear from you as to your judgment of it.

I think it may break the Republican Party for a while. As Elihu Root said when I talked with him yesterday, it may be an entering wedge against protection, although it is not inconsistent with the principle of protection as we laid it down in Chicago. Of course, it will be said against it that we are taking agriculture and making it suffer first before we tackle wool and cotton. The bill is not likely to pass the present Congress, and before the new Congress comes together I think I shall be able to make some recommendations as to the wool and cotton schedules and present a problem to the Democrats which they are not likely to find an easy one. At least it will show the hypocrisy of some people. Of course, this is not ground whatever for introducing and pressing such a measure. I believe it to be right, and if it leads, on the other hand, to a reduction in wool and cotton manufactures to the lowest figures and to what is a real measure of the difference in the cost of production, so much the better.

I shall be glad to hear from you as soon as you conveniently can write on this subject, because the matter is just at hand, and it is quite likely that within 10 days we shall reach an agreement.

Sincerely,

WILLIAM H. TAFT.

OFFICE OF THEODORE ROOSEVELT,
THE OUTLOOK, 284 FOURTH AVENUE,
New York, January 12, 1911.

DEAR MR. PRESIDENT: I at once took in your letter and went over it with the Outlook editors.

It seems to me that what you propose to do with Canada is admirable from every standpoint. I firmly believe in free trade with Canada for both economic and political reasons. As you say, labor cost is substantially the same in the two countries, so that you are amply justified by the platform. Whether Canada will accept such reciprocity I do not know, but it is greatly to your credit to make the effort. It may damage the Republican Party for a while, but it will surely benefit the party in the end, especially if you tackle wool, cotton, etc., as you propose.

Ever yours,

THEODORE ROOSEVELT.

Mr. PITTMAN obtained the floor.

Mr. ELLENDER. Mr. President, will the Senator yield so that I may ask the Senator from Mississippi a question?

Mr. PITTMAN. I yield for that purpose.

Mr. ELLENDER. When the President suspended the sugar quotas on September 11, 1939, the existing trade agreement between this country and Cuba provided, in effect, for the restoration of the $1.50 tariff on sugar, did it not?

Mr. HARRISON. That is my understanding.

Mr. ELLENDER. Let us assume that the Congress does not pass a sugar bill at this session, but permits the present law to expire, would the tariff on sugar remain at 90 cents or would it be restored to $1.50? Can the Senator tell us?

Mr. HARRISON. The Senator means, if no sugar quota bill were passed at this session?

Mr. ELLENDER. That is correct.

Mr. HARRISON. The duties in the Hawley-Smoot Act would become effective without any quota arrangement.

Mr. ELLENDER. Is there any provision in the law to prevent the State Department from entering into an agreement whereby, let us say, 2,000,000 tons of sugar from Cuba could come in at 90 cents should we fail to enact a sugar-quota law?

Mr. HARRISON. There is nothing to prevent the State Department from undertaking new negotiations with Cuba for the purpose of making a new trade agreement.

Mr. ELLENDER. And the sugar tariff could be cut in half by such agreement?

Mr. HARRISON. By agreement the rate could be reduced by 50 percent or by a lesser amount. However, I am certain that any rate made in a new agreement would give full consideration to such factors as price and domestic production, which might call for a reduction in duty, accompanied by either a customs quota or an absolute quota. I think the relationship between the duty and quota in the present agreement indicates the importance attached to such factors.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lee	Russell
Ashurst	Ellender	Lodge	Schwartz
Austin	Frazier	Lucas	Schwellenbach
Bankhead	George	Lundeen	Sheppard
Barbour	Gibson	McCarran	Shipstead
Barkley	Gillette	McKellar	Slattery
Bilbo	Green	McNary	Smith
Bone	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Thomas, Idaho
Bulow	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chandler	Holman	Nye	Vandenberg
Chavez	Holt	O'Mahoney	Van Nuys
Clark, Idaho	Hughes	Overton	Wagner
Clark, Mo.	Johnson, Calif.	Pepper	Walsh
Connally	Johnson, Colo.	Pittman	White
Davis	King	Reed	Wiley
Donahey	La Follette	Reynolds	

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. TARVER, and Mr. LAMBERTSON were appointed managers on the part of the House at the conference.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

The Senate resumed the consideration of the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Mr. PITTMAN. Mr. President, I offer the amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. At the end of the joint resolution, it is proposed to insert the following new section:

SEC. 2. Effective on the date of enactment of this act, section 2 of such act of June 12, 1934, is amended by adding at the end thereof the following new subsection:

"(d) No foreign-trade agreement hereafter entered into under section 1 of this act shall take effect until the Senate of the United States shall have advised and consented to its ratification, two-thirds of the Senators present concurring."

Mr. PITTMAN. Mr. President, the act which it is proposed that Congress shall extend for a period of 3 years grants to the President the power to make tariff laws through agreements with foreign governments without the necessity of such agreements being advised and consented to by the United States Senate, two-thirds of those Senators present concurring. The Congress certainly cannot authorize the President of the United States to violate the Constitution with regard to laws made through agreements with foreign governments. The tariff laws that the President makes will be found only in such agreements. The agreements set out the law, and the agreements are to become the law. It is impossible to find in the statute any evidence or even indication as to what the law will be as made by the President in these agreements.

There are only three ways to make laws under the Constitution, namely, by congressional act, by treaties, and by amendment to the Constitution. The Constitution with reference to treaties in article II, section 2, provides:

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

In article VI it is further provided that—

All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

I think it is well at this time to understand exactly what the Supreme Court has construed a treaty to be.

The proponents of the joint resolution have cited five cases in which the Supreme Court held that certain agreements were not treaties; but they have not cited a single decision showing what the Supreme Court has held is a treaty. The cases which they have cited are, undoubtedly, correct; they related to agreements such as under the act of 1890, whereby the Congress authorized certain articles on the free list to be put on the dutiable list, providing if some foreign government was not treating our exports fairly; but the articles which could be transferred from the free list to the dutiable list were definitely named; the duties that should apply to those articles were also specified; and there was nothing the President of the United States could do under that act except ask certain governments if they would give concessions on certain articles, and, if they would, then he could issue a proclamation leaving the articles on the free list instead of transferring them to the dutiable list. Of course, that was not a treaty in any sense of the word.

Agreements similar to those to which reference is made as being held to be legal and not to be treaties were also provided for under the Dingley Tariff Act of 1897. There again there was exactly the same situation. Certain articles were placed on the dutiable list at 45 percent ad valorem; the President was allowed to reduce that rate to 15 percent ad valorem on those particular articles, providing concessions were granted by foreign countries. In such a case France granted certain concessions on certain articles. The result was that there was put into effect the 15-percent ad valorem rate as to France.

There was no discretion lodged anywhere; there was no agreement for any particular length of time; the arrangement was not binding on either government; they could change it any day they desired to do so. The proponents of the joint resolution have not as yet in any of their arguments or briefs given any definition of what constitutes a treaty under the Constitution of the United States.

I wish to read a few excerpts from opinions defining what a treaty is, so as to indicate how they apply to the proposed authority to be given to the President. The Supreme Court has time and again defined what constitutes a treaty. The Supreme Court in the case of *Altman & Co.* v. *United States* (224 U. S. 583, 600), in its opinion with regard to treaties said:

Generally, a treaty is defined as "a compact between two or more independent nations with a view to the public welfare" (2 Bouvier's Dictionary, 1136). True, that under the Constitution of the United States the treaty-making power is vested in the President, by and with the advice and consent of the Senate, and a treaty must be ratified by a two-thirds vote of that body (art. II, sec. 2), and treaties are declared to be the supreme law of the land (art. VI).

In *Fourteen Diamond Rings* v. *United States* (183 U. S. 176, 182), Mr. Justice Brown in a concurring opinion stated:

A treaty in its legal sense is defined by Bouvier as "a compact made between two or more independent nations with a view to the public welfare" (2 Law Dictionary 1136), and by Webster as "an agreement, league, or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and solemnly ratified by the sovereigns or the supreme power of each state." In its essence it is a contract. It differs from an ordinary contract only in being an agreement between independent states instead of private parties.

There have been cases in which the President, in carrying out specific statutory law, was authorized to make agreements which were held not to have the elements of a treaty. I thoroughly agree with that view as maintained in the Altman case and in the case of Field against Clark. The question that must be determined by the Senate is whether the agreements which the President is authorized to enter into with foreign governments making tariff laws possess the elements of a treaty.

Now let us apply the definitions of a treaty as laid down by the Supreme Court of the United States; namely, that it is a contract entered into between foreign governments affecting public welfare; that it is the same as a private contract, as the Court says:

It differs from an ordinary contract only in being an agreement between independent states instead of private parties (*Fourteen Diamond Rings* v. *U. S.*, 183 U. S. 176, 182).

Under the Reciprocal Trade Agreements Act the President is authorized to enter into a contract for a period of at least 3 years fixing the tariff rates on any and all articles imported into the United States. It is a contract that we are both legally and morally obligated to maintain for a period of at least 3 years. The agreement may be extended indefinitely at the will of the President and the other contracting party.

Is there any doubt that it affects public welfare? The framers of the Constitution of the United States, considering the power of taxation of supreme importance to the United States, provided in article I, section 7, that—

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Do such agreements affect public welfare less than our labor conventions? Do these agreements affect public welfare less than our treaties with the American republics relative to cultural relations and exchange of professors and students? And yet it was deemed necessary to have these

conventions and treaties ratified by the United States Senate. The Congress has authorized our Government to enter into radio conventions with various governments, and yet it has been deemed necessary to have these conventions ratified by the United States Senate.

I am interested, of course, in the unconstitutional delegation of legislative authority to the President so far as making tariffs is concerned. That should be of more interest to the House of Representatives, in which is vested the power of initiating all revenue laws. That body may be willing to abandon to the President its functions of initiating revenue laws. It may be willing to surrender to the President the authority not only to initiate revenue laws but to consummate them. Congress has not either the legal or the moral authority, however, in such delegation to the President to repeal the constitutional provision with regard to treaties and deprive the United States Senate of its constitutional functions with relation to treaties. The President does not require any authority from Congress to make treaties. The Constitution provides for that. The President could make all the proposed agreements provided for in the act without any instructions from Congress, but they would be treaties, and they would not be effective until submitted to the United States Senate and advised and consented to in accordance with the provisions of the Constitution in reference to agreements with foreign governments.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. PITTMAN. I yield.

Mr. O'MAHONEY. Mr. President, I am very much interested in what the Senator from Nevada has been saying, and the point he makes seems to me to be so perfectly clear that I am unable to understand why anyone should seem to have any doubt about it at all. Yet there seems to be in the minds of those who are attempting to call these agreements treaties a great deal of confusion concerning the very question which the Senator is developing.

I appeared before the Finance Committee to argue for an amendment to require congressional approval by congressional act, and at the conclusion of my argument the distinguished chairman of the Committee on Finance, who a moment ago completed his introductory remarks, offered for the record a citation from the case of Holmes against Jennison, which was mentioned in the House by Representative ROBERTSON, and he was evidently of the opinion that it demonstrated that these trade agreements are not treaties. Representative ROBERTSON, of Virginia, cited this case because the opinion had been written by Chief Justice Taney, which seemed to him to give particular weight to the conclusion of the Chief Justice. I agree that it does give particular weight, but, inasmuch as it harmonizes exactly with what the Senator from Nevada has been saying, may I venture to read it into the RECORD here with the Senator's consent?

Mr. PITTMAN. Certainly.

Mr. O'MAHONEY. The chairman, as I have said, asked that following my testimony there should be entered the remarks by Hon. A. WILLIS ROBERTSON, and these were the remarks:

> Mr. ROBERTSON. Mr. Speaker, the following quotation from the case of *Holmes* v. *Jennison* (14 Pet. 540, at p. 571), in which the opinion was delivered by the famous Justice Taney in 1840, should settle the question that treaties and agreements are different, and the latter are not to be ratified by the Senate:

With that, of course, there is no disagreement.

Mr. PITTMAN. Not at all.

Mr. O'MAHONEY. The quotation from Chief Justice Taney is as follows:

> In the very next clause of the Constitution, the States are forbidden to enter into any "agreement" or "compact" with a foreign nation; and as these words could not have been idly or superfluously used by the framers of the Constitution, they cannot be construed to mean the same thing with the word "treaty."

With that, of course, there can be no dispute.

> A few extracts from an eminent writer on the laws of nations, showing the manner in which these different words have been used, and the different meanings sometimes attached to them, will, perhaps, contribute to explain the reason for using them all in the Constitution; and will prove that the most comprehensive terms were employed in prohibiting to the States all intercourse with foreign nations. Vattel, page 192, section 152, says: "A treaty, in Latin foedus, is a compact made with a view to the public welfare, by the superior power, either for perpetuity, or for a considerable time."
>
> Section 153: "The compacts which have temporary matters for their object, are called agreements, conventions, and pactions. They are accomplished by one single act, and not by repeated acts. These compacts are perfected in their execution once for all; treaties receive a successive execution, whose duration equals that of the treaty."

That quotation, cited by Chief Justice Taney, seems to me to bear out exactly what the Senator from Nevada has been contending. He has pointed out the fact that these so-called trade agreements, which everybody normally refers to as trade treaties, are for a period of 3 years. They call for continuous action. They affect the daily lives of the people. They deal with public welfare. They are not at all in the category of conventions or agreements or pactions, so clearly defined by the authority from whom Chief Justice Taney quoted.

Mr. PITTMAN. I thank the Senator. The agreement there ratified was to carry out statutory law, exactly as in the case of Field against Clark. I am going to read, later on, the proclamation of President McKinley in the case of Altman & Co. against United States to show the agreement. There was nothing the President was authorized to do except to put in force and effect one of two acts; that was all. He put in force and effect the 15-percent tax on statuary and other merchandise. Appellant claimed that he was entitled to the benefit of the 15-percent tax on statuary, as described in the proclamation. The Court said:

> No; you are not, because the act itself says that the statuary must be the work of an artist, and in the proclamation and agreement those who framed it forgot to put in that language, "the work of an artist."

So Altman paid 45 percent. In other words, the rate was governed by the act, not by the agreement. The agreement was only administrative.

There is not a case to which the proponents of this measure can refer that would sustain the right of a President to make an agreement such as is provided in the act which is sought to be extended. I will go further than that. I will say that no Congress has ever proposed such a thing as this act. Even the late Oscar Underwood, the ideal of the free-trade Democrats, who for years adorned the Ways and Means Committee of the House, who wrote the Underwood Tariff Act of 1913, would not stand for a thing like this. He did not do so. He had a proposal for reciprocity treaties, but what was the proposal? That they should be subject to approval by Congress.

I do not agree with that method. I say if the law is to be embraced in an agreement, and nowhere else, then it is a treaty, because it has the force and effect of law. No agreement on earth has the force and effect of law except a treaty. The Constitution provides the methods by which a law may be made. It may be made by Congress, with the approval of the President, or by passing a measure over his veto or disapproval, or it may be made by treaty, or it may be made by amending the Constitution of the United States. Those are the only ways in which laws may be made; and every delegation of authority which has been sustained by the courts has been sustained on the ground that only administrative power was conferred; that there were such definite standards and guides, and so forth, that it was really the act of Congress which the President executed, and not the discretionary act of the President. The proponents of the legislation cannot find anything else to save their lives.

May I further emphasize that statement? I am satisfied that there is in this act an unlawful delegation of legislative authority. I do not think any standards or guides or restraints are placed upon the President in making these laws that have ever been anticipated by any decision of the Congress of the United States with regard to legal delegation of the legislative power to an executive. As I have said, I know of no Congress that has ever proposed such a thing. In the

flexible-tariff case the Court sustained the act. It sustained it on the ground that the standards and guides were definitely laid down. I must say that I disagreed with the Court, but that is neither here nor there. That is the law. The act stated that the tariff should be based upon the difference in cost of production abroad and at home, and that the Tariff Board should find the facts as to whether there had been an increased cost or a decreased cost in a foreign country, or an increased cost or a decreased cost here, and, by percentages, should raise or lower the tariff as those facts were disclosed.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Vermont?

Mr. PITTMAN. I do.

Mr. AUSTIN. I should be glad to have the Senator discuss the question whether there are powers under the Constitution which create functions which are so important that they are called primary functions, and cannot be delegated at all, even though Congress tries to lay down a standard? Are there such powers?

Mr. PITTMAN. I think there are such powers. I think the provision of the Constitution which requires that revenue bills shall be initiated in the House is fundamental. It is so fundamental that Thomas Jefferson, in writing from Paris to Madison, said:

> I am delighted that you have placed in the hands of the popular body the control over taxation.

He said:

> While many features of that I do not like, the question of taxation is the most important of all under our Government. Therefore I approve of it.

It must be admitted that the negotiation of tariff laws is at least in the President under the act. No tariffs are laid down for him to put into force and effect. We cannot determine what will be the law until the President makes an agreement. We do not know whether he will raise or lower tariffs, because it lies within his power to raise or lower. He may impose an embargo. That lies within his power.

There are certain fundamental principles involved in this question. I think that the power of taxation is one of the most fundamental principles in the Constitution. Thomas Jefferson thought so, and Madison thought so, because they realized that the power of taxation carries with it the power of destruction, and that no one should be trusted with it except the direct representatives of the people who are to be taxed.

Is there any doubt in the mind of any Senator that we would be delegating the initiation of tariffs to the President? If he changed existing law in the amount of 1 cent he would be making law, and he would be repealing an old law. It is not possible to repeal an old law except by passing another law.

Mr. GEORGE. Mr. President, I do not desire to interrupt the Senator, but I am very much interested in his argument, and I should like to ask him whether it is his contention that trade agreements are treaties, absolutely, and that therefore they must be ratified by the Senate by a two-thirds vote, even though made under the provisions of the Trade Agreements Act?

Mr. PITTMAN. That is my position.

Mr. GEORGE. I am glad the Senator is insisting on that, because, of course, one begs the whole question when he admits, as has been admitted by certain Senators on the floor of the Senate, that Congress may subsequently approve treaties. I do not understand that to be the Senator's position.

Mr. PITTMAN. No. I stated a while ago that the late Senator Underwood, in the Underwood Tariff Act of 1912, provided that reciprocal-trade agreements should be ratified by Congress, and that could sustain a treaty.

Mr. GEORGE. I wish to understand the Senator's position, because there are amendments lying on the table, presented by distinguished Senators, calling for the mere ratification of these trade agreements after they have been negotiated. Of course, that begs the whole question the Senator is presenting, because if a trade agreement can be made valid by merely being approved by a majority vote of both Houses, after having been negotiated, it can also be authorized in advance if the statute carrying such authority is a valid one, and, in fact, vests such authority in the President. I merely wanted to get the Senator's position on that point.

Mr. PITTMAN. I think the Senator understands my position now.

Mr. GEORGE. I do not care to argue the question, but the Senator is insisting very strongly that the Trade Agreements Act deals purely with the exercise of the taxing power. Tariff duties, of course, are taxes. I desire to make the statement to the Senator in all frankness that I do not think it involves the exercise of the taxing power alone. I think the Trade Agreements Act is a regulation of commerce. The taxing power is only incidental to it. It does not depend upon that at all. It is a regulation of commerce, a power which is vested in the Congress.

Mr. PITTMAN. May I answer the Senator at that point?

Mr. GEORGE. Certainly. I merely wanted to make that statement because the Senator asked whether anyone doubted that a measure such as the one before us must originate in the House of Representatives.

Mr. PITTMAN. While the Senator is discussing the delegation of legislative power, he is discussing an entirely different subject from the matter of the validity of treaties.

Mr. GEORGE. I grant that, but I wanted to be clear about the matter. When one discusses the mere question of delegation of power, and proposes to amend the Trade Agreements Act by merely making trade agreements after they have been negotiated, subject to subsequent approval by either House or both Houses, then he is begging the whole question which I understood the Senator to be making. The Senator's insistence is that they are treaties.

Mr. PITTMAN. That is correct.

No matter under what authority the President accepts his authorization to make agreements with regard to tariffs with foreign governments, no matter from what source he gets his authority to make them, if the law is included in a definite agreement between two foreign governments, with a long time to run, it is a treaty. It is the highest law of the land, and no matter what authority the President has for his acts, when he makes an agreement under this act, then it becomes a treaty, the highest law of the land, and it must be ratified.

Mr. GEORGE. I understand the Senator's position, and of course agree with him that if a trade agreement is a treaty it must be ratified, and the mere approval of it by the Congress would be entirely nugatory.

Mr. PITTMAN. I agree to that.

Mr. GEORGE. I think the Senator is correct. We may differ as to whether or not a trade agreement is a treaty, but if it is a treaty, I think the Senator is entirely correct.

Mr. PITTMAN. I thank the Senator.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. I should like to ask the Senator from Georgia whether, if a trade agreement is not a treaty, he regards it as a law, and if it is a law, would it not come under the taxing power, and have to originate in the House of Representatives?

Mr. GEORGE. Oh, no, Mr. President. I tried to make that clear. The Reciprocal Trade Agreements Act is almost exclusively, almost entirely, a mere regulation of commerce, just as the law fixing the rates on transcontinental and interstate carriers is a regulation of commerce. The taxing power is merely incidental to it. I do not think such a measure has to originate in either the Senate or the House. There might be certain jealousy between the two bodies, but fundamentally I do not think it must originate in either House.

Mr. KING. Will the Senator from Nevada yield so that I may ask the Senator from Georgia another question?

Mr. PITTMAN. I yield.

Mr. KING. Assume that under the Trade Agreements Act an agreement is entered into which supersedes an existing tariff law, modifies and repeals it, and to that extent deprives the Government of revenue which it would otherwise receive.

Does the Senator conceive that it would be a mere regulation of commerce when it repeals existing law?

Mr. GEORGE. It is a mere regulation of commerce whether or not it repeals existing law. Whether or not it is a treaty, as the Senator from Nevada is debating, is of course a very different question. The Senator from Nevada correctly points out now, in the beginning of the debate, that the question whether there has been an undue or illegal or unconstitutional attempt to delegate legislative power, so far as the validity of the act is concerned, is not the really fundamental question, because he is insisting that a trade agreement is a treaty, even though negotiated as a trade agreement, and must necessarily be ratified as are all other treaties. If a trade agreement is a treaty, the Senator is entirely correct, and we would differ only as to that point.

Mr. SHIPSTEAD. Mr. President, will the Senator from Nevada yield?

Mr. PITTMAN. I yield.

Mr. SHIPSTEAD. Does the Senator know of any agreement arrived at between our country and another which, under our Constitution, has not been ratified? For instance, we make an agreement, after negotiation with other countries, which affects our commerce, or the general public policy of our Government. What kind of an agreement can be reached unless it is in the form of a treaty ratified by the Senate?

Mr. PITTMAN. I tried to explain that. If Congress passes a measure containing two different rates of duty and says to the President, "If you find that there is a discrimination against our commerce by a foreign country, you may put into force and effect the higher duties; and if they cease the discrimination, you may put into force and effect the lower duties in the act," the power would be purely ministerial. Congress would be using its discretion in fixing two different rates, one rate to be used if the President found that some foreign country was discriminating against us. Any agreement under such a condition would not be a treaty. I do not know of one agreement—and if there is one, I should like to have it shown me—which changes a law of the United States by virtue of its own force which has ever been called anything but a treaty.

Mr. President, I have read the definition of a treaty. The Supreme Court has time and time again said that a treaty is a contract between two or more sovereign powers affecting the public welfare. They have said it is the same as a private contract except that it is between sovereign powers. Every lawyer here knows what a private contract is. It is an agreement upon sufficient consideration to do or not to do a certain thing. Does not this measure provide for such an agreement? Does it not provide for a contract which the President is authorized to make? Does anyone deny it is a contract he is authorized to make? Of course, it cannot be denied that it is a contract. He is authorized to enter into contracts with any foreign government for a period of 3 years to change any duty on any article which may be imported into the United States. Is not such an agreement a contract? The Supreme Court, without exception, has held that such agreements between our Government and foreign governments are contracts; and contracts are treaties.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BARKLEY. While it may be true, as a definition of "treaty," that it is a contract, does it necessarily follow that all contracts between nations are treaties which require ratification by the Senate?

Mr. PITTMAN. Yes; absolutely.

Mr. BARKLEY. I agree with the statement of the Senator from Georgia [Mr. GEORGE] that the exercise of the authority conferred under this act is a regulation of commerce. The Senator from Nevada, of course, disagrees with me in that respect.

Mr. PITTMAN. I do not think it is a regulation of commerce at all. I think it is putting into force a tariff act.

Mr. BARKLEY. Congress has the power to regulate commerce among the States and has set up the Federal Trade Commission and the Interstate Commerce Commission to assist it.

Mr. PITTMAN. That has nothing to do with foreign commerce or foreign governments.

Mr. BARKLEY. I understand. But the same constitutional power, the same sentence and line that confers upon the Congress the power to regulate commerce among the States also confers upon the Congress the power to regulate commerce between the United States and foreign countries. It is a coextensive power. It is an equal power. Does the Senator distinguish between the power of the Congress to regulate commerce among the States and between the United States and foreign governments?

Mr. PITTMAN. Yes; but this power is subject to the other restrictions of the Constitution, such as the provision respecting treaties.

Mr. BARKLEY. Even the Tariff Commission is a regulatory body in a sense, and the Federal Trade Commission, the Interstate Commerce Commission, and the Tariff Commission are all established in pursuance of the commerce clause of the Constitution and not of the revenue-raising clause of the Constitution. Cannot the Congress designate the President as its agent to regulate commerce between this country and foreign countries as validly as it can set up a commission to do that very thing between the States, and does the Senator doubt that Congress could set up a commission to do what the President is authorized to do?

Mr. PITTMAN. I think it is perfectly absurd to say because we have regulations, within limits, within our own country to carry on our own business, that we can do the same thing with respect to foreign governments through contracts. The framers of our Constitution were afraid of foreign governments, and we are still afraid of foreign governments. If we can allow the President or direct or instruct him or seduce him into entering into agreements under this act, what happens? Is he obliged to stop at that point? Now that the great war has come and a grave emergency has arisen, suppose Congress were to pass an act authorizing the President, in his discretion, when he finds it necessary in the interest of the peace of this country, to enter into contracts with foreign governments in aid of the protection of the peace, what might be the result? That may be the next thing that is coming. What could the President do under such an act? He could join the League of Nations if he thought it necessary for the protection of the peace of the United States. He could join the World Court. Why not? He could do those things if he thought it in the interest of peace and the welfare of the United States. Under this precedent any agreement he entered into would not require ratification.

Mr. President, I think we have fiddled with the Constitution long enough. I do not believe we can use a little regulatory body such as the Interstate Commerce Commission is as a basis for comparison when it is proposed to enact legislation providing that a foreign government shall be called in to participate with us in making our laws and that such laws cannot be changed for 3 years.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. McKELLAR. The President under the Constitution is given the power, with the advice and consent of the Senate, to make treaties. It is necessary that two-thirds of Senators present and voting shall agree to such treaties. That is provided in a specific form in the second article of the Constitution. In the first article of the Constitution, the Congress is given the specific right to regulate commerce with foreign nations. To my mind there are two distinct provisions. One is to make what are generally known as treaties, as the Senator has properly defined them. On the other hand, the Constitution provides specifically that the Congress shall regulate commerce with foreign nations, and unless this kind of regulation takes place, what is the meaning of that provision? It seems to me that provision is surplusage; it would have no effect; and what could it be applied to other than to commercial agreements?

Mr. PITTMAN. Mr. President, I do not think so. We have in force port regulations. France and Great Britain have

port regulations in force. They are changed every week or two. They are temporary, for the purpose of carrying on business and regulating commerce. If the Congress could delegate the power to the President to make tariffs, Congress would not be needed, would it? If the constitutional provision that revenue acts shall be initiated in the House of Representatives means nothing, the majority of Congress could let the President initiate tariff acts, as is proposed to be done now. The argument of the Senator from Georgia does not appeal to me that it is not a revenue act. He says that revenue is not the purpose. The purpose of the legislation, as it exists today, is to raise revenue. Why is not legislation whose purpose is to amend the tariff act revenue legislation? Is it supposed for one instant, if the Senate of the United States had initiated a tariff measure reducing the present tariff, that the House would not protest and refuse to consider the measure?

Mr. GEORGE. Mr. President, I do not want to interrupt the Senator, but I will say that I do not think we have enacted a tariff law for the purpose of raising revenue for 40 years in the United States. Such laws have been designed very largely to prevent revenue from coming into the Treasury. The Supreme Court has settled that question. I think it settled it very definitely in the University of Chicago case, in which the university contended that in importing certain articles for its use the university was not subject to tariff duties, because it was an agency of the State, and the State could not be taxed by the Federal Government. The Supreme Court of the United States, speaking through Mr. Chief Justice Hughes, in deciding that case said that our present tariff act—this is the effect of the decision—was a measure to regulate commerce between the United States and foreign nations. But not only is that true, but the Reciprocal Trade Agreements Act is very definitely an attempt to regulate commerce, because we had tariffs which the party then coming into power believed to be too high. We had tariffs that were thought to be impeding the flow of commerce, and the whole purpose that breathes in every line of the act is an effort to regulate commerce by stimulating the flow of commerce. It may be an unwise act, but that is the congressional purpose.

Mr. PITTMAN. Mr. President, whether that is the purpose or not, no matter what the purpose is, it would not justify violating the Constitution of the United States.

Mr. GEORGE. Oh no, I am not now arguing that point with the Senator. If the Trade Agreements Act is a lawful delegation of constitutional power, in my opinion any treaty negotiated under it, in which the President stays within the terms of the act, is legal and binding.

Mr. PITTMAN. Within the terms of the act? What are its terms?

Mr. GEORGE. Mr. President, it would take a considerable time to give adequate discussion to that particular point, and I would not endeavor to take the time to do so now.

Mr. PITTMAN. In the case of the McKinley Act of 1890 the terms were absolutely definite as to what the treaty should be in one case and in another. The same is true with respect to the Dingley Tariff Act.

Mr. GEORGE. That is true. I do not want to divert the Senator from the line of his thought.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. I am prompted to make an observation in line with the statement made by the distinguished Senator from Georgia. The Democratic Party has affirmed over and over again that it believes in obtaining revenue from tariffs, and it has declared in favor of lowering tariff rates when, as was believed in many instances, greater revenue would be obtained, but at any rate the Democratic Party has always contended that any legislation affecting duties upon imports was a revenue measure. Whether we call it a tariff act or reciprocity act, or anything else, it is a revenue measure, and therefore the Trade Agreement Act obviously in many respects comes within the category of being a revenue measure.

Mr. GEORGE. Mr. President, I may have overspoken myself. I do not recall the provisions of the Underwood Tariff Act. Perhaps that could be declared to be an act to raise revenue, but if so it is the only one within recent years. The others have had another very definite purpose. But in both the Fordney-McCumber Act and the Hawley-Smoot Act it is recited, among other things, that it is for the purpose of regulating commerce with foreign governments. The Supreme Court has textually held that the effect of the present tariff act is to regulate commerce with foreign countries, rather than to raise revenue.

Mr. PITTMAN. If I recollect correctly, the Court held that it was also for protection. The Supreme Court has held that the act had in view protection of industry and revenue and regulation of commerce.

Mr. GEORGE. Yes.

Mr. PITTMAN. But, notwithstanding that, it had to originate in the House. What it is sought to do now is to get a new system of making tariffs.

Mr. GEORGE. Mr. President, this act originated in the House, and even the joint resolution to renew it originated in the House.

Mr. PITTMAN. This measure originated in the House. It does not change the present tariff law. It does not provide any tariff law. It does not do anything at all except to say to the President of the United States, "You may make a tariff law." However, I still come back to the proposition that no matter under what subterfuge the power is granted—whether it be the interstate and foreign commerce provision of the Constitution, or emergencies and war necessities—when it comes to using the authority granted to the President to make revenue duties through contracts with foreign governments, we cannot control such contracts. We may be able to control the maximum or minimum limits of the tariff; but Congress cannot control an agreement for a definite period of time which puts a burden on this country and affects the welfare of the country if we say that the agreement does not have to be ratified by the Senate as a treaty. It is the treaty-making power which is violated.

Suppose the Congress of the United States should pass a bill saying that the President may make treaties with South American countries, and that such treaties would not have to be ratified. That is what we are proposing to do in the present instance. Would such a measure be constitutional? I do not think any Member of this body would want to grant to the President the power, without review by the Senate, to make even as mild treaties as we have made with South American countries, dealing with cultural matters, the exchange of professors and students, and the like.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. PITTMAN. As a matter of fact, many a line could be thrown into a treaty with a South American country which we in the Senate might consider disastrous. We have the right to deal with contracts with foreign governments. However, if we set this precedent, the attitude hereafter may well be, "What is the use of bothering with those things? Leave them to the discretion of the President. We will authorize him to enter into treaties with the American republics, without ratification by the Senate, when he finds it is to the interest and welfare and peace of this country to do so." I say that if this precedent is set in the case of a plain contract affecting our public welfare for a definite period of time, then we repudiate that provision of the Constitution which requires ratification by the United States Senate.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. VANDENBERG. I think I can give the Senator a specific example of the precise thing he has just been discussing. To me it is a confession of the use of an extra-constitutional power by the State Department. Let me read the Senator one sentence from article XI of the trade treaty with Colombia, made May 20, 1936:

> As long as the present agreement remains in effect—

That is the trade agreement—

> it shall supersede any provisions of the Treaty of Peace, Amity, Navigation, and Commerce between the United States and the Republic of New Granada, signed at Bogota, December 12, 1846—

And so forth. In other words, we have a frank confession of a treaty amended by an act of the Executive.

Mr. PITTMAN. We know that nothing can repeal a treaty except another treaty or an act of Congress.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. McCARRAN. Following the suggestion made by the able Senator from Michigan, in the treaty with Belgium we find the identical language affecting a treaty of 1872, known as the Belge-Luxemburg Treaty.

Mr. PITTMAN. Undoubtedly such agreements are treated as laws. No agreement except a treaty is a law. These agreements are treated as treaties, which can repeal other treaties. Everyone at all familiar with constitutional law knows that the only way to repeal a treaty is by a congressional act or by another treaty, or by declaring it repealed in accordance with the terms of the treaty itself.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. SHIPSTEAD. In line with that reasoning, does the Senator contend that treaties which have been negotiated, and which we are now told have the effect of law, and under which our commerce is being regulated, are not in fact law because they have not been ratified by the Senate?

Mr. PITTMAN. I believe that they are unconstitutional. My argument leads to that conclusion. However, my amendment applies only to agreements hereafter made. The reason for doing so, of course, is that I do not feel that we are justified in disturbing all the transactions which have gone on for years. I do not think such action would be sufficiently beneficial, and I have very grave doubt as to whether or not anyone could get into the Supreme Court to be heard on the matter. I am dealing only with agreements hereafter made.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. WHITE. I am in complete agreement with all the Senator has said up to this point. He has argued that the agreements are in fact treaties which require Senate ratification in order to legalize them and bring them within the four corners of the Constitution. I call his attention to the fact that there is eminent authority for the further contention that even by a treaty ratified by the Senate we may not deal with our tariff rates. Apparently, Mr. Taft, the great crusader in behalf of reciprocity, held that opinion when he was President, because when he negotiated the arrangement with Canada he did not ask for ratification only by the Senate but sent legislation to both Houses of Congress in order to implement the Canadian reciprocity agreement, because it affected the revenues of the United States and involved the taxing power, which was a primary responsibility of the House of Representatives.

Mr. PITTMAN. As I say, I do not believe the delegation of authority was constitutional, but I am not arguing that question. There are others who can argue it more ably than I. However, I contend that no matter what the delegation is, the President may not make such a contract with a foreign government reducing for a period of time our revenue rates, except by a treaty. I understand that the President may make certain agreements and have understandings, which are not treaties, in respect to foreign relations.

I wish to consider the cases cited by Dr. Sayre, a distinguished professor of law. These cases were cited at the hearings before the House Committee on Ways and Means, in an attempt to show that this kind of an agreement, which may be made by the President, has been approved in other cases. If that distinguished lawyer could have found stronger cases than these, I think he would have found them.

Let us consider the first case. The first case is the case of Field against Clark. What was that case? That case was brought by three or four persons attacking the constitutionality of the McKinley Tariff Act of 1890. They raised a number of grounds. They wanted to obtain the lower rates under the prior act, and they attacked the McKinley Act as unconstitutional. On what ground? In the first place, they attacked it on the ground that the act was not the measure which had passed the Senate. They tried to go behind the act and show what had happened in the Senate. The Supreme Court said, "You may not go behind the act."

The sugar schedule was also attacked as unconstitutional. Another thing which was attacked was the delegation of legislative and treaty-making power in the act. What the Court said was very interesting:

> The plaintiffs in error contend that this section, so far as it authorizes the President to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides, is unconstitutional, as delegating to him both legislative and treaty-making powers, and, being an essential part of the system established by Congress, the entire act must be declared null and void. On behalf of the United States it is insisted that legislation of this character is sustained by an early decision of this court and by the practice of the Government for nearly a century.

The main fight was on the question whether or not the delegation of authority was constitutional. There was nothing about treaties in the act. The appellants contended that the act was an unconstitutional delegation of legislative and treaty-making power. The Court said:

> To what extent do precedents in legislation sustain the validity of the section under consideration, so far as it makes the suspension of certain provisions and the going into operation of other provisions of an act of Congress depend upon the action of the President based upon the occurrence of subsequent events, or the ascertainment by him of certain facts, to be made known by his proclamation? If we find that Congress has frequently, from the organization of the Government to the present time, conferred upon the President powers, with reference to trade and commerce, like those conferred by the third section of the act of October 1, 1890, that fact is entitled to great weight in determining the question before us.

What power was delegated to the President under the act of 1890? The right to put either one of two acts into effect. The appellants said that such a delegation of power was unconstitutional. From the very beginning of our history, whenever Congress has laid down alternative standards one providing for free trade and the other for tariffs, and has allowed the President to put either one in effect upon the occurrence of certain conditions, such delegation of power has been upheld, of course. There is no question about it.

The Court went on to say:

> As the suspension was absolutely required when the President ascertained the existence of a particular fact, it cannot be said that in ascertaining that fact and in issuing his proclamation, in obedience to the legislative will, he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress.

There is no such situation here. We have not two acts of Congress; we have, in fact, no act at all. In this case there were certain goods on the free list and the President was authorized to put them on the dutiable list at certain rates specified if there was a discrimination against us by foreign countries.

What would the President do in that case? He would induce other countries to reduce some of their tariff rates under the threat that he would take certain commodities off the free list and put them on the dutiable list; but he would enter into no agreement; there was no agreement at all. No agreement can be found in this instance. It simply says that, in view of the fact that the State of Brazil has reduced its tariff on certain commodities, the United States will allow certain commodities to remain on the free list. That is all that is stated.

But in this case, the court says:

> The court is of opinion that the third section of the act of October 1, 1890, is not liable to the objection that it transfers legislative and treaty-making power to the President.

That is all; there is no mention of a treaty in that act. Of course, Mr. President, all that act did was to say to a foreign country, "Reduce your tariff on certain commodities or we will take certain articles off the free list and put them on the dutiable list." That was the only thing done.

What is the other case under the Dingley Tariff Act? The proponents of the measure talk about the Altman case.

Mr. ADAMS. Mr. President——

Mr. PITTMAN. I yield.

Mr. ADAMS. Perhaps the Senator will not mind my suggesting that in that case the President did not fix the tariff rates, but the act itself prescribed the exact duties which should be in effect if the President made his finding?

Mr. PITTMAN. Exactly.

Mr. ADAMS. It was not left to him as to what the tariff rate should be.

Mr. PITTMAN. There was no discretion left at all. There were certain articles on the free list, such as sugar, for instance, and, of course, there was a dutiable list as to other articles and the law allowed the President to put into effect if he wanted to, the rates provided in the dutiable list on certain commodities in the event some other country was discriminating against us. That was all that was provided.

I should like to put into the RECORD at this point the reciprocal provision of the Tariff Act of 1890. I desire to put it into the RECORD because it governs the case which is cited to show that this act is constitutional. I read from section 3 of the Tariff Act of 1890:

SEC. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January 1892, whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the products of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely—

Each item is specified. As a matter of fact, the President did not put that provision into effect. He allowed these articles to remain on the free list in consideration of the other countries reducing some of their duties. I ask that the entire section 3 of the McKinley Tariff Act of 1890 be printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

[U. S. Stat. L., ch. 1244, 1890; McKinley Tariff Act of 1890]

SEC. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January 1892 whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, seven-tenths of 1 cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely: All sugar above No. 13 and not above No. 16 Dutch standard of color, 1⅜ cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard of color, 1⅝ cents per pound.

All sugars above No. 20 Dutch standard of color, 2 cents per pound.

Molasses testing above 56°, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled, Angora goat skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheep skins, with the wool on, 1½ cents per pound.

Mr. PITTMAN. Now I invite the Senate to listen to the Altman case, which is the prize case of those who contend that when the Court stated that certain agreements were not treaties it absolutely proved that the agreements under the Reciprocal Trade Agreements Act are not treaties.

The decision referred to was rendered under the Dingley Tariff Act. The Dingley Act, of course, was a long act, but I will read the reciprocal provision of that act. I have already given the Senate the reciprocal provision of the 1890 act, and in the Dingley Act there was practically the same provision:

SEC. 3. That for the purpose of equalizing the trade of the United States with foreign countries—

And so forth—

the following articles: Argols or crude tartar, or wine lees, crude; brandies * * *, champagne * * *, still wines, and vermouth; paintings and statuary.

Under the act the President could reduce the tariffs on those commodities, if he wanted to, by putting into effect the rates provided under section 3 of the act. The regular rate under the Dingley tariff was 45 percent. It was provided that if certain governments made concessions to us with regard to our exports the President might impose a lower duty, down to 15 percent.

This is what the suit arose over. In the reciprocity provision of the Dingley Act it was provided that the rate on paintings in oils or water colors, pastels, pen-and-ink drawings, and statuary should be 15 percent ad valorem.

That was the rate to which the tariff might be reduced. Altman & Co. imported a piece of molded statuary from France.

The Government of France had entered into an agreement with President McKinley under the reciprocal provision of the Dingley Tariff Act. In other words, France obtained a reduction of tariff duties on brandies, statuary, and other commodities mentioned, and President McKinley proclaimed the rate under which those commodities should be allowed to come into this country. This is what the President did, and it is all he did—and I am getting down to the Altman case—the President issued a proclamation, saying:

Whereas, pursuant to section 3 of the act of Congress approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," the Governments of the United States and of the French Republic have in the spirit of amity, and with a desire to improve their commercial relations, entered into a commercial agreement in which reciprocal and equivalent concessions have been in the judgment of the President secured according to the provisions of said section, whereby the following articles of commerce, being the products and manufactures of the United States, are to be admitted into France on and after the 1st day of June 1898, at the minimum rate of duty, not exceeding the rates respectively appearing in the following table—

Then the articles bearing the lower rate are set forth in the table—

Therefore, in further execution of the provisions of said section, it is hereby declared that on and after the 1st day of June 1898, and during the continuance in force of the agreement aforesaid, and until otherwise declared, the imposition and collection of the duties heretofore imposed and collected upon the following-named articles, the products of France, by virtue of said act, are hereby suspended, and in place thereof the duties shall be imposed and collected thereon according to the provisions of said section 3, as follows:

Then the articles on which the lower rate of duty is to be imposed are enumerated, after which the proclamation proceeds:

Now, therefore, be it known that I, William McKinley, President of the United States of America, have caused the above-stated modifications of the customs duties of the respective countries to be made public for the information of the citizens of the United States of America.

Mr. President, let me now call attention to the fact that that was the only agreement with France; that was all of it. France simply notified President McKinley that it had reduced French tariff duties on certain articles, whereupon the President declared that the lower rates of the American tariff should go into effect on certain French articles.

Mr. BONE. Mr. President, may I make an inquiry of the Senator?

Mr. PITTMAN. Certainly.

Mr. BONE. Do I understand that the cases which are relied on to which the Senator has adverted are instances in which the Congress has authorized the President to make shifts in the tariff rates only in definitely specified categories?

Mr. PITTMAN. That is correct.

Mr. BONE. And with a strict limitation on his power to make changes only in those definite categories?

Mr. PITTMAN. That is correct.

Mr. BONE. In other words, it was to some degree, then, a unilateral operation?

Mr. PITTMAN. Yes; it was.

I will state that the opinion in the Altman case deals very largely with the delegation of legislative authority. The question of treaties came into this matter in only one way. Under the Circuit Court of Appeals Act of 1891, an appeal might be taken from the circuit court directly to the Supreme Court in cases affecting revenues and cases involving the construction of a statute or a treaty. That was what was provided in the act. The Court, in its opinion in the Altman case, held that it was undoubtedly the intention of Congress to allow all kinds of compacts and agreements and treaties entered into between our Government and some foreign government to come up to the Supreme Court for construction. It was impossible to tell whether or not the instrument in question was a treaty until it got there; and the Court held that in passing the Circuit Court of Appeals Act, which stated that there might be a direct appeal from the construction of a treaty to the Supreme Court, Congress evidently did not intend a narrow construction of the Constitution in relation to a treaty but meant any agreement entered into by our Government and a foreign government; and the Court held that the proclamation of the President was an agreement but not a treaty. It was not a treaty because it was not binding for any definite time. It lasted only so long as either government wanted it to last and no longer. The proclamation itself stated that it should last only so long as it was not changed. There was no contract whatever. It was simply an arrangement that the President had with France that France would reduce its tariff on certain articles and the President would reduce the American tariff on certain articles; but here is the part that is pertinent to this case. The Court says in its opinion:

> The bust was imported from France and was assessed a duty of 45 percent ad valorem under paragraph 193 of the Tariff Act of 1897 (30 Stat. 151, 167), which covers articles or wares, not specially provided for in the act, composed wholly or in part of metal, and whether partly or wholly manufactured. A protest was filed by the importers in which they contended that the bust should be classed as statuary—

Statuary was one of the articles on which the duty could be reduced.

> under the commercial reciprocal agreement with France (30 Stat. 1774), which was negotiated under the authority contained in section 3 of the Tariff Act of 1897, to make reciprocal agreements with reference, among other articles, to "paintings in oil or water colors, pastels, pen and ink drawings, and statuary."

This is what the appellants contended in that matter: It was contended that the lower court erred—

> In not holding that the commercial agreement between the United States and France, as proclaimed by the President of the United States (T. D. 19405 and 30 Stat. 1774), was to be in full scope according to its language without being in any way restricted or modified by the definition contained in paragraph 454, section 1, of the Tariff Act of July 24, 1897, but which definition was not embodied either in the commercial agreement itself or in the President's proclamation thereof.

What did the court hold? It held that the statute governed; that the so-called agreement was nothing but a method of executing the statute; and that while the agreement merely used the word "statuary," the act itself defined what "statuary" was. It has to be a work of art, and not a molding.

Let me read the last part of the opinion. Let us be frank, and see what the court had to say about this agreement:

> While it may be true that this commercial agreement, made under authority of the Tariff Act of 1897, section 3, was not a treaty possessing the dignity of one requiring ratification by the Senate of the United States, it was an international compact, negotiated between the representatives of two sovereign nations and made in the name and on behalf of the contracting countries, and dealing with important commercial relations between the two countries, and was proclaimed by the President. If not technically a treaty requiring ratification, nevertheless it was a compact authorized by the Congress of the United States, negotiated and proclaimed under the authority of its President. We think such a compact is a treaty under the Circuit Court of Appeals Act, and where its construction is directly involved, as it is here, there is a right of review by direct appeal to this Court.

That is the way the case got there, but this is the opinion of the Court in that case, in which the Court said that the so-called agreement was not binding because it was simply a device to carry out an act which was on the statute books, and I will read it to you.

> The negotiation was entered into between the representatives of the two countries under the authority of section 3 of the Tariff Act of 1897, as we have seen. In that act the term "statuary" is defined as follows: "The term 'statuary' as used in this act shall be understood to include only such statuary as is cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as is the professional production of a statuary or sculptor only." The reciprocal agreements were authorized with reference to "paintings in oil or water colors, pastels, pen-and-ink drawings, and statuary." We think this must have reference to statuary as already defined in the act, which both parties understood was the source of their authority to negotiate the reciprocal commercial agreement in question, for the agreement provides:
>
> "It is reciprocally agreed on the part of the United States, in accordance with the provisions of section 3 of the United States Tariff Act of 1897, that during the continuance in force of this agreement, the following articles of commerce, the product of the soil or industry of France, shall be admitted into the United States at rates of duty not exceeding the following, to wit:
>
> * * * * * * *
>
> "Paintings in oil or water colors, pastels, pen-and-ink drawings, and statuary, 15 percent ad valorem."
>
> Thus in its terms the agreement was made under the authority and in accordance with section 3 of the Tariff Act of 1897, in which very act the term statuary, as used therein, was specifically defined, as we have already stated.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I yield.

Mr. ADAMS. The Senator is reading from the Altman case?

Mr. PITTMAN. Yes, from the Altman case.

Mr. ADAMS. As I understand, the case deals with two definitions. One is the term "treaty" as used in the Circuit Court of Appeals Act. The other is the term "statuary" as used in the Tariff Act.

Mr. PITTMAN. That is correct.

Mr. ADAMS. I was hoping that the Senator would point out what is contained in section 4 of the act with which he is dealing.

Mr. PITTMAN. I will.

Mr. ADAMS. Section 4 of the act, which gives a general right for reciprocity negotiations, specifically compels that they be referred back not only to the Senate but to the Congress for ratification.

Mr. PITTMAN. I will discuss that in a few minutes. I thank the Senator. I will read the closing language of the opinion:

> We think that it is clear that the Board of General Appraisers and the circuit court did not err in finding that this bronze statue was not wrought by hand from metal. On the other hand, the testimony is clear that the statue was cast from metal by artisans employed for that purpose, and was very little touched, if at all, in its finishing, by the professional designer.

In that case, to which the Senator has called attention, the only attempted interpretation of the word "treaty" was in connection with the Circuit Court of Appeals Act of 1891, which stated, among other things, that there might be a direct appeal from the circuit court of appeals to the Supreme Court in the construction of constitutional questions with regard to statutes or treaties, and that while the language in the Circuit Court of Appeals Act said "treaties" the court thought the intent of Congress in allowing them to investigate these instruments to see whether or not they were treaties was to allow them to take in any agreement or compact or treaty between our Government and a foreign government, and therefore they took jurisdiction of the case; but no question of a treaty was involved. The proponents of this measure have admitted that an agreement and a treaty are two different things or just the same thing; I do not know which they admit.

Now, let me take up this act. I have read a part of the Dingley Act. I desire to call attention to something very peculiar about this matter. I said a while ago that no Congress from the beginning of our Government had ever attempted to delegate such authority as is delegated in this instance. I have already gone through the statutes down to 1890, and all the President was allowed to do in the statute of 1890 was to raise the duty on some free-list articles to a specified rate.

The Dingley Act, in section 3, dealt with the specific articles about which I have told the Senate, and all the President had to do was to proclaim what they were. He proclaimed them, and that was the end of it. Remember that section 3 of the Dingley Act dealt with certain specific articles which were on a certain dutiable list but which the President had a right to put on another dutiable list; and the duties in each list were set out in the statute. But now I shall read section 4. This is what Congress thought about agreements of this kind:

SEC. 4. That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of 2 years from and after the passage of this act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom, shall provide for the reduction during a specified period, not exceeding 5 years, of the duties imposed by this act, to the extent of not more than 20 percent thereof, upon such goods, wares, or merchandise, as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from the dutiable list of this act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this act during a specified period, not exceeding 5 years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

The Altman case was under section 3 of the Dingley Act, not under section 4. Section 3 prescribes certain acts by the President, leaving goods named on the one list, or putting them on another list with the duties named. But here the reference to agreements not ratified is to those made under section 4. Agreements were negotiated by the President under section 4, and those were the only important agreements negotiated. The few articles mentioned in section 3 did not amount to much. But in section 4, Congress expressly provided, with regard to general agreements such as are prescribed in this measure, for agreements with regard to other articles of import, which agreements not only must have been ratified by the Senate, but must have been approved by Congress.

Some complaint has been made with regard to the failure to ratify the treaties which were negotiated under section 4. Let us assume that the United States Senate did not approve them. Was it any crime that they should refuse to ratify them?

The distinguished Assistant Secretary of State, Mr. Grady, when testifying before the House committee, made as his chief argument against the necessity of ratification of trade agreements by the Senate the statement that under section 4 of the Dingley Act such agreements were required to be ratified, but that they were not ratified by the Senate. I know there are governments far more expeditious than is the United States Government. Hitler's government is more expeditious than ours. Hitler can execute a man without indictment or trial. Hitler can place any tax upon his people he desires. His is an expeditious government, and there are other expeditious governments in Europe. But we do not want such expedition.

Mr. ADAMS. Mr. President, the agreements which were not ratified were all negotiated by a certain gentleman who was not in a high place, a man by the name of Kasson?

Mr. PITTMAN. Yes.

Mr. ADAMS. Do the House hearings at any place disclose that these agreements should have been ratified?

Mr. PITTMAN. No; I did not find any such evidence. I found that the Assistant Secretary was very much incensed at the great delay in passing the Tariff Act.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BARKLEY. If I recall, the agreements were not even voted on. The Senate did not even vote to reject them. They were just not voted upon.

Mr. PITTMAN. They could not have been very desirable, or the President or someone else would have been urging that they be taken up. The chances are that they were so absurd that the President of the United States would not ask Congress to act on them. There is no history of them.

Mr. KING. Mr. President, is it not a fact that as soon as the contents of those treaties were made known to the public there was such a storm of indignation that the President declined to urge their ratification; and, of course, the Senate declined to take any action?

Mr. PITTMAN. The history of what happened was not disclosed by the Assistant Secretary before the committee. The whole complaint was that making treaties meant delay. I think there has been more damage done our Government by hasty action than ever was done by delay. Some are impatient now because we will not surrender the constitutional power of the United States Senate. That is the whole thing.

Perhaps we are wrong. Perhaps the President of the United States should be allowed to enter into any kind of contract with foreign governments without any review by the Congress of the United States. If that is the case, let us repeal the provision with reference to treaties in the regular way, but not attempt by subterfuge and circumlocution to repeal that provision of the Constitution.

Mr. President, I ask that there be printed in the RECORD at the end of my remarks, which are about to come to a close, the various reciprocal tariff acts, starting in 1890 with the McKinley law, so that the Senate can see that no treaty was required under any of them, except under section 4 of the Dingley Act.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. PITTMAN. Mr. President, the little agreements which were made for the purpose of putting into force one tariff or another were merely in the form of diplomatic correspondence which Presidents had, without being binding for a moment. None of those agreements was binding. An agreement made under the pending measure would be binding for 3 years.

We passed a flexible tariff act, but no foreign government helped us make it, and we are under no obligation to any foreign government not to repeal it or to amend it or to modify it any day when we get ready to do so.

By the proposed law we would be inviting foreign governments to enter into agreements with the President of the

United States with regard to all kinds of matters. It would not make any difference whether it was a tariff matter or whether it was cultural or whether it was looking toward peace. We would be saying that we believed that this delegation to the President to make an agreement with a foreign government, which agreement would really be a law, without ratification of the Senate, would be constitutional.

If we once set that precedent, we will have a Congress which will relieve itself of responsibility in order to get expedition, which will be secured by turning over to the President power to enter into any kind of an agreement with a foreign country with regard to anything which he thinks will preserve the peace of this country.

I think that perhaps Congress would be more justified in authorizing the President of the United States to enter into agreements with foreign countries which, in his opinion, he believed would tend to maintain the peace of this country than in providing the authorization contemplated by the pending measure. But if we are to do it, we must recognize that he would have the right, in his discretion, if he proclaimed it in the interest of the peace of our Government, to put the United States into the League of Nations. Why should we delay on the floor of the Senate in considering a question of that kind, which the President might consider necessary in an emergency? It would be contended that we should act quickly. The President might favor adherence to the World Court as a means of protecting our country against war. Why not grant the power to him? Why take the time on the floor of the Senate to delay action of that kind? It might be a war emergency! Of course, such delegation would be unconstitutional.

Mr. President, I have not discussed this matter pro forma. I admit that I have made the argument somewhat wanderingly. But I am as intensely interested in this question as in any to which I have ever addressed myself. I believe that the enactment of this measure would be the first step toward abolishing the constitutional provision with regard to the ratification of treaties. I am sure of it.

Reference has been made to the case of United States against Curtiss-Wright. That case had nothing to do with treaties. The officers of the Curtiss-Wright Co. were indicted under a proclamation the President made under a statute prohibiting the export of arms and munitions to Bolivia and Paraguay.

After the President issued the proclamation the officers of the Curtiss-Wright Co. were indicted and convicted. There was not a word as to a treaty in the case, except in the long-winded opinion—and it was an excellent opinion, at that—in which the Court sustained the inherent power of the President in matters concerning relations between this Government and foreign governments, where not restricted by the Costitution.

In the case of United States against Belmont no question of a treaty was involved.

Mr. SHIPSTEAD. Mr. President, if the power should be held to be inherent in the Executive, then the power must necessarily be all-inclusive.

Mr. PITTMAN. There is no doubt from the argument made in the Belmont case, which is very clear and plain, that there are certain duties and obligations falling on sovereignty, that the sovereignty must communicate with other sovereignties in various ways. There was no question of treaties involved.

Mr. SHIPSTEAD. To negotiate them.

Mr. PITTMAN. No one denies the power to negotiate treaties, have understandings, make agreements, but when it comes to making treaties, that is not an inherent power, because that has been limited by the Constitution.

I should like to read the Belmont case, but will not have time to do so. However, I wish to read the concurring opinion. I think the whole matter will be settled by reading the concurring opinion in the Belmont case. The concurring opinion was written by Mr. Justice Stone, concurred in by Mr. Justice Brandeis and Mr. Justice Cardozo.

Mr. President, in that case a corporation was organized in the United States, prior to 1918, under the laws of Russia. The corporation had a bank deposit in August Belmont's bank in New York. In 1918, when the Communists came into power, they declared the corporation dissolved and confiscated its property. Of course, it being a Russian corporation, the Communist government claimed the right to confiscate the corporation's money in the banks in New York. As a matter of fact, Americans owned the corporation and its funds. When we recognized the Soviet Republic in 1933, the Soviet Republic assigned to the President of the United States these accounts in the Belmont bank. They owned them because they had sequestered them, and they assigned them to the President of the United States. The President took them over. No treaty was involved. The President simply took over the funds.

I wish to read a few lines from the concurring opinion in that case:

> It is unnecessary to consider whether the present agreement between the two Governments can rightly be given the same effect as a treaty within this rule, for neither the allegations of the bill of complaint, nor the diplomatic exchanges, suggest that the United States has either recognized or declared that any State policy is to be overridden.
>
> So far as now relevant, the documents signed by the Soviet Government, as preparatory to a more general settlement of claims and counterclaims between the two Governments, assigns and releases to the United States all amounts "due or that may be found to be due it" from American nationals, and provides that the Soviet Government is "to be duly notified in each case of any amount realized by the Government of the United States from such release and assignment." The relevant portion of that document signed by the President is expressed in the following paragraph:
>
> "I am glad to have these undertakings by your Government, and I shall be pleased to notify your Government in each case of any amount realized by the Government of the United States from the release and assignment to it of the amounts admitted to be due or that may be found to be due."

Of course, that was not a treaty. Naturally it was not. There was assigned to the President in trust some money in a bank. The only condition of the trust was that the President was to notify the Soviet Government from time to time of collections. Not a single case is cited that is not exactly along the same line as the cases I have read. Yet those are the only cases that can be found by Dr. Sayre in support of his contention that agreements similar to the ones now to be authorized have been approved by the Supreme Court of the United States. No case of that kind can be found. As a matter of fact, the distinction between informal communications between the President and foreign governments has emphasized the fact that trade agreements do constitute treaties. They provide for a period a years contracts for certain changes in our laws, and such contracts cannot be terminated morally or legally within 3 years.

It is strange that the United States, which has been an example of democracy for all American republics, which has taught them the safeguards that we have thrown around the citizen in our Constitution, and has induced them to adopt the same safeguards, should now desert those safeguards by enacting this legislation. But let me show that the little South American republics, to whom we have taught democracy, require ratification of these agreements. Consider this, for instance:

Agreements became effective provisionally subject to eventual legislative action in the foreign country, and such subsequent legislative action has been taken in all but three countries as noted below:

First. Canada—two agreements.

Second. Czechoslovakia—not ratified and ratification cannot now be expected.

Third. France—subsequent legislative action has not yet been taken, so agreement is in effect only provisionally.

Fourth. Netherlands.

Fifth. Switzerland.

Sixth. Turkey.

Seventh. United Kingdom.

Eighth. Venezuela—not yet ratified but ratification expected.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. MALONEY. Does not the Senator from Nevada find it to be ironical that a great, powerful Nation, whose avowed

purpose is to bring about peace throughout the world, is one of the few, if not the only nation, which does not require ratification?

Mr. PITTMAN. I think it is strange. Let me proceed further.

Agreements did not become effective until they had received legislative approval in the foreign country, as listed below (such approval has been given by all the countries): (1) Brazil, (2) Colombia, (3) Costa Rica, (4) El Salvador, (5) Finland, (6) Guatemala, (7) Haiti, (8) Honduras, (9) Nicaragua, (10) Sweden.

We have taught democracy to those countries. We have taught them that there should be certain safeguards in their constitutions, so that neither the legislative nor the executive nor the judicial could deprive citizens of their rights. Two safeguards were put in the Constitution which we considered most important. One of them was that revenue bills had to originate in the House of Representatives, and the other was that the President of the United States could not enter into treaties with foreign governments save and except by the ratification of the United States Senate, two-thirds of those present concurring.

Mr. President, I think it is pitiful that the distinguished lawyer, the former Assistant Secretary of State, submitted these few cases as a justification of the agreements under this act. There can be no comparison whatever between those cases and the matter under consideration. In the cases cited the legislation provided for carrying out specific statutes. The President had nothing to do except to correspond, exchange letters, and issue a proclamation.

I say again that if under the definition of a treaty by the Supreme Court of the United States the agreements provided for under the pending measure are not treaties, then I cannot conceive of what would be treaties. They are certainly contracts; they are certainly for periods of time; they certainly affect the public welfare; and they cannot be changed morally within the period of 3 years.

Of course, I well know that a number of us Democrats favor lower tariffs; but we do not believe that all tariffs can be lowered without destruction of industry. There is no doubt that some tariffs are too high. There is no question that it is well to encourage trade between nations by removing or lowering trade restrictions. Yet never before in our history has any Congress ever attempted to turn over to a President the supreme powers provided in this legislation.

Mr. President, I wish to place in the RECORD the text of the Underwood Tariff Act at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SECTION IV

A. That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however,* That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

B. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December 1902, or the provisions of the act of Congress heretofore passed for the execution of the same except as to the proviso of article 8 of said treaty, which proviso is hereby abrogated and repealed.

Mr. PITTMAN. Oscar Underwood was almost a free-trader. There is no doubt that he believed in the reduction of tariffs. But he was unwilling to trust even the President of the United States—President Wilson—whom he loved and admired, with the power to make tariff laws by agreement, because he provided that such an agreement should not become effective as law until approved by Congress. That was provided in the Underwood Act. But we are drifting away from that rapidly. We are doing away with our constitutional function, because it requires thought on our part, and because our system of government is too slow.

Mr. MALONEY. Mr. President, will the Senator again yield?

Mr. PITTMAN. I yield.

Mr. MALONEY. I respectfully wish to say to the Senator that he does not have to go back as far as the Underwood Act. Some of those who are concerned with the situation now felt a little differently awhile ago.

Mr. PITTMAN. I may say that I think the act has some great advantages.

I really think that by conference with foreign governments we can receive great aid in fixing the tariff; but I do not like the system of conferences we have with regard to these matters. A committee in the State Department, headed generally by an Assistant Secretary, with five or six subordinates under him, frames the tariffs. One has the right to appear before the committee if he sees fit to oppose any item. What is the result? He appears before four or five men who have no responsibility to any constituency or to the citizens of the United States. He makes his objections, and hears nothing. The committee sits and listens to him, and when he is through he has not the slightest idea whether the committee agrees with him or disagrees with him. I do not like that method of getting at the facts with regard to a tariff act.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I will yield in a moment.

However, if such an agreement came to the Senate for ratification it would be referred to the Committee on Foreign Relations, and 23 men would sit and argue over every item in it. There would not be very many items. Such treaties usually contain only 6 or 7 items. They are not like tariff bills, which contain thousands of items and afford an opportunity for log-rolling. There would be only 6 or 7 items in such an agreement. The chances are that there would be very little opposition to any item, but if there were opposition we should have a very large committee—a cross-section of the whole United States—which probably would not be governed by any prejudice in the matter.

It is said that the treaties negotiated under section 4 of the Dingley Act were not ratified. Let us remember that conditions now are quite different from those which existed in 1897.

In 1897 the Republicans were for the highest protective tariff they could get—almost an exclusive protective tariff. On the other hand, I think the Democrats were largely free-traders. That situation does not exist today. There are now very few free-traders on the Democratic side; and I believe that today the number of extreme high protectionists is nothing like what it was in the days of 1897. Men's minds have come closer together on these subjects. We need not have the fear we then had. Of course, if there had been any violent reductions in the tariff in 1897, the make-up of the Senate at that time, which was largely Republican, would not have stood for such reductions.

I do not think we now have a situation of that kind. Each treaty involves a few articles with respect to different countries, and there would not be any mass opposition. There might be a few opposed to this item, or a few opposed to another item, but in the long run the treaties would be ratified if they were based upon common sense and reason; and if they were not based upon common sense and reason, expedition would not justify their ratification.

We are now looking to a President of the United States who favors the reduction of tariffs. Remember that the act sought to be extended allows the President to raise the tariff as well as to lower it. It allows him to place embargoes as well as to raise the tariff. Some of us are thinking of the present President. Unfortunately, a high-protective-tariff Republican might be elected at the next election. If so, what should we look for? Should we look for a reduction or should we look for an increase? Which do we want? The authority will last for 3 years.

Furthermore, today, when the world is torn apart, when no stable commercial or monetary systems exist in Europe, when exchange is fluctuating night by night, the futility of

our Government at this time attempting to enter into 3-year contracts with any government in the world must be apparent.

I wrote to the Commission to find out whether or not, in fixing a tariff, they should take into consideration the exchange value of the money of the foreign country with which they were dealing. They admitted that the exchange value of money today has more influence upon the value of the tax than the cost of labor or anything else.

Perhaps, after the war—if it shall be fought to a conclusion—or after peace shall have been established in Europe, we can come back and, on the basis of the facts then existing, intelligently work out some kind of reciprocity treaty. Today we shall be making the greatest mistake of our lives if we authorize the President of the United States to make tariff acts for periods of 3 years by agreements with foreign governments, when even now they are repudiating the agreements they have already made. War necessity compels them to repudiate them.

If the Senate wants to abolish its constitutional privilege to ratify treaties, it can do so now. It has an opportunity to vote down my amendment; but I warn the Senate that the time may come when the precedent we thus establish may be used in a manner which we do not like, and then we shall regret it.

EXHIBIT 1

[Reciprocal Trade Agreements Act, approved June 12, 1934]

That the President has authority "(2) to proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign-trade agreements, as are required or appropriate to carry out any foreign-trade agreement that the President has entered into hereunder."

SEC. 2. (b): "Every foreign-trade agreement concluded pursuant to this act shall be subject to termination, upon due notice to the foreign government concerned, at the end of not more than 3 years from the date on which the agreement comes into force, and, if not then terminated, shall be subject to termination thereafter upon not more than 6 months' notice."

[U. S. Stat. L., ch. 1244, 1890; McKinley Tariff Act, 1890]

SEC. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January 1892, whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests, as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses testing by the polariscope not above 75°, seven-tenths of 1 cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color and pay duty as follows, namely:

All sugar above No. 13 and not above No. 16 Dutch standard of color, 1⅜ cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard of color, 1⅝ cents per pound.

All sugar above No. 20 Dutch standard of color, 2 cents per pound.

Molasses testing above 56°, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled, Angora goatskins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheepskins, with the wool on, 1½ cents per pound.

[U. S. Stat. L., ch. 11, 1897; Dingley Tariff Act of 1897]

SEC. 3. That for the purpose of equalizing the trade of the United States with foreign countries, and their colonies, producing and exporting to this country the following articles: Argols, or crude tartar, or wine lees, crude; brandies, or other spirits manufactured or distilled from grain or other materials; champagne and all other sparkling wines; still wines, and vermouth; paintings and statuary; or any of them the President be, and he is hereby, authorized, as soon as may be after the passage of this act, and from time to time thereafter, to enter into negotiations with the governments of those countries exporting to the United States the above-mentioned articles, or any of them, with a view to the arrangement of commercial agreements in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States; and whenever the government of any country, or colony, producing and exporting to the United States the above-mentioned articles, or any of them, shall enter into a commercial agreement with the United States, or make concessions in favor of the products, or manufactures thereof, which, in the judgment of the President, shall be reciprocal and equivalent, he shall be, and he is hereby, authorized and empowered to suspend, during the time of such agreement or concession, by proclamation to that effect, the imposition and collection of the duties mentioned in this act, on such article or articles so exported to the United States from such country or colony, and thereupon and thereafter the duties levied, collected, and paid upon such article or articles shall be as follows, namely:

Argols, or crude tartar, or wine lees, crude, 5 percent ad valorem.

Brandies, or other spirits manufactured or distilled from grain or other materials, $1.75 per proof gallon.

Champagne and all other sparkling wines, in bottles containing not more than 1 quart and more than 1 pint, $6 per dozen; containing not more than 1 pint each and more than one-half pint, $3 per dozen; containing one-half pint each or less, $1.50 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to $6 per dozen bottles on the quantities in excess of 1 quart, at the rate of $1.90 per gallon.

Still wines and vermouth, in casks, 35 cents per gallon; in bottles or jugs, per case of 1 dozen bottles or jugs containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint, $1.25 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 4 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, 15 percent ad valorem.

The President shall have power, and it shall be his duty, whenever he shall be satisfied that any such agreement in this section mentioned is not being fully executed by the government with which it shall have been made, to revoke such suspension and notify such government thereof.

And it is further provided that with a view to secure reciprocal trade with countries producing the following articles, whenever and so often as the President shall be satisfied that the government of any country, or colony of such government, producing and exporting directly or indirectly to the United States coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, or any of such articles, imposes duties or other exactions upon the agricultural, manufactured, or other products of the United States which, in view of the introduction of such coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, into the United States, as in this act hereinbefore provided for, he may deem to be reciprocally unequal and unreasonable, he shall have the power, and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, of the products of such country or colony, for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon coffee, tea, and tonquin, tonqua, or tonka beans, and vanilla beans, the products or exports, direct or indirect, from such designated country, as follows:

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

On tonquin, tonqua, or tonka beans, 50 cents per pound; vanilla beans, $2 per pound; vanilla beans, commercially known as cuts, $1 per pound.

SEC. 4. That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of 2 years from and after the passage of this act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom, shall provide for the reduction during a specified period, not exceeding 5 years, of the duties imposed by this act, to the extent of not more than 20 percent thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from the dutiable list of this Act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this act during a specified period, not exceeding 5 years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the

Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

[Commercial agreement with France, negotiated pursuant to sec. 3 of Tariff Act of 1897, and proclaimed on May 30, 1898, 30 U. S. Stat. L. 1774:]

No. 12

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

PROCLAMATION

Whereas, pursuant to section 3 of the act of Congress approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," the Governments of the United States and of the French Republic have in the spirit of amity, and with a desire to improve their commercial relations, entered into a commercial agreement in which reciprocal and equivalent concessions have been, in the judgment of the President, secured according to the provisions of said section, whereby the following articles of commerce, being the products and manufactures of the United States, are to be admitted into France on and after the first day of June 1898 at the minimum rate of duty, not exceeding the rates respectively appearing in the following table, namely:

Francs per 100 kilograms

Canned meats	15
Table fruits, fresh:	
Lemons, oranges, cedrats, and their varieties not mentioned	5
Mandarin oranges	10
Common table grapes	8
Apples and pears:	
For the table	2
For cider and perry	1.50
Other fruits, except hothouse grapes and fruits	3
Fruits, dried or pressed (excluding raisins):	
Apples and pears:	
For the table	10
For cider and perry	4
Prunes	10
Other fruits	5
Common woods, logs	0.65
Sawed or squared timber, 80 millimeters or more in thickness	1
Squared or sawed lumber exceeding 35 millimeters, and less than 80 millimeters in thickness	1.25
Wood, sawed 35 millimeters or less in thickness	1.75
Paving blocks	1.75
Staves	0.75
Hops	30
Apples and pears, crushed, or cut and dried	1.50
Manufactured and prepared pork meats	50
Lard and its compounds	25

Therefore, in further execution of the provisions of said section, it is hereby declared that on and after the 1st day of June 1898 and during the continuance in force of the agreement aforesaid, and until otherwise declared, the imposition and collection of the duties heretofore imposed and collected upon the following-named articles, the products of France, by virtue of said act are hereby suspended, and in place thereof the duties shall be imposed and collected thereon according to the provisions of said section 3, as follows:

On argols, or crude tartar, or wine lees, crude, 5 percent ad valorem.

On brandies, or other spirits manufactured or distilled from grain or other materials, $1.75 per proof gallon.

On paintings in oil or water colors, pastels, pen-and-ink drawings, and statuary, 15 percent ad valorem.

It is further declared that the rates of duty heretofore imposed and collected on still wines and vermuth, the product of France, under the provisions of the United States Tariff Act of 1897 are conditionally suspended, and in place thereof shall be imposed and collected on and after the 1st day of June next, as follows, namely:

On still wines and vermuth, in casks, 35 cents per gallon; in bottles or jugs, per case of 1 dozen bottles or jugs containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint, $1.25 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 4 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Now, therefore, be it known that I, William McKinley, President of the United States of America, have caused the above-stated modifications of the customs duties of the respective countries to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 30th day of May 1898, and of the independence of the United States of America the one hundred and twenty-second.

WILLIAM MCKINLEY.

BY THE PRESIDENT:
WILLIAM R. DAY, *Secretary of State.*

[U. S. Stat. L., vol. 36, pt. 1, ch. 6, 1909; Payne-Aldrich Tariff Act of 1909]

SEC. 2. That from and after the 31st day of March, 1910 except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section 1 of this act, and in addition thereto 25 percent ad valorem; which rates shall constitute the maximum tariff of the United States: *Provided*, That whenever, after the 31st day of March 1910, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States, or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and 90 days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country. Whenever the provisions of the maximum tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

SEC. 3. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same.

SEC. 4. That the President shall have power and it shall be his duty to give notice, within 10 days after the passage of this act, to all foreign countries with which commercial agreements in conformity with the authority granted by section 3 of the act entitled, "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, have been or shall have been entered into, of the intention of the United States to terminate such agreement at a time specified in such notice, which time shall in no case, except as hereinafter provided, be longer than the period of time specified in such agreements respectively for notice for their termination; and upon the expiration of the periods when such notice of termination shall become effective the suspension of duties provided for in such agreements shall be revoked, and thereafter importations from said countries shall be subject to no other conditions or rates of duty than those prescribed by this act and such other acts of Congress as may be continued in force: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date prior thereto as the high contracting parties may by mutual consent select, the terms of said commercial agreements shall remain in force: *And provided further*, That in the case of those commercial agreements or arrangements made in accordance with the provisions of section 3 of the Tariff Act of the United States approved July 24, 1897, which contain no stipulations in regard to their termination by diplomatic action, the President is authorized to give to the governments concerned a notice of termination of 6 months, which notice shall date from April 30, 1909.

[U. S. Stat. L., vol. 38, pt. 1, ch. 16, 1913; Underwood Tariff Act of 1913]

SECTION IV

A. That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the

United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however,* That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

B. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December 1902, or the provisions of the act of Congress heretofore passed for the execution of the same except as to the proviso of article VIII of said treaty, which proviso is hereby abrogated and repealed.

[U. S. Stat. L., vol. 42, pt. 1, ch. 356, 1922; Fordney-McCumber Tariff Act of 1922]

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country he shall by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided,* That the total increase or decrease of such rates of duty shall not exceed 50 percent of the rates specified in title I of this act, or in any amendatory act.

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whether the President, upon investigation of the differences in costs of production of articles provided for in title I of this act, wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties prescribed in this act do not equalize said differences, and shall further find it thereby shown that the said differences in costs of production in the United States and the principal competing country cannot be equalized by proceeding under the provisions of subdivision (a) of this section, he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers. In such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported articles upon which the President has made a proclamation under subdivision (b) of this section.

The ad valorem rate or rates of duty based upon such American selling price shall be the rate found, upon said investigation by the President, to be shown by the said differences in costs of production necessary to equalize such differences, but no such rate shall be decreased more than 50 percent of the rate specified in title I of this act upon such articles, nor shall any such rate be increased. Such rate or rates of duty shall become effective 15 days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila). If there is any imported article within the class or kind of articles, upon which the President has made public a finding, for which there is no similar competitive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this act.

(c) That in ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b) of this section, the President, insofar as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The Commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The Commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

The President, proceeding as hereinbefore provided for in proclaiming rates of duty, shall, when he determines that it is shown that the differences in costs of production have changed or no longer exist which led to such proclamation, accordingly as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of title I of this act that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified.

(d) For the purposes of this section any coal-tar product provided for in paragraphs 27 or 28 of title I of this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.

(e) The President is authorized to make all needful rules and regulations for carrying out the provisions of this section.

SEC. 316. (a) That unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

(b) That to assist the President in making any decisions under this section the United States Tariff Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

(c) That the Commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of the Commission shall be the official record of the proceedings and findings in the case, and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles; that such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the Commission and except that within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such articles; that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the Commission, said court may order such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper; that the Commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only; that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within 3 months after such judgment of the United States Court of Customs Appeals.

(d) That the final findings of the Commission shall be transmitted with the record to the President.

(e) That whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 percent of the value of such articles as defined in section 402 of title IV of this act, which will offset such method or act, and which is hereby imposed upon articles imported in violation of this act, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such articles as he shall deem the interests of the United States shall require, imported by any person violating the provisions of this act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and that the decision of the President shall be conclusive.

(f) That whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section, but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall,

upon his request in writing, forbid entry thereof until such investigations as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

(g) That any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist.

SEC. 317. (a) That the President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country;

Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country.

(b) If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such articles of said country as he shall deem the public interests may require shall be excluded from importation into the United States.

(c) That any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(d) Whenever the President shall find as a fact that any foreign country places any burdens upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burdens, not to exceed 50 percent ad valorem or its equivalent, and on and after 30 days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

(e) Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination, and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 percent ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles and on and after 30 days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

(f) All articles imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly.

(g) It shall be the duty of the United States Tariff Commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the Commission to bring the matter to the attention of the President, together with recommendations.

(h) The Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this section.

(i) That when used in this section the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.

SEC. 318. (a) That in order that the President and the Congress may secure information and assistance, it shall be the duty of the United States Tariff Commission, in addition to the duties now imposed upon it by law, to—

(1) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the United States of articles of the United States, whenever in the opinion of the Commission it is practicable;

(2) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the Commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the United States and can be reasonably ascertained;

(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States; select and describe articles of the United States similar to or comparable with such imported articles, and obtain and file samples of articles so selected, whenever the Commission deems it advisable;

(4) Ascertain import costs of such representative articles so selected;

(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected; and

(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles in the principal markets of the United States.

(b) When used in this section—

The term "article" includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured.

The term "import cost" means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States.

(c) In carrying out the provisions of this section the Commission shall possess all the powers and privileges conferred upon it by the provisions of title VII of the Revenue Act of 1916, and in addition it is authorized, in order to ascertain any facts required by this section, to require any importer and any American grower, producer, manufacturer, or seller to file with the Commission a statement, under oath, giving his selling prices in the United States of any article imported, grown, produced, fabricated, manipulated, or manufactured by him.

(d) The Commission is authorized to establish and maintain an office at the port of New York for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law.

(e) The United States Tariff Commission is authorized to adopt an official seal, which shall be judicially noticed.

(f) The second paragraph of section 706 of the Revenue Act of 1916 is amended to read as follows:

"Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpena the Commission may invoke the aid of any District or Territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the Commission, or to produce documentary evidence, if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof."

SEC. 319. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and to no other duty upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

SEC. 320. That nothing in this act shall be construed to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or the provisions of the act of December 17, 1903, chapter 1.

RATIFICATION BY FOREIGN GOVERNMENTS

The United States has entered into 22 reciprocal-trade agreements under the authority of the act of June 12, 1934. The action of the foreign contracting government in each case separates such agreements into the following three categories.

I. Agreements became effective without any requirement of subsequent legislative action in the foreign country.

1. Belgium.
2. Cuba.
3. Ecuador.

II. Agreements became effective provisionally subject to eventual legislative action in the foreign country, and such subsequent legislative action has been taken in all but three countries as noted below.

1. Canada (two agreements).
2. Czechoslovakia—not ratified and ratification cannot now be expected.
3. France—subsequent legislative action has not yet been taken, so agreement is in effect only provisionally.
4. Netherlands.
5. Switzerland.
6. Turkey.
7. United Kingdom.
8. Venezuela—not yet ratified but ratification expected.

III. Agreements did not become effective until they had received legislative approval in the foreign country. (Such approval has been given by all the countries.)

1. Brazil.
2. Colombia.
3. Costa Rica.
4. El Salvador.
5. Finland.
6. Guatemala.
7. Haiti.
8. Honduras.
9. Nicaragua.
10. Sweden.

Mr. GUFFEY obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCCARRAN in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lee	Russell
Ashurst	Ellender	Lodge	Schwartz
Austin	Frazier	Lucas	Schwellenbach
Bankhead	George	Lundeen	Sheppard
Barbour	Gibson	McCarran	Shipstead
Barkley	Gillette	McKellar	Slattery
Bilbo	Green	McNary	Smith
Bone	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Thomas, Idaho
Bulow	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chandler	Holman	Nye	Vandenberg
Chavez	Holt	O'Mahoney	Van Nuys
Clark, Idaho	Hughes	Overton	Wagner
Clark, Mo.	Johnson, Calif.	Pepper	Walsh
Connally	Johnson, Colo.	Pittman	White
Davis	King	Reed	Wiley
Donahey	La Follette	Reynolds	

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

Mr. GUFFEY. Mr. President, we have before us the bill for renewal of the law authorizing reciprocal-trade agreements between the United States and the governments of foreign nations.

These agreements, which have been brilliantly executed by Secretary Hull, constitute an important factor in our foreign policy.

Historically, contending political forces in our Nation have divided into two camps on the question of foreign trade. For many years, particularly when American industry was experiencing its early period of growth, the doctrine of protection was dominant.

It eventually became apparent, however, that this doctrine was being carried to a dangerous point and that it was establishing barriers which restricted normal commercial relations with other countries.

Under high protective tariffs American consumers of manufactured products were, in many instances, penalized in order to provide excessive profits for small groups of industrialists.

The benefits accruing from this policy of protection were not reflected in higher standards of living for labor, but instead resulted in those fabulous concentrations of wealth which were such a conspicuous outgrowth of our early industrial history under protective tariffs.

In opposition to this system there emerged a school of thought which held that the best interests of the country would be served, not by economic isolation, but by a carefully regulated policy which would keep open the channels of foreign trade without subjecting American industry and agriculture to unfair competition in the domestic markets.

In this broad division of thought on a major national question it was inevitable that the Republican Party, because of the influence exerted upon it by large industrialists, should champion the protective tariff.

It was just as inevitable that the Democratic Party, concerning itself with the broader interests of the average citizen, should advocate trade expansion.

While the broad division of policy between the parties has been clear down the years neither side has clung strictly to an extreme position.

Advocates of unrestricted free trade in the Democratic Party gradually adjusted their position to meet the problem created by trade barriers in foreign countries.

Republican champions of extreme protection began to realize that economic isolation was neither wise nor profitable for America.

Republican Presidents and other public officials faced with the practical problems of foreign policy found themselves opposing the traditional high-protection policy of their party, with the result that we have on the record statements by many Republican Presidents and statesmen in support of reciprocal trade.

It was early apparent that the fixing of specific tariffs by the Congress resulted inevitably in so much logrolling that the schedules adopted were unscientific and often economically demoralizing.

It was eventually realized that the task of framing schedules was one requiring great technical knowledge, and I doubt that anyone in Congress today would seriously contend that the old-fashioned method of tariff writing by Congress should replace the present flexible system whereby Congress lays down specific and clear-cut policies and limitations, prescribes rules of procedure, and then delegates a certain portion of its authority over the details of tariff matters to the administrative branch of the Government.

It has been said that American industry flourished and became great under a system of protective tariffs.

Whether it would not have flourished as well under a different system is an academic question, with advocates of both systems bringing forth proof.

However, it cannot reasonably be argued, because American industry prospered in the past—either because of or in spite of high tariffs—that such a policy is justified under present conditions.

Since the World War America's position among the nations of the world has considerably changed. Before that war America was a debtor Nation.

After the war we became a creditor nation. That one fact has had a profound effect upon our entire internal economy and it forms a basic consideration in our foreign affairs.

When we were a debtor nation we sent our goods abroad to pay debts we owed to foreigners.

Now that we are a creditor nation we must accept goods from abroad if we are to be paid for our exports and if we are to receive any payments on debts foreigners owe us.

No one will dispute the fact that America wants and needs foreign trade.

We have both agricultural and industrial surpluses as well as the capacity to produce even greater surpluses over domestic needs should foreign markets be available for them.

With that point established we move to the problem of expanding our world markets.

If we sell abroad we expect something of value in exchange.

In fact, there are only three ways in which it is possible for us to conduct foreign trade at all: First, by exchanging goods; second, by extending credit; and third, by accepting gold or some other medium of exchange.

The free interchange of goods, without any trade barriers whatever, is something for which we cannot hope in the present state of world affairs.

The advancing of virtually unlimited credit has obvious disadvantages. It was practiced in open-handed fashion after the war, with the result that American investors lost billions of dollars abroad.

The third method has definite limitations, for we are now steadily acquiring possession of most of the world's gold and are beginning to wonder what we are going to do with it, for unless gold can be resumed as a basis for the world's currencies, its value must depreciate sharply, in which event we will again lose.

Learning by the trial-and-error method we inevitably come back to the one simple truth of foreign trade, which is that we cannot continue to sell unless we also buy.

James G. Blaine stated that very vehemently 50 years ago in a committee hearing in Washington.

Secretary Hull has spent most of his lifetime preaching that doctrine.

Since the act was passed giving him authority to negotiate trade agreements, he has brilliantly demonstrated its validity.

In the hearings on this subject, we have had presented on both sides the arguments as to the desirability of continuing the trade-agreement program.

I find no merit in contentions concerning the probable or possible future effect if agreements hereafter negotiated are unwisely drafted.

This has been the theme of many an opponent of the bill. It is clear that we may confidently expect our administrative departments to conduct their operations wisely, in accordance with the intentions of Congress, until such time as we have positive evidence to the contrary.

The only true test of the wisdom of this legislation, and of the intelligence exercised in its administration, is in the results which have been obtained during the comparatively short period during which it has been in effect.

It is natural that in making a readjustment of our foreign trade, we may during the process of adjustment disturb some part of our own internal economy.

It is regrettable, but true, that not all will enjoy equal benefits. In fact, some who have been heavily protected by tariff barriers in the past may find themselves temporarily at a disadvantage.

It is natural and proper that these groups should express their protests; but in its final judgment the Senate must remember that the greatest good for the greatest number can be the only proper basis for action.

In this connection, I wish to call particular attention to the President's message of January 3 on the state of the Nation, in which he said:

> For many years after the World War, as we know today, blind economic selfishness in most countries, including our own, resulted in a destructive mine field of trade restrictions which blocked the channels of commerce among nations.
>
> Indeed, this policy was one of the contributing causes of existing wars. It dammed up vast unsalable surpluses, helping to bring about unemployment and suffering in the United States and everywhere else.
>
> To point out the way to break up the log jamb, our Trade Agreements Act was passed.
>
> Our present trade-agreement method provided a temporary flexibility, and is, therefore, practical in the best sense.
>
> It should be kept alive to serve our trade interests—agricultural and industrial—in many valuable ways during the existing wars.
>
> * * * I emphasize the leadership which this Nation can take when a time comes for a renewal of world peace. Such an influence will be greatly weakened if this Government becomes a dog in the manger of trade selfishness.

We must recognize that too often in the past it was the selfishness of small groups in our country which was responsible for tariff policies completely at variance with the welfare of the general public.

The Hawley-Smoot tariff gave rise to a succession of trade barriers throughout the world. It was in many ways responsible for the drying up of the stream of commerce between nations.

While it would be unjust to place entire responsibility for our own economic collapse upon this tariff, no one can reasonably deny that it was an important factor, and it will be recalled that the leading economists of the country urged President Hoover to veto it.

It may be said that American industry collapsed despite the high-protection schedules of the Hawley-Smoot tariff, but it is my own conviction that in part it collapsed because of them.

Economic history has placed a large share of responsibility on that excessive-tariff policy.

Any proper judgment of a national policy must be based upon its results. Between 1929 and 1933 our exports declined from $5,241,000,000 to $1,675,000,000.

After the trade-agreement program was enacted in 1933 our exports rose steadily, reaching $3,123,869,000 in 1939.

There can be no doubt that here we have a direct case of cause and effect. Export trade does not increase without good reasons.

The increase of our trade with trade-agreement countries was far greater in proportion than the increase in our trade with nonagreement nations.

In 1936, exports to agreement countries rose 14 percent, whereas they increased only 4 percent in the case of other countries.

In 1937, exports to countries concluding agreements were 60 percent greater than in 1935, whereas the increase over the same period in the case of other countries was only 39 percent.

In the 2-year period 1938–39, annual average exports from the United States to trade-agreement countries were 63 percent, and to nonagreement countries only 38 percent greater than annual average exports to the same countries in the 2-year period 1934–35.

It is perfectly clear from the statistics, which have not been challenged, that America has enjoyed a far greater export trade as a result of the agreements concluded under the direction of Secretary Hull.

This is generally admitted; yet there are many who insist upon this very sizable cake of export trade and still wish to hold on to the penny by placing drastic restrictions upon import trade.

They still fail to see that we cannot sell without also buying.

Admitting that this increasing export trade is a very nice thing to have, they insist that we pay too high a price by opening the way for foreign competition in our domestic markets.

The facts, however, do not bear out their contention, nor do they give any basis for fears that imports permitted under the agreements adversely affect American agriculture and industry.

United States imports rose $375,000,000 in 1936 and $661,000,000 higher in 1937. During 1936, imports from the 14 trade-agreement countries increased 22 percent over 1935, while imports from nonagreement countries rose 16 percent.

In 1937 our imports of raw materials for industrial expansion, mostly from nonagreement countries, reversed this trend, the increase being 18 percent for agreement countries and 34 percent for nonagreement countries.

While average exports of manufactured goods to trade-agreement countries were $353,000,000 more in 1937 and 1938 than they were in 1934 and 1935, dutiable imports of manufactured goods from these countries increased only $88,000,000 in the same period.

As we study item after item of these imported goods, we find that through intelligent bargaining the Department of State has been able to do a splendid work of reconciling proper protection of American industry with expansion of export trade.

In many instances our imports from agreement countries consist of materials not available here in sufficient quantities to meet the needs of the domestic market.

Reliable testimony presented before the Finance Committee demonstrated that America has obtained by far the best of the bargain.

Much has been made of the argument that under these agreements the American worker's job is being threatened by a flood of cheaply made competitive foreign articles.

Mr. Isador Lubin, Commissioner of Labor Statistics, has refuted this contention with a well-documented statement buttressing his conclusions, which are as follows:

1. Trade agreements have opened the way for a very considerable increase of exports of manufactured goods, thereby providing additional employment in the production of these goods.
2. The additional employment created in export industries by the trade agreements has exceeded any displacement of labor in other industries which might conceivably have resulted from concessions made by the United States to foreign countries.
3. Concessions granted by the United States on the products of foreign countries have displaced far less labor in this country than is often claimed.
4. Wage rates in the export industries which have benefited from trade agreements are, by and large, considerably higher than the wages in those industries which have claimed injury as a result of trade agreements.

Certainly it is obvious, without delving too deeply into statistics, that if the agreements have increased manufactured exports $353,000,000 and imports only $88,000,000, the balance is preponderantly in favor of the American worker.

In fact, the Department of Commerce estimates that from 1933 to 1937 the number of those directly employed in the production of exported manufactures increased by approximately 300,000.

This is exclusive of the additional employment indirectly created in transportation, production of raw materials, and the like.

It is clear that the trade-agreement program has created many more jobs here than it could possibly have displaced.

Interestingly enough, Mr. Lubin's statistics show that industries complaining against so-called cheap labor competition under the agreements normally have a lower average wage—54.8 cents an hour in 1937—than other industries which are primarily on an export basis, and therefore unsheltered by any tariff, the latter group having an average hourly wage of 75.2 cents.

It is a fact that the trade agreements have not only helped in the recovery of foreign trade, but thus have helped to reduce domestic unemployment.

The outstanding success of the trade-agreement program is the best reason in the world for its continuance; yet we find many who still insist that this question be made a political issue, even though outstanding Republicans, among them industrialists and financiers, as well as political leaders, are enthusiastically in accord with the program.

In fact, for many years Republican statesmen have supported the principles upon which the trade-agreement program rests. I should like to call attention in this connection to a statement made by Charles P. Taft, son of the former President:

Blaine, McKinley, and my own father spoke and worked for reciprocity.

Said Mr. Taft:

Chief Justice Hughes, as Secretary of State, made the most-favored-nation clause a part of our foreign policy.
What Secretary Hull has added is the method of writing tariffs without congressional politics.

Mr. Taft merely called attention to a well-established fact, which is that some of the most eloquent statements of the case for the basic principles of this trade-agreement program were made by distinguished Republicans.

President McKinley, in the last speech of his life, which I had the good fortune to hear, made only a few hours before his assassination, summed up the situation in his address at the Pan-American Exposition at Buffalo on September 5, 1901:

By sensible trade arrangements which will not interrupt our home production—

He said—

we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade.
We must not repose in fancied security that we can forever sell everything and buy little or nothing.
If such a thing were possible, it would not be best for us or for those with whom we deal.
We should take from our customers such of their products as we can use without harm to our industries and labor.
Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.
What we produce beyond our domestic consumption must have a vent abroad.
The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.
The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable.
A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.
If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

It is interesting to note that the Republicans who use the statement of President McKinley to support their opposition to the present modern reciprocity program generally go back to his inaugural address of 1897.

It should be remembered that this was before his experience in attempting to get his "reciprocity treaties" through the Senate.

It is well known that he was sadly disappointed in his efforts to obtain a reasonable measure of reciprocity because the Senate balked on him, and thus his outright utterance already quoted.

President Taft made a valiant fight, in the face of strenuous opposition within his own party, to negotiate a reciprocal-trade agreement with Canada in 1911.

With the aid of the Democrats, he succeeded to the extent that the treaty was ratified by the United States Senate, and had it not been for the failure of Canada to accept the treaty it is likely that reciprocity would have been an established policy of the United States Government long before Franklin Roosevelt became President and Cordell Hull became Secretary of State.

Taft looked upon the defeat of the measure as a "real loss to both countries." Nor was that defeat of reciprocity the end of his attempt to provide more equitable tariffs.

With the establishment of his tariff board, he took the first major step toward scientific solution of a highly complex problem, and throughout the latter part of his administration he was insistently demanding sounder tariff measures.

The entire question had been left on his doorstep by Theodore Roosevelt, who also favored reciprocity, but was persuaded by Speaker Cannon to avoid making an issue of it.

Taft's battle clarified the issue, however, and the new Congress swept into office with President Wilson was a Congress elected on a platform of "tariff for revenue only."

The Republican opposition to reciprocity in Taft's time was widely at variance with the position taken by that party in previous years.

It has been brought out in debate in the House of Representatives that the Republican Party had a reciprocity plank in its platform of 1892, and repeated substantially the same demands in its platforms of 1896 and 1904.

President Taft, while battling his own party on the Canadian issue, wrote to Theodore Roosevelt, his predecessor, and asked his opinion of the situation. Taft pointed out that the Republican Party had been forced to concede the necessity for downward revision of tariffs and that it had departed from—

The rule upheld by Shaw and Cannon and other standard bearers of the orthodox type that no tariff could be too high, because what you needed was a Chinese wall.

Theodore Roosevelt wrote back at once, commenting that:

What you propose to do with Canada is admirable from every standpoint. I certainly believe in free trade with Canada for both economic and political reasons.

The failure of the efforts made in behalf of reciprocity by such Republican Presidents as McKinley, Roosevelt, and Taft marked the end of the effort to liberalize Republican

tariff policies, for when the Republican Party returned to power after the Wilson administration the old guard again had its way. The Fordney-McCumber tariff of 1922 raised rates to one of the highest levels in our tariff history, but even this was not enough for the greedy industrialists who controlled the Republican organization, and I am sorry I must admit that the most shameful tariff ever devised, the Hawley-Smoot tariff of 1930, originated in my own State of Pennsylvania. It was written by Joe Grundy, then and now the leading figure in the Pennsylvania Manufacturers' Association, and vice president of the American Tariff League.

It is interesting to observe that Joe Grundy and his associates, the traditional enemies of labor, developed this monstrous legislation to safeguard their special privileges on the pretext that it protected the worker. The benefits obtained under this and other high tariffs did not go to the worker, as the worker well knows. He was exploited and kept in subjection, forced to labor under inhuman conditions for mere subsistence, while Joe Grundy and others of his kind siphoned off the rich profits accruing from this "protection."

Yet even during this Harding-Coolidge-Hoover era of prohibitive tariffs, there were Republican leaders who viewed with apprehension the effect of such policies upon American economic life. President Harding himself wrote to Chief Justice Hughes, former Secretary of State, in defense of reciprocity.

I am well convinced—

The President wrote—

that the adoption of unconditional most-favored-nation policy is the simpler way to maintain our tariff policy in accordance with the recently enacted law—Tariff Act of 1922—and is probably the sure way of effectively extending our trade abroad.

Frank Knox, the Republican Vice Presidential candidate only 4 years ago, stated last year:

To sell American farm products abroad, we must buy some of what our foreign customers have to sell.
You cannot always sell and never buy in foreign markets.

Various features of the present trade-agreement legislation have in the past received the support of outstanding Republican leaders.

When it was argued that the placing of such authority in the Department of State was an unconstitutional delegation of power, Hon. Henry L. Stimson, former Secretary of State, declared:

I am not impressed with the objection that it would give undue or dictatorial powers to our Executive.
It does not seem to me that such objections are well founded.

At the hearings before the Senate Finance Committee in 1937, Hon. William S. Culbertson stated:

The Republicans themselves in the Tariff Acts of 1890 and 1897 established so far as our commercial policy was concerned, the principle of systematic reciprocity; namely, a law on which Congress defined the principle on which reciprocity is to proceed and develop, and then leaves it to the Executive to carry out the details.

In the same year the argument that reciprocity endangered the American standard of living was answered by the well-known Republican financial writer, Roger W. Babson. He wrote:

The best protection for the American standard of living is to stimulate world commerce.
Tariffs, quotas, and other trade barriers must be lowered if the world is to escape a complete economic and moral break-down.
Hence I believe that Secretary of State Hull's reciprocal-trade policy is the most encouraging development in world affairs today.
The only way the trade barriers can be eliminated is by mutually lowering them over a period of time.

Two Republican Governors from New England, widely separated in time but not in beliefs, defended the principle of reciprocity. One was former Governor and Senator McCall, of Massachusetts, who in 1902 made an impassioned speech for the bill establishing reciprocal-trade relations with Cuba. Another was former Governor Winant, of New Hampshire, whose annual report to the international labor office last year stated:

Economic isolation is not the solution of the problem presented by the unequal distribution of natural resources and by the needs for markets unless the workers are prepared to work longer hours, eat less and lower quality of food, and live in poor dwellings.

The Republican Party would do well to consider not only these views of well-known Republicans on specific phases of the problem but also the summation of another Republican, Nicholas Roosevelt:

Wise and courageous Republican leadership—

He said—

must be prepared, in dealing with this problem—foreign trade—to cast aside hide-bound traditions of the party and to act, not in accordance with the heritage of Mark Hanna and Boies Penrose but rather with a view to the needs of the United States of today and tomorrow.

I have raised the question that the Hawley-Smoot tariff by erecting barriers to shut off our trade with foreign nations shared in no small measure the responsibility for those economic dislocations which intensified bitterness between nations, a bitterness which is now finding its expression on the battlefields of Europe.

Just as a bad tariff breeds conflict, so can a good tariff promote peace.

Nations which enjoy friendly and profitable trade relations with each other do not incline toward warfare.

Again I refer, not to what Democrats have said on this subject, but to what leading Republicans have said. One of these was James P. Warburg.

You have started the world on the way to peace for the first time since 1914.

Mr. Warburg wrote to Secretary Hull in 1936:

You have held fast to your beliefs and principles, and, thanks to your patience and perseverance in the face of frequent opposition within and without the administration, you have made progress.

Another leading Republican, Thomas W. Lamont, made the same point in an address before the Economic Club of New York at the end of 1938. He said:

Peace will not be maintained unless a very distinct effort is made. * * * In that connection, may I, as a life-long Republican, associate myself with what Dr. Van Zeeland, Mr. Young, and Mr. Aldrich have said as to the Hull treaties—I am very strongly for the work that Mr. Secretary Hull, the present Secretary of State, has done. * * * His are distinct and helpful steps in building up the trade which is necessary to peace.

I have dwelt at length upon opinions expressed by prominent Republicans in favor of such a program as we are now considering because they indicate with finality that this question is, or should be, nonpartisan.

Yet, as we review the testimony which has been placed in the RECORD by responsible and qualified persons, partisanship appears to be the only remaining barrier to passage of this legislation.

The evidence shows that the trade-agreement program has worked and worked well. It has greatly increased American foreign markets.

It has provided employment at home for hundreds of thousands of American workers.

In no case has it been clearly and unquestionably demonstrated that in any way it has unjustly discriminated against or penalized American industry or agriculture.

It has set in motion those forces of peaceful world trade which offer the only remaining hope for any enduring peace among nations.

It has contributed in heroic measure to the solution of domestic economic problems arising from our creation of large industrial and agricultural surpluses.

Its advantages are manifest, for they have been demonstrated by experience.

I see no reason, under such circumstances, why the obstacle of partisanship should be opposed to this legislation, particularly in view of the position taken by so many outstanding Republican leaders in both the past and the present.

I would warn those who wish to throw this issue into the political arena that such a policy is dangerous, not only to our country but to the Republican Party as well.

Let the Republican leadership remember that just such partisan blindness in the early years of this century helped to bring about the election of Woodrow Wilson.

Let that leadership remember that the Republican tariffs promulgated after the World War were in a certain measure—and no one will ever know how great a measure—responsible for the financial collapse which very nearly destroyed not only the Republican Party but the country as well.

I ask in all sincerity that the lessons of the past be remembered and that this legislation be judged impartially upon the record of its past operation.

Upon that record it should pass unanimously.

Mr. DAVIS. Mr. President, I shall support wholeheartedly the Pittman amendment now pending before the Senate. As I see it, this is a great day for those who believe in free trade. I am a protectionist, always expect to be a protectionist, and I have always supported the protective principle, because I believe the American market belongs to the American farmer, the American worker, and the American manufacturer.

I have before me a letter written by Richard P. Brown, the secretary of commerce of Pennsylvania, in which he says:

The pamphlet, dated December 1939, issued by the Department of State, Washington, D. C., entitled "Benefits to Pennsylvania From Reciprocal Trade Agreements," implies that there have been only benefits to Pennsylvania from the reciprocal-trade agreements and no injurious results:

This pamphlet contains the following statement:

"Since the Trade Agreements Act was approved, agreements have been negotiated with 21 countries. With so many variables in the economic situation here and abroad affecting the movement of trade, it is impossible to determine precisely the extent to which trade agreements have helped to restore the increased foreign markets for American farm and factory products."

The statement would be more accurate if it read:

"It is impossible to determine precisely the extent to which trade agreements have injured American farms and factories."

Mr. Brown goes on to say:

In 1939, a better business year than 1938, our exports increased only 3 percent, including the tremendous volume of materials shipped abroad in connection with the war, yet imports increased 18 percent. This condition certainly indicated that reciprocal-trade agreements are injurious rather than beneficial to Pennsylvania farms and factories.

Sixty percent of our imported products are noncompeting products, such as bananas, coffee, rubber, tin, etc., which come in duty-free. The other 40 percent are dutiable products competing with American farms and factories and it is to this 40 percent that the reciprocal-trade agreements apply, to the injury of Pennsylvania agriculture and industry.

The old and long-established Pennsylvania industries, such as agriculture, mining, and textiles, have suffered most from the reciprocal-trade agreements in competing with the products of low-wage countries. The newer industries such as electrical equipment and automobiles, in which the technique of manufacture has been largely the result of American development and which are equipped with the latest labor-saving devices, naturally suffer the least in competition with the products of low-wage countries.

What do we need from Europe? Certainly not coal, steel, and agricultural products, yet we have been buying large quantities of these products under the reciprocal-trade agreements.

Still quoting Mr. Brown, the secretary of commerce of Pennsylvania:

Take anthracite coal for example. Pennsylvania produces 99 percent of the anthracite coal mined in the United States. Production has fallen to approximately half of what it formerly was because of competition with other fuels and other causes, with thousands of Pennsylvania miners unemployed or on short time, yet under an agreement with Russia, that country is permitted to ship in, duty-free, up to 400,000 tons of anthracite coal per year.

The following tonnage of Russian anthracite was imported duty-free into the United States since this agreement with Russia was executed:

	Tons
1937 (last 6 months)	93,245
1938	200,482
1939	212,442

Mr. Brown goes on to state what other industries have been affected.

I ask unanimous consent that the remainder of Mr. Brown's letter be placed in the RECORD as part of my remarks at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Pennsylvania is a great steel-producing State, yet we have been importing large quantities of steel products under the reciprocal-trade agreements during a period when thousands of Pennsylvania steel workers were idle.

Of what advantage was it to the Pennsylvania steel industry and Pennsylvania steel workers that 3,883,573 pounds of Swedish wire rods were imported in 1937 under the reciprocal-trade agreements at only 4-percent duty?

What help is being afforded to Lehigh and Northampton Counties, the centers of the American cement industry, when, after a reduction of 4½ cents per hundred pounds in the duty, we imported in 1 year 377,613,000 pounds of Portland cement from Belgium and 49,449,619 pounds from Holland?

Leaf tobacco is an important Pennsylvania agricultural commodity, the export of which showed a very sharp decrease during 1939. From a value of $139,418,000 in the first 11 months of 1938, exports of unmanufactured tobacco fell to $72,429,000 in the same period of 1939, a decrease of $66,989,000. Most of the decrease occurred in shipments to the agreement group of countries.

Our foreign trade in dollars increased under the reciprocal-trade agreements only because we were willing to exchange our goods at a discount for gold bought by us in huge quantities at a premium. Add gold into the total of imports and exports and we have had an unfavorable balance of trade to an average value of more than a billion dollars a year, for every year since 1933, and this is the first period since 1833, 100 years, when that has been true.

If this was to enable Europe to pay back its debts to us it might be justified. But Europe has defaulted on those debts. Yet we are now buying of the world a billion dollars more than we sell, and that import balance against us is chiefly with Europe and largely with the trade-agreement countries.

It must be remembered that the cost of unemployment relief reflected in the American tax bill and in our growing public debt is a rising burden on all American commerce. Unemployment is aggravated by the competition in our markets of the products of low-labor-costs countries which these treaties are constantly extending both as to agriculture and industry.

Sincerely yours,

RICHARD P. BROWN,
Secretary.

Mr. DAVIS. Mr. President, the American people have repeatedly gone on record against one-man government. There is no question about the way in which they react against it. From first to last, the history of our people shows undying opposition to the arbitrary authority of political despotism. This feeling is not less pronounced today than in the past. In fact, Mr. President, I question if there ever was a time when our citizens have been more alert than now to detect the encroachments of arbitrary power.

This affords an explanation of the growing distrust over the way in which the reciprocal trade agreements program has been administered. It is an outstanding example of unrestrained increase of Executive authority without the full knowledge of the people. It is now our obligation thoroughly to consider the implications of this excessive grant of power to the Executive, lest there become fixed and established traditions and precedents which will mark the beginning of the downfall of our representative institutions of government.

Let it be made clear at the start that there are a number of points that are not really involved in the present controversy. Essentially we are not concerned with the question of whether or not these trade agreements are technically treaties. We are not discussing the relative value of foreign trade. We have no protest to register against the true principle of reciprocal trade. We are not for or against these trade treaties because we are for peace, for this relationship has been shown to be only an incidental one and not basically fundamental. We do not advocate any special view of tariff, because we believe in sectional advantage for one part of the United States at the expense of some other part. We believe that agriculture, labor, and industry are equally interested in an American plan of tariff protection and its efficient administration. The issue at stake rises much higher than the views of any special line of business or of firms engaged in the export business.

The solution of this problem cannot be regarded as a panacea for all the ills of the Nation. We are not quibbling over divergent sets of statistics on the import and the export trade. We are thoroughly opposed to any attempt to bar from the court of public opinion the findings of research experts and tariff specialists. In the United States every citizen should have a right to be heard.

Our concern is primarily that the Congress shall maintain its right of approval of trade treaties, whether such approval is given individually or collectively. The very fact of our congressional consideration of the measure now before us is indisputable evidence that the authority for making these treaties resides in Congress rather than in the Executive. The President or the Secretary of State, or their associates, have authority to negotiate these international agreements only insofar as that authority is delegated to them by Congress.

This grant of power was made in 1934. I was not in favor of it. The grant of power was renewed in 1937. Again I was opposed to it. Now an extension of the authority is sought, and again I am opposed to it. In fact, I am more opposed than ever before, because with the passing years it becomes clearer that in the enactment of this legislation Congress is divesting itself of a duty which it alone can discharge if it is to retain the authority granted to it in the Constitution. If Congress has the right—and I believe this to be beyond all peradventure of a doubt—to make a collective grant of tariff-writing authority, it has the right to retain to itself the authority to approve or withhold approval of individual trade treaties. The question before us is the practical necessity of congressional action on the individual trade treaties that are subject to negotiation by our Government.

When the Reciprocal Trade Act was first proposed, Secretary Hull appeared before the Senate Committee on Finance, which was conducting hearings on House bill 8687, which was a bill to amend the Tariff Act of 1930. On Thursday, April 26, 1934, Secretary Hull said, as a part of his testimony before the committee:

> There should, I repeat, be no misunderstanding as to the nature or the purpose of this measure. It is not an extraordinary plan to deal with ordinary or normal conditions. Its support is only urged as an emergency measure to deal with a dangerous and threatening emergency situation. I would venture, in these circumstances, to express the hope that the bill be considered and acted upon in this light. I am well aware of the controversial possibilities of any proposal that might, in the least, affect the most prohibitive or embargo features of customs and other trade barriers.

Mr. President, that was the clearly defined position of Secretary Hull 7 years ago. The new trade program was to be considered exclusively as an emergency measure. It was not to be regarded as a plan to deal with ordinary or normal conditions. Since then, however, the reasons advanced for the continuation of this program have changed. The psychology of emergency has come to be regarded as one of permanence. In the name of international stabilization and world peace, this emergency program is advanced on a basis which permanently accomplishes the most ardent hopes of those who believe in free trade and a hit-and-run trade attack by low-wage competitors.

Mr. President, the urgency of the issue before us is beyond dispute. Under the 22 trade treaties negotiated to date our tariffs have been sharply reduced on over 1,000 products. These reductions affect 42 percent of our dutiable imports. The average reduction in rates has been 39 percent. Not for a single moment do I believe that such a guerilla attack on American trade protection represents the will of the great majority of our thoughtful citizens. In fact, it appears little short of international plunder that such a drastic revision of our tariff downward should have been permitted. When the full significance of these little-understood negotiations have fully been brought to the attention of the people I have no doubt as to their refusal to grant an extension of this program; for in the final analysis, although the American people are generous—possibly generous to a fault—it is not in my heart to believe they will consistently favor a policy of self-destruction.

The present program is inconsistent with the true intent of tariff reciprocity as it has been established in trade customs over a long period of time. It is inconsistent with the cherished national ideal that reciprocity demands that we confine our exchange of surpluses to the products we need but do not ourselves produce. This standard was never intended to permit the importations of low-wage foreign products in the case of articles which we already produce in great abundance at standards of work and wages incomparably higher than the generally accepted standards familiar in international trade.

The United States is the only country which has long established and permanently held to these higher standards. No other nation begins to measure up to our productive standards of living. If there were three or four other nations that maintained economic and trade standards comparable to our own, there would then be a substantial measure of realism on which to base a practical program of elastic international exchange. However, this is a condition which does not exist. There is little possibility that it will exist in the near future; and until such a condition is developed it is nothing short of national suicide for the United States to continue its present policy of giving away in piecemeal fashion the earnings of American labor, industry, and agriculture. This high-handed national charity, dispensed in the name of international peace at a time when war rages uncontrolled throughout the areas to which we have granted the most liberal trade reductions, does little credit to the judgment and prudence of the American people. It is unwise, inexpedient, misleading, and calculated to embroil us in the strife which we should in every way seek to avoid.

The question before us is not a technical one. It is not one of fine-spun distinctions in constitutional law. It is not a subject which requires the rarefied scholarship of some academic mind. It is nothing less than a matter of plain common sense which should be submitted to the Representatives of the people in Congress.

Congress has the right to pass upon these treaties collectively. If Congress has sufficient wisdom to make a full delegation of authority in this very important issue, Congress also has enough wisdom to judge the fundamental worth of each individual trade agreement as it shall arise. This is not a denial to the expert and the specialist of a proper place in the gathering of data and the presentation of factual findings. This is not a plea that Congress has a greater wisdom in matters pertaining to tariff than in other fields. It is a plea that congressional intelligence and prudence be not arbitrarily pushed aside or allowed to seem less sane than the intellectual endeavors of departmental officials.

The matter comes down to exactly this choice. Either the Representatives of the people in Congress are to be trusted with a determination of the development of our foreign-trade policy a step at a time, from first to last, and all along the line, or else Congress is not worthy to be trusted with the decision which it is now called upon to make. If departmental bureaucrats, acting under the direction of one man, can manage to gain dominance in this field, they will be equally justified in seeking dominance in every other field of public policy which has been entrusted to Congress under the Constitution, in which event we shall have no need for popular representations in the halls of Congress. Congress can be permanently retired to make way for the all-powerful state under executive control such as is found in Communist Russia or Fascist Italy or Nazi Germany.

There are those that say that these trade agreements represent a complexity of understanding too removed from the limited intellectual comprehension of Members of Congress. Mr. President, I am not making a plea for the erudition of the Members of these two worthy Chambers, the House of Representatives and the Senate of the United States. Such a plea need not be made. It is sufficient to say that those who are elected to membership in Congress come as representatives of the people, and the combined intelligence of the many will, over a period of time, be found to exceed the value of any single intelligence, irrespective of what brilliance it may exhibit at any given time. If Congress does not know enough to pass on questions of tariff, Congress does not know enough properly to deal with the issues of taxes, education, labor, naval affairs, post offices, post roads, pensions, or any other of the many momentous problems which here daily confront us.

Mr. President, I wish to make clear that a congressional review of trade agreements would not in any way interfere

with a full development of specialized information by existing agencies which currently study this field. Congress would welcome the presentation of all pertinent data in hearings before appropriate committees. Such information, together with the points of view of the representatives of agriculture, labor, industry, and transportation, should be made fully available to the public as well as to congressional committees. There is no place for star-chamber proceedings in the negotiation of trade agreements. The development of these agreements represents, in practically every instance, a development of our foreign-trade policy. Each treaty is a step in this development. Congress not only has the right to review these agreements before they are put into effect; Congress has the responsibility of doing so. It is inexpedient and disastrous to delegate this authority. A continuation of the present method of administering this phase of our foreign policy will inevitably lead to a development of one-man government, which will have its repercussions in every field of domestic activity. The tie-in between foreign and domestic affairs is inseparable. The conduct of foreign affairs affects domestic policy and domestic procedure. To give ground to one-man control on trade agreements may lead to an exercise of arbitrary power at some future date, under some other President, resulting in a domestic problem far beyond anything which we can now imagine or foresee. There is not merely such a possibility, it is a probability, and it is one which should "give us pause." We should coolly reflect upon this fundamental problem before we again make a delegation of congressional authority which would be entirely out of line with all past precedents and procedure of our National Government.

Mr. President, much has been said by the advocates of this measure about the evils of logrolling. They refer to the practice of bringing about political arrangements whereby an attempt is made to secure benefits for one section of the country in exchange for a different set of benefits for some other section. Those who talk about logrolling in tariff agreements at the present time have been strangely silent about political arrangements of this nature which have been carried on during the last 7 years in relation to the distribution of the vast sums of money which have been expended by the Federal Government. Does anyone believe that these funds were not disbursed in such a way as to give political preferment? The fact is that that has been taken for granted to such a large degree that scarcely any mention has been made of it. Now, however, when an administration measure is proposed which has prompted the opposition of red-blooded Americans the cry of logrolling is raised.

Mr. President, I am not seeking to justify the political maneuvers of this or any other administration. It is well recognized that there have been and there continue to be political abuses which cannot be explained away. It seems more than unfair, however, that the spotlight of public attention should be riveted on these developments solely in relation to the adjustment of tariff rates, for they pertain just as readily to a dozen other fields of governmental procedure.

Only profitable production in the United States is sufficient to bring dependable prosperity to this land. I do not intend to discuss the relative values of foreign and domestic trade. It must be apparent that our home market is our most vital and productive market, the one which holds the largest measure of hope for all our citizens, even though foreign trade may bring a benefit to a fractional minority. Our exports would have to be doubled to equal in volume an increase of much less than 5 percent in our home business. The free-trade war cry, "We must import if we want to export," is raised to cover the important fact that our country regularly imports rubber, coffee, sugar, vegetable oils, tin, silk, and other items in enormous quantities. Rubber, coffee, tin, silk, and many other products enter free of any duty. Nearly two-thirds of all imports pay no tariff charges at all. In addition to that, we buy from the world vast quantities of silver and gold at artificial prices; and yet there is no law in heaven or on earth which can compel foreign nations to use the benefits which they derive from us to make a fair return to us. American dollars go abroad; more often than not they are spent abroad for products of foreign nations rather than being returned for the purchase of American-made goods. In an open market the lowest offer sets the price. In the case of many products a 1-percent increase of imports can break the scale of American prices. A small rift in the lute will make the music mute.

Mr. President, the disparity between American prices and world prices continues to be a source of loss to American producers and wage earners. So long as the United States has underpaid farmers, and 9,000,000 unemployed, we cannot afford to give our markets to foreign producers. Our markets are the best in the world; they are a prize; they belong to the people who have developed them—the American people—and our farmers, workers, manufacturers, and investors should have the first claim upon them. This is a sane point of view. It is the accepted point of view of every trading nation in the world. It is a point of view which we must maintain or go down in defeat before the hit-and-run attack of low-wage-scale foreign competitors who are using the idealism of peace-minded internationalism to plunder the American markets at the expense of every man, woman, and child in our land.

Secretary Morgenthau has made a proposal which bears upon this issue. He says:

> The best way to reduce our gold inflow on commodity and service account is for us to have full recovery so that our imports will rise more rapidly than do our exports.

Last year the excess of agricultural imports over exports was $462,207,000. If the proposal of the Secretary of the Treasury is to use this gold to pay for imports, it would appear that we have about $12,000,000,000 of excess gold available for that purpose. We have $12,000,000,000 more of commodities than we export. That $12,000,000,000 would be sufficient to pay the wages of 10,000,000 men at an average of $1,200 a year.

Take, for instance, the pottery industry and see how the reciprocal-trade program works. More than 60 percent of the total cost of pottery is the labor cost. The average wage paid in American pottery is 75 cents an hour. The chief competitor in American markets of the American pottery industry is Japan, and the Japanese potter is paid an average wage of 4 cents an hour. How can we expect to keep our potteries going and our potters employed if we insist on reducing the tariff on pottery, as was done in the British trade agreement, a reduction which the Japanse had a right to claim and which they quickly did claim?

Or consider, again, the operation of the Reciprocal Trade Agreements Act in regard to fuel oil. Recently a trade agreement was negotiated with Venezuela by the terms of which the excise tax of one-half cent a gallon on fuel oil was reduced to one-fourth cent a gallon. Fuel oil has been and is perhaps the greatest competitor of all the other fuels. This arrangement has the damaging effect of driving down the price of American-produced oil. This results in displacing millions of tons of American-produced coal, throwing thousands of coal miners out of jobs, and keeping the coal industry in poverty. This is a condition of grave importance to the State of Pennsylvania. It is equally of importance to many sister States where coal miners are now having a desperate struggle for existence.

The hearings of the Senate Committee on Finance show that during the negotiation of the Venezuelan agreement no opportunity was given the independent oil producers of this country to present to the negotiators their facts about excise taxes. The representatives of the Independent Petroleum Association were referred to a committee. That committee was unwilling to give information as to whether or not petroleum was to be considered in the formulation of the agreement. No light whatever was thrown on the plans of the State Department. The names of those who were engaged in the actual negotiations were withheld. It was impossible to learn whether or not anyone was supporting the inclusion of excise taxes, although Congress had made definitely clear its intent that the authority to reduce tariffs should not apply to these excise taxes.

It was only when the conclusion of the Venezuelan agreement was announced that the representatives of the independent petroleum producers learned that the State Department had granted the 50-percent reduction in these taxes on an amount of imports not more than 5 percent of the domestic refinery runs in the preceding year. They then asked the President for an opportunity to be heard, but no such opportunity was granted.

That Congress intended to reserve to itself authority over these excise taxes was expressed in the records of congressional action on the original Trade Agreements Act. I quote the identical language of the report of the House Ways and Means Committee on the act of 1934, which said:

> In order that the necessary reciprocity may be accorded, the President is empowered to promise that existing duties which affect imported goods will not be increased during the term of any particular agreement. It should be carefully noted, however, that the President is given no right to reduce or increase any excise duty. His power of reduction of duties is limited to those which are in fact customs duties.

That portion of the Venezuelan trade agreement which deals with petroleum excise taxes is not in harmony with the intent and purposes of the act. The benefits flowing from this excise-tax reduction do not go to Venezuela, but go to the European or American companies which hold Venezuela's oil. The agreement, therefore, so far as this portion of it is concerned, is an agreement between the State Department acting for the Nation, on one side, and the big importing oil companies on the other.

Mr. President, this oil agreement reminds me of a very great, noble, and distinguished Democrat who, speaking at a Democratic national convention, said, "Show me an oil well, and I will show you a Republican policy." I say to you today, "Show me an oil well in connection with this Venezuelan trade treaty, and I will show you a free-trade Democratic policy."

Factory-wage rates and finished-goods prices have been artificially lifted far above the prices of farm products. As a result, the purchasing power of the farmer has been severely reduced. When the farmer is not able to buy, there is an inevitable reduction in factory sales and factory employment. I have been saying for years that fat farms make full factories. Depressed factory sales mean unemployment in our great industrial centers. That means less demand for farm products. With a depressed industry and mass unemployment comes a drying up of job opportunities. When unemployment is bad, we have additional problems of relief and work relief. This calls for a vast spending program on the part of the Government. This, in turn, means large deficits and increased borrowing or taxes. As long as farm prices are so greatly out of line with industrial costs and prices, we shall have this problem. The answer to it is in the field of economics, and no amount of political juggling will solve it.

In the field of foreign trade we are faced with a similar condition, but one which is worse and much more confusing. Again it is a matter of labor costs and industrial prices. These are expressed in terms of ever-changing currencies. Our Government is giving away the American market to traders who shuffle around their currencies for their own advantage. Their standards of living, prices, and wages are so much lower than our own that we always take a licking. These are economic realities. Unfortunately, however, they are ignored by Utopian-minded idealists and theorists who insist that by playing Santa Claus the United States can bring peace in the world. We have had the reciprocal trade agreements program for 6 years, but it did not bring peace; nor does it have power to restore peace at the present time.

Some persons advocate the importation of foreign coal so that consumers in this country may have cheaper coal. They seem to forget, however, that in order to compete with foreign prices American miners would have to submit to servitude and economic slavery. To have that cheaper coal we would sacrifice more than a proportionate share of the miners' purchasing power. The importation of 6,188,000 tons of coal during the past 9 years has deprived our miners of the right to produce that amount. This has reflected in the loss of wages and returns to workers and operators; and this has occurred at a time when the bituminous and anthracite industries have been crying aloud for relief for their depressed condition. One merely has to ride through some of the coal towns of Pennsylvania and West Virginia to realize that they are truly becoming ghost towns. Everybody in America loses when that happens. Since we must import goods to pay for our exports, let us not import coal, but only goods incapable of being produced here.

To those who urge tearing down our protective-tariff barriers and throwing trade open to indiscriminate free trade, let me say that their proposal comes about 175 years too late. They should have been around in the era when our industries had not been developed. Then, however, for purposes of home defense, and to remove strife with Great Britain and other countries, we encouraged and protected our industries so as to permit them to thrive and develop. When we assumed the responsibility for encouraging infant industries, we also assumed the future responsibility of maintaining adequate protection for them. That which has been built up through the years cannot be undone in a year or a dozen years without undermining and destroying our established economy.

Our high standard of living and our high wages have been built upon the present system of tariff protection, inadequate as it is. Our tariff walls have been, and should continue to be, the first line of defense against the encroachments of economic servitude. If we have to compete with foreign costs of production, we shall have to submit to foreign standards of low wages and low standards of living. To this I am unwilling to subscribe. I do not believe the American people are willing to subscribe to it if they fully understand what is wrapped up in the present proposal.

Economic sanity and political principle unite to demand that the representatives of the people in Congress retain the right to review tariff agreements which so vitally affect the maintenance of our economic life and our constitutional form of government.

Mr. President, in the beginning of the present tariff program Secretary Henry Wallace directly suggested that the United States had certain inefficient industries which must be sacrificed on the altar of international trade. He specifically mentioned the lace industry. Since that time the American lace industry has suffered the most extreme difficulties because of the policy adopted. The American lace-manufacturing industry today is working at less than 50 percent of its capacity as a direct result of the operations of the Franco-American Reciprocal Trade Treaty. While our lace industry has been dwindling in output and employment, imports of laces from France have increased up to 33 times the amount entering this country prior to the ratification of the trade treaty. Nine-tenths of the total French output is finding a market in the United States, at prices against which the American lace-manufacturing industry cannot compete. As a result of these increasing imports, there are in the United States more than 5,000 lace workers who have been deprived of their employment. Production by American lace mills at the present time is little more than half that of 1935, the last year prior to the operation of the treaty with France.

The French are naturally jubilant over the advantages gained in this way. French gains are increased by the depreciation of the franc since 1936. The American dollar today buys French lace, in terms of francs, at one-third the cost which prevailed when the treaty was signed. The American lace-manufacturing industry maintains average weekly wages for different operations which range on an average from $20 a week to $55 a week. French wages, operation for operation, average 25 percent and less of the American wage, and all other costs, including investment and continuing overhead costs, are on a similar scale. Despite these differences in the cost of production and wages, and despite the tremendous depreciation in the value of the franc, the State Department has made no move toward

either amending or abrogating the reciprocal-trade treaty with France. As a result, American lace workers go unemployed in large numbers.

Mr. President, many of these workers live in Pennsylvania; they are my constituents. I am trying to voice their opposition to the way in which this trade policy has wrecked their industry, and put them out on the street, and forced many of them to go on relief.

Then, Mr. President, there is the pulp and paper industry. Following the trade agreement with the Netherlands, the imports of wrapping paper into our country rose from 5,000 to 24,000 tons the first year. Thirteen thousand tons of it were of the very best grade of wrapping paper. This was machine-glazed paper, and it amounted to some 27 percent of the machine-glazed, highest-grade wrapping paper used here. The result is that this increased import tonnage actually meant that the wrapping-paper industry for a period of time was operating at below cost. This is but one small segment of the American paper industry. The same kind of losses are being sustained in other fields of the same industry.

The peculiar conditions in this industry, particularly in analyzing tariffs, should be given consideration. Normally, at congressional hearings all sides of a question are permitted to be expressed. Without hearings injustice is bound to occur, and against this star-chamber procedure the representatives of small industries have no recourse whatsoever. They take losses which place them in jeopardy, and increase the ever-growing number of the unemployed in sectors of business which normally should offer the greatest opportunity to provide new employment.

The labor movement is destroyed in most of the countries of the world. If the war shall continue for a few years, what is left of the labor movement in the European countries will be destroyed there also. This will mean that the markets of the world will be drawn down, and cheap labor will be forced upon organized labor, and will be used against it. Economic conditions in the United States will feel the repercussions of this economic warfare long after the shot and shell have been forgotten.

Recently I received a letter from a very prominent labor leader in Britain who said that if the war continues he expects Europe to be reduced to pestilence and famine. Under these conditions the United States will need to take strong measures to uphold our American standards of living, or they will be overwhelmed in the deluge of world troubles about which we are not able to do much in a constructive way at the present time. Our best service to the rest of the world should continue to be to demonstrate the practical value of high work and wage standards, and this we cannot continue to do unless we uphold the basic economic standards on which our present work structure has been built.

These trade treaties are referred to as reciprocal-trade treaties. The fact is that we have made duty reductions which are almost world-wide in their application, whereas the reductions which have been promised in return are restricted to the countries making direct agreements with us. Only if other countries should make treaties among themselves all around, and not with us, would we receive free benefits from other countries as they are now receiving them from us. In other countries, however, such agreements are not being made; and, as a result, we are in the position of giving away our market to many countries which do not directly participate in our trade negotiations. This is a means of lowering our duties in general, but it is not reciprocity.

Mr. President, the Reciprocal Trade Agreement Act does not pretend to lay down any basis for determining on what grounds concessions in duties may be made. It becomes obvious that differences between costs of production of an article in the United States and those in competing foreign countries are not of any importance to those who negotiate these agreements. With the greatly increased costs of wages and the shortened hours of labor in this country, naturally a producer in the United States must be greatly concerned if the tariff protection on the articles he produces is not sufficient to equalize the difference between costs of production.

Take, for example, the plate-glass industry, which is a very important industry in Pennsylvania. Half the window-glass factories of this country were compelled to close down in the period between 1932 and 1936, yet every box of window glass that is imported and sold here consists of merchandise which could be readily produced by the domestic industry, which has the capacity to produce from eighteen to twenty million boxes of glass a year. At no time has the industry been able to market a quantity in excess of 12,000,000 boxes, yet we still continue to import from abroad.

Compare wage schedules of window-glass workers in foreign countries with our own. In Czechoslovakia at the end of 1935 an ordinary gas producer operator received 17 cents an hour, while here he received 64 cents an hour. At the close of 1937 a Belgian glass worker received 19 cents an hour, while we were paying 72 cents for the same work. These are differentials which cannot be ignored without throwing thousands of American workers out of jobs. Foreign labor in the glass industry is paid a pittance of what our labor is paid. Foreign labor works incomparably longer hours. Foreign labor works under standards of living we would regard as criminally insufficient. Why should we uplift our American standards of wages and hours through domestic legislation and at the same time undermine those standards through the further enactment of legislation which strikes straight at the heart of American labor?

Mr. President, the lot of the dairyman is placed in jeopardy under the present program. There are many dairymen in Pennsylvania, and my attention has especially been called to their protests against the way in which the reciprocal-trade policy is being administered. Dairying is not like a great many agricultural industries, such as the production of cotton, wheat, and tobacco. Dairying is still a domestic industry. Our total farm production of milk is something over 100,000,000,000 pounds. About half of this amount, or a little more, is manufactured into butter or cheese or evaporated cream. This milk is produced under sanitary standards immeasurably higher than those which prevail in the greater part of the rest of the world. We are practically free from tuberculosis, and yet we allow the dairy products from foreign countries to come into our country without any sanitary standard at all. I am informed that 50 percent of the cows in England, for example, have tuberculosis, and that tuberculosis is rampant all through the western European nations with the exception of the Scandinavian countries. In the course of 23 years the Federal, State, and county governments have expended more than $260,000,000 to control bovine tuberculosis here; yet as the trade agreements are now administered our Nation has no protection from the ravages of this dread disease from abroad because of uncontrolled imports of milk products from disease-ridden areas.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator yield to the Senator from Texas?

Mr. DAVIS. I yield.

Mr. CONNALLY. I am very much interested in the Senator's statement about the existence of tuberculosis in England among cattle. Has the Senator statistics to show what our butter and milk imports from England amounted to last year?

Mr. DAVIS. I think the Senator will find the statistics in the hearings. I shall be glad to gather them and give the information to the Senator.

Mr. CONNALLY. I thought the Senator had them at his fingertips.

Mr. DAVIS. No; I do not have them at my fingertips.

Mr. President, I ask unanimous consent to have included in the RECORD as part of my remarks an extract from the minutes of the meeting of the Philadelphia Board of Trade held February 19, 1940.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

PHILADELPHIA BOARD OF TRADE,
Bourse Building, Philadelphia.

EXTRACT FROM MINUTES OF STATED MEETING, PHILADELPHIA BOARD OF TRADE, HELD FEBRUARY 19, 1940

Your committee having considered House Joint Resolution 407, being a bill proposing further extension of the Trade Treaty Act, and for other purposes, respectfully represents:

It is needless to recite that our onetime industrial prosperity, the healthful competition prevailing in our domestic as well as our export markets, was justifiably attributed to the successful application of our protective tariff—the McKinley tariff. As sponsor for his initial tariff bill Mr. McKinley declared: "The end in view is always to be opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and cannot produce ourselves, and which do not involve any loss of labor to our own people but tend rather to increase their employment."

Therefore emphasis should be placed upon the fact that under the Hull-Roosevelt reciprocal trade treaty policy the current administration has flouted both the Constitution of the United States and the fundamentals of that reciprocity McKinley defined; it has effected drastic concession on foreign products, both farm and factory, which we ourselves produce; it has thus gratuitously extended such concessions virtually to all countries of the world, except Germany, without securing to our export trade any equivalent in reciprocal advantages.

Thus practicing a strange internationalism (styled the "good neighbor policy") this camouflaging of a drastically downward revision of the tariff is exposing our farms and factories to a ruthless foreign competition, the evidence of which fact will become the more obvious with the return of peace in Europe. Then it may naturally be expected that swords will be beaten into plowshares and the millions of men now in the trenches will have returned to their workbenches.

Proponents of this program now couch their appeal for its further extension in a spirit of philanthropy. They propose that by this means we shall assure peace throughout the world; by thus stimulating trade between nations we will inspire gainful employment among the peoples of the earth and so advance the cause of a common humanity.

For reasons hereinbefore cited, your committee recommends emphatic opposition to any further extension of the Trade Treaty Act as submitted in House Joint Resolution 407. The report was unanimously adopted.

THE PHILADELPHIA BOARD OF TRADE,
GEO. L. MARKLAND, JR., *President.*

True copy.
Attest:

H. W. WILLS, *Secretary.*

Mr. DAVIS. Mr. President, I desire to conclude by repeating that I am wholeheartedly in favor of the Pittman amendment. In view of the conditions I have recited, I am opposed to the continuation of an administrative policy of foreign trade that does not give first consideration to the welfare of American workers, farmers, business, and the purchasing public. We have had a sufficiently long experience with this program to see what it has produced and can produce. I am not opposed to foreign trade, I am not opposed to reciprocal trade, but I am opposed and shall continue to be opposed to any policy that ignores the rights of our own citizens and makes them subservient to the low-wage and cutthroat competitive policies of any foreign power, for I hold it to be our first duty to maintain our American standards of work and wages.

APPOINTMENT OF ADDITIONAL DISTRICT AND CIRCUIT JUDGES

Mr. HATCH. Mr. President, I understand it is not expected that any further speeches will be made in respect to the pending legislation at this time. Therefore, I ask unanimous consent that the pending business be laid aside and that the Senate proceed to the consideration of House bill 7079, to provide for the appointment of additional district and circuit judges, which is Calendar No. 1377.

The PRESIDING OFFICER. The clerk will report the bill for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7079) to provide for the appointment of additional district and circuit judges.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert the following:

That the President is authorized to appoint, by and with the advice and consent of the Senate, two additional circuit judges, as follows:

(a) One for the sixth circuit;

(b) One for the eighth circuit.

SEC. 2. The President is authorized to appoint, by and with the advice and consent of the Senate, six additional district judges, as follows:

(a) One for each of the following districts: Southern district of California, district of New Jersey, western district of Oklahoma, eastern district of Pennsylvania;

(b) One for the southern district of New York;

(c) One, who shall be a district judge for the northern and southern districts of Florida.

Mr. HATCH. Mr. President, that is the amendment which I asked to have considered.

I think I should make a statement with respect to the matter before action is taken. I propose to offer a certain amendment to the substitute amendment. This measure is a House bill. Last year the Senate passed a bill creating certain additional judgeships, which went to the House but was not acted upon. At this session the House enacted its own bill, and it was sent to the Senate. The Senate Committee on the Judiciary struck out all in the House bill after the enacting clause, and inserted in lieu of the House provision the identical bill which the Senate passed at the last session.

Since the bill to which I have referred was passed by the Senate at the last session, there have been certain developments which would suggest that the original Senate bill, now proposed as a substitute, be changed. For instance, the Senate bill and the House bill provide for an additional judge for the sixth circuit. We are informed that conditions have changed considerably since that provision was made.

At the judicial conference the judges of that district were of the opinion that an additional judge was not needed there. Therefore, in order that that question may go to conference, which it could not do without amendment, because both bills contain the provision for such judge, I ask that on page 2, line 9, the provision for an additional judge in the sixth circuit be stricken out.

Mr. BARKLEY. Mr. President, does the Senator mean that he is moving to strike from the Senate bill, which he seeks to substitute for the bill which passed the House, provision for an additional judge for the sixth circuit?

Mr. HATCH. Yes. There is a question whether that judgeship is needed. The provision is included in both the House and the Senate bills, and unless it is stricken out there will be nothing to confer about. We wish to look further into the question. That is the purpose of the amendment.

Mr. BARKLEY. The need for that judge was looked into at the last session and the judgeship was included in the Senate bill. The same provision having passed both Houses, although in separate bills, it would be rather difficult to explain to the people of that circuit why it is now desired to strike out the judgeship for the sixth circuit. I did not understand that that was to be done, or I might not have given my consent.

Mr. HATCH. I should have told the Senator that. I overlooked the fact that the Senator comes from the sixth circuit. If the Senator wishes to have the matter go over, I shall have no objection.

Mr. BARKLEY. I do not want to see the provision for that circuit judgeship stricken out. It has been passed on by both the House and the Senate, although in separate bills.

Mr. HATCH. The reason for my statement was that representations were made to me this week that the judicial conference at its last session came to the conclusion that the judges of that circuit were rapidly catching up with their work, which was not true a year ago; and it was their opinion that it was not necessary to have that judge included in the bill.

Mr. BARKLEY. I have talked with at least one of the judges of that circuit, and certainly his opinion does not coincide with that view. I know that the district bar and the bench itself have expected that the House would act on the bill, as it was passed by the Senate. Now, that it has passed its own bill, as it sometimes does, whether through caprice

I do not know or say, it would be quite strange and quite a disappointment to the people of that circuit to strike the judgeship out at this time.

Mr. HATCH. Mr. President, the Senator is quite correct. The provision is now in both the House bill and the Senate bill, and my reason for suggesting that it be stricken from the Senate bill is that the matter may be considered in conference. If this action is not taken, it will leave the provision for the judgeship in the legislation, and there will be nothing about which to confer.

Mr. BARKLEY. I do not like to consent to that without some further knowledge of the situation. I did not have the slightest information that anything like this would happen. The people of that circuit have been looking forward to the enactment of this law, and I know the judges feel, unless they have changed their minds, that another judge is needed. I hope the Senator will not eliminate that provision.

Mr. HATCH. Mr. President, I have no objection to letting the matter go over and the Senator can investigate further.

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AUSTIN. I have not been able to follow the discussion. I should like to inquire if the amendment proposed by the Senator from New Mexico has been agreed to.

The PRESIDING OFFICER. It has not been agreed to. The Senator from New Mexico called up House bill 7079 and asked for its present consideration. He then asked to amend the committee amendment by striking out line 9 on page 2, which provides for a judge for the sixth circuit. The Senator from Kentucky has objected to that, and the Chair has not been able to follow the colloquy back and forth between the Senators.

Mr. HATCH. I may say to the Senator from Vermont that the sixth circuit is the circuit in which the Senator from Kentucky resides. Personally I would not want to strike the judgeship from the bill now, especially until the Senator from Kentucky has had full opportunity to advise himself as to the conditions in that circuit at this time.

Mr. AUSTIN. Mr. President, will the Senator yield for a suggestion?

Mr. HATCH. I yield.

Mr. AUSTIN. Since we acted as a committee on this matter, I have had additional and new information which leads me to change my opinion about this judgeship. I would not feel justified in passing the bill with that judgeship in it, certainly not without a clear knowledge by the Senate of the new circumstances. So I suggest that the matter go over until the majority leader has had an opportunity to make further investigation.

Mr. HATCH. Very well. I think that should be done. I withdraw my request for the present consideration of the bill.

The PRESIDING OFFICER. The Senator from New Mexico withdraws his request for consideration of House bill 7079, and, without objection, the bill will be returned to the calendar.

Mr. BARKLEY. Mr. President, the fact that I reside in that circuit is no reason for including a new judge merely because I happen to be in favor of it. However, the procedure strikes me as a little strange. A bill is passed by both the House and the Senate after hearings by both the House and Senate committees, and only within the past day or two the Senate committee reports a bill with a judgeship in it for the sixth circuit. Now we are asked to eliminate the judgeship, which has been in both bills. I am at least curious to know what additional facts have been developed in the past day or two which make it unnecessary to provide the judgeship for the sixth circuit, when a year ago the Senate passed a bill providing for the additional judge, and the House has done likewise, and the Senate committee has approved such a bill.

Mr. HATCH. Mr. President, I will say to the Senator that so far as I know nothing sensational has happened. I made reference to the Senator's residence in the circuit merely because I think a Senator who resides in a circuit should be consulted. He has information about affairs in the circuit which other Senators do not have. My only purpose in asking that the provision be stricken out was that then the matter could go to conference. I am not altogether convinced one way or the other about it.

Mr. BARKLEY. If the House had passed the Senate bill instead of passing its own bill, the matter would not be in conference. The judgeship would have been established. The mere fact that the House saw fit to ignore the Senate bill and pass a practically identical bill of its own and send it to the Senate does not seem to me to give good reason for eliminating the judgeship, to which both Houses have agreed.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield the floor. I have no desire to discuss the matter further, but I am a little surprised.

FINANCIAL AND OTHER DATA PERTAINING TO SUNDRY GOVERNMENTAL AGENCIES AND CORPORATIONS

Mr. HAYDEN. Mr. President, from the Committee on Printing, I report back favorably, with an amendment, Senate Resolution 247, submitted by the Senator from Virginia [Mr. BYRD] on March 19, 1940, authorizing printing as a Senate document the report of the Secretary of the Treasury relative to the financial condition and operation of certain corporations and agencies of the Government; and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

The amendment was, on page 1, line 6, after the word "document", to strike out the comma and the words "and that —— additional copies be printed for the use of the Senate Document Room."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the report of the Secretary of the Treasury relative to the financial condition and operations of certain corporations and agencies of the Government, transmitted to the Senate on February 15, 1940, in response to Senate Resolution 150, agreed to June 27, 1939, be printed as a Senate document.

PRINTING OF MONOGRAPHS ON ADMINISTRATIVE PROCEDURE

Mr. HAYDEN. Mr. President, from the Committee on Printing, I report back favorably, without amendment, Senate Resolution 248, submitted by me on March 21, 1940, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. KING. I object to its present consideration.

Mr. HAYDEN. I can very briefly explain the resolution.

Mr. KING. I understand what it is.

The PRESIDING OFFICER. Objection is heard.

Mr. HAYDEN. If the Senator will yield to me——

Mr. KING. I yield.

Mr. HAYDEN. This resolution does not cover all the work that is to be done. There will be another resolution, and we shall be very glad to include in it anything the Senator wishes to include. The reports on the group of activities studied by the Attorney General's office have been finished; but the work is still going on, and there will be another document.

Mr. KING. I am familiar with the situation; but I should like to have the resolution go over.

The PRESIDING OFFICER. Objection is heard. The resolution will be passed over.

ADDITIONAL COPIES OF HEARINGS ON SILVER

Mr. HAYDEN. Mr. President, from the Committee on Printing, I report back favorably, without amendment, Senate Concurrent Resolution 41, and ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Con. Res. 41) submitted by Mr. PITTMAN on March 22, 1940, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2, of the Printing Act approved March 1, 1907, the Special Committee on the Investigation of Silver, United States Senate, be, and is hereby, authorized and empowered to have printed in one volume for its

use, 1,500 additional copies of the hearings held before said committee pursuant to the resolution (S. Res. No. 187, 74th Cong., 1st sess.) authorizing a special committee of the Senate to investigate the administration, and the economic and commercial effect, of the Silver Purchase Act of 1934.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the nomination of Joseph F. Deeb, of Michigan, to be United States attorney for the western district of Michigan, vice Francis T. McDonald, deceased.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment to temporary rank in the Air Corps, Regular Army, under the provisions of law.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

NATIONAL YOUTH ADMINISTRATION

The legislative clerk read the nomination of Miss Mary S. Anderson to be Administrator of the National Youth Administration for Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER—NOMINATION PASSED OVER

The legislative clerk read the nomination of Dorothy B. Keeling to be postmaster at Camp Taylor, Ky., which nomination had previously been passed over.

Mr. McKELLAR. I ask that the nomination be again passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry further nominations of postmasters.

Mr. McKELLAR. I ask that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of postmasters are confirmed en bloc.

That completes the calendar.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 54 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 26, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 25 (legislative day of March 4, 1940)

NATIONAL YOUTH ADMINISTRATION

Miss Mary S. Anderson to be Administrator of the National Youth Administration for Illinois.

POSTMASTERS

ILLINOIS

Milton W. Struwing, Algonquin.
George C. Gaudino, Benld.
Rupert R. Barkley, Casey.
Dale A. Leifheit, De Kalb.
Mary Dillon-O'Brien, Flanagan.
Frank M. Bradley, Geneseo.
William V. Webb, Karnak.
Leo J. Willison, Olivet.
William Claude Rogers, Sr., Percy.
Alice May Pulley, Pittsburg.
Palmer Cecil Smith, Potomac.
Charles H. Roberts, Salem.
Harry G. Sleep, Warrenville.
Calvin L. Bradley, Willisville.
Lydia B. Morrissey, Winthrop Harbor.

OKLAHOMA

George L. Watkins, Tulsa.

PENNSYLVANIA

James D. Webster, Sewickley.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 25, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we praise Thee that while treason revolted against truth and nailed it to a cross, we behold in our glorified Lord the triumph of love over hate, of right over wrong and of life over death. We earnestly pray that the Christ may be unto us a living crucible in which all our sins are burned away; keep us ever conscious that the worst thing for us to forget is that we are sinners. Lord God of the nations, we pray for peace to come when war, woe, and mockery shall be swept from the face of the earth and it shall rest like a heavenly benediction upon its troubled mind with its heavy heart. O let the new age come, the new life, the new progress, and the new joy. Grant that everything good may come to our President, our Speaker, and every Member, officer, and employee of the Congress; may all the hushed voices of the human heart bless our homes and Thine shall be the glory forever, through Christ our Saviour. Amen.

The Journal of the proceedings of Thursday, March 21, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title: H. R. 8202, a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. TYDINGS, Mr. BANKHEAD, Mr. SMITH, Mr. NYE, and Mr. MCNARY to be the conferees on the part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. COOPER for 1 week on account of the death of his father.

ELECTION TO COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

House Resolution 438

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives, to wit:

Patents: JOE B. BATES, Kentucky; CLARA G. MCMILLAN, South Carolina.

War Claims: WILL ROGERS, Oklahoma; A. F. MACIEJEWSKI, Illinois.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON MEMORIALS

Mr. BULWINKLE. Mr. Speaker, I have sent to the Clerk's desk the usual resolution providing for memorial services for deceased Members of Congress to be held on Wednesday, April 24, and I ask its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 437

Resolved, That on Wednesday, the 24th day of April 1940, immediately after the approval of the Journal, the House shall stand at recess for the purpose of holding the memorial services as arranged by the Committee on Memorials, under the provisions of clause 40–A of rule XI. The order of exercises and proceedings of the service shall be printed in the CONGRESSIONAL RECORD, and all Members shall have leave to extend their remarks in the CONGRESSIONAL RECORD until the last issue of the RECORD of the third session of the Seventy-sixth Congress, on the life, character and public service of the deceased Members. At the conclusion of the proceedings the Speaker shall call the House to order, and then, as a further mark of respect to the memories of the deceased, he shall declare the House adjourned; and be it further

Resolved, That the necessary expenses connected with the memorial services herein authorized shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of the Committee on Memorials and approved by the Committee on Accounts.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects and include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement made by Albert S. Goss, former Federal Land Bank Commissioner, Farm Credit Administration, before the House Committee on Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by myself before the National Rivers and Harbors Congress in the city of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial from a Kansas newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by Colonel Harrington, of the W. P. A.; also some reports of the activities of the W. P. A.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a brief editorial which appeared in this morning's issue of the Washington Post, concerning the visit of His Excellency, Dr. Rafael A. Calderon Guardia, President-elect of Costa Rica.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WORK PROJECTS ADMINISTRATION

Mr. GREEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker and fellow Members of the House, I urge your cooperation and support of H. R. 9065, which I have introduced for amendments to the existing W. P. A. law. This is a timely bill, and your immediate consideration and favorable action is urged. Not only my district and State but every State in the Union will derive great benefits from provisions of this bill.

The bill would repeal the 25-percent contribution by sponsors of W. P. A. projects. In many places in my district local sponsors, including county and city, are unable to obtain funds to put up the 25 percent for worthy projects. This inability of local sponsors to meet the requirements is curtailing the operation of the W. P. A. program and throwing needy persons out of employment. The sewing-room projects in my district have probably been hit harder than any others.

The various counties are absolutely unable to meet the local sponsorship requirements. Some counties, for the reason that the required funds were not set up in the Budget, and, of course, in some counties they are not financially able to bear additional tax for these funds. The result is that the sewing-room employees are the sufferers. There are also large numbers of other worthy and timely projects which have had to be stopped or, in fact, not embarked upon on account of this drastic requirement. Our local city and county officials are doing all that they can to meet these requirements, but there is a limit to money-raising abilities of these financial units, and the result is that our needy persons are being furloughed from W. P. A. and at the same time the city or county is needing the improvements which could be had.

REPEAL 18 MONTHS' LAY-OFF

Another provision of the bill which I have introduced is for the repeal of the required furlough after 18 months' continuous W. P. A. employment. This 18 months' provision has worked a severe hardship upon thousands of W. P. A. employees in my State. It should be repealed and I hope you will help me to do it. The W. P. A. administration itself is in a position to judge the relative needs of W. P. A. employees, and these officials furlough those who are able to find employment with industry. Time is lost and needless funds expended for reexamining and reemploying those who are furloughed. Frequently operations of projects are crippled on account of wholesale 18-month-provision furloughs. Also a provision of the bill which I would have you support is one to have the Federal Government give 50–50 in the expense in certifying W. P. A. workers. Some of the States are not financially able to pay employees to do investigating and certifying work. In my own State for many months we were without any certification office; during this period thousands of needy persons who were eligible to get certified were kept off W. P. A. projects, even when we had W. P. A. funds to employ them with. In fact, when we have certifying agencies, needy persons have to run through red tape from 2 weeks to 3 or 4 months trying to get certified. This is a needless situation and a preventable injury to the needy in my State. In some cases, if it were not for the help of charity and relatives, people would go hungry and die of starvation while they are waiting for certification. If the Government will put 50 percent to pay certifying officials and then cut off some of the red tape and foolishness in certification, W. P. A. will be able to take care of the relief which it was intended to.

Another requirement which is altogether unnecessary and impossible is the past-work-history requirement. This should be abolished. In my State, of course, there is very little industrial employment. It is, as in the past, impossible for many of the most needy persons to have had a work history. How can people be expected to have a work history when there has been no gainful employment for them to be engaged in? This requirement has been a serious handicap, especially to the women who have always kept their own homes and occupied the role of housewife and also to the young women who have not been able to find any employment this requirement is unfair and should be abolished.

EQUAL WAGES FOR ALL PARTS OF COUNTRY

This bill also provides for payment of equal wages for similar work in all parts of the United States. There is no justice in paying $35.10 for labor in my congressional district and paying for the same kind of labor in a district, say in New York, the amount of $55 per month. People get just as hungry in Florida or Georgia as they do in Massachusetts,

New York, or Michigan. The Federal Government pays to regular Federal employees the same amount of money in all parts of the United States. For instance, postmasters or rural carriers in Alabama draw the same amount of money for their services per mile as a rural carrier in New Jersey or Wisconsin. This difference in wages paid under W. P. A. law in different parts of the country is an abomination, is un-American and should be instantly changed. I have worked for every wage raise Florida W. P. A. workers have had, and shall keep up the fight until equality is obtained.

Thousands of the very best people in my State are now working with W. P. A.—financial reverses, sickness, and destitution are respectors of no persons. Men who have been wealthy and financially secure have in many instances been forced to work on W. P. A. in order to make an honest living for themselves and families. W. P. A. employees of my district are honorable and upright citizens and appreciate and support our Government as strongly as any group in the country. They are entitled to adequate pay and security.

There are other provisions of the bill which I shall not go into.

LARGER APPROPRIATION NEEDED NEXT YEAR

I take this opportunity to also urge my colleagues to vote for an adequate W. P. A. appropriation for next year. In fact, the funds provided for this year were not at all adequate.

The W. P. A. is now faced with a drastic cut of W. P. A. employees on account of scarcity of funds. I believe that $1,477,000,000 was appropriated for this year, and in spite of this it is estimated that 800,000 W. P. A. workers will have to be dropped from the pay rolls by June 30. This will hit my State by a lay-off of 6,500. The fact is, in my State we still have a large number of needy people who are anxious to get on W. P. A. in order to support themselves and families. There is some talk in higher circles of reducing W. P. A. appropriation to $1,125,000,000 for next year. If this is done, W. P. A. will have to furlough an additional 600,000 after July 1. This number added to the 800,000 now being furloughed would give 1,400,000 less jobs on W. P. A. next year than we have this year.

VOTED AGAINST 18-MONTH PROVISION

Now, Mr. Speaker, what is going to become of these needy people if the Government drastically cuts the appropriation for next year? Instead of cutting the appropriation, I urge that the appropriation be increased over the amount spent this year. At the last session of Congress I voted against the reduction in the appropriation, and I voted against the 18-month lay-off provision. I shall support amendments to increase the appropriation next year if the amount recommended is equal to or less than the amount used this year.

The W. P. A. is one of the most helpful departments of our Government. It has given employment to millions of needy people. It has, in fact, made possible to a large degree the general increases in business activities which our country has experienced in the last 4 or 5 years. In my own district, before we embarked upon the relief program hundreds of business houses, including stores, closed their doors. Today there are very few vacant store buildings. In many towns in my district the W. P. A. pay roll has probably done more to keep businesses going and thriving than any other funds. The W. P. A. employee likewise has through his earnings been able to pay his grocery bill, his doctor bill, his drug-store bill, and to buy clothing and other supplies so desperately needed by his family.

In addition to the work relief, help, and support which W. P. A. has carried to millions of our people, the American people have received in return not only increases in business and general wealth but substantial improvements which will last for generations.

PERMANENT AND NEEDED BUILDINGS

In my own State about 725 new public buildings have been erected, 532 improved, and 75 have had additions made to them; 180 of these new buildings are school buildings; 277 schools have been improved; 42 have had new additions; in other words, 500 school buildings have either been remodeled or rebuilt from the ground up. Some of these magnificent new structures are in some small school rural areas where heretofore nothing but rambling shacks existed. The small barefoot boy in the most remote district is entitled to the same comforts and educational conveniences as his city-dwelling brother. The Government has recognized this and is using the W. P. A. as the medium to take to these areas modern and magnificent buildings; 266 recreational buildings have been erected, 36 offices and administrative structures, and improvements made to 33 additional structures; 10 or 12 new hospitals. One of the greatest benefits to carry to the people of our Nation would be a hospital to each county where needed. A number of counties in my congressional district are without any hospital and hardly any county in the district realizes adequate hospital facilities. I desire to see each county in my district have at least one hospital. At present the only hope for this is through W. P. A. W. P. A. has constructed in Florida 10 or 12 armories for the Florida National Guard. My home town has one of these modern and substantial armory buildings. In architecture, construction, material, and adaptability to service, it is a glowing example of real Federal achievement. I doubt if it could be replaced for twice the money from any other source except W. P. A.

Courthouses, city halls, streets, sidewalks, sewers, water mains, deep-water wells, storage tanks, and countless other lasting improvements have been accomplished. W. P. A. has in its Florida health program drained 387,285 acres of land. With these and other sanitary projects, it is doing a great deal toward eradicating malaria and other diseases. The sewing-room projects have produced probably 3,000,000 garments, while the lunchroom projects have provided probably 1,000,000 hot lunches for hungry and needy little school children.

FIFTY PERCENT OF W. P. A. FUNDS SPENT ON ROADS

W. P. A. has expended in Florida almost 50 percent of all W. P. A. funds in the construction of highways, streets, and roads. These roads are a medium of transportation in bringing farm produce to the market and taking school children to consolidated schools, and, in fact, improving in every way the social and economic life in our State; 4,156 miles of such roads have been built in Florida. About 73 percent of all roads constructed by W. P. A. in Florida has been on lateral roads connecting up major highway systems; 864 new bridges and viaducts have been built in Florida by W. P. A.; 19 of these structures are steel and 34 of masonry types and the remainder are wooden structures.

W. P. A. SHOULD BUILD R. E. A. LINES

W. P. A. has assisted in building and rebuilding city-owned power plants. It is through W. P. A. projects that rural electrification could be carried to practically every farm in the United States.

I hope that arrangements will be made whereby W. P. A. laborers can be used for R. E. A. projects. No more important or lasting benefits could be given through any W. P. A. work than this.

I receive letters daily from individuals and towns and cities expressing their approval and appreciation, such as the following:

Hon. LEX GREEN,
House of Representatives, Washington, D. C.

DEAR MR. GREEN: It is a genuine pleasure, as president of the town council of the town of Madison, Fla., for me to write you on behalf of the entire council and express our appreciation of your efforts directed toward retaining the W. P. A. office in Madison, in response to our recent urgent request.

The W. P. A. office means a great deal to this community, and your prompt, willing action in championing our cause, together with the favorable result accomplished, is indeed gratifying to all of us.

Respectfully yours,

C. S. BLALOCK,
President, Town Council.

Time will not permit me to enumerate all the lasting and permanent improvements brought about through W. P. A. in my State. I have voted for all of these W. P. A. funds, and frankly feel proud for the business-like achievements of the W. P. A. program in my State. It is true that some funds

possibly have been wasted. It is true that some persons on W. P. A. should not be there, and others who are not on W. P. A. are in dire need. These matters, however, are problems of the administration and it is confidently hoped that W. P. A. will grow more and more efficient and more and more for the relief of those in actual need.

I shall continue my support for W. P. A. appropriations, and shall defend its splendid accomplishments. During the past 4½ years about $110,000,000 has been expended in my State by W. P. A. This included, of course, Federal funds and sponsors' contributions. From eighty to ninety million dollars of Federal funds have been expended—these funds representing the economic life blood of my State and without these funds bankruptcy and also hunger and need would have been the lot of thousands in my State.

EXTENSION OF REMARKS

Mr. DINGELL asked and was given permission to extend his own remarks in the RECORD.

Mr BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement by Mr. Frederick Moore appearing in the Textile Bulletin.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial appearing March 21 in the Chicago Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial appearing in the Washington Evening Star on Thursday evening, March 21.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

GOLD AND ITS POWER. PART 3

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I have taken this opportunity to call the attention of the House to a resolution which I presume will soon be introduced, and in which Congress will be requested to set up an inter-American bank by a special act of Congress. It is also my desire to remind the Members of the House that the people of this great Nation have not delegated power to Congress in the Constitution for the enactment of this or similar types of legislation.

I sincerely hope that every Member of the House and Senate will read the third preliminary draft of convention relating to the inter-American bank, which may be found on pages 2066–2069 of the CONGRESSIONAL RECORD, February 27, 1940. I particularly call your attention to the third draft of charter of the inter-American bank, which you will find on page 2067, for it is that resolution which will be presented here in the House and which you will be expected to pass to please that invisible power which has been guiding this administration and this great Nation to destruction for the past 27 years.

It is important that you study these three documents very, very carefully, for you will, if you vote for the charter of this bank, not only violate your oath of obligation but you will, by such act, betray your own people. The Members of this House and the Senate are not elected to follow political leaders, House leaders, or the President of the United States. The Members are elected to follow the Constitution of the United States and to represent the people of this Nation in Congress assembled.

The membership of both Houses are now the direct representatives of the people, and surely are sufficiently intelligent to read and understand the Constitution of the United States as it is written, and not as it may be interpreted by some absent-minded Justice of the Supreme Court. The Members who do not understand it should resign and go home, for enactment of unconstitutional legislation can only terminate in disintegration and in the destruction of our Government.

The resolution to create an inter-American bank which the internationalists want Congress to pass is clearly unconstitutional, and should, when the people of this Nation understand it, defeat every Member who votes for the charter of an inter-American bank. I now quote the charter:

FEBRUARY 6, 1940.

Third draft of charter of the Inter-American Bank. (Such charter would be granted by an act of the Congress of the United States of America)

SECTION 1. There is hereby created a body corporate with the name "Inter-American Bank," hereinafter referred to as "the bank."

SEC. 2. The structure, operations, and activities of the bank shall be as defined by the bylaws, which are annexed to the convention relating to the establishment of the bank. The bank shall have all incidental powers necessary and proper to carry out the powers now or hereafter expressly authorized herein or in the bylaws of the bank.

SEC. 3. The bank may begin operations when at least a total of 110 shares of stock of the bank are subscribed for by at least five governments which have also deposited their ratifications of the aforementioned convention with the Pan American Union.

SEC. 4. The bank shall have succession for a period of 20 years from the date of enactment hereof or until such earlier time as it shall be lawfully dissolved. The United States agrees not to repeal or amend this charter except upon the request of the bank pursuant to a four-fifths majority vote of the board of directors of the bank. The United States may extend the charter for additional 20-year periods upon the request of the bank pursuant to a four-fifths majority vote of the board of directors of the bank.

SEC. 5. Amendments to the bylaws of the bank, consistent with the aforementioned convention, this charter, and the purposes of the bank as now set out in article 5–A of the bylaws of the bank, may be adopted by the bank pursuant to a four-fifths majority vote of the board of directors: *Provided, however,* That article 5–A of the bylaws may not be amended: *And provided further,* That the provisions in such bylaws relating to the effect and manner of the making of a timely objection by a participating government may not be amended except by a unanimous vote of the representatives of all the participating governments.

SEC. 6. The bank shall have power to adopt, alter, and use a corporate seal, and to make such contracts and to acquire, own, hold, or dispose of such real and personal property as may be necessary for the transaction of its business.

SEC. 7. The bank may sue and be sued, complain and defend, in any court of competent jurisdiction. Any civil suit at law or at equity, brought within the United States, its Territories, and possessions to which the bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and the bank, in any such suit, may, at any time before trial thereof, remove such suit into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

I do not believe there are enough clowns in the South American governments to perform in the ring of this international circus, or dupes to fall into this financial trap. It should be clear to all governments that the inter-American bank is an offspring of the League of Nations Bank of International Settlement.

We, the people of the Western Hemisphere, should be cognizant of the fact that the inter-American bank is another attempt at world domination through the power of gold. To be sure, it is very subtle. The creation of a bank appears to be harmless; yet the creation of the inter-American bank by the Congress of the United States is tantamount to bestowing the title to gold in the invisible government, who in the end will be final owners of this bank.

Mr. Speaker, I shall now highlight each section of the charter of the inter-American bank.

In section 1 of the charter Congress will create, if the resolution is passed, an inter-American bank, which will prove to be destructive to our own industries, agriculture, and labor.

In section 2 Congress will, if the charter is granted, bestow greater power on this bank than that now delegated to Congress, for this bank will, by wielding the power of gold, control the export and import trade of the Western Hemisphere and nations beyond the two oceans.

In section 3 Congress grants permission to the bank to begin operation with 110 shares of the 1,000 of the first issue. This, if nothing else, shows how anxious this crowd of international highbinders is to obtain congressional authorization for the bank. They are extremely impatient for this charter, for, if it is granted, these international shylocks will have the legal right to fleece the people of the United States, South America and Central America, and Mexico.

In section 4 Congress obligates the United States to extend life to the bank for a period of 20 years, and in addition to that agrees not to repeal or amend the charter of the bank except by permission of four-fifths majority vote of the bank's board of directors. The directors of this bank are indeed magnanimous, for they grant permission to the United States to extend the charter another 20 years or more, provided four-fifths of the board desire such extension. In other words, Congress will, in enacting this legislation, create and crown a monetary king for the Western Hemisphere.

It is further provided that article 5–A of the bylaws may not be amended, and the part which relates to timely objections only by unanimous consent. This provision of the bylaws is interesting, as it clarifies the power of our own Constitution, which provides:

> The United States shall guarantee to every State in this Union a republican form of government * * * and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

It should be clear that this provision of the Constitution cannot be amended by three-fourths majority vote, but must, like article 5A of the bylaws of the bank, remain indestructible until amended by unanimous vote, a principle which we ignored in 1913 when we adopted the seventeenth amendment, which destroyed the fundamental principles of this Republic.

In section 6 Congress grants to the bank the power to adopt, alter, and use a corporate seal, and to make such contracts as it wishes, including the power "to trade, buy, and sell all kinds of property," including silver and other precious metals. This tribe, while making this provision for themselves, namely, ownership of gold and gold money and other precious metals, expects us, the real owners of gold money, to be satisfied with an inflated hocus-pocus dollar.

In section 7 Congress will, if it enacts this legislation, satisfy a dream long held by the internationalist, for legal power will be given him to operate a bank free from restriction, without taxation, and on capital or money appropriated from the United States Treasury, which is the property of our own people.

If Congress should be stupid enough to enact this legislation, it will, in fact, amend that part of article 3, section 2, which gives the Supreme Court original jurisdiction in all "cases affecting ambassadors, other public ministers and consuls, and those in which a state—foreign state—shall be party," for this section in the bylaws of the bank gives original jurisdiction of all suits to district courts. I therefore advise Members of Congress to give this legislation serious consideration and note particularly the manner in which it will disadvantageously affect the people at home who sent you to Congress to protect their rights.

It is also well to bear in mind that should any of us in an apathetic moment grant this charter we will in such legislation create an international corporation of such far-reaching magnitude that it may even destroy our national banks, industries, and business. When anyone is authorized by Congress to sign the articles of convention, he actually signs a treaty which obligates the United States without further consideration for $5,000,000 in gold and, in addition to that, compliance with all the provisions which are set forth in the three documents to which I have referred.

In the first article of the convention, which I advise you all to read, Congress will, if it grants the charter, establish a bank with all the powers proposed in the charter and the bylaws, to engage in all types of activities, and the additional power to enact its own legislation. In other words, you grant this bank the power of an imperial despot, and it will in time wield greater power over the contracting parties than the governments of such nations wield within their own borders.

I have introduced a resolution to stop this international rape on the Western Hemisphere, which I hope the committee will report out so that it may be considered by the House. I also hope that all contracting nations, including ourselves, will think twice before signing the articles of convention, for the signing of it is like signing a treaty and will, if rejected by Congress after having been signed, prove embarrassing to the parents of this illegitimate offspring. I cannot refrain from quoting part of paragraph C, article 2, of the convention, for it is so typical and descriptive of those who are the promoters of this bank:

> C. The bank, its assets, and real and personal property of whatsoever nature, including, without limitation of the foregoing, its charter, capital, reserves, surplus, income, and profits; its activities, transactions and operations, and shares of stock and all notes, debentures, bonds, and other such obligations issued by the bank, including dividends and interest thereon, by whomsoever held, and any remunerations or salaries paid by the bank, and also any individual, partnership, corporation, association, or other entity in its dealings and relations with the bank in any of the foregoing matters, and in its acquisitions, holdings, transfers, or dispositions of any such shares and obligations of the bank, shall be exempt and immune from all taxation by a contracting party or a political subdivision thereof, now or hereafter imposed, and by whatever name described including, without limitation of the foregoing, excises and imposts: *Provided, however,* That the foregoing shall not be construed as preventing the imposition by a contracting party or any political subdivision thereof of nondiscriminatory taxes upon nationals of such contracting party with respect to any of the foregoing. As used in this paragraph "nationals of such contracting party" shall include any person who is domiciled in, or a citizen or resident of, such contracting party, and shall also include any individual, partnership, association, corporation, or other entity organized under the laws of such contracting party or political subdivision thereof, or having a permanent establishment, such as a branch, office, agency, or other fixed place of business, in the territory of such contracting party, but shall not include the bank. Notwithstanding any of the foregoing, neither a contracting party nor any political subdivision thereof shall impose any tax on or measured by salaries or remunerations paid by the bank to its officers or employees who are citizens of any other contracting party.

I cannot emphasize too strongly careful consideration and study of the articles of convention, the bylaws, and the charter of the inter-American bank, for it is, without doubt, an attempt by the international bankers to gain complete domination and control of gold money. The bank is legally exempt from taxation, and will serve no good to anyone except to the international financiers. They will benefit to the fullest extent, as the western republics furnish a hundred million dollars in gold for working capital, free from taxes, and with little or no responsibility to those who furnish the money. The return on this capital is also provided for, for the bank is, according to its own bylaws, permitted to pay only such dividends as it will, but at no time more than 3 percent.

> E. The board of directors, by a four-fifths majority vote, may declare dividends out of the dividend reserve in surplus of the bank: *Provided, however,* That total dividends in any one year, including dividends paid pursuant to paragraph D–2 above, shall not be more than 3 percent of the paid-up amount of the stock.
>
> F. The bank may not be liquidated except by a four-fifths majority vote of the board of directors. Upon liquidation of the bank, and after discharge of all the liabilities of the bank, the assets remaining shall be divided among the shareholders.

A question which should be of interest to Members of Congress, as well as to the people of this Nation, is the source from which South American republics are to obtain the gold to invest in this bank. Is it not possible that the United States will furnish gold for all of them in return for worthless notes? I believe you will agree with me that that is most likely, and particularly in view of the fact that their accounts with

the United States are now in default. I quote the CONGRESSIONAL RECORD, page 2095, February 28, 1940:

Countries	Total	
	Outstanding	In default
Argentina	$233,000,000	$20,000,000
Bolivia	60,000,000	60,000,000
Brazil	356,000,000	356,000,000
Chile	182,000,000	182,000,000
Colombia	146,000,000	143,000,000
Costa Rica	8,000,000	8,000,000
Dominican Republic	15,000,000	
Ecuador	12,000,000	12,000,000
El Salvador	12,000,000	12,000,000
Guatemala	5,000,000	3,000,000
Haiti	8,000,000	8,000,000
Mexico	273,000,000	273,000,000
Panama	17,000,000	17,000,000
Peru	85,000,000	85,000,000
Uruguay	56,000,000	56,000,000

This table speaks for itself and should be of particular interest to us, the people of the United States, who are paying interest on these defaulted obligations. It strikes me that the purpose of the inter-American bank is to repay bad loans made by the international bankers to the above republics in somewhat the same manner as defaulted World War obligations were charged up to the taxpayers of the United States.

Take notice that paragraph F provides that, upon liquidation of the bank, the remaining assets shall be divided among the shareholders. The question may be asked, Why not among the contracting parties who furnished the capital or gold dollars for operation of the bank? This appears to be a deliberate fraud, for it is evidently the intention of the directors of the bank to divide the profits, if any, among themselves, and charge the losses to the contracting parties, or maybe to the Treasury of the United States.

I now respectfully call your attention to article 5–A of the bylaws, paragraph B–1, which I quote:

B. In order to carry out the foregoing purposes the bank shall have specific power to:

(1) Make short-term, intermediate, and long-term loans in any currency and in gold or silver to participating governments and to fiscal agencies, central banks, political subdivisions, and nationals thereof; provided that any such loan to such fiscal agency, central bank, political subdivision, and national shall be guaranteed by the government thereof.

You can well imagine how secure these loans will be, guaranteed among the number of republics in Latin America, governments already in default, in which the United States has invested nearly $8,000,000,000 in gold, or the equivalent thereof.

In conclusion, I shall quote article 2 of the bylaws, paragraph H:

The voting power of each government on the board of directors shall be distributed as follows: 20 votes for each government for its minimum shares, and 1 vote for each additional share. However, regardless of the amount of stock owned by it, no government shall have a voting power in excess of 50 percent of the total voting power of all the other participating governments on the basis of stock which such other governments own at the time.

This paragraph is self-explanatory, as it states the voting power of each government, irrespective of money invested in the bank, shall be 20 votes, and 1 vote for each additional $100,000 in gold invested in the capital structure of the bank. Do you suppose any citizen of the United States could borrow gold from the United States Treasury on the same terms, as stated in the bylaws of the inter-American bank? Of course not. A citizen of the United States is a criminal if he has gold in his possession, and, gentlemen, it is because of that act you passed in 1934, as you tagged behind your leaders. You are now requested to write the final chapter, and whether you will do it or not remains to be seen, but, if you do, always remember that you have violated your obligation and betrayed the people of this Nation.

Mr. Speaker, I ask unanimouus consent to revise and extend my remarks at this point in the RECORD and include quotations from the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

NEELY BLOCK-BOOKING BILL

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an excerpt from the Los Angeles Times with reference to the Neely bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I should like to direct the attention of all the Members of the House to the insertion I am making in the RECORD this morning in connection with the Neely block-booking bill, which shows that 30,000 positions or jobs will be killed in Los Angeles County if this bill passes. May I also call your attention to the fact that already 120,000 indigents are on relief in Los Angeles County; that last year the charity relief bill for Los Angeles County was $43,000,000 and that this year it is $46,000,000; and that this bill has grown from $8,000,000. Fifty-two percent of tax levy now goes for charity relief. The Legislature of California was called into special session about the matter of relief in Los Angeles County. I hope Los Angeles County will not have 30,000 positions killed by the enactment of any such bill as the Neely bill.

Mr. Speaker, I call attention to the following reasons, given by the Los Angeles Chamber of Commerce, why this bill should not be enacted:

[Excerpt from Los Angeles Times of March 1, 1940]

FILM CURB BILL ASSAILED—CHAMBER ASSERTS NEELY MEASURE WOULD PERIL JOBS OF 30,000

Because, among other evils, it would imperil the jobs of 30,000 Los Angeles County motion-picture workers who receive $133,000,000 in wages annually, the Neely block-booking bill yesterday was unqualifiedly condemned on seven counts by the Los Angeles Chamber of Commerce board of directors.

A community of 125,000 persons here is supported by the industry, which effects a distribution of $172,000,000 annually through the county's business channels in wages, salaries, and payment of materials. Perhaps 15,000 other persons have jobs in subsidiary industries.

SEVEN CONTENTIONS

Seven points on which the bill was condemned include:

1. If any monopolistic abuses exist today in the motion-picture industry, they can be corrected under existing antimonopoly statutes.

2. By specifying the manner in which the business of distributing motion pictures must be conducted, the bill would bring the motion-picture industry under an unworkable form of Government regulation.

3. Established practices in distribution of films which have been developed over a long period of years, as particularly suited to the least expensive distribution of films to the public, would be disrupted by this bill.

4. The bill constitutes a form of Government price regulation costly to the public.

VAGUE AND UNCERTAIN

5. The bill makes the doing of certain acts a crime, and yet those acts are defined in such vague and uncertain terms that no motion-picture producer could safely conduct his business unless he discontinued entirely the age-long practice of giving quantity discounts by quoting a better price to a distributor who contracted to take all of his films than he could quote to a distributor who took only a single film.

6. The bill seeks to establish a form of Government censorship over an industry which has earned a well-deserved reputation for self-imposed regulation.

7. Requirement that a synopsis of each film play and a statement as to treatment of certain types of scenes be made in advance is impracticable and unworkable in the motion-picture business, because many pictures develop and change as their production progresses.

CHAMBER'S STAND

"Many proponents of this bill have been made to think it will improve the moral character of films. Let me say we are unalterably opposed to indecent pictures," President J. L. Van Norman, of the Los Angeles Chamber of Commerce, said in announcing the chamber's stand yesterday. "Welfare of the youth of our country comes

first. But we feel certain that this bill can make no contribution to moral uplift in pictures. As a matter of fact, little, if anything, has ever been accomplished by attempting to legislate morality.

"Under the present method of motion-picture distribution with block booking the exhibitor is able to buy all pictures at a price permitting him to market pictures which Americans of every income level can afford to attend.

"Exhibitors are permitted contracts giving them cancelation privileges ranging up to 20 percent," he continued. "Showing the leeway this allows exhibitors in choosing pictures, one picture had more than 12,000 bookings while another in the same block had under 4,000.

"The Los Angeles Chamber of Commerce believes that when the Government attempts to regulate matters by law in the field of censorship it enters a field where legislation has no place."

INJUSTICE OF THE C. I. O.

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I want to call your attention to an advertisement appearing in the Washington Post this morning:

PRESS CAFETERIA—WHY WE ARE BEING PICKETED

Our contract with the C. I. O. expired March 18. Under that contract we earned 3.3 cents net on each dollar of sales. Despite this small return we agreed to renew under same terms. This the C. I. O. rejected, demanding a closed shop and that we discharge 34 employees, or require that they join the union. We refused.

The union further demanded that no employee could be dismissed for any reason whatever without first securing consent of the union. This we refused in light of past experience under our old C. I. O. contract, viz, we had discharged a colored employee upon separate complaints of two white waitresses charging improper advances and misconduct in one case and attempted assault in the other.

The union filed a suit in its own name and in name of the discharged employee demanding $500 damages for the dismissal. During trial of the suit the C. I. O. attorney admitted that "there was a good deal of merit in the reason for the employee's discharge." At conclusion of the trial the union sought to dismiss its own suit, which was refused by the court, and then sought to reduce its claim for damages from $500 to 1 cent. This the court also refused, rendering judgment for the cafeteria. Verification may be had by reference to M. C. Case 383496.

Because of our refusal to agree to a closed shop and our insistence that management be retained by us we are being picketed.

We apologize to our patrons and to the tenants in the National Press Building for any inconvenience they may suffer as a result of the pickets.

PRESS CAFETERIA, INC.,
HARVEY L. COBB, *Attorney,*
Fourteenth and F Streets.

In the name of justice to our courts, in the name of justice to business, will this Congress permit injustices of this kind to continue? Where is American liberty and American freedom and American justice? Where is the Department of Labor, that they do not act in educating the C. I. O. that court orders must be the law of this land?

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein an article by the Farm Bureau, showing how one group of farmers solve the farm problem.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EDWIN A. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDWIN A. HALL. Mr. Speaker, I wish to draw your attention to some remarks made by the distinguished Congresswoman from Massachusetts in a recent issue of the RECORD, and further to draw your attention to the fact that there is a great deal of truth in what she had to say about the Bata Shoe Corporation.

Coming as I do from the triple cities of Binghamton, Johnson City, and Endicott, in Broome County, up-State New York, it is my privilege and honor to represent some 20,000 Endicott-Johnson shoe workers, and to attempt to reflect their desires in this Chamber, and I may say that in the Endicott-Johnson locality the workers own their homes, have felt very little the causes of depression, and have maintained a standard of living throughout that is comparable with any section of America.

A glance at Representative ROGERS' speech reveals that the Bata Co., since coming into the United States and opening plants at Belkamp, Md., has taken steps to pretty thoroughly control even the private lives of its employees. I, for one, do not like regimentation and mass dictation. Yet here is a case which seems to smack of these odious relationships. It would seem as though the Bata Co. has plans not only to inject its economical and political thought into the present generation of its workers, but also into the workers of tomorrow. Such methods I denounce as un-American and not conducive to the best interests of our Nation.

I mentioned the fact that I was the representative of that typically American working body, the Endicott-Johnson workers. In the valley of fair play, as we call the place where the Susquehanna and Chenango Rivers meet, the buzz and the din of a hundred shoe factories can be heard as the daily testimonial of the satisfaction which 20,000 industrious men and women voice. For the past five decades they have represented the most perfect relationship between employee and employer which America has ever known. They call their community the Home of the Square Deal. They have never had need for protection against the scions of industry, because their scions worked side by side with them, and have given them every opportunity to participate in the progress and the profits of the institution for which they worked. They have been and are considered partners, and are taught that to work for the corporation's interests is to work for their own. Words of mine do not need to prove that the Endicott-Johnson workers are satisfied with their lot. I need only to point out that just a few weeks ago they upheld by an overwhelming vote of 6 to 1 in an election held by the National Labor Relations Board their time-honored principle of an open shop.

In these troublous times, when it is so easy on the part of agitators to stir up trouble between employer and employees, and when every section of the country has yielded to this influence, it is certainly proof that this vast industrial democracy, as it is called, is contented. It is my suggestion that the officials of the Bata Co. take heed of the splendid results of the fair and decent treatment which have been accorded to the people in Endicott-Johnson. It is further my suggestion that as long as they are in this country the Bata plants will try to follow these principles of worker relationships. It is my hope that they will go into the valley of fair play and note the loyalty, the respect, and the genuine enthusiasm which Endicott-Johnson employees have for their system. And last, it is my earnest advice and counsel that Bata Shoe Co. make drastic changes in their present relationship with their personnel so that they may emulate and perpetuate a great and truly American institution.

EXTENSION OF REMARKS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement made by Mr. Earl McClintock, of New York.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE AMERICAN FDERATION OF LABOR IS ONE OF OUR NATION'S GREATEST INSTITUTIONS

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein one or two short letters, and to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker. It is a democracy and in action it has no power of compulsion. Organized labor is the keystone of democracy around which freedom and liberty revolve. It is a rope of human hands, linked together by the

will for cooperation. It is a federation of unions, just as the United States is a federation of States. It is closely patterned after the United States Government. The American Federation of Labor itself stands for the Federal Government. The national unions represent the States. The central labor unions represent the local governments. Each is independent in its own field. Its laws become effective solely through the consent of the governed, whose representatives make the laws. It is a representative organization and through these representatives the weakest member in the smallest union can make himself heard and present his views. This voluntarism and democratic set-up is the reason why this great federation has existed throughout the years and has constantly gained in strength, power, and influence. Its effective aims are justice, liberty, and security for all.

LABOR ORGANIZES

Beginning with Peter Maguire, of the Carpenters and Joiners Union of New York City, and coming on down through the years it has developed great and courageous leaders who have carried the banner of labor for the welfare of the masses to the pinnacle of success. Late in the summer of 1881 at Terre Haute, Ind., a group of union leaders developed the national-union idea. They drafted organization plans and called a trades-union conference at Pittsburgh on November 10, 1881. The Pittsburgh conference was attended by union chiefs from all over the country. Outstanding among these leaders was Samuel Gompers, of the Cigar Makers Union of New York.

The Pittsburgh conference created a Federation of Trades and Labor Unions of the United States and Canada, adopted a program of 13 points, elected a legislative committee, but failed to provide revenues for headquarters, salaries, and so forth.

GOMPERS MADE PRESIDENT

During the next 5 years a great threat came to the organization in the form of the Knights of Labor; however, the trade-unions rallied and overcame this opposition, and in December 1886, at Columbus, Ohio, elected Samuel Gompers president, with a salary of $1,000 per year. Mr. Gompers' first office was a single room donated by the cigarmakers' local in New York City. In it he had a second-hand kitchen table for his desk and a wooden box for his chair.

Filled with zeal for service and determination to liberate the laborers of our Nation, he continued his services as head of the organization, with the exception of 1 year—1894—until 1924. Then, on account of declining health, he was forced to retire. His final message in 1924 was read to the national convention by the Honorable William Green, secretary, United Mine Workers. An excerpt from this message is as follows:

Guided by voluntary principles, our federation had grown from a weakling into the strongest, best-organized labor movement of all the world.

Mr. Gompers was not only a brilliant and able labor executive but was of tremendous help to the Federal Government—particularly during the World War period. During this time he frequently conferred with President Wilson on war measures and probably contributed as much to the success of the American forces during this war as any individual in this country.

He was succeeded as president of the American Federation of Labor by the incumbent, Hon. William Green. President Green has proven to be the man of the hour during the great trials facing the American Federation of Labor in the past few years. Under his administration labor has gained prestige, power, and influence in national and international affairs. Not only have the rights of the workers been protected by Federal laws, but labor is regarded as a great stabilizing influence for Americanism and democracy. The right for labor to bargain collectively by representatives of their own choosing, better working conditions for laborers, shorter hours, and many other goals have been obtained.

BILL GREEN ENDORSES LEX GREEN

I have voted for these measures beneficial to labor—the right to bargain collectively, the train-length-limit bill, the Railroad (Pension) Retirement Acts, wage and hour law, unemployment insurance, employers' liability law, and many others. I consider it an honor to be endorsed by President Green, as follows:

JANUARY 24, 1940.

Mr. CHARLES E. SILVA,
President, Florida State Federation of Labor,
Tampa, Fla.

DEAR SIR AND BROTHER: Congressman R. A. (LEX) GREEN has represented the Florida Second Congressional District continuously for the last 15 years. During that period of time he has constantly kept in touch with the officers and representatives of the American Federation of Labor at our headquarters and has invariably supported legislation which we were advocating.

He has proven himself by his conduct and votes to be a true friend of the American Federation of Labor.

I wish you would bring this letter to the attention of our members in Mr. GREEN's district, with the request that they and their friends vote for him.

Fraternally yours,

WILLIAM GREEN,
President, American Federation of Labor.

The American Federation of Labor is making today great contributions to the stability of the American Government in such timely things as combating un-American and subversive activities of un-American groups by holding up the American bar against the entrance of undesirable aliens, law enforcement, and other things conducive to better American citizenship.

WAGES RISE, HOURS SHORTER

In 1881 the average American worker was paid a wage of $10.71 for a workweek of 63 hours. Today the average is about $24 for a 37½-hour week. This includes the unorganized workers. The average for the organized workers today is more than $40 per week for a 37½-hour week.

It was my fortune a few weeks ago to ride side by side with a locomotive engineer on his run between Jacksonville, Fla., and Savannah, Ga. He was operating one of the new large Diesel-powered motors pulling the Silver Meteor for the Seaboard Railway Co. He was a personal friend of mine, and we could not help but contrast this powerful, efficient, and comfortable device with the locomotive of about 40 years ago. He told me of his long hours per day when he entered the service, the firing of the old-style locomotive engine, the fabulous number of cords of wood he handled every 24 hours, and the small pay received. If I recall correctly, he averaged from 12 to 18 hours in a day's work and received from 90 cents to $1 per day—not per hour—for his salary. His present employment on this modern locomotive is comfortable; his hours of employment are short; there is less danger of accidental death; he receives reasonable wages per hour and per month and is protected by the railroad retirement pension benefits in his old age.

This wholesome change of conditions has been brought about largely through the influence and strength of organized labor, and it has given me pleasure during the 15 years I have represented the Second Congressional District to vote for measures for the assistance, protection, and benefit of labor.

RAILROAD BROTHERHOODS ENDORSE GREEN

Labor has repeatedly endorsed me for reelection as a Member of Congress, and I have just been advised that the national labor legislative representatives of the railway brotherhoods have again endorsed me for reelection and commended my record to the voters of my district. I have abiding faith in my friends of labor and know that they will vote for me now as they have in the past. I have kept the faith. I have done practically all kinds of hard labor, even to firing boilers with coal and wood and using a sledge hammer in a blacksmith's shop. I know the needs of the laboring man and appreciate the golden virtues of labor.

This is an inspiration to me because I believe firmly in the dignity of labor and the majesty of toil. I honor the man who earns his living by the sweat of his brow. The laboring man is the Gibraltar and strength of American civilization and institutions. I shall continue to vote the vote of labor.

EXTENSION OF REMARKS

Mr. DWORSHAK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include

therein a brief resolution adopted by the Idaho Grand Lodge of Odd Fellows, on the life of the late Senator William E. Borah.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a timely article from one of my constituents.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1941

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri, if this conference is agreed to, whether we are going to get an opportunity to vote with respect to the difference between what the bill was when it left the House and what it is now, after coming back to us from the Senate, so that the House may express itself on the legislation. House reductions against Senate increases. Why the Senate resolution for economy? Where is the economy movement they wanted to initiate? With income taxes increased March 15 about 30 percent above last year, and with a deficit for this year, March 20 from July 1, 1939, of $2,676,787,238.30, would it look to anyone that has any sense of obligation of our Government that we can keep this up? I think it is a terrible way to run our Government—a lack of business sense and ability. Will the Congress be able to run the Government, or will they leave the debt for their children? It is dishonest and unjust the way this Congress is running the affairs of our Government.

Mr. CANNON of Missouri. The committee of conference expects to bring back to the House all amendments on which the rules require the House to vote.

Mr. RICH. Are we going to have an opportunity to vote on these large increases, to see whether the House is for economy, because we know now that the Senate, from what they are doing with the bills they send back here, are increasing all of them, and they are not for economy, as their actions would indicate? We want to find out whether the Senate meant what they said in the beginning of this session when they said they were for economy. It does not look to me as if they were. We want to find out whether the House is in favor of economy in the operation of Government. Will we have an opportunity to vote on these large increases?

Mr. CANNON of Missouri. The House has already shown very conclusively its attitude on these various economies by voting for them, and by sending them over to the Senate, and the conferees expect to sustain the position of the House. Just what will be brought back we are unable to say until we have consulted with the Senate managers.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER appointed the following conferees: Mr. CANNON of Missouri, Mr. TARVER, and Mr. LAMBERTSON.

REPRESENTATIVE ROBERT L. DOUGHTON

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

JOINT COMMITTEE ON FORESTRY

Mr. SABATH, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered to be printed:

House Concurrent Resolution 51

Resolved by the House of Representatives (the Senate concurring), That the time for making the report of the Joint Committee on Forestry (established pursuant to S. Con. Res. 31, 75th Cong.) is hereby extended to April 1, 1941, and any amounts available for the expenses of such committee shall be available for expenditure until such date.

NATIONAL YOUTH ADMINISTRATION

Mr. SABATH, from the Committee on Rules, also reported the following resolution, which was referred to the House Calendar and ordered to be printed:

House Resolution 436

Resolved, That notwithstanding the provisions of clause 2, rule XXI, it shall be in order to consider, without the intervention of any point of order, in connection with the consideration of the bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes, the appropriation and language providing for the National Youth Administration for such fiscal year.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District day, and the Chair recognizes the chairman of the Committee on the District of Columbia.

REGULATING DISPOSAL OF CERTAIN REFUSE

Mr. RANDOLPH. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 8262) to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes, which I send to the desk.

The Clerk read the bill, as follows:

Be it enacted, etc., That the acts of Congress entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898, and "An act to amend an act entitled 'An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes,' approved January 25, 1898," approved March 20, 1902, are hereby repealed.

SEC. 2. That it shall be unlawful for any person or persons to maintain, upon any original lot or any subdivisional lot, situated on any street in the District of Columbia, where there is a public sewer and water main available for the use of such lot, any system of disposal of human excreta except by means of water closets connected with such sewer and water main.

SEC. 3. That no person shall, in the District of Columbia, erect or maintain a privy, or other means or system for the disposal of human excreta, except by means of water closets connected with a sewer and water main, without having secured from the health officer a permit so to do.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce any such regulations as they deem necessary to regulate the design, construction, and maintenance of any system of disposal of human excreta, and the handling, storage, treatment, and disposal of human body wastes.

SEC. 5. That any person who shall violate or aid or abet in violating any of the provisions of this act or of the regulations promulgated by the Commissioners of the District of Columbia under this act shall be punished by a fine of not more than $50 or by imprisonment for not exceeding 15 days.

Mr. RANDOLPH. Mr. Speaker, the purpose of this legislation is to repeal those measures which are now obsolete relative to the disposal of certain refuse. Changes in the mode of living in the District of Columbia, the increase in the population, and scientific knowledge have caused radical improvement in the design and maintenance of sanitary privies. This proposal gives the Commissioners authority to make health regulations and to bring these health regulations in line with modern practices. The bill comes to the House with the unanimous report of the Committee on the District of Columbia and the approval of the District Commissioners. I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a time, was read the third time and passed, and a motion to reconsider laid on the table.

CONSTRUCTION OF WAITING ROOM AT COMMODORE BARNEY CIRCLE

Mr. RANDOLPH. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 8917) to authorize the construction of a waiting room and

comfort station in Commodore Barney Circle, United States Reservation 55–56, and for other purposes, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Interior is hereby authorized, for the convenience of the public, to permit the Capital Transit Co., of Washington, D. C., to construct, maintain, and operate, at its own expense, a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55–56: *Provided*, That the plans and specifications for this structure shall first be approved by the Secretary of the Interior, the National Capital Park and Planning Commission, and the Commission of Fine Arts: *Provided further*, That the Capital Transit Co. is hereby authorized to operate within such structure, either directly or by contract, such concession as in the determination of the Secretary of the Interior or his duly authorized representative may be desirable for the convenience of the public, and apply the revenues derived therefrom toward the cost of maintenance and operation of the structure. In the event the Capital Transit Co. shall at any time discontinue the operation of the waiting room and comfort station as herein provided, the same shall become the property of the United States.

Mr. RANDOLPH. Mr. Speaker, the purpose of this bill is to authorize the construction of a streetcar and bus terminal facility at the westerly end of the new John Philip Sousa Bridge across the Anacostia River.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Texas.

Mr. LANHAM. My understanding is that the streetcar company is quite willing to construct this shelter at its own expense, and that it will involve no expenditure by the District of Columbia or the Federal Government, but that permission is necessary in order to have this construction made. Is that correct?

Mr. RANDOLPH. I may say to the gentleman that his observation is correct. We know there has been rapid development in this area along Pennsylvania Avenue east of the Anacostia River, and it seems necessary that such facilities be provided, as it will be a great convenience to the thousands of people who have built homes there recently and who have established businesses in that locality.

I move the previous question, Mr. Speaker.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MEMORIAL FOUNTAIN TO MEMBERS OF METROPOLITAN POLICE DEPARTMENT

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 8792) to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to accept and maintain for the District of Columbia the gift of a memorial fountain to the members of the Metropolitan Police Department: *Provided*, That the design and model of the memorial fountain are approved by the Commission of Fine Arts, and thereafter erected at a location to be approved by the Commissioners of the District of Columbia and the National Capital Park and Planning Commission on land now owned by the District of Columbia, for the municipal center.

Mr. RANDOLPH. Mr. Speaker, the purpose of this bill is to provide for the acceptance and maintenance of a memorial fountain to the members of the Metropolitan Police Department. A movement was started several years ago about the time of the World War for the erection of such a fountain and the funds are now available. It is to be dedicated to the memory of policemen who died or who may die in the future in line of duty. No appropriation is necessary as the funds have been gathered and I am advised that the cost of maintenance will be negligible.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Pennsylvania.

Mr. RICH. In a general way, what will that expense be? A slight expense sometimes runs into large figures, and we ought to know definitely about what this is going to be.

Mr. RANDOLPH. Answering the gentleman from Pennsylvania, I think I am safe in saying from the discussion in the committee, that it would not run over $150 a year. That would be the top amount.

Mr. RICH. Then the gentleman feels, if we permit this to be erected, $150 a year will be the amount necessary for the maintenance of that fountain?

Mr. RANDOLPH. That will be the top figure. I do want to reiterate there will be no cost in the construction—simply a small cost for the maintenance.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA TAX LEGISLATION

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANDOLPH. Mr. Speaker, standing committees of this body are charged with very definite responsibilities, and in that list is the District of Columbia Committee. I am sure that I need not express the feeling that the Members of the House on the District of Columbia Committee naturally have about service on this group. It is not an easy task. Neither is the task of membership on any committee. But there are very peculiar circumstances connected with service on the Committee on the District of Columbia which at times seem to aggravate Members a bit in connection with the discharge of their duties.

There may be an attempt this afternoon, and perhaps a proper attempt, to halt the consideration of a bill which will be brought here in a few minutes, to provide revenue for the District of Columbia. Certainly no Member of this House would say that a tax bill could be brought to this floor which would have the favorable attitude of every Member present.

I simply take the floor at this time to express the hope that the Members of the House of Representatives will give the Committee on the District of Columbia the opportunity to have considered this afternoon a measure to provide revenue for the District of Columbia.

I want it clearly understood that this is District of Columbia day and that in bringing this measure here this afternoon the Committee on the District of Columbia has acted in no manner contrary to the proper and expeditious consideration of bills before it. The present measure was reported out of the full Committee on the District of Columbia. There was a difference of opinion. The fight, shall I say, was very keen within the committee as to the provisions of the bill.

We are bringing in a combination income and sales tax measure for your consideration. I do want to refute most energetically, however, the implication which seems to be drawn by certain individuals that the consideration of this bill today violates some agreement which some individual may have made in connection with its consideration.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield right there?

Mr. RANDOLPH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. From the press it is indicated that some of our friends on the minority seem to think that there should be some delay on this because of the absence of the gentleman from Illinois [Mr. DIRKSEN] and the gentleman from Massachusetts [Mr. BATES], two able members of this committee. I ask the chairman of the committee if it is not a fact that both of these gentlemen were consulted? Both gen-

tlemen knew the legislation was coming up, and neither one of them made any vigorous protest to its coming up at this time.

Mr. RANDOLPH. In reply to the gentleman from Oklahoma, I will say that I was attempting to bring my remarks to that question and to say that at no time did the chairman of the District of Columbia Committee or the committee itself agree with any individual that consideration of the tax bill would not come on District day, which falls on this Monday. I want to make this very clear. The distinguished majority leader of the House telephoned to me and in my absence talked with the clerk of the committee. This was prior to Wednesday's meeting, when the bill was considered in executive session. He stated at that time that there was a possibility an appropriation bill might be called for Monday consideration and asked, if so, whether the District Committee would postpone consideration of legislation, not tax legislation but simply any legislation that might be coming up Monday. I attempted to contact the gentleman from Texas [Mr. RAYBURN] but he had left the city. I did not talk to Speaker BANKHEAD on this subject nor to the gentleman from Texas [Mr. RAYBURN]. District day was set by those in charge not by any strenuous request upon the part of the chairman or other members of the committee but just in the natural order of business. This is the reason that District day, which falls on this Monday, has on its calendar for consideration this bill, among others, which have been brought before this body.

In the Committee on the District of Columbia since I have been its chairman—and I presume such procedure has been followed in the past—there has never been an attempt by the majority to impress itself upon the minority from a political standpoint. I have leaned over backward to take all members of the committee into my confidence and to discuss procedure connected with the consideration of legislation, believing then, as I believe now, that the Members of this House in considering District legislation look upon it perhaps in a little different manner than they do certain other legislative proposals which come before them.

I yield to the distinguished minority leader.

Mr. MARTIN of Massachusetts. The statement has been made that the minority members, the gentleman from Illinois [Mr. DIRKSEN] and the gentleman from Massachusetts [Mr. BATES], have been consulted concerning the bringing up of this bill. May I ask the gentleman when this bill was acted upon by the full committee?

Mr. RANDOLPH. On last Wednesday.

Mr. MARTIN of Massachusetts. The gentleman from Massachusetts [Mr. BATES] has been investigating the locks at Panama Canal on an official visitation for over a week. When could the gentleman from Massachusetts have been consulted on it? When was he consulted on it?

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the chairman of the subcommittee to answer the gentleman from Massachusetts.

Mr. NICHOLS. I may say to my friend from Massachusetts that on Monday preceding last Wednesday this bill was considered in the committee and by reason of the fact that the bill had not yet been printed—and the gentleman, of course, will understand that the gentleman from Massachusetts [Mr. BATES] was a member of the subcommittee—by reason of the fact that the bill had not yet been printed we could not take it up for consideration on Monday. But by agreement in the committee on Monday it was agreed without a dissenting vote that the bill should be considered at the special meeting on Wednesday at which time the bill would be reported and ready for hearing on the floor today.

The gentleman from Illinois [Mr. DIRKSEN] was present at that meeting.

Mr. MARTIN of Massachusetts. But he did not have the slightest idea when he left Washington that the bill was coming up today.

Mr. NICHOLS. He knew positively, I may say to my friend from Massachusetts, that the bill was coming up today.

Mr. MARTIN of Massachusetts. There is something wrong about it here, because when I talked with the majority leader about a week ago he himself did not know this bill was coming up today.

Mr. NICHOLS. The majority leader might not have, but the gentleman from Massachusetts [Mr. BATES] and the gentleman from Illinois [Mr. DIRKSEN] are able members of this subcommittee who have worked hard on this legislation. They know what is going on in their committee. They knew that the bill would be reported out on Wednesday and in the regular course of affairs go to the calendar for consideration today; and there was even discussion by these gentlemen as to whether they would file a minority report. I do not know whether they filed one or not.

Mr. MARTIN of Massachusetts. Did the gentleman from Illinois [Mr. DIRKSEN] ask to have the bill postponed because he would be unable to be present in the House today?

Mr. NICHOLS. No, he did not. He indicated to me that he would be out of the city and, of course, was in hopes that we would not take it up. I do not think the gentleman from Illinois [Mr. DIRKSEN] was very serious.

Mr. MARTIN of Massachusetts. I resent the reflection upon the gentleman from Illinois, that he was not serious.

Mr. NICHOLS. I mean no reflection on the gentleman from Illinois at all.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I would like to have the attention of the distinguished minority leader for a moment. I want no misunderstanding relative to my position in this matter. I have the highest regard for the gentleman from Illinois [Mr. DIRKSEN] and for the gentleman from Massachusetts [Mr. BATES]. They are two very able members of the committee. If the gentleman from Illinois [Mr. DIRKSEN] were here today I am sure he would say that I have cooperated fully with him in the consideration of District of Columbia measures. I talked with him on the House floor Thursday afternoon before he left the city to go to his congressional district and I suggested to him that, since he would be absent on today, it perhaps would be best if I asked the consent of the House to have until midnight Thursday to file a minority report in connection with this bill. He said he believed such a request need not be made. I spoke to the gentleman from Indiana [Mr. SCHULTE] in the same vein. He also said he believed he would not desire to file a minority report.

What the Members do so far as this bill is concerned will certainly be the responsibility of the House. I would like to have the measure considered this afternoon strictly on its merits. I may say that the gentleman from Mississippi [Mr. MCGEHEE], a member of the Subcommittee on Fiscal Affairs is in favor of this bill, yet he is out of the city in Mississippi. So we find there are Members on both sides of the question who are out of the city. But we sit here as a body today to consider the bill for raising revenue for the District of Columbia. I should like to see it given an opportunity to be explained and debated on this floor. I will abide by whatever the House does, and I am sure the committee will. We are simply attempting to bring here for proper consideration a measure which should be given right-of-way at this time. A revenue bill must be passed. I am not in favor of all of the provisions of the proposed revenue-raising measure. At the proper time, if the Members allow the bill to be debated, I shall offer an amendment which would exempt all purchases under 10 cents from application of the sales tax. There are, no doubt, other amendments which might be offered which I would support.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

Mr. SCHULTE. Mr. Speaker, we members of the District of Columbia Committee have the highest regard and respect for our chairman, the gentleman from West Virginia, the Honorable JENNINGS RANDOLPH, who, at the request of the majority members of the Committee on the District of Columbia, is bringing in here this afternoon, for consideration by this House, a bill that includes both a gross-income tax and a sales tax. This sales tax attempts to get down so low as to tax those who buy a 5-cent article. As for myself, I have always opposed a sales tax and shall continue to do so as long as there is any strength in my body to do so, because it attempts to tax those who can least afford to pay. Now, I know nothing about the situation of the gentleman from Massachusetts [Mr. BATES], but I do know that when this bill was considered by the District of Columbia Committee, very few of us were under the impression that it was coming up on the floor today. The gentleman from Illinois [Mr. DIRKSEN] did not know it was coming up today, and, in fact, he told me on the floor of the House that had he known of it early enough he would have canceled his reservation. He stated that he wanted to be here when this bill is being considered, because he is unalterably opposed, like myself, to a sales tax in any form because of the unfairness of such a tax. The question before us this afternoon is, Are we going to place a burden upon those on relief, or the widows, or the very poor people here, by making them pay a tax that should be paid by people who can well afford to pay a higher tax? Why not place a higher tax on whisky; why not on beer? The tax on alcohol is lower here than in any other State in the United States, and I believe we are all agreed that all who drink beer and whisky are doing it because it is a luxury and not a necessity, and certainly an increase in tax there is not going to hurt anyone. That is the reason I would like to see consideration of the bill withheld until the gentleman from Illinois [Mr. DIRKSEN] and the gentleman from Massachusetts [Mr. BATES] return to the city. As a member of the District of Columbia Committee, I did not know that this would be brought up today until I read of it in the newspaper.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In view of the fact this is a 73-page sales-tax bill, which was introduced on March 19 and reported on March 21, would it not be a good idea to lay this bill aside and use the balance of the day to consider the Schulte anti-milk-monopoly bill?

Mr. SCHULTE. Yes; I think that is a good suggestion, and I hope that in the very near future this House may have an opportunity to vote on the Schulte milk bill, and if this bill passes it will give to the poor people in the District of Columbia milk at a price they can afford to pay.

Mr. RICH. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is the gentleman in favor of some kind of a tax bill so that the District Government may secure funds with which to operate?

Mr. SCHULTE. I am very much in sympathy with a tax bill, I may say to the gentleman from Pennsylvania, but I am not in sympathy with making a woman who must scrub floors for a living for herself and family, or a widow who has received a small life-insurance policy or receiving a small pension, or a man on the W. P. A., or a man on relief pay the tax bill that rightfully should be paid by those who are riding around in big cars chauffeur-driven and with thousands of dollars in the bank and large real-estate holdings. Certainly those are the men who should rightfully pay the tax and instead of that they are now trying to shift the burden on the working man who certainly cannot afford to pay a sales tax on the wage he is getting. This bill is opposed by every working man and women in the District of Columbia, including the American Federation of Labor.

Mr. RANDOLPH. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The gentleman spoke about the chairman of the Committee on the District of Columbia bringing in this bill. The chairman of the Committee on the District of Columbia does bring in the bill, but it is a bill that comes from the committee. I explained that this bill was reported out by the committee. I do not want the implication left that I am attempting to bring in the bill. It is the Committee on the District of Columbia that brings in the bill.

Mr. SCHULTE. No one denies that, and I am sorry if the gentleman understood me that way, as the chairman is only doing what he is instructed to do by the majority of the committee. There was a sharp division of opinion in the committee. There are two schools of thought, one which advocates putting the tax where it rightfully belongs; that is, on real estate and intangible property. Then we have the other group, who want to place a sales tax on the working people to relieve the big fellow from his just due.

Mr. NICHOLS. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Does not my friend know that any time a bill is reported by the full committee of the Committee on the District of Columbia it goes to the calendar and it is up for consideration on the following District Day? This is District Day.

Mr. SCHULTE. The gentleman is absolutely right, but we were given to understand it was not to be brought up at this particular time, and I do hope the membership of this House will stand by me and help to kill this sales-tax bill that would place a burden on those who could least afford to pay.

[Here the gavel fell.]

REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. NICHOLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8980) to provide revenue for the District of Columbia, and for other purposes.

CALL OF THE HOUSE

Mr. SECCOMBE. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-seven Members are present; not a quorum.

Mr. NICHOLS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 54]

Allen, Pa.	Dirksen	Kennedy, Michael	Reed, Ill.
Anderson, Mo.	Douglas	Keogh	Risk
Angell	Drewry	Larrabee	Ryan
Barden	Durham	Lea	Sacks
Barry	Eberharter	Lemke	Scrugham
Barton	Edelstein	Lesinski	Seger
Bates, Mass.	Evans	Lynch	Shafer, Mich.
Beam	Fay	McArdle	Shannon
Bender	Fernandez	McGehee	Sheridan
Blackney	Fish	McGranery	Simpson
Boehne	Flannagan	McKeough	Smith, Conn.
Bradley, Pa.	Flannery	McLaughlin	Smith, Ill.
Buckley, N. Y.	Folger	McLean	Smith, Maine
Burch	Gavagan	Maas	Smith, W. Va.
Burgin	Gehrmann	Maciejewski	Somers, N. Y.
Byron	Gilchrist	Mansfield	Sullivan
Cannon, Fla.	Gross	Marcantonio	Sweeney
Celler	Harrington	Marshall	Taylor
Chapman	Hart	Martin, Ill.	Tenerowicz
Clark	Harter, N. Y.	Mason	Tibbott
Cluett	Hess	Merritt	Vinson, Ga.
Cole, N. Y.	Hook	Mills, La.	Vreeland
Collins	Izac	Myers	Wallgren
Cooley	Jacobsen	Norton	West
Cooper	Jarman	O'Leary	Wheat
Corbett	Jarrett	Osmers	Whelchel
Crowther	Jeffries	O'Toole	White, Ohio
Darden	Johnson, Ill.	Parsons	Whittington
Darrow	Keller	Patton	Wolcott
Delaney	Kelly	Pfeifer	Woodrum, Va.
Dickstein	Kennedy, Martin	Rabaut	

The SPEAKER. Three hundred and seven Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. NICHOLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the immediate consideration of the bill (H. R. 8980) to provide revenue for the District of Columbia, and for other purposes, and pending that motion, I should like to propound two unanimous-consent requests. First, Mr. Speaker, I ask unanimous consent that an expert who has aided this committee in the preparation of this bill be permitted to sit at the committee table.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I am afraid this would be establishing quite a precedent. It is contrary to the rules of the House.

Mr. NICHOLS. I may say to the gentleman from Massachusetts that when similar bills were considered on two previous occasions on the floor of the House the same request was made and agreed to. Certainly there is precedent for such action in the House.

The SPEAKER. The Chair observes that under the rules the Chair cannot entertain such a request.

Mr. NICHOLS. Similar requests have been submitted and granted when previous tax bills have been under consideration, Mr. Speaker.

The SPEAKER. Rule XXXIII, which enumerates those persons entitled to the floor, provides, in part, as follows:

It shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the Chair the request of any Member for unanimous consent.

This is the general rule relating to admission to the floor of the House.

Of course, personally, the Chair has no feeling in the matter. Although it may have been done heretofore, the attention of the Chair was not called to it.

Mr. NICHOLS. Mr. Speaker, I should like to see if we can agree on time for debate. Is 30 minutes on a side agreeable to the gentleman from Wisconsin [Mr. BOLLES]?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I believe there should be at least an hour of debate on a side. It is a pretty important subject we are being asked to consider now.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that general debate be limited to an hour and a half, 45 minutes to be controlled by myself and 45 minutes to be controlled by the gentleman from Wisconsin [Mr. BOLLES].

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, this is a 73-page bill, and it was introduced on March 19 and reported on March 21. It deals with a sales tax on the great rank and file of the people. I object to a limitation such as is now proposed.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, 1 hour to be controlled by myself and 1 hour by the gentleman from Wisconsin [Mr. BOLLES].

Mr. SCHAFER of Wisconsin. I believe we ought to have 4 or 5 hours of general debate on a subject like this, and I object.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8980.

The question was taken; and on a division (demanded by Mr. SCHULTE) there were—ayes 70, noes 79.

Mr. NICHOLS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair has just counted the Members present in the House. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 107, nays 197, answered "present" 1, not voting 125, as follows:

[Roll No. 55]

YEAS—107

Anderson, Calif.	Bland	Brooks	Buck
Arnold	Bolles	Brown, Ga.	Bulwinkle
Bell	Boren	Bryson	Burdick
Cannon, Mo.	Griffith	McMillan, John L.	Reece, Tenn.
Cartwright	Hare	Massingale	Rees, Kans.
Cochran	Harter, Ohio	May	Rich
Coffee, Nebr.	Havenner	Michener	Richards
Colmer	Hendricks	Mills, Ark.	Robertson
Costello	Hennings	Mills, La.	Robinson, Utah
Cravens	Hill	Monroney	Rogers, Okla.
Creal	Hobbs	Mouton	Romjue
Cummings	Houston	Nelson	Ryan
Dempsey	Johnson, Luther A.	Nichols	Satterfield
Dingell	Johnson, W. Va.	Norrell	Schwert
Disney	Jones, Tex.	Norton	Sheppard
Doughton	Kee	O'Connor	Smith, Maine
Doxey	Kefauver	O'Day	Smith, Va.
Duncan	Keller	O'Neal	South
Edmiston	Kennedy, Md.	Pace	Terry
Elliott	Kerr	Patrick	Tolan
Ferguson	Kilday	Peterson, Fla.	Wadsworth
Ford, Leland M.	Kitchens	Peterson, Ga.	Wallgren
Ford, Miss.	Kleberg	Polk	Ward
Gearhart	Kramer	Ramspeck	Warren
Gore	Leavy	Randolph	Weaver
Gossett	McCormack	Rankin	Williams, Mo.
Gregory	McMillan, Clara G.	Rayburn	

NAYS—197

Alexander	Eaton	Kean	Rutherford
Allen, Ill.	Ellis	Keefe	Sandager
Allen, La.	Elston	Kilburn	Sasscer
Andersen, H. Carl	Engel	Kinzer	Schaefer, Ill.
Anderson, Mo.	Faddis	Kirwan	Schafer, Wis.
Andresen, A. H.	Fenton	Knutson	Schiffler
Andrews	Fish	Kocialkowski	Schuetz
Angell	Fitzpatrick	Kunkel	Schulte
Arends	Flaherty	Lambertson	Seccombe
Ball	Flannagan	Landis	Secrest
Barnes	Ford, Thomas F.	Lanham	Shanley
Bates, Ky.	Fries	LeCompte	Short
Beckworth	Fulmer	Lemke	Smith, Ohio
Bolton	Gamble	Lewis, Colo.	Snyder
Bradley, Mich.	Garrett	Lewis, Ohio	Sparkman
Bradley, Pa.	Gartner	Luce	Spence
Brewster	Gathings	Ludlow	Springer
Brown, Ohio	Gerlach	McAndrews	Starnes, Ala.
Buckler, Minn.	Geyer, Calif.	McDowell	Steagall
Byrne, N. Y.	Gibbs	McGregor	Stefan
Byrns, Tenn.	Gifford	McLeod	Sumner, Ill.
Caldwell	Gilchrist	Magnuson	Sumners, Tex.
Camp	Gillie	Mahon	Sutphin
Carlson	Graham	Maloney	Taber
Carter	Grant, Ala.	Marshall	Talle
Case, S. Dak.	Grant, Ind.	Martin, Iowa	Tarver
Chiperfield	Green	Martin, Mass.	Thill
Church	Guyer, Kans.	Miller	Thomas, N. J.
Clason	Gwynne	Mitchell	Thomas, Tex.
Claypool	Hall, Edwin A.	Monkiewicz	Thomason
Clevenger	Hall, Leonard W.	Moser	Thorkelson
Coffee, Wash.	Halleck	Mott	Tinkham
Cole, Md.	Hancock	Mundt	Treadway
Connery	Harness	Murdock, Ariz.	Van Zandt
Courtney	Hartley	Murdock, Utah	Vincent, Ky.
Cox	Hawks	Murray	Voorhis, Calif.
Crawford	Hinshaw	O'Brien	Vorys, Ohio
Crosser	Hoffman	Oliver	Walter
Crowe	Holmes	Patman	Welch
Crowther	Hook	Pearson	White, Idaho
Culkin	Hope	Pittenger	Wigglesworth
Curtis	Horton	Plumley	Williams, Del.
D'Alesandro	Hull	Poage	Winter
Davis	Jenkins, Ohio	Powers	Wolfenden, Pa.
DeRouen	Jenks, N. H.	Reed, Ill.	Wolverton, N. J.
Dies	Jensen	Reed, N. Y.	Woodruff, Mich.
Ditter	Johns	Robsion, Ky.	Youngdahl
Dondero	Johnson, Ind.	Rodgers, Pa.	
Dunn	Johnson, Lyndon	Rogers, Mass.	
Dworshak	Jonkman	Routzohn	

ANSWERED "PRESENT"—1

Hunter

NOT VOTING—125

Allen, Pa.	Cole, N. Y.	Gehrmann	Lesinski
Austin	Collins	Goodwin	Lynch
Barden	Cooley	Gross	McArdle
Barry	Cooper	Harrington	McGehee
Barton	Corbett	Hart	McGranery
Bates, Mass.	Cullen	Harter, N. Y.	McKeough
Beam	Darden	Healey	McLaughlin
Bender	Darrow	Hess	McLean
Blackney	Delaney	Izac	Maas
Bloom	Dickstein	Jacobsen	Maciejewski
Boehne	Dirksen	Jarman	Mansfield
Boland	Douglas	Jarrett	Marcantonio
Boykin	Drewry	Jeffries	Martin, Ill.
Buckley, N. Y.	Durham	Jennings	Mason
Burch	Eberharter	Johnson, Ill.	Merritt
Burgin	Edelstein	Johnson, Okla.	Myers
Byron	Englebright	Jones, Ohio	O'Leary
Cannon, Fla.	Evans	Kelly	Osmers
Casey, Mass.	Fay	Kennedy, Martin	O'Toole
Celler	Fernandez	Kennedy, Michael	Parsons
Chapman	Flannery	Keogh	Patton
Clark	Folger	Larrabee	Pfeifer
Cluett	Gavagan	Lea	Pierce

Rabaut	Sheridan	Sweeney	White, Ohio
Risk	Simpson	Taylor	Whittington
Rockefeller	Smith, Conn.	Tenerowicz	Wolcott
Sabath	Smith, Ill.	Tibbott	Wood
Sacks	Smith, Wash.	Vinson, Ga.	Woodrum, Va.
Scrugham	Smith, W. Va.	Vreeland	Zimmerman
Seger	Somers, N. Y.	West	
Shafer, Mich.	Stearns, N. H.	Wheat	
Shannon	Sullivan	Whelchel	

So the motion was rejected.

The Clerk announced the following pairs:

General pairs:

Mr. Woodrum of Virginia with Mr. Wolcott.
Mr. Vinson of Georgia with Mr. McLean.
Mr. Sweeney with Mr. Hess.
Mr. Sullivan with Mr. Jones of Ohio.
Mr. Rabaut with Mr. Dirksen.
Mr. Patman with Mr. Goodwin.
Mr. McKeough with Mr. Tibbott.
Mr. Whittington with Mr. Jarrett.
Mr. Beam with Mr. Vreeland.
Mr. Cannon of Florida with Mr. Darrow.
Mr. Darden with Mr. Simpson.
Mr. Cooley with Mr. Harter of New York.
Mr. West with Mr. Jeffries.
Mr. Clark with Mr. Maas.
Mr. Cooper with Mr. Risk.
Mr. Barden with Mr. Wheat.
Mr. Cullen with Mr. Stearns of New Hampshire.
Mr. Somers of New York with Mr. Englebright.
Mr. Collins with Mr. Johnson of Illinois.
Mr. Drewry with Mr. Osmers.
Mr. Mansfield with Mr. Shafer of Michigan.
Mr. Fernandez with Mr. Gross.
Mr. Boehne with Mr. Jennings.
Mr. Durham with Mr. Rockefeller.
Mr. Boykin with Mr. White of Ohio.
Mr. Gavagan with Mr. Barton.
Mr. Kelly with Mr. Corbett.
Mr. Jarman with Mr. Seger.
Mr. Keogh with Mr. Bates of Massachusetts.
Mr. Harrington with Mr. Austin.
Mr. Flannery with Mr. Gehrmann.
Mr. Martin J. Kennedy with Mr. Blackney.
Mr. Hart with Mr. Cole of New York.
Mr. McGehee with Mr. Mason.
Mr. McLaughlin with Mr. Bender.
Mr. Michael J. Kennedy with Mr. Cluett.
Mr. Whelchel with Mr. Marcantonio.
Mr. Allen of Pennsylvania with Mr. Tenerowicz
Mr. Eberharter with Mr. Zimmerman.
Mr. Taylor with Mr. Smith of West Virginia.
Mr. Delaney with Mr. Myers.
Mr. Burgin with Mr. O'Leary.
Mr. Pierce with Mr. Sheridan.
Mr. Bloom with Mr. Chapman.
Mr. Merritt with Mr. Sabath.
Mr. Boland with Mr. Healey.
Mr. Parsons with Mr. O'Toole.
Mr. Pfeifer with Mr. Sacks.
Mr. Larrabee with Mr. Celler.
Mr. Johnson of Oklahoma with Mr. Byron.
Mr. Wood with Mr. Barry.
Mr. McArdle with Mr. Buckley of New York.
Mr. Martin of Illinois with Mr. Scrugham.
Mr. Smith of Connecticut with Mr. Casey of Massachusetts.
Mr. Edelstein with Mr. Shannon.
Mr. Folger with Mr. Lynch.
Mr. Lea with Mr. Jacobsen.
Mr. Fay with Mr. Izac.
Mr. Smith of Illinois with Mr. Dickstein.
Mr. McGranery with Mr. Evans.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. Mr. Speaker, the Committee on the District of Columbia feels that now it has discharged its duty to the great number of Members of the House of Representatives who came to the committee and asked that the committee bring out legislation which would not compel people employed in the District of Columbia and working for the United States Government, who come from States that have an income tax, to pay three income taxes. Of course, the bill, as it is now on the books, which was written in conference, not considered by this body or the Senate, except in a conference report, was an ill-advised bill, is bad law, and everyone agrees to that. So you leave yourselves now with only an income tax, no exemptions in the low brackets, taxing the low-income groups, Government employees with very little exemption, and it compels them to pay, if they pay an income tax in their State, also to pay one in the District of Columbia, as well as to the Federal Government; but I presume that is the sense of the House and I have no quarrel with you gentlemen.

I am convinced that had you permitted an explanation of this bill, that probably 50 percent of you who voted just now to refuse to let us even consider the bill would have, in the end, voted for the bill. It has been dubbed a sales-tax bill. Well, that is not exactly correct. This was a combination of sales and income tax which to have worked must have been applied both together, and let me point this out to the Members: When I went on this committee just a few years ago and when the present membership of the committee started considering this legislation for the District of Columbia, there was a bill on the books which provided that the Federal Government should pay 40 percent of the cost of the District government. At the moment there is a $44,000,000 budget to run the District of Columbia. We took that provision of law off of the books and we on this committee think that the people who live in the District of Columbia not only should be permitted to pay the tax to support their own government and remove the burden from the backs of your constituents, but that it is their duty so to do. So we brought in this legislation, and let me point out a further thing: There is no jurisdiction in the United States which can give precedent for tax matters in the District of Columbia. There is no other taxing jurisdiction like it in the United States. Why, one of the great oppositions to this bill came from the suburban areas of Washington—people earning every cent of their income in the District of Columbia, living in Maryland or living in Virginia, who did not want any form of a sales tax, of course, because as it is they use the police force, the fire department, the streets, the parks, and even the schools of the District of Columbia, and live in other jurisdictions and pay not one cent to the support of the District government, and, of course——

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield.

Mr. NICHOLS. No; I do not yield.

And, of course, if they have to pay a little sales tax they would have to contribute something to the support of the Government which they use, and let me tell you something about that sales-tax provision. I know that many of you gentlemen voted against it because you are interested in the people in the low-income groups and do not want them to be imposed on or burdened unduly by the payment of taxes. We realized that and so, in this bill, we provided for exemptions on food, exemptions on medicines, and exemptions on rents. Sixty percent, approximately, of an income in brackets below $6,000 goes for these three items. Under this bill with the exemptions, according to statistics from the Department of Labor, a person with an income of $2,000 a year would have paid in sales taxes 0.55 of 1 percent of their income. Still, it would have raised a sufficient amount of money to run the government of the District. Now, here is the position in which you leave the District of Columbia and the position in which you leave your constituents. Last year we repealed two taxes, the business-privilege tax and the intangible personal-property tax. This took off of the books $5,000,000 worth of income of the District of Columbia. Of course, I had nothing to do with that, because I was against it all the time. However, the present personal income-tax law was written in its place, which is going to yield, under the most generous estimate, only about $850,000, while the corporate tax will yield only $2,000,000. So you started immediately last year with a deficit of over $2,000,000 in the District of Columbia. You have not now provided any further revenue, so you will have at least another $2,000,000 deficit. The Federal Government gives the District of Columbia $6,000,000 annually. Where will the District make up this deficit? Do you know? Why, certainly, from the Federal Government, and your constituents will pay the bill.

[Here the gavel fell].

NATIONAL YOUTH ADMINISTRATION

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend in the RECORD some letters which I have re-

ceived in support of an increase in the appropriation of the National Youth Administration provision in the Labor-Federal Security appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I have asked this permission to insert in the RECORD a telegram I received from Mr. William Green, president of the American Federation of Labor, sent to me under date of March 23, from a city in Ohio, where he was on that date, strongly urging support of an increase in the appropriation for the National Youth Administration, increasing it from $85,000,000 to at least the amount which was appropriated last year. I put this telegram in the RECORD for the information of the Members of the House, in view of the fact that this matter will come up for consideration probably tomorrow or the next day.

The SPEAKER. Is there objection?

There was no objection.

COSHOCTON, OHIO, *March 23, 1940.*

Hon. JOHN R. McCORMACK,
House of Representatives, Washington, D. C.:

The National Youth Administration is making a definite contribution to the problem of unemployment. Through this agency of Government many thousands of the youth of our land are accorded educational opportunities and other thousands are being accorded economic assistance. Any curtailment of the activities or services of the National Youth Administration will tend to aggravate our serious unemployment situation. For this special reason I respectfully urge that Congress appropriate the amount of money asked for by Commissioner Aubrey Williams for the work of the National Youth Administration during the coming year. I earnestly hope and trust you will respond favorably to this recommendation and render all assistance possible.

WILLIAM GREEN,
President, American Federation of Labor.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a very splendid editorial from the Randolph Review of Elkins, W. Va., my home city.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, on the 20th I made some remarks on the floor of the House and obtained permission to extend my remarks. I think I received at that time permission to insert certain tables which I had prepared, but in fear that I am mistaken, I ask unanimous consent to insert those tables.

The SPEAKER. Is there objection?

There was no objection.

LABOR-SECURITY APPROPRIATION BILL, 1941

Mr. TARVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9007, making appropriations for the Department of Labor, Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes.

The SPEAKER. Does the gentleman desire to submit a request with reference to the control of the time?

Mr. TARVER. Mr. Speaker, the control of the time is provided for in the unanimous-consent request granted last Thursday, which also controls the question of whether or not debate shall be confined to the bill. There is no request to be submitted at this time for the conclusion of the general debate.

The SPEAKER. The Chair is advised by the RECORD that the request submitted by the gentleman from Georgia covers the control of the time only on the day on which the bill was called up.

Mr. TARVER. Then, Mr. Speaker, pending the motion I ask unanimous consent that general debate may be controlled equally by the gentleman from Michigan [Mr. ENGEL] and myself.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. The Committee on Rules this morning granted a rule to make some matters now in the bill which are subject to a point of order immune from the point of order. Those are very controversial matters and the House probably is not familiar with what has been done. Therefore, I ask the gentleman whether it is the intention to close debate today or will the general debate be continued until the Members of the House have an opportunity to discuss the provisions covered by the rule granted today?

Mr. TARVER. There is not only no disposition to close debate upon the part of those who desire to be heard in regard to anything contained in the bill, but it is the desire of the subcommittee that general debate shall proceed until reasonable opportunity has been afforded to all such Members to discuss any provisions of the bill in which they may be interested. Of course, if we reach a point in the general debate today when no additional Members desire to be heard, we would, of course, expect to proceed to the reading of the bill.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. TARVER. Yes.

Mr. FISH. Just what is the status of the rule? Will the rule come up tomorrow morning at 12 o'clock?

Mr. TARVER. We hope to bring the rule up before the House for consideration tomorrow upon the convening of the House.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. TARVER. Yes.

Mr. COX. Is the gentleman proceeding upon the assumption that the rule reported making in order the consideration of this provision appropriating for the National Youth Administration will be adopted, and, therefore, debate will be had upon that provision of the bill?

Mr. TARVER. Of course, I assume that the membership of the House, at least a number of them, would want to discuss the National Youth Administration provisions in the bill, and they have that right, as I understand it.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Labor-Federal Security appropriation bill, 1941, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

Mr. TARVER. Mr. Chairman, may I inquire how the time stood at the close of the debate on Thursday?

The CHAIRMAN. At the end of the debate on Thursday the gentleman from Georgia [Mr. TARVER] had consumed 1 hour and 58 minutes; the gentleman from Michigan [Mr. ENGEL], 2 hours and 21 minutes.

Mr. TARVER. Mr. Chairman, I yield 20 minutes to the gentleman from Kansas [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I am going to confine my remarks to a discussion of the provisions of the Wage and Hour Division of the Department of Labor.

When this wage and hour bill was before the House I think a great many Members will recall that the advocates of that legislation supposed there would be no great administrative expense in connection with the wage and hour set-up; but in 1939 the appropriation for this division totaled $1,250,000. The estimate was $1,450,000. That was in 1939. In 1940 the regular appropriation, including miscellaneous expenses, travel expenses, printing and binding, contingent expenses, and so forth, totaled $3,116,570. The estimate at that time was $3,350,000.

Then, in 1940 also there was a supplementary appropriation—a deficiency appropriation—of $1,200,000, making a total of $4,316,000.

In 1941, for the regular fiscal year of 1941, the estimate is $7,486,400, including salaries, miscellaneous expenses, travel expenses, contingent expenses, printing and binding, and so forth, and the committee has submitted an appropriation of $6,140,000. I am just showing by these figures how this Bureau has grown by leaps and bounds from 1939 to 1941. I do not want it construed that I am against the Wage and Hour Division of the Department of Labor. I signed the petition to bring the bill to the floor, and I voted for the bill, but I do think it should proceed in order and organize accordingly.

I want to take my time to give a discussion of what the Wage and Hour Division is doing, what their function is, and how they are doing it, and why they are curtailed somewhat in their proposed appropriation for 1941.

The Wage and Hour Division of the Department of Labor, because of the scope of its work, heavy responsibilities, and some weaknesses in the Fair Labor Standards Act of 1938, is confronted with a gigantic task, but the hearings before the subcommittee have clarified some points not heretofore known by most of us, and I am glad to have this opportunity to assure the Members of the House that under the able direction of Colonel Fleming, definite progress is being made toward a better understanding of the wage-hour problem between employers, employees, and the personnel of the Bureau.

Industry is anxious for the work of this governmental agency to become standardized so that guesswork as to the application of the law may be reduced to a minimum, with benefit to all concerned. Voluntary compliance with the act is estimated to be about 93 percent, and only 7 percent of the industries are being complained against, which would indicate businessmen in general are willing to comply with the act and interpretative regulations of the Division. A cautious, understanding approach to fair administration by Colonel Fleming and his staff is in evidence, for which they should be commended.

To appreciate the job which the Bureau faces we must consider the great number and varied types of industries in the United States, and I quote a statement as to the number of plants to be inspected:

It was estimated previously, on the basis of tabulations of employers made by the Old Age Insurance Bureau of the Social Security Board, that the Fair Labor Standards Act covered not less than 250,000 of the 350,000 plants in industries generally subject to the act. This estimate included an allowance of less than 30,000 wholesaling establishments covered by the act. The Bureau of Labor Statistics survey on coverage of the Fair Labor Standards Act as of April 1939 indicates approximately 70 percent of all wholesaling employees covered by the act. If the number of establishments were proportional to the number of employees, an additional 40,000 plants would have to be covered. Allowing for the likelihood that plants covered by the act will be somewhat larger than plants not covered, the estimate of the number of plants to be inspected regularly must be raised by not less than 20,000. In addition, data compiled by Dun & Bradstreet indicate a net total of nearly 38,000 new establishments in manufacturing and wholesaling in the year 1938 and a net total of a little over 36,000 discontinuances, excluding successions and changes of management from both figures. Assuming the same ratio of coverage as for all other establishments, 28,000 of the outgoing establishments would be classed as covered. Since approximately one-half of the net changes took place in the last 6 months of the year, it may be estimated that routine inspection will include an additional 14,000 plants accounted for by turn-over of business enterprise. It was estimated previously that 25,000 plants would require only a very brief inspection because of high standards already obtaining in these plants with respect to wages and hours. The 80,000 plants remaining in the original grand total of 350,000 would have to be inspected at least once to determine whether or not they are covered by the act. Excluding the latter two categories for the time being leaves a net total of 259,000 establishments to be covered in regular inspections.

The average number of required inspections, as determined by analysis of complaints received, has been 1,182 per month for the period through August 1, 1939. A little over one-third of these were inspections required by an indicated violation of the hours provision, and nearly all of the rest involved the wage provision or both the wage and hour provisions. Estimates of the probable load of inspection work involving violation of the act for the year 1940–41, based on the relative numbers of employees directly affected by the changed wage and hour provisions and by wage orders already recommended prior to the present date, indicate an average of 2,300 inspections required per month for the first 4 months of 1940–41 and 2,500 per month for the remaining 8 months. The estimate for those affected by wage orders is a net figure, including only workers directly affected by the wage order less the number already affected by the general minima. It does not include any estimate of the net number to be directly affected by wage orders expected to take effect during the remainder of the year 1939–40. The estimated total number of inspections required on complaint of violation is therefore something over 30,000 for the year 1940–41.

The Wage and Hour Division plans to train its contemplated staff of inspectors and pay-roll examiners during the first half of the fiscal year 1941 and concentrate on field operations during the last half of the year, but anticipates that at best only about 50 to 60 percent of the work in prospect will be accomplished.

The Division has established 15 regions in the United States and has given the regional directors authority to settle a great many cases without reference to Washington. They may now settle cases up to $50,000 of restitution due employees in any particular case, and they have authority to decide whether cases shall be settled by restitution, whether they shall go to the civil courts for a consent decree, or recommendations shall be made that criminal action be taken. In the case of criminal action, the Department of Justice handles the prosecution.

Statistics show the following relative amounts of restitution paid workers and amounts of restitution which employers have agreed to pay workers as a result of settlement without legal action, because of civil action, and because of criminal action, as of February 21, 1940:

Without legal action, $549,768.40 have been paid and $697,498.64 are to be paid.

Because of civil action, $194,049.99 have been paid and $387,457.13 are to be paid.

Because of criminal action, $32,564.16 have been paid, and $38,608.25 are to be paid.

The amounts I have given you do not include any which may be paid or agreed to as a result of pending negotiations or pending court actions.

The total fines assessed in criminal cases amount to $254,850, but only $122,500 have been paid or will be paid in cash. Payment of the remainder has been suspended by the courts.

I might add some of the courts in these cases have evolved a plan of assessing a fine in a given amount and then collecting approximately 50 percent of that, with the idea and understanding that the employer will then make full restitution to the employee, and the balance will be suspended. It has been thought that this works out better than to put the money into the Federal Treasury by giving it back to the employee.

A statement of litigated cases involving sections 6 and 7 of the act shows: Civil cases, 116 closed, 9 pending, and criminal cases, 35 closed and 28 pending. Those figures are as of February 1, 1940, and do not include 7 pending cases now being prosecuted in the field.

A special inquiry has found that charges that the wage-hour law would bring about widespread factory shut-downs, particularly in the South, have not proved to be true. Neither has the contention that wages would be reduced to the minimum rate by a majority of employers paying wages in excess of the lawful rate been substantiated.

It is evident that some clarifying amendments to the Fair Labor Standards Act should be adopted during this session of Congress, and I am hopeful the Committee on Labor will report a bill without undue delay, but it is also apparent that the main objectives of the act should be maintained and that at least the reduced appropriation as recommended by the Committee on Appropriations should be approved so as to enable the Wage and Hour Division to carry out the program of enforcement with which the majority of us are in favor, and which is not intended to work any hardship on legitimate business.

The committee has given laborious consideration to the estimates of the Wage and Hour Division. Exclusive of the items of travel, contingent expenses, and printing and binding, the estimates for 1941 contemplate an expenditure of $6,185,000. If the three items just named are added to the total, it is indicated that the estimates call for an appro-

priation of $7,486,400, or an increase of $3,169,000, over comparable appropriations for the current fiscal year.

The committee recognizes the necessity for some expansion in the work of the Wage and Hour Division as it develops its organization and proceeds with its program of properly policing the industries that fall within the terms of the act. They do feel, however, that until Congress shall adopt legislation amendatory of the Fair Labor Standards Act which will serve to clarify certain ambiguities in the existing law, and until those charged with the administration of the act have been able to bring about simplification of procedure and clarification in the interpretation of the rules and regulations promulgated pursuant to any such amendatory legislation, it would be improvident on the part of Congress to approve a greatly enlarged administrative set-up that could only lend further difficulties to an already confused administrative problem.

The present Administrator of the Wage and Hour Division has been but recently confirmed in his office. I might add that he had nothing whatever to do with the preparation of the estimates for the fiscal year 1941 for the Wage and Hour Division. That was done by his predecessor. The committee are confident that he will satisfactorily work out means and methods of administering this act that will be in conformity with elements of reasonableness and good judgment. The committee know further it is the intention of the present Administrator to build up the enlarged organization in a slow and methodical manner in order that a real selective and efficient personnel may be acquired.

In the light of the facts mentioned, the committee has effected a reduction of $1,035,000 in the proposed increase of $2,611,000 for salaries, which reduction includes the $29,000 adverted to herein under the heading "Office of the Secretary" and has reduced the estimate of $320,000 for miscellaneous expenses to $275,000, or a reduction of $45,000. To summarize, appropriations totaling $5,105,000 for salaries and expenses of the Wage and Hour Division other than "Contingent expenses," "Travel expenses," and "Printing and binding" are contained in the accompanying bill. This sum is $1,643,800 in excess of the appropriations for the current year and is a reduction of $1,080,000 under the 1941 Budget estimates. If the items of "Contingent expenses," "Travel expenses," and "Printing and binding," which are made available to this Division by allotment from general departmental funds, are taken into account, the Wage and Hour Division will have approximately $6,140,000 available for expenditure during the next fiscal year, which does not start or become effective until July 1, 1940; and as both the Secretary of Labor and Colonel Fleming indicated that they proposed certain revision and correction in regulations which would simplify, in their opinion, the work and the Wage and Hour Division, we think they should be given that opportunity during the first 6 months of the fiscal year of 1941. If it is then evident that more funds are necessary to carry out the provisions of the act, Congress will convene in January and a deficiency appropriation and readily be obtained. [Applause.]

Year	Appropriation objects	Appropriation	Estimates
1939	Total, all salaries and expenses	$400,000	$500,000
1939	Do	850,000	950,000
1940 regular act	Salaries	(2,339,000)	
	Miscellaneous expenses	(207,000)	
	Travel expenses	(380,000)	
	Printing and binding	(118,750)	
	Contingent expenses	(71,820)	
	Total	3,116,570	3,350,000
1940 deficiency act	Salaries	(915,000)	
	Travel expenses	(270,000)	
	Contingent expenses	(15,000)	
	Total	1,200,000	2,000,000
1941 regular act	Salaries	(4,830,000)	(5,865,000)
	Miscellaneous expenses	(275,000)	(320,000)
	Travel expenses	(860,000)	(1,000,000)
	Printing and binding	(12,000)	(136,000)
	Contingent expenses	(163,000)	(155,400)
	Total	6,140,000	7,486,400

Mr. KEEFE. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman, at the first session of this Congress I supported an amendment increasing the amount for the National Youth Administration. Today I want to see the amount raised to the same amount as last year.

There are as many youths unemployed in the United States today as there were 1 year ago. They need to be taken care of now just as badly as they did then.

We hear much about pensions for old people and security in old age. To me, old age is a great handicap and we must take care of those who are unfortunate enough to not be able to take care of themselves when they get old, but at the same time youth is just as important. We live under a republican form of government. We believe in democracy, and the only way either can be maintained is through education throughout our whole lives.

Germany is educating youth in nazi-ism, Russia is educating youth in communism, and if we expect to maintain a republic, we must educate our youth in democracy.

I find upon investigation we have 1,500 C. C. C. camps in the United States, of which 44 are in the State of Wisconsin. During the fiscal year ending June 30, 1939, these camps in all the States had a monthly average of 268,441 people in them. The monthly average in all the Wisconsin camps was 5,722 people. The highest number in all the States was 293,441 in January and the lowest 198,004 in March 1939.

It may be of interest to the Members of this House to know of some of the activities of this Youth Administration in Wisconsin, and some of the things they did. I do not want to burden you with too many, so I shall only mention a few. These camps repaired or improved 149 public buildings; built and repaired 24,781 feet of highways, roads, and streets; 38,918 feet of sidewalks, bridle paths, and trails. They did 151,740 lineal feet of landscaping, built 23,826 feet of fence, erected 133,580 feet of snow fences, built 102 playgrounds, planted 251,516 trees in a reforestation program, and renovated and repaired 266,827 books. These are only a few of the 32 activities.

In January and February 1940, 20,654 youths were taken care of in Wisconsin. Of this number, out-of-school work programs accounted for 8,290 in February 1940, and 12,364 in student-work program in January 1940. The number of youths certified and awaiting assignment on January 5, 1940, in Wisconsin was 3,491. The estimated number of needy youth not certified was estimated to be 35,486.

Funds allotted for the fiscal year 1939–40 are $2,343,240. Of this amount there has been allotted for out-of-school work program $1,590,700, and student-work program $757,540. There are 652 schools participating in the student-work program—out of this number there are 82 colleges and universities.

I have letters from students who say that they will have to quit school if they cannot get this help. Now, with so many unemployed, they cannot get a part-time job of any kind.

It may also be interesting to note that during January and February of this year 746,268 youths were taken care of by the N. Y. A.

There were certified and awaiting assignment on January 5, 1940, 340,000, and the estimated number of needy unemployed youth on the same date was 2,119,000.

The turn-over is also important. From July 1, 1939, through January 1940, 154,820 youths left N. Y. A. The average number leaving each month from those unemployed is about 9.1 percent. After adjustments for reassignments, the annual turn-over is over 90 percent.

Of the funds spent during the past fiscal year, 76.8 percent went to youth in the form of wages; 11.6 percent to supervisors; 6.6 percent for materials, supplies, and equipment; and 5 percent for administration.

Take my own district: On March 1, 1940, there were employed in the school-work program 1,016 students, with 68 schools participating, for which an allotment of $36,360 has been made for the fiscal year. A high-school student who could not otherwise attend school may work for and be paid from $3 to $6 per month, the average payment being $4.05.

In the college and graduate-work program, 164 students are employed, with 9 schools participating, for which an allotment of $17,280 has been made for the fiscal year.

These figures do not include students attending colleges or universities located outside of the district. A college student who could not otherwise attend school may work for and be paid from $10 to $20 per month, the average payment being $11.69. In the combined student-work program, including the school-work program and the college- and graduate-work programs, there are 1,180 youths employed in 77 schools and colleges, with a total earning of $53,640.

On the out-of-school work program, there were 981 employed on January 5, 1940, the average monthly earnings being $1,959. For these projects there has been allotted $45,890. On January 5, 1940, there were certified and awaiting assignment 359 youths. Those needy and unemployed were estimated at 2,185, making a total of unassigned, 2,544—more than two and one-half times as many as were assigned. A total of 2,161 youths are employed by the N. Y. A. in my district. A total of $99,530 has been allotted for this employment during the fiscal year. This would be a good investment in youth at any time, but it is especially, now, when 9,000,000 men are out of work and need it badly.

Since 1935, when the National Youth Administration was first organized in Wisconsin, 4,400 youths of my district, have received part-time wages amounting to $220,195.90 for work performed on student-work projects. In addition, 2,329 out-of-town youths have earned a total of $235,457 in wages on work-projects programs. In all, 6,729 young people in my district have benefited by the N. Y. A. wage disbursements, totaling $455,552.90.

Of the counties in my district, the following shows the total number of youths aided and the amount paid out in each county: Number in Brown 1,189, amount paid $89,878.65; number in Door 354, amount $14,771; number in Florence 324, amount $27,953.34; number in Forest 628, amount $38,574.71; number in Kewaunee 183, amount $5,358.59; number in Manitowoc 1,063, amount $83,191.50; number in Marinette 1,082, amount $70,006.28; number in Oconto 721, amount $34,316.56; number in Outagamie 1,185, amount $91,642.36.

Since the inception of the National Youth Administration's student-work and out-of-school work project programs in Wisconsin in September 1935, approximately 55,000 young people in this State have been benefited directly by the part-time work afforded them. Other thousands have benefited indirectly as a result of the accomplishments in community development and the improvements in recreation facilities made by N. Y. A. people.

Thirty-three thousand students who might have had to abandon their educational pursuits because of a shortage of funds have been enabled to continue their studies in Wisconsin colleges, high schools, and vocational schools by means of the wages they earned on part-time jobs. Since 1935 these earnings have amounted to $3,222,467.

Twenty-two thousand other young people, the great majority of whom were members of families on relief, received employment on National Youth Administration out-of-school work projects. During the past 5 years a total of $4,760,061 was disbursed for project work, providing an average monthly wage of approximately $18 to each individual. Many of these young people had been out of work for years. Many of them had never been employed and had found themselves facing that feeling of moral deterioration and frustration that accompanies all unemployment. As a result of the work experience, training, and vocational guidance they received while employed on N. Y. A. projects, hundreds of these young people have now secured jobs in private industry.

In three of the counties in my district—Oconto, Forest, and Florence—the Government has purchased and taken over a large acreage of land from these counties for park and reforestation purposes. In doing this they have left those who did not sell their land to pay the expenses of running the Government in these counties, even, in some instances, to pay off obligations of the counties on bond issues for building good roads, which now benefit the Government, but the remaining taxpayers must carry the burden. No provision has as yet been provided by the Government to lighten this burden on the local taxpayers.

These C. C. C. camps located in these counties, doing the work that local residents should do in reforestation, at least leave the money there, and should not be discontinued until such time as the Government makes some provision to reforest and build parks by local citizens, to be paid for by the Government, or some other provision to take care of local citizens whom the Government deprived of a home and an occupation to help the Government.

No generation of young people has faced a more stubborn barrier to its progress than the present-day problem of insecurity and joblessness. The National Youth Administration is helping to solve that problem by giving them their chance in school, an opportunity for jobs, and the right to work and earn for themselves, and should be continued with sufficient funds to do so. After the billions we have spent on experimentation, we ought to spend some money for something that has proven to be a good investment. [Applause.]

Mr. TARVER. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have asked the indulgence of Members for a few minutes for the purpose of saying a few kind words in support of the appropriation for the National Youth Administration and to express the hope that this Congress will place its stamp of approval on that organization and its program for youth.

As you know, the present bill reduces the appropriation for the N. Y. A. $15,000,000 below the sum that is being expended for the N. Y. A. for the present year. If this appropriation is permitted to stand as it is there will be at least 123,000 youth of America who will lose their jobs, and I am quite sure that Members of this House, despite the fact that we may think we are economy-minded, are unwilling to take 123,000 young men and women off the jobs they now have.

N. Y. A. has done a marvelous job all over the country, in every State in the Union. You hear no real criticism of the N. Y. A. or its fine program for youth, but for reasons of economy the committee has felt it necessary to reduce this appropriation $15,000,000 below what is actually being expended this year for the N. Y. A. program.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. KEEFE. The gentleman does not mean to leave the impression that the committee reduced the estimate $15,000,000, I take it?

Mr. JOHNSON of Oklahoma. Oh, no. I did not intend to leave that impression.

Mr. KEEFE. The gentleman did not mean to say that.

Mr. JOHNSON of Oklahoma. No. If I so stated or left that impression, then I am sorry. You know, one should take an Irishman by what he means, not by what he says.

The point I was endeavoring to make is that the committee has allowed the amount of the Budget estimate of $85,000,000, but that is $15,000,000 below the amount expended by the National Youth Administration during the present year.

In referring to the fact that there has been a reduction under the amount expended in N. Y. A. for the present year I have no desire or intention to criticize the committee. It has done a good job. I appeared before the committee in behalf of the N. Y. A. appropriation and also in support of the appropriation for the C. C. C., which has also been drastically cut. I can fully appreciate what the committee was up against, having recently reported the Interior Department appropriation bill. In the first place, it was faced with a resolution from the full committee that it must bring in the bill below the Budget estimate, which was almost a herculean task. But this Congress cannot afford to take a backward step at this time so far as the National Youth Administration is concerned; and that also applies, of course, to the C. C. C. camps, about which I hope to make some remarks very soon.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. ENGEL. Did I understand the gentleman to say that the resolution from the Committee on Appropriations was that the subcommittee should bring in their bills under the Budget estimate?

Mr. JOHNSON of Oklahoma. I thank the gentleman; what I should have said is, that the subcommittees are obliged to bring their bills within the Budget estimate. If I used the word "below," I most humbly beg the gentleman's pardon.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. HOOK. Yet I understand this bill is $11,000,000 below the Budget estimate.

Mr. JOHNSON of Oklahoma. That is correct, and I commend the committee for reporting the pending bill more than $11,000,000 below the Budget estimate. I wish it had been possible to have cut it even further.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. TARVER. I think the committee would be glad to have the gentleman use the round figure $12,000,000 below the Budget, since the bill is nearer $12,000,000 below than $11,000,000.

Mr. JOHNSON of Oklahoma. I thank the gentleman; but, after all, what is $1,000,000 between friends who are economy-minded, especially if the American youth is involved?

The appropriation for the National Youth Administration should be increased this year rather than being drastically cut. Funds for this great worth-while program must not be reduced at the expense of human welfare. Granting the need for economy, I submit that it would be poor economy, poor business judgment, and a very definite backward step to reduce the N. Y. A. appropriation $15,000,000 for the ensuing year.

Since the cry of economy has been raised, let me make it plain that I believe in strict economy in government. Not only do I believe in it but I have practiced it as a member of the Committee on Appropriations. In a previous bill I took the liberty of making a motion that was adopted in the committee to reduce one item $50,000,000. That amendment referred to a straight-out Government subsidy to private shipbuilders. The appropriation for the American merchant marine for the present year was $100,000,000. The Budget estimate for the next fiscal year, to our utter surprise, was $200,000,000. Taking into consideration that this shipbuilding program by the private shipbuilders is more than a year ahead of time, and the fact that the Budget estimate proposed to give as a subsidy for the same shipbuilders $200,000,000 for the present year, I proposed to cut that back to what we had last year, of $100,000,000, which proposal failed of adoption.

With the assistance, however, of the gentleman from Kansas [Mr. HOUSTON], we managed first to cut this appropriation $25,000,000 in the subcommittee and in the full committee we reduced it another $50,000,000, making a total cut of $75,000,000 saved to the taxpayers in that one item. Of coure a great wail went up from the poor shipbuilders and their lobbyists have swarmed the Capitol in an effort to restore the entire $75,000,000. The conferees of the House and Senate have finally compromised and we were able to make a saving of $56,000,000 in that one item. That is a sizable saving, but the poor shipbuilders still have their subsidy raised some $44,000,000 above the amount of the appropriation last year. I submit, Mr. Chairman, that inasmuch as Congress is making a clear-cut saving of $56,000,000 below the Budget estimate in one item that we could well afford to take the $56,000,000 thus saved and apply it to the N. Y. A. and the C. C. C. to assist the needy and deserving youth of the land. [Applause.]

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman from Oklahoma is entitled to full credit for his activity and work in securing that particular cut having to do with the merchant marine, but may I say that it also took support from the minority Members along with the gentleman from Kansas and the gentleman from Oklahoma to get this cut in the subcommittee.

Mr. JOHNSON of Oklahoma. I thank the gentleman. I may say that the gentleman from South Dakota [Mr. CASE] was most helpful in bringing about the cut and I appreciate his suggestion; also his fine spirit of cooperation.

Mr. HOUSTON. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Kansas.

Mr. HOUSTON. Bringing the figure down so that the man in the street may understand it, may I say that the $56,000,000 saving that has been effected so far as the maritime item is concerned would pay the gentleman's salary as a Member of Congress for the next 600 years.

Mr. JOHNSON of Oklahoma. I thank the gentleman, and I trust his statement may find its way to my constituents. Let me say to my good friend from Kansas that should I make a wish it would be that the able and active gentleman from Kansas, who believes in getting everything possible for Kansas, be permitted to remain in Congress the rest of his natural life. He is a good investment for Kansas. I mentioned the difficulty in cutting appropriations for the shipping interests only to show that we are economy-minded in reference to certain things but extremely liberal in regard to others. When it comes to the N. Y. A. or the C. C. C., which involves human lives, some of our self-admitted statesmen shrug their shoulders and immediately become economy-minded.

Young people are the most tragic victims of unemployment. The years between 18 and 25 are the time when their whole future is being shaped. This period when they are making the transition from childhood to adulthood is perhaps the most critical period in their lives. It is the time when they should be learning how to work, planning for their life occupation, planning for a home, for a family, and those things that make life meaningful to us.

Today in America there are 4,000,000 or more young people who are denied the chance to get their foot in the door of the adult world. They can make no plans for their careers, for homes and families because they are denied the chance to work. They want jobs, and they need jobs but there are no jobs available for them.

Of course, there are some who argue that young people do not want to work. Some self-admitted economy-minded statesmen contend that young people could get jobs if they wanted them; others have the audacity to say that the trouble with youth is that they are lazy and would not take a job if they could get it.

Those of us who contend that young people are just as ambitious as they ever were, and who say all youth needs is a chance, know that there are about 4,000,000 young men and young women actually looking for jobs. We contend that an increased appropriation for the National Youth Administration will give many of these young people the chance they need, a chance to which they are rightfully entitled.

Those who argue that youth are not willing to work ought to be able to show us 4,000,000 jobs standing vacant, waiting for someone to come along and fill them. It is easy to sit here in comfortable chairs and say youth do not want to work, but the tragedy of it all is there are mighty few jobs. If anyone wants to argue that young people do not want to work, let him show me where there is one vacant job, and I will bring a thousand deserving applicants.

In my office I have letters from hundreds of young people, fine, intelligent Americans—many of them with college education, many of them with considerable experience—all asking for jobs, any kind of jobs. Every Member of this Congress has similar letters from young people who need jobs. But I have yet to hear of the first case of any Congressman getting a letter from an employer saying that he had even one job that he could not fill.

We have all had young people come to our offices here in Washington and back in our districts looking for work, but

I have yet to hear of the first employer coming around asking for help in getting jobs filled.

All we have to do is draw on our own experience to know that this talk that youth do not want to work is plain bunk. Almost any week we can learn of how a hundred or even a thousand people waited in line all night for a chance at 10 jobs. Maybe those people were just staying up on those cold nights because they had insomnia, but it sounds to me like they wanted jobs and wanted them badly.

Right on that point I want to read from a report issued by the American Youth Commission, a non-Government and nonpartisan organization, headed by Owen D. Young, of General Electric—and I quote:

> No good purpose can be served by blaming the young person who has not found a job for himself. The facts of arithmetic cannot be wished away. In the entire country a few thousand jobs probably are vacant because no competent applicant has appeared. Another few thousand chances probably exist for unusual young people to make their own jobs by starting new enterprises. But there are several million more young women who want to work than there are jobs available for them. The totals do not balance. The bright or the lucky get the jobs, but some will have to be left out until their elders who control the economic conditions of the country find some way to open the gates.

That report was signed, not by a radical or an impractical dreamer but by Owen D. Young, who heads one of our large business enterprises. That report was signed by Robert E. Wood, who heads Sears, Roebuck & Co. That report was signed by Henry I. Harriman, past president of the United States Chamber of Commerce. If there were jobs available in industry, if there were openings for young people which were going unfilled, you can bet your last dollar the heads of these big business enterprises would be the first to know about them. If private industry had enough jobs for youth, or if there were any place for our young people to turn, these business leaders would not have come out and recommended a Government youth program to cost over a billion and a half dollars a year; but that is precisely what they did.

At the present time there are about 300,000 out-of-school youth working on projects of the National Youth Administration—working and earning every dime they are paid. There are more than 300,000 additional young people certified as in need and eligible for N. Y. A. employment who are anxious to go to work but who cannot be employed because the National Youth Administration does not have the money. This is the time to expand this program. Any reduction below the present N. Y. A. appropriation of $100,000,000 would be not only false economy but in my judgment would be taking blood money.

The young people employed on N. Y. A. work projects earn around $16 a month, on the average. They come from our most desperately needy families and every dollar, every dime counts with them. If there were any jobs in private industry available they would go out and get them for the sake of the extra earnings. And whenever private jobs are available that is precisely what these N. Y. A. youth do. There is a turn-over of about 10 percent a month on N. Y. A. projects—or in other words a turn-over of around 100 percent a year. To put it another way the number of people who leave N. Y. A. projects in any year is roughly equal to the average number employed at any given time during that year.

This high turn-over rate is good evidence that young people are not making a career out of N. Y. A. jobs but that the National Youth Administration is helping to keep them afloat during that period of unemployment which occurs between the time they leave school and the time they are able to get jobs in industry or agriculture. Even better evidence that youth do want jobs, and do go out and get them when jobs are available, is the fact that between one-third and one-half of the young men and young women who leave N. Y. A. projects do so to take jobs in private industry.

Fitting young people for jobs in private industry by teaching them sound habits of work and giving them basic experience has been one of the outstanding achievements of the National Youth Administration. Many thousands of the young men and young women of today are going to be better workers, better farmers, better parents, and better citizens because of the N. Y. A.

We are considering an appropriation bill and the matter of the cost of this program is of importance. This year the National Youth Administration is operating with an appropriation of $100,000,000 and is maintaining an average monthly employment of 744,000 young people on its student and out-of-school programs. That figures out to a cost of $135 per youth. The N. Y. A. is operating about 30,000 projects, employing on an average of 744,000 youth a month, and doing it with an administrative cost of $5,000,000, or 5 percent, which is adequate testimony of the efficiency of this agency.

Some Members of Congress have raised the question of N. Y. A. extravagance and apparently think that this organization is spending too much money on our youth. The young men and young women employed on the student-work program come from families that have to live on $667 a year. That is the amount for the entire family and it is less than $1.85 a day. I do not know what the average annual family incomes of youth on the out-of-school program is but it is probably lower. If giving jobs to families who live on a budget of that kind, if putting a little purchasing power into their hands to keep body and soul together is waste, then Congress would do well to extend and encourage that brand of waste. Oh, no; that is not waste, but a mighty sound national investment. [Applause.]

The National Youth Administration, far from wasting money, is carrying on a program that is paying benefits far in excess of the dollars spent. N. Y. A. is building up the morale of our young people, preserving and developing their skills, it is cutting down juvenile delinquency, and enriching our communities and our Nation by new schools, new parks, new playgrounds, and thousands of other new facilities that benefit the general public.

In each State and in each community that the National Youth Administration operates a project the local people get the benefit. The young people benefit by having jobs and all that a job means. The local merchants benefit from the increased purchasing power as every dime these youths earn goes through the hands of the butcher or the grocer at some time or other. The whole community benefits from a new school, a new park, a new playground.

In my own State of Oklahoma the N. Y. A. has from the beginning done an outstanding job. Its program has been, and still is, constructive and popular. The recently appointed State director for Oklahoma, Mr. Bruce Carter, is doing an excellent job. He is a young man of vision and courage. He has the support of our people. But, of course, he cannot expand or even maintain the N. Y. A. program without funds.

During the past year in Oklahoma our young people employed on N. Y. A. projects constructed or improved over 3,000 playgrounds and 49 public buildings. These young people constructed or improved 21 swimming and wading pools, 64 athletic fields, and countless other new facilities. Each one of these projects, each one of these new facilities, is of great benefit to the community in which it was made available. At this point I would like to include in my remarks a statement of physical accomplishments by the National Youth Administration in Oklahoma during the last fiscal year.

This year the National Youth Administration is carrying on a program in Oklahoma that in January was providing jobs for 22,578 young people, 13,722 students, and 8,856 out-of-school youth.

A quick glance at the figures for Oklahoma shows the need for expanding the N. Y. A. program by increasing its appropriation rather than curtailing it. On January 5, there were 25,826 youth certified and awaiting assignment to N. Y. A. projects, as compared to 8,856 on N. Y. A. out-of-school projects, or three times as many youth needing such

employment as were employed. In addition, there were 35,000 other youth in need of N. Y. A. jobs, although not certified, or a total of 60,826 needy youth in Oklahoma, about three times as many as were employed on the N. Y. A. student and out-of-school programs together. At this point I would like to include in my remarks a statement showing current N. Y. A. operations in Oklahoma.

It is our responsibility to provide our youth with the chance to live and to become part of our living world. It is our duty to our Nation's welfare, the present and the future welfare of the United States, to give our young people the opportunity to earn a livelihood by their own work. The best way we can do that is by increasing the National Youth Administration appropriation.

Report of work completed on N. Y. A. projects, year ending June 30, 1939, State of Oklahoma

Activity	Unit of measurement	Amount constructed, repaired, or improved
Public buildings	Number	49
Sidewalks	Linear feet	9,475
Culverts	Number	53
Curbs, gutters, and guardrails	Linear feet	607
Landscaping of grounds	Acres	1,290
Fencing	Linear feet	17,180
Street signs and markers	Number	9,591
Airway markers	Number	300
Parks	Acres	2,937
Fair and rodeo grounds	Acres	50
Playgrounds	Number	3,022
Swimming and wading pools	Number	21
Baseball, football, and athletic fields	Number	64
Outdoor fireplaces, council rings, and permanent tent floors	Number	35
Refuse burners	Number	34
Storage and check dams	Number	43
River-bank and stream-bed improvements	Linear feet	1,027
Levees and retaining walls	Linear feet	2,428
Soil-erosion control	Acres treated	3,335
Trees planted	Number	3,488
Plant and tree nurseries	Number	14
Bird and game sanctuaries	Number	1
Fish hatcheries	Number	2
Clothing	Number of articles	16,737
Shoes repaired	Pairs	6,170
Bedding and household articles	Number of articles	7,960
School furniture	Number of articles	10,838
Other furniture	Number of articles	3,144
Recreational equipment and toys	Number of articles	1,795
Mechanical equipment and tools	Number of articles	163
Stone, sand, and gravel produced	Cubic yards	1,080
School lunches served	Number	107,804
Foodstuffs produced on resident projects	Pounds	112,906
Canning and preserving	Pounds	16,040
Books renovated or repaired	Number	8,390

Summary of current operations in Oklahoma

EMPLOYMENT

Program	Number of youth employed January 1940		
	Total	Male	Female
All programs	22,578	12,462	10,116
Out-of-school work program	8,856	5,744	3,112
Student work program	13,722	6,718	7,004
School work program	10,711	5,138	5,573
College and graduate work program	3,011	1,580	1,431

Number of youth certified and awaiting assignment, Jan. 5, 1940	25,826
Estimated number of needy youth not certified, Jan. 5, 1940	35,000
Total unassigned needy youth	60,826

EMPLOYMENT BY TYPE OF PROJECT, JANUARY 1940—NUMBER OF PERSONS

Grand total	9,163
Total number of youth	8,856
Highway, road, and street	188
Improvement of grounds	116
Public buildings	2,006
Recreational facilities	31
Conservation and sanitation	157
Clerical and service projects	1,234
Professional assistance projects	78

Summary of current operations in Oklahoma—Continued

Number of youth—Continued.	
Workshops	1,851
Sewing	63
Miscellaneous production	19
Resident training centers	2,321
School lunches, nursery schools, and homemaking	699
Projects not elsewhere classified	93
Supervisors	307

FUNDS ALLOTTED, 1939–40

Total	$2,349,633
Out-of-school work program	1,639,601
Student work program	710,032
School work program	365,502
College and graduate work program	344,530

NUMBER OF SCHOOLS PARTICIPATING IN THE STUDENT WORK PROGRAM

Total	996
Schools	949
Colleges and universities	47

AVERAGE MONTHLY EARNINGS

Out-of-school work program:	
Youth employees	$15.05
Supervisors	106.82
Student work program:	
School	3.65
College and graduate	12.04

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. JOHNSON of Oklahoma. I thank the gentleman very much. I have consumed more time than I had intended.

It had been my purpose to discuss in some detail a report of a committee called in Washington last December by Federal Security Administrator Paul V. McNutt, which conference I attended. It was one of the most interesting and thought-provoking conferences held in Washington in many years. It was attended by some of the leading businessmen and financiers of the country. Also, some of the outstanding educators were present. I was deeply impressed by their very earnest discussion. After days of discussions and the compiling of a vast amount of authentic information, that conference appointed a committee to make its report to Congress and the country. Those serious-minded businessmen did not ask for a hundred million dollars or $125,000,000, a figure that some of our self-admitted economy-minded statesmen seem to think is so unreasonably high. But those conservative gentlemen have reported to us that this Congress should make available funds in the amount of at least $200,000,000 for the N. Y. A. next year.

That important report of disinterested businessmen and educators adds that such a sum would not only permit the N. Y. A. student work program to continue at an increased level but would permit the employment of the 300,000 youths who are now certified as unemployed, out of school, and in need.

That report further states, and I quote now from it verbatim:

If the appropriation proposed for the National Youth Administration for the fiscal year 1940–41 is adopted it will be necessary to reduce by 30 percent the funds devoted to aid for students in high schools and colleges and to reduce by at least 10 percent the employment of youths on out-of-school work.

This important report adds finally that a reduction in the appropriation for the National Youth Administration will be nothing less than a disaster. We must prevent that disaster. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, as a member of the House Subcommittee on Appropriations which conducted hearings on Federal Security Agency Budget estimates, I wish to say a few words about the United States Office of Education and its work.

Congress, in 1867, established the Office of Education—

For the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

For more than 70 years teachers and school officials and the general public have looked to the United States Office of Education for Federal Government service in educational matters. Just as the American farmer looks to the Department of Agriculture for assistance, and as the medical man depends upon the assistance of the Public Health Service, so those interested in our schools and in improved educational programs for our children, young people, and our adult citizens have learned to regard the United States Office of Education as their educational service agency in the Federal Government.

I have been quite impressed with the many types of service this office is called upon to provide. Yet I suppose we cannot expect anything else since American education itself is probably our Nation's largest and most important business.

United States Office of Education statistics reveal that there are more than 33,000,000 men, women, and children who go to school in the United States. That means that 1 of every 4 Americans goes to some kind of school at some time each day.

Surely an activity in which so many of our fellows participate, an activity which reaches into every community in our Nation, would produce thousands of problems. Some of these problems can be solved locally. Others are and can be attacked on a State basis. Many educational problems are of national significance, however. These problems also frequently call for solution and can be solved most effectively only by the Nation's educational service agency which is the United States Office of Education.

In cooperation with national, State, and local organizations of various kinds, working with State departments of education, city and county school systems, superintendents of schools, colleges, and universities, and teachers, the United States Office of Education does its work.

Its specialists in the major fields of education, all selected from civil-service rolls, study educational problems. Results of their research, with recommendations or proposals are made available to teachers, school officials, librarians, and to the public through Office of Education publications and in other ways.

In addition the United States Office of Education makes special surveys upon request. In this connection may I point out that of more than 1,000 recommendations in surveys of higher education made by the Office of Education, 70 percent have been carried out in full or in part by the States or colleges and universities concerned.

Many Office of Education responsibilities have developed from conferences held locally, regionally, or nationally, to consider problems of educational and social significance. Conferences called by the Office of Education bring together leaders in education and in other fields for group thinking. Frequently these leaders suggest the types and extent of cooperation that this Federal agency may offer.

During the past 3 or 4 years United States Office of Education conferences have considered such important problems as the out-of-school, out-of-work youth, conservation education, vocational guidance of Negroes, crime prevention through education, C. C. C. camp education, adult civic education, school records and reports, trade and industrial education, elementary and secondary education. They have discussed the education of physically handicapped children, consumer education, and vocational education. Regional conferences on school-building problems, State school statistics, vocational education, and vocational rehabilitation have been held.

John W. Studebaker, United States Commissioner of Education, emphasized, in his presentation of Office of Education budget estimates to the House Subcommittee on Appropriations that the Office of Education has vigorously focused its program during the past few years on types of education designed to help our people meet some of the crucial social and economic issues. It has also assisted emergency programs directly engaged in meeting emergency issues.

United States Office of Education specialists, for example, helped to launch the emergency-education program—a program that has provided funds to repair thousands of school buildings and has given assistance to schools and educational classes for millions of Americans.

It drafted the initial plans for the student-aid service of the National Youth Administration program.

It planned, and is now directing, the educational programs in our Nation's C. C. C. camps.

It has sponsored locally administered demonstrations of public forums for the discussion of social, political, and economic problems in about 600 communities in practically all of the States. This activity has led to a greater appreciation of our freedoms—freedom of speech and learning. It is the democratic process in action.

The United States Office of Education has successfully shown how radio can be used most effectively for education. In a strictly nonpartisan spirit, series of programs, such as Let Freedom Ring, Americans All—Immigrants All, and Democracy in Action, have emphasized the work and importance of our form of government, have promoted tolerance and international good will, and have stimulated a more meaningful appreciation for the freedoms which are ours under the Constitution.

A recently established occupational information and guidance service in the United States Office of Education helps youths and adults who seek or need counsel and employments.

Through committees representative of labor, employers, and vocational education the Office has improved programs of vocational education carried on with Federal funds.

An Office of Education Library Service Division helps public and school libraries to provide better educational service.

Here is an office that provides Federal service which is needed in every community of our country.

An experimental program designed to give emphasis to the development of community programs for education in home and family living has been initiated in Wichita, Kans. The purpose of these cooperative programs is to enrich the educational offerings in home and family living, to implement the democratic process through educational procedures, and to make available to other communities possible procedures in developing similar programs.

The objectives of the Wichita program are as follows:

First. To evaluate present contributions toward family life education from all organizations and agencies.

Second. To develop an awareness of family life as it now exists in the community and opportunities for further enrichment of family life.

Third. To correlate programs of family life education within and without the schools.

Fourth. To integrate education for family life for all age levels.

Fifth. To stimulate increased interest in family life education.

Sixth. To stimulate individuals to assume responsibility for bringing about improved conditions.

Seventh. To develop procedures for evaluating progress in the program.

A report on developments during the past 9 months in the Wichita community program shows that the garden clubs and the chamber of commerce cooperated with the elementary schools, making it possible for elementary-school children to purchase small red-bud trees so that they might participate in last spring's city-wide beautification project.

The recreation director of the city park board cooperated with the parent-education leaders in acquainting families with the free facilities available within the city for inexpensive family recreation; for example, new picnic areas in the parks, improved swimming-pool facilities, and summer concerts.

Four of the leaders for adult parent education classes were employed part time during the summer months, and secured the cooperation of 134 women who gave of their time and cars

in transporting a large group of physically under-par children to the sunshine camp maintain by the park board.

Three classes for household employees were cooperatively provided by the vocational-education division of the public schools, and the public gas and electric light company.

A self-help community center for marginal income or relief families has been developed in the southwest part of the city through the cooperative efforts of the Lend-a-Hand Club of Friends University, and the family life education council. The families recondition clothing and furniture which they can purchase through their work hours. A nursery is maintained for their small children, and child care and guidance is taught to the parents by the person in charge of the children. This undertaking has been so enthusiastically reported by the families who have earned membership in the community center that representatives from about 30 Negro organizations have formed an advisory council, and are organizing a similar community center for the use of Negro families.

Adult classes include work in parent education. There are classes organized in connection with practically all of the public schools in the city. In addition, classes are formed for parents of crippled children and for grandparents.

There are also adult classes in home improvement, food buying, clothing, and consumer education.

The homemaking teachers are making careful study of the courses in junior and senior high school in an attempt to make them more practical, and to better enable young people to assume their responsibilities in the family.

It is not only necessary in our democracy that we provide school facilities but that we do everything possible to make our schools and educational programs equal to the needs of modern times.

We require education to prepare the individual for self-support, for creative work, and to prepare him for intelligent citizenship. Without this preparation the individual will not long respect our democratic ideals and institutions.

The United States Office of Education in many ways is helping the States and local communities to make their educational programs more effective. Through a vigorous promotion of American education, this Office is making a great contribution to American democracy. [Applause.]

Mr. KEEFE. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

SUPPORT THE C. C. C. AND N. Y. A.

Mr. ANGELL. Mr. Chairman, I have consistently endeavored to support a program which would result in achieving some economies in the operation of our Federal Government. I believe most all of us in and out of the Congress have come to the conclusion that we must begin to make retrenchments and curtail costs of government in order not only to do away with the continuing of deficit spending but also to arrive at that point where we may live within our income. After 7 years we are no nearer that goal than we were in the beginning. However, I am not of the opinion that we should attempt to make these savings at the expense of the youth of our country.

There are 500,000 young men and women each year entering manhood and womanhood and going out into the world, many of them with diplomas, seeking a foothold in the industrial and professional life of our country. They seek in vain. There are no openings for them. Many of them are becoming discouraged. Some of them, as we have had reason to learn recently here in Washington, are critical of our democratic processes, and are beginning to question whether our American way will work after all. There are 2 outstanding agencies which we have been carrying forward in an endeavor to help the youth of our Nation—namely, the Civilian Conservation Corps camps, and the National Youth Administration program.

Mr. Chairman, there are 4,000,000 youth in America 18 to 24 years of age unemployed and not in school. It is reported the N. Y. A. costs on an average $268 per year per student. This bill reduces the appropriation from $100,000,000 last fiscal year to $85,000,000 for the ensuing year. This will leave 123,000 youth out of the program. There are now 300,000 certified who cannot be enrolled under the $100,000,000 appropriation. Would it not be better statesmanship to leave out a battleship costing $100,000,000 or a cruiser or two or a few bombers and save our youth from despair and a career of crime?

The plan seems to be now to postpone our defense program and let England and France have our aircraft now being built. If so, why appropriate the money now? They will be outmoded by the time we construct them. Better forego a few such craft and save our boys.

There is an excessive overhead in the C. C. C. administration. High-salaried political employees are securing the money appropriated and the boys are left out of the program. This should be stopped at once and the money spent on the boys themselves. An examination of the record shows the large number of these political employees receiving high salaries. It is significant to note the States from which they come.

In my own western area of the United States, as you well know, we have vast forest areas. The United States is the owner in fee of much of these forest lands. The C. C. C. camps, in the main, are located in these areas in the West, and have been doing a most excellent work in trail and road building, clearing away fire hazards, working in fire patrol, and generally carrying on a constructive program resulting in adding values to our forest areas, and, at the same time, building up and conserving our natural resources.

I have received numerous protests from districts all over the State of Oregon urging that none of the C. C. C. camps be discontinued. I feel that it would be a grievous mistake to discontinue them, not only by reason of the values we are receiving from the moneys expended in the prosecution of this program, but also, in the moral and educational values we are implanting in the youth of our country. Many of them we are taking from the streets where they have had no opportunity for educational or cultural advancement, and with no opportunity to make their own way. They are brought into a wholesome atmosphere out in the broad expanses of our timbered areas in our western country, and are imbued with new energy and new opportunity and a new outlook on life. They are not only broadened in the mental and moral horizon, but they are restored in vigor and health and put on the road to becoming useful citizens.

The same is true with respect to the N. Y. A. program, except that they are not placed in the out of doors, but are given wholesome work to do in a practical way and are educating themselves in schools at a small expense which will return the investment manyfold to our Nation in after years when these young people become a part of the citizenry of the Nation upon whom we must depend to defend our democratic processes.

Mr. Chairman, I ask leave to extend my remarks and to include a report I received last year from Dean Onthank of the University of Oregon giving in some detail the results of the N. Y. A. work in the university.

The report is as follows:

Dean Onthank's letter referred to is as follows:

UNIVERSITY OF OREGON,
Eugene, June 9, 1939.

Mr. HOMER ANGELL,
House of Representatives,
House Office Building, Washington, D. C.

DEAR HOMER: I don't often bother our delegation at Washington. It occurs to me, however, that you might be interested in knowing directly what happens with the National Youth Administration money which is allotted at the University of Oregon, since Congress appropriates for the National Youth Administration and will, I infer, be asked to do so again before long.

We received this last academic year a total of $33,075. Grants were made to students in varying amounts, but rarely exceeding $15 a month, and averaging approximately $11 during the 9-month period. Appointments of students to receive the work grants are made term by term. Between 300 and 325 students were aided thereby each term. About half the students on the list received aid all three terms, many only one term. Students to receive the aid are selected primarily on a basis of necessity for aid in order to stay in college. By that I mean at minimum standards of living, such as are maintained in the student cooperative living groups. National Youth Administration money emphatically does not pay fraternity dues or extravagances of any kind. Students are selected to receive aid secondarily on a basis of quality of university work. The competition for the available places is so keen that we are compelled to select among those whose need is unmistakable.

Naturally the selection is made on a basis of performance in the university or, in the case of new students, of previous school record. No student is selected who is not average with respect to the whole student body, and students above freshman level rarely get on unless they are in the upper quarter of the student body. That means the National Youth Administration is helping a superior group of students to stay in college and do successful work.

The fact that National Youth Administration students are doing not only successful work but outstanding work is evident from the enclosed documents. Enclosure No. 1, which presents the grades of undergraduate students, as compared with the total undergraduate enrollment at the university, shows, as you will see, in the last two columns, that National Youth Administration students get from 8 to 10 times their share of places on the honor roll, as compared with the student body as a whole. Of the students making straight A grades, from one-third to one-half are National Youth Administration students, notwithstanding the fact that they are handicapped by the outside work that they have to do. The second document, a list of scholarships and other distinctions won by National Youth Administration students, shows that they are outstanding not only in scholarship but in a variety of other competitions. Last spring the Koyl cup, going to the most outstanding student at the end of the junior year and the equivalent Gerlinger cup going to women, although not listed here because the girl at the time was not on the National Youth Administration, went to a girl who had been on the National Youth Administration but had been so outstanding that she had been awarded a special scholarship, so had been spared the necessity for doing National Youth Administration work during her junior year. The fact that the two outstanding juniors in the whole university were, in effect, able to stay in college and win the honor by means of National Youth Administration is not without some significance.

I am stressing this point somewhat, because I have heard it said that National Youth Administration aid is given indiscriminately or even as a means of subsidizing athletes. I have no objections to helping athletes, but what help they get from National Youth Administration is gotten on their own merits in competition with others. Relatively few do get help from this source, however much they may get from other sources.

Though the primary purpose of N. Y. A. is to help deserving and able students, the fact that the university is benefited greatly from the help given by N. Y. A. students. The university is spending as much as it ever did from its own funds for student help; but with the increasing pressure on faculty members for off-campus services, the assistance in reading papers and in laboratory and studio has released them very helpfully from some of their routine work for higher-level services. Incidentally, the experience has been a very wholesome and profitable one for the students themselves, apart from the money they have earned. The majority of them are doing jobs in the field in which they are definitely interested and expect some day to practice. The testimony is nearly unanimous that they not only earn their money, but that they are getting a very valuable vocational experience besides.

We are in the process of getting out the annual report of the committee which administers college aid for the University of Oregon. This is a rather detailed report, but if you care to have a copy I will send you one. If you have any questions or comments on this somewhat general statement, I will be very glad to have them. I know you are not unfamiliar with what is going on now, but it occurs to me that you might like to have such items as I have enclosed since it is more specific information than is likely to come to you otherwise.

Sincerely,

KARL W. ONTHANK.

Report of honor grades of undergraduate National Youth Administration students as compared with total undergraduate enrollment at University of Oregon

Term and year	Total university enrollment	Number of students on National Youth Administration	Number of National Youth Administration students on honor roll	Number of total enrollment on honor roll	Percent of National Youth Administration students on honor roll	Percent of total enrollment on honor roll	Percent of total honor-roll students on National Youth Administration
Fall, 1937	3,120	280	31	117	11.0	3.75	26.5
Winter, 1938	2,037	280	50	143	17.7	4.7	34.9
Spring, 1938	2,870	263	27	153	17.8	4.9	30.7
Fall, 1938	3,334	311	42	129	13.5	3.9	32.6
Winter, 1939	3,194	319	42	136	13.1	4.2	30.9

Out of 7 students making straight A grades, spring term, 1938, 2 were National Youth Administration students.

Out of 14 students making straight A grades, fall term, 1938, 5 were National Youth Administration students.

Out of 13 students making straight A grades, winter term, 1939, 6 were National Youth Administration students.

LIST OF SOME OF THE SCHOLARSHIPS AND OTHER DISTINCTIONS WON BY N. Y. A. STUDENTS AT THE UNIVERSITY OF OREGON, 1938–39

State-board fee scholarships: Won by 44 students out of 69 awards.

Oregon mothers' scholarship: Won by Nisma Banta, Betty Gregg, out of three awards. (Aida Brun, Benson Matess, 1937–38. Tom Turner, 1935–36.)

Phi Beta scholarships: Won by Rebecca Anderson, Harriett Douglass.

Associated women students' scholarships: Won by eight girls out of eight awards.

Gertrude Watson Holman Memorial Fund: Won by Gladys Saunders, Ruth Tawney.

Pan-Hellenic scholarships: Won by four girls out of eight awards.

Spinsters' Club scholarship, awarded annually to a Eugene girl on basis of scholarship, ability, and worthiness: Won by Mary Catherine Soranson. (Joan Murphy, 1939–40.)

Sigma Delta Chi scholarship, awarded to outstanding man in Journalism: Won by James Brinton out of four awards.

W. F. Jewett prizes: $10 award for forensic excellence won by Florence Sanders; second price, $10, intersectional speech contest, won by Jean Banning; second prize, $10, poetry-reading contest, section 1, won by Peter Chiolero; second prize, $10, poetry-reading contest, section 2, won by Shirlie McCarter; third prize, $5, after-dinner speech contest, won by Harrington Harlow; first prize, $25, oratorical contest, won by John Blankenship.

Koyl cup, 1938, awarded to most outstanding, all-around junior man: Won by Zane Kemler, 1938.

Second prize, best student-owned personal library: Won by Glenn Hasselrooth.

Best poster designed to stimulate reading of books: Won by Alice Mueller.

Beta Gamma Sigma award to freshman major in business administration having highest scholastic average for the year: Won by Lois Irene Lee.

Botsford-Constantine-Gardner contest, second prize, for solution of an advertising problem, won by Betty Wagner.

German Government award of several volumes on German cultural history, for outstanding work in German, won by Mary E. Hughes.

French Government award (1938) to student ranking highest in undergraduate French study, won by Marion Fuller, 1938.

Twenty-five-dollar prize to undergraduate student submitting best essay on a philosophical topic, won by John Richard Benson Mates.

Pi Delta Phi award of book prize to graduating senior who has made greatest progress in advanced undergraduate courses in French, won by Maxine M. Winniford.

Scabbard and Blade freshman medal to outstanding freshman in each company, won by Harry T. Finnell out of seven awards.

Officer's saber awarded to outstanding junior in military science, won by William B. Rosson.

Marshall-Case-Haycox short-story contest: First prize, Margaret Dick; second prize, Jane Dachtelberg; first prize, 1938, George Stephenson.

Alpha Kappa Psi award, 1938, for highest scholastic standing among juniors in school of business administration, won by Luther Siebert, 1938.

Mortarboard scholarships, won by three girls out of three awards.

Phi Beta Kappa membership: Marion Fuller (1938), Ben J. Winer (senior 6), Betty Brown (senior 6) (1937), Thomas T. Turner, Fred Rasor, Mary C. Soranson, and George W. Stephenson (5 out of 20 elected during 1938–39).

Theta Sigma Phi, selection of two most outstanding freshmen women in journalism, won by Nisma Banta.

Mr. ANGELL. Mr. Chairman, this report is a plain factual recital which evidences the fact that this work is worth while. It is interesting to note from the report of Dean Onthank that grants rarely exceeded $15 a month per boy over the period covered, and averaged approximately $11 during the 9-month school period. Between 300 and 325 students out of a total registration in excess of 3,000 were aided by this fund each term, and about half of this group of students received aid all three terms; many, however, were receiving aid only one term. This small monthly payment is not used for extravagances, but to cover the necessary living and other similar expenses of the student. They show themselves to be a superior group of students, as shown by the rewards they received. In the group of students referred to by Dean Onthank, the N. Y. A. students had 13.1 percent of their number on the honor roll, whereas the total enrollment there was only 4.2 percent on the honor roll. Although the number of the N. Y. A. students was 10 percent of the total registration, 30.9 percent of all honor-roll students were taken from their number.

I hope that this committee and the House will restore to the bill the appropriations that were allowed in the last fiscal year for these two activities.

Mr. HOUSTON. Mr. Chairman, I yield now to the gentleman from New York [Mr. FITZPATRICK].

Mr. FITZPATRICK. Mr. Chairman, the present appropriations bill before the House recommends $85,000,000 for the National Youth Administration which is $15,000,000 below what they had last year. Under the appropriations for 1940 they were able to care for 780,000 youths in the United States. If the present recommendation of $85,000,000 is not increased it will mean 125,000 youths will not receive any aid during the fiscal year of 1941.

The average cost per youth, including the administering of the act, is approximately $11 per month, which seems to me to be a very reasonable amount.

I feel it would be false economy to save $15,000,000 at the expense of the youth of this country. For that reason I am going to support an amendment to increase the appropriations for the N. Y. A. to $100,000,000 which I hope will meet with the approval of the House. [Applause.]

Mr. HOUSTON. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, I esteem it a great privilege to support the program advocated by the distinguished gentleman from Oklahoma [Mr. JOHNSON]. I think that the appropriation for the National Youth Administration and for the support of the C. C. C. is one of the great measures of conservation. We are conserving one of the greatest resources we have in educating the youth of this country, and it has been very encouraging in this period of depression, when so many of the youth of the country are denied an opportunity for education, that the strong arm of the Government has reached out through the National Youth Administration to help these young people and has appropriated money to the very people it intends to assist. This appropriation goes direct to assist the youth of the country, the young men, the boys, and the young girls, who have failed to obtain an opportunity for education. They are now given an opportunity to work their way through school by the assistance of the National Youth Administration. Out in my State we are doing wonderful things with the money made available by the appropriations for the N. Y. A. We have schools out there that are taking up these young boys from the local groups and young women and educating them, and giving them qualifications so that they may go forth in the world and make their way and obtain better positions. We have reached a time in the conduct of the business of the Government, in the conduct of the business of private companies, when an education is absolutely a necessity. One of the most pathetic things a Congressman has to deal with is an attempt to assist young people who aspire to better positions, to make up for the deficiencies of an imperfect education.

The files of the congressional offices are full of letters seeking the assistance of Congressmen to help them overcome these deficiencies.

I desire to read certain telegrams and letters that have come to me in support of this legislation. I am in favor of and will support restoration of the full amount of the appropriation for the National Youth Administration and the C. C. C.

I will read a telegram from President Dale, of the University of Idaho, under date of March 16:

MOSCOW, IDAHO, *March 16, 1940.*

HON. COMPTON I. WHITE,
Washington, D. C.:

Since college rules, regulations, and fees not ordinarily changed within single college generation, proposed drastic N. Y. A. cut most deplorable. Even partially shutting N. Y. A. door at this time simply means termination of ambition of many boys and girls already enrolled in our institution who possess promising intellectual qualification but would find themselves entirely without resources if N. Y. A. reduced. This program has profound social implications, and bears directly on national welfare. Urge your support full restoration present N. Y. A. appropriation, where every dollar counts tremendously.

HARRIS DALE,
President, University of Idaho.

I have a letter from the head of the Boise Junior College, at Boise, Idaho:

BOISE JUNIOR COLLEGE,
Boise, Idaho, March 9, 1940.

Representative COMPTON I. WHITE.
House of Representatives, Washington, D. C.

DEAR REPRESENTATIVE WHITE: It is my understanding that the college-aid program of the National Youth Administration is to be cut 16.6 percent for the coming year. This program has proved invaluable to the young people above high school, and has enabled them to go on to college when such would not be possible were they denied this opportunity to earn their way as they secure their education.

We have excellent young people at the Boise Junior College earning their way by jobs assigned to them in and around the college, who would not be able to go to school otherwise. These young people cannot find jobs in this region, and if the college-aid program of the National Youth Administration were discontinued, the only alternative open to them would be to lie around home, become dissatisfied, and eventually prove a social problem to their community and the Government.

I think that the few dollars spent on N. Y. A. will prove of exceptional worth to the American Nation. We are taking young people, helping them find a way out, keeping up their morale, and thus developing full-rounded personalities, able to battle their way through the complexities of life. It is my measured judgment that the money spent for N. Y. A. by the Federal Government will be repaid tenfold by the type of a citizen that Government has during the coming generation.

I hope that you can see fit to support this National Youth Administration program, and I shall be glad to furnish any data that may help you to understand how it works here in Idaho.

Sincerely yours,

EUGENE B. CHAFFEE, *President.*

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield.

Mr. KEEFE. The gentleman is aware of the fact that the committee has reported the full amount recommended by the President and his Budget?

Mr. WHITE of Idaho. That is my understanding, but I understand that the Budget cut the amount $15,000,000.

Mr. KEEFE. The gentleman understands also that the President, in recommending his Budget to the Congress, recommended that cut of $15,000,000?

Mr. WHITE of Idaho. I understand that the Bureau of the Budget made such a recommendation. I want to say to the gentleman it is my idea that it lies with this House of Representatives to determine which is the most meritorious and the most important items in an appropriation bill, and lend full measure of support to those items.

Mr. KEEFE. I was just wondering, having heard the gentleman urge support of the President on many occasions, whether or not he is departing from his usual support of the President in this instance?

Mr. WHITE of Idaho. I think the President has been 100-percent right on many occasions, but when I disagree with the President, I am willing to stand by my own judgment.

Mr. KEEFE. And in this case the gentleman thinks the President is wrong?

Mr. WHITE of Idaho. It is my judgment that we are here conserving one of the greatest assets which the Nation has, namely, the youth of this Nation.

Mr. KEEFE. I heartily agree with the gentleman's conclusion in that regard, but responsibility for the cut ought to be placed by the gentleman where it belongs, not on the Appropriations Committee or the subcommittee, but exactly where it belongs, on the Budget which the President submitted.

Mr. WHITE of Idaho. It is the opinion of the gentleman from Idaho that responsibility for making appropriations rests primarily with the Appropriations Committee and the great House of Representatives, by advice of the President of the United States. I do not concede that any bureau, call it Budget or otherwise, supersedes the functions of the great Committee on Appropriations. That is my position.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield.

Mr. McCORMACK. As a matter of fact, the gentleman from Idaho will recollect that the N. Y. A. came into being under the present administration against the opposition of the Republican Party at that time, and the gentleman from Idaho, as I understand it, is not only with the President, but the gentleman from Idaho feels that the appropriation should go further, having in mind particularly the fact that this is one of the most meritorious activities engaged in in this emergency, and that it has been tremendously successful.

Mr. WHITE of Idaho. It has; and the gentleman has stated the position correctly.

I want to read a letter from the superintendent of public instruction of the State of Idaho:

SALMON, IDAHO, *March 16, 1940.*

Hon. COMPTON I. WHITE,
Member of Congress:

Urge you oppose any reduction in appropriation for National Youth Administration. This has been very beneficial to Idaho underprivileged children.

ALLEN C. MERRITT,
State Committeeman.
(Former Idaho State Commissioner of Public Works.)

PETITION FOR INCREASED N. Y. A. APPROPRIATIONS

Whereas 106,000 American youth will be denied the opportunity for education fitting them to take their places as useful citizens in our society by the Budget at present up for consideration before the Congress of the United States, which will cut $15,000,000 off the appropriation for the National Youth Administration, we, as young people of the State of Idaho and citizens of the United States, protest this cut as a measure of unwise economy. According to a recent survey, 59 percent of American youth desire more vocational guidance and training. The only place where this guidance and training can be had at present is the N. Y. A. program. We regard the continuance of this program of preparing American youth for effective, constructive citizenship as useful members of our society a vital program to the future of this Nation. Therefore, as the only proven practical method of providing this training, we ask that increased N. Y. A. appropriations be made as the best national defense and for the prevention of poverty and crime.

IDAHO YOUTH CLUB.

I have read the above resolution of the Idaho Youth Club and understand its significance and great importance to me; I therefore concur in this resolution and petition Congress to grant the additional funds asked for N. Y. A.

Signed by 420 members of the Idaho Youth Club.

WEISER, IDAHO, *March 15, 1940.*

COMPTON I. WHITE,
Congressional Office Building:

We urge strongly you use your influence to keep N. Y. A. school at Weiser operating at same high level. This is one Government activity that meets with the approval of a big majority of the people.

JOHN FAGERSTED.

REXBURG, IDAHO, *March 16, 1940.*

COMPTON I. WHITE,
Representative:

Sentiment here overwhelmingly favors continuance of N. Y. A. program without curtailments.

D. W. NELSON,
Chairman, Madison County Democrats.

OROFINO, IDAHO, *March 19, 1940.*

COMPTON I. WHITE,
Washington, D. C.:

Urge N. Y. A. appropriation not be reduced for next year as we believe this program does a great deal for youth.

J. L. HOUX.

NAMPA, IDAHO, *March 16, 1940.*

Congressman COMPTON I. WHITE,
Washington, D. C.:

Referring to appropriation bill for N. Y. A. We, the people of Nampa, would like very much to see this program continued for 1940 and 1941 without any decrease in funds. This program is accomplishing a great deal for our youth. Thanking you for your trouble.

Mayor Ben H. WAIGAND.

BOISE, IDAHO, *March 16, 1940.*

Hon. COMPTON I. WHITE,
House of Representatives, Washington, D. C.:

The members of the Idaho State Library Commission are wholeheartedly in favor of N. Y. A. program. Value has been felt not only in State library but in practically every library in Idaho. Would be pleased to see appropriation for this national program maintained at present figures or increased.

J. W. TAYLOR.
J. W. CONDIE.
GEO. H. CURTIS.

EMMETT, IDAHO, *March 16, 1940.*

COMPTON I. WHITE,
House of Representatives, Washington, D. C.:

Reduction of funds for N. Y. A. and student aid here would work great hardship on 50 high-school pupils and 25 other homes from which N. Y. A. help comes. This Federal aid has been very valuable to this entire valley. Your help before committee appreciated.

M. M. VAN PATTEN,
Superintendent of Schools.

LEWISTON, IDAHO, *March 16, 1940.*

Congressman COMPTON I. WHITE,
Washington, D. C.:

Lewiston State Normal School strongly urges your support to continue N. Y. A. appropriation on the present basis. Many youths in this section would be unable to continue their education without this help.

J. E. TURNER, *President.*

BONNERS FERRY, IDAHO, *March 17, 1940.*

Hon. COMPTON I. WHITE,
United States Representative,
Washington, D. C.:

We, the undersigned citizens and voters of Boundary County, Bonners Ferry, Idaho, hereby petition you to do all you can in getting the N. Y. A. appropriation for the coming year. We would like at least the same amount of money. H. B. Kinnear, Inez L. Cave, Daisy Kelly, Alice E. Leslie, E. B. Schelette, M. D. Pace, R. L. Soderling, Harry Walden, W. J. Nixon, H. M. MacNamara.

Thanking you sincerely,

ALICE E. LESLIE,
County Superintendent of Schools.

GEM COUNTY DEMOCRATIC CENTRAL COMMITTEE,
Emmett, Idaho, February 12, 1940.

Hon. COMPTON I. WHITE,
United States Representative,
Washington, D. C.:

DEAR MR. WHITE: I wish to call to your particular attention the National Youth Administration. We, the people of Emmett and of Idaho, feel that a great deal of good is being accomplished for our young folks by this program. Our boys and girls are being given opportunities by the National Youth Administration which is undoubtedly worth more than the actual dollars and cents which it is costing. Our youth of today are going to be our leaders of tomorrow. If we can teach them to be good leaders and install in them a feeling of confidence, good citizenship, honesty, etc., and at the same time teach them to be self-supporting, I believe we have really done something.

We hope that you will be able to support this measure. I would also like to mention the fact that I believe the general public, Republicans as well as Democrats, look upon the National Youth Administration as a nonpartisan measure and feel that it is very worth while.

With best personal regards, I am,

Sincerely yours,

HOWARD V. EATON,
State Committeeman.

RICHARDS & HAGA,
Boise, Idaho, March 15, 1940.

Hon. COMPTON I. WHITE,
House Office Building, Washington, D. C.

Re: Appropriation for National Youth Administration.

DEAR MR. WHITE: I understand that it is proposed to reduce the appropriation for the National Youth Administration.

I think that organization is doing fine work in assisting the sons and daughters of poor people to acquire a sufficient education to meet the needs of the times and to make them self-sustaining. I happen to know the work that is being done in this part of the State. Several of these boys and girls are attending the Boise Junior College, and except for the assistance they get from the National Youth Administration they would not be able to do so.

I hope cuts in appropriations may be made in connection with matters that are not so important and vital as the education of our young people.

Regards.

Sincerely yours,

OLIVER O. HAGA.

STATE BOARD OF EDUCATION AND BOARD OF REGENTS,
UNIVERSITY OF IDAHO,
Boise, March 16, 1940.

Hon. COMPTON I. WHITE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN WHITE: Inasmuch as the N. Y. A. Federal appropriation bill is now up before Congress for consideration, I wish to lend my endorsement to this very fine program that has been carried on in Idaho during the past few years.

I feel sure that hundreds of young people have had an opportunity to attend school and find desirable employment through the

agency of the N. Y. A. who never have otherwise received these privileges.

We are hopeful that Congress will not see fit to reduce the appropriation below what it was the last year.

Anything that you can do to secure this appropriation will be greatly appreciated by the educators of Idaho.

Yours very truly,

J. W. CONDIE,
State Superintendent of Public Instruction.

Mr. WHITE of Idaho. Under permission to revise and extend these remarks in the RECORD at this point, I insert a telegram from former Idaho State Commissioner of Public Works Allen C. Merritt, and a copy of a petition which I have received from the Idaho Youth Club, signed by some 420 members, and referred to the House Committee on Appropriations, together with the following telegrams and letters from prominent businessmen and educational leaders of Idaho.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein certain telegrams, letters, and communications received in support of this appropriation.

The CHAIRMAN. The gentleman from Idaho will have to obtain permission in the House to include extraneous matter.

Mr. WHITE of Idaho. This goes to the matters considered by this Committee and is entirely relevant to the issue before the Committee.

The CHAIRMAN. Permission to include telegrams and letters may not be obtained in Committee of the Whole. The gentleman will have to prefer his request in the House after the Committee rises.

Mr. KEEFE. Mr. Chairman, I yield myself 1 minute to correct an impression left in the RECORD by the distinguished gentleman from Massachusetts [Mr. MCCORMACK], who indicated in his statement that the N. Y. A. was created despite the objections of the Republican Party. I do not think the gentleman, who is usually very sincere and very honest, intends to leave that impression as a fact. The fact is that the N. Y. A. was created by the President of the United States by Executive order, through the allocation of funds in 1936 out of the relief appropriations made by Congress. It seems to me that to leave the impression that the original creation of the N. Y. A. was fought by the Republican Party is leaving an impression that does not accord with the facts in the case.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. Yes; I yield to the gentleman.

Mr. McCORMACK. What the gentleman says, from a historical angle, is true, but there are other facts involved.

The Republican Party in the main has always opposed W. P. A. appropriations. Last year 98 percent of the Republican membership, with a combination of 30 or 40 Democrats, massacred the W. P. A. appropriation bill, and you are going to try and do it again this year.

Mr. KEEFE. I presume the gentleman is the authority for the statement I heard over the radio from a news commentator the other night that the Republican Party is fighting the N. Y. A. I want to say for the benefit of the gentleman from Massachusetts that here stand the two Republican members of the subcommittee that has this appropriation in charge, and these Republican members intend to vote for the N. Y. A. appropriation. I think the gentleman's innuendo and insinuation is absolutely wrong. If any cut is to be made in the N. Y. A., or if a cut is finally accomplished, it will not be by the work of the Republican members of this subcommittee but the work of the President of the United States who submitted a budget to the Congress and asked the Congress to adopt it—$15,000,000 less than the Budget last year.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. McCORMACK. Does the gentleman intend to vote for the amendment that will increase the item to $100,000,000?

Mr. KEEFE. I intend first to vote to support the report of the committee. I want the gentleman to know that I favor the N. Y. A.

Mr. McCORMACK. Does the gentleman favor the $100,000,000 appropriation?

Mr. KEEFE. Just one moment. I shall take the floor at the proper time and make a statement of my views on the subject. Then I will answer the gentleman so there will be no question of exactly where I stand.

Mr. McCORMACK. But the appropriate time is only 24 hours off. The gentleman certainly must have made up his mind about this question now.

Mr. KEEFE. Oh, yes; I have made up my mind. It has been made up for weeks, and it has been in the press for at least 3 weeks. I suppose the gentleman has not read that.

Mr. McCORMACK. The gentleman from Massachusetts, of course, finds it difficult to follow the gentleman from Wisconsin; he moves with such rapidity that he is interesting and refreshing. But my question was a very simple one, whether the gentleman would support the amendment increasing the fund to $100,000,000 when it is offered. It is a simple question and calls for a simple and direct answer.

Mr. KEEFE. I do not know that I am called upon to answer the gentleman at this time.

Mr. McCORMACK. The gentleman does not have to answer, of course, if he does not want to.

Mr. KEEFE. I have indicated to the gentleman that I shall make a statement at the proper time in which the gentleman's question will be answered directly.

Mr. McCORMACK. I respect my friend, even though we may disagree, because I have a wholesome regard for his views.

Mr. KEEFE. We do not disagree.

Mr. McCORMACK. I think on this occasion, however, my friend, having already made up his mind, could answer whether he intends to vote for the amendment increasing the N. Y. A. appropriation to $100,000,000 when it is offered on the floor.

Mr. KEEFE. I think the gentleman is a little unfair.

Mr. McCORMACK. Does the gentleman really mean to use the word "unfair"?

Mr. KEEFE. He knows that I am a member of this subcommittee.

Mr. McCORMACK. Would not the gentleman prefer to say "premature"?

Mr. KEEFE. It is a little premature because the gentleman knows I am a member of this committee.

Mr. McCORMACK. I am aware of that fact.

Mr. KEEFE. When the time comes I will state my views on the floor definitely.

Mr. McCORMACK. Prior to that I shall assume that the gentleman intends to support his own committee.

Mr. KEEFE. I intend to support the committee at the start.

Mr. McCORMACK. That means the gentleman will vote for $85,000,000?

Mr. KEEFE. Let me ask the gentleman in this time——

Mr. McCORMACK. In the gentleman's own time.

Mr. KEEFE. Yes. Was I not correct in my statement, generally?

Mr. McCORMACK. Historically, but from the angle of actual facts, the basic facts, the appropriations, the opposition——

Mr. KEEFE. The gentleman can see that if his great party wanted to give $100,000,000 to N. Y. A. all that would have been necessary was for the President of the United States to recommend $100,000,000 to his Budget. Am I not correct in this?

Mr. McCORMACK. If we follow the gentleman's reasoning that he relies upon the recommendation of the President, the gentleman would vote to sustain the President's recommendations en bloc. In practice, however, the gentleman votes to reduce the recommendations of the President. When the President sends a recommendation to Congress, it is within the power of Congress to do whatever it wants—increase or decrease. The gentleman from Wisconsin knows that just as well, if not better, than I do.

Mr. KEEFE. I understand, but the gentleman has not answered my question.

Mr. McCORMACK. But I have answered the gentleman's question directly and flatly.

Mr. KEEFE. It would have been perfectly simple for the President had he wanted $100,000,000 for N. Y. A. to have recommended $100,000,000 in his Budget. Is not that true?

Mr. McCORMACK. Would the gentleman have voted for it?

Mr. KEEFE. I would vote for the bill.

Mr. McCORMACK. The gentleman would?

Mr. KEEFE. Yes.

Mr. McCORMACK. Then, if the gentleman would vote for it had the President recommended it why will he not vote for the increased $15,000,000 though the President did not recommend it?

Mr. KEEFE. Perhaps I will when the vote comes.

Mr. McCORMACK. I am glad to hear that because the gentleman a moment ago said he was going to support the committee.

Mr. KEEFE. I believe in N. Y. A. just as much as the gentleman does; but I am not making a campaign speech here on the floor this afternoon on N. Y. A.

Mr. McCORMACK. I hope the gentleman does make a campaign speech. I have no objection to it. I make them here occasionally. It is very refreshing to know that there is one Member of the House who does not make a campaign speech when he is on the floor.

Mr. KEEFE. I do not yield any further at this time.

Mr. TARVER. Mr. Chairman, I yield myself 5 minutes or so much thereof as may be necessary.

Mr. Chairman, in fairness to the gentleman from Michigan and the gentleman from Wisconsin, I feel it is appropriate I should say, in view of the colloquy which has taken place, that in the subcommittee which considered this appropriation and brought it to the floor there was no suggestion of partisanship. The matter of which members of the committee were Republicans and which members were Democrats did not arise, and there were no two members of the subcommittee who were apparently more sympathetically interested in the provision of reasonable appropriations for the National Youth Administration than the gentleman from Michigan and the gentleman from Wisconsin. I regret very much that any suggestion has been made that there is involved in the consideration of this appropriation bill any sort of partisan issue.

I have no objection to answering the gentleman from Massachusetts insofar as I am concerned as to whether I will vote to increase the Budget estimate by $15,000,000 for this purpose, and I answer it as one of the Members of the House who is perhaps as sympathetically interested in the objectives of the National Youth Administration as anyone could possibly be and as a Member of the House who is thoroughly convinced that the work of that organization is extremely worthy and ought to be continued in an orderly way. But in view of the present financial condition of the Government and in view of the recommendation made by the President himself in the transmission of his Budget to the Congress, I as the chairman of this subcommittee shall not vote to increase the N. Y. A. appropriation above the Budget estimate, $85,000,000, and I am convinced that no member of the subcommittee will vote to do it. I believe that those who are urging that the appropriation be increased to $100,000,000 are really not acting in the interest of the organization which they profess to be endeavoring to help, but that a more reasonable appropriation at this time would be conducive to the eventual welfare of the N. Y. A.

Mr. McCORMACK. Will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman from Georgia is certainly laboring under a very serious misapprehension in his interpretation of the colloquy between the gentleman from Wisconsin and myself.

Mr. TARVER. I certainly hope I am.

Mr. McCORMACK. I do not think the gentleman from Wisconsin for a moment thought I was accusing him of playing partisan politics on this occasion. We were discussing the history in connection with the development of the N. Y. A. Back in those days when we were fighting to make appropriations for the W. P. A.—and last year, as a matter of fact, when these appropriations came before the House, N. Y. A. was connected with the W. P. A. appropriation—the Republicans were very careful to see that the minimum amount was appropriated. The gentleman says that I injected politics into this discussion. The gentleman is laboring under a misapprehension.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, the colloquy between the gentleman from Massachusetts and the gentleman from Wisconsin speaks for itself, and I do not care to make any further reference to it. I stated, and I repeat, that it is the first suggestion of partisanship which has come into the consideration of this bill so far, either in the subcommittee or in the full committee, and I certainly hope the matter of making reasonable provision for the N. Y. A. may be decided by the House without the consideration of partisan differences, and that there may be no crimination and recrimination as to responsibility for what may have occurred heretofore.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, I rise to observe that it is true that the Republicans along with a number of Democrats voted for certain W. P. A. appropriations. I have no knowledge of the Director of the W. P. A. coming in here and asking for additional funds for the current year. Apparently the appropriation made for W. P. A. has proven to be sufficient. Neither the President nor the Director, Colonel Harrington, has asked for additional appropriations for the current year.

Under these conditions I may say to the gentleman from Massachusetts that the Republicans and the Democrats who voted for those appropriations have proved correct in their votes. In regard to N. Y. A., I may say that certainly it is by far the most desirable and the best of all the agencies recommended; however, we lose sight of the fact that from the time the New Deal came into power in 1932, it has been promising a solution to the problems facing the American people. The New Deal said the depression would end, but the depression has not ended. I have here a quotation from the C. I. O. pointing out that there are 12,000,000 unemployed people today in the United States. There were 10,000,000 unemployed people when President Roosevelt became President of the United States. In these discussions we lose sight of the point that no solution of our domestic problems has been found.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BENDER. Mr. Chairman, even though we have spent over $20,000,000,000 in an effort to solve these problems, we have been throwing good money after bad trying the same old stunt over and over again. But nothing in the way of a permanent solution has been found. That is the point. After N. Y. A. what? After W. P. A. what? We should get our people back into private industry, back into regular jobs at regular pay. That is the American way, that is the American program, and any other method, whether it be W. P. A. or anything else, certainly is not of permanent value, and is not of permanent benefit to the American people. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Mr. Chairman, once upon a time, before a monster called depression knocked us in the solar plexus, this country had an income of over $80,000,000,000. As we look back upon those days, it seems, in view of our struggles today, that we must have been riding high on the swell of prosperity in the 1920's. The facts are—and Government figures will bear me out on this point—that even in 1928 and 1929 we were nowhere near using our full plant capacity. The great mass of incomes, even in those years, were not sufficiently high to enable most Americans to buy

and use all the goods and services which should have been available to them, in view of the American standard of living.

Today we are painfully aware that something is vitally wrong, because the unemployment problem has been steadily growing worse. Yet nothing basic, nothing real has been done to solve that problem. Our national income continues to stagger along slowly in the lower brackets. Our increased population has been largely an increase of men and women of working age.

I am drawing upon personal experiences of 16 years as a high-school teacher to tell you that the principal cause of unemployment and low national income today is that the young people of our Nation are leaving school without being fully prepared for definite jobs. I have known this for many years and have constantly urged such revision of our public-school system as will provide a real system of vocational guidance and training.

Recently there came into my hands a report published by the Educational Policies Commission of the National Education Association. This report is entitled, "Education and Economic Well-Being in American Democracy." It may be obtained in this city at the headquarters of the National Education Association on Sixteenth Street. I urge every Member of Congress to get this report and read it thoughtfully. It is sound, logical, and convincing. It offers a program for a basic educational attack on unemployment. The American people, I believe, will back this program to the limit. It is, and I speak to you frankly, the first plan I have seen which offers hope that the American Nation will rise triumphantly over its troubles and move steadily forward toward the greater achievements of a positive, dynamic economy.

High productivity and adequate education go together. All economists agree that this is true. But we must not simply blindly increase the amount of education which we will offer to the youth of our land. Each boy and girl presents a different and unique personality. Capabilities vary. There are some who should have all the advanced training obtainable in this country. There are a larger number who can use to advantage at least 2 years of training beyond high school. I agree heartily with the Educational Policies Commission that the boy or girl of average ability in this country today should have the advantages of junior college, with particular emphasis placed on vocational training during the last 2 or 3 years of schooling. The rule that boys and girls should be trained for definite jobs and be ready to fill these before they leave school is a rule which we should adopt without delay.

Today there is a shortage of skilled labor in many industries. There is likewise a shortage of many types of goods and services which can be produced only by skilled labor. The more highly skilled workers we have in this country, the more money we shall have. This is true both because the average personal income will rise with an increase in skilled labor and because our productivity snowballs as a result of training and knowledge. This does not mean that unskilled labor is unnecessary to us. Probably our whole system would collapse without some workers who offer unskilled manpower of the strictly brawn type. But we have too many laborers who are untrained and unskilled.

Among what class of workers is there greatest unemployment today? You know the answer. By far the greatest proportion of them are unskilled. Yet there is little chance, as things stand, to increase our numbers of skilled workers unless we increase education and plan it very carefully. A high output per worker is associated with a high level of education, vocational intelligence, and skill—never the reverse.

Vocational guidance and training is a topic widely misunderstood today. It is not something totally distinct and separate from basic education, but is a training which should proceed side by side with the study of reading, writing, arithmetic, civics, and science. Even in the primary grades prevocational training should begin with the cultivation in the child of good work habits—concentration, punctuality, neatness, and care of tools. In later grades, when the pupils are learning something of employer-employee relations and facts about the workaday world, as they should be in the ideal set-up, they should be likewise becoming proficient in certain mechanical skills. We cannot neglect science or mechanical skills in the schools of today, because this world in which we live is increasingly dependent on science and machinery, and so are all of us who live in it.

Eventually, in the ideal school set-up of today, there should come a time when the pupil should consult with his vocational adviser to decide "in just what job will I be happiest and most productive?" Together pupil and teacher must then determine the definite preparation which the boy or girl must receive.

Here we come to a vital point. We do not want to train children for jobs that are today overcrowded or poorly paid. How may we know what are the opportunities today, and what the opportunities will be tomorrow?

I am told that the Bureau of Labor has recently initiated an occupational survey, which perhaps may eventually answer this question. Certainly the problem must be met adequately, if we are to proceed with vocational training with some assurance that our efforts will be rewarded. Everybody today wants to know where the good jobs are; where there are promising openings for a great number of workers. Two young men named Lyle Spencer and Robert Burns have set up an organization in Chicago and in a small way are attempting to analyze occupational trends. This is good as far as it goes, but we need something which is country-wide in scope—accurate, dependable, scientific.

Once the schools have this information they will know better how to proceed in the matter of providing more semiskilled and highly skilled workers.

Our problem is one of raising incomes so that we may have widespread distribution and consumption of goods and services, which we now have the plant capacity to produce. There is but one way to raise incomes, and that is to increase the numbers of our highly skilled and semiskilled workers. How can we increase our numbers of highly skilled and semiskilled workers? Industry and labor may help on this program by developing adequate apprentice systems. Industrial schools, night schools, C. C. C. camps, and other governmental agencies may do their share. But on the public schools and colleges inevitably falls the largest share of responsibility for turning out graduates who have mechanical skills and training for work which pays good financial returns, because it is training which has increased productivity.

Employers are always interested in prospective employees who furnish lists of skills in which those seeking work are efficient. I believe that there will always be a demand for good welders, mechanics, printers, carpenters, painters, bricklayers, plumbers, cooks, bakers, tailors, operators of business machines, statisticians, office managers, business administrators, laboratory assistants, and so on. But we must have more knowledge of industry's needs, demands, and requirements as of today and as of tomorrow if we are to proceed with intelligence. We Americans are a strangely stubborn people at times. Faced with this colossal illness called unemployment, we have tried to cure it with sugar-coated pills instead of seeking out the basic cause of sickness and finding a cure which is a cure. The educational cure is not a quick cure. We may only just begin to see results 5 years after we have taken steps to revise and improve our school system. Yet we must take the long view. We must think ahead to 1945, 1950, 1960. No nation was ever so poor that it could not afford good public education. Our public schools are far from being adequate today. We have even cut school budgets severely. In 1936 public education received only 14 percent of the Nation's expense budget, as compared to 22 percent in 1930. This reduction was made in the face of a greatly increased school enrollment, due in large part to the unemployment of our youth. In other words, many hundreds of thousands of additional children have been clamoring for instruction, and there has been less money than before with which to do the job.

Education is not the sole answer to a renewed prosperity. It is, however, a vitally important basic step in the right direction. There are figures and studies available showing

conclusively that those States which spend the most for education now will have the greatest per capita wealth in years to come.

You may tell me, Mr. Chairman, that there are many States today which simply cannot load more taxes upon their people in order to give the children the adequate schools we must provide to meet the needs of 1940.

If this is true, then the Federal Government must step in to give such grants-in-aid as will enable us to educate all our children well, giving to each child that amount of training and that kind of training which will fit him to compete in the business world of today to the extent of his ability.

The time has come to reinvest in education, because it is such an important tool for establishing economic security. The time has come to cease drifting and to face realities. The time has come to put out money where it will do most good in banishing forever the scourge of 1940—unemployment. [Applause.]

Mr. TARVER. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, all over this country hundreds of thousands of young men and women are looking to the Congress of the United States to give them an opportunity to earn a living. All these young people ask is the same chance that our fathers and our grandfathers had, the same chance that you and I had; that is, the chance to work.

Let us not be fooled into thinking that by asking this they are asking anything unusual or departing from what we call the American tradition of self-reliance. In the days when we and our fathers were growing up young men and women looked to this same Congress to give them a chance, and it was given to them. They looked to Washington for land, and this land was meted out to them. Congress gave each of them 160 acres of fertile land, and this was the start the young people of that day needed.

You may not remember it, but it is a historical fact that from 1865 down to 1890 Congress gave away land amounting to more in area than the total of New England, New York, Pennsylvania, New Jersey, Ohio, and half of Kentucky combined.

Today we are considering the same proposition, that of giving young people the start they need, and since we have no land to give away we are going about it a little differently and appropriating money to provide jobs on public works. There is nothing new about that.

Our fathers got a chance to go out and earn a quarter of a section of land by working it, and today we are giving some of our youth a chance to earn wages by going out and working. In the past the work that our fathers did on their homesteads was for their own benefit, and they and their families reaped the fruits of their labor.

Today when we give youth a chance to work on public projects by the National Youth Administration the entire country, villages, cities, and rural communities are getting the benefit of their labor. The parks and the playgrounds, the schools and the hospitals, and the many other things these young people have built benefit every one of us.

We can, if we want to ignore completely all the benefits that these N. Y. A. jobs bring to our young people, and on a strictly selfish basis, regard the money we are spending through the National Youth Administration as the investment that is going to pay us the highest rate of interest.

About a third of the total of our young men and women are unable to find jobs. This is an indictment against somebody, and I contend it is an indictment against the American Congress for not finding a solution to the problem. Their number is probably between four and five million—I am talking about the unemployed—and there are perhaps a million more who have only part-time jobs.

These are the young people who are going to have to carry on our industry, agriculture, and our Government when old age pushes us out of the picture. These are the young men who are going to have to guide the destinies of this Nation in peace and in war, and it is up to us to fit them for the task we are going to expect them to do. We cannot shirk our responsibility by trying to smut up some official of the Government, as I understand will be tried later on.

The National Youth Administration is one of the agencies that is helping to fit our young people for this task. It is the agency that is helping them to stay in school, helping them to learn a trade, teaching them how to work and to do a good job, and otherwise making useful citizens out of young men and young women who otherwise would be forced to grow up in idleness and neglect.

To carry on with this work the National Youth Administration needs an appropriation proportionate to the needs it has to meet. We are giving the National Youth Administration the responsibility of doing this job, and it is up to us to give them the money with which to do it. This year the National Youth Administration has an appropriation of $100,000,000. May I add that this $100,000,000 came from the Congress, and not from the Appropriations Committee. It established a legislative policy and fixed a minimum amount with which to do the job. It is infinitely more binding upon us than the whims of some single assistant Budget director, even admitting that he is a good man. Members have referred to this as the President's Budget, but all of us that have sense enough to get out of the rain know full well that the President does not carry in his head all the items carried in all appropriation bills. Furthermore, we as members of the Appropriations Committee cannot shirk our responsibilities because we know full well that every time we write an appropriation bill we reduce items of appropriations and likewise we raise some of them.

We have had plenty of experience right in our own offices to show that these young people want a chance to work and need jobs—any kind of jobs. All kinds of young people come to us—fine, intelligent young Americans—and there is little we can do for them because there are no jobs in Governmental circles.

Most important to young people is the opportunity for jobs and education. This is something that the National Youth Administration is doing for them, and doing well. The immediate responsibility of the Congress to the youth of America is to appropriate to the National Youth Administration $100,000,000, which is the same amount the Congress appropriated last year.

In order to present facts regarding the National Youth Administration operations in each State, the District of Columbia, and New York City, I am submitting the following tables which give State allotments and employment in the student work program, and the out-of-school youth project program; the types of work being performed and the employment in each work category; and a listing of the amount of work accomplished by N. Y. A. project youths during the last fiscal year.

NATIONAL YOUTH ADMINISTRATION

Allotments and youths employed on N. Y. A. programs, and number of schools, colleges, and universities participating in the student work program, by States

ALABAMA	
Funds allotted, 1939–40	$2,101,646
Total youths employed	18,170
Out-of-school work program, February 1940	7,318
Student work program, January 1940	10,852
School work program	8,942
College and graduate work program	1,910
Number of institutions participating in the student work program, total	1,326
Schools	1,299
Colleges and universities	27
ARIZONA	
Funds allotted, 1939–40	$382,038
Total youths employed	3,350
Out-of-school work program, February 1940	1,420
Student work program, January 1940	1,930
School work program	1,343
College and graduate work program	587

Allotments and youths employed on N. Y. A. programs, etc.—Con.

ARIZONA—continued

Number of institutions participating in the student work program, total	86
Schools	81
Colleges and universities	5

ARKANSAS

Funds allotted, 1939–40	$1,801,661
Total youths employed	13,278
Out-of-school work program, February 1940	6,598
Student work program, January 1940	6,680
School work program	5,487
College and graduate work program	1,193
Number of institutions participating in the student work program, total	668
Schools	644
Colleges and universities	24

CALIFORNIA

Funds allotted, 1939–40	$4,206,860
Total youths employed	33,335
Out-of-school work program, February 1940	14,242
Student work program, January 1940	19,093
School work program	10,984
College and graduate work program	8,109
Number of institutions participating in the student work program, total	576
Schools	487
Colleges and universities	89

COLORADO

Funds allotted, 1939–40	$917,417
Total youths employed	8,220
Out-of-school work program, February 1940	2,915
Student work program, January 1940	5,305
School work program	4,004
College and graduate work program	1,301
Number of institutions participating in the student work program, total	371
Schools	354
Colleges and universities	17

CONNECTICUT

Funds allotted, 1939–40	$982,776
Total youths employed	6,514
Out-of-school work program, February 1940	3,653
Student work program, January 1940	2,861
School work program	2,070
College and graduate work program	791
Number of institutions participating in the student work program, total	143
Schools	119
Colleges and universities	24

DELAWARE

Funds allotted, 1939–40	$115,488
Total youths employed	1,086
Out-of-school work program, February 1940	611
Student work program, January 1940	475
School work program	352
College and graduate work program	123
Number of institutions participating in the student work program, total	50
Schools	48
Colleges and universities	2

Allotments and youths employed on N. Y. A. programs, etc.—Con.

DISTRICT OF COLUMBIA

Funds allotted, 1939–40	$451,215
Total youths employed	2,834
Out-of-school work program, February 1940	1,196
Student work program, January 1940	1,638
School work program	665
College and graduate work program	973
Number of institutions participating in the student work program, total	46
Schools	34
Colleges and universities	12

FLORIDA

Funds allotted, 1939–40	$1,222,943
Total youths employed	9,337
Out-of-school work program, February 1940	4,181
Student work program, January 1940	5,156
School work program	4,004
College and graduate work program	1,152
Number of institutions participating in the student work program, total	676
Schools	661
Colleges and universities	15

GEORGIA

Funds allotted, 1939–40	$2,348,103
Total youths employed	19,294
Out-of-school work program, February 1940	7,020
Student work program, January 1940	12,274
School work program	9,290
College and graduate work program	2,984
Number of institutions participating in the student work program, total	875
Schools	825
Colleges and universities	50

IDAHO

Funds allotted, 1939–40	$597,191
Total youths employed	4,484
Out-of-school work program, February 1940	1,860
Student work program, January 1940	2,624
School work program	1,844
College and graduate work program	780
Number of institutions participating in the student work program, total	191
Schools	182
Colleges and universities	9

ILLINOIS

Funds allotted, 1939–40	$5,086,245
Total youths employed	42,020
Out-of-school work program, February 1940	18,594
Student work program, January 1940	23,426
School work program	17,189
College and graduate work program	6,237
Number of institutions participating in the student work program, total	1,091
Schools	1,013
Colleges and universities	78

INDIANA

Funds allotted, 1939–40	$2,210,178
Total youths employed	18,988
Out-of-school work program, February 1940	7,176
Student work program, January 1940	11,812
School work program	8,456
College and graduate work program	3,356

Allotments and youths employed on N. Y. A. programs, etc.—Con.

INDIANA—continued

Number of institutions participating in the student work program, total	781
Schools	741
Colleges and universities	40

IOWA

Funds allotted, 1939–40	$1,671,655
Total youths employed	15,616
Out-of-school work program, February 1940	8,150
Student work program, January 1940	7,466
School work program	4,669
College and graduate work program	2,797
Number of institutions participating in the student work program, total	963
Schools	899
Colleges and universities	64

KANSAS

Funds allotted, 1939–40	$1,628,896
Total youths employed	15,265
Out-of-school work program, February 1940	5,625
Student work program, January 1940	9,640
School work program	7,030
College and graduate work program	2,610
Number of institutions participating in the student work program, total	758
Schools	712
Colleges and universities	46

KENTUCKY

Funds allotted, 1939–40	$2,045,613
Total youths employed	15,754
Out-of-school work program, February 1940	6,447
Student work program, January 1940	9,307
School work program	7,500
College and graduate work program	1,807
Number of institutions participating in the student work program, total	791
Schools	759
Colleges and universities	32

LOUISIANA

Funds allotted, 1939–40	$2,104,784
Total youths employed	12,787
Out-of-school work program, February 1940	5,491
Student work program, January 1940	7,296
School work program	4,932
College and graduate work program	2,364
Number of institutions participating in the student work program, total	810
Schools	787
Colleges and universities	23

MAINE

Funds allotted, 1939–40	$911,070
Total youths employed	4,393
Out-of-school work program, February 1940	2,400
Student work program, January 1940	1,993
School work program	1,395
College and graduate work program	598
Number of institutions participating in the student work program, total	234
Schools	218
Colleges and universities	16

Allotments and youths employed on N. Y. A. programs, etc.—Con.

MARYLAND

Funds allotted, 1939–40	$1,088,826
Total youths employed	8,425
Out-of-school work program, February 1940	4,759
Student work program, January 1940	3,666
School work program	2,399
College and graduate work program	1,267
Number of institutions participating in the student work program, total	210
Schools	182
Colleges and universities	28

MASSACHUSETTS

Funds allotted, 1939–40	$2,753,679
Total youths employed	23,057
Out-of-school work program, February 1940	11,395
Student work program, January 1940	11,662
School work program	8,437
College and graduate work program	3,225
Number of institutions participating in the student work program, total	422
Schools	370
Colleges and universities	52

MICHIGAN

Funds allotted, 1939–40	$3,532,806
Total youths employed	28,459
Out-of-school work program, February 1940	13,021
Student work program, January 1940	15,438
School work program	10,806
College and graduate work program	4,632
Number of institutions participating in the student work program, total	850
Schools	807
Colleges and universities	43

MINNESOTA

Funds allotted, 1939–40	$2,150,010
Total youths employed	16,310
Out-of-school work program, February 1940	6,400
Student work program, January 1940	9,910
School work program	7,077
College and graduate work program	2,833
Number of institutions participating in the student work program—total	561
Schools	524
Colleges and universities	37

MISSISSIPPI

Funds allotted, 1939–40	$1,628,037
Total youths employed	13,784
Out-of-school-work program, February 1940	5,606
Student work program, January 1940	8,178
School work program	6,194
College and graduate work program	1,984
Number of institutions participating in the student work program—total	768
Schools	730
Colleges and universities	38

MISSOURI

Funds allotted, 1939–40	$2,653,061
Total youths employed	21,010
Out-of-school work program, February 1940	8,549
Student work program, January 1940	12,461
School work program	9,213
College and graduate work program	3,248

Allotments and youths employed on N. Y. A. programs, etc.—Con.

MISSOURI—continued

Number of institutions participating in the student work program—total	935
Schools	875
Colleges and universities	60

MONTANA

Funds alloted, 1939–40	$573,968
Total youths employed	5,049
Out-of-school work program, February 1940	1,903
Student work program, January 1940	3,146
School work program	2,422
College and graduate work program	724
Number of institutions participating in the student work program, total	207
Schools	196
Colleges and universities	11

NEBRASKA

Funds allotted, 1939–40	$1,029,442
Total youths employed	9,791
Out-of-school work program, February 1940	3,905
Student work program, January 1940	5,886
School work program	4,288
College and graduate work program	1,598
Number of institutions participating in the student work program, total	594
Schools	571
Colleges and universities	23

NEVADA

Funds allotted, 1939–40	$65,647
Total youths employed	551
Out-of-school work program, February 1940	269
Student work program, January 1940	282
School work program	220
College and graduate work program	62
Number of institutions participating in the student work program, total	38
Schools	37
Colleges and universities	1

NEW HAMPSHIRE

Funds allotted, 1939–40	$428,423
Total youths employed	2,257
Out-of-school work program, February 1940	1,128
Student work program, January 1940	1,129
School work program	605
College and graduate work program	524
Number of institutions participating in the student work program, total	107
Schools	99
Colleges and universities	8

NEW JERSEY

Funds allotted, 1939–40	$2,682,883
Total youths employed	19,370
Out-of-school work program, February 1940	9,548
Student work program, January 1940	9,822
School work program	8,008
College and graduate work program	1,814
Number of institutions participating in the student work program, total	305
Schools	272
Colleges and universities	33

Allotments and youths employed on N. Y. A. programs, etc.—Con.

NEW MEXICO

Funds allotted, 1939–40	$633,634
Total youths employed	4,054
Out-of-school work program, February 1940	2,156
Student work program, January 1940	1,898
School work program	1,449
College and graduate work program	449
Number of institutions participating in the student work program, total	241
Schools	234
Colleges and universities	7

NEW YORK CITY

Funds allotted, 1939–40	$5,040,394
Total youths employed	33,898
Out-of-school work program, February 1940	10,900
Student work program, January 1940	22,998
School work program	15,779
College and graduate work program	7,219
Number of institutions participating in the student work program, total	254
Schools	200
Colleges and universities	54

NEW YORK (EXCLUDING NEW YORK CITY)

Funds allotted, 1939–40	$4,049,741
Total youths employed	28,563
Out-of-school work program, February 1940	11,266
Student work program, January 1940	17,297
School work program	12,946
College and graduate work program	4,351
Number of institutions participating in the student work program, total	905
Schools	850
Colleges and universities	55

NORTH CAROLINA

Funds allotted, 1939–40	$2,473,917
Total youths employed	21,995
Out-of-school work program, February 1940	12,003
Student work program, January 1940	9,992
School work program	6,755
College and graduate work program	3,237
Number of institutions participating in the student work program; total	1,393
Schools	1,338
Colleges and universities	55

NORTH DAKOTA

Funds allotted, 1939–40	$883,006
Total youths employed	7,620
Out-of-school work program, February 1940	2,996
Student work program, January 1940	4,624
School work program	3,694
College and graduate work program	930
Number of institutions participating in the student work program; total	473
Schools	460
Colleges and universities	13

OHIO

Funds allotted, 1939–40	$4,315,357
Total youths employed	34,868
Out-of-school work program, February 1940	13,672
Student work program, January 1940	21,196
School work program	15,522
College and graduate work program	5,674

Allotments and youths employed on N. Y. A. programs, etc.—Con.

OHIO—continued

Number of institutions participating in the student-work program; total	1,277
Schools	1,209
Colleges and universities	68

OKLAHOMA

Funds allotted, 1939–40	$2,349,633
Total youths employed	22,578
Out-of-school work program, January 1940	8,856
Student work program, January 1940	13,722
School work program	10,711
College and graduate work program	3,011
Number of institutions participating in the student work program, total	966
Schools	949
Colleges and universities	47

OREGON

Funds allotted, 1939–40	$696,354
Total youths employed	6,614
Out-of-school work program, February 1940	2,846
Student work program, January 1940	3,768
School work program	2,342
College and graduate work program	1,426
Number of institutions participating in the student work program, total	290
Schools	266
Colleges and universities	24

PENNSYLVANIA

Funds allotted, 1939–40	$6,320,437
Total youths employed	53,198
Out-of-school work program, February 1940	20,918
Student work program, January 1940	32,280
School work program	25,252
College and graduate work program	7,028
Number of institutions participating in the student work program, total	1,309
Schools	1,221
Colleges and universities	88

RHODE ISLAND

Funds allotted, 1939–40	$546,165
Total youths employed	3,661
Out-of-school work program, February 1940	1,810
Student work program, January 1940	1,851
School work program	1,265
College and graduate work program	586
Number of institutions participating in the student work program, total	69
Schools	63
Colleges and universities	6

SOUTH CAROLINA

Funds allotted, 1939–40	$1,455,239
Total youths employed	10,989
Out-of-school work program, February 1940	4,052
Student work program, January 1940	6,937
School work program	5,305
College and graduate work program	1,632
Number of institutions participating in the student work program, total	918
Schools	884
Colleges and universities	34

Allotments and youths employed on N. Y. A. programs, etc.—Con.

SOUTH DAKOTA

Funds allotted, 1939–40	$913,061
Total youths employed	10,113
Out-of-school work program, February 1940	3,973
Student work program, January 1940	6,140
School work program	5,464
College and graduate work program	676
Number of institutions participating in the student work program, total	393
Schools	377
Colleges and universities	16

TENNESSEE

Funds allotted, 1939–40	$2,058,767
Total youths employed	18,840
Out-of-school work program, February 1940	8,448
Student work program, January 1940	10,392
School-work program	8,476
College and graduate work program	1,916
Number of institutions participating in the student work program, total	646
Schools	603
Colleges and universities	43

TEXAS

Funds allotted, 1939–40	$5,158,130
Total youths employed	39,501
Out-of-school work program, February 1940	18,133
Student work program, January 1940	21,368
School work program	15,128
College and graduate work program	6,240
Number of institutions participating in the student work program, total	2,663
Schools	2,579
Colleges and universities	84

UTAH

Funds allotted, 1939–40	$685,076
Total youths employed	5,803
Out-of-school work program, February 1940	2,066
Student work program, January 1940	3,737
School work program	2,144
College and graduate work program	1,593
Number of institutions participating in the student work program, total	115
Schools	104
Colleges and universities	11

VERMONT

Funds allotted, 1939–40	$211,409
Total youths employed	1,977
Out-of-school work program, February 1940	809
Student work program, January 1940	1,168
School work program	713
College and graduate work program	455
Number of institutions participating in the student work program, total	108
Schools	95
Colleges and universities	13

VIRGINIA

Funds allotted, 1939–40	$1,835,835
Total youths employed	15,475
Out-of-school work program, February 1940	7,327
Student work program, January 1940	8,148
School work program	5,560
College and graduate work program	2,588

Allotments and youths employed on N. Y. A. programs, etc.—Con.

VIRGINIA—continued

Number of institutions participating in the student work program, total	942
Schools	901
Colleges and universities	41

WASHINGTON

Funds allotted, 1939–40	$1,391,619
Total youths employed	12,024
Out-of-school work program, February 1940	5,572
Student work program, January 1940	6,452
School work program	4,393
College and graduate work program	2,059
Number of institutions participating in the student work program, total	347
Schools	323
Colleges and universities	24

WEST VIRGINIA

Funds allotted, 1939–40	$1,950,127
Total youths employed	13,765
Out-of-school work program, February 1940	6,453
Student work program, January 1940	7,312
School work program	5,951
College and graduate work program	1,361
Number of institutions participating in the student work program, total	404
Schools	383
Colleges and universities	21

WISCONSIN

Funds allotted, 1939–40	$2,348,240
Total youths employed	20,654
Out-of-school work program, February 1940	8,290
Student work program, January 1940	12,364
School work program	8,662
College and graduate work program	3,702
Number of institutions participating in the student work program, total	652
Schools	570
Colleges and universities	82

WYOMING

Funds allotted, 1939–40	$178,305
Total youths employed	1,500
Out-of-school work program, February 1940	734
Student work program, January 1940	766
School work program	557
College and graduate work program	209
Number of institutions participating in the student work program, total	92
Schools	91
Colleges and universities	1

Number of youths employed under the out-of-school work program by types of work, by States, February 1940

Type of work	Alabama	Arizona	Arkansas	California
Total number of youths employed	7,318	1,420	6,598	14,242
Highway, road, and street	46	96	169	148
Improvement of grounds	38	168	----	1,129
Public buildings	1,534	215	2,402	1,020
Recreational facilities	75	26	200	561
Conservation and sanitation	101	96	27	88
Clerical and service projects	840	323	1,089	4,354
Recreational leadership	168	26	----	471
Professional assistance projects	215	104	41	1,163
Workshops	436	80	603	2,202
Sewing	653	----	89	481
Miscellaneous production	43	80	54	927
Resident training centers	2,173	76	1,756	249
School lunches, nursery schools, and homemaking	708	130	163	1,102
Projects not elsewhere classified	288	----	5	347

Number of youths employed under the out-of-school work program by types of work, by States, February 1940—Continued

Type of work	Colorado	Connecticut	Delaware	District of Columbia
Total number of youths employed	2,915	3,653	611	1,196
Highway, road, and street	6	106	10	----
Improvement of grounds	----	72	----	----
Public buildings	149	66	51	86
Recreational facilities	259	366	92	----
Conservation and sanitation	46	52	----	----
Clerical and service projects	476	1,005	150	190
Recreational leadership	131	120	25	119
Professional assistance projects	437	149	100	355
Workshops	472	1,371	54	----
Sewing	604	167	----	59
Miscellaneous production	----	47	----	----
Resident training centers	186	101	----	----
School lunches, nursery schools, and homemaking	59	26	129	236
Projects not elsewhere classified	----	5	----	151

Type of work	Florida	Georgia	Idaho	Illinois
Total number of youths employed	4,181	7,020	1,860	18,594
Highway, road, and street	52	----	38	1,671
Improvement of grounds	122	----	162	1,422
Public buildings	482	1,196	124	396
Recreational facilities	95	78	36	1,239
Conservation and sanitation	48	286	41	509
Clerical and service projects	1,549	1,429	345	3,911
Recreational leadership	140	----	84	1,338
Professional assistance projects	161	3	168	1,518
Workshops	357	776	82	1,820
Sewing	443	----	104	2,384
Miscellaneous production	37	----	----	39
Resident training centers	297	1,710	539	467
School lunches, nursery schools, and homemaking	398	1,542	99	799
Projects not elsewhere classified	----	----	38	1,081

Type of work	Indiana	Iowa	Kansas	Kentucky
Total number of youths employed	7,176	8,150	5,625	6,447
Highway, road, and street	237	544	570	19
Improvement of grounds	180	105	284	257
Public buildings	1,401	965	1,295	1,120
Recreational facilities	1,004	1,576	1,125	115
Conservation and sanitation	135	601	110	84
Clerical and service projects	1,075	1,802	487	585
Recreational leadership	162	85	4	29
Professional assistance projects	258	330	32	222
Workshops	1,099	1,017	254	928
Sewing	1,178	587	35	120
Miscellaneous production	14	240	----	----
Resident training centers	100	126	1,157	1,058
School lunches, nursery schools, and homemaking	323	172	79	1,786
Projects not elsewhere classified	10	----	193	124

Type of work	Louisiana	Maine	Maryland	Massachusetts
Total number of youths employed	5,491	2,400	4,759	11,395
Highway, road, and street	36	----	384	113
Improvement of grounds	380	----	40	346
Public buildings	314	310	647	210
Recreational facilities	----	196	365	1,548
Conservation and sanitation	----	11	55	230
Clerical and service projects	680	474	942	3,201
Recreational leadership	5	82	100	889
Professional assistance projects	367	113	398	852
Workshops	228	303	908	1,876
Sewing	125	111	320	1,590
Miscellaneous production	92	----	----	105
Resident training centers	2,837	673	164	55
School lunches, nursery schools, and homemaking	275	127	344	380
Projects not elsewhere classified	152	----	92	----

Type of work	Michigan	Minnesota	Mississippi	Missouri
Total number of youths employed	13,021	6,400	5,606	8,549
Highway, road, and street	174	205	----	1,722
Improvement of grounds	644	86	----	383
Public buildings	555	733	1,503	316
Recreational facilities	1,190	1,367	----	707
Conservation and sanitation	337	145	----	103
Clerical and service projects	3,749	1,076	1,804	2,691
Recreational leadership	821	311	----	71

Number of youths employed under the out-of-school work program by types of work, by States, February 1940—Continued

Type of work	Michigan	Minnesota	Mississippi	Missouri
Professional assistance projects	1,371	418	----	728
Workshops	2,239	428	769	369
Sewing	667	874	----	810
Miscellaneous production	3	199	----	----
Resident training centers	646	237	1,470	279
School lunches, nursery schools, and homemaking	288	264	----	187
Projects not elsewhere classified	337	57	----	183

Type of work	Montana	Nebraska	Nevada	New Hampshire
Total number of youths employed	1,903	3,905	269	1,128
Highway, road, and street	13	247	----	----
Improvement of grounds	6	87	----	----
Public buildings	115	466	----	----
Recreational facilities	131	623	----	132
Conservation and sanitation	48	198	----	----
Clerical and service projects	561	530	128	268
Recreational leadership	27	133	11	----
Professional assistance projects	17	206	30	44
Workshops	309	292	88	145
Sewing	269	400	----	281
Miscellaneous production	----	209	----	----
Resident training centers	264	242	----	223
School lunches, nursery schools, and homemaking	143	191	12	19
Projects not elsewhere classified	----	81	----	16

Type of work	New Jersey	New Mexico	New York City	New York (exclusive of New York City)
Total number of youths employed	9,548	2,156	10,900	11,266
Highway, road, and street	450	----	----	374
Improvement of grounds	550	51	----	159
Public buildings	625	158	----	493
Recreational facilities	970	147	1,776	514
Conservation and sanitation	554	20	----	474
Clerical and service projects	2,682	389	3,988	2,949
Recreational leadership	513	114	3,517	372
Professional assistance projects	163	111	503	1,647
Workshops	1,275	407	407	2,547
Sewing	1,101	92	----	342
Miscellaneous production	141	107	----	120
Resident training centers	263	472	----	607
School lunches, nursery schools, and homemaking	148	78	709	595
Projects not elsewhere classified	113	10	----	73

Type of work	North Carolina	North Dakota	Ohio	Oklahoma [1]
Total number of youths employed	12,003	2,996	13,672	8,856
Highway, road, and street	121	270	1,215	188
Improvement of grounds	287	123	466	116
Public buildings	2,089	170	1,359	2,006
Recreational facilities	26	334	2,076	31
Conservation and sanitation	----	49	419	157
Clerical and service projects	2,110	577	2,869	1,234
Recreational leadership	----	45	791	----
Professional assistance projects	781	73	1,303	78
Workshops	1,704	220	1,358	1,851
Sewing	417	262	558	63
Miscellaneous production	246	1	107	19
Resident training centers	783	450	367	2,321
School lunches, nursery schools, and homemaking	3,439	125	420	699
Projects not elsewhere classified	----	297	364	93

Type of work	Oregon	Pennsylvania	Rhode Island	South Carolina
Total number of youths employed	2,846	20,918	1,810	4,052
Highway, road and street	----	925	----	----
Improvement of grounds	223	996	----	----
Public buildings	29	1,309	123	380
Recreational facilities	772	2,183	----	----
Conservation and sanitation	----	1,322	41	----
Clerical and service projects	614	4,815	225	794
Recreational leadership	24	953	111	----

Number of youths employed under the out-of-school work program by types of work, by States, February 1940—Continued

Type of work	Oregon	Pennsylvania	Rhode Island	South Carolina
Professional assistance projects	244	3,161	74	----
Workshops	318	2,421	698	600
Sewing	119	738	421	----
Miscellaneous production	----	199	----	----
Resident training centers	305	339	57	2,060
School lunches, nursery schools, and homemaking	174	1,156	60	----
Projects not elsewhere classified	24	401	----	218

Type of work	South Dakota	Tennessee	Texas	Utah
Total number of youths employed	3,973	8,448	18,133	2,066
Highway, road, and street	186	455	1,491	59
Improvement of grounds	262	385	679	186
Public buildings	358	2,341	3,252	296
Recreational facilities	528	223	1,296	153
Conservation and sanitation	----	----	513	125
Clerical and service projects	734	1,322	2,982	231
Recreational leadership	68	95	118	153
Professional assistance projects	22	304	1,135	252
Workshops	173	927	1,896	97
Sewing	397	681	521	67
Miscellaneous production	----	104	----	----
Resident training centers	506	1,085	2,652	288
School lunches, nursery schools, and homemaking	367	512	1,450	36
Projects not elsewhere classified	372	14	148	123

Type of work	Vermont	Virginia	Washington	West Virginia
Total number of youths employed	809	7,327	5,572	6,453
Highway, road and street	----	325	10	644
Improvement of grounds	----	917	747	1,957
Public buildings	----	490	265	1,150
Recreational facilities	----	134	269	192
Conservation and sanitation	----	111	45	67
Clerical and service projects	187	2,096	1,565	823
Recreational leadership	64	248	300	144
Professional assistance projects	8	475	329	164
Workshops	183	308	734	50
Sewing	195	116	216	378
Miscellaneous production	----	53	----	23
Resident training centers	----	498	275	716
School lunches, nursery schools, and homemaking	172	1,510	208	123
Projects not elsewhere classified	----	46	609	22

Type of work	Wisconsin	Wyoming
Total number of youths employed	8,290	734
Highway, road, and street	39	10
Improvement of grounds	465	3
Public buildings	251	33
Recreational facilities	1,494	35
Conservation and sanitation	453	----
Clerical and service projects	2,674	328
Recreational leadership	342	81
Professional assistance projects	130	81
Workshops	887	97
Sewing	883	4
Miscellaneous production	12	----
Resident training centers	463	----
School lunches, nursery schools, and homemaking	136	6
Projects not elsewhere classified	61	2

[1] January 1940.

Physical accomplishment on National Youth Administration work projects, year ending June 30, 1939

Activity	Unit of measurement	Work completed: New construction or additions	Work completed: Repair or improvement
BUILDING CONSTRUCTION			
Total number of buildings	----	3,120	7,728
Administrative buildings	Number	59	237
Warehouses	Number	37	17
Garages	Number	108	38
Hospitals	Number	3	49

Physical accomplishment on National Youth Administration work projects, year ending June 30, 1939—Continued

Activity	Unit of measurement	Work completed: New construction or additions	Work completed: Repair or improvement
BUILDING CONSTRUCTION			
Isolation buildings for tubercular, etc.	Number	14	81
Other charitable, medical, or mental buildings	Number	45	85
Educational buildings, total		708	4,538
Schools	Number	294	3,930
Dormitories	Number	105	150
Libraries	Number	9	87
Museum and art galleries	Number	13	24
Other educational buildings	Number	287	347
Agricultural buildings	Number	287	132
Social and recreational structures, total		1,650	2,455
Auditoriums	Number	9	59
Stadiums, grandstands, bleachers, etc.	Number	213	596
Gymnasiums	Number	33	135
Shower- and dressing-room structures	Number	174	403
Bandstands, bandshells, and outdoor theaters.	Number	85	81
Youth center buildings	Number	118	184
Other community buildings	Number	183	411
Park and trailside shelters, etc.	Number	627	282
Other social and recreational buildings	Number	208	304
Staff residence buildings at schools, institutions, etc.	Number	67	81
Street markets and roadside stands	Number	140	4
Aircraft hangars and airport buildings	Number	2	11
Bridges	Number	483	412
Seaplane bases	Number	3	----------
Landing fields	Number	1	13
OTHER CONSTRUCTION AND CONSERVATION			
Highways, roads, and streets	Miles	187.4	2,225.3
Sidewalks	Miles	130.3	86.8
Bridle paths, bicycle paths, and hiking trails.	Miles	81.6	137.4
Curbs, gutters, and guardrails	Miles	227.8	144.7
Culverts	Number	1,920	1,274
Parking areas and overlooks	Square yards	250,007	274,939
Roadside landscaping	Miles	373.3	652.6
Landscaping of grounds	Acres	52,063	----------
Fencing	Miles	236.5	75.0
Erection of snow fence	Miles	35.6	----------
Street signs	Number	157,045	64,031
Airway markers	Number	418	90
Other signs and markers	Number	170,201	32,118
Parks	Acres	28,883	41,672
Fair and rodeo grounds	Acres	557	509
Playgrounds, school	Number	715	4,671
Playgrounds, other	Number	421	716
Baseball and football fields	Number	649	715
Athletic fields for track and field events	Number	250	446
Swimming pools	Number	46	103
Wading pools	Number	83	87
Tennis courts	Number	761	1,165
Basketball courts	Number	45	31
Croquet courts	Number	63	----------
Golf courses	Number	35	95
Handball courts	Number	46	8
Horseshoe courts	Number	365	167
Shuffleboard courts	Number	52	----------
Volleyball courts	Number	35	7
Pistol and target ranges	Number	21	12
Outdoor fireplaces, council rings, permanent tent floors.	Number	1,549	----------
Trash and garbage burners	Number	331	----------
Storm and sanitary sewers	Miles	43.9	16.6
Construction of sanitary privies	Number	1,364	----------
Cesspools, septic tanks, etc.	Number	214	171
Storage dams, including dams for artificial lakes and ponds.	Number	168	45
Storage tanks, reservoirs, cisterns	Number	159	93
Riverbanks and stream bed improvements.	Miles	89.9	----------
Levees and retaining walls	Miles	66.5	2.5
Check dams	Number	6,000	188
Soil-erosion control	Acres treated	136,554	----------
Reforestation	Trees planted	1,838,244	----------
Plant and tree nurseries	Nurseries	1,474	52
Firebreaks and fire trails	Miles	278.7	165.1
Fire-observation structures	Number	11	690
Bird and game sanctuaries	Number	3,385	254
Fish hatcheries	Number	44	59
Stocking—fish	Fingerling and fry.	3,553,000,000	----------
Stocking—other game	Number	60,062	----------

Physical accomplishment on National Youth Administration work projects, year ending June 30, 1939—Continued

Activity	Unit of measurement	Amount
NONCONSTRUCTION		
Clothing produced or renovated	Number of articles	1,628,765
Shoes repaired	Number of pairs	18,055
Household articles, bedding, etc., produced	Number of articles	539,186
Hospital supplies produced	Number of articles	4,308,111
Toys made or renovated	Number	914,246
Home furniture constructed or repaired	Number of articles	68,267
School furniture constructed or repaired	Number of articles	552,296
Office furniture and equipment constructed or repaired.	Number of articles	93,586
Recreational and playground equipment constructed or repaired.	Number of articles	146,802
Tools and mechanical equipment constructed or repaired.	Number of articles	88,187
Concrete articles, adobe brick, cinder block, etc., produced.	Number	2,355,374
Stone, sand, and gravel produced	Cubic yards	237,305
Lumber produced	Board feet	1,976,194
Firewood cut	Cords	90,833
School lunches served	Number	18,907,633
Foodstuffs produced (resident projects only)	Pounds	1,002,463
Canning and preserving	Pounds	523,717
Construction and renovation of museum articles	Number of articles	95,397
Cataloging museum articles	Number of articles	208,092
Books renovated or repaired	Number of books	2,244,112
Ceramic articles produced	Number of articles	8,189

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the squandering for travel expense of Government officials is still going on. There are many individuals in the Federal service who keep well abreast of the "galloping hounds of waste." I refer to the 52 officers of the National Youth Administration who propose to travel at Uncle Sam's expense next year and have asked for an average of $8,100 each in expense money. Besides the 52 officers, the balance of the 1,965 employees of the National Youth Administration have 592 automobiles at their disposal. No doubt this will be news to the taxpayers who pay the bills. Santa Claus and the New Deal are still synonymous to these roving ambassadors of the new order, wherein we all will spend and nobody earn.

See page 621, part 2, hearings, testimony of Aubrey Williams, and so forth. In the table at the bottom of the page the travel expenses for 52 officers on an annual basis is estimated at $421,200. This amounts to $8,100 per officer per year, or, on a basis of 313 working days in the year, not counting vacations, holidays, or other factors, a sum equal to $28.43 per day. Now, this means that for every hour in the working day or night, the officer will have $1.18 of travel allowance to use up. Each one of them could take a de luxe trip around the world on that allowance.

It would be pretty nice if Members of Congress could be allowed $28.43 a day for traveling expenses. It would probably be worth it if some of them were gone for good.

Day and night the waste goes on while we in Congress are asleep. A day of reckoning will come, gentlemen—a day of reckoning will come.

Besides the huge sum spent for travel expense, the N. Y. A. also has 592 automobiles to service the activities of the balance of its 1,965 employees who do not enjoy these extensive travel privileges. See page 625 of the hearings.

The cuts in the N. Y. A. appropriation recommended in the bill are in the wrong places. The bureaucrats are well taken care of by getting their salaries and expenses increased from $4,979,240 to $5,290,000 for 1941. Let us put in an amendment to cut this administrative expense by $300,000 or more.

I have gone through this measure, and it looks to me as if this is a pretty good bill on which to apply the paring knife. I cannot see any sense in reducing the appropriation for N. Y. A. so far as their activities go out in the field, but here you turn around and double the amount that shall become available for the officer personnel. To me this does not make good sense. I do not think it is fair to the youth of America

whom we are trying to benefit, and when the time comes I shall offer a suitable amendment to make the necessary cuts.

I think we ought to reduce the number of automobiles provided for. There is no sense in a little organization like this having nearly 600 automobiles to drive in; and that reminds me that the matter of furnishing official cars is rapidly assuming the proportions of a national scandal. About 2 years ago I had occasion to look into the matter of vehicular transportation costs of this Government, and you will be surprised, I know, when I tell you that there are considerably in excess of 100,000 automobiles owned by Uncle Sam that are used for official and unofficial purposes.

Last spring, in Brunswick, Ga., I saw a large limousine car pull up in front of the hotel, having a tax-exempt tag. In talking with the chauffeur, I found they had been in Florida spending several weeks. That car belonged to the Government. It was on its way back to Washington with the official and his family. I have often regretted I did not think to inquire whether the chauffeur was getting his salary from the Government.

When we come to analyze all this spending, we must agree that this New Deal outfit has been the most expensive, the most extravagant administration we have ever had. It is no wonder that the Roosevelt administration has spent more money since it got into power than did all the Presidents from George Washington to Woodrow Wilson, and that includes the prosecution of the Civil War, the Spanish-American War, the War of 1812, the Mexican War, and a number of Indian uprisings. As a matter of fact, the Roosevelt administration has spent an amount equal to 58 percent of all the money that this Government has collected from the time it was organized. This is not a very good record on which to go before the people, and yet you blindly follow the New Deal. You blindly vote the appropriations that it asks for. You blindly condone the extravagances and the wastes that are worse than a scandal; but some day, and not very far hence, the taxpayers of this country are going to demand an accounting, and I am thinking that it will be on November 5.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. HOUSTON. I know the gentleman wants to be fair, and is it not a fact——

Mr. KNUTSON. Certainly, I want to be fair.

Mr. HOUSTON. The House has tried to effect some economies at this session, but the Senate put it all back in one bill.

Mr. KNUTSON. The trouble is not with the Senate alone. The blame must be placed on both Houses of the Congress. You have blindly voted the President unheard-of powers, you have set up needless bureaus and commissions, the cost of which is running into the millions and millions of dollars. No effort was made to ascertain whether they were necessary and the gentleman cannot escape his share of it. If the gentleman will go through his voting record, he will find he has been a pretty consistent follower of the New Deal and has voted for practically everything the New Deal has asked for.

Mr. HOUSTON. I am willing to admit that I voted for a great many of the appropriations of the New Deal and I voted against a good many of them, but I am pleased to hear the gentleman express himself, because I am sure he will sustain the committee in the action it has taken on the pending bill.

Mr. KNUTSON. The National Youth Administration has 592 automobiles for the officials to travel around in. I cannot see why the Government should furnish these officials with automobiles any more than they should furnish Members of Congress with automobiles. I do not know how many automobiles the Government owns, or pays for the operation of, but I do know that the number runs into astronomical figures.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield further?

Mr. KNUTSON. Yes.

Mr. HOUSTON. I want to call the gentleman's attention to page 3 of the report on the present bill where we limit the use of automobiles to official business only.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I yield the gentleman one minute more.

Mr. KNUTSON. You are not going to cut out this joy riding at the expense of the taxpayers until you put letters a foot high on every car, designating the bureau to which it belongs.

Mr. HOUSTON. And I may say that we have called the attention of the bureaus to that very thing on page 4, with respect to the lettering on official automobiles.

Mr. KNUTSON. What size letters?

Mr. HOUSTON. Conspicuous letters, so they can be seen.

Mr. KNUTSON. One thing would be conspicuous to you, while another sort of lettering would be conspicuous to Mr. Ickes, who does not want any lettering at all. I think these letters ought to be at least four inches high and an inch wide, so you can read them. We do not want any small lettering so a little dust will cover them up. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield myself 1 minute. With reference to the lettering on automobiles of the name of the department, which the gentleman from Minnesota has just been discussing, I point out to the gentleman that that matter is controlled by a provision in the United States Code. If the gentleman feels that that provision is not sufficient to secure protection of Government property, I think his duty would be to introduce a bill to correct the section of the code so as to provide the statute law that he holds ought to be enacted. May I ask the gentleman why he has not introduced a bill of that kind?

Mr. KNUTSON. And I say to the gentleman from Georgia that is an abuse which has grown up under the New Deal. I defy the gentleman to point to a single bill introduced by a Republican that had for its object a reduction in the expenditures of the Government that was ever reported out by a committee.

Mr. TARVER. The abuse to which the gentleman refers has been going on for a number of years, long prior to this administration, and there has been no effort on the part of the gentleman's party when in power to enact additional legislation to correct this matter. I yield 10 minutes to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, this bill as presently written provides for the reduction in the number of C. C. C. camps in the United States from 1,500 to 1,282 camps. This means an elimination of 218 camps. The original proposal was to eliminate 273 camps but by making certain economies in personnel and economies of management, it is hoped that at least 55 camps, which otherwise would be closed, might be saved. Whether this can be accomplished remains yet to be seen. I have talked with those who know the C. C. C. program throughout the United States and these experts with whom I have spoken doubt very much that the economies suggested by the committee in its report can be adopted to such an extent as to save 55 C. C. C. camps throughout the United States.

It is my thought that if because of economies it is necessary to close any camps in the United States no new camp should be opened except in place of a camp whose work has been completed. In other words, Mr. McEntee has testified in the hearings that it costs the Civilian Conservation Corps from $13,000 to $24,000 to move a camp from one place to another. Until the work of a camp is completed, to move the camp adds to the cost of operation by this amount and since under these circumstances a camp might be removed before work is completed in order to carry on the program, the additional cost of change is sustained.

Mr. Chairman, I have drafted an amendment which I have proposed to be submitted to the paragraph of this bill covering the C. C. C. appropriation. This amendment:

Provided, That the funds herein appropriated shall be used insofar as possible to continue the work of existing camps and no new camps shall be established, and no camps shall be moved, until the work of the presently existing camps shall have been completed.

It is my thought that this amendment would have the effect of requiring the work in the camps now existing to

be fully completed before removal. I do not believe any new camps should be opened at a time when camps are being closed throughout the United States because of economy measures.

After writing this amendment and studying the parliamentary rules of the House of Representatives in reference to amendments on appropriation bills, I am convinced that it is subject to a point of order. Rather than present to the House, therefore, an amendment which I know at the outset would be stricken out by a point of order, I merely bring my thoughts before this body in the hope that at a later date the United States Senate, whose rules are different from ours, may consider the matter with a view toward preventing new camps being established while the work is pending in camps being closed for economy reasons.

Mr. Chairman, the Civilian Conservation Corps has been in existence since 1935. During that time it has made an enviable record. Over 13,000,000 persons have received direct benefits from the establishment of this program and over 2,615,000 young men have been trained during long periods of time by the C. C. C. It is estimated that more than 1,700,000,000 forest trees have been planted on nearly 3,500,000 acres of land and that millions of acres of farm land have been adapted by painstaking and well-planned work to the prevention of soil erosion.

In my part of the country, the soil conservation C. C. C. camps have done a magnificent job. Under the guidance of skillful and conscientious supervisors, the young men of the C. C. C. have gone out in the fields and in the valleys of northwest Louisiana and revitalized thousands upon thousands of acres of worn-out farm land. The building of the little dams to check the wash, the construction of terraces to prevent erosion and the adapting of land to its proper use has resulted in reconstructing many parts of northwest Louisiana.

For my part, I intend to vote and work for the return to this bill of the same amount of money voted for this work during the last session of Congress. I think the Congress makes a serious mistake in curtailing the work that keeps millions of our young men busy, out in the open, in a healthful, active life upon a most constructive work. In one sense, the Civilian Conservation Corps prevents more crime by giving these young men proper environment for their work than does the F. B. I. which investigates and places the fear of the law in the minds of those who otherwise would be violators. I intend, Mr. Speaker, to vote to increase the appropriation for this purpose to $287,000,000, this being an increase of $57,000,000.

Mr. ENGEL. Mr. Chairman, will the gentleman yield for a question?

Mr. BROOKS. I yield for a question.

Mr. ENGEL. Mr. McEntee himself testified that $3,800,000 could be saved through putting on civilian employees instead of Army officers. They would not ask for that amount.

Mr. BROOKS. Your committee also said that by effecting certain economies it is thought that $6,000,000 more might be taken off, but it is still my opinion that a great many of the camps will be closed down. I think it is the gentleman's opinion that many of them will have to be closed down in order that this bill be workably used by the C. C. C.

Mr. ENGEL. Will the gentleman yield further?

Mr. BROOKS. Yes.

Mr. ENGEL. The records show that if this bill is passed without amendment, as originally submitted by the Budget, 28,000 employees will receive $49,400,000 in pay. If you cut off 2 employees per camp in the higher brackets, you have five or six million dollars' saving there.

Mr. BROOKS. A cut of 218 camps, as proposed by this bill, will mean the earnings of 436,000 American families will be greatly reduced and in many instances completely cut off. I want to see the number of camps continued as at the present time. When we reach 13,000,000 persons throughout the United States, when we actually bring funds to that many needy people throughout the United States, it is my opinion that the work is most worthy and should be continued.

Before I close, Mr. Chairman, I wish to say that I hold in my hand a great mass of telegrams from my congressional district in Louisiana. The ones that I think we are especially interested in are the ones that come from governmental bodies in the Fourth Congressional District, the mayors of towns, members of police juries and of conservation districts, and prominent leaders of northern Louisiana. At the proper time I expect to ask unanimous consent to place in the RECORD following these remarks some of these telegrams and letters. I think they are worthy of consideration by this Congress as indicating the attitude of the public mind. [Applause.]

The letters and telegrams referred to follow:

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
The citizens of De Soto Parish will appreciate you using your efforts to continue the C. C. C. camp at Mansfield. The work done by the Conservation Service has meant so much to the farmers of our parish. De Soto needs this soil-conservation work to continue, and we do think this is an ideal location.

MANSFIELD TOWN COUNCIL,
W. F. TOWN, *Mayor.*

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
De Soto Parish citizens need your influence in retaining local C. C. C. camp. We will greatly appreciate your assistance.

DE SOTO PARISH POLICE JURY,
EMERSON BENSON, *President.*

MANSFIELD, LA., *March 16, 1940.*

OVERTON BROOKS,
United States Congressman:
We understand that there are plans to discontinue at once the Mansfield C. C. C. camp and greatly reduce the personnel of the local soil-conservation service. We think this is the best Federal work ever done in De Soto. Thoughts of losing it are very disturbing to Mansfield and the entire parish. Please do all possible to have both of these units remain in their present status.

MANSFIELD CHAMBER OF COMMERCE.

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
All your efforts to retain C. C. C. Camp No. 4414, Mansfield, will be sincerely appreciated.

LIFFORD COOK,
Supervisor, Grand Cane, La.

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
House Office Building:
Urge you do everything possible to retain C. C. C. camp in De Soto Parish, La. We need this camp very much and to move same now would be a big loss to our community.

GOODWYN H. HARRIS, Jr.,
President, Herndon Chapter, N. A. A.

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman,
Washington, D. C.:
Citizens very anxious to retain C. C. C. camp, so as to continue its fine service to farmers. Everything you can do will be highly appreciated.

S. M. SHOWS,
Superintendent, De Soto Parish Schools.

MANSFIELD, LA., *March 16, 1940.*

Hon. OVERTON BROOKS,
Member of Congress:
The Soil Conservation Service, supplemented by C. C. C. here, is the most effective and far-reaching service the Government has ever done for this parish. They have contracts with farmers here for 2 years' work in advance. Please have this continued as is in De Soto.

CLAUDE ROBERTS.

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS:
Please do everything possible to keep C. C. C. camp at Mansfield.

MANSFIELD DEPARTMENT CLUB,
RUBY ROACH, *President,*
MRS. JOE T. CAWTHORN, *Secretary.*

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
We the Bonchasse Chapter, Daughters of American Revolution, request your valued influence in regard to retaining C. C. C. 4414 at its present location in Mansfield, La. This camp has been of immeasurable assistance in soil conservation, which work has really just begun.

MRS. P. C. FAIR,
Regent, Bonchasse Chapter, D. A. R.

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
We urge your assistance in retaining C. C. C. Camp No. 4414 with Soil Conservation Service in De Soto Parish.

Mrs. FLEET PENDLETON,
President, United Daughters of the Confederacy.

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
Congressman,
House of Representatives:
Cooperating with the Soil Conservation Service, the C. C. C. camp here has rendered invaluable service, but has scarcely made a beginning on work to be done. The developed projects are a guide and benefit toward training the camp boys. Please exert your influence in retaining the camp.

DE SOTO PARISH CATTLEMEN'S ASSOCIATION,
N. W. JENKINS, *President.*

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
De Soto Post, No. 42, American Legion, respectfully solicits your influence in retention of local C. C. C. camp.

Dr. R. A. THARP, *Adjutant.*

MANSFIELD, LA., *March 19, 1940.*

Hon. OVERTON BROOKS,
United States Congressman:
We sincerely appreciate all your efforts toward maintaining our local C. C. C. camp.

MANSFIELD ROTARY CLUB,
Dr. W. B. HEWITT, *President.*

MANSFIELD, LA., *March 18, 1940.*

Hon. OVERTON BROOKS,
United States Congressman,
Washington, D. C.:
We sincerely appreciate your help in retaining soil conservation and C. C. C. camp here. Work of Mansfield camp is not complete. Mansfield camp is youngest in this area; in actual acceptance of agreements this camp has more unfinished contracts (137 agreements accepted unfinished and with implied obligations to farmers) and more potential contracts than Keithville and Pleasant Hill camps combined. If economy move necessitates removal of one camp from this area, then let them move one of the other camps.

MANSFIELD CHAMBER OF COMMERCE.

HOMER, LA., *March 12, 1940.*

Hon. OVERTON BROOKS, M. C.,
House Office Building, Washington, D. C.:
Homer C. C. C. camp ordered abandoned. Soil-conservation work just begun in parish. This program best of all Government agencies. Please work to retain Homer camp.

FRED JACKSON, *Mayor of Homer.*

HOMER, LA., *March 9, 1940.*

Hon. OVERTON BROOKS,
House of Representatives:
There is evidence C. C. C. camp here in Homer may be moved soon. This unit well located and citizens of parish anxious that it be retained. We earnestly solicit your assistance and will appreciate advice as to what steps may be taken to hold this unit.

B. W. FORTSON,
President, Claiborne Parish Police Jury.

HOMER, LA., *March 11, 1940.*

Hon. OVERTON BROOKS, M. C.,
House Office Building:
Recognizing vital necessity of soil-conservation program to Claiborne Parish, we urge you use every means possible to retain C. C. C. camp and conservation unit at Homer. Our information is that closing of this camp leaves Claiborne without conservation service and abandonment of valuable work already in progress.

HOMER LIONS CLUB,
GEO. F. WHITE, *President.*

HOMER, LA., *March 12, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Our youth today get more from C. C. C. training than many other stations in life. Let us help our farmers and keep our C. C. C. camp.

EMERSON MOTOR CO.,
H. H. EMERSON.

HOMER, LA., *March 12, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Appreciate your holding C. C. C. camp in Homer. Farmers need the help badly in this area. Only five parishes have more cropland than Claiborne and none so badly eroded.

JOE ROBERTSON.

HOMER, LA., *March 12, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Reported that C. C. C. camp at Homer to be closed. Farmers appreciate this camp and its work. Please do all in your power to hold camp here.

H. S. FORD,
Parish Administrative Assistant.

HOMER, LA., *March 12, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Citizens of Claiborne Parish very anxious that C. C. C. camp at Homer be maintained. The soil-conservation work being done is much needed.

N. J. KENDRICK.

HOMER, LA., *March 14, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Continuance of local unit conservation service and Homer C. C. C. camp highly necessary to farmers this parish. Other camps cannot reach this area. Applications and demands for this service make it urgent that you help Claiborne Parish by securing orders that this unit be maintained.

JOHN S. PATTON,
Public Service Commissioner.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Use your influence to continue C. C. C. camp in Homer as hill land badly eroded in this parish. Need soil-conservation work.

ALBERT AUSTIN,
Manager, Peoples Compress.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Farmers of Claiborne Parish badly in need of soil-conservation service of C. C. C. camp. Very urgently request Homer camp be retained.

WADE PRYOR.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Farmers in this parish benefit from the help of soil-conservation work. Increases farm value and crop value. Please help keep C. C. C. camp in Homer.

ATKINS BAILEY,
Superintendent, Saline Conservation District.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Farmers in this parish need soil-conservation work to help control erosion. Use your influence to keep C. C. C. camp in Homer.

HARRY MCKENZIE.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:
Claiborne Parish mostly hill land and badly in need of erosion control. Please assist in retaining Homer C. C. C. camp.

R. F. ODOM.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:

Urge you to use influence to retain Homer C. C. C. camp and conservation unit. Farmers badly need this service as Claiborne Parish hill land badly eroded.

R. J. MCADAMS,
Superintendent, Darbonne Conservation District.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS,
Member of Congress,
House Office Building, Washington, D. C.:

Soil-conservation service and C. C. C. camp work urgently needed by farmers of this parish account badly eroded hill lands. Urge you permit continuance Homer camp.

W. M. RAINACH,
Representative Elect.

HOMER, LA., *March 13, 1940.*

Hon. OVERTON BROOKS, M. C.,
House Office Building, Washington, D. C.:

Urgent that you make every effort to maintain local C. C. C. camp and soil-conservation unit for Claiborne parish.

T. KINNEBREW,
District Attorney.

UNITED STATES DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT ADMINISTRATION,
Homer, La., March 14, 1940.

Hon. OVERTON BROOKS, M. C.,
House Office Building, Washington, D. C.

DEAR SIR: It is rumored that the Homer C. C. C. camp, situated in Claiborne Parish, might be one of those abandoned in connection with the President's recommendation of a reduction in camps.

Having been born and reared in this parish, we are acquainted with existing conditions.

First, Claiborne Parish is one of the largest hill parishes in the State, and also one of the most thickly populated hill parishes in the State.

Erosion has been taking place ever since the land was first brought under cultivation. The rate of erosion has been greater than in most of the adjoining parishes on account of the heavy population.

Homer seems to be the most logical place for a camp, having roads leading in all directions making all points of the parish accessible at all times of the year.

Soil-conservation districts were formed only a few months past and have just begun to function. Applications are being made at a greater rate than can be taken care of at present. A careful survey of the parish will substantiate the above statements.

The parishes of Lincoln and Union would be too far distant for any material good to be done for Claiborne Parish by the existing camps located in those parishes.

The parish of Claiborne has never received its pro rata share of protection justly due a parish of its size and population. The people of this parish are deeply interested in erosion control, realizing that unless the land is protected from erosion a greater part of the population must soon resort to other means of making a living.

We are enclosing a map of Claiborne Parish which shows the location of the present C. C. C. camp with relation to the road system of the parish.

We are also enclosing a clipping of an editorial and article which appeared in a parish paper under date of Wednesday, March 13, 1940.

In closing, may I ask that you use all available means in your power to help us in maintaining the camp at Homer.

Yours very truly,

CLAIBORNE PARISH AGRICULTURAL CONSERVATION COMMITTEE,
S. P. MEADOWS, *Chairman.*
L. M. GREEN, *Member.*
C. D. WORLEY, *Member.*

Mr. TARVER. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I have listened with much interest to the debate this afternoon, particularly that which pertained to the National Youth Administration.

There has been some discussion and contention of political bias. I want to disclaim any political bias in this, but I will admit some personal bias. There is no need of my telling you people that I have been a school teacher, a college man. I have before coming to Congress been closely in contact with the N. Y. A., and I know whereof I speak. Ever since becoming a Member of this body I have consistently supported this program.

Right in the Well of this House in the spring of 1937, again in 1938 and in June 1939, I did what I could to get a suitable appropriation for the National Youth Administration. I recall last year that the Budget recommended $123,000,000. The committee came in with an estimate written in of $81,000,000. You will remember that we succeeded in offering one amendment after another until the bill was passed at $100,000,000. I recall distinctly that I was one of several who were to offer amendments in a certain order to increase the committee figure.

I deeply regret that the Budget, which a year ago recommended $123,000,000 annually, this year recommended only $85,000,000. I know how the President feels about this and many other matters. It must have been a feeling of great regret on the part of the Director of the Budget and the President himself that the recommendation was in that amount. Nothing but great pressure could have caused such a change.

I further regret that the committee has seen fit to write into the bill only the $85,000,000 recommended by the Budget. I know how regretfully the members of the subcommittee must feel about the matter, but that does not help when we need more than that amount of money. I understand that the total amount of this bill is several millions under the total amount of the Budget estimate for all its items. Therefore, an effort must be made to amend the bill with regard to N. Y. A., and make it more nearly adequate. Perhaps we may raise it so as to keep the bill still within the Budget limit for the total amount.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. Very briefly.

Mr. HOUSTON. Did I understand the gentleman to say that this bill was under the Budget estimate on the N. Y. A.?

Mr. MURDOCK of Arizona. No; I did not say that. I understand that the total amount is under the Budget estimate, for all of the items.

Mr. HOUSTON. That is correct, approximately $12,000,000.

Mr. MURDOCK of Arizona. I thank the gentleman for the information. Such being the case, we could increase N. Y. A. $12,000,000 without exceeding the Budget estimate.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. Briefly.

Mr. HOOK. I want to call attention to the hearings on page 615, where Mr. Williams said, "In my discussion with the President I asked for $125,000,000. This was revised by the Budget Bureau, and a budget of $85,000,000 was submitted to Congress."

Then on page 613 it is stated there that the estimate submitted by the Bureau of the Budget, 1941, National Youth Administration, is $100,000,000.

Mr. MURDOCK of Arizona. That confirms my feeling that, if the President were not confronted with the national-debt limit set by Congress 25 years ago, the Budget estimate would at this time have been $123,000,000 or $125,000,000. What perplexing difficulties are involved in weighing the relative importance of so many necessary appropriations, knowing that to raise some means lowering others.

We all heard what was said here a moment ago about high salaries and the use of 400, 500, or 600 automobiles by the higher officials of N. Y. A. If you want to cut down on such, perhaps I am with you in that respect, for I want to put more money than $85,000,000 out yonder in the high schools and colleges where it will do the work. I want overhead minimized and the greatest possible proportion spent effectively.

I have said here in the Well of this House two or three times that I have in my office at this very minute, and have had ever since I have been here, young people who have graduated from college using the N. Y. A. to enable them to do so. Successful old folk are prone to hark back to the good old times when their poverty was a blessing. I can hardly believe that poverty ever was a blessing, but I have heard it said that it was. Well, the proverbial poor boy 60 or 80 years ago who went to the city and later became a captain of industry had an easy time when compared with some I have known the last dozen years.

A few days ago a young, red-headed, freckled-faced, stalwart from Arizona calling at my office said: "Dean, do you remember a time when you saved me from sleeping on

the Bermuda?" He meant the Bermuda grass out in our warm valley.

I said, "I do remember one time when you and your roommate came to me late one evening and said, 'Our bed is gone.'"

"What happened?"

"Why," he said, "You know we were living in a little packing box not far from you on Van Ness Street. Well, the officers took our bed away."

These boys worked their way through school. I wager they lived on less than a dollar a week. They had such a small room that they had to have a double-deck bed, one bed above the other, in order to get inside the room with the bed there. They had rented that bed from a widow who had formerly run a rooming house, and the sheriff had come and taken the bed one day in their absence and they found themselves at nightfall with no bed. He joked and laughed about it a good deal. That young fellow now has a fine job, but he got his education and his A. B. degree working his own way through college with N. Y. A. aid while I was dean. I could multiply that case by a hundred, for I know that as many as 325 young people each year worked their way through school at the time I was dean of that teachers college, and they have become useful members of society now, self-respecting, and with heads up.

My secretary said to me just the other day, "Do you remember So-and-So?" one of my boys.

"Yes."

"Well, he graduated and is now married and has a good job."

"Yes; I understand."

Then my secretary said, "Do you notice in talking with him that he is more conservative than he used to be?"

The young man to whom he referred was a typical young college student, with plenty of brain power and with plenty of freedom in thinking. Now, after graduating from college with an A. B. degree and having a good job and married, he is a conservative young man. I cite this just to show that he has appreciated what the Government has done for him.

A 30-year war swept over Germany three centuries ago and left its mark upon that country for 200 years. A 10-year war has swept over our country, not a military invasion but a destruction just as devastating in this depression. These young people—and I have three of them, two sons and a daughter, who have grown to maturity during these 10 years and, thank God, they have got their schooling without any further help than dad and mother could supply—these are the young people of the so-called lost generation. Are they lost? Some of them are because we have been too niggardly in preparing for them. Youth is the time people must get the training they are going to need all through life. If it is not supplied to them at the proper time in youth, then they can never have it.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield gladly to my friend from the far Northwest.

Mr. LEAVY. I do not believe there is another man in this House who has shown himself in his career in the House to be a greater friend of youth than the gentleman from Arizona now addressing us. In the thousands and thousands of young people whose lives have been touched beneficially by this type of appropriation has the gentleman ever heard of a single instance where it has had a detrimental effect?

Mr. MURDOCK of Arizona. Not one, not one.

In view of the fact that the N. Y. A. is sometimes confused with another organization sounding very much like it in alphabetical name, there are some who would besmirch the N. Y. A., some who would make us believe that is filled with pinks and punks. I know nothing derogatory of the N. Y. A. nor any other youth organization. Let me tell the Members there is nothing pink or punk about the thousands and thousands of young people I know out West who are getting help through high school and college with this fund.

I am not here advocating high salaries and automobiles for the administrative higher-ups, and yet we should equip them sufficiently. In my observation they do not behave like lords of the earth. I have seen local N. Y. A. leaders apply themselves with almost missionary zeal to their devoted task. However, my chief concern is in supplying the means to take care of these young people in this devastating period of change through which we are passing. I ask you not to be niggardly in your appropriations for this most vital work. [Applause.]

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I yield myself a minute to correct the RECORD. A statement was made this afternoon in reference to the travel expenses in the National Youth Administration. I direct attention to the record of the hearings on page 621 where there is obviously a misprint in the printing of the hearings. It says, "Estimate of the travel expenses, total, 52 officers on annual basis, $421,200." It very obviously should read, "Total, 52 offices on annual basis," because the preceding words indicate this is a misprint. So the conclusion reached by the gentleman from Minnesota—that the travel expenses amounted to about $27 a day for these people in the offices under N. Y. A.—is very clearly in error. He was misled into the statement due to the misprint which appeared in the record of the hearings.

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Chairman, the bill now under consideration providing an appropriation for the Wage and Hour Division of the Department of Labor for the year 1941 calls for a reduction of the amount recommended by the Bureau of the Budget from $6,185,000 to $5,105,000, or a reduction of $1,080,000. This is approximately a 20-percent reduction.

The committee, in its report on the bill, stated, and I quote:

> They do feel, however, that until Congress shall adopt legislation amendatory of the Fair Labor Standards Act which will serve to clarify certain ambiguities in the existing law, and until those charged with the administration of the act have been able to bring about simplification of procedure, and clarification in the interpretation of the rules and regulations promulgated pursuant to any such amendatory legislation, it would be improvident on the part of Congress to approve a greatly enlarged administrative set-up that could only serve in lending further difficulties to an already confused administrative problem.

It is admitted by the proponents of the humanitarian Fair Labor Standards Act of 1938 that it contains inequalities and perhaps ambiguities and should be amended accordingly. Carrying out this thought, the chairman of the committee introduced H. R. 5435, to amend the act. After full and exhaustive hearings before the Committee on Labor the bill was reported to the House. It was the committee's well-considered judgment that the bill, thus reported, met all reasonable requirements with respect to amending the act. It developed, however, that the amendments proposed in the bill did not meet with the approval of the adversaries of the act, many of whom were bent on either emasculating or repealing it. When H. R. 5435 was called up before the House it was promptly denied consideration by a majority teller vote.

The opponents of this humanitarian law, which has brought relief to the lowest of the low-paid workers of this country, have centered their attack on the agricultural provision which they consider to be the most vulnerable—with particular reference to the area of production. Defining the area of production in the farming sections of this country is very much the same as defining the area or boundary lines of every incorporated city or town in the United States. They must of necessity commence some place and end some place. The relative positions of a processing plant on the east side of a road and an identical place on the west side of a road—one within and the other without the area of production—is almost identical with that of the owner of property on the very edge but within a city limit and a property owner across the road who is outside of the city limit. The property owner who is just inside the city limit pays city taxes which, in many cases, are very high. His neighbor immediately across the road is not required to pay these taxes.

Defining such areas always has and always will be more or less an arbitrary matter. The same principle applies to

every special public-utility district in every city or to every irrigation, bridge, and other tax-assessment district in the country.

I cannot believe the farmers of this country, who, in the final analysis, receive tremendous benefits from the higher standards of living this legislation brings, are seeking the destruction of this humanitarian wage and hour law either directly or indirectly. There are exceptions, of course, some farm areas having processing plants which are located on the wrong side of the road and outside of the area of production. It may well be that those representing these exceptions have raised such a loud clamor that a perspective of the great good of this legislation is lost.

But, Mr. Chairman, these are the selfish interests of this country who would hamstring, emasculate, and repeal a law which has brought some degree of comfort to the underprivileged in the lowest strata of industrial workers in the United States and they are striving to accomplish their purpose through this limited class of farmers in different sections of the country.

Farmers with rare exceptions have common cause with wage earners. The fair-minded farmers, who are in the overwhelming majority, are conscious of the fact that there are 33,800,000 men and women in nonagricultural employment in the United States. They also know—and I refer to the hearings before the Subcommittee on Appropriations for the Department of Agriculture, 1941—that since 1932 Congress has appropriated in excess of $6,000,000,000 for farm relief in one form or another. Every intelligent farmer is appreciative of the proportionate amount the nearly 34,000,000 nonagricultural workers of this country have contributed to this enormous sum without a murmur. The farmers also realize that the nonagricultural workers and their families are by far the largest group of consumers of products of the farm and that the amount of their products consumed is measured entirely by wage earners' purchasing power.

Mr. Chairman, these few adversaries of the humane wage and hour law have been working overtime resorting to all kinds of propaganda to poison the minds of unsuspecting people by stressing its inequalities and so-called ambiguities. Those who would emasculate and repeal the law would throw the underpaid workers back into the pool of despondency, and they have been totally blind to the graver inequalities that actually existed for years prior to the enactment of this law. Before its enactment, for example, 45,000 women engaged in textile and other light industries, located between the District of Columbia and thc Hudson River, were receiving $5 and $6 a week and in many cases worked 9 and 10 hours a day. Textile workers in the State of Mississippi received from $2.50 to $7.50 a week. In the city of Atlanta, Ga., prior to the enactment of this law, there were two textile industries. The larger of the two paid its employees around $15 a week; its competitor paid its employees approximately one-half of that sum, thereby forcing its underpaid employees to receive contributions from the local relief authorities. I am informed that the owners of the industry who were paying the higher rate contributed a substantial sum—I believe $1,500—to the local relief fund, thereby contributing to the support of the employees of a cutthroat competitor who was paying starvation wages. Still there are those who complain of the inequalities under the law. These cases could be multiplied hundreds and hundreds of times, yet there are still those narrow-visioned or selfish individuals who complain of the inequalities under this law. The wage and hour law, which has eliminated this sort of cutthroat competition has been welcomed by every fair-minded employer, and I am pleased to state there are many thousands of such fair-minded employers in this country.

Before the enactment of this law, many unscrupulous employers of labor who paid starvation wages and, as a result, resorted to cutthroat competition, actually forced honest and conscientious employers of labor who believe in the just policy of live and let live to the alternative of meeting their terms or going out of business. These employers with high ideals who craved this act are unalterably opposed to handicapping it by lack of adequate enforcement due to an insufficient appropriation to properly administer the law. They make the reasonable request that the plants of their unscrupulous competitors who are now flagrantly violating the law be given proper inspection and policing. Such law-abiding citizens who welcomed this act are entitled to this protection. That they are again subject to cutthroat competition by violators of the law is a proven fact, as court records will show.

I cite just a few of these cases of violation of the law for they emphasize the need of an adequate appropriation:

There were 380,000 people engaged in interstate commerce or in the production of goods for commerce earning less than 25 cents an hour when the Fair Labor Standards Act went into effect on October 24, 1938. That means 380,000 working 40 hours per week for less than $10 a week.

This figure does not include an additional 200,000 industrial home workers, the exploitation of whom is one of the blackest spots in the economic life of America. Only a few weeks ago a group of knitwear manufacturers signed a consent decree with the Wage and Hour Division, agreeing to make restitution of wages estimated at $250,000 to 10,000 of these home workers, mostly in rural districts of the East and South.

In the Federal court of Brooklyn, N. Y., a manufacturer of shade pulls and pot holders pleaded guilty to paying his home workers as low as 4 cents an hour. In court he was fined $1,500 and given a suspended fine of $6,000 on condition that he make restitution of $4,500 to these employees. The sums that each of these poor workers drew in restitution was more than equivalent to all the pitiable wages paid them for the full first year of the operation of the Fair Labor Standards Act.

In the case of a manufacturer of similar products, also in Brooklyn, who defied the Wage and Hour Division, the case went to trial before a jury in Federal court. Before the Government had completed its case the defendants withdrew their plea of not guilty and are now awaiting sentence.

Following an investigation by the Wage and Hour Division, a Chicago hairpin manufacturing company agreed to pay $110,000 in restitution to more than 300 families whose children had worked long hours, when they should have been at play, mounting hairpins on cards. At the same time the Children's Bureau of the Department of Labor obtained a permanent injunction restraining this company from such practices in the future.

In the case of one of the largest glove manufacturers in the country, three of its officials were found guilty in a 19-count indictment of illegally withholding from 600 girl workers more than $10,000 in wages.

The court imposed fines totaling $7,500 against the company and its officials, and ordered them to make restitution to these girl workers within 90 days.

In Georgia a county relief investigator reported to the Wage and Hour Division that there was an employer, a runaway shop from New York, who paid his 100 workers such low wages—from $4 to $8 per week—that every family who was represented on its pay roll was on county relief.

Coming closer to Washington, over in Baltimore a few weeks ago in the Federal court, Judge W. Calvert Chestnut had before him two brothers who manufacture men's clothes. They had been indicted on charges of paying 175 women coat makers 10 cents an hour and less. There was one woman, a widow with three small children to support, who lived in a basement, who worked long hours and who still could not earn enough to keep her family from the verge of starvation. This partnership of brothers not only failed to pay them the minimum wage set up in the Fair Labor Standards Act but pleaded guilty to the charges that they had falsified their records in an effort to make it appear that the women were earning 25 cents an hour. In imposing sentence Judge Chestnut said:

> Falsification of records is the most reprehensible of offenses under the Fair Labor Standards Act. These records are the chief defense of the employees from being cheated of their wages. Destroying the records is dishonest, corrupt, and it indicates conscious guilt.

He fined each of the defendants $1,500, suspended an additional $2,500 fine against each, and placed them on probation for 2 years.

Early in 1938 a pecan-shelling company in San Antonio, Tex., which concededly handles a major portion of the shelled pecans which go into the commerce of the United States, applied to the Wage and Hour Division to employ between 2,500 and 3,000 learners at a rate of 15 cents an hour.

In the hearings held on this application it was shown that this company, which made a net profit of $500,000 in 2 years, paid wages as low as $3 and $4 per week, which was supplemented by the employment of laborers 10-, 12-, and 15-year-old children.

Mr. Chairman, the new administration of this act—and they have a new administration—should be encouraged and the appropriation recommended by the Bureau of the Budget should be approved by this House. The law should be given a fair chance. The present Administrator should be given a chance to demonstrate what this law means to the underprivileged of this country. I repeat, there are inequalities in the law. The new Administrator should bring to Congress a number of amendments that will meet with the approval of the majority of the membership of the House. These should be recommendations that will correct the inequalities in the law.

Mr. HOUSTON. Will the gentleman yield?

Mr. WELCH. I yield to the gentleman from Kansas.

Mr. HOUSTON. The gentleman stated that the Administrator in due time will probably bring in proposed revisions of the law. In view of the fact that we are giving the Wage-Hour Division $1,646,000 more than it had during the present year, does not the gentleman feel it would be well to wait until the new Administrator has had 6 months to see what he can do?

Mr. WELCH. I do not. The new Administrator, with his limited force, cannot adequately check up on violators such as I referred to, and there are hundreds more. He cannot do that unless we give him sufficient funds.

Mr. HOUSTON. Could he look after all these violators?

Mr. WELCH. And it is not an excuse that the people of this country will readily accept when they realize the attempt that has been made to handicap this humanitarian law which has brought a little sunshine to the poorest of our wage-earning class.

Mr. HOUSTON. I agree with the gentleman, so far as the law is concerned.

Mr. WELCH. Then give the law a chance.

Mr. HOUSTON. We are giving it a chance.

Mr. WELCH. Please do not hamstring it. The House of Representatives has the opportunity now to act justly, honestly, and for the greatest good of both agriculture and labor.

Mr. Chairman, I yield back the balance of my time.

Mr. HOUSTON. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. RICHARDS].

Mr. RICHARDS. Mr. Chairman, those of us who represent agricultural districts and who realize the difficulties faced by agriculture and have the interest of the American farmer at heart, will again face a grave responsibility sometime this week when the agriculture appropriation bill is brought back to the House for action on Senate amendments through the conference report. It is known to all here that the House made no provision for parity payments to the American former when this year's appropriation bill was first before the House some days ago. The Senate on Friday restored the $212.000,000 to provide parity payments for the American farmer, and I want here and now to call on the vigilance and fighting spirit of every Member of the House who realizes the plight of agriculture, to the end that this provision for parity payments be retained in the bill.

When you take into consideration the battles our farmers have faced through the years, they are an extremely reasonable class. If economy we must have and should have, and there is much merit in the contention that many of the expenses of the Government should be cut down, the farmers, I am convinced, are willing to take their share of the cut. We have a Budget of about $9,000,000,000, but according to my recollection the appropriation that first passed the House and was sent to the Senate provided only $640,000,000 to cover every phase of agriculture. Now, 31 percent of all our people live on the farm. Probably in addition to this 10 or 15 percent of our people win their livelihood directly from the farm whether they live there or not. So we have here at least 40 percent of our population directly dependent on agriculture for support; yet, with all the money being spent for the upkeep of the Government, with all the benefits going out to different groups of our people and business, the agricultural group, the very largest group and the backbone of the Nation, receives from the House bill benefits amounting to only 7 or 8 percent of the Budget. This is unfair, it is unjust, and to balance the scales more equitably the $212,000,000 for parity payments must be retained in the bill.

Gentlemen of the House, why is it that we have had such a fight on parity payments items in the House when the Senate had no trouble in placing the provision in the bill? Is it because representation in the House is based on population, which results in the representatives from the city areas being in the great majority here? Is it because the city representative here does not feel that benefits to farmers benefit the city people as well, and that if the farmer prospers, his prosperity flows on to the city? I hesitate to accuse you gentlemen from the city with being so shortsighted. The history of this country since Yorktown reveals that the manufacturing industry in the city, the store in the city, the salaried employee in the city, the laborer in the city, every one of them, have prospered in the same measure that agriculture has prospered, and that when the agricultural bloc of our population is driven against the wall, the repercussion is felt all the way up the line from the farm to the village, to the town, to the city, everywhere. Gentlemen, when you vote for parity payments for farmers you vote to help your own people in the city. When from 30 to 40 percent of our people are ground to the wall, when they have no hope left, their purchasing power dies with their hope, they cannot consume, and the manufacturer and the storekeeper in your city will suffer because the market for the products of his machine and factory has received a death blow too.

Now what is parity for the farmer? I have found in correspondence with some of my constituents that parity is not always clearly understood. Some Members of the House even seem by their utterances here to be slightly confused as to the meaning of the term. I think the best definition I have seen was set forth in the Agricultural Adjustment Act, as follows:

> Parity as applied to prices for any agricultural commodity shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period. The base period, except for tobacco, is the period of August 1909 to July 1914.
>
> Parity as applied to income for agriculture shall be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation as prevails during the period from August 1909 to July 1914.

Or, stated another way by an expert on the subject:

> Parity income for agriculture is that net income from farming operations per person living on farms which bears the same relation to the income per person not living on farms as prevailed in the 5 years before the World War. Or, to state it another way, parity income for agriculture is the same share of the total per capita income available for living that agriculture received in the 1909–14 period. The farm income available for living includes cash received from the sale of farm commodities, plus the estimated value of products consumed on the farm, minus the principal business operating expenses of the farmer. Nonfarm income available for living is the comparable income received by the individuals making up the nonfarm population.

Corn, wheat, cotton, rice, and tobacco are the farm commodities to which parity payments would apply. Eighty percent of our farmers are engaged in raising at least one of these five crops. On February 15, 1940, the farm price of corn was 54.7 cents, and parity price was 82.2 cents; wheat farm price was 84.1 cents, with parity price 113.2 cents; rice

farm price was 68.7 cents, with parity price 104.1 cents; tobacco farm price was 13.6 cents, with parity price 14.5 cents; and cotton farm price was 9.97 cents, with parity at 15.87 cents. It will be seen, therefore, that tobacco was the only commodity bringing above 75 percent of parity. It is intended that this appropriation will pay the cotton farmer from 1½ to 2 cents per pound, which, it is estimated, will raise the total price he receives on his product to 75 percent of parity.

Now, down my way, in my section of the great State of South Carolina, the farmers are mainly interested in parity payments as they may effect the cotton farmer. For years cotton has been our main money crop; I might say our only money crop, though we are getting away from that condition now, thanks to what this Democratic administration has done to promote diversification of crops as well as soil conservation. And let me say to you Representatives of farmers from other sections of the country where no cotton is planted that by helping the cotton farmer you are helping yourselves, because you are not forcing him into another field of competition with you. I say to you that if South Carolina farmers cannot make a living growing cotton, the inevitable result will be that they will raise for market other farm commodities instead of cotton, which will be thrown on the open markets of this country in competition with the commodities which you now raise for market exclusively. We can grow at a profit many farm products when adequate marketing and shipping facilities are provided. If cotton goes, we will be forced to raise corn, peas, oats, potatoes, and similar products not only, as now, for home consumption but to be thrown on the competitive market with yours. In years gone by, South Carolina raised indigo as its principal crop; when the prices obtained for indigo ceased to provide a livelihood for our farming people, they quit indigo and began to raise rice; and when it was found that rice could not be raised profitably, on account of severe competition, our coastal country quit rice and began to raise cotton. Now it looks like we are going to have to quit cotton, because we cannot raise it under present conditions and live. At the same time we cannot quit raising it overnight and live either.

Mr. Speaker, for over a century the farmer has been waging a brave but uneven fight for life, liberty, and the right to pursue happiness. If perchance, in spite of the winds that blew, the rains that fell, and the droughts that came, his fields produced a fair crop, inevitably, on account of forces beyond his control, he did not receive fair prices for products wrung from the soil by the sweat of his brow. If prices for his produce went down, the prices of the things he had to buy did not go down in proportion. If prices for his crop perchance went up a little, the prices of the things he had to buy went still further up and far out of proportion. I have noticed in some of the newspapers, particularly of the Northeast, that it is being said that the farmer should not expect to have parity of income or fair exchange value for his products on any such basis as prevailed before the World War or during the base period that I mentioned. In reply, allow me to approach the subject a little more directly and plainly, so that anyone may understand. I am going to insert in the RECORD quotations of prices from the Sears, Roebuck catalogue, one of 1913 and one of 1940.

TABLE C.—*Comparative prices for selected articles, Sears, Roebuck & Co., 1913 and 1940*

Article	Unit	1913 catalog			1940 catalog			Price change, 1913–40	
		Page Nos.	Number of items listed	Average price	Page Nos.	Number of items listed	Average price	Amount	Percent
Work shirts	Each	310–313	34	0.57	324–327	60	0.73	+0.16	+28
Overalls (bib)	Pair	432–434	10	.70	319–323	18	.97	+.27	+39
Men's suits	Each	383–393	68	12.32	271–274, 277–279	34	18.08	+5.73	+47
Women's shoes	Pair	336–341, 343–346, 349–351	124	1.84	118, 119, 122–131	68	2.81	+.97	+53
Common nails, 8d	100 pounds	1100	1	2.10	896	1	3.65	1.55	+74
Axes, single bit, 4-pound head	Each	1102	8	.96	904	1	1.89	+.93	+97
Handsaws, 26 inches	Each	1110–1111	8	1.16	906	5	2.07	+.91	+78
Spike-tooth harrows, 2-section 60-tooth	Each	1162	1	10.06	940	1	19.75	+9.69	+96
Corn planter, 2-row check	Each	1163	1	31.25	942	1	65.95	+34.70	+111

TABLE D.—*Farm products equivalent in value to specified commodities, Jan. 15, 1913 and 1940*

Commodities	Unit	Farm products											
		Pounds of cotton		Pounds of wool		Pounds of beef		Pounds of hogs		Bushels of wheat		Bushels of corn	
		1913	1940	1913	1940	1913	1940	1913	1940	1913	1940	1913	1940
Work shirts	Each	4.7	7.2	3.1	2.6	10.6	10.6	8.4	14.0	0.73	0.86	1.1	1.4
Overalls	Pair	5.8	9.6	3.8	3.5	13.0	14.1	10.3	18.7	.9	1.15	1.4	1.8
Men's suits	Each	102.0	179.0	66.0	64.0	228.0	262.0	181.0	348.0	15.8	21.4	25.0	34.0
Women's shoes	Pair	15.0	28.0	9.9	10.0	34.0	41.0	27.0	54.0	2.4	3.3	3.7	5.3
Common nails, 8d	100 pounds	17.0	36.0	11.3	13.0	39.0	53.0	31.0	70.0	2.7	4.3	4.2	6.9
Axes, single bit, 4-pound head	Each	7.9	18.7	5.2	6.7	18.0	27.0	14.0	36.0	1.2	2.2	1.9	3.6
Handsaws, 26 inches	Each	9.6	20.5	6.2	7.4	22.0	30.0	17.0	40.0	1.5	2.4	2.3	3.9
Spiketooth harrows, 2-section, 60 teeth	Each	83.0	196.0	54.0	70.0	186.0	286.0	148.0	380.0	12.9	23.4	20.0	37.0
Corn planter, 2-row check	Each	238.0	653.0	168.0	235.0	570.0	956.0	460.0	1,268.0	40.0	78.0	63.0	124.0

Secretary of Agriculture Wallace has called our attention to certain items in this price schedule. Take work shirts for example. Work shirts could be ordered from the 1913 catalog for an average price of 57 cents. The average price in the 1940 catalog is 73 cents, an increase of 28 percent. At January 15 prices in 1913 it took 4.7 pounds of cotton to buy a work shirt. The cost now is the equivalent of 7.2 pounds of cotton, based on January 15 prices, or 53 percent more than in 1913. The cost of bib overalls has increased 39 percent in dollars and cents. In terms of cotton, the cost has increased from 5.8 pounds to 9.6 pounds, or 66 percent.

Common nails have not changed much, if any, since 1913, but the price has gone up 74 percent. At January 15 prices for hogs in 1913 it took 31 pounds of hogs to buy 100 pounds of eightpenny nails. But at January 15 prices in 1940, it took 70 pounds of hogs to buy 100 pounds of eightpenny nails, an increase of 126 percent. The quality of an ordinary 4-pound ax probably is not better now that in 1913, but the price has almost doubled, rising from 96 cents to $1.89—an increase of 97 percent. The amount of wheat required in exchange for a 4-pound ax has increased from 1.2 bushels to 2.2 bushels, or almost double what it was 27 years ago.

Corn planters are essentially the same now as in 1913, but the price has gone up from $31.25 to $65.95—an increase of 111 percent. The important point for the corn producer is the amount of corn it takes to buy a corn planter. In 1913 it took 64 bushels of corn to buy a two-row check planter. Today it takes 124 bushels. Thus the real price to the corn producer is now double what it was in 1913. At January 15 prices this year it took 124 bushels of corn to buy a two-row corn planter.

In 1913 a long-handled round-point shovel could be purchased for 48 cents. The cheapest shovel of this type quoted in the 1940 catalog is for sale at 79 cents, an increase of 65 percent. Twenty-seven years ago a three-tine hay fork could be bought for 39 cents. A similar fork today costs 79 cents, or 103 percent more.

All of the articles referred to are essentially the same now as in 1913.

It has been said here that parity payments are nothing but a subsidy to agriculture and therefore unwise. I agree that the payments amount to a subsidy, and I assert that agriculture cannot prosper with the lopsided economic set-up in this country unless it is subsidized. Why not subsidize the cotton farmer, when the manufacturer of the cloth made from the farmer's cotton is subsidized through the tariff? Why not subsidize the cotton farmer when the manufacturer of the ax, the shovel, the hoe, the plow, the rake, and the nails which he buys at exorbitant prices are, themselves, subsidized through the tariff? Gentlemen, the tariff placed this intolerable burden on the shoulders of the American farmer—the tariff pressed this crown of thorns against his brow. For a hundred years or more the tariff has been in operation in this country in one form or another. The tariff has made one part of our economic body strong but, at the same time, it has caused the right arm of this body, namely agriculture, to wither away. There are two remedies for this condition—one, the tariff must either be cut down to a plane with agriculture; or, two, agriculture must be subsidized up to a point where it will be equally protected with industry. We who are in favor of this appropriation are subscribing to the philosophy of Mahomet:

If the mountain will not come to Mahomet, Mahomet will go to the mountain.

Gentlemen of the Republican side of this House, some of you helped to pass the iniquitous Smoot-Hawley Tariff Act of a few years ago. Some of you still cling to the theory that the salvation of this country rests only in huge subsidies paid through the tariff to big business and manufacturers of this country and that there is no justice in parity payments for the farmer. I suggest that you study a little further into the philosophy of the patron saint of the Republican Party tariff policy and you will find that, even though Alexander Hamilton was the father of the high-tariff system in this country, he realized and taught that there could be no permanent prosperity with a high-tariff system unless a subsidy or bounty is paid to agriculture to offset it.

I quote Hamilton on this subject:

Bounties are sometimes not only the best but the only proper expedient for uniting the encouragement of a new object of agriculture with that of a new object of manufacture. * * *

The true way to conciliate these two interests is to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty by way of bounty, either upon the production of the material itself or upon its manufacture at home, or upon both. In this disposition of the thing the manufacturer commences his enterprise under every advantage which is attainable, as to quantity of price of the raw material, and the farmer, if the bounty is immediately to him, is enabled by it to enter into a successful competition with the foreign material.

You gentlemen have followed Hamilton in his high-tariff doctrine. You have quoted him year in and year out as authority for the wisdom of your actions heretofore, but never, never, do we hear a word out of you as to what Hamilton said must be done for agriculture if the tariff is to be a blessing to all of our people.

Far be it from me to criticize this Democratic administration for what it has done for the farmer. I remember 1931 and 1932 when the cash income of the farmers dropped to $4,358,000,000 and in 1939 it rose again to almost $10,000,000,000. No President in the history of the country has shown the interest in the farmer nor has proposed as much legislation for the benefit of the farmer as President Roosevelt has. Never before in any Congress has so much legislation been passed in an effort to help the farmer. Many of his problems have been solved by this Congress. He has been taught the value of woodlands and trees; he has been taught the benefits of diversification; he has been shown that under a one-crop system he cannot prosper; he has been instructed in the way to fight insects and plant diseases; he has been given the benefits of his country's credit system; he has been given lower interest rates; and, best of all, he has been taught how to conserve the soil upon which he lives and which he loves so well. We have the Soil Conservation Act, which is a success. We have the Loan Act. We have set up the Farm Credit Administration. We have the Agricultural Adjustment Act. We have the Tenant Purchase Act, which gives to every tenant the chance and the hope that sooner or later he may be master of his own land and king in his own castle. The people of this country are coming to realize that love of the good earth, love of the sweet, pungent odor that comes from the fresh-plowed dirt, love of the sound of breezes whispering through the trees above the soil a man calls his own—that love of these things brings with them good citizenship, the backbone of any nation.

In these trying times, with war all around, no one knows what sacrifices may be required of American citizenship in the years ahead; but, come what may, the United States will be ready then if we remember now that men do not give their lives cheerfully for a boarding house; they work, fight, and die cheerfully only for their homes, their farms, and for governments that make these blessings possible.

No one who has not experienced the pathos of a farmer's fight to own a farm, or to hold the one he already owns, can fully sympathize with his problems; only those who have carried such a burden can know the weight crushing the shoulders of those who still do. Faced with the tariff, an unknown market, an uncertain price, he plants his seed in the spring with a prayer; he faces the long summer and plows ahead. If the floods, and the winds, and the droughts, and the insects pass him by for a season, still he finds himself at the mercy and in the hands of those who have trafficked on his miseries for centuries.

A few weeks ago Edwin Markham, a great poet, died, but he left us lines that will never die:

THE MAN WITH THE HOE

Bowed by the weight of centuries he leans
Upon his hoe and gazes on the ground,
The emptiness of ages in his face
And on his back the burden of the world.

[Applause.]

Mr. HOUSTON. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia [Mr. GIBBS].

Mr. GIBBS. Mr. Chairman, since I was about 16 years old I have been looking for the United States Government, as well as the State of Georgia, in which I live, to go into bankruptcy. In other words, as far back as I can remember I have heard the hue and cry that if the Federal Government kept spending as it had and was spending, the Government was headed toward bankruptcy. I am now 51 years of age and I have not seen it yet. The point I make is we will not go into bankruptcy so long as we provide employment for the youth of our Nation. I want to add my endorsement to the N. Y. A. plan.

Mr. Chairman, I got up to speak principally on the C. C. C.

Upon the creation of the Civilian Conservation Corps in the spring of 1933, 5 years prior to my election to the House of Representatives, I maintained close observation of the activities of that organization because of its direct effect upon Georgia and Georgians.

The initial plans, aims, and purposes of the Civilian Conservation Corps were immediately recognized as principal needs of the pine forests and agricultural sections of my native Georgia.

Being a lifelong resident of a State with enormous and invaluable natural resources, having among its industries those which are products of the soil, it is not difficult to understand why the people of my State welcomed such a program as inaugurated by the Civilian Conservation Corps.

In that category of natural resources I place the enormous naval stores, lumber, and recently introduced paper-pulp industry, in addition to agricultural enterprises, all of which depend upon the richness of the good earth for success.

With the advent of the Civilian Conservation Corps there came into Georgia at a most crucial time a medium for the preservation of all those industries, upon which depends the livelihood of thousands of my fellow Georgians. Long had been realized the necessity and imperativeness of drainage, soil conservation, soil-erosion control, forest preservation, and the perpetuation of those God-given things from which Georgians derive their greatest source of revenue.

Before the coming of the Civilian Conservation Corps feeble and unsuccessful efforts, augmented by futile educational programs, had been launched in hopes of saving depletion of Georgia's vast timber and naval-stores resources. Woods burning, destroying millions of future pines, was a general practice, reforestation was not popularly accepted, and Georgia's vast pine forests were in a state of rapid depletion.

But only 7 years ago there came into being the Civilian Conservation Corps to present solutions to those problems which had confronted Georgians for generations and for the correction of destructive practices which were proving disastrous to the State's forest resources.

Being from a State which produced 800,000,000 board feet of lumber in 1935 and representing a district which produces 25 percent of the entire output of naval stores in the United States, and being a native of a section which produced 634,520 barrels of turpentine in 1937, it can readily be seen why I, like other Georgians, welcomed the coming of the Civilian Conservation Corps, designed specifically for the preservation and perpetuation of those resources which mean so much to the future of Georgia.

But aside from rendering my people and State such a magnificent and invaluable service, I have come to the realization that the Civilian Conservation Corps not only is an organization for the preservation of our resources for generations to come, but is a builder and rebuilder of previously wasted American youth.

Bringing into its fold a total of 2,600,000 American youths the Civilian Conservation Corps has developed those youths from needy and unfortunate circumstances into self-supporting, independent members of society, improving the employability and physical condition of young men.

Those who have seen service in the Civilian Conservation Corps have learned the responsibility of providing for dependents, have become better American citizens, hold a greater respect for law, and have developed into useful Americans instead of sinking into a state of human derelicts and public charges.

As a prosecuting attorney for a period of 16 years, I am in thorough accord with the opinion of J. Edgar Hoover, Director of the Federal Bureau of Investigation, who declared that the Civilian Conservation Corps has been one of the most important, if not the most important, factor in the reduction of crime among the youth of this Nation.

The Civilian Conservation Corps has taken off the roads and the railroad freight trains young boys who might have drifted into underworld activities and has delivered them into useful citizenship. It cannot be denied that this work has had a most welcome effect upon law enforcement and that is the observation of all law-enforcement officers throughout the United States.

However, returning to the program of the Civilian Conservation Corps, I am strongly favorable toward its continuation on the principles upon which it was inaugurated nearly 7 years ago. There probably is no other Federal agency which is more highly appreciated by the entire people of this country than the Civilian Conservation Corps.

Speaking for the people who I represent in the Congress, and I am certain that I express the sentiments of my entire Georgia, the Civilian Conservation Corps has been an indispensable unit in the future welfare and development of my State.

That which preserves our natural resources, that which provides solutions to problems of distressed people, and that which builds men into fine American citizenship should not ever be stricken from the activities of our Federal Government. [Applause.]

Mr. HOUSTON. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. SHEPPARD], a member of the committee.

Mr. SHEPPARD. Mr. Chairman, I wish at this time to discuss the Federal tax collections under the Federal Unemployment Tax Act and grants to States for administration of unemployment compensation under Title III of the Social Security Act.

Under the Federal Unemployment Tax Act, sections 1600–1611 of the Internal Revenue Code, a Federal tax of 3 percent of pay rolls is levied upon employers of eight or more in industry and commerce. Against this tax each employer in a State with an unemployment-compensation law approved by the Social Security Board may credit his contributions under such State law up to a maximum of 90 percent of the Federal tax. In general, this results in an employer paying 2.7 percent to a State unemployment compensation fund and 0.3 percent to the Federal Government, making a total of 3 percent. In States where merit rating or individual employer experience rating exists, as in Wisconsin, the employer pays whatever rate is applicable to him under the State law and continues to pay three-tenths of 1 percent to the Federal Government.

The three-tenths of 1 percent paid to the Federal Government is collected by the Bureau of Internal Revenue of the Treasury Department and covered into the general fund of the Treasury like any other general tax. It is not earmarked by law in any way.

Under title III of the Social Security Act the Social Security Board makes grants for the purpose of assisting the States in the administration of their State unemployment compensation laws. By June 30, 1940, the Federal grants, including expenses of the Social Security Board, for this purpose for the period since January 1, 1936, will have totaled $177,000,000. The net Federal revenues from the three-tenths of 1 percent pay-roll tax, after deduction of various tax refunds, will have totaled approximately $297,000,000, or nearly $120,000,000 more than has been expended for grants to the States for administration of their unemployment compensation laws and for the administration of the Social Security Board's activities with respect to unemployment compensation. The exact amount would have to be determined after June 30, 1940, on the basis of the income and expenditures shown on the Treasury's books.

The main reason for this excess is due to the fact that while it became effective January 1, 1936, it was not until July 1, 1939, that all of the States were paying unemployment compensation benefits. Of course, during the period when benefits were not paid administrative costs were low, since the main task of the State's administrative agencies was only to collect contributions. However, when benefit payments began it was necessary to greatly extend the employment service and provide for local facilities for handling claims for benefits. It is reasonable to assume that if all of the States had begun benefit payments on January 1, 1936, when contribution collections began, the Federal grants for necessary administrative expenses would have been considerably greater. During the first few months of benefit payments the State administrative costs were running about 12 percent of the State tax collections. This cost has now been brought down to about 7½ percent. To the extent that State administrative costs stay below 10 percent of State collections they will, of course, also be less than the 10 percent of the 3-percent pay-roll tax received by the Federal Government.

While the operating costs of the State systems are now well below 10 percent, a period of greater unemployment among insured workers would decrease contributions and increase the administrative costs of claims work, which would probably result in administrative cost in excess of 10 percent.

Only future experience can adequately indicate the amounts necessary for this purpose. The extension and operation of individual employer experience rating in all States will increase administrative cost. Increased expansion of the job placement activities of the local public employment offices may also require more time and money in the future. Offsetting such increases are the economies being made by the more efficient planning of operations as the States gain the necessary experience. It may be mentioned in passing that during the early years of the British system of unemployment compensation administrative costs were regularly well above 10 percent of the collections. To be sure, the initial coverage was small but these costs ranged from 26 percent in 1913 down to 10.5 percent in 1922–23, and were less than 10 percent for only 3 years up to 1932. At this point I would like to call the attention of the House to page 30 of the record in which you find the following comments:

> The ratio of administrative cost to benefits paid varies widely in the different States. Too widely in the opinion of the committee. The Board should give this matter immediate consideration with a view of reducing the variables that enter into the picture. For instance, in Montana the administrative cost was 4.5 percent, in Mississippi it was 17.6 percent. There is real opportunity here for stabilization of administrative costs with resultant economies, and the committee will expect efforts to be made in this direction.

This agency had an appropriation of approximately $368,000,000 in 1940. Their Budget proposal was approximately $432,000,000. After extensive hearings and extremely careful consideration, the committee recommends in this bill $421,200,000. This is a saving of approximately $10,630,000 under the 1941 estimates. This saving was made possible by deducting approximately $10,000,000 from the grants to States for old-age assistance. In addition, $330,000 was deducted from the item of salaries and expenses of the Social Security Board and $300,000 from the Unemployment Compensation Administration, and your committee feels that the recommendation it has made in this bill and which was voted on by the members of the Appropriation Committee as a whole should be sustained by the Members of the House, because we gave it our most intense and serious consideration. [Applause.]

Mr. HOUSTON. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Chairman, there are several matters in this bill in which I am very much interested and about which I wish to talk in the few minutes which I have at my disposal. The first is the wage and hour appropriation.

The Appropriations Committee proposes to reduce the appropriation recommended by the President for the Wage and Hour Division by $1,346,400—20 percent of the total amount recommended by the President, which was $7,486,000. This would reduce the recommended appropriation for salaries by $1,035,000.

This would be a crippling reduction. The Division is now operating on the basis of annual expenditures of $7,716,000. Moreover, when the Wage and Hour Division appeared before the Appropriations Subcommittee of the House in July 1939 to ask for additional sums in the deficiency bill the statement was made, and apparently was understood, as appears in the record, from both sides, that the rate of expenditure at the beginning of the fiscal year 1941, by reason of appropriations then made, would be annually $7,716,000; that is, that the money which was available for the fiscal year 1940, through the regular and deficiency appropriations, would be spent in increasing amounts each month, so that in the final month of that year and the first month of the fiscal year 1941 the annual rate of expenditure would be $7,716,000. Consequently the appropriation recommended by the President is $230,000 less than the annual rate that was contemplated last July.

The proposed reduction in the amount recommended by the President would mean a reduction in the inspection force of 350 men—more than a third of the total inspection staff contemplated. In addition, a very substantial number of attorneys in Washington and in the field must be discharged or furloughed without pay.

The results of such reductions on inspection are obvious. With the enforcement staff so reduced it will be simply impossible for the Division to achieve adequate enforcement. Inadequate enforcement means nonuniform discriminatory enforcement. Employers who have been voluntarily complying with the labor standards prescribed by the act will be subjected to price competition by chiselers whom the Division will be powerless to bring to book. As a result of this situation noncompliance could be expected to spread like fire or pestilence. It would become too unprofitable to comply and too easy to violate. For that reason I am opposed to the cut proposed by the committee.

With reference to the National Youth Administration, there are between four and six million young men and young women who are out of school and looking for jobs but unable to find them. We are not going to get anywhere by blaming these young people because they have been unable to find work because there simply are not enough jobs to go around.

Leaders of industry, education, and labor have recognized the fact that our youth are caught in a desperate situation with no place to turn. In October 1939 the American Youth Commission, a non-Government and nonpartisan organization headed by such men as Owen D. Young, of General Electric; Henry I. Harriman, past president of the United States Chamber of Commerce; and Robert E. Wood, of Sears, Roebuck, recommended a program of public work for all young people unable to find jobs in private industry.

That program would have cost over one and one-half billion dollars a year. Certainly, if the leaders of big business are willing to come out and urge a program of that proportion for jobless youths, it is because a careful study has convinced them that our young people are faced with a serious situation—a plight much more desperate than we may realize.

Certainly, if the leaders of business, education, and labor come out with a billion-and-a-half-dollar youth program, we ought to be willing to go at least part way with them, and the best place to put the money is in the National Youth Administration.

An appropriation of $125,000,000 for the National Youth Administration would be a small amount to make available in the face of this obvious need, but it will do more good than any other money this Congress can appropriate.

The record of the National Youth Administration is ample proof that, dollar for dollar, the appropriation for this agency is the best investment we can make. Any way we look at it—from the standpoint of youth or from the standpoint of our own future security and welfare—the dollars we spend to fit our young men and young women to become useful members of society is a gilt-edged investment.

The National Youth Administration is fitting young men and young women for jobs in business and industry and is placing them in private employment just as fast as jobs open up. There is a turn-over on N. Y. A. work projects of between 9 and 10 percent a month, which means a turnover of more than 100 percent a year. Between one-third and one-half of the youths who leave N. Y. A. projects do so to take jobs in private industry. That is pretty good evidence that our youth are eager and ambitious and that the N. Y. A. is giving them the right start.

Through N. Y. A. jobs, youths who otherwise would grow up in idleness and despair are being taught sound habits of work and are getting the chance to acquire the basic experience they need to get private jobs.

This year the National Youth Administration, with an appropriation of $100,000,000, provides part-time work for

about a half-million out-of-school youths. If you could see these young people before they go to work for N. Y. A. going from factory to factory and from farm to farm, most of them without a dime in their pockets, many of them hungry, on the verge of despair, you would know what it means to them to be unable to find a job. Then if you could see them on their N. Y. A. jobs, see how eagerly they go about their tasks, how eager they are to work and to learn, you would know what a whale of a difference a chance to work and a few dollars in wages make.

Every N. Y. A. project has been operated in cooperation with some local public agency. The schools, the playgrounds, the parks, and public buildings these young people have built are going to benefit all of the people in the community.

Hundreds of thousands of young men and young women have been tided over an emergency. Their labor has gone to enrich the entire Nation. Their skills have been conserved, they have learned how to work, and their morale has been preserved, and those are benefits which will accrue to the whole Nation, both in the present time and in the future.

It has cost the Nation about $268 a year for each out-of-school youth employed by the National Youth Administration. That is a low price to pay for human welfare.

Mr. Chairman, I wish to speak now briefly about the National Labor Relations Board. No one in this House is in any doubt about how I feel with regard to the present administration of the National Labor Relations Act. I believe the majority members of the Board, Mr. Madden and Mr. Smith, could well serve the interests of our country and of the present administration by promptly tendering their resignations, and I have so stated publicly a number of times. However, to cut the National Labor Relations Board appropriation, as the committee proposes to do on the ground that the number of incoming cases decreased from 10,430 during 1938 to 6,904 last year, and because during the current 6 months of the fiscal year the cases show a rate of about 6,000 a year, it seems to me is not logical. If this comparison stood alone as a reflection of decreased Board activity I would be eager to make proportional savings in administering the Labor Act.

The 10,000 cases coming to the Board in 1938 represented the flood of unfair labor practices, charges, and petitions for elections submitted by labor as soon as the act was declared constitutional. The Labor Board was not staffed to meet this emergency. It was forced to triple its staff overnight, and still found on its hands a heavy backlog of cases which, in addition to new incoming cases, has caused a 3-year struggle for the agency to clear its docket and give that speedy resolution of cases which in the labor field is peculiarly important. I am told that the Board is current as to its representation cases, that is, it only requires an average of 1 month to decide a case where the proper bargaining representation is in dispute. The difficulty lies with the unfair labor practices cases. These average well over 1,000 pages of testimony each and are much more difficult cases to adjudicate than they were in the earlier days of this act.

That the decreased numbers of incoming cases is a poor index of Board work to be done is shown by the fact that the number of cases pending actually stood at its highest point at the end of the last fiscal year. There were then more than 4,000 undecided cases on the Board's books. Awaiting review today are more than half a million pages of testimony which in themselves would represent nearly a year's work if no single new case were entered. Labor in fact is submitting new cases, both A. F. of L. and C. I. O., in about equal numbers, and while the total is less than in the peak year of 1938 there are still enough of them to keep the Board's staff working overtime.

In 5 years they have closed 22,000 cases, involving 4,000,000 workers. The simple fact is that an inundation of cases in 1937–38 swamped them and they have never quite been able to catch up.

It must also be noted that cases are becoming more complex. A dispute settled informally by one of its field agents requires infinitely less time and energy than one which goes to formal hearing and demands the services of trial attorneys, trial examiners, review attorneys, and final consideration by the Board. In 1937 the number of cases necessitating such formal handling jumped 50 percent over the preceding year. The life cycle of other agencies, such as the Federal Trade Commission, shows a tendency over the years toward conducting few but much more time-consuming cases. It would seem a strange thing to suggest this as a reason for depriving the agency of the means to do its work.

Insofar as reducing the Board's staff would deprive workers quick access to the Labor Act, it would be unwise in the public interest as well as in their interest. We established this act so that workers might have a channel for their complaints instead of nurturing them in secret or carrying them to the picket line.

Take $57,000 away from the Board's trial-examiner's section and you reduce their number by one-quarter. Already each trial examiner is handling 30 cases a year. That is less than 10 working days in which to sit upon a case and write a formal report. It is impracticable to reduce that time further. By making that one cut you would make it necessary for the Board to refuse to undertake 25 percent of its hearings. You leave 250 cases a year to be resolved by strikes instead of by law.

In conclusion I wish to point out that serious misunderstandings exist as to the function of the Board's division of economic research. It is proposed to wipe out this section entirely, as the supposition held by some Members that its principal duty is to pry into the financial standing of employers to the advantage of employees. The first duty of the section is to explore data to discover whether the Board, under the commerce clause of the Constitution, has the right to jurisdiction over an industry in which a labor dispute has arisen.

For its first 2 years the principal fight on the validity of the Labor Act centered on the contention that it could not apply to manufacturers. The research to contest that claim was done by this same economics section of the Board's staff, and so well done that the Supreme Court took judicial notice of the fact that these great social problems are not decided in a vacuum but must be considered in the light of the complex interrelations of modern industry. The carefully prepared studies of the Board's research division entered largely into the favorable decisions of the Supreme Court in the first five cases by which the act was first upheld on April 12, 1937, and have played a continuing part in supporting the jurisdiction of the act in contested fields. Briefs prepared by the research division have been cited by the Supreme Court and Circuit Courts of Appeals in cases where the Board itself was not involved.

The importance of the economic brief in aiding the courts is stressed in a recent article in the University of Chicago Law Review which cites 19 cases in which economic data was presented and then points out that the party resorting to such presentation won 16 of the cases while those who failed to develop economic factors won only 3 cases. Seven of the 16 successful suits were those of the Labor Board, using data prepared by its economic research section.

The work of the Labor Board is currently subjected to the most critical public analysis of any Government agency. There is no danger that you will not be apprised of what it does with its funds.

I do not question the sincerity of the members or the staff of the Labor Board, however, I hold no brief for them, but I believe it is a mistake to starve these agencies to death. If they are to be eliminated, let us do it directly. [Applause.]

I regret that the subcommittee has included in the bill a section denying the possibility of civil service to employees of the National Youth Administration. Since the House recently passed H. R. 960 it would seem to me that such a restriction should not remain in this measure.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield myself enough time to make a statement which I believe it is important be made at this time.

I have no question as to the sincerity and honesty of purpose of my colleague from Georgia who has just spoken, but I feel that he is mistaken as to the facts with regard to the effect of these proposed reductions in Budget estimates upon the operations of the Wage and Hour Division. I wish to call the attention of the Members, not only for the benefit of those present, but for the benefit of those who may have the opportunity to examine the RECORD prior to our session tomorrow, to the statistics set out on pages 345 and 346 of the hearings, showing the total number of supervising inspectors, senior inspectors, and inspectors stationed at Wage and Hour Division regional and branch offices on February 1, 1940.

In connection with that information I shall state that I have before me the printed bill which was for consideration before the subcommittee and which contains certain information with regard to the number of field and departmental employees of the Wage-Hour Division during the fiscal years 1939, 1940, and 1941. It will be observed from these statistics that the total permanent field employees for the fiscal year 1940 were estimated at 896 when the officials of the Wage-Hour Division came before the Appropriations Committee in order to secure the appropriation of sufficient funds to carry on the work of their organization for the present fiscal year. It is also to be observed that the total number of permanent field employees estimated for in the 1941 Budget is 2,018, as against 896 for the present fiscal year.

It will also be observed that for the fiscal year 1940, according to the statistics which have been inserted in the hearings and to which I have made reference, the Wage-Hour Division had employed as of February 1 in its field inspection service only 334 inspectors of the three types to which I have made reference, although it would have been authorized to have employed 398 under its estimate as approved by Congress for the present fiscal year. The estimates for 1941, which have been reduced in what I consider to be a very reasonable way by the committee, contemplated the addition of a sufficient number of inspectors to raise the number to 661, or approximately double those which the Wage-Hour Division had in service on February 1, 1940.

So that not only will this proposed reduction, which is still so comparatively small in amount as to leave this division $1,644,000 more for the next fiscal year than it had for the present fiscal year, not result in the discharge of any portion of their field inspection force, but it will be sufficient to allow them to employ inspectors considerably larger in number than those that they had in their employment on February 1, 1940, and if they need additional inspectors for this year they are authorized, under the terms of the current appropriation bill, to increase the number from 334 to 398, as estimated for the present fiscal year.

I have not undertaken to discuss the departmental employment, but similar figures will be found in the record relating to that employment, and I think it is important for the House to know that not only will this reduction below the Budget estimates not have the result which the gentleman from Georgia [Mr. RAMSPECK] and the gentleman from California [Mr. WELCH], who preceded him, anticipate, but that it will provide for a considerably larger field force of inspectors than is now in the service or was in the service on February 1, 1940.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to my colleague.

Mr. RAMSPECK. Of course, my colleague knows that I would not question in any way the facts that he has before him there, but I am somewhat at a loss to understand the facts as related by my colleague, in view of the statement made to me last Thursday evening by the Director of this division, Colonel Fleming, in the presence of a member of the gentleman's subcommittee, the gentleman from South Carolina [Mr. HARE], that if the committee's recommended appropriation went through it meant an actual dismissal of present employees, and it is upon that type of information that I have made the statement I made here this afternoon.

Mr. TARVER. I am sure that the gentleman was misled. It is possibly true that the Wage-Hour Administrator contemplates greatly enlarging the number of his force between now and July 1, so that, with the enlarged number that he may contemplate having July 1, it would be necessary to have a considerably larger appropriation in order to pay their salaries in full for the next fiscal year, but this evidence, which is in the hearings and which I trust my colleague will examine, shows that he only had on February 1 334 of these field inspectors, when he was authorized to have had 398 if he so desired, and that the appropriation which we propose for the next fiscal year will provide for the employment of largely more than the number which he now has in his employment.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from California.

Mr. SHEPPARD. At the same time they had ample money to place all the employees which the law permitted them to use. Is not that correct?

Mr. TARVER. Absolutely true. The estimates were based upon the number of employees which they anticipated they would need.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield further?

Mr. TARVER. I yield to the gentleman.

Mr. RAMSPECK. May I say to my colleague that the gentleman from South Carolina [Mr. HARE] and myself were talking with Colonel Fleming about this matter, and the gentleman from South Carolina had stated to me previously that the recommended appropriation would not require the dismissal of any of the present employees. I asked Colonel Fleming about that in the presence of the gentleman from South Carolina, and he said that was a mistake—that it would require the dismissal of a considerable number of the existing employees.

Mr. TARVER. If the gentleman will examine the statement which I refer to in the RECORD he will find that it is the evidence of Colonel Fleming as given to this committee, and the evidence is as I have stated it, and it shows there is no prospect of the dismissal of any employees by reason of the reduction which is contemplated below the Budget estimates.

Mr. HOUSTON. If the gentleman will yield, I would like to know how an increase in the appropriation of $1,644,000 will entail the dismissal of any employees.

Mr. RAMSPECK. If they pay them out of that money, of course, they would have to dismiss some of them if they do not get the money, if they have them now.

Mr. TARVER. The point my colleague is making is that we are not only not taking the million dollars off so far as this year's appropriation is concerned, but we are proposing to add $1,644,000 to what they had this year, and therefore there is no possibility that I can see or that is disclosed by the RECORD, that this action, if approved by the House, will result in the decrease of the field force of the Wage-Hour Division.

Mr. RAMSPECK. Is it not true they had a deficiency appropriation of a very large amount which the gentleman is not taking into consideration?

Mr. TARVER. All of it is included in the figures I have quoted to the gentleman.

Mr. RAMSPECK. The gentleman means he is adding $1,000,000 over and above what they had with the deficiency appropriation.

Mr. TARVER. With the deficiency appropriation; yes, indeed.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman.

Mr. MARCANTONIO. Has the committee taken into consideration the additional work which has been entailed by the recent decisions, and I am referring particularly to the decision in the shoe industry, which requires quite a number of inspectors to enforce?

Mr. TARVER. Is the gentleman talking about the appropriation for the Wage-Hour Division or the National Labor Relations Board?

Mr. MARCANTONIO. The Wages and Hours Division.

Mr. TARVER. The Committee took into consideration all pertinent facts as disclosed by the rather extensive hearings which were held by the Committee, and without any intention to hamper the work of the Wages and Hours Division in any way whatever, decided that the amount which we have recommended to the Congress would very reasonably provide for all of their activities during the next fiscal year.

Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. CAMP].

Mr. CAMP. Mr. Chairman, one of the oldest and most widely discussed subjects is youth. In past years we thought mainly of the romance of youth rather than an actual youth problem. We thought in terms of the pleasures only young people enjoy; we delighted in comparing the younger generation to our own; we viewed with alarm new trends and attitudes prevailing among the youth group; we gave little thought of the problem of jobs; or, if we did, we thought mainly of the romance attached to preparing for and entering adult life.

This was a grand and glorious period in our history. Little did we realize how fortunate we were in having a western frontier which absorbed young people who were unable to find opportunity at home. We did not know that we would later face a period when the youth problem would become painfully realistic. We were not prepared to face reality—not even at a time when 4,000,000 young people were known to be out of school, unemployed, and hopelessly looking for jobs.

We did find a partial solution to the problem in the establishment of the Civilian Conservation Corps and the National Youth Administration. These agencies have made a powerful impact on American life; they have conserved youth resources; they have restored hope, courage, ambition to youth; they have provided educational opportunity and work experience; and at the same time their work has added to our national wealth. I take great pride in pointing to the work of these agencies as examples of effective action to alleviate a grave youth problem.

But I am not one who feels that present measures are adequate. We are still unwilling to face reality and make adequate provision for youth. The most glaring evidence of this is the proposed reduction of the National Youth Administration appropriation from $100,000,000 to $85,000,000.

This agency has been not only a most needed one, but one which has met with popular approval in every section of the Nation. The N. Y. A. student-work program, which enables needy young people to continue their education, has been accepted as a part of the local education program. It has enabled hundreds of thousands of youths to take advantage of established educational facilities. Youth Administration projects for out-of-school youth have preserved the morale, the skill, the energy, and prepared for regular employment hundreds of thousands of unemployed, nonschool, young people.

What is the threat of unemployment to American youth? Four millions of enterprising and ambitious young people are faced with an appalling fact—that there are not enough jobs, temporary or permanent, to give them the foundation to take up a normal life. We talk about economy without recognizing what economy means to thousands of young people who have not a chance to work. The National Youth Administration received $100,000,000 from the Congress for this year. Are we going to permit any less to be appropriated to this worthy agency for the continuance of its programs of education and employment of needy youth?

A decrease of $15,000,000 will reduce by 123,000 the average employment of youth by the National Youth Administration. The immediate results of this reduction will be that the education of over 75,000 will be stopped and another 48,000 will be forced to accept idleness as a vocational pursuit. For the amazingly low per capita cost of less than $135 a year, 746,268 young men and women are kept in school, given counseling and legitimate work experience.

Every effort is made by the N. Y. A. officials to get these young people off the part-time N. Y. A. job into private employment. Turn-over from the work projects is between 90 percent and 100 percent in the course of a year. And over 31 percent who leave the projects are able to get private jobs, chiefly because they have had some sound work experience and some proper guidance from people who are interested in their welfare. The 435,000 who are helped to stay in school are justifying this work opportunity. They are able to make good grades—most of them are in the upper half of the student body—and they work under faculty supervision to earn their small monthly stipend.

The National Youth Administration is a sane, sound, and economical Government program and is valid from every point of view that may be projected. I believe that we should direct our efforts toward increasing the appropriation of the National Youth Administration to a sum sufficient to employ every one of the 340,000 who are already certified and awaiting assignment at this time, but who cannot get on the National Youth Administration program because there is not enough money to employ them. We cannot permit this waiting list for jobs to be jumped up by another 125,000 or more.

A reduction of $15,000,000 would have the immediate effect of cutting N. Y. A. employment by 123,000 youth—78,000 N. Y. A. jobs for enabling young people to continue their education and 45,000 jobs for out-of-school unemployed youth. It would deny the right to earn equality of educational opportunity to 78,000 potential students. It would prevent 45,000 nonschool youth from obtaining work experience and training they need in order to hold a regular job.

Reduction of the N. Y. A. appropriation is not true economy, it is waste—waste of youth resources. Unemployment among youth is the greatest menace to democracy—its results are idle minds dominated by dismay, despondency, and despair. Such minds are rusty for constructive thinking, but ripe for crime and ideology.

To many other agencies of Government a fund reduction of $15,000,000 would not be so drastic. But the N. Y. A. program is administered at the extraordinarily low per capita cost of $135 per year. What other agency or department of Government has produced equally effective results so cheaply and so economically? What other agency has received the same widespread public approval? What other agency could give substantial assistance to 123,000 persons on appropriation of $15,000,000?

In deciding upon this appropriation let us think of the value of education and employment to young people. Let us try to put ourselves in the shoes of young people who have not either the opportunity to attend school or to work. Let us consider the handicaps which youth faces without training. Think of the adults who suffer because of this lack of education or training. And finally, let us think of the ill effects which a poorly equipped citizenry will have on our society.

I favor equality of opportunity; I favor a youth population healthy in body and mind; I favor an educated citizenry. I endorse the record of the National Youth Administration and will support an appropriation of $100,000,000 for this agency. [Applause.]

Mr. HOUSTON. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. VOORHIS].

Mr. BENDER. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. HOUSTON. May I say to the gentleman from Ohio that this is the last speaker today.

Mr. BENDER. I withdraw the point of order.

Mr. VOORHIS of California. Mr. Chairman, this bill before us is so important, containing so many matters of importance, that it is rather impossible to think of starting at this late hour of the day, particularly in 10 minutes, to discuss it. There are only one or two items to which I wish to address myself very briefly. My thesis mainly is the following: I believe very earnestly that with the economic situation as it

is in this country today it is wrong for us to require the curtailment of any work program by so much as one person. With private employment decreasing, we are doing a very bad thing economically if we curtail employment on Government programs at the same time. There are two main items in this bill where that factor is involved. One of them is the National Youth Administration and one of them is the Civilian Conservation Corps. It has already been pointed out by previous speakers this afternoon that in the case of the National Youth Administration a cut of $15,000,000 under the appropriation for this year will mean that approximately 123,000 young people would have to be laid off the program. I shall support amendments to raise the N. Y. A. appropriation to $100,000,000. I presume that everybody is familiar with what it costs to give to one group of young people an opportunity to continue in school and to another group of young people an opportunity to earn a living and at the same time get work-training experience. Under the high-school-aid program the average cost is $4.23 per month per student. This is what these young people earn to keep themselves in school. It seems to me that this program is an integral part of the American idea of educational equality, and that to cut that program the slightest bit would be eminently wrong. Incidentally, the N. Y. A. itself has virtually no administrative expense in connection with the school-aid program. It is administered by the heads of the schools and colleges which the young people attend. On the works program it costs an average of $18.86 a month for wages to these young people. A man connected with the California State Employment Service told me one day that if all the young people between the ages of 18 and 24 who were registered at his office had had N. Y. A. training experience his placements in that age group would have been 33⅓ percent higher than they had been. That is to say that the N. Y. A. experience meant that much increase in the possibility of placing these young people in private jobs. I do not know of anything anywhere in the whole gamut of governmental activities where it is so clear that attempts at so-called economy mean that we are spending people in order to save dollars.

The N. Y. A. has been a boost to young people. It has not been a long-time employment program. We find that the turn-over of N. Y. A. employment has been between 90 and 100 percent a year on the out-of-school work projects. Of course, in the school age it is not that rapid. There are about 4,000,000 young people, it is estimated, between 18 and 24 who today are unemployed and not in school. Of these, about 9 percent are affected in some way or other by the N. Y. A. program. There are at the present, according to the best information I can get, somewhere around 300,000 young people who are actually certified to go to work on the N. Y. A. who cannot be put to work because of lack of funds. I think it is the wrong time to add to this confusion, which is just what it is, in the minds of the youths by requiring another 123,000 young people to be placed in that same position by taking from them the opportunity which N. Y. A. work affords.

I would like to indicate in the few moments what some other people beside myself think about this N. Y. A. program. The California Legislature at its last session, which was certainly not a session marked by its generosity in making appropriations, nevertheless voted 65 to nothing to allocate one-half of 1 percent of all State relief funds for the sponsoring of N. Y. A. relief projects.

This is the same legislature that made reductions in the appropriations in general for relief, which were very severe and which have resulted in cuts in the ordinary budgets of California people who are unfortunate enough to be on relief of about 40 percent.

Raymond Clapper, on January 31, wrote a column about N. Y. A., which I inserted in the RECORD. I would like to read one paragraph from that column. It is as follows:

> Even if N. Y. A. is going to add a few million dollars to the national debt, I as a taxpayer consider it a good investment—insofar as the money goes to these students and not to padded overhead. For here you are giving a chance to the most ambitious young men and women, the ones with real stamina. They are willing to put themselves through work that would be disdained by eastern college boys who are being educated on dad's checkbook to grow up as smug reactionaries. This country will be better off for these young people who, in 2 or 3 years, will be out teaching the next generation.
>
> I could write much more and give you more facts. But it isn't popular copy. Some people might think I was a "red"—those people who don't know Americanism when they see it.

I believe that this N. Y. A. program is the best immediate answer that we have to anybody who might attempt to teach doctrines to the young people of this country that we do not want them to learn. The problem that we face is a great national problem. Our young people have had nothing whatsoever to do with bringing about the situation of unemployment. They are not the people to be asked to pay the price for our failure to solve it more quickly. It is our minimum duty to see to it that not a single one of those young people has to be laid off this year as a result of our action.

I have a letter that I unfortunately do not seem to be able to put my hand on at the moment, but I can tell you about it. It is a letter from a man who used to be my boss when I worked as a clerk in the office of an automobile company. He lives in Wisconsin. He is a Republican. He has been on the Republican county committee for a long time. He has been associated more recently with the N. Y. A. He has been actively engaged in the work. In his letter he tells me that in his judgment this is one of the very best programs that we have in this country. He pays a high compliment to the way it has been run in his State and says he hopes that nothing will happen which will cause this program to be curtailed.

I would like to say a few words about the C. C. C. program. Here we have a case of a great Nation that has an unemployment problem, a Nation also which only in the last 4 or 5 years, indeed, only since the present administration came into power, has begun to realize not only the value of its natural resources but the extent to which those natural resources have been depleted; the extent to which the life-giving soil of the Nation is being washed away into the oceans.

The C. C. C. program has been an attempt to combine the energies of youth with the saving of the soil and forests and other natural resources of America for future generations. We sometimes hear people talk about passing the national debt on to the next generation. I do not want to do that. I think there are ways it could be avoided, incidentally, without curtailing any of these programs; but I am not going to speak about that today. But what could be more serious than to pass on to the next generation a Nation whose soil resources had been so seriously depleted that its agriculture could not be profitably or effectively carried on? I believe N. Y. A. and C. C. C. should both be given at least the same amount of money as they had last year. These employment programs are the wrong place to try to save money, for to the youth of America they make all the difference between feeling that you have an opportunity to build your country on the one hand and feeling that your country does not need you on the other hand.

[Here the gavel fell.]

Mr. HOUSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, we have heard some very interesting talks this afternoon along the line of the unemployment problem. I am firmly convinced that there is only one way in which we are going to solve unemployment, and that is by actually getting back into employment the 9,000,000 now without jobs.

We talk about four and one-half million unemployed youths. The problem is not going to be solved through W. P. A., P. W. A., or relief organizations, although I have been one of the most consistent supporters of these efforts; but I do believe that there is a plan which if put into effect would completely wipe out unemployment in this Nation. What does W. P. A. and P. W. A. create? Yes; fine projects; they were needed, but they create static things, things that are not consumed. What we must go into is more employment in the consumer-goods industries, employment in the factories of this Nation, the 116,911 factories. If we are going to accept the program that 10,000,000 unemployed and 30,000,000 employed is the normal situation, all well and good for

those who wish to accept that philosophy, but I cannot. I want to see men, both youth and middle age, employed in industry at real wages, and a real provision in the law for security for the aged. We have over $6,000,000,000 too much inventory on the shelves that cannot be taken up unless there is increased buying power. Five minutes is entirely insufficient time in which to discuss this great problem.

The 8,000,000 unemployed in 1935 would have earned about $10,000,000,000 had they been employed. Their unemployment represents a loss of $10,000,000,000 buying power in this Nation. The only way we can solve this problem is by insuring the employment of 3,000,000 additional people in the factories of this Nation. Why do I say 3,000,000? Because for every person employed in the factories two additional persons would be employed in auxiliary occupations, which would mean a total of 6,000,000 additional, making 9,000,000 all told. I would have the Government put up 40 percent of the wages of the new employment that these factories would create. In other words, 40 cents out of every dollar of new employment would be put up by Government and 60 cents by the employer in every line of work. A definite time might be set at which to fix normal employment, and from and after that date every employer of labor who added new labor to his pay roll would have assistance from the Government to the extent of 40 cents on the dollar of the employees' wages, the Government paying 40 cents and the employer 60 cents. Such a program would mean that these men would be earning wages on which they and their families could live and definitely take care of the unemployed. It would take people off of relief and put them in real jobs. A surprising thing is that it would not cost much more than W. P. A. or P. W. A. It would cost the Government about $4,500,000,000 to meet this extra subsidy, but the increased national income of over $20,000,000,000 would take care of the additional cost over and above the present program. [Applause.]

I have introduced H. R. 933, which sets up this program. It is before the Ways and Means Committee. We should have hearings. The bill provides vocational training for youth; security for those that cannot be employed because of age or physical handicap. It provides for a joint committee of the House and Senate to cooperate with labor, agriculture, and industry to set up a real permanent program for this problem, because this plan of mine would be in effect for 3 years and at the end of that period this joint committee would be ready to report on a permanent basis.

I invite you to read my bill to create 9,000,000 jobs. I feel convinced you will acknowledge it will do the job. I cannot cover its provisions in my limited time here. The youth problem must be met by meeting the problem of unemployment so that they will be able to face the world with confidence in the future and respect for their Nation. If we do not meet it, our Nation will not long endure.

Mr. TARVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Speaker pro tempore, Mr. RAYBURN, having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 9007, the Labor-Federal Security appropriation bill, 1941, had come to no resolution thereon.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that further general debate on the Labor-Federal Security appropriation bill, H. R. 9007, be limited to 2 hours, to be equally divided and controlled by the gentleman from Michigan [Mr. ENGEL] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CALENDAR WEDNESDAY

Mr. TARVER. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday, March 27, 1940, be dispensed with.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. BUCK. Mr. Speaker, during the course of the afternoon the gentleman from Idaho [Mr. WHITE] made some remarks in which he desired to include certain telegrams and letters. He was called away earlier in the afternoon and requested me to ask that he be permitted to include them.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to include certain telegrams and a letter in the remarks I made this afternoon in the Committee of the Whole.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a radio talk I made last Thursday night.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement issued by the Department of the Interior, Bituminous Coal Division.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks on two subjects and to include in one of them a letter from John F. Selle, of Gainesville, Fla., and in the other excerpts from an address delivered before the Democratic Club at Pomona, Calif.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article appearing in the New York Journal-American of Sunday, March 24, entitled "Shall We Amend the Constitution? Third Term Issue Again Raised," by George Rothwell Brown.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. ENGEL]?

There was no objection.

Mr. MURRAY asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a quotation from the Patriot.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from the dean of the University of Oregon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. CLEVENGER]?

There was no objection.

ONE HUNDRED AND NINETEENTH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. EBERHARTER]?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, today marks the one hundred and nineteenth anniversary of the independence of Greece; an independence that was achieved after 7 years of continuous struggle on the part of a subjugated, yet indomitable, race against the then mighty Turkish Empire, whose domain extended over large parts of Asia, Europe, and Africa. This latter fact, in itself, makes the success of the Greeks of the third decade of the nineteenth century the more admirable. Our own independence, also achieved a few decades earlier, under very difficult circumstances, had undoubtedly influenced the Grecian patriots in their own determination to free themselves, no matter what the cost in blood and suffering would be.

During the time that has elapsed since March 25, 1821, when the Archbishop of old Patras blessed the uprising of the people of the historic Grecian mainland and the islands of the Aegean Sea, Greece has grown in territory, and has vastly advanced in every field of human endeavor. As an example, I may mention the Greek merchant marine, many units of which are daily touching our American ports along both oceans and the Gulf, and are proudly flying the Greek flag throughout the watery expanse of our globe—about 700 of them—making an aggregate of approximately 2,000,000 tons. It comes next to that of France, and is the ninth largest in the world.

Greece and Turkey have put aside animosities of the past and, for several years now, have been showing the way to genuine cooperation and mutual respect among nations. They are doing more than quite a few other nations are doing to promote civilization, goodwill and peace, in this war-tired era of ours, when international lawlessness reigns, and small or weak nations are being devoured by larger or strong ones.

Greece, along with brave Finland and Hungary, has not forgotten her debt to the United States—in recent years. Of course, what she pays represents only partial payments on account of interest on part of the loans made to her, but the fact remains that she pays something. In other words, she is making an honest effort; an effort that is duly appreciated in this country, I am sure.

I believe, Mr. Speaker, that I am expressing the sentiment of the House when I heartily congratulate the people of Greece, as well as our splendid Americans of Greek descent, on the occasion of the one hundred and nineteenth milestone of the precious independence of that historic land, the mother of civilization and democracy. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There was no objection.

Mr. HOBBS. Mr. Speaker, Selma Super Service. Again Selma leads the world. Alabama's "Central City" shows the way.

A taxicab driver of my native town of Selma, Buddy Kynard, found an egg on the rear seat of his cab. Not knowing to whom he should return it, he pulled off a fur-lined glove, put the egg in it, and stuck the glove and the egg in the dash box of his car. Being a taxicab running 24 hours a day the egg was kept warm. On yesterday morning, Easter, the famous Easter rabbit may have laid some eggs, but the egg in the glove celebrated Easter in its own way—by giving birth to a baby chick.

I maintain that this modern use of the facilities of today for a novel purpose is worthy of the attention of Congress. If Washington follows Selma's example, and every taxi here does such double duty, broilers and friers will soon be plentiful.

Hatching by taxi, the latest practice in the poultry world. Another adventure in leadership started in one of the most progressive cities on God's earth. [Laughter and applause.]

The SPEAKER pro tempore. Under a previous order, the gentleman from Indiana [Mr. LUDLOW] is recognized for 20 minutes.

THE CONDITION OF THE POOR IN AMERICA AND CHANGES NEEDED IN OUR RELIEF SYSTEM

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD, and include therein a letter I have received from John K. Jennings, Work Projects Administrator of the State of Indiana.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, as the time is approaching when Congress must pass a relief act for the fiscal year 1941, it seems appropriate that we, as conscientious legislators, should be giving careful consideration now to the condition of the worthy destitute people of our country who deserve and must have assistance.

As much as I would like to see poverty vanish from the earth, I am impressed as I read my daily mail and as I come in contact with the situation throughout the country that we still have an appalling lot of it left with us—not only poverty but deep distress and poignant suffering. All of the time I am receiving appeals from constituents who are tramping the streets looking for work that cannot be found; whose families lack food and clothing and medical care; whose dwellings in some instances have been absolutely without heat during the subzero weather of the coldest winter we have had in many a year. The appeals that are coming to me have the ring of truth and sincerity, and I believe that the malingerers—of whom there will always be a certain number—are a small and inconsequential fraction compared with the total suffering population. With many of the writers I am personally acquainted, and I know they are as good people as you or I. Without fault of their own, they are the tragic victims of relentless economic forces.

This is the gloomy and sorrowful picture that is still before us as we prepare to frame the Relief Act for 1941. People will differ in their opinions as to what created that picture and as to why, in the moving panorama of events, the picture does not change so as to present a more pleasing vista. My own view is that there will never be any satisfactory solution of the relief problem until business and industry are given the proper stimulus and encouragement to resume normal operations and to take over into regular jobs the millions now on the relief rolls. For a long time the businessman has been the "forgotten man" of our national equation. No one in authority has warmed up to him. No one in authority has said to him, "What can I do to assist you?"

Businessmen and industrialists have had the daylights scared out of them by the enormous spending which threatens our national solvency, by excessive and burdensome taxation, and by the many unwarranted incursions of the Government into fields of private enterprise. These untoward developments have left business prostrate and hopeless, in a condition where it may truthfully be described as atrophied, or perhaps petrified would be a better word. With businessmen and other employers in this desperate state of complete prostration, is it any wonder that hundreds of my constituents, and hundreds of your constituents, are tramping the streets looking for work and not finding it? Whenever they approach a factory door they are hailed with the answer before they can open their mouths, "Sorry, but we are not hiring anyone."

As I said before, people will differ over what caused the picture, but no one can doubt the picture itself. Go to any center of population in the United States and you will see it there in all of its unloveliness. And, after all, it does not greatly matter what caused it, for the fact remains that it is there, and it must be reckoned with. It is a condition, and not a theory, that confronts us.

The inescapable realization that we have this tremendous problem on our doorstep and that it must be dealt with in a humane way is what prompts me to make the suggestions I am about to make which are born of my personal observations in my earnest efforts to serve the people of my district. According to my way of thinking, the Work Projects Administration never has been, and never will be, a satisfactory instrumentality for handling the relief situation. Quite aside

from its enormous overhead cost, it is objectionable because it makes fish of one and fowl of another among our worthy unfortunates. One applicant gets on the roll and draws his $58.50 a month. Another applicant, exactly as worthy as the first, cannot get on the roll at all, and he and his family have to subsist on a food order of the township trustee amounting at most to a few dollars a week. Since it is impossible to find jobs for all eligibles on the W. P. A. rolls, the operation of the W. P. A. law inevitably divides the great relief population of the country into two groups—a fair-haired group that gets employment at a living salary and an unfortunate group that cannot get employment and must starve or subsist on hand-outs of the township trustees. This unequal treatment is a constant festering cause of distrust and jealousy and a glaring violation of the fundamental Jeffersonian theory of "equal rights to all; special privileges to none." My personal thought is that the relief problem could be better handled by Federal grants-in-aid to the States, the distribution of the funds to be on a scale that would reach every person who really needs relief and on a basis of absolute equality to all, the grants to be administered by local officials who are thoroughly familiar with the relief situation in their various communities.

But if we are to continue the illogical Work Projects Administration relief system—and I am satisfied we shall have it next year and perhaps for years to come—I for one shall vote every dollar of appropriations necessary to make it workable, or as nearly workable as it can be made. While we are making vast appropriations that are not necessary, surely we can and should appropriate a sufficient sum to relieve misery and to save and protect the great human values. When I first ran for Congress I announced that when it came to an alternative between dollars, on the one hand, and the humanities, on the other hand, my voice and my vote and my influence, for whatever they might be worth, would always be on the side of the humanities, and on that platform I still stand.

The point I wish especially to make, which I regard as fundamentally important in the further consideration of our relief problem, is that, whatever the amount of the appropriation for the Work Projects Administration for 1941 may be, arrangement should be made so that favoritism will cease and it will be distributed as equitably as it can be distributed among all worthy certified applicants. To effectuate this purpose it will be necessary, I think, to make some changes in the relief law.

First, let me say that the plan I have in mind is necessarily based on conditions as they exist in Marion County, Ind., as that is the only region on which I have full and definite information, but it is to be assumed that conditions there are typical of other cities over the country.

There are many hundreds of persons certified as eligible for W. P. A. employment who cannot be placed. A great number of these fall within the A classification, being persons with 6, 8, and 10 dependents. There are no jobs for them, and they therefore are on the relief rolls, barely keeping body and soul together. Many of these people have been on relief rolls for many months, and it obviously is undermining their health. This is especially true in the case of children. As the money and jobs are limited and are not sufficient to take care of all persons, spread of employment is vital.

Several benefits are now being paid by the Federal, State, and local units of government to persons with no means of support. In Indiana persons receiving old-age assistance get on an average of $17 per month, many less, some more. Persons receiving dependent children's aid receive $20 for the first child, $18 for the second, and gradually decreasing amounts for the others. This is reduced in some cases, according to the standard of living of the family, and the average amount being paid is somewhere between $40 to $50 for families of five and six. Widows of veterans receive $30 per month in most cases. Persons on relief, if single, get a grocery order of $1.45 per week, two persons get $2.05, three persons $2.45, and so forth, with a family of eight receiving $4.05. Rent is not paid unless the family is evicted, and in no case for single persons. The grocery order is supplemented in some cases with a ton of coal a month, clothing, and milk. These benefits, with the possible exception of a widow with a large family of children receiving dependent children's aid, do not in any way compare with the W. P. A. income and there is jealously and suffering. It would appear that the benefits should be standardized.

Then, too, there is a cry from employers in private industry that the W. P. A. wage is beyond what they can pay for similar duties and hours, as, for instance, in the case of domestics.

In my opinion, the following plan would go far to spread the work, standardize the relief, and eliminate competition with private employment:

Set a wage scale by the hour and give enough hours of employment to single persons to equal a wage of $25 per month; to persons with one dependent, $40 per month; two dependents, $45; three dependents, $50; four dependents, $55; and five dependents or more than five dependents, $60.

This would in no way decrease the buying power and would not decrease the wage scale. Persons on relief have no buying power and it is an economic truth that persons in the low-wage scale have to spend their entire earnings for the necessities of life. In other words, there would be a greater possibility of saving and limitation of buying power if one person received $60 per month and another was on relief than if the $60, or more than $60, was divided between the two recipients. Thirty dollars would necessarily have to be expended for food and shelter.

At first blush, those in class C—single persons—and class B, the other deferred class, might object to a lower salary than is provided in the existing scale, but they should bear in mind that under my plan they would, at least, have a chance to secure employment, though at the reduced rate, while under the employment-quota limitations now imposed on W. P. A., and likely to be imposed at all times in the future, they probably will be unable to secure employment at all, because there will always be enough persons in the A classification to consume the entire quota. After all, a single person has to live and a wage of $25 a month is better than no wage at all.

The great virtue of my proposed plan is that it would spread the money so that many who are now on trustees' relief, which is hardly sufficient to keep body and soul together, would get work jobs on W. P. A., to which they are entitled if W. P. A. benefits are to be spread universally and equitably, as they should be spread.

On February 28, the last date for which complete statistics are available, there were in the United States 2,325,896 persons on W. P. A. work-relief rolls, but there were 1,000,000 others equally eligible for employment and equally worthy who cannot get work. In my home State, Indiana, there were 65,063 on the W. P. A. and 27,000 other eligibles who cannot get on the W. P. A. under the existing provisions of the law. Of these 27,000, about 3,500 are in my home city, Indianapolis. In all fairness and justice do we not owe the same duty to the 1,000,000 in the Nation, the 27,000 in Indiana, and the 3,500 in Indianapolis, to help them to get employment that we owe to their more fortunate fellow citizens who are already on the rolls?

Some other changes in the law and in the administrative practice under the law are worthy of our consideration. I think at this time the 18-month provision, requiring all on work relief to leave the rolls for at least 30 days after 18 months' service, may be right in principle. It keeps the rolls from being frozen and it affords the 1,000,000 eligible unemployed almost the only hope they now have left of ever being given W. P. A. employment. However, in its present form it is too harsh. Under its operation all who are on W. P. A. 18 months automatically go off, regardless of their circumstances. A relief worker may have an invalid wife and a dozen dependent children, but he goes off the roll automatically the same as persons with few responsibilities.

A little flexibility should be written into the law to permit the Administrator to exempt from the automatic dismissal order a relief worker when he—the Administrator—is convinced that exceptionally cruel and inhuman hardship would result from his dismissal. Another amendment I would advocate would give a veteran's wife a preferential

right to employment if the veteran is unable to work, and I would give a preference also to a veteran's widow. Similar preferential rights are given to wives and widows of veterans generally in the public service, and I do not know of any good reason why the same should not extend to W. P. A. employment. Proper limitations also should be thrown around the so-called 5-day provision. This is the administrative rule which marks for dismissal workers who fail to report for duty 5 consecutive days. It would appear that in the way this provision is now being administered some very worthy persons are being unjustly penalized. People cannot help getting sick, and there are many other bona fide reasons why they cannot always report on time. Many letters have come to my office from workers stating that, although they furnished doctors' certificates explaining and justifying their absence, they have not been able to secure reinstatement on the rolls. Some of those who were off 5 days without being in any way at fault have been 13 months trying to get back on the rolls, but without success.

Another change in the law I think might well be made would be an amendment providing that a larger percentage of relief workers shall be employed in the various activities connected with administration, such as office work.

After all, this is a relief law and why should not eligible relief applicants be employed in administrative positions which they are capable of filling, rather than others who are not in need of relief? One advantage would be that the relief money would go much further, because every non-relief administrative employee is paid a much higher salary than the earnings of a relief worker.

My mail is proof of the fact that there are many competent clerks, stenographers, typists, teachers, and others among certified relief applicants who would be glad to have the opportunity to do administrative work. The law needs to be recast in this particular, as well as in others.

Consideration may also properly be given, I think, to amending the sponsorship provision that has been in existence since January 1, 1940, requiring the sponsor to provide a flat 25-percent contribution to the cost of the project. While I believe thoroughly in local responsibility and the obligation of local units in the matter of relief, yet the fact remains that in many localities resources have become so depleted that insistence on the 25-percent provision will mean that there will be no projects and that the W. P. A. will collapse insofar as those communities are concerned. At the present time in my home county there are approximately 4,000 families, eligible and certified, awaiting W. P. A. employment who cannot be taken care of, due to lack of projects. If we are to maintain the W. P. A. system, I believe some sort of flexibility will have to be introduced into the sponsorship provision. I will close my remarks by presenting a letter dealing with the sponsorship problem from John K. Jennings, the Indiana work-projects administrator. It is as follows:

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Indianapolis, Ind., January 25, 1940.

Hon. LOUIS LUDLOW,
Member of Congress,
Washington, D. C.

MY DEAR CONGRESSMAN: With regard to an expression of my views on the sponsorship provision contained in the current act, in general, I am of the opinion that the fundamentals of the provision are both desirable and operative. However, I believe that some modifications, if adopted, would serve to correct certain existing objectionable features and result in a more equitable administration of the law.

It is my thought, based upon experience in applying this phase of the act, that it has been made too inflexible, with the result that it forces an undue hardship upon economically and financially distressed counties where the need for a work program is really greatest.

As you know, this provision in its present form provides for a flat 25 percent sponsor contribution throughout the State. Theoretically the State administrator can vary such conditions at his own discretion as long as the stipulated State average is maintained. Actually, however, such discretionary powers are nonexistent. It is impossible to overcome the losses incurred in low sponsor contributions with corresponding higher contributions from other localities for the reason that sponsors, in general, demand equal treatment. In consequence of this fact it is a financial impossibility for certain distressed areas to maintain a sufficient number of projects for their local eligible unemployed.

I know you are familiar with the so-called stranded population groups here in our own State. I refer to the coal and stone sections, where, because of mechanical improvements, coupled with economic upheaval within the industry, many skilled workers in these fields are not only without employment but can look forward with no hope whatever of ever again being employed in the industry for which they have been trained. In these localities the unemployment load is exceptionally high and the need for a work program is greatest. Local tax rates have actually increased to the point of being confiscatory. Tax delinquencies are correspondingly high. In some of these counties over one-half of the population is now receiving some form of public assistance.

It is utterly impossible to conceive of governmental units in these localities sponsoring projects sufficient to take care of their unemployed and, at the same time, meet existing sponsor contribution requirements.

It is also unfair to compel such a group to meet the same restrictions in these respects as are required of sponsors in the more prosperous areas. It is my feeling that if some flexibility were injected into the present law in order to relieve this distressed group, little difficulty would be experienced in requiring the remaining sponsors throughout the State to comply with the regulation in its present form.

I recognize that the congressional appropriation committee might entertain some objection to a greater liberalization along the lines which I have mentioned for the reason that they lack the confidence that certain W. P. A. officials would administer the law in strict accordance with its true intent. It is my thought, however, that if such a feeling exists, it should call for corrective measures along other lines and would not justify failure to correct legislation which might be at the present time reacting against localities in greatest need of assistance.

If I can be of any assistance in providing you with further information on this or kindred subjects, please do not hesitate to call upon me.

Sincerely yours,

JOHN K. JENNINGS,
State Administrator.

[Applause.]

ADJOURNMENT

Mr. TARVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 26, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid in the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Wednesday and Thursday, April 10 and 11, 1940, at 10:30 a. m. each day, on H. R. 8441, to afford greater protection to the purchaser of patent rights; H. R. 8442, to prohibit proof of acts done by an inventor in foreign countries; H. R. 8443, to give the Commissioner of Patents power to protect inventors by establishing adequate standards of professional conduct among attorneys; and H. R. 8444, to permit the assignee of an application for letters patent to make certain supplemental applications.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 26, 1940, at 10 a. m., for the consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, March 27, 1940, at 10 a. m., for the consideration of H. R. 5918 and H. R. 6796.

COMMITTEE ON THE JUDICIARY

On April 2, 1940, at 10:30 a. m., there will be continued before Subcommittee No. 4, of the Committee on the Judiciary, a hearing on the bill (H. R. 7534) to amend an act to prevent pernicious political activity (to forbid the requirement that poll taxes be paid as a prerequisite for voting at certain elections). The hearings will be held in Room 346, House Office Building, and will be continued on the following dates: April 3, April 9, and April 10, at 10:30 a. m.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING APRIL 1, 1940, AT 10 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

Maj. Gen. Julian L. Schley, Chief of Engineers, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

1. Monday, April 1: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

2. Tuesday, April 2: Sponsors and representatives of the Corps of Engineers for propects in reports on rivers in Texas and the Southwest.

3. Wednesday, April 3: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

4. Thursday, April 4: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

5. Friday, April 5: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

6. Saturday, April 6: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

7. Monday, April 8: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1486. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, United States House of Representatives, amounting to $40,000, for the fiscal year 1940, to remain available until expended (H. Doc. No. 678); to the Committee on Appropriations and ordered to be printed.

1487. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to amend the Transportation Act, 1920, as amended; to the Committee on Interstate and Foreign Commerce.

1488. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill to define the limitations of section 408, War Risk Insurance Act, as amended, and for other purposes; to the Committee on World War Veterans' Legislation.

1489. A letter from the Secretary of Agriculture transmitting a copy of a proposed bill to amend section 7 (c) of the Perishable Agricultural Commodities Act, 1930, as amended (U. S. C. title 7, 499g (c)); to the Committee on Agriculture.

1490. A letter from the Secretary of War transmitting a draft of a proposed bill to authorize the establishment of boundary lines for the Wilmington National Cemetery, N. C., by means of an exchange of quitclaim deeds with the owners or claimants of adjoining lands; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Concurrent Resolution 51. Concurrent resolution to extend the time for the filing of the report of the Joint Committee on Forestry; without amendment (Rept. No. 1827). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 436. Resolution providing for the consideration of appropriations and language for the National Youth Administration in connection with the consideration of the bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1941, and for other purposes; without amendment (Rept. No. 1828). Referred to the House Calendar.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 9000. A bill to provide more adequate compensation for certain dependents of World War veterans, and for other purposes; without amendment (Rept. No. 1829). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 166. An act for the relief of Nathan Kaplan; without amendment (Rept. No. 1830). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 1326. An act for the relief of Janet Hendel, nee Judith Shapiro; without amendment (Rept. No. 1831). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 1328. An act for the relief of Lena Hendel, nee Lena Goldberg; without amendment (Rept. No. 1832). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 1478. An act for the relief of Haim Genishier, alias Haim Satyr; without amendment (Rept. No. 1833). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 1870. An act for the relief of Dionis Moldowan; without amendment (Rept. No. 1834). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 2030. An act for the relief of Mira Friedberg (Mira Dworecka); without amendment (Rept. No. 1835). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 2492. An act for the relief of Dane Goich; without amendment (Rept. No. 1836). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 2527. An act for the relief of Mary Nouhan; without amendment (Rept. No. 1837). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 7955. A bill for the relief of Louis Rosenstone; without amendment (Rept. No. 1838). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8223) granting a pension to Laura B. Stewart, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS:

H. R. 9037. A bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 28, 1938; to the Committee on Flood Control.

By Mr. COLLINS:

H. R. 9038. A bill conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; to the Committee on Indian Affairs.

By Mr. LEAVY:

H. R. 9039. A bill granting the consent of Congress to the Secretary of the Interior and Stevens County, State of Washington, to construct, maintain, and operate a highway bridge across the Kettle River, near Kettle Falls, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. RANKIN:

H. R. 9040. A bill to provide domiciliary care, medical and hospital treatment to certain veterans of the World War, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. RAMSPECK:

H. R. 9041. (By request). A bill to provide that assistant or deputy heads of certain bureaus in the Department of the Interior shall be appointed under the civil service laws, and for other purposes; to the Committee on the Civil Service.

By Mr. MUNDT:

H. R. 9042. A bill to establish and maintain parity prices for agricultural products, to preserve the American market for the American farmers, to encourage the establishment of new industries, to create and safeguard opportunities for the constructive employment of American land, labor, and capital by effecting a better coordination of Federal lending, marketing and accounting policies, and for other purposes; to the Committee on Ways and Means.

By Mr. H. CARL ANDERSEN:

H. R. 9043. A bill to authorize a preliminary examination and survey of the inlets and outlets to Lake Hendricks, S. Dak., and Minn., for flood control, for run-off and waterflow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. BARRY:

H. R. 9044. A bill to continue, for an additional year, the Sugar Act of 1937, and to apply the limitations on direct-consumption quotas to 1940 and 1941; to the Committee on Agriculture.

By Mr. BOREN:

H. R. 9045. A bill to divest certain activities of their interstate character; to the Committee on Interstate and Foreign Commerce.

By Mr. GEARHART:

H. R. 9046 (by request). A bill to authorize the construction of the Pine Flat-Kings River project in California; to the Committee on Flood Control.

By Mr. GOSSETT:

H. R. 9047. A bill to provide for the transfer of United States prisoners in certain cases; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 9048. A bill to provide for national recovery by raising revenue and retiring citizens past 60 years of age from gainful employment and provide for the general welfare of all the people of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUSTON:

H. R. 9049. A bill to provide for Federal cooperation with the States in the development of aircraft landing areas adequate to provide for the national defense, the Postal Service, and civil aeronautics; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVY:

H. R. 9050. A bill granting the consent of Congress to the Secretary of the Interior and the State of Washington to construct, maintain, and operate a highway bridge across the Spokane River, Wash.; to the Committee on Interstate and Foreign Commerce.

H. R. 9051. A bill granting the consent of Congress to the Secretary of the Interior and the Great Northern Railway Co., to construct, maintain, and operate two railroad bridges across the Kettle River, near Kettle Falls, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 9052. A bill to amend section 24e, National Defense Act, as amended, so as to eliminate the requirement of 2 years' practice for eligibility for appointment in the Dental Corps; to the Committee on Military Affairs.

H. R. 9053. A bill to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes; to the Committee on Military Affairs.

By Mr. MILLS of Louisiana:

H. R. 9054. A bill to authorize a preliminary examination and survey of Black River, Catahoula, and Concordia Parishes, La., with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. OLIVER:

H. R. 9055. A bill to provide for the acquisition and preservation of the birthplace of Henry Wadsworth Longfellow at Portland, Maine; to the Committee on the Public Lands.

By Mr. O'TOOLE:

H. R. 9056. A bill authorizing the Supreme Court to prescribe uniform rules for the admission of attorneys to practice in certain courts of the United States; to the Committee on the Judiciary.

By Mr. PACE:

H. R. 9057. A bill to amend the Perishable Agricultural Commodities Act, 1930, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. PETERSON of Florida:

H. R. 9058. A bill making pension provisions for certain veterans herein; to the Committee on Pensions.

By Mr. SCHWERT:

H. R. 9059. A bill to amend the World War Adjusted Compensation Act; to the Committee on Ways and Means.

By Mr. SUTPHIN:

H. R. 9060. A bill amending the act of February 27, 1936 (49 Stat. 1144); to the Committee on Naval Affairs.

By Mr. THORKELSON:

H. R. 9061. A bill to deny appropriations to the Inter-American Bank or a similar financial institution, or convention relating thereto, and to deny it a charter; to the Committee on Expenditures in the Executive Departments.

By Mr. VOORHIS of California:

H. R. 9062. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, as amended by the act of May 15, 1937; to the Committee on Flood Control.

By Mr. HAVENNER:

H. R. 9063. A bill authorizing the Secretary of the Treasury to transfer certain property in San Francisco, Calif., to the city and county of San Francisco for street purposes; to the Committee on Public Buildings and Grounds.

By Mr. McCORMACK:

H. R. 9064. A bill to authorize an appropriation for a weather bureau station at Boston; to the Committee on Agriculture.

By Mr. GREEN:

H. R. 9065. A bill to amend the work-relief provisions of the Emergency Relief Appropriation Act of 1939; to the Committee on Appropriations.

By Mr. DIMOND:

H. J. Res. 497. Joint resolution authorizing a preliminary examination or survey of Sitka Harbor, Alaska; to the Committee on Rivers and Harbors.

By Mr. FLAHERTY:

H. J. Res. 498. Joint resolution authorizing the acceptance of the invitation of the Government of Italy to participate in the Rome Universal Exhibition to be held at Rome, Italy, in 1942; to the Committee on Foreign Affairs.

By Mr. GEYER of California:

H. Con. Res. 56. Concurrent resolution to make declaration for continuation of peace; to the Committee on Rules.

By Mr. THORKELSON:

H. Res. 439. Resolution to investigate the Securities and Exchange Commission and the National Policy Committee; to the Committee on Rules.

By Mr. CRAWFORD:

H. Res. 440. Resolution to investigate the administration and adequacy of the Securities Exchange Act and related acts; to the Committee on Rules.

By Mr. JONES of Ohio:

H. Res. 441. Resolution to provide for a report to the House with respect to employees and their compensation engaged in political, publicity, or propaganda activities; to the Committee on Expenditures in the Executive Departments.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Louisiana:

H. R. 9066. A bill authorizing the appointment of Walter E. Dobbins, Jr., as a captain, United States Army; to the Committee on Military Affairs.

By Mr. CARTWRIGHT:

H. R. 9067. A bill for the relief of Reasor Reed; to the Committee on Claims.

By Mr. CLASON:

H. R. 9068. A bill for the relief of George S. Chapman; to the Committee on Military Affairs.

By Mr. ELLIS:

H. R. 9069. A bill for the relief of Fayette Willis; to the Committee on Claims.

By Mr. GREEN:

H. R. 9070. A bill for the relief of W. A. Bessent, Jr.; to the Committee on Claims.

By Mr. HAVENNER:

H. R. 9071. A bill for the relief of Eugene George Dietrich; to the Committee on Naval Affairs.

By Mr. JONKMAN:

H. R. 9072. A bill granting a pension to Mary Jessie Drehmer; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Maryland:

H. R. 9073. A bill to provide for the reinbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939; to the Committee on Claims.

H. R. 9074. A bill to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939; to the Committee on Claims.

By Mr. KELLER:

H. R. 9075. A bill granting a pension to Isabel Hamilton; to the Committee on Pensions.

H. R. 9076. A bill for the relief of Bruno Capogrecco; to the Committee on World War Veterans' Legislation.

H. R. 9077. A bill granting a pension to Annie E. (Clark) Lingle; to the Committee on Invalid Pensions.

By Mr. KITCHENS:

H. R. 9078. A bill for the relief of Charlie Fuller Dillard; to the Committee on Claims.

By Mr. OLIVER:

H. R. 9079. A bill for the relief of Edmund W. Beaumont; to the Committee on Military Affairs.

By Mr. REES of Kansas:

H. R. 9080. A bill granting an increase of pension to Olive M. King; to the Committee on Invalid Pensions.

By Mr. ROCKEFELLER:

H. R. 9081. A bill for the relief of Isidore Stillman; to the Committee on Claims.

By Mr. RUTHERFORD:

H. R. 9082. A bill granting an increase of pension to Viola Andrews; to the Committee on Invalid Pensions.

By Mr. SHORT:

H. R. 9083. A bill granting an increase of pension to Emma R. Payne; to the Committee on Invalid Pensions.

By Mr. TOLAN:

H. R. 9084. A bill for the relief of Jessie McHenry; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7109. By Mr. ANDERSON of California: Petition signed by Niels Johnson, of San Jose, Calif., and Annie Slaght, Edwin Slaght, and 28 other citizens of California, urging that the Seventy-sixth Congress enact the improved General Welfare Act, House bill 5620, to relieve the suffering of needy citizens over 60 years of age; to the Committee on Ways and Means.

7110. By Mr. BELL: Petition of a number of ladies from his district urging immediate action on the equal-rights-for-women amendment to the Constitution; to the Committee on the Judiciary.

7111. Also, memorial of the Baptist Ministerial Alliance of Kansas City, Mo., regarding its unanimous vote for an embargo on war materials and munitions shipped to Japan; to the Committee on Foreign Affairs.

7112. By Mr. CARLSON: Petition of 21 citizens of Rexford, Kans., urging enactment of House bill 1, the Patman bill; to the Committee on Ways and Means.

7113. By Mr. FLAHERTY: Petition of the United Steel and Metal Workers, Chelsea, Mass., opposing the adoption of any amendments to the National Labor Relations Act; to the Committee on Labor.

7114. By Mr. THOMAS F. FORD: Resolution of the Council of the City of Los Angeles urging the Congress to provide in any future legislation providing appropriation for the continuation of the work-relief program under Work Projects Administration that sponsor's contributions necessary for the carrying on of projects designed to provide useful work for unemployed citizens be based upon the magnitude of the local relief problem and ability of the local sponsoring body to provide such contributions, rather than upon any fixed minimum percentage of the costs of proposed projects; to the Committee on Appropriations.

7115. By Mr. GEYER of California: Resolution urging that the remedy of the condition of the migratory workers of California be carried out under a national program; to the Committee on Rules.

7116. By Mr. GOSSETT: Petition of Ed Vantine, secretary of the Townsend Club of Quanah, and other citizens of Hardeman County, Tex., favoring passage of Townsend old-age pension plan; to the Committee on Ways and Means.

7117. Also, petition of R. S. McDonald and other citizens of Montague County, Tex., asking for enactment of the Townsend plan; to the Committee on Ways and Means.

7118. By Mr. JONKMAN: Petition of 17 citizens of Zeeland, Mich., and vicinity, recommending the enactment of House bill 8748, the so-called farm debt adjustment bill; to the Committee on Agriculture.

7119. By Mr. KEOGH: Petition of Walther & Co., Brooklyn, N. Y., concerning the Maloney bill (H. R. 8893); to the Committee on Agriculture.

7120. Also, petition of the Merchants' Association of New York, concerning Senator TOWNSEND's proposal to terminate foreign silver purchases by the Federal Treasury; to the Committee on Coinage, Weights, and Measures.

7121. Also, petition of the Amalgamated Machine and Instrument Local No. 476, United Electrical, Radio, and Machine Workers of America, Brooklyn, N. Y., concerning the Geyer bill (H. R. 7534), Murray bill (S. 3365), Marcantonio bill (H. R. 8615), and Smith bill (H. R. 8813); to the Committee on the Judiciary.

7122. Also, petition of the Missouri Egg and Poultry Shippers Association, Kansas City, Mo., concerning the Shipstead bill (S. 2753); to the Committee on Interstate and Foreign Commerce.

7123. Also, petition of the Bricklayers Union, Local No. 9, of Brooklyn, N. Y., favoring the passage of the Wagner-Steagall housing bill (S. 591); to the Committee on Banking and Currency.

7124. Also, petition of the New York State Waterways Association, Inc., concerning House Concurrent Resolution 48; to the Committee on Foreign Affairs.

7125. Also, petition of the New York State Waterways Association, Inc., concerning MARTIN J. KENNEDY's resolution 360; to the Committee on Rules.

7126. Also, petition of the Merchants' Association of New York, concerning Government expenditures and economy; to the Committee on Appropriations.

7127. Also, petition of the veterans of the United States Veterans Hospital, Castle Point, N. Y., favoring legislation for increase in pension of permanently and totally disabled veterans; to the Committee on Appropriations.

7128. Also, petition of Sidney Hillman, general president, Amalgamated Clothing Workers of America, favoring Budget recommendation for Wage and Hour Division appropriation; to the Committee on Appropriations.

7129. Also petition of the Women's Equal Opportunity League of New York City, favoring equal-rights amendment; to the Committee on the Judiciary.

7130. Also, petition of the Federation of Cicero Real Estate Owners, Inc., Cicero, Ill., concerning aid to the stricken nation of Poland; to the Committee on Foreign Affairs.

7131. By Mr. PFEIFER: Petition of the Missouri Egg and Poultry Shippers Association, Kansas City, Mo., concerning the Shipstead bill (S. 2753); to the Committee on Interstate and Foreign Commerce.

7132. Also, petition of Walther & Co., Inc., Brooklyn, N. Y., concerning enactment of the Maloney bill (H. R. 8893); to the Committee on Agriculture.

7133. Also, petition of the American Society for the Prevention of Cruelty to Animals, New York City, protesting against the use of animals in testing new explosives; to the Committee on Military Affairs.

7134. Also, petition of the Women's Equal Opportunity League, Brooklyn, N. Y., concerning the equal rights amendment; to the Committee on the Judiciary.

7135. Also, petition of the Merchants Association of New York, concerning Senator TOWNSEND's bill to terminate foreign silver purchases by the Federal Treasury; to the Committee on Banking and Currency.

7136. Also, petition of the Federation of Cicero Real Estate Owners, Inc., Cicero, Ill., urging support of a bill to aid the stricken nation of Poland; to the Committee on Foreign Affairs.

7137. By Mr. RICH: Petition of sundry citizens of Picture Rocks, Pa., protesting against the shipment of war materials to Japan; to the Committee on Foreign Affairs.

7138. By Mr. SCHIFFLER: Petition of Edwin C. Jepson, traffic manager, Wheeling Steel Corporation, Wheeling, W. Va., and other citizens of Wheeling, protesting against the passage of Senate bill 2009, the Wheeler-Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

7139. By Mr. SUTPHIN: Petition of the New Jersey Press Association, opposing the Patman chain-store bill; to the Committee on Ways and Means.

7140. By the SPEAKER: Petition of the city of Cambridge, Mass., petitioning consideration of their resolution with reference to the appropriations for Work Projects Administration; to the Committee on Appropriations.

7141. Also, petition of the city of Chelsea, Mass., petitioning consideration of their resolution with reference to presenting a distinguished-service citation of Capt. Joseph A. Gainard of the steamer *City of Flint;* to the Committee on Naval Affairs.

7142. Also, petition of the United Wholesale and Warehouse Employees of New York, New York, N. Y., petitioning consideration of their resolution with reference to the involvement of the United States in the war, and loans to any belligerent country; to the Committee on Foreign Affairs.

7143. Also, petition of the Oil Workers International Union, Hammond, Ind., petitioning consideration of their resolution with reference to Senate bill 591 and the United States House Authority program; to the Committee on Banking and Currency.

7144. Also, petition of Carver County Welfare Office, Chaska, Minn., petitioning consideration of their resolution with reference to merit system or civil service concerning county welfare boards; to the Committee on Ways and Means.

7145. Also, petition of the United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada, petitioning consideration of their resolution with reference to the United States Housing Authority program; to the Committee on Banking and Currency.

7146. Also, petition of the International Brotherhood of Electrical Workers, Salt Lake City, Utah, petitioning consideration of their resolution with reference to the United States Housing Authority program; to the Committee on Banking and Currency.

7147. Also, petition of Hollywood Central Young Democrats, Inc., Hollywood, Calif., petitioning consideration of their resolution with reference to discriminatory legislation and Senate bill 1871, commonly known as the Hatch Act; to the Committee on the Judiciary.

7148. Also, petition of the International Union United Automobile Workers of America, Local No. 5, petitioning consideration of their resolution with reference to United States Housing Authority program; to the Committee on Banking and Currency.

7149. Also, petition of the Philadelphia Industrial Union Council, Philadelphia, Pa., petitioning consideration of their resolution with reference to the antialien bills; to the Committee on Immigration and Naturalization.

7150. Also, petition of the city clerk, city of Los Angeles, Calif., petitioning consideration of their resolution with reference to the work-relief program under the Work Projects Administration; to the Committee on Appropriations.

7151. Also, petition of the Missouri Egg and Poultry Shippers Association, Kansas City, Mo., petitioning consideration of their resolution with reference to the Shipstead bill (S. 2753); to the Committee on Interstate and Foreign Commerce.

7152. Also, petition of the Sheet Metal Workers International Association, Tacoma, Wash., petitioning consideration of their resolution with reference to United States Housing Authority program; to the Committee on Banking and Currency.

SENATE

TUESDAY, MARCH 26, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our heavenly Father, who knowest our necessities before we ask and our ignorance in asking: Help us to perceive what we most really need, that we may truly unburden our hearts in Thy presence, and at Thy feet may feel no disquiet with Thy goodness and mercy about us. Make us especially mindful of the needs of others, as we thank Thee for those who love us and in whose love we find a quiet sanctuary when the ills of life oppress us, that we may bear one another's burdens and so fulfill the law of Christ. Pity and pardon us, dear Lord, if at close of day our achievements fall short of the morning's dream, and be Thou patient with us, for Thou knowest our frame, Thou rememberest that we are but dust.

Bless all the people of our beloved land, prosper their endeavors, sanctify their homes, purify their hearts, and renew a right spirit within them that, making them truly blessed, our Nation may become an instrument of blessing to the world. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 25, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8262. An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes;

H. R. 8792. An act to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department; and

H. R. 8917. An act to authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55–56, and for other purposes.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Schwartz
Ashurst	Frazier	Lucas	Schwellenbach
Austin	George	Lundeen	Sheppard
Bankhead	Gerry	McCarran	Shipstead
Barbour	Gibson	McKellar	Slattery
Barkley	Gillette	McNary	Smith
Bilbo	Green	Maloney	Stewart
Bone	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Idaho
Byrd	Harrison	Minton	Thomas, Okla.
Byrnes	Hatch	Murray	Thomas, Utah
Capper	Hayden	Neely	Tobey
Caraway	Herring	Norris	Townsend
Chandler	Holman	Nye	Tydings
Chavez	Holt	O'Mahoney	Vandenberg
Clark, Idaho	Hughes	Overton	Van Nuys
Clark, Mo.	Johnson, Calif.	Pepper	Wagner
Connally	Johnson, Colo.	Pittman	Walsh
Davis	King	Reed	White
Donahey	La Follette	Reynolds	Wiley
Downey	Lee	Russell	

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness in his family.

The Senator from North Carolina [Mr. BAILEY], the Senator from Nebraska [Mr. BURKE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Missouri [Mr. TRUMAN] are detained from the Senate on public business.

The Senator from Michigan [Mr. BROWN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Legislature of the State of Rhode Island, which was referred to the Committee on the Judiciary:

Resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances, and gifts

Resolved by the Senate and House of Representatives of the State of Rhode Island, That application be, and it hereby is, made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE —

"SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: *Provided*, That in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take affect in possesson or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each House may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

"SEC. 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"SEC. 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect."

And be it further

Resolved, That the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

Resolved, That the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate a resolution of the Council of the City of Los Angeles, Calif., favoring the proposal that in future appropriations for continuation of the work-relief program under the Work Projects Administration the sponsor's 25-percent contribution necessary for the proposed project, designed to provide useful work for unemployed citizens, be based upon the magnitude of the local relief problem and ability of the local sponsoring body to provide such contribution rather than upon any fixed minimum percentage of the costs of the project, which was referred to the Committee on Appropriations.

He also laid before the Senate the memorial of Local No. 34, United Furniture Workers of America (C. I. O.), Jamestown, N. Y., remonstrating against adoption of the so-called Smith amendments to the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also laid before the Senate the memorial of Melvina L. Schultz, of Lost Creek, Wash., remonstrating against the sending of American boys to war for any cause not related to a direct and unprovoked invasion of the Nation, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition from the Legislative Committee, Department of Texas, Veterans of Foreign Wars of the United States, Austin, Tex., praying for the enactment of the bill (H. R. 7925) to provide liberalized benefits for disabled veterans and the dependents of deceased veterans, which was referred to the Committee on Finance.

Mr. LUCAS presented a petition of sundry citizens of Versailles and Mount Sterling, Ill., praying for the enactment of the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, which was ordered to lie on the table.

Mr. HOLT presented a paper in the nature of a petition from the Kanawha County Industrial Union Council, of Charleston, W. Va., praying for the enactment of the bill (H. R. 960) extending the classified executive civil service of the United States, which was referred to the Committee on Civil Service.

He also presented a paper in the nature of a petition from the senior vice commander of Tug Valley Post, No. 3066, Veterans of Foreign Wars, of Williamson, W. Va., praying for the enactment of the bill (H. R. 7980) to provide pensions for disabled veterans of the World War under similar conditions and in the same amounts as now provided for as to disabled veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a paper in the nature of a petition from the McDowell County (W. Va.) Sportsmen's League, praying for the enactment of the House-amended substitute measure in place of the so-called Barkley anti-water-pollution bill, etc., which was ordered to lie on the table.

He also presented papers in the nature of petitions from Local No. 101, of Morgantown, and Local No. 508, of Williamstown, both of the American Flint Glass Workers' Union of North America in the State of West Virginia, praying for the imposition of higher tariff duties on glassware, and also that the control of all tariff legislation be retained in the Congress, which were ordered to lie on the table.

REPORTS OF THE MILITARY AFFAIRS COMMITTEE

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3423. A bill to provide that certain chiefs of branches of the Regular Army shall be selected from among the brigadier generals of the line, and for other purposes (Rept. No. 1343); and

S. 3633. A bill to amend section 24e, National Defense Act, as amended, so as to eliminate the requirement of 2 years' practice for eligibility for appointment in the Dental Corps (Rept. No. 1344).

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES (S. REPT. 1182, PT. 2)

Mr. BARKLEY. Mr. President, on behalf of the Senator from Montana [Mr. WHEELER], I desire to file an additional report of the Committee on Interstate Commerce under Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters—railroad combination in the eastern region.

The VICE PRESIDENT. Without objection, the report will be received and printed.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BULOW:

S. 3669 (by request). A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in hogs, providing for the orderly marketing of hogs at fair prices in interstate and foreign commerce, insuring to hog producers a parity income from hogs based upon parity price or cost of production, whichever is higher, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma:

S. 3670. A bill for the relief of Thomas O. Munger; to the Committee on Claims.

S. 3671. A bill granting a pension to Matilda Hoffman; to the Committee on Pensions.

By Mr. WALSH (for himself and Mr. LODGE):

S. 3672. A bill to authorize an appropriation for a weather bureau station at Boston, Mass.; to the Committee on Agriculture and Forestry.

By Mr. DOWNEY:

S. 3673. A bill to enable Kurt Frings to enter and remain permanently in the United States; to the Committee on Immigration.

By Mr. SHEPPARD:

S. 3674. A bill authorizing appropriation for additional research in respect to the effects of the present wars upon agriculture, for the Department of Agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

S. 3675. A bill to authorize the establishment of boundary lines for the Wilmington National Cemetery, N. C.; and

S. 3676. A bill to withdraw certain portions of land within the Hawaii National Park, and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes; to the Committee on Military Affairs.

By Mr. PEPPER:

S. J. Res. 235. Joint resolution to provide for the participation of the United States in the Florida Centennial and Pan American Exposition to be held in the State of Florida during the year 1945; to the Committee on Commerce.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 8262. An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes;

H. R. 8792. An act to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department; and

H. R. 8917. An act to authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55–56, and for other purposes.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENTS

Mr. DAVIS, Mr. TAFT, and Mr. ELLENDER each submitted an amendment intended to be proposed by them, respectively, to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which were severally ordered to lie on the table and to be printed.

AMUSEMENT AND RECREATIONAL FACILITIES AT FARM ISLAND, S. DAK.—AMENDMENT

Mr. GURNEY submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 6446) amending section 4 of the act entitled "An act to authorize the city of Pierre, S. Dak., to construct, equip, maintain, and operate on Farm Island, S. Dak., certain amusement and recreational facilities; to charge for the use thereof; and for other purposes," which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

HARRIET E. GRAVES

Mr. TOBEY submitted the following resolution (S. Res. 249), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Harriet E. Graves, a niece and dependent of Davis S. Corser, late an employee of the Senate under the supervision of the Sergeant at Arms, a sum equal to 1 year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

RECIPROCAL-TRADE AGREEMENTS AND AMERICAN AGRICULTURE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a statement by Senator TRUMAN and analyses of farm imports under trade agreements, which appear in the Appendix.]

ADDRESS BY SENATOR PEPPER ON POLITICAL ISSUES

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address on the subject of political issues in the coming election delivered by Senator PEPPER at Middleton, Conn., on March 8, 1940, before the annual parley conducted by the Wesleyan Parley Committee, which appears in the Appendix.]

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

[Mr. HERRING asked and obtained leave to have printed in the RECORD an editorial from the Washington News, an editorial from the Washington Star, and an editorial from the Washington Post relative to the proposed extension of the reciprocal-trade agreements, which appear in the Appendix.]

THE YOUTH PROBLEM AND NATIONAL YOUTH ADMINISTRATION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a memorandum on the youth problem and the activities of the National Youth Administration, which appears in the Appendix.]

ARTICLE BY RAYMOND CLAPPER ON FOOD-STAMP PLAN

[Mr. BILBO asked and obtained leave to have printed in the RECORD an article on the food-stamp plan written by Raymond Clapper and published in the Washington Daily News of March 23, 1940, which appears in the Appendix.]

PURCHASE OF RUSSIAN GOLD

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an article dealing with the purchase by the United States of Russian gold published in Collier's of March 30, 1940, which appears in the Appendix.]

COMMENTS BY C. E. SMITH ON ACTIVITIES OF GOVERNORS

[Mr. NEELY asked and obtained leave to have printed in the RECORD a monograph by C. E. Smith in his column headed "Good Morning" from the Fairmont (W. Va.) Times of March 25, relating to the activities of Governors of States, which appears in the Appendix.]

DELEGATION OF CERTAIN FUNCTIONS BY THE SECRETARY OF AGRICULTURE—CONFERENCE REPORT

Mr. SCHWELLENBACH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1955), to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That as used in this Act—

"(a) The term 'regulatory order' means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

"(b) The term 'regulatory function' means the making, prescribing, issuing, or promulgating of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

"SEC. 2. Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to assign appropriate titles to such officers or employees. The position held by any officer or employee while he is designated under this section, and vested with a regulatory function or part thereof delegated under this section, shall be allocated to a grade, not lower than grade 7, in the professional and scientific service provided for by the Classification Act of 1923, as amended, or to a grade, not lower than grade 14, in the clerical, administrative, and fiscal service provided for by such Act, as amended. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.

"SEC. 3. Whenever a delegation is made under section 2, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

"SEC. 4. The provisions of section 2 shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.

"SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

B. K. WHEELER,
ELMER THOMAS,
CHAS. L. MCNARY,
G. W. NORRIS,
L. B. SCHWELLENBACH,
Managers on the part of the Senate.

MARVIN JONES,
H. P. FULMER,
CLIFFORD R. HOPE,
Managers on the part of the House.

Mr. SCHWELLENBACH. I ask unanimous consent for the immediate consideration of the report.

The VICE PRESIDENT. Is there objection to the immediate consideration of the conference report?

Mr. KING. Mr. President, will the Senator briefly explain the point at issue?

Mr. SCHWELLENBACH. Mr. President, the Senator from Utah will remember that last year I made an explanation to him on the floor of a bill which provided for the establishment of the position of Assistant Secretary of Agriculture to handle regulatory matters within the Department. The House changed the bill to provide that the Secretary may delegate such authority to two individuals within the Department who are in the highest grades of the civil service, doing away with the establishment of a new position. The Senate conferees accepted the philosophy of the House bill but changed the language in some respects which are not particularly important.

Mr. KING. I have no objection to the consideration of the report.

There being no objection, the Senate proceeded to consider the report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

The Senate resumed the consideration of the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Mr. McCARRAN. Mr. President, the issue before the Senate, the problem before the Congress today, is not a new problem nor is it one which has not been discussed very much at length. Anyone addressing himself to the subject must of necessity travel over already traveled ground. Thus we become somewhat discouraged, because some of the expressions we shall be compelled to make have been made by much more forceful lips than ours.

Mr. President, I read in the press of yesterday that an outstanding Member of the Senate of the United States is to deliver over the radio an address in which he plans to outline the issues of the next campaign. When I read that article I was struck with the thought: How simple it would be to declare that which should be the issue of the next campaign.

Mr. President, America as a constitutional democracy must awake to its own failing; and some authority, some party, some group, must very shortly make by its platform an issue of that which constitutes the real issue in America today.

If I speak as I hope to do, I shall speak without regard to party lines as parties are now formed. I believe there is in formation in America a group that leans more to American constitutional democracy than do either of the parties now in existence. If that group is not formed, if there arises out of the conditions prevailing today no great group of American citizens who, looking back to the days of the formation of this Government, declare again for the principles of constitutional democracy, I fear with the gravest fear and the most serious thought the results which must flow out of that which we have created in the past—yea, I have lent my efforts to the creation of some of it—in which, if you please, we have lost sight of the organic law which made America great among the nations; in which, if you please, we have lost sight of the things which were reserved by the people, to the people, for the people; of the things that were relinquished by the people to something over which the people had only a secondary control.

All powers not delegated in the Constitution, the organic law, to the Federal Government, were reserved to the States or to the people thereof. The problem before the Senate of the United States today—the pending business, if you please—brings to mind history reaching almost beyond the memory of man; but it brings to mind history which touches us very closely.

There was a day in the history of the parent country whence we took our independence when, from out the star-chamber proceeding and from out the realm of the throne of Great Britain, there came everything in the way of mandate as to taxation. Little by little the people of Great Britain tore down that power. Little by little they declared that the right of taxation should remain in the Commons, the people of Great Britain. Two kings were deposed because they had exercised arbitrary power in laying taxes and the imposition of taxes for revenue. Men rose to fame because they struggled against that power. Out of it all there came that which history has recorded, that which America must not lose sight of, the thing that the founders of the Constitution of this country sought to declare so that the world might know that if there was a people in all the earth that sought to protect the rights of the lowly—the little fellow, if you please—it was the constitutional democracy which would be formed in the Western Hemisphere. So we reserved to Congress the right to tax. We reserved to Congress the right to make appropriations that would utilize the money acquired from the people by way of taxation.

We did more than that. Following the principles which had come to us by precept and example from the parent country and its history, we gave the privilege and the power and the prerogative of taxation to the House which represented the mass of the people of the country. We said that bills involving taxation should originate in the House of Representatives. Then we gave to the Senate the right to amend, the right to do what it might with a bill, under the rules, if you please, after it came to the Senate.

What are we dealing with today? We are dealing with taxation. We are dealing with the raising of revenue. We are dealing with a problem which, as I said a moment ago, has cost kings their heads, has caused men to go to war, has aroused the populace of the countries of the world, so much so that even in the modern day—long after we had formulated our Constitution, retaining these powers in the people—younger nations in our own hemisphere are now seeking to negotiate with us as to taxation that would be involved upon us through reciprocal trade, have refused to concur until they had submitted the matter to the bodies in their governments which represented the people.

Mr. President, I digress for a moment now in amplification of the thought I have just expressed to say that we have executed under the delegated power 22 treaties with foreign countries. This body did not participate in the making of a single one of those treaties. Congress did not participate in the making of a single one of those treaties. How different it was with those governments with which the treaties were negotiated. Of the 22 nations with which we dealt by way of negotiation 19 of them have demanded, in one way or another, that the treaties should go back to the legislative bodies of the respective governments which were negotiating the treaties. In 19 cases they went back, and in many of those cases the treaties themselves awaited the action of the legislative bodies of those respective governments for months and months.

So other nations of less maturity than the great Republic of the Western Hemisphere, other countries which have taken precept and example from us in the formation of their governments, have been more diligent and zealous in maintaining the principles of their organization of government than have we, because in not a single instance have we brought back to this body, as the treaty-ratifying body, in not a single instance have we brought back to the Congress of the United States the question of approbation of the trade agreements which have been made, which cannot under any guise whatever be called other than treaties.

Mr. President, if I were to look for authority in support of my position today that this whole program of the formation of treaties with foreign countries is contrary to the very letter and spirit of the Constitution, I would not look further than what was said by the man whose name is today mentioned as a possible and perhaps the probable candidate of the Democratic Party for President in the next campaign. I would not look further than that man who for 7 years has advocated this policy, and who for 7 years has been the Secretary of State of the United States. Let me read what he said when, as a Member of the House of Representatives, representing in part the great sovereign State of Tennessee on the floor of Congress, dealing with the flexible clause of the Smoot-Hawley bill, which was much more constitutional, if such a thing be constitutional at all, than that with which we are now dealing. I read the language of that outstanding statesman, that splendid character, who has represented the United States in the State Department for 7 years. I read his language as he delivered it on May 13, 1929, on the floor of the House of Representatives in dealing with the Smoot-Hawley bill. He said, as I quote from the CONGRESSIONAL RECORD:

> Mr. Chairman, the proposed revision provides in effect that the valuation by appraisers shall be final except by appeal to the Secretary of the Treasury. This astonishing proposal strips bare the jurisdiction of the Customs Court and its authority to adjudicate unquestioned and hitherto unchallenged rights of the citizens. This is bureaucracy run mad. The very suggestion that the most valuable property rights of the citizen can be disposed of or dealt with as a finality by the Treasury Department without the slightest recourse to the courts of the country is wholly impossible to understand.

Continuing he said—and this is Mr. Cordell Hull, now the great Secretary of State, now the advocate of the policy with which we are dealing:

> The proposed enlargement and broad expansion of the provisions and functions of the flexible-tariff clause is astonishing, is undoubtedly unconstitutional, and is violative of the functions of the American Congress. Not since the Commons wrenched from an English king the power and authority to control taxation has there been a transfer of the taxing power back to the head of a government on a basis so broad and unlimited as is proposed in the pending bill. As has been said on a former occasion—

O Senators, listen to what the Secretary of State said, and what he quoted approvingly:

As has been said on a former occasion, this is too much power for a bad man to have, or for a good man to want.

Can there be anything more cogent, more expressive of the situation, more in answer to the whole argument that is made on the other side of the question? Can a word be uttered which would be more final, more definite, more decisive, than that which came from the lips of the highly regarded, very worthy, splendid man, who represented his State in the lower House of Congress at that time and now occupies the position of Secretary of State of the United States?

He continued:

We have recently witnessed the astounding spectacle of Congress in session engaged in the work of enacting tariff legislation, while the President, assuming equal and coordinate authority, has undertaken to anticipate Congress by legislating himself while the session of the legislative body is in progress.

Mr. President, that is exactly what has been going on since we enacted the 1934 Tariff Act. While Congress was in session here, while the Senate of the United States was in session here, there was sitting in Washington a group not Members of Congress; not Members of the Senate of the United States; not the representatives of the people chosen by the people to represent the people, but a group of appointees, capable men, no doubt; able men, I dare say, but in nowise responsible to the people, doing that which the organic law said we, the chosen representatives of the people, should do. So we are asked to allow this group to continue to do what we should do. We are asked to reenact something which, in my judgment, only represents one more decisive step toward the tearing down of the Constitution of the United States.

I go back now to a thought which I expressed just a little while ago, that if I were formulating a policy for a great party in this country, I would formulate one plank expressed in a very homely way—to uphold and defend the Constitution of the United States.

I say to my Democratic brethren on this side of the aisle that unless democracy and the Democratic Party soon come around to that thought, the people will bring them around to it, because the people are thinking in terms of those indelible principles written into the organic law by which the rights of the people have been sustained for 150 years.

Mr. President, is there anything in all the world that more impinges upon the humble individual who struggles from day to day for his existence; is there anything that more intimately touches his life than the burden of taxation? Is there any time at which he seeks to hold his representative more responsible than when his representative brings upon him a debt which he must pay even at the sacrifice of his most sacredly acquired property? Certainly the answer is that there is nothing which touches the individual more closely than taxation. That being true, it is the duty of the Congress of the United States to say when a tax shall be imposed, how heavy it shall be, when it should terminate, and where the money acquired by taxes should go.

Mr. President, ours is a government in which the people are the sovereign, because the people constitute a collective power, and the people hold that power forever in their hands.

Today we have before us something which, to my mind, seeks to tear down the right of the people to exercise that collective power; something which delegates that which was a collective power to someone who determines its limitations and then hands it over to the Executive to exercise, in spite of the fact that all that responsibility, all that obligation, all that power was by the organic law specifically placed on the shoulders of Congress.

Mr. President, how far does the proposed legislation go? How far has it been construed as going by its own adherents—by those who administer it? It goes so far that it sets aside the very act which you and I put through Congress after days and days of consideration and debate. The legislation goes so far as to set aside the proclamation of the President of the United States, issued after a treaty has been ratified by this body by a two-thirds vote, because the act as it has been applied—as it has been construed—sets aside treaties negotiated by the President and approved by this body.

If any Senator doubts that, I may say that not long ago some very able United States Senators sought to increase the tariff with respect to certain commodities coming into this country—particularly vegetable oil. The able Senator from Iowa, the able Senator from Texas, and other Senators were interested in that subject. They introduced a bill to provide for an increase of tariff with respect to the importation into the United States of vegetable oils. When that bill was submitted to the Committee on Finance, the Secretary of State, having in mind the law that we are now about to continue for another 3 years, wrote a letter to the chairman of the Committee on Finance in which the Secretary of State warned the chairman of the committee that such legislation was violative of agreements already entered into with certain European countries.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. SMITH in the chair). Does the Senator from Nevada yield to the Senator from Oregon?

Mr. McCARRAN. I yield.

Mr. McNARY. I should be very happy if the Senator would have the clerk read that communication.

Mr. McCARRAN. I have two letters before me. One has to do with Hawaii, as I remember, and the other has to do with the general situation. I will send the latter letter to the desk, as I think it covers more ground.

Mr. President, at the suggestion of the able Senator from Oregon, I send to the desk and ask that the clerk read the letter of Secretary of State Hull of date February 27, 1939, addressed to the chairman of the Committee on Finance of the United States Senate.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

FEBRUARY 27, 1939.

The Honorable PAT HARRISON,
Chairman, Committee on Finance, United States Senate.

MY DEAR SENATOR HARRISON: An amendment to H. R. 3790, intended to be proposed by Senator CONNALLY and which has been referred to the Senate Finance Committee, has come to my attention. This bill provides for an increase from 3 to 5 cents per pound in the tax imposed by section 602½ of the Revenue Act of 1934, as amended, on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and derivatives and combinations of the foregoing.

The proposed amendment would violate international obligations of the United States contained in the trade agreements now in effect with the Netherlands and with the United Kingdom. With respect to palm-kernel oil, this amendment would violate the terms of the trade agreements with the United Kingdom, effective January 1, 1939. In this agreement the United States guarantees that "no Federal internal tax in excess of the rate of 3 cents per pound now provided for in section 602½ of the Revenue Act of 1934, as amended, shall be imposed in the United States in respect of palm-kernel oil." This guaranty is contained in a note to the item in schedule IV which provides for a duty reduction on palm-kernel oil (par. 54 of the Tariff Act of 1930) and is repeated in a note to another item in the same schedule which provides for the continued duty-free status of expressed or extracted palm-kernel oil, rendered unfit for use as food or for any but mechanical or manufacturing purposes (par. 1732).

With respect to palm oil, the proposed amendment would constitute a violation of the trade agreement with the Netherlands, effective February 1, 1936. In that agreement the United States guarantees that "no Federal internal tax in excess of the rate of 3 cents per pound now provided for in section 602½ of the Revenue Act of 1934 shall be imposed in the United States in respect of palm oil the production of the Netherlands or any of its overseas territories." This guaranty is contained in a note to the item in schedule II which provides for the continued duty-free status of expressed or extracted palm oil (par. 1732).

While the existence of these obligations alone is sufficient reason for not adopting the amendment in question, it may not be inappropriate to refer to the benefits which have been realized from the agreements of which these concessions are a part.

These commitments were made as a result of the most careful consideration by the competent departments of the Government, and hearings, at which all interested parties were given an opportunity to present their views. They constitute a part of the concessions in return for which valuable concessions were obtained from the United Kingdom and the Netherlands on behalf of American agriculture and industry.

The benefits secured for American agriculture in the trade agreement with the United Kingdom are of the utmost importance. The United Kingdom is by far the largest foreign market for American farm products. Commitments made by the United Kingdom in the agreement cover about 92 percent of our total agricultural exports to the United Kingdom on the basis of 1936 statistics.

As a result of trade agreement with the Netherlands, American farmers, manufacturers, and labor have received substantial benefits. The value of American products imported into the Netherlands and the Netherlands India in 1937 showed an increase of $44,000,000 as compared with 1935, the year immediately preceding the conclusion of the trade agreement. More than half of this $44,000,000 increase is accounted for by imports of American products on which concessions were obtained in the agreement.

I have received a communication from the Netherlands Legation, in which exception is taken to the proposed amendment and which reads in part as follows:

"As the action proposed by Senator CONNALLY would violate the provision above referred to of the trade agreement and would result in a virtual prohibition of the importation of palm oil from the Netherlands and its overseas territories, I should feel obliged if Your Excellency would grant his good offices so that the enactment of the amendment in question may be averted."

My attention has also been called by Mr. Sayre, Assistant Secretary of State and chairman of the Interdepartmental Committee on Philippine Affairs, to the effect of the proposed amendment of Senator CONNALLY upon our relations with the Philippines.

Less than 2 months prior to the enactment of the Revenue Act of 1934, section 602½ of which imposed a tax of 3 cents per pound on the first domestic processing of certain oils, including coconut oil wholly of Philippine production or produced wholly from materials of Philippine growth or production, the Congress passed the act of March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes." In this latter act, certain provisions of which were designed to terminate the preferred status of Philippine articles in the United States market in a gradual and orderly manner, was included a provision imposing the full duty on all Philippine coconut oil brought into the United States in excess of 200,000 long tons in any year. In other words, the Philippine Independence Act contemplated the duty-free entry into the United States of 200,000 long tons of Philippine coconut oil annually during the period prior to the independence of the islands.

The processing tax contained in the Revenue Act of 1934 was therefore directly contrary to the purposes of the Independence Act, as the President pointed out in a message to the House of Representatives (73d Cong., 2d sess., Doc. No. 388). The proposed amendment, by increasing the processing tax, would depart still further from the purposes of that act.

Furthermore, the Interdepartmental Committee on Philippine Affairs has recently made public a report on trade relations between the Philippines and the United States with certain recommendations for modifications of the Independence Act of 1934, which have been incorporated in S. 1028, on which the Committee on Territories and Insular Affairs of the Senate is currently holding hearings. This bill, approved by the Philippine executive and legislative authorities, provides for an annual duty-free quota of 200,000 long tons of Philippine coconut oil, declining gradually by 5 percent of this amount annually from 1940 to 1961. The proposed amendment might endanger the entire Philippine program now being considered by the Senate.

In view of the urgency of having this information reach your committee immediately, in order that it may be given consideration at the time the bill is taken up by the Senate, this letter has been sent to you directly, and it has not been possible to ascertain the opinion of the Bureau of the Budget on the proposed amendment.

Sincerely yours,

CORDELL HULL.

Mr. McCARRAN. Mr. President, in that letter and the substance thereof we find a situation revolutionary of everything the founders of this Government had in mind. Members of the Senate of the United States, representing sovereign States, representing the industries of separate communities, sought to have additional safeguards thrown around those industries, safeguards which would probably encourage agriculture in this country and would probably reduce the relief rolls in their respective communities. With that purpose in mind they introduced measures seeking the protection of American industry. They were immediately confronted by the letter of the Secretary of State, saying that their proposed amendment to the tariff law would be detrimental to and destructive of an agreement which the State Department, without consultation with Congress, had entered into with a foreign country.

If the letter of the Secretary of State can be read in any other light than that of an effort on the part of the Secretary of State to protect and encourage a certain industry abroad to the detriment of industry at home, then I do not read the letter aright. This letter came from the Secretary of State, Mr. Cordell Hull, who had used the following language when, as a Representative in Congress, he sought to defeat the very thing which he now seeks to put through this body:

This proposal embraces another revolutionary policy, which is, to abandon the law and the Republican doctrine to the effect that all tariffs should be measured by the difference between production costs here and abroad, by adding a number of alternative so-called methods to ascertain what is termed "conditions of competition between this and other countries." It is proposed thus to give the President and his Tariff Commission, which, by the way, is virtually taken away from Congress, authority to use what in practical effect will be any sort of basis on which to fix tariff rates.

The letter read by the clerk a moment ago emphasizes the fallacy of the thing which Secretary of State Hull opposed when he was a Member of Congress. We are now confronted with a similar proposal which not only seeks to take from Congress the taxing power—because every tariff is a tax—but which likewise seeks to take from this body a function which was given to it most exclusively: Namely, the ratification of treaties made between this independent Government and a foreign independent government.

But there is more to it than that, Mr. President. Not only has the State Department gone so far as to say that a Member of Congress may not introduce a bill to protect the rights of his home State; not only has the Secretary of State, administering the law as it is now, sent word to Congress that it dare not amend the tariff law because it would be violative of some agreement in which we had no part; but, in addition, I hold in my hand a copy of what is known as the reciprocal-trade agreement between the United States of America and the Belgo-Luxemburg Economic Union, an agreement executed between this country and Belgium, which says:

As long as the present agreement—

Referring to the reciprocal-trade agreement executed without the participation of this body or the body on the other side of the Capitol—

As long as the present agreement shall remain in force, it shall supersede any provisions of the Treaty of Commerce and Navigation between the United States of America and His Majesty the King of the Belgians, concluded March 8, 1875, which may be inconsistent with the said agreement.

A treaty had existed between this country and the Belgians since 1875. That treaty, which dealt with trade and commerce, had been negotiated by the President of the United States, and, after negotiation by the President of the United States, had been submitted to the United States Senate, the only constitutional body which had the right to ratify it. The treaty had been ratified by the Senate of the United States and had remained in existence from the day of its ratification until a separate agreement—it is called an agreement—was entered into between the State Department and the Kingdom of Belgium, which agreement declared that the act of the Senate was to be set aside and declared null and void and of no effect so long as the new agreement existed.

It is said that the reciprocal trade agreements are not treaties. They are supertreaties. They are treaties which abrogate other treaties. So, being treaties, they must be regarded in the light of the Constitution; and if regarded in the light of the Constitution, they must be brought back to this body for ratification.

But that was not the only instance. I hold in my hand a copy of the reciprocal trade agreement between the United States and Colombia, which declares, in article XI:

As long as the present agreement remains in force, it shall supersede any provisions of the Treaty of Peace, Amity, Navigation, and Commerce between the United States of America and the Republic of New Granda, signed at Bogota, December 12, 1846, which may be inconsistent with this agreement.

Again we find a treaty which had been promulgated by the President of the United States, in this instance with Colombia. After its promulgation it had been submitted to the

Senate of the United States for ratification, and had been ratified by that body. However, we find it set aside by the State Department in one fell swoop, without opportunity for this body, which ratified the original treaty of 1846, to have a word in the promulgation or formation or ratification of the new agreement.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. O'MAHONEY. Does not the Constitution of the United States provide that the Constitution and the laws enacted thereunder and treaties made in pursuance thereof shall be the supreme law of the land?

Mr. McCARRAN. The Constitution provides that the Constitution of the United States and the laws enacted thereunder and treaties made pursuant thereto constitute the supreme law of the land.

Mr. O'MAHONEY. How, then, can a treaty be set aside by an agreement?

Mr. McCARRAN. I am at a loss to know, except as we see it done.

Mr. O'MAHONEY. Is it in accordance with the provisions of the Constitution to have such procedure?

Mr. McCARRAN. In no way whatever. That brings me to the thought—and I am glad the Senator interrupted me—that there is a complete answer coming from the State Department to the question whether the so-called trade agreements are treaties. They are so treated by the State Department.

Let me refer to another matter in the same line of thought. Not only do trade agreements made by the United States and another country become effective as between the two, but read into the agreement, is what is known as the most-favored-nation clause. Let me use an illustration that touches very closely the interests of two Senators, one of whom does me the honor to be present today, the Senator from Montana [Mr. MURRAY]. It touches very closely my own State and touches other States as well. Under the treaty with Brazil, whereby we reduced our tariff rates on manganese, that commodity is brought into this country as ballast, if you please, in ships belonging to the United States Steel Corporation, which owns the manganese mines of Brazil. The effect has been practically to close the manganese mines of Montana, of Nevada, and of other manganese-producing States. When the manganese mines of the States of this country were closed the miners had to go on the relief rolls. Thus the result of the importation into the United States of a commodity produced by peon and slave labor in Brazil has been highly destructive of the welfare of a class of American workers.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. AUSTIN. Does the Senator recall that at a former session of this, the Seventy-sixth Congress, in an effort to offset somewhat the injury caused by the act now referred to by the Senator from Nevada, the Congress authorized the appropriation of $100,000,000 of the taxpayers' money, in order to subsidize the production of manganese and other strategic materials in the United States?

Mr. McCARRAN. The Senator is correct.

We appropriated $100,000,000 by way of authorization, and we have recently passed a bill appropriating a part of that $100,000,000 for the purchase of strategic metals, of which manganese is one.

The Senator's suggestion brings to mind the further thought that we are using the taxpayers' money in order to try to develop within our own borders metals, strategic in their nature, for national defense, so that when the time comes when we may need the metals we will have them. Yet, we are encouraging their being brought into our country from foreign countries under reciprocal-trade agreements.

I do not want, in my argument, to go too far into the factual side of this question. I prefer rather to deal with what, in my judgment, is the constitutional and legal side of the question, because, under my conscience, regardless of how highly I may favor the good neighbor policy of the present administration, I cannot look upon this program as being other than violative of the Constitution of the United States. I cannot take any other view than that there should be transmitted to the Senate every so-called reciprocal agreement, so that this body may examine the instrument as a treaty and say whether or not it shall become effective and whether or not it impinges upon the rights, liberties, and welfare of the taxpaying public of America.

Where on earth is there a question more vital to the Nation and to its people than one which pertains to taxes? Where on earth is there a question more vital to the Nation, and to the people thereof, than a measure which reduces the revenue, which, in turn, has an effect on taxation? That being the most vital question, the framers of the Constitution desired that it should be submitted always to the people themselves. Looking regardfully to the rights of the people, they went further than that by saying that all treaties negotiated between the United States as a free country and other free governments should be submitted to the Senate of the United States.

But, Mr. President, we are told that trade agreements are not treaties; we are told that they are merely agreements. If the State Department itself had not regarded them as treaties, we might take with some degree of seriousness their expression and contention; but, at every step in the proceedings the State Department has regarded the reciprocal-trade agreements as treaties. Witness the most favored nation phase in connection with the agreements; witness everything there is about them, and take note of the fact that other countries that have entered into such agreements with us have regarded them as treaties, for they have submitted the agreements to their own legislative bodies for approbation before they should become effective.

There was read into the RECORD yesterday a statement of the action of other nations which have entered into reciprocal-trade agreements with the United States. Even at the hazard of repetition, I beg leave again to refer to that matter.

Agreements put into effect without subsequent legislative ratification—that is, without subsequent ratification by the foreign country—were three in number, and three only—namely, those with Belgium, Cuba, and Ecuador.

Agreements put into effect provisionally, subject to eventual legislative ratification by the foreign country, were nine in number—namely, Canada, first agreement; Canada, second agreement; Czechoslovakia, France, Netherlands, Switzerland, Turkey, United Kingdom, Venezuela.

Agreements which did not become effective until after legislative ratification—that is, legislative ratification by the foreign country—of which there were 10, were Brazil, Colombia, Costa Rica, El Salvador, Finland, Guatemala, Haiti, Honduras, Nicaragua, Sweden.

What a glowing example was furnished, what a great precept, what a lesson was taught to the greatest republic on earth by these republics, small, if you please, many of which came into existence long after we had promulgated our Constitution. They did not override either their organic law or the will of their people, but rather they said, "We will enter into these agreements if our legislative bodies, which represent our people, approve them." To those countries such agreements are treaties; to this country we are told they are not treaties. To those countries the agreements meant something; they meant the welfare of their people; and the welfare of the people is always in the hands of those who represent the people. But to this country they had no such significance, because we did not have an opportunity even to see the agreements until they became effective. As stated yesterday on the floor, we scarcely had an opportunity to appear and know what was in the minds of those who were formulating the agreements. We might go to the Department and appear and protest to our heart's content but, to save one's life, one could not find out what they were thinking about or along what line of thought their conclusion would travel.

Mr. President, it has been stated here that the Supreme Court of the United States has approved legislation of this type. I beg to differ with those who take that position, and I have in mind, I think, every decision which has been brought to my attention, commencing with Field against Clark and coming down to the latest case, the Panama case, going through all the labyrinth of cases between the two. Not one single case outside of the Altman case even squints at the idea of these instruments not being treaties. The Altman case, if it decided anything, decided that the tariff provision in that instance was a treaty, because it said:

> This is a treaty for the purpose of taking a direct appeal to this Court from the circuit court of appeals.

If it is a treaty for one purpose, I wonder how it could lose its nature in transit.

Mr. Justice Day, in writing the opinion in the case of Field against Clark, used some very cogent expressions which have become rather commonplace with us all:

> That Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890—

Which was the tariff act—in that instance the McKinley Tariff Act—

> in the particular under consideration is not inconsistent with that principle. It does not, in any real sense, invest the President with the power of legislation. For the purpose of securing reciprocal trade with countries producing and exporting sugar, molasses, coffee, tea, and hides, Congress itself determined that the provisions of the act of October 1, 1890, permitting the free introduction of such articles, should be suspended as to any country producing and exporting them, that imposed exactions and duties on the agricultural and other products of the United States which the President deemed—that is, which he found to be—reciprocally unequal and unreasonable.

Then the opinion recites that Congress not only formulated the tariff but likewise formulated the alternative tariff which should go into effect if the President put his mandate into effect; but the one special thing that is decided in the Altman case is that the tariff provision then under consideration, whereby the President entered into an agreement with a foreign country, if it amounted to anything, amounted to a treaty. It at least amounted to a treaty sufficiently to permit a direct appeal from the circuit court of appeals to the Supreme Court of the United States; and I submit in all fairness that if such an agreement has the nature of a treaty sufficiently to warrant it in going from the circuit court of appeals under the Circuit Court of Appeals Act, to the court of last resort of this country—and that was the decision—it cannot lose that nature anywhere in transit.

To my mind, it would be needlessly taking the time of the Senate to review the cases dealing with this subject, with which every Senator must of necessity be familiar, and which were so well recited here yesterday by my colleague on the floor.

But, Mr. President, in the Hampton case Mr. Chief Justice Taft laid his whole burden of argument, placed his whole decision on the case of Field against Clark, recited the facts which pertained to the case of Field against Clark, and then based his decision on Field against Clark. So the Hampton case can furnish no solution for those who advocate the view that these reciprocal-trade agreements are not in fact treaties.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Nevada yield to the Senator from Oregon?

Mr. McCARRAN. I yield.

Mr. McNARY. What is the last case in which the Supreme Court has spoken on this subject? Is that the case to which the Senator just referred, in which Chief Justice Taft delivered the opinion?

Mr. McCARRAN. No; in two cases the Supreme Court has spoken quite recently. The most recent case, as I recall, is what is known as the Panama case, in which the "hot oil" question was settled. The one just before that was the Curtiss-Wright case; but the Curtiss-Wright case had to do with an entirely different question. The Curtiss-Wright case was one in which the President of the United States, pursuant to an act of Congress, issued his Executive order prohibiting the sale of arms, ammunition, or implements of war to certain warring nations. The whole case turned on his right to issue that Executive order.

In the opinion in the Panama case, written by Mr. Chief Justice Hughes, dealing with the "hot oil" law, which we passed about 1934 or 1935, as I recall, he went at length into the subject, and held that there Congress had prescribed no limitations between which the President could exercise his power to issue an Executive order, and therefore it was a delegation of legislative power from the Congress to the Executive.

I desire to quote from what, to my mind, is a prophecy which in the years to come should be remembered and will be realized unless this Congress and others having to do with like subjects put a curb on the violation of the organic law. I read from the book entitled "Our Wonderland of Bureaucracy," by that eminent and greatly beloved constitutional lawyer, formerly a Member of the House of Representatives, the late James M. Beck. I read from page 193. His language is so apropos to the subject, his expressions are so cogent, his thought is so prophetic, that it is very much worth while that we, as Members of the Senate, should pause and reflect on what he says:

> In the demoralization that followed the World War and when the currencies of foreign nations were wildly fluctuating, the Congress, to meet a temporary emergency in 1921, created the first Tariff Commission, with power to raise or lower duties within a statutory margin. From a pragmatic side, something can be said in defense of this measure. From a constitutional side, nothing can be said. The author says this with due recognition of the fact that the Supreme Court, in *Hampton* v. *United States* (276 U. S. 394), with its consistent disposition to resolve all constitutional doubts in favor of congressional legislation, gave its pontifical absolution to this statute in a very unconvincing opinion. It felt constrained to accept assumptions of fact, which Congress had made, and upon these assumptions, none of which was found to be accurate in the practical trial of the law, the law was sustained. Unquestionably that opinion, which will prove a very fateful one in influencing further unconstitutional delegations of power by Congress, was influenced by the fiscal emergency, which then existed. The doctrine of emergency as a pretended justification of unconstitutional legislation may yet prove the "wooden horse," whereby the citadel of the Constitution will be taken. Nothing is more discouraging than the disposition of the Supreme Court to justify socialistic legislation, on the theory that some alleged emergency excuses it.
>
> The epitaph of the Constitution may one day be "Ilium fuit."

Troy is gone! So, if the Congress of the United States continues to enact legislation which forever chips away the great fundamental block, the concrete foundation of this Government, if the Congress of the United States continues forever to chip away at that block, some day we will find that what Mr. Beck said as the final word, "Ilium fuit," will be "The Constitution is gone," because its defenders and its protectors, those sworn to uphold that law, will have sought to divest themselves of the duties, powers, prerogatives, and obligations which the organic law visited upon them and gave them the honor to fulfill.

Mr. President, if I were to go further to emphasize the thoughts which I entertain with reference to the contention that is made in regard to the Hampton case I would not leave this Chamber, because I would call to my assistance the language of one of the most outstanding judges eastern America ever had, a man who, coming from the bench of the great Empire State to this Chamber, brought with him all the splendor of his mind, all the courage of his character, all the training which came to him through a life spent, from his very cradle up, in listening to the heart beats of humanity, rendering decisions as he saw the law and understood it. I would not call upon another authority greater than the senior Senator from the State of New York [Mr. WAGNER]. I read language he uttered on the floor of the Senate October 1, 1929, dealing with the very question now uppermost in our consideration. He said, among other things:

> Mr. President, I rise to discuss, for not too long a time, I hope, the so-called flexible provisions of the pending tariff bill.

That was the Hawley-Smoot bill.

The first subdivision of the committee amendment as modified by the Senator from Utah [Mr. Smoot] authorizes the President to change the classification of any product and to increase or decrease the rate of duty of any commodity not on the free list. The second subdivision authorizes the President to change the basis of valuation. Such a delegation of lawmaking powers to an Executive is, to my mind, unconstitutional, in that it violates the very first section of the first article of the Constitution, which vests in Congress, and solely in Congress, all legislative power. The laying of duties is a legislative power and is so specifically defined in article I, section 8, of the Constitution.

I address myself first to this argument, because in the discussions which have preceded mine, and in the Presidential announcement, it seems to have been taken for granted that the constitutionality of these provisions is no longer open to challenge. That I deny.

Mr. KING. Mr. President, the Senator is calling attention to a very important declaration of a distinguished Member of this body, and it seems to me there should be a quorum present. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Nevada yield for that purpose?

Mr. McCARRAN. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Schwartz
Ashurst	Frazier	Lucas	Schwellenbach
Austin	George	Lundeen	Sheppard
Bankhead	Gerry	McCarran	Shipstead
Barbour	Gibson	McKellar	Slattery
Barkley	Gillette	McNary	Smith
Bilbo	Green	Maloney	Stewart
Bone	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Idaho
Byrd	Harrison	Minton	Thomas, Okla.
Byrnes	Hatch	Murray	Thomas, Utah
Capper	Hayden	Neely	Tobey
Caraway	Herring	Norris	Townsend
Chandler	Holman	Nye	Tydings
Chavez	Holt	O'Mahoney	Vandenberg
Clark, Idaho	Hughes	Overton	Van Nuys
Clark, Mo.	Johnson, Calif	Pepper	Wagner
Connally	Johnson, Colo.	Pittman	Walsh
Davis	King	Reed	White
Donahey	La Follette	Reynolds	Wiley
Downey	Lee	Russell	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. McCARRAN. Mr. President, at the time of the interruption I was reading from the CONGRESSIONAL RECORD the very splendid expressions of our colleague, the senior Senator from New York [Mr. WAGNER], and they are so much worth while that I will continue to read for the benefit of those who do me the honor to listen, the views of the able Senator from New York, which he expressed on October 1, 1929. He said:

After full deliberation and the closest study of the Hampton case (*J. W. Hampton & Co.* v. *United States*, 276 U. S. 394), I am ready to assert with confidence that the flexible tariff provision does not meet the primary requirement of constitutionality.

The Hampton case, in which the Supreme Court sustained the flexible provisions of the Tariff Act of 1922, was, like every other controversy before that tribunal, decided on the basis of the facts before the Court. It is not at all an uncommon event for a court to come to a contrary decision with respect to constitutionality when a different set of facts is brought to its attention.

Right here I summon as my witness on the point I am attempting to make a case—the *State of New York* v. *Charles Schweinler Press* (214 N. Y. 395)—within the State of New York. About 30 years ago the Legislature of New York passed an act prohibiting women from working in factories during certain hours of the night. The constitutionality of that law was challenged; it went to the highest court of the State, and was there held to be unconstitutional as interfering with women's right to contract and interfering with their liberty as guaranteed in the Constitution of the United States. About 15 years thereafter a commission was appointed to investigate factory conditions in the State of New York. I had the very high honor of being chairman of that commission.

As a result of its investigation the unwholesome and insanitary conditions under which women were compelled to work in factories at night and the effect such employment had upon the health of women were brought clearly to public attention through the testimony adduced before the commission. Thereafter I introduced a bill in the legislature providing a prohibition against women working in factories during certain hours of the night.

In the preamble to the measure it was stated that the legislation was proposed to be enacted in order to preserve the health of the women of the State. The law was enacted; it was challenged as being unconstitutional, and the old Williams case was cited as an absolute precedent. The lower courts, of course, followed the prior ruling and held the law unconstitutional. It went to the State court of appeals, and I there had the privilege of appearing as counsel to defend the constitutionality of the act, of course without compensation. The court of appeals reversed its former position, held the act to be constitutional, and based its decision upon the ground that there had been submitted to the court new facts which during the consideration of the former act were not before the court, namely, that what the legislature had in mind in passing the act was to preserve the health of the womanhood of the State, which was a matter, of course, of State concern. The court of appeals held that the legislature had acted properly within its power, under the police power of the State, reversed its former attitude upon new facts, and held the law to be constitutional. In its decision, among other things, the court said:

"There is no reason why we should be reluctant to give effect to new and additional knowledge upon such a subject as this even if it did lead us to take a different view of such a vastly important question."

New facts call for new decisions and the Supreme Court of the United States has recognized that principle. In the case of Muller against Oregon, reported in Two Hundred and Eighth United States Reports, page 404, the Supreme Court said:

"When a question of fact is debated and debatable, and the extent to which a special constitutional limitation goes is affected by the truth in respect to that fact, a widespread and long-continued belief concerning it is worthy of consideration."

We must be entirely clear as to the determining principle which the Court pronounced in the Hampton case. The flexible provision of the 1922 Tariff Act was in that case approved because the Court found:

"What the President was required to do was merely to execute the act of Congress. It was not the making of law. He was the mere agent of the lawmaking department to ascertain and declare the event upon which its expressed will was to take effect."

The event upon which Presidential action could be invoked was the discovery that differences in the cost of production of the domestic and imported competitive article were not equalized under the existing law. Congress had implicitly stated that such differences could be accurately computed and that they could be made the measure of an administrative adjustment of rates. The Supreme Court assumed these facts because Congress had asserted them. Now, however, we know that the alleged facts are not reliable guides. We now realize that though the difference in cost of production is theoretically a fact, it cannot be converted into tariff rates without the exercise of a vast and unlimited discretion. There is now available the record of 7 years' operation, which convinces beyond a doubt that rates cannot sensibly, cannot possibly, be administratively measured by sole adherence to a mechanical standard erected by Congress.

In the reports of the Commission we find a constantly recurring division of opinion. Repeatedly certain members of the Commission select facts which lead to a higher rate of duty than the facts selected by certain other members of the Commission. Can we draw any other conclusion than that the true differences which divide the members of that body or which will divide any group of men who may constitute the Commission are matters of policy, are views respecting high or low tariff, and that facts are selected and data assembled which support such conclusions?

Mr. President, the gentleman who uttered that expression has no superior at the bar of America today. He is the senior Senator from the State of New York [Mr. WAGNER]; and he took a most decided stand in 1929, as I hope he will do in 1940.

Continuing, he said:

Mr. President, invariably the differences which destroyed the unanimity of the Commission have expressed themselves in a controversy over some question of fact. Which is the chief competing country? Where is the principal market? Are the two selected commodities comparable? Is the information collected representative of the industry? These were but the means of expressing in legally conformable language the desire to increase or decrease a particular duty. A reading of the reports submitted by the Commission compels the conclusion that the determination of every duty proceeds, and necessarily so, from a determination of policy, a determination which has in all the history of representative government been called legislation.

The President has written only two opinions, to my knowledge, which reveal the manner of the Presidential mind in coming to a conclusion under the flexible provisions of the tariff. The more interesting of the two is the opinion on sugar. Three members of the Commission had recommended to the President a decrease in duty. Two had dissented from that view. One had not participated. Under the law the President was required to make a decision governed by the differences in the cost of production. That was the statutory guide for his supposedly administrative act. How different are the considerations which prompted the President in his action when he refused to reduce the tariff as recommended by the majority of the Commission. In his opinion he reveals that he took the following matters into consideration:

That the farmer is entitled to share with the manufacturer benefits under the protective-tariff system.

The need for the revenue arising out of the sugar tariff.

That it is desirable that sugar beet be grown as a substitute for wheat in order to reduce wheat acreage; and also that sugar beet is a desirable diversifier of crops.

The desirability of becoming independent of foreign sources for an article of food supply.

The danger of foreign combinations to manipulate prices.

Concerning costs of production, he said that a wide variety of conclusions could be obtained by alternative methods of interpretation of the same basic data. That, of course, is true of every single instance that has come before the Commission. Therein is concealed that universal weapon which permits the President to decide as he will on each and every tariff schedule.

Let there be no mistake about the point I am trying to emphasize. I do not find fault with the President for taking these matters into consideration. It is not even my purpose at this time to rehearse the shameful story of the sugar investigation. All I am driving at is that we must at once realize that if this is a sample of an administrative decision then we may as well lock up the Halls of Congress. If this be a determination or a finding of the existence of a fact upon which the law of Congress takes effect then there is no longer any distinction between lawmaking and administration.

Of course, the state of the revenue must be considered, but that has ever been a congressional function. Of course, the farmer should be given the benefit of tariff legislation, but it has always been the province of Congress to determine when and how. Whether or not we must become self-sufficient in a particular commodity is, of course, a pertinent question in tariff making, but since when has that become a question of administration?

In the sugar report we have an excellent exhibit of flexible tariff in operation. We can see the considerations which enter in making a decision. I quite fully agree that those objects must be taken into consideration in writing an equitable tariff bill, but I also insist that the weighing and measuring of the precise effect to be given to such matters are in the domain of the Legislature.

Congress, and only Congress, can decide whether duties shall be so levied as to encourage and expand beet sugar—that is legislation, not administration.

Congress, and only Congress, has, by the Constitution, been given plenary authority to determine the extent of the Federal revenue and whether or not it shall be derived from the sugar consumer—that is legislation, not administration.

The court has said that the test laid down by statute was perfectly clear and intelligible. As a matter of abstract logic that is no doubt true. Now, however, we are in possession of an actual record of events, an actual experience which shows that though the test laid down by Congress may have been perfectly clear for purposes of investigation, it could not be translated into new rates of duty without the exercise of such discretion and the consideration of such matters of national policy that in all truth and in all honesty we must call it legislation.

There is one other thought on the question of constitutionality which is pertinent.

The Supreme Court is not the only guardian of the Constitution. Each one of us is under a coequal duty with the members of the bench to defend and maintain that Constitution and to vote only in favor of legislation that conforms with the requirements of that instrument. There are innumerable situations where Congress is the last resort in the determination of constitutionality, where from its decision there is no appeal to any court.

The standard of constitutionality which each one of us must apply is somewhat different from the standard which the Supreme Court employs in passing on legislation. When the constitutionality of a bill is contested in the courts every doubt is resolved in favor of constitutionality. Every fact which was assumed by Congress to be a fact is not disputed by the court unless the assumption flies violently in the face of reason.

When we in this body pass upon a bill we cannot give ourselves the benefits of those doubts. We ought not knowingly to write into the bill assumptions of fact which we know are not true. We ought not to take advantage of the Supreme Court's procedure by framing legislation which in form only is constitutional but which in substance is in deadly conflict with the requirements of our organic law.

Mr. President, one of the most disquieting facts about this controversy is the frequency with which the advocates of this transfer of legislative power to the Executive have pointed to precedents. Precedents do not make a thing right. They may only prove that we have been wrong before. At the present time we are on the crest of the wave of Presidential encroachments upon legislative territory. What at first seemed like a harmless delegation of an inconsequential power has, through accretion and addition, so multiplied the power and authority of one individual of this Government that the system of a functional balance among the three great divisions of government is well nigh upset.

And so on—dealing with the facts, dealing with the law, dealing with the question from the standpoint of a judge as well as the standpoint of a Senator. It was the opinion of the then junior Senator from New York [Mr. WAGNER]—now the senior Senator from New York—that the flexible tariff clause which was dealt with in the Hampton case was an unconstitutional and unwarranted delegation of authority.

Mr. President, I respectfully come to the expression of the leader of the majority [Mr. BARKLEY] in 1929 when this very problem was before the Senate of the United States. I say "this very problem," but the problem then under consideration was not nearly so offensive to the Constitution of the United States. It was then before this body under what was known as the flexible tariff clause of the Smoot-Hawley Act. I read from the CONGRESSIONAL RECORD of October 1, 1929, language from the present leader of the majority, the able Senator from Kentucky [Mr. BARKLEY]. He said:

Mr. BARKLEY. Mr. President, in the discussion of the question now pending before the Senate I find myself in a position of agreement with many things stated by those Senators who advocate the amendment offered by the Senator from Utah [Mr. SMOOT]. I join with the Senator from Pennsylvania [Mr. REED] in expressing the highest regard for the work performed by the Tariff Commission in matters of investigation, in the assembling of facts, not only in the performance of their own duties in recommending rates to the President but in enabling members of the Finance Committee and of the Senate generally to have a better picture of the tariff situation, a better picture of the trade relations of our own country with other countries; and I think, on the whole, the work of the tariff experts is to be commended. I think, on the whole, the investigators sent out by the Tariff Commission have been honest, conscientious, hard-working men; and, so far as I am personally concerned, the result of their labors has been of invaluable assistance to me as a member of the Finance Committee in the consideration of this tariff bill.

However, my admiration for the work of the Tariff Commission in that respect, my confidence in the unselfish attempt on the part of its experts to obtain information for the benefit of Congress and for the benefit of the President, does not in any way cloud my judgment as to the propriety of the delegation of power involved in the pending amendment.

Mr. President, the Senator from Pennsylvania—who, I regret, is not on the floor at present—undertook to justify this delegation of power by going back to the year 1794, in the administration of George Washington, and making reference to an act of that year, passed by many men in the Congress who had been members of the Constitutional Convention, and signed by the President of the United States, who happened to be the president of the convention which wrote the Constitution; and he said:

"Surely, if these men, who ought to have known what the Constitution meant, who ought to have had some conception of its powers and obligations, saw fit, almost within the shadow of the convention hall in Philadelphia, to confer upon the first President power to issue embargoes, and" as the Senator from Pennsylvania inaccurately said "to fix rates of duty upon commerce, we ought not to hesitate to do it now."

Mr. President, the exercise of that power in 1794 was not the exercise of the taxing power conferred upon Congress by the Constitution. In the act referred to by the Senator from Pennsylvania there is no mention of duties or imposts. There is no attempt to delegate to the President the power to levy taxes, the power either to increase or decrease rates; but the delegation of power in the act of 1794 was purely a delegation of war power because of the situation that then existed, with an impending or threatening conflict between the United States and France, and possible difficulties between the United States and Great Britain.

Continuing, the able Senator from Kentucky then said:

So that, Mr. President, in the exercise of a war power that might be found necessary during a recess or vacation of Congress, the President of the United States was not authorized to lay and collect taxes. He was not authorized to transfer commodities from one classification to another. He was not authorized to reduce or to increase any rate of tariff taxation or any other form of taxation which had been enacted by the Congress, but he was merely given the power to lay an embargo not only upon foreign ships that might be in our ports or might be headed to our ports but upon American ships transporting commerce between the United States and every other country; and even in that effort to delegate the war power to the President it was provided that it should not be exercised at any time when Congress should be in session, and that the power conferred upon the President, or any embargo laid by him under that authority, should cease within 15 days after the assembling of Congress next after the proclamation had been issued.

Continuing, the able Senator from Kentucky said:

So it does not seem quite appropriate for the Senator from Pennsylvania to seek to persuade us that because one-hundred-and-forty-odd years ago Congress empowered a President to lay an embargo upon commerce with certain foreign countries we are to take that as an example of the right or power of Congress to delegate to the President authority to levy and collect taxes.

I presume that it is, as some Senators have suggested, purely academic to discuss the constitutionality of a law upon which the Supreme Court has passed judgment; and if we are prepared to admit that the discussion of that decision and the wisdom or propriety of it is beyond cavil or question, we are at least not denied the right to discuss the wisdom of the policy.

In order that we may understand what the Constitution did, what its environment may have been, what was in the minds of the framers, it may not be entirely out of place to draw briefly a picture of the background which was responsible for it.

Our forefathers met in convention to protest against the exercise of the taxing power by the King of England without the consent of the Colonies. It was not because they objected to the size of the stamp tax. It was not because they objected to the form of that taxation as compared with any other form of taxation that might have been laid upon the Colonies by the British Crown. It was not, either, because they objected to being taxed, because it would have been infinitely cheaper, infinitely more easy and more convenient, for the colonists to have submitted to the pittance of a tax as compared to the enormous expense in treasure and blood involved in resisting the power of the mother country to tax them without giving them a voice in the processes of taxation. So, when the framers of our Constitution—many of whom had been soldiers in that war, all of whom understood the fundamental doctrines that underlay that war, many of whom had been members of the convention that promulgated the Declaration of Independence—met in Philadelphia to write a constitution, they had behind them the whole history of Anglo-Saxon conflicts of authority between the people and the Crown. And so we must, if we can, undertake to insert our eyes into their bosoms to find what actuated them in writing this Constitution under which we have lived for nearly a century and a half.

I do not desire to discuss the academic question of the wisdom of the separation of our powers into executive, legislative, and judicial; but I do desire to emphasize, if I may—and emphasis seemingly is needed now—the impropriety and the shortsightedness of undertaking to shirk the responsibility which in my judgment was irrevocably placed upon the shoulders of Congress.

I desire rather to approach this subject from the standpoint not only of its constitutionality but the wisdom of the course which is urged upon us by both sides to the controversy.

In the Constitutional Convention, which produced the instrument under which our Government has grown and prospered, there were lengthy discussions as to the functions of the three branches of the Government which were to be established. The framers of the Constitution had before them the background of events out of which had grown the Revolution and the independence of the colonies. They were particular to emphasize their determination that all legislative functions should be performed by the representatives of the people. Therefore, one of the first things which they provided was that "all legislative power shall be vested in a Congress composed of a Senate and House of Representatives," and so forth.

What did they mean by all legislative power? Did they mean all legislative power except that which Congress might at a later date attempt to shirk? Did they mean all legislative power except the power of taxation? Every part of the Constitution answers these questions in the negative. In later articles and clauses of the instrument taxation is dealt with specifically, so that we cannot doubt that the Constitution intended that all tax legislation, as well as other legislation, should be vested in the Congress.

As stipulated that all legislative power should be vested in Congress, the framers proceeded to outline some of the exclusive powers of Congress, among them being "the power to levy and collect taxes, duties, imposts, and excises."

What is the legislative power? The power to promulgate a rule of action by which the people who are subject to that law are to be governed in their relationship not only to one another but to this thing we call government, which is only another name for organized society. Therefore, we are compelled to draw the conclusion that among the powers included in the definition of legislative power must be included the power of taxation; for it was upon the principle of taxation largely that our independence as a Nation was established in all of the documents that accompanied our separation from the mother country. It was in the debates of the Constitutional Convention, for in that convention there were present, as there are always present in the inception of governments and in the exercise of their authority, two distinct schools of thought. One school believed that we should not confer power upon the people, and that only the educated and the well born and the wealthy should be clothed with the power of self-government, and that such blessings as the masses might enjoy under the Government should fall into their mouths as the crumbs fell into the mouth of Lazarus from the table of Dives.

On the other hand, there was the opposite of that theory, to which I have already referred, that, without regard to distinctions of wealth, without regard to distinctions of physical power or prowess, without regard to ancestry, without regard to education or ignorance, every man upon whose shoulders lay the responsibility to support his government, either by his own blood or by his money in the form of taxes, was entitled to representation in the body that levied those taxes upon him and compelled him to pay them.

Therefore, Mr. President, the language of the Constitution which confers upon Congress the power of exclusive legislation must have included the power of taxation, because taxation is legislation, and has always been recognized, not only in our country but in the world at large, as the exercise of legislative power. Not only is it recognized as legislation on the part of the National Government, but in every State constitution in the 48 States of the American Union the right to levy and collect taxes is an exclusive right which is conferred upon the legislature of the State, and in no State constitution with which I am familiar is there any authority given to lay and collect taxes, to raise or lower income taxes or property taxes, by even so much as a penny, that may come out of the pockets of the people of that Commonwealth.

Then the able Senator from Kentucky went on to expand on the subject. He said:

What kind of taxation does this power relate to? The Constitution does not specify or limit. It does not attempt to segregate the different methods of taxation. Therefore, it must include all forms of taxes which can be levied.

It includes not only tariff duties, but income taxes and all other forms of taxation which the Federal Government may levy and collect to raise revenues for its support.

Taking the background of Anglo-Saxon history, the cause of the Revolution itself, which was the claim of the mother country that it had the right to tax Americans without their consent, we cannot believe that this provision or any provision of the Constitution was intended or contemplated that taxes could be levied by any other authority than the Congress of the people, chosen by them, responsible to them, and subject to be removed by them at frequent elections.

President Hoover must have had in mind this background when, on October 15, 1928, in the city of Boston, he uttered this sentiment:

"The Tariff Commission is a most valuable arm of the Government. It can be strengthened and made more useful in several ways. But the American people will never consent to delegating authority over the tariff to any commission, whether nonpartisan or bipartisan. Our people have the right to express themselves at the ballot on so vital a question as this.

"There is only one commission to which delegation of that authority can be made. That is the great commission of their own choosing, the Congress of the United States and the President. It is the only commission which can be held responsible to the electorate."

And so forth. What did the President have in mind when he used that language? Did he have in mind possible action by either of these agencies without the cooperation of the other? His language admits no such interpretation. He meant the orderly process under the Constitution of enactment by both Houses of Congress and the approval of the President, both of which are required to complete an act of legislation.

Not only did the framers of the Constitution confer the exclusive power upon Congress to levy and collect taxes, but they limited the power to initiate such taxation. In section 7 of article I it is provided that "All bills for raising revenue shall originate in the House of Representatives."

Why was this limitation placed in the Constitution? Because the framers were so determined to retain in the hands of the people power over their purse that they were not willing for any other branch or subdivision of the Government to start the processes of taxation except that branch which was directly responsible to them, which could be punished or rewarded for their course in all matters of taxation and expenditure.

Under the Constitution the Senate, even though now Senators are elected by the people and are responsible to them, cannot originate a tax bill. It cannot originate a measure laying one dollar in taxes upon the American people. Yet we are seriously asked to delegate to the President a power which we do not ourselves possess.

For you may gloss it over by any language that suits your fancy, when the President by an Executive order increases the taxes which must be paid by the American people, he originates a measure for raising revenue, a thing which the Senate of the United States cannot do.

We are told that this delegation of legislative authority is wise and proper, because it is limited in scope; that the President can only raise or reduce rates of tariff taxation to the extent of 50 percent of the rates fixed by Congress.

But if it is constitutional and wise to permit him to undo the work of Congress to the extent of 50 percent, why not give him full sweep of power to fix all rates, to reduce them or increase them according to his inclinations?

Why deny to unprotected, and maybe helpless, industries any relief whatever under this benign arrangement, when it may be that those which Congress has neglected need assistance more than those who have received a portion of what they demand? If we can abdicate a portion of the exclusive constitutional power with which Congress was invested by the forefathers, why stop at a portion? Why not let Congress relieve itself of all the burdens of drudgery in matters of taxation and turn it over to the Executive?

And if we have the power, and it is wise, to abdicate our constitutional responsibility in the levying of tariff duties in the way of taxation for raising revenue, why not abdicate it with reference to all forms of taxation?

If the Executive is more prompt and more wise in changing rates of tariff taxation, why is he less prompt and less wise in the matter of changing rates of income taxes?

We are told that there will be a surplus in the Treasury at the end of the year that will justify another reduction in taxes.

Then why waste the time and the money of the people by holding or prolonging a session of Congress to reduce the income taxes? Why not delegate to the President the power to reduce income-tax rates so as to absorb the expected surplus? And if

this would be wise and proper, why not also clothe him with power to raise income-tax rates when there is an approaching deficit in the Treasury?

The exclusive power to levy taxes is exclusive as to all forms of taxation; and if we can delegate a part of it as to one form of taxation, we can delegate a portion or all of it as to all forms of taxation.

There is no analogy between the power of taxation as exercised by the President under the flexible provisions and the power of Congress to regulate railroad rates through the Interstate Commerce Commission.

In the first place, the Constitution does not say that "all bills for regulating commerce shall originate in the House of Representatives." That limitation applies only to bills raising revenue.

But Congress has never delegated to the President any power whatever in the regulation of commerce by the fixing of railroad rates. Congress established the Interstate Commerce Commission as an agency of Congress, and not of the Executive, for the purpose of carrying out the laws enacted by Congress for the regulation of railroad rates and practices. The President plays no part in the work of the Interstate Commerce Commission. He cannot change a single rate on any railroad in the United States either before or after determination by the Interstate Commerce Commission. He cannot receive its proceedings or nullify its orders. He cannot expand or contract its activities or its powers. This Commission is the creature of Congress, and it does not consult nor is it responsible to the President in the true conception of its functions.

Therefore, the creation of this Commission and the functions and powers with which Congress has clothed it offers no parallel for the proposal here to surrender the duty and obligation which the Constitution lays upon Congress alone—that of levying the taxes which the American people must pay for the support of their Government.

Not only did the framers of the Constitution propose to hold Congress responsible to the people for the amount of revenue raised for the Government, and the manner of its assessment and collection, but they also proposed to hold Congress responsible for its expenditure. For in article I, section 8, of the Constitution, in the enumeration of its powers, it is provided that Congress shall have power "To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years."

Would any person contend that Congress could delegate to the President or to any other agency the power to extend an appropriation for the Army for a longer period than 2 years?

In paragraph 7 of section 9, article I, the Constitution says: "No money shall be drawn from the Treasury but in consequence of appropriations made by law," and so forth. Would it be seriously contended that Congress could delegate to the President or any other agency the power to draw money from the Treasury without the passage of a law providing for its expenditure?

Congress cannot abdicate its authority over the money in the National Treasury, and it cannot properly do it with reference to the collection of that money in the form of taxes.

But we are told by some of the advocates of this congressional surrender that Congress is slothful, slow of action, and cannot act with that precision and foresight which is necessary to those who are in a hurry.

We are told that Congress is possessed of nothing but incapacity; that it cannot obtain the facts upon which tariff legislation should be based; that it engages in logrolling and back scratching, as a result of which unjust and indefensible rates are inflicted upon the people; that it can only revise the tariff once in many years; and that somebody else ought to have the power to revise it piecemeal during these congressional lapses into innocuous desuetude.

We have heard dignified and venerable Senators, who are suspected of a desire to be returned here, denounce both branches of Congress in terms which make it difficult to understand why they would want to remain in such company.

We are told that Congress can only engage in tariff revision at long intervals, and that even if it desires or is capable of dealing with limited articles, it cannot do so because of delays and the inclusion of other articles.

This has not been the history of Congress. It is true that a general revision of all the schedules generally requires several months. But it has required several years for the Tariff Commission to investigate single items and report them to the President under the flexible provisions of the present law. I say this not in criticism, but merely as the statement of a fact.

But Congress has on numerous occasions dealt with a limited number of schedules or even items in matters of tariff rates and has been able to produce legislative results with promptness and certainty.

In the Fifty-third Congress a tariff bill was introduced in the House December 19, 1893 (H. R. 4864), and on—

December 21 it was reported to the House.
February 1, 1894, it passed the House.
February 2, was referred to Finance Committee.
July 3, passed the Senate.

In the Sixty-second Congress a tariff bill (H. R. 4413, free list) was on—

April 12, 1911, introduced in the House.
April 19, reported to House.
May 8, passed the House.
May 9, referred to Finance Committee.
June 22, reported by the Finance Committee.
August 1, passed by the Senate.
August 16, vetoed by President.

In the Sixty-second Congress a tariff bill (H. R. 11019, wool) was on—

June 2, 1911, introduced in the House.
June 6, reported to the House.
June 20, passed by the House.
June 21, referred to Finance Committee.
June 22, reported to the Senate.
June 27, passed the Senate.
August 17, vetoed by the President.

In the Sixty-second Congress a tariff bill (H. R. 12612, cotton) was on—

July 26, 1911, introduced in the House.
July 27, reported from committee.
August 3, passed by the House.
August 4, referred to Finance Committee.
August 10, reported to the Senate.
August 17, passed by the Senate.
August 22, vetoed by the President.

In the Sixty-sixth Congress a tariff bill (H. R. 15275, emergency agriculture) was on—

December 20, 1920, introduced in the House.
December 20, reported from committee.
December 22, passed the House.
December 27, referred to Finance Committee.
January 17, 1921, reported to the Senate.
February 16, passed by the Senate.
March 3, vetoed by the President.

In the Sixty-seventh Congress, a tariff bill (H. R. 2435, emergency tariff) was on—

April 12, 1921, introduced in the House.
April 14, reported from committee.
April 15, passed by the House.
April 16, referred to Finance Committee.
April 30, reported to the Senate.
May 11, passed the Senate.
May 27, approved by the President.

These are but a few instances to confound those who put forth the spurious claim that Congress cannot be relied upon to act with promptness and effectiveness even in the passage of tariff bills when the circumstances justify prompt and effective action.

Those who seek this unwise departure are not actuated by the fear that Congress will not act. They desire to take the enactment of tariff legislation away from the representatives of the people, away from public discussion, away from the view of the people to the quiet precincts of secrecy where the people who have to bear the burden and pay the tribute will not know what is happening to them until it is too late to protest.

* * * * * * *

What I am attempting to do is to show that whenever Congress is confronted with a necessity, with an emergency, with the facts before it as to a limited number of items, it can act more promptly and more efficiently than can the executive branch of the Government.

Mr. President, I do not deal with this subject from the standpoint alone of the taxing power being exclusive in Congress. However, from whichever standpoint we may view this subject, we must say that Congress must pause in the avenue which it is now traveling, and by which we are tearing down the organic law.

First of all, it is a tax measure. Being a tax measure, it belongs in Congress; Congress alone should deal with it. Secondly, being a tax measure, one which Congress exclusively should deal with then, more emphatically than ever, so-called trade agreements should be transmitted to the Senate of the United States, and the Senate should exercise its prerogative and power, not only its prerogative and power but its duty, imposed upon it by the Constitution, to ratify or reject treaties.

Oh, it will not do to stand here and say these are not treaties; that they are merely agreements between nations. What is a treaty unless it be an agreement between one independent nation and another independent nation? Where is the twilight zone of differentiation between an agreement that affects the hearthstone of every taxpayer and every man, woman, and child in America, and an agreement that affects only a portion of the National Government? I ask, Where is the twilight zone of differentiation? Well, it does not exist. That is the story.

It is said that those favoring the policy do not dare bring reciprocal trade agreements back to the Senate of the United States for ratification because there would be logrolling. Logrolling! I wonder if there is any logrolling going on now. I wonder where the logs are. I wonder how far they are rolling. Logrolling is charged in the effort to continue a policy that is violative of the plainest and most emphatic provision of the organic law. Logrolling is suggested in order to put

through the Congress the renewal or extension of a law which every country of the Western Hemisphere that has had dealings with this country in the negotiation of trade agreements has laughed at; for they have submitted trade agreements to their legislative bodies, while we, the leading republic of the world, holding our Constitution aloft as a precept and guide for other peoples of the world, are made aware of the fact that those who sponsor this program are afraid to come back to the Congress, to one body of the Congress, composed of 96 men, and have them consider it because there would be logrolling.

Is it not time for us to forget about logrolling? Is it not time for us to remember the oath we all took to uphold and defend the Constitution of the United States, and, defending the Constitution of the United States, to remember that those who bear the brunt of government, those who bear the burdens of government, those who sustain the Government, are those who pay the taxes; and those who pay the taxes look to us, their representatives; and, looking to us, they look through us to the organic law that speaks more emphatically than all the reciprocal trade agreements in the world?

Mr. President, I might deal with this question from many angles. The whole reciprocity trade-agreement policy has done exactly what was predicted it would do. Those predictions came from the lips of leading men on the floor of the Senate when the very principle, though less offensive by far to constitutional provisions than that underlying the present reciprocal trade-agreement act, was under consideration. I refer to the flexible-tariff clause of the Smoot-Hawley bill, and the flexible-tariff clause of the bill which preceded the Smoot-Hawley bill. When those measures were before the Congress it was stated, first, that they were unconstitutional; secondly, that they constituted a delegation of legislative power by the legislature to the executive department; and, thirdly, that, from both angles, they were violative of the spirit and intendment of the organic law.

I do not care how this proposal may be dressed; I do not care what clothing may be placed arcund it; I do not care with what swaddling clothes it may be enwrapped, it is only another baby, another attempt to destroy the respect which the people of America have for their organic law. The more we destroy that respect, the more those of us who have taken an cath to sustain the organic law permit the impression to prevail in the minds of the people of the country that we have no respect for it; and the more we tear down our form of government, which some years ago looked as though God Himself had ordained it, yea, more, which in this very hour, holding itself aloof from foreign entanglements, with the everlasting hope that by our precept and our example we may prove to the peoples of the world that democracy is a success, and, being a success, they can afford to follow our course.

Mr. President, if we continue to tear down, to chip away from the block of constitutional security, session by session, time by time, hour by hour, the day will come, if we live long enough, when we, as individuals and as a body, will regret and rue it, not because of its effect upon us individually, but because of its effect upon our country to which our boys and girls must lock as security for their lives in the centuries to come.

Let us pause before it is too late. Let us pause because in pausing we may emphasize that the Senate of the United States, after all, does mean something. It does mean something to be a Senator of the United States; it does mean something to represent a constituency in the greatest deliberative body in the world, in the upper House, so-called, of the Congress of the United States, and that meaning is that we will never again pass a law to take from the Constitution the very essence and spirit that was inculcated into that memorable and, I hope, everlasting document.

Mr. President, I have gone perhaps too much at length into this question. Perhaps it is because I am wrapped up in the subject. I wish now to return to the thought I expressed in the beginning of my humble remarks today. I desire to recur to that thought, because I think it emphatically important, and that is unless we stop somewhere, the result will be as has been predicted that democracy itself will prove a failure; that we cannot depend on the democracies; we cannot depend upon the masses of the people to legislate for themselves.

Unless we pause somewhere, and stop this everlasting drift toward nonconstitutional action, we will find ourselves without a Constitution or a Nation. We will find ourselves so weakened in the estimation of the people who constitute the sovereigns of this Government that some one will take over the entire affairs of government and lead us out of the labyrinth of delegated authority that the Congress did not seem to have the courage to avoid.

Mr. President, this is an appeal from those of us who believe in the organic law. This is an appeal from those of us who would give our lives to sustain the organic law. This is an appeal from those of us who, trained in the law, believe in the law, and believing in the law, are willing even to sacrifice everything we have to the end that this continuous process of tearing down the law shall not proceed further; that it shall somewhere be stopped. Now is the time to stop it in connection with a measure which so greatly impinges on those who need protection, the masses of the people, who constitute the sovereign power of the Nation and from whom some would like to take sovereignty away.

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the RECORD, with the names attached, a statement signed by 600 prominent leaders in the fields of education, agriculture, industry, religion, and public affairs, urging the continuation of the reciprocal trade agreements program. With my colleagues on the Finance Committee, I was presented this petition a few moments ago by a delegation representing the American Union for Concerted Peace Efforts, headed by Mr. Frederick McKee, of Pittsburgh, Pa. Those who signed this statement are representative of all political parties and various kinds of interests.

There being no objection, the statement, with the names attached thereto, was ordered to be printed in the RECORD, as follows:

STATEMENT ON BEHALF OF RECIPROCAL-TRADE AGREEMENTS

The people of the United States deplore the current wars and look anxiously for their termination. How can they help to remove the causes of war and help build permanent peace, so that these terrible calamities will not keep recurring?

We, the undersigned, believe there is at hand at least one practical way in which the United States can contribute to the removal of the economic causes of war and can keep open the channels of international trade against the day when the war will be over and the gigantic problems of economic reconstruction will be before us.

That way lies through continuance of the reciprocal-trade agreements program.

Amid all the international economic insanity of the past years, the trade agreements have marked one sane effort to keep open that flow of international trade so essential to peace. They have been a rallying point for all those who realize that economic disarmament and political disarmament are two aspects of the same problem. For the United States now to repudiate the outstanding effort it has made in the direction of peaceful and orderly economic relations would be one more victory for the dark forces of violence and greed.

Even more important today is the fact that the longer the war lasts the greater will be the economic exhaustion of the participants, the greater will be the need of sound economic foundations upon which to build a new world of law and order.

To continue the trade agreements program will improve the chances for a peace that will not carry with it the seeds of fresh trade rivalries and antogonisms. The choice before us is whether we shall turn back to the old exclusiveness of economic nationalism or shall lead in showing the way to that economic freedom, without which political freedom is impossible.

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Washington, D. C.; Elizabeth F. Baker, professor of economics, Columbia University, New York; Everett Moore Baker, American Unitarian Association, Boston, Mass.; John W. Baker, Philippine Refining Corporation, New York; Emily G. Balch, former professor of economics, Wellesley College, Wellesley, Mass.; Everett Clair Bancroft, professor of economics, Colgate University, Hamilton, N. Y.; Katherine C. Bang, Shaker Heights, Ohio; De Witt Barlow, president, Atlantic Gulf & Pacific Co., New York; A. J. Barnouw, department of Germanic languages, Columbia University, New York; Ruhl J. Bartlett, department of history, Tufts College, Medford, Mass.; N. H. Batchelder, headmaster, Loomis School, Windsor, Conn.; Albert W. Beaven, president, Colgate-Rochester Divinity School, Rochester, N. Y.; Edgar D. Bell, Pittsburgh, Pa.; Conrad Bergendoff, president, Augustana College, Rock Island, Ill.; Hanna Bernhardt, Chevy Chase, Md.; Harry Best, department of sociology, University of Kentucky, Lexington, Ky.; William R. Bigler, department of economics, Ohio State University, Columbus, Ohio; Mary A. Bishop, Guild of Catholic Women, St. Paul, Minn.; Edward C. Bixler, president emeritus, Blue Ridge College, New Windsor, Md.; Mrs. M. F. Bixler, Cleveland, Ohio; Donald Blaisdell, United States Department of Agriculture, Washington, D. C.; Brand Blanshard, department of philosophy, Swarthmore College, Swarthmore, Pa.; Frank G. Boudreau, M. D., Milbank Memorial Fund, New York; Mary D. Bradford, Kenosha, Wis.; Raymond B. Bragg, First Unitarian Society, Minneapolis, Minn.; S. J. Brandenburg, Clark University, Worcester, Mass.; Theodore D. Bratton, bishop, Episcopal Church, Jackson, Miss.; Sophonisba Breckinridge, professor of public welfare administration, University of Chicago, Chicago, Ill.; Walter N. Breckenridge, Waterville, Maine; J. P. Breedlove, Duke University, Durham, N. C.; Horace J. Bridges, the Chicago Wabash Ethical Society, Chicago, Ill.; Margaret Bridgman, dean, Skidmore College, Saratoga Springs, N. Y.; Lucia R. Briggs, president, Milwaukee-Downer College, Milwaukee, Wis.; Edgar S. Brightman, Boston University Graduate School, Boston, Mass.; Mrs. Arthur Brin, national chairman, international relations committee, National Council of Jewish Women, Minneapolis, Minn.; Harry Gunnison Brown, department of economics, University of Missouri, Columbia, Mo.; William Adams Brown, Union Theological Seminary, New York; Mrs. William Thayer Brown, West Orange, N. J.; Cornelia J. Brown, D. C., East Orange, N. J.; Dr. Esther Brunauer, American Association of University Women, Washington, D. C.; Percival F. Brundage, New York; Louis F. Buckley, department of economics, University of Notre Dame, South Bend, Ind.; Roy J. Bullock, Johns Hopkins University, Baltimore, Md.; F. W. Burnham, Seventh Street Christian Church, Richmond, Va.; J. J. Burns, Nazareth College, Kalamazoo, Mich.; Paul Burt, director, the Wesley Foundation, University of Illinois, Urbana, Ill.

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terian Church, New York; Samuel Guy Inman, Committee on Cooperation in Latin America, New York; Richard K. Irons, Groton School, Groton, Mass.; Henry Israel, Hastings-on-Hudson, N. Y.; Charles Jackson, Boston, Mass.; O. B. Jesness, University of Minnesota, Minneapolis, Minn.; Philip C. Jessup, Columbia University, New York; F. Ernest Johnson, Federal Council of Churches of Christ in America, New York; Thomas Roy Jones, president, American Type Founders, Inc., Elizabeth, N. J.; Mrs. David Starr Jordan, Palo Alto, Calif.; Horace M. Kallen, New School for Social Research, New York; A. Philip Keeler, The Fuller Brush Co., Hartford, Conn.; Paul Kellogg, editor, Survey Graphic, New York; Edwin C. Kemble, Harvard University, Cambridge, Mass.; M. Slade Kendrick, department of agricultural economics and farm management, New York State College of Agriculture, Ithaca, N. Y.; Dorothy Kenyon, New York; William H. Kilpatrick, Columbia University, New York; John I. Knudson, Brooklyn Polytechnic Institute, Brooklyn, N. Y.; Rebekah Kohut, New York; George S. Lackland, The First Church, New Haven, Conn.; W. P. Ladd, dean, Berkeley Divinity School, Yale University, New Haven, Conn.; Joseph P. Lash, New York; R. J. Laubengayer, publisher, Salina Journal, Salina, Kans.; Leonard A. Lawson, Hobart College, Geneva, N. Y.; Edmund J. Lee, rector, Chatham Hall, Chatham, Va.; Elbert Lenrow, Fieldston School, New York; Walter Lichtenstein, First National Bank of Chicago, Chicago, Ill.; Samuel McCune Lindsay, Columbia University, New York; Plautus I. Lipsey, Jr., De Land, Fla.; Robert M. Lockwood, 3d, Cambridge, Mass.; Dean Long, Evansville College, Evansville, Ind.; Arthur O. Lovejoy, Baltimore, Md.; Lucy Lowell, Boston, Mass.; Cornelia B. Lusk, St. Paul, Minn.; James G. Lyne, Simmons-Boardman Publishing Corporation, New York; E. Wilson Lyon, Colgate University, Hamilton, N. Y.; J. A. MacCallum, The Walnut Street Presbyterian Church, Philadelphia, Pa.; John MacDuffie, principal, MacDuffie School, Springfield, Mass.

The Reverend Dr. Donald MacLean, Catholic University of America, Washington, D. C.; the Honorable Theodore Marburg, Baltimore, Md.; Arthur W. Marget, University of Minnesota, Minneapolis, Minn.; Angela Margraf, Ursuline College, Cleveland, Ohio; Mrs. Samuel L. Markell, Boston, Mass.; Charles F. Marsh, College of William and Mary, Williamsburg, Va.; Herbert Martin, State University of Iowa, Iowa City, Iowa; Amy J. Marvel, president, Woman's Missionary Union of Friends in America, Richmond, Ind.; Kirtley F. Mather, Harvard University, Cambridge, Mass.; Oscar E. Maurer, moderator, General Council of Congregational and Christian Churches, New Haven, Conn.; William D. Max, Brooklyn, N. Y.; James A. Maxwell, Clark University, Worcester, Mass.; John McChesney, Lakeville, Conn.; Rhoda McCulloch, editor, Women's Press, Y. W. C. A., New York; Joseph L. McDonald, department of economics, Dartmouth College, Hanover, N. H.; the Very Reverend John M. McGann, Boston, Mass.; A. D. McIntosh, dean, Taft School, Watertown, Conn.; Marion K. McKay, professor of economics, University of Pittsburgh, Pittsburgh, Pa.; Frederick McKee, vice president, West-Penn Cement Co., Pittsburgh, Pa.; W. W. McLaren, Williams College, Williamstown, Mass.; William N. McNair, Pittsburgh, Pa.; Wayne L. McNaughton, University of North Dakota, Grand Forks, N. Dak.; George W. Mead, Asheville, N. C.; Edward B. Meigs, Washington, D. C.; William Melcher, professor of business administration, Rollins College, Winter Park, Fla.; Frank L. Meleney, M. D., Columbia University, New York; John Howard Melish, Church of the Holy Trinity, Brooklyn, N. Y.; Rudolph K. Michels, chairman, business specialization, Hunter College, New York; Zola M. Millard, Washington, D. C.; Frieda S. Miller, industrial commissioner of the New York State Department of Labor, New York; Glenn W. Miller, University of Toledo, Toledo, Ohio; Marion M. Miller, director, United Parents Association of New York City, New York; Sedgwick Minot, New York; Wesley C. Mitchell, Columbia University, New York; Paul D. Moody, president, Middlebury College, Middlebury, Vt.; Hugh Moore, president, Dixie-Vortex Co., Easton, Pa.; Mrs. James Lowell Moore, Cambridge, Mass.; Mrs. E. K. Morrow, Salina, Kans.; Philip C. Nash, president, University of Toledo, Toledo, Ohio; William Allan Neilson, president emeritus, Smith College, New York; W. D. Nicholls, department of agriculture, University of Kentucky, Lexington, Ky.; C. V. Noble, agricultural economist, University of Florida, Gainesville, Fla.; John S. Nollen, president, Grinnell College, Grinnell, Iowa; E. G. Nourse, Brookings Institution, Washington, D. C.; Katherine M. Noyes, Urbana, Ill.; William Albert Noyes, University of Illinois, Urbana, Ill.; Amy Oakley, Villa Nova, Pa.; Thornton Oakley, Villa Nova, Pa.; William Griffin O'Hare, Jr., department of economics, University of Notre Dame, South Bend, Ind.; Herluf Olsen, Dartmouth College, Hanover, N. H.; William Orton, department of economics, Smith College, Northampton, Mass.; William Bradley Otis, College of the City of New York, New York; George Packard, Packard, Barnes, McCaughey & Schumacker, Chicago, Ill.; George L. Paine, Boston Church Council, Boston, Mass.; Clifton Palmer, Pittsfield, Mass.; E. A. Palmquist, executive secretary, the Philadelphia Federation of Churches, Philadelphia, Pa.; Ernest Minor Patterson, professor of economics, University of Pennsylvania, Philadelphia, Pa.; George Stuart Patterson, George H. McFadden Co., Philadelphia, Pa.; Harvey W. Peck, Syracuse University, Syracuse, N. Y.; Paul S. Peirce, department of economics, Oberlin College, Oberlin, Ohio; Bliss Perry, Harvard University, Cambridge, Mass.; Ralph Barton Perry, Harvard University, Cambridge, Mass.; Rudolph Peterson, department of commerce, economics, and finance, Bucknell University, Lewisburg, Pa.

Dorothy B. Piquet, Washington, D. C.; Charles W. Pipkin, dean, graduate school, Louisiana State University, Baton Rouge, La.; John O. Platt, Insurance Co. of North America, Philadelphia, Pa.; Frank L. Polk, New York; Margaret B. Powell, Madison, N. J.; Otto Press, editor, Der Friedensbote, St. Louis, Mo.; Ernest B. Price, International House, Chicago, Ill.; Harry Price, director, American Committee for Non-Participation in Japanese Aggression, New York; Joseph H. Prior, Board of Education, Chicago, Ill.; Marion A. Pufahl, National Board, Y. W. C. A., Kalamazoo, Mich.; Elinor K. Purves, Princeton, N. J.; Rabbi Max Raisin, Paterson, N. J.; Laura Rapaport, National Council of Jewish Women, New York; Lucy Reddish, State Teachers College, Willimantic, Conn.; Katherine T. Reed, Belmont, Mass.; Arthur Minot Reed, Belmont, Mass.; Mrs. Charles L. Reizenstein, Pittsburgh, Pa.; F. Bayard Rives, New York; Elizabeth B. Robbins, West Orange, N. J.; Donald A. Roberts, College of the City of New York, New York; David A. Robertson, president, Goucher College, Baltimore, Md.; Charlotte C. Root, Waterbury, Conn.; Bernard J. Rothwell, Boston, Mass.; George Rublee, Washington, D. C.; Gertrude Runkle, Cambridge, Mass.; John C. Runkle, Cambridge, Mass.; Paul Rusby, Middlebury College, Middlebury, Vt.; Irving Sands, M. D., Brooklyn, N. Y.; Mrs. Irving Sands, National Council of Jewish Women, Brooklyn, N. Y.; Michael Sapir, department of economics, Ohio State University, Columbus, Ohio; J. Henry Scattergood, Philadelphia, Pa.; Harry Scherman, president, Book-of-the-Month Club, Inc., New York; William Jay Schieffelin, New York; Edgar Schmiedeler, director, Rural Life Bureau, National Catholic Welfare Conference, Washington, D. C.; Boris Schoenfeldt, professor of economics, Columbia University, New York; Karl Scholz, Wharton School, University of Pennsylvania, Philadelphia, Pa.; Robert Schultz, Drew University, Madison, N. J.; Robert Livingston Schuyler, Columbia University, New York; Ellery Sedgwick, former editor, the Atlantic Monthly, Boston, Mass.; Fanny Grinnell Shaw, Burlington, Vt.; John H. Sheehan, department of economics, University of Notre Dame, South Bend, Ind.; Father Maurice S. Sheehy, head, department of religious education, Catholic University of America, Washington, D. C.; Helena B. Shipman, Boston, Mass.; E. W. Sikes, president, Clemson Agricultural College, Clemson, S. C.; Kenneth C. M. Sills, president, Bowdoin College, Brunswick, Maine; Henry C. Simons, University of Chicago, Chicago, Ill.; Ethel H. Sinclair, Indianapolis, Ind.; Julia King Smith, secretary-treasurer, Kansas Farm Bureau, Manhattan, Kans.; Myra A. Smith, National Board, Y. W. C. A., New York; Newlin R. Smith, school of business administration, University of Buffalo, Buffalo, N. Y.; Richard R. Smith, editor, Books in Brief, New York; Sidney B. Snow, president, the Meadville Theological School, Chicago, Ill.; Frank A. Southard, Jr., department of economics, Cornell University, Ithaca, N. Y.; Robert E. Speer, former president, Federal Council of Churches of America, Millerton, N. Y.; O. M. W. Sprague, graduate school of business administration, Harvard University, Cambridge, Mass.; Neil Staebler, Staebler-Kempf Oil Co., Ann Arbor, Mich.; Eugene Staley, Fletcher School of Law and Diplomacy, Medford, Mass.; George St. John, headmaster, the Choate School, Wallingford, Conn.; Mark Starr, educational director, International Ladies' Garment Workers Union, New York; Alfred E. Stearns, headmaster emeritus, Phillips Academy, Danvers, Mass.; Perry J. Stearns, Milwaukee, Wis.; Thomas M. Steele, president, the First National Bank & Trust Co., New Haven, Conn.; J. Rauch Stein, stated clerk, the Eastern Synod of the Evangelical and Reformed Church, Philadelphia, Pa.; N. I. Stone, former chief, foreign tariff division, department of commerce, New York.

Lyman Beecher Stowe, New York; S. Warren Sturgis, Boston, Mass.; Sidney C. Sufrin, department of economics, Ohio State University, Columbus, Ohio; M. A. Svedinger, Gogebic Junior College, Ironwood, Mich.; Alfred W. Swan, First Congregational Church, Madison Wis.; Marion Sweeney, institute of local and State government, University of Pennsylvania, Philadelphia, Pa.; Stephen Sweeney, institute of local and State government, University of Pennsylvania, Philadelphia, Pa.; Paul P. Swett, Jr., Connecticut General Life Insurance Co., Hartford, Conn.; Herbert Bayard Swope, New York; Charles P. Taft, Cincinnati, Ohio; Horace D. Taft, Watertown, Conn.; Helen Garner Talboy, Washington, D. C.; John A. Tate, state superintendent of missions, Disciples of Christ, Richmond, Va.; F. W. Taussig, professor emeritus, Harvard University, Cambridge, Mass.; Albion G. Taylor, department of political economy, College of William and Mary, Williamsburg, Va.; George R. Taylor, department of economics, Amherst College, Amherst, Mass.; Howard M. Teaf, Jr., Haverford College, Haverford, Pa.; Helen Thatcher, general secretary, Y. W. C. A., New Haven, Conn.; F. R. Thurber, Tilden-Thurber Corporation, Providence, R. I.; Margaret S. Tinne, Cincinnati, Ohio; Ernest F. Tittle, First Methodist Church, Evanston, Ill.; E. T. Towne, dean, school of commerce, University of North Dakota, Grand Forks, N. Dak.; Mrs. Frank Day Tuttle, New York; Francis Tyson, School of Business Administration, Pittsburgh, Pa.; Royal S. Van de Woestyne, University of Chicago, Chicago, Ill.; Tertius Van Dyke, headmaster, gunnery school, Washington, Conn.; Mrs. A. Van Poznak, Newark, N. J.; Floyd L. Vaughan, department of marketing, College of Business Administration, University of Oklahoma, Norman, Okla.; W. Everett Ver Planck, Salem, Mass.; Seth Wakeman, Smith College, Northampton, Mass.; E. H. Waldo, professor emeritus, University of Illinois, Urbana, Ill.; Mina S. Waldo, Urbana, Ill.; Elizabeth Hobbs Walker, Boston, Mass.; John C. Walker, the Second Congregational Church, Waterbury, Conn.; J. Skottowe Wannamaker, president, American Cotton Association, St. Matthews, S. C.; James E. Ward, professor of economics, Clemson College, Clemson, S. C.; Kate M. Ward, Downers Grove, Ill.; Nancy Avery Ward, Downers Grove, Ill.; Constance Warren, president, Sarah Lawrence College, Bronxville, N. Y.; D. N. Waters, Bankers Life Co., Des Moines, Iowa; Myron W. Watkins, New York University, New York; J. Donald Watson, South Bend, Ind.; James B. Weaver, Des Moines, Iowa; Anne Holliday Webb,

Museum of Fine Arts, Boston, Mass.; Amy Ogden Welch, American Board of Commissioners for Foreign Missions, Hartford, Conn.; Ronald B. Welch, National Association of Assessing Officers, Chicago, Ill.; Hiller C. Wellman, city library, Springfield, Mass.; Mrs. Maurice N. Weyl, Philadelphia, Pa.; Mrs. Elizabeth Whiting, Council for Social Action, New York; Edward Wiest, dean, college of commerce, University of Kentucky, Lexington, Ky.; Clair Wilcox, department of economics, Swarthmore College, Swarthmore, Pa.; Ernest H. Wilkins, president, Oberlin College, Oberlin, Ohio; William J. Wilkinson, Colby College, Waterville, Maine; Walter Wilcox, Ithaca, N. Y.; Charles W. Williams, head, department of economics, University of Louisville, Louisville, Ky.; Mary Wilhelmine Williams, Goucher College, Baltimore, Md.; James Waterman Wise, Council Against Intolerance in America, New York; Dr. Stephen Wise, rabbi, Free Synagogue, New York; Mrs. Schulyer C. Woodhull, Minneapolis, Minn.; Walter C. Woodward, editor, the American Friend, Richmond, Ind.; G. W. Woodworth, Amos Tuck School, Dartmouth College, Hanover, N. H.; Primrose Woolverton, secretary, Y. W. C. A., Hartford, Conn.

Chester W. Wright, department of economics, University of Chicago, Chicago, Ill.; Quincy Wright, University of Chicago, Chicago, Ill.; W. L. Wright, president, Lincoln University, Pennsylvania; W. A. Young, acting president, Friends University, Wichita, Kans.; Bernard Iddings Bell, St. Johns Cathedral, Providence, R. I.; W. H. Bocock, University of Georgia, Athens, Ga.; Roy J. Burroughs, economist, Federal Housing Administration, Washington, D. C.; Henry M. Busch, Western Reserve University, Cleveland, Ohio; Mary L. Cady, general secretary, Y. W. C. A., San Francisco, Calif.; Ralph M. Carson, New York; J. S. Cleland, dean, Monmouth College, Monmouth, Ill.; Mrs. Earle E. Cowin, Washington State Federation of Women's Clubs, Wapato, Wash.; Mrs. Leslie N. Crichton, Livingston, N. J.; Courtenay Crocker, Boston, Mass.; Hazel M. Cushing, Somerville, Mass.; J. M. Dawson, First Baptist Church, Waco, Tex.; John Warren Day, Dean of Grace Cathedral, Topeka, Kans.; Overton G. Ellis, Federal District Court, Tacoma, Wash.; Mrs. Overton G. Ellis, Tacoma, Wash.; Edward W. Evans, Philadelphia, Pa.; Perry Evans, San Francisco, Calif.; Delbert R. French, department of economics, University of Oregon, Eugene, Oreg.; Robert Galbreath, president, Westminster College, New Wilmington, Pa.; Harold L. Gosnell, University of Chicago, Chicago, Ill.; H. C. Graebner, professor of economics, Westminster College, New Wilmington, Pa.; Georgia Harkness, Garrett Biblical Institute, Evanston, Ill.; Wiley Lin Hurie, the College of the Ozarks, Clarksville, Ark.; Mrs. Harry Johnson, secretary, Foreign Policy Forum, Portland, Oreg.; Eliot Jones, professor of economics, Stanford University, Calif.; Elizabeth T. Kent, Kentfield, Calif.; Robert J. Kerner, University of California, Berkeley, Calif.; W. P. King, editor, Christian Advocate, Nashville, Tenn.; Grayson Kirk, University of Wisconsin, Madison, Wis.; Mrs. David S. Long.; Harrisonville, Mo.; Mrs. M. L. Marks, Dallas, Tex.; Charles E. Martin, University of Washington, Seattle, Wash.; Mrs. M. S. McDuffee, Nebraska Synodical Society, Norfolk, Nebr.; John McLaren, major, United States Army, retired, Albany, Calif.; Mrs. A. J. Miller, Sumner, Mo.; Emma Guffey Miller, Washington, D. C.; L. A. Miller, former Governor of Wyoming, Cheyenne, Wyo.; Mrs. Lewis Minion, home and community director, Minnesota Farm Bureau, St. Paul, Minn.; Harry L. Moller, Los Angeles, Calif.; Henry Clay Newcomer, brigadier general, United States Army, retired, Washington, D. C.; Violet Oakley, Philadelphia, Pa.; Hubert Phillips, Fresno State College, Fresno, Calif.; Olive I. Reddick, Hood College, Frederick, Md.; Winfield W. Riefler, Institute for Advance Study, School for Economics and Politics, Princeton, N. J.; Henrietta Roelofs, New Canaan, Conn.; Teresina Peck Rowell, Hinsdale, Ill.; Wilfred A. Rowell, Hinsdale, Ill.; Charles F. Saunders, Pasadena, Calif.; R. W. Schlosser, president, Elizabethtown College, Elizabethtown, Pa.; E. T. Sergott, Catholic University of America, Washington, D. C.; Henry Wood Shelton, La Jolla, Calif.; Guy Emery Shipler, editor, the Churchman, New York.; R. M. Shipman, Wesley Methodist Church, Des Moines, Iowa; E. D. Strong, professor of economics, Grinnell College, Grinnell, Iowa; Mabel D. Taylor, La Moure, N. Dak.; Mrs. Jay E. Tone, Des Moines, Iowa; James B. Trant, dean, College of Commerce, Louisiana State University, University, La.; Clifton M. Utley, Chicago Council on Foreign Relations, Chicago, Ill.; William J. Warner, Dickinson College, Carlisle, Pa.; Gordon S. Watkins, University of California at Los Angeles, Los Angeles, Calif.; Caroline K. Watson, South Bend, Ind.

W. W. Waymack, vice president and editor, the Register and Tribune, Des Moines, Iowa; William Allen White, Emporia, Kans.; Annie C. Woodward, Massachusetts Teachers Association, Boston, Mass.; Mary J. Workman, Los Angeles, Calif.; Jane R. Yetter, Fergus Falls, Minn.; Clement Ackerman, Reed College, Portland, Oreg.; John S. Ackermann, Thomas Jefferson High School, Brooklyn, N. Y.; Brother Albert, president, St. Mary's College, Oakland, Calif.; Milton Bennion, University of Utah, Salt Lake City, Utah; T. D. Boardman, San Francisco, Calif.; Theodore Boggs, professor of economics, Stanford University, California; Richard M. Bosworth, Denver, Colo.; A. J. Bromfield, president, Building & Loan Co., Denver, Colo.; Roy E. Brown, department of economics, University of Denver, Denver, Colo.; Elizabeth Christman, secretary-treasurer, National Women's Trade Union League of America, Washington, D. C.; W. L. Clayton, Anderson, Clayton & Co., Houston, Tex.; Dorothy Bushnell Cole, Winnetka, Ill.; Arthur G. Coons, professor of economics, Claremont Colleges, Claremont, Calif.; Marion K. Davenport, Deerfield, Mass.; Dora K. Degen, dean of women, Alfred University, Alfred, N. Y.; Monroe Deutsch, vice president and provost, University of California, San Francisco, Calif.; Melvyn Douglas, Hollywood, Calif.; H. C. Dunlap, secretary, Dried Fruit Association of California, San Francisco, Calif.; J. Stanley Edwards, Aetna Life Insurance Co., Denver, Colo.; Paul Edwards, associate editor, News, San Francisco, Calif.; Kimpton Ellis, Los Angeles, Calif.; John B. Ewing, Washington, D. C.; E. L. Fackt, University of Denver, Denver, Colo.; Lon T. Fidler, Denver, Colo.; George Filipette, school of business administration, University of Minnesota, Minneapolis, Minn.; H. H. Fisher, the Hoover Library, Stanford University, California; Frank S. Gaines, mayor, Berkeley, Calif.; Thomas R. Gaines, Pasadena, Calif.; Horace N. Gilbert, California Institute of Technology, Pasadena, Calif.; Jesse R. Gillespie, South Pasadena, Calif.; E. A. Gilmore, Jr., college of business administration, University of Nebraska, Lincoln, Nebr.; Louise Greenman Goodwin, Long Beach, Calif.; John E. Gorsuch, Denver, Colo.; William C. Greene, Harvard University, Cambridge, Mass.; Roger S. Hamilton, Northeastern University, Boston, Mass.; John Eugene Harley, University of Southern California, Los Angeles, Calif.; Walter D. Head, Montclair, N. J.; Glenn Hoover, chairman, department of economics, Mills College, California; Philip Hornbein, Denver, Colo.; Eliza Keith Howe, Deerfield, Mass.; Lucy O. Hunt, national public affairs committee, Y. W. C. A., Hartford, Conn.; Rudolph Johnson, State senator and secretary, Colorado State Grange, Denver, Colo.; A. D. H. Kaplan, department of economics, University of Denver, Denver, Colo.; J. G. Larson, Denver, Colo.; P. I. Lipsey, editor, Baptist Record, Jackson, Miss.; Edgar A. Lowther, First Congregational Methodist Temple, San Francisco, Calif.; Albert Howe Lybyer, University of Illinois, Urbana, Ill.; Frank Abbott Magruder, dean of men, Oregon State College, Corvallis, Oreg.; A. R. Masten, M. D., Denver, Colo.; I. Y. Masten, University of Denver, Denver, Colo.; Alonzo May, department of economics, University of Denver, Denver, Colo.; Samuel C. May, University of California, Berkeley, Calif.; Don McGraw, Portland, Oreg.; Douglas Miller, University of Denver, Denver, Colo.; Edmund T. Miller, department of economics, University of Texas, Austin, Tex.; James K. Moffit, vice president, Crocker First National Bank, and president, Blake, Moffit & Towne, San Francisco, Calif.; L. A. Moorhouse, Colorado State College, Fort Collins, Colo.

Julian Morgenstern, president, Hebrew Union College, Cincinnati, Ohio; Victor Morris, School of Business Administration, University of Oregon, Eugene, Oreg.; Ray Murphy, Association of Casualty and Surety Executives, New York; Mrs. Burton W. Musser, Salt Lake City, Utah; Bernard Nobel, Reed College, Portland, Oreg.; Richard M. Packard, Boston, Mass.; Fred D. Parr, president, Parr Terminal, San Francisco, Calif.; Edward L. Parsons, bishop, the Diocesan House, San Francisco, Calif.; Charles Shirley Potts, School of Law, Southern Methodist University, Dallas, Tex.; Mrs. Robert H. Pretzfeld, Los Angeles, Calif.; I. D. Quinlan, Jr., president, Foreign Trade Association, San Francisco Chamber of Commerce, San Francisco, Calif.; Irving Reichart, rabbi, Temple Emanu-el, San Francisco, Calif.; Mrs. Aurelia H. Reinhardt, president, Mills College, Oakland, Calif.; Eugene B. Riley, Thomas Jefferson High School, Brooklyn, N. Y.; Howard Chandler Robbins, Santa Barbara, Calif.; Chester Rowell, San Francisco Chronicle, San Francisco, Calif.; Mary W. Ruffner, League of Women Voters, Denver, Colo.; John Sacks, department of economics, University of Denver, Denver, Colo.; Arthur Salz, department of economics, Ohio State University, Columbus, Ohio; George W. Sanford, Case School of Applied Science, Cleveland, Ohio; David J. Saposs, National Labor Relations Board, Washington, D. C.; Willard C. Selleck, Riverside, Calif.; Morrison Shafroth, Denver, Colo.; Geoffrey Shepherd, Iowa State College, Ames, Iowa; Frederick Barreda Sherman, San Francisco, Calif.; Minot Simons, All Souls Unitarian Church, New York; J. H. Sinclair, Occidental College, Los Angeles, Calif.; Eugene R. Smith, headmaster, Beaver County Day School, Chestnut Hill, Mass.; Walter B. Smith, department of economics, Williams College, Williamstown, Mass.; Georgiana H. Smurthwaite, Kansas State College of Agriculture and Applied Science, Manhattan, Kans.; John A. Sowers, secretary, foreign trade department, Oakland Chamber of Commerce, Oakland, Calif.; Margaret F. Stone, chairman, committee on peace and international relations, Women's Trade-Union League, Washington, D. C.; L. V. Storks, Denver, Colo.; Stuart Strong, State Mutual Life Assurance Co., Portland, Oreg.; Rebekah L. Taft, the Rectory, Wakefield, R. I.; E. Guy Talbott, San Francisco, Calif.; Alice P. Tapley, Boston, Mass.; J. E. Taylor, dean, Doane College, Crete, Nebr.; Howard C. Tilton, professor of economics, University of Redlands, Redlands, Calif.; John W. Tuthill, Northeastern University, Boston, Mass.; Mrs. J. C. Urquhart, Los Angeles, Calif.; Roy L. Van Deman, Whittier Institute of International Relations, Whittier, Calif.; Grace C. Wight, Bloomington, Ill.; John F. Wight, Bloomington, Ill.; Harold G. Wilson, Denver, Colo.; S. P. Wing, Denver, Colo.; D. Robert Yarnall, Chestnut Hill, Philadelphia, Pa.; Dale Yoder, School of Business Administration, University of Minnesota, Minneapolis, Minn.; R. N. Benjamin, Pennsylvania Farm Bureau Federation, Harrisburg, Pa.; Paul H. Douglas, department of economics, University of Chicago, Chicago, Ill.; Charles K. Edmunds, president, Pomona College, Claremont, Calif.; Ralph K. Hickok, president, Western College, Oxford, Ohio; E. C. Holland, president, State College of Washington, Pullman, Wash.; Joseph Lee, Jr., Boston public schools' school committee, Boston, Mass.; Mrs. C. D. MacLennan, president, Washington State League of Women Voters, Tacoma, Wash.; William P. Merrill, president, World Alliance and Church Peace Union, New York; G. Ashton Oldham, bishop, Episcopal Church, Albany, N. Y.; Estes Snedecor, United States Courthouse, Portland, Oreg.; Ida M. Tarbell, New York; James P. Warburg, New York.

Mrs. Alfred Bromfield, Denver Colo.; Mrs. Arthur O. Choate, New York; Norman F. Coleman, Macalester College, St. Paul, Minn.; J. D. Coppock, department of economics, University of California,

Berkeley, Calif.; Ira B. Cross, professor of economics, University of California, Berkeley, Calif.; C. A. Duniway, Stanford University, California; Mrs. Henry C. Eaton, Waltham, Mass.; Charles A. Ellwood, Duke University, Durham, N. C.; Francis H. Herrick, Mills College, California; Halford L. Hoskins, Fletcher School of Law and Diplomacy, Medford, Mass.; Howard E. Jensen, Duke University, Durham, N. C.; Chase Kimball, Waterbury, Conn.; Freda Kirchwey, editor, the Nation, New York; Benjamin H. Kizer, Spokane, Wash.; Samuel Koch, rabbi, Congregation Temple De Hirsch, Seattle, Wash.; Harriet B. Laidlaw, New York; Morris S. Lazaron, rabbi, Baltimore Hebrew Congregation, Baltimore, Md.; Isador Loeb, dean, School of Business and Public Administration, Washington University, St. Louis, Mo.; M. S. Nickelsburg, San Francisco, Calif.; Robert B. Pettengill, University of Southern California, Los Angeles, Calif.; Anne Grace Sawyer, Forest Park, Ill.; Katharine V. Silverthorn, chairman, National Committee of Church Women, Philadelphia, Pa.; Harry W. Smith, department of economics, University of New Hampshire, Durham, N. H.; W. F. Stinespring, Duke University, Durham, N. C.; Sara H. Stites, chairman, division of social studies, Simmons College, Boston, Mass.; George W. Stocking, department of economics, University of Texas, Austin, Tex.; Leslie Thompson, New York; Howard Y. Williams, League for Independent Political Action, St. Paul, Minn.; Mary E. Woolley, Westport, N. Y.

Mr. O'MAHONEY obtained the floor.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GURNEY in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Elender	Lodge	Schwartz
Ashurst	Frazier	Lucas	Schwellenbach
Austin	George	Lundeen	Sheppard
Bankhead	Gerry	McCarran	Shipstead
Barbour	Gibson	McKellar	Slattery
Barkley	Gillette	McNary	Smith
Bilbo	Green	Maloney	Stewart
Bone	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Idaho
Byrd	Harrison	Minton	Thomas, Okla.
Byrnes	Hatch	Murray	Thomas, Utah
Capper	Hayden	Neely	Tobey
Caraway	Herring	Norris	Townsend
Chandler	Holman	Nye	Tydings
Chavez	Holt	O'Mahoney	Vandenberg
Clark, Idaho	Hughes	Overton	Van Nuys
Clark, Mo.	Johnson, Calif.	Pepper	Wagner
Connally	Johnson, Colo.	Pittman	Walsh
Davis	King	Reed	White
Donahey	La Follette	Reynolds	Wiley
Downey	Lee	Russell	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. O'MAHONEY. Mr. President, incomparably the greatest issue before this Nation and before the world is the question whether or not democratic government shall continue to exist. If it were not for my deep feeling that this is an issue upon which we in this Chamber are about to pass, I should not trespass upon the time of the Senate.

It must be obvious to every person who gives consideration to what is happening in the world that the permanency of popular government as we know it in the United States is now actually in the balance. Within 2 weeks the dictator of one great empire in Central Europe had a conference with another dictator in a pass of the Alps, as a result of which word has gone forth that these two dictators are endeavoring now to invite into conference and agreement with them a dictator who controls the Union of Soviet Socialist Republics. The curious thing which must arouse the fear, I might say, of every American citizen and every other person who believes in democracy is that these three dictators represent absolutely different points of view. Mr. Hitler, who directs not only the policies of the German Reich but what the people of Germany may do, was placed in power because the people who were possessed of property and of wealth feared that they were going to lose their property and wealth to a rising movement of bolshevism.

So Mr. Hitler represents those who are the possessors of property, and under him the German Republic, established after the war, was wiped out, and every form of personal liberty and, indeed, every single principle which is sacred to those who believe in the American Republic, were likewise abolished within the confines of Germany.

Across the boundary line in Russia, where Joseph Stalin is the dictator, we find a regime which is based upon the fears of the dispossessed and those who did not have any property. In that country there was frankly set up what was called a dictatorship of the proletariat, a dictatorship which is opposed not only to the forms of democracy but also to all those canons of religious thought to which Christian peoples for almost 2,000 years have been devoted.

In Italy the third of these dictators is the head of a great people, who believe in the fundamental doctrines of Christianity.

So we have a combination of three men, representing, as I have said, the reverse of all the principles and ideals for which America has stood, who are undertaking to dominate the lives of all the inhabitants of Europe.

Across the Pacific Ocean, in the other hemisphere, we find a similar movement in progress, and the Republic of China, established within our time, is being crushed by a military power.

We like to believe that we in the United States want to see the democratic principle preserved and defended. We like to believe that we want to see the democratic principle prevail. It was because of that fundamental belief in the minds and hearts of our people—and I am speaking frankly—that Congress within a very short time, in the extraordinary session last year, amended the Neutrality Act, for purposes which were perfectly apparent at that time.

Yet we are here today discussing a measure which, as demonstrated by the unanswerable argument of the senior Senator from Nevada [Mr. PITTMAN] yesterday, and the equally unanswerable argument of the junior Senator from Nevada [Mr. MCCARRAN] today, strikes at the very root of our constitutional form of government. So the people of America, who believe in democracy, who want to see democracy prevail throughout the world, are asked to carry their beliefs into action by abandoning the democratic principle.

Mr. President, it seemed to me a very tragic circumstance that when the senior Senator from Nevada spoke yesterday and when the junior Senator from Nevada spoke today it was scarcely possible at any time to marshal more than 20 Senators on the floor to listen to the arguments. It is perfectly obvious that those who are in charge of the joint resolution who absent themselves from the floor have undertaken to carry this measure by a policy of silence. No effort was made to reply to the Senators from Nevada yesterday or today. No effort was made by those who are defending the joint resolution to develop the argument or to oppose the arguments which were presented. It seems to me that the reason is obvious. These arguments are, as I stated a moment ago, unanswerable.

I rise now only for the purpose, as I have said, of putting myself on record in order that there may be no question that in this critical period of world history I am standing upon this floor for the maintenance of the democratic process and constitutional procedure.

At the beginning of the discussion this afternoon I wish to read into the RECORD certain provisions of the Constitution of the United States upon which I believe this argument turns. I shall then ask that there be printed in the RECORD as an appendix to my remarks the full text of the Reciprocal Trade Agreements Act, approved June 12, 1934.

The first part of the Constitution to which I desire to call attention, which is section 1 of article I, reads as follows:

> All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

Next I read section 3 of article I:

> The Senate of the United States shall be composed of two Senators from each State * * *.

The third provision to which I desire to call attention is section 7 of article I, the first sentence:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Then comes the clause of the Constitution which deals with treaties. This is to be found in section 1 of article II, dealing with the powers of the President:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they deem proper, in the President alone, in the courts of law, or in the heads of departments.

Finally, the second paragraph of article 6 reads:

This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Mr. BANKHEAD. Mr. President, may I ask the Senator a question?

Mr. O'MAHONEY. Certainly.

Mr. BANKHEAD. Referring to the article just read, which provides that—

All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land—

Assuming, for the sake of argument, that a trade agreement is a treaty, is it not made under the authority of the United States?

Mr. O'MAHONEY. Does the Senator agree that a trade agreement is a treaty?

Mr. BANKHEAD. No; but assuming it is a treaty, does not the section the Senator just read authorize the making of a treaty in the way provided, without the consent of the Senate, merely by the Secretary of State, if it is under the authority of the United States? Trade agreements are made under the authority of the United States, by action of the Congress, and with the approval of the President.

Mr. O'MAHONEY. Mr. President, the authority of the United States to make treaties is to be found in the Constitution of the United States and nowhere else. That power, by a provision which I read just a moment ago, is specifically delegated to the President and to the Senate. The making of a treaty is not a legislative act; it is an Executive act—an Executive act in which the Senate participates with the President. An agreement which does not obtain ratification by the Senate is not a treaty and is not the supreme law of the land. Have I touched the matter to which the Senator called attention?

Mr. BANKHEAD. The Senator has made an assertion.

Mr. O'MAHONEY. I was endeavoring to answer the Senator's question.

Mr. BANKHEAD. I take it to be the Senator's viewpoint that although the agreements are made under the authority of the United States, in pursuance of law duly enacted, still the Senator contends they are not valid because they are not made in some other way.

Of course, I recognize that that is the Senator's argument, but I think it is totally unsound.

Mr. O'MAHONEY. The Senator certainly misapprehends the language of the Constitution. If I understand him correctly, his contention is that the second paragraph of article VI should read in some such manner as this——

Mr. BANKHEAD. Oh, no, Mr. President.

Mr. O'MAHONEY. "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, whether by ratification on the part of the Senate or not, shall be the supreme law of the land."

Mr. President, I believe that there is no possibility by any system of argument, of logic, or of precedent, so to amend the Constitution, and the Senator's point of view could not be upheld by any other process of interpretation.

Mr. President, the Senator from Nevada [Mr. PITTMAN], the chairman of the Foreign Relations Committee, was on his feet. I should like very much to invite his comment upon this matter.

Mr. PITTMAN. Mr. President, I agree with the Senator from Wyoming, and I think he practically answered the Senator from Alabama as I intended to answer him. The Constitution is part of the law of the land; and therefore, when it is said that something may be done according to law, or under the laws of the land, that refers back to the Constitution as the primary law of the land, which states exactly how laws may be put into effect.

Mr. O'MAHONEY. Mr. President, the suggestion of the distinguished Senator from Alabama prompts me to make another comment, which I had not intended to make at this time, about the manner in which the interpretation of our Constitution and our laws is stretched from time to time in order to accomplish a purpose we may have legislatively in mind.

I think it altogether impossible that any such interpretation as that suggested by the Senator from Alabama could be adopted. It seems to me it is on all fours with another suggestion, if such a suggestion could be made, with respect to the matter in which confirmation of appointive officers is made by the Senate. In the second paragraph of section 2 of article II, which I read a moment ago, giving the President the power to make treaties by and with the advice and consent of the Senate, there is incorporated the power of the President to nominate judges of the Supreme Court, who shall take office upon confirmation by the Senate. Those who are asking the Senate to place the seal of its approval upon this extension of the Reciprocal Trade Agreements Act are asking us, as the Senator from Alabama apparently did a moment ago, to consider that a trade agreement which does not have a ratification shall be regarded as a treaty, as though it had been ratified.

Can the power to make treaties without ratification be granted to the President? If it cannot, then what argument possibly could be made for the passage of a law stripping the Senate of its responsibility and its duty to confirm Justices of the Supreme Court? If we can shed our power and responsibility, nay, our duty in the one case, then certainly, Mr. President, we can shed it in the other case. Both are contained in the same sentence of the fundamental law of the land.

Someone ought to write an article or deliver a speech upon the progressive degeneration of the democratic principle, as exemplified by the history of this legislation, and by the history of the attempt which has been made during a long period of years to delegate to the Executive functions and powers and duties which the Constitution has vested in the Congress of the United States.

Attention has been called, with reference to the trade-agreement law, to the fact that in 1890 Congress passed the McKinley Tariff Act, and that in that act, in order to enable the President to carry out certain reciprocal agreements with certain countries, section 3 was written, providing that five particular commodities should be placed upon the free list.

The section then authorized the President to determine as a fact whether or not the countries exporting those five commodities were engaged in unfair discrimination against the United States, and upon a finding by the President to that effect he might issue a proclamation as a result of which certain specific duties named in the act should become effective.

In the McKinley Act, therefore, Congress named five particular commodities and named five particular schedules of customs duties. It committed to the President only the power and responsibility of finding out as a fact whether or not discrimination was practiced by the nations from which those five commodities came. There was no delegation of legislative power. The power to name commodities and to fix rates is a legislative power, and Congress exercised that legislative power in that act.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. CLARK of Missouri. I do not wish to interrupt the Senator's remarks, but I should like to have his position made clear. Is it the Senator's position that there is any difference whatever, in a legal and constitutional sense, between Congress granting the Executive authority as to 5 commodities, and Congress granting the Executive authority as to 50 commodities, or as to all commodities on the dutiable list?

Mr. O'MAHONEY. The Senator's question is not complete. If the Senator would add, "Provided that in the same grant Congress itself specifically fixes the duties," I should say there is no difference.

Mr. CLARK of Missouri. Mr. President, I should like to have the Senator answer the question I asked him because he emphasized the fact, not only today but before the Finance Committee—and he always emphasizes the fact—that in the act of 1890 the provision to which he refers was limited to 5 commodities. In the Senator's opinion, is it of any importance whatever whether the provision, which is a separate proposition fixing the rate, should apply to 5 commodities, or to 50 commodities, or to 500 commodities, or to all commodities?

Mr. O'MAHONEY. Mr. President, the significant fact is not the number of commodities. The significant fact is the duty on those commodities and how that duty is fixed.

Mr. CLARK of Missouri. That is a different proposition, which I shall be glad to discuss in my own time, later; but I simply wanted to fix the Senator's position, because he has not only emphasized it today but has previously emphasized it, that the act of 1890 provided for five commodities, and I wanted to find out whether the Senator attaches the slightest importance, from a legal and constitutional point of view, to the number of commodities involved; in other words, whether it is a question of principle or a question of commodities.

Mr. O'MAHONEY. Mr. President, the argument here is based upon the fixing of customs duties, and upon nothing else. That is the significant and the important delegation of power which is granted by the Reciprocal Trade Agreements Act.

Congress having done that in 1890, a question arose with respect to the constitutionality of the particular section 3, which was passed upon by the Supreme Court in the case of Field against Clark, to which both Senators from Nevada have alluded. It is sufficient for the purposes of this discussion for me to read the following sentence from the Supreme Court's decision in the case of Field against Clark:

> The act of October 1, 1890, in the particular case under consideration, is not inconsistent with that principle.

Namely, the principle that Congress cannot delegate legislative power. The Supreme Court continues:

> It does not, in any real sense, invest the President with the power of legislation. Congress itself prescribed, in advance, the duties to be levied * * * on sugar, molasses, coffee, tea, or hides produced by or exported from such designated country while the suspension lasts. Nothing involving the expediency or the just operation of such legislation was left to the determination of the President.

So the point in Field against Clark was clearly that Congress, having left nothing to the discretion of the President, and having named the commodities and fixed the rates, had not violated the rule against the delegation of power.

Seven years passed. A new Congress was sitting and a new tariff bill was to be written. This was the Dingley Tariff Act of 1897. Congress again followed the precedent of section 3 of the McKinley Act, and again gave the President power, upon the finding of a fact, to fix by proclamation the duties which Congress itself had named. But, desiring to provide for bargaining between the United States and foreign countries with respect to tariff rates—in other words, desiring to establish a policy of reciprocity by which the Executive should undertake to negotiate with foreign countries and reach some sort of an agreement upon reciprocal customs duties to be made effective—the Congress wrote into that act section 4.

Mr. President, the significant thing about section 4 is that there for the first time Congress enacted a law providing for reciprocal-trade treaties; and Congress, jealous of the power of the Senate to ratify treaties, jealous of the power of the House to originate revenue laws, provided that such treaties must have the advice and consent of the Senate, and then must be passed upon by Congress in an act originating in the House of Representatives.

What was the significance of that provision? Clearly, in 1897, the Congress believed that a reciprocal-trade treaty was indeed a treaty, and that a law fixing customs duties was a revenue law, which must originate in the House.

It may be of interest to the Senate to scan for just a moment a brief portion of the debates upon the act of 1897. I wish to refer to the remarks of a distinguished Democratic Senator from California, Hon. Stephen M. White. At this point, Mr. President, let me say that all through the history of tariff legislation the Democratic Members of the Senate have been arrayed in exactly the same position as that now occupied by the senior Senator from Nevada [Mr. PITTMAN], the junior Senator from Nevada [Mr. MCCARRAN], and myself. In every single instance in the history of tariff legislation, down to the enactment of the Reciprocal Trade Agreements Act, the Democratic Members of this body, whether they were in the majority or in the minority, stood fast for the power of the Senate to ratify treaties and the power of the House to originate measures affecting customs duties.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. O'MAHONEY. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I do not wish to interrupt the Senator's remarks. If he prefers that I wait until the conclusion of his remarks, I shall be glad to do so.

Mr. O'MAHONEY. Mr. President, I always enjoy the interruptions of the Senator from Missouri.

Mr. CLARK of Missouri. The Senator from Wyoming did not entertain any such view in 1937, when this very question was before the Senate, did he?

I have very great respect for the Senator's constitutional views. I recognize that anyone has a right to change his constitutional or legal views at any time he sees fit. However, when the Senator makes the statement that it is the unbroken precedent of Democratic Senators to stand for the view he has just expressed, in favor of ratification, I have in mind on this particular question, with regard to this particular act, an expression by a very eminent constitutional authority, namely, Hon. JOSEPH C. O'MAHONEY, of Wyoming, with respect to which he and I have exchanged views before the Finance Committee.

With the permission of the Senator from Wyoming, I shall be glad to insert that expression in the RECORD at this point, in order that the Senator may adequately dispose of that question.

Mr. O'MAHONEY. Certainly.

Mr. CLARK of Missouri. Mr. President, on February 25, 1937, when a measure almost identical in words and figures with the present one—namely, an extension of the act of 1934—was before this body, the Senator from Wyoming [Mr. O'MAHONEY], for whose views I have the greatest respect, and whom I was glad to follow on that occasion, said:

> Mr. O'MAHONEY. Mr. President, if there had been a roll call upon the amendment offered a few moments ago by the Senator from Kansas [Mr. CAPPER] requiring ratification of the trade agreements entered into under the authority of this measure by a two-thirds vote, I should have voted against the proposal, and I desire the RECORD to show that I was opposed to it.

Mr. President, on that occasion not even a sufficient number of the Members of this body thought the measure required ratification, or was unconstitutional without ratification, to demand a yea-and-nay vote, which under the Constitution may be obtained on demand of one-fifth of the Senators present.

The Senator from Wyoming continued:

> I agree with the arguments which have been offered here that any requirement of ratification would have made it altogether impossible to hope for any successful development of the program of reciprocal agreements.

The Constitution has not changed since 1937; the act has not changed since 1937. Assuming—as I know to be the fact—that in 1937 the Senator from Wyoming would not have voted for an act which he thought to be plainly unconstitutional upon its face, or against an amendment which as he says, required what the Constitution requires, I wish to ask the Senator from Wyoming what has happened since 1937 to change his views?

Mr. O'MAHONEY. Mr. President, nothing in the world has happened; and I stand today on exactly the same ground I then held. Apparently I was altogether inept, and probably a little obscure, in presenting my argument to the Finance Committee.

Mr. CLARK of Missouri. The Senator from Wyoming is never inept or obscure. He was very apt and very plain, very clear thinking and very clear spoken on the occasion of the expression which I have just quoted.

Mr. O'MAHONEY. I thank the Senator from Missouri for the compliment. I am glad to accept it. However, I call the Senator's attention to the fact that when I made that statement upon the floor of the Senate in 1937 I was asking the Congress to give to the House of Representatives and to the Senate of the United States the power to pass upon customs duties.

Mr. CLARK of Missouri. Mr. President——

Mr. O'MAHONEY. I shall answer the Senator now. Let him wait a moment.

Mr. CLARK of Missouri. I shall be glad to wait.

Mr. O'MAHONEY. Mr. President, when I appeared before the Finance Committee, presided over by the distinguished Senator from Mississippi [Mr. HARRISON], I presented to that committee, not the amendment of the Senator from Nevada [Mr. PITTMAN] requiring ratification—not at all. I presented the amendment which lies upon the desk, requiring that trade treaties shall not become effective unless and until approved by affirmative action of the Congress.

Now I shall tell the Senator why, and I think it is very clear. I recognize the fact that in many instances ratification would make it practically impossible to secure approval of trade agreements. Very true. However, on two separate occasions—in 1934 and again in 1937—I offered an amendment designed to protect the right of Congress—the representatives of the people—to pass upon the rates. My amendment was defeated. This year I went before the Committee on Finance and presented that amendment in the fond but disappointed hope that a committee in which Democrats have the majority would preserve the revenue-making power of the Congress.

I offered the amendment, but the committee reported the measure without the amendment.

Mr. President, the Senator from Missouri leaves me no alternative but to vote for ratification, because apparently it is the only way in which I can preserve the democratic principle; and I shall do it.

Mr. CLARK of Missouri. Mr. President, will the Senator now yield?

Mr. O'MAHONEY. Certainly.

Mr. CLARK of Missouri. Of course, I fully recognize that the amendment proposed by the Senator from Wyoming is a different amendment from the amendment proposed by the Senator from Nevada [Mr. PITTMAN]. I very well understand the parliamentary situation with respect to both amendments. If one amendment is voted down, we shall have a vote on the other amendment. However, the reason why I ask the question of the Senator from Wyoming is that both today on the floor and in his appearance before the Finance Committee the Senator from Wyoming made an argument leading to the conclusion that under the Constitution of the United States trade agreements are treaties, and that, therefore—whether or not Congress so intended in the act—under the Constitution of the United States they require ratification by the Senate. I ask the Senator from Wyoming whether or not that is his position; whether he believes that these agreements are treaties and that they do, under the Constitution of the United States, require ratification by the Senate, as was maintained by the Senator from Nevada [Mr. PITTMAN] yesterday?

Mr. O'MAHONEY. I am very glad the Senator interrupted me again, because I had omitted that part of the answer to his original question.

The problem is very clear; the proposition is very explicit. If the President negotiates an agreement with any foreign country which, like the agreement with Colombia to which the distinguished Senator from Michigan has called attention or the agreement with Belgium, to which the distinguished junior Senator from Nevada has called attention, undertakes to modify an existing treaty, then, such an agreement is a treaty, and should be regarded as such and ratified as such.

When I made the statement in 1937, it never occurred to me, in my wildest imagination, that the State Department would undertake, in the guise of negotiating a trade agreement, to modify a treaty which had been ratified by the Senate.

Mr. CLARK of Missouri. Mr. President——

Mr. O'MAHONEY. Let me answer the Senator. The Senator is a little precipitate.

Mr. CLARK of Missouri. I thought the Senator had concluded. I did not intend to try to rush the Senator from Wyoming in any degree whatever, particularly when he has the floor.

Mr. O'MAHONEY. I thank the Senator.

Mr. President, if the President of the United States negotiates with another country a trade agreement which is merely a trade agreement which deals solely with customs duties, then, we may consider the fact that in presenting such an agreement to the Congress the President is recommending to the Congress the exercise of its legislative power to amend a tariff law, and such amendment can be made and the duties proposed can be put into effect without the necessity of ratification by the Senate.

Mr. CLARK of Missouri. If the Senator will permit me to interrupt him further, let me say that I think he will read the amendment of the Senator from Nevada for a long time and with very great care without finding any such restrictions and provisions as the Senator from Wyoming has put into it.

Mr. O'MAHONEY. Mr. President, I cannot be held responsible for what the Senator from Nevada does.

Mr. CLARK of Missouri. I agree entirely with that.

Mr. O'MAHONEY. The Senator is chiding me upon my position. Now let us hold to my position. My position is clear. I have always believed that if the Congress of the United States, by a majority vote in both Houses, passes a law changing the customs duties as recommended by the President in a trade agreement, that is a sufficient compliance with the Constitution.

Mr. CLARK of Missouri. Well, Mr. President, so far as I know, and so far as I have been familiar with all the discussions and all the debates on this subject from time immemorial, I never heard anybody even suggest for one moment that Congress did not have at any time it saw fit the right to pass a tariff act, which would become a law when signed by the President, as soon as he signed it. That is the proposition last stated by the Senator.

Mr. O'MAHONEY. I did not intimate that.

Mr. CLARK of Missouri. The Senator is knocking down a straw man which nobody ever set up. The Senator says it is his position that if Congress sees fit to go ahead and pass a specific tariff act in specific accordance with the terms of a tariff agreement, that would become a law. Everybody agrees with that.

Mr. O'MAHONEY. The Senator is too fair a debater to put words in my mouth.

Mr. CLARK of Missouri. That is precisely the position of the Senator, as I understand it.

Mr. O'MAHONEY. No; not at all. I have stated that my amendment says that if a trade agreement is approved by Congress it shall become a law; or, put in the other way, which is the correct way—that no trade agreement negotiated

by the President shall become effective until approved by the affirmative act of Congress. That, Mr. President, is the historic position of the Congress of the United States down to the moment when the Reciprocal Trade Agreements Act was passed.

Mr. CLARK of Missouri. I have been trying to find out whether it was the position of the Senator in connection with the pending amendment that ratification by the Senate is necessary. I asked the question in all good faith, because, as I understood the position of the Senator when he was appearing before the Finance Committee, and if I understood his position correctly today, it was that trade agreements are treaties which require ratification by the Senate, but that, nevertheless, he would be satisfied with the lesser proposition contained in his amendment. Mr. President, if they are treaties and ratification is required by the Constitution, what right has the Senator from Wyoming or the Senator from Mississippi or the Congress as a whole to be satisfied with anything less? If they are treaties and ratification is required, then the amendment of the Senator from Wyoming would be as unconstitutional as anything else, whether the Senator was satisfied with it or not.

Mr. O'MAHONEY. I quite agree with the Senator from Missouri now, because I have been educated by the State Department to understand that it does not regard trade agreements as mere agreements; it regards them as treaties and it has so declared, and has so acted. It has modified treaties. So, Mr. President, I have been driven from the position which I occupied, but it was my belief that in the trade agreements we would be dealing solely with customs duties. Now I have been taught to know that we are dealing with treaties as well, and are modifying treaties. I hope the Senator from Mississippi will bring before the Senate a list of the treaties of the United States which have been modified in any way, shape, or form by the 22 trade agreements which so far have been negotiated.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. O'MAHONEY. Certainly.

Mr. HARRISON. Did I understand the Senator to say the reason why he presented his amendment, which differs from the ratification amendment, was that he had no idea that the Colombian agreement would go so far or that the Belgian agreement would go so far?

Mr. O'MAHONEY. No; I say that the reason I am supporting the amendment of the Senator from Nevada is that I now know that the State Department is going that far.

Mr. HARRISON. Did not the Senator know in 1937, when he made those remarks, that the Colombian agreement had been negotiated?

Mr. O'MAHONEY. I did not know its contents.

Mr. HARRISON. It had been negotiated in 1936, and the Senator from Michigan had grown very eloquent in his opposition to the continuation of the trade-agreements program, pointing out the Colombian agreement specifically.

Mr. O'MAHONEY. That was one of the arguments which missed me at the time; but certainly my position is now clear, and I hope the Senator from Mississippi will furnish a list of the treaties ratified by this body which have been changed or attempted to be changed by trade agreements.

But I was discussing the progressive degeneration of the democratic principle. I pointed out the act of 1890, with its grant of power to the President to find facts, and then, upon the finding of facts, to have the customs duties fixed by Congress go into effect. Then I pointed out that that provision of the act of 1890 was upheld by the Supreme Court in the case of Field against Clark, and that in that opinion the Supreme Court specifically declared that it was supporting the constitutionality of the act on the ground that it did not convey to the President any discretion or any power to determine policy or any power to select commodities or any power to fix customs duties. So in 1897, 7 years afterward, the Congress of the United States, with that decision upon the books of the Supreme Court, desiring to put into effect the policy of reciprocity, did not regard the precedent of Field against Clark as sufficient to support and justify a program of such breadth, involving negotiation and bargaining with foreign nations, survey of the entire list of commodities in which the trade of the United States is carried on, and fixing rates within limitations set by the Congress at the will and discretion of the President. Because it did not regard Field against Clark as a precedent, the Congress of the United States wrote section 4 of the Dingley Act. That was a declaration by the legislative body of the United States of its belief in constitutional principle, and certainly a declaration that the decision in the case of Field against Clark had not amended the Constitution of the United States. But now, Mr. President, we are told by every person who attempts to argue the constitutionality of the Reciprocal Trade Agreements Act that Field against Clark pointed the way. The Congress did not believe that.

In 1922 the story began again. In 1922 was passed the Fordney-McCumber Act. Before I reach that act, however, I desire to read just a small portion of the debate of 1897, because it so aptly and clearly illustrates the point I have been making about these two laws.

Senator White, of California, a very able Democrat, was discussing section 4 of the Dingley Act. He said:

> This is a wonderful affair. I attempted to point out some time ago that we have no power to delegate to the President, as the primary attempt here indicated was the intention of the other side—

He says "the primary attempt" because section 4 of that act, as originally proposed, did not contain the phrase "by and with the advice and consent of the Senate," so Senator White says "primary attempt"—

> to confer the authority to fix tariff rates below 20 percent or below anything else; that while the Supreme Court had decided that the President, upon the happening of a certain event, might call into activity a provision of Congress providing that when he found a specific fact the act should go into effect, nevertheless he had no authority to exercise any function as to fixing tariff rates, that being wholly a subject for the determination of Congress.
>
> To obviate to some extent that objection the words "by and with the advice and consent of the Senate" were inserted. I pointed out that if we had the authority under the treaty-making power granted by the Constitution to fix tariff rates, as we have done sometimes—a bad policy I conceded and concede—we did not need any attempted legislative grant; that the Constitution gave us such treaty-making power as we possess, and that it could never be subtracted from or added to by any declaration of Congress.
>
> * * * * * * *
>
> Congress has power—

He said—

> to legislate so that tonka beans may be looked out for, and it has power to legislate so as to fix $6 or $8, as the case may be, per dozen upon quart bottles of champagne—

And so on, making the argument which was just made by the Senator from Missouri [Mr. CLARK]; to which this statement was made in response by Senator Allison:

> Just one moment. The Senator from California misapprehends the situation as to tonka beans and champagne and the other articles embraced in section 3.

Section 3, of course, was the section which named the commodities and named the rates, and gave the President only the power to find a fact with respect to discrimination.

> Under section 3 the President has the same power that he had under the legislation of 1890, without the intervention either of the Senate or of Congress. But the fourth section, which the Senator now criticizes so sharply, has certain merit. It is not convenient, if it were constitutional, for Congress formally to deal with the Government of France or the Government of Mexico or the government of any other country. We could not very well send a committee of Congress over to Europe and ask what they would do if we did something else.
>
> The President of the United States therefore having exclusively what is called the treaty-making power, or the initiation of this question, he is given the power in a limited way to do certain things; and when they are done, the treaty is sent to the Senate first for its ratification, and then to Congress for its approval.
>
> I see no great difficulty about it. Indeed I think it is a very useful and important provision. It may be limited to too short a period, as suggested by the Senator from Colorado, but it is very easy to extend it during the next Congress if the scheme proves to be useful.

There, Mr. President, is the legislative history of the development of this principle.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. O'MAHONEY. I am very glad to yield.

Mr. HARRISON. Under the last procedure which the Senator has recited, how many agreements were made?

Mr. O'MAHONEY. The so-called Kasson treaties were negotiated. They came to the Senate, but they were never ratified. I heard the distinguished senior Senator from Utah [Mr. KING] on the floor of this body yesterday declare—and he spoke with knowledge—that such a storm of public disapproval arose with respect to those treaties that nobody dared to present them for ratification.

Mr. HARRISON. The Kasson agreements came out of the other provision the Senator read, which provided for ratification by the Senate.

Mr. O'MAHONEY. Under section 4.

Mr. HARRISON. That is correct. Under the other provision the Argyle agreements, I think they were called, were entered into, which did not have to come back to the Senate for ratification.

Mr. O'MAHONEY. That is correct.

Mr. HARRISON. And in the case of the Argyle agreements, as to which no ratification was provided for, they all went into effect and became the law, and affected 5 different countries. Under the other provision, by the terms of which the agreements had to come back to the Senate for ratification, the 11 so-called Kasson agreements were made, and 1 additional, I think. At any rate, 11 came to the Senate, and rested here for 5 years, and none of them was ratified.

Mr. CLARK of Missouri. None of them was even considered.

Mr. HARRISON. None was considered or ratified; and then Mr. McKinley, I think, did not submit the twelfth.

Mr. O'MAHONEY. The Senator is quite right.

Mr. PITTMAN. Mr. President, may I ask the Senator from Mississippi a question?

Mr. O'MAHONEY. I yield to the Senator from Nevada.

Mr. PITTMAN. Does not the Senator from Mississippi believe that if these agreements require ratification, the refusal of the Senate to ratify the treaties to which he refers is no legitimate argument?

Mr. HARRISON. I do not believe the agreements described in this joint resolution are treaties. The Senator from Nevada, and those who think as he does I will not say have propagandized, but they have put it in the minds of people to say treaties, when they ought to be called agreements. That is the way in which we differentiate in the matter.

Mr. PITTMAN. Does not the Senator know that the Supreme Court has stated that an agreement is a treaty if it is entered into with a foreign government for a specific length of time?

Mr. HARRISON. No; I do not accept the Senator's view on that subject at all.

Mr. PITTMAN. I shall have to read to the Senator, later on, what the Supreme Court said; but what I am asking the Senator is this: His argument against the argument made by the Senator from Wyoming is that there was long delay on some treaties. What difference would that make, if we were following the Constitution?

Mr. HARRISON. I think we are following the Constitution in this instance.

Mr. O'MAHONEY. Mr. President, the difference is that the Constitution is too cumbersome, and it is desired to shortcut it. Let me say that no Senator has yet risen upon this floor to make an argument upholding the constitutionality of this procedure. Every shred of argument which has been prepared as yet by the State Department has been torn asunder. There is not a line that can be upheld.

Mr. HARRISON. Well, the Senator from Wyoming has just changed his views, as was pointed out by the Senator from Missouri [Mr. CLARK].

Mr. O'MAHONEY. Mr. President, the Senator from Wyoming has not changed his views. The Senator from Wyoming has found that the facts were different from what he had supposed them to be.

Mr. HARRISON. I take it that the Senator is opposed to the amendment which is now pending?

Mr. O'MAHONEY. Not at all, because, as I say, I have been taught by the supporters of this program that they do regard these instruments as treaties, and I must follow their lead in that respect and demand the constitutional procedure. We cannot have an agreement which changes a treaty unless the agreement itself is a treaty. It cannot be argued that an instrument of lesser dignity than a treaty may alter a treaty. The customs duties which are fixed in a law of Congress may be changed in only one of two ways: They may be changed by another law originating in the House of Representatives and approved by the Senate, or they may be changed by a treaty negotiated by the President and ratified by the Senate. But when the Senator from Mississippi presents as his argument, as he did in the Finance Committee, the decision of Chief Justice Taney in which he clearly pointed out that a treaty deals with public welfare for a period of time, and an agreement deals with a specific act for a short time, there is no alternative for us but to follow the treaty-making power. If we want treaty powers, we must exercise those powers in the constitutional way.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. Is it the Senator's contention that a treaty may be changed or nullified only by another treaty?

Mr. O'MAHONEY. Or a law.

Mr. BARKLEY. Or a law. Congress may modify or may nullify a treaty by an act of Congress?

Mr. O'MAHONEY. Certainly.

Mr. BARKLEY. So, if this is a proper delegation of authority, and it is carried out by the executive branch, or whatever the agency of Congress may be, in pursuance of an act of Congress, may it not be as efficiently and as effectively done under the authority of Congress as if Congress itself enacted the law modifying the treaty?

Mr. O'MAHONEY. Yes; I answer in the affirmative. If Congress may delegate to the President the power to fix customs duties in the face of the distinct provision of the Constitution that all revenue bills shall originate in the House of Representatives, then, of course, it can be done; but that, of course, is the whole point of the argument which is being made—that the attempt is being made to take away from Congress the tax-levying power and vest it in the Executive.

Mr. BARKLEY. Of course, in that argument the Senator fails to distinguish between a tax law and a regulation of commerce, under the authority of Congress, through an agency set up by the Congress, does he not?

Mr. O'MAHONEY. No; I do not.

Mr. BARKLEY. I grant that a bill whose primary purpose is to levy taxes must originate in the House of Representatives, and we all understand that.

Mr. O'MAHONEY. Does the Senator from Kentucky contend, then, that a bill which levies taxes, though the raising of revenue is not the primary purpose, may be made effective in any other way?

Mr. BARKLEY. No; I do not.

Mr. O'MAHONEY. For example, the corporate profits distribution tax, or whatever it was called, was levied, not for the purpose of raising revenue, but the bill was passed for the purpose of having the incomes of large corporations distributed among their stockholders. Would it have been possible for that bill to originate in the Senate?

Mr. BARKLEY. No, indeed. It may have been in the minds of some Members of Congress, and of some in executive departments who suggested such a tax, that it would result in the distribution of profits, but the primary object of the legislation was to collect revenue, to the same extent that it would have been collected if the profits had been distributed and the shareholders had paid income taxes upon those profits. So it cannot be said that the primary motive

behind the legislation, whatever anyone may have thought of it as a matter of wisdom, was to secure the distribution of profits among shareholders.

Does the Senator distinguish between a bona fide revenue measure and one which is intended to prevent the interchange of articles of commerce among nations? For instance, if we were to pass a law levying rates so high as to prohibit absolutely the importation of any articles into the United States, would the Senator construe that to be a revenue measure, or a regulation of our commerce?

Mr. O'MAHONEY. In my opinion, such a measure would have to originate in the House of Representatives, just as the distribution tax did, just as every protective tariff law has. The protective tariff laws were never regarded as revenue-raising measures. The protective tariff laws, from the time they were first suggested by Alexander Hamilton, were intended for the purpose of encouraging the industrial development of the United States, and not for the purpose of raising revenue, and for 150 years they originated in the House of Representatives. That was so strongly the conviction of those who are sponsoring the pending measure that they were careful, in 1934, to have the bill originate in the House; they were careful in 1937 to have the continuing resolution originate in the House, and they were careful to have the pending continuing resolution originate in the House, because they were seeking by that device to meet the constitutional requirement that revenue-raising measures must be initiated there.

Mr. BARKLEY. There is no inconsistency between the fact that the original Trade Agreements Act originated in the House and that the two continuing resolutions originated in the House, because so long as a measure raises revenue, even in theory, though as a matter of fact it may not raise any, of course, it must originate in the House under the Constitution. But such a measure originating in the House under the Constitution, and theoretically raising revenue through a tariff, which is a tax, can also carry with it all the implications and all the force of a regulation of commerce, notwithstanding the fact that on its surface it attempts to raise revenue.

Mr. WHITE. Mr. President, will the Senator from Kentucky permit a question?

Mr. BARKLEY. Certainly.

Mr. O'MAHONEY. I yield to the Senator.

Mr. WHITE. Is it the contention of the Senator from Kentucky that a treaty or an agreement which purports to be only a regulation of commerce may, because of that alleged purpose, deal with the entire customs regulations and customs rates of the United States?

Mr. BARKLEY. It is my contention that, as a part of the regulatory machinery of the Congress of the United States conferred upon it by the Constitution, in dealing with our commerce with other nations on the same basis and with the same dignity with which we deal with our commerce among the States, Congress can, under its regulatory powers, deal with commercial matters which, as a part of their effect, include the fixing of customs and taxes as a prerequisite of the entry of goods into the United States.

Mr. WHITE. If the Senator from Wyoming will pardon me, then is not the Senator driven to the position that the power to regulate commerce is superior in its authority and in its character to other provisions of the Constitution, and specifically to the provision of the Constitution that measures affecting the revenues of the United States must originate in the House?

Mr. BARKLEY. No; I do not think there is any inconsistency whatever.

Mr. WHITE. In other words, must not the exercise of the power to regulate commerce be construed with reference to all the other provisions of the Constitution, and must it not be limited by other express provisions of the Constitution, and specifically the provision that revenue-raising measures must originate in the House?

Mr. BARKLEY. There is no technicality, there is no fine-spun distinction between the interpretation of various interlocking and interwoven sections of the Constitution of the United States; and I do not attempt, in what I have stated—and I apologize to the Senator from Wyoming for presuming to take his time——

Mr. O'MAHONEY. That is all right; I am glad to have the discussion thus illuminated by the two Senators.

Mr. BARKLEY. I merely rose to ask a question. There is no inconsistency in an interpretation of the Constitution as to the requirement that a revenue bill, a bill which is designed to raise revenue, must originate in the House of Representatives. Inasmuch as the Trade Agreements Act originally, and as it is now proposed to be extended, deals with the question of revenue, even though it be a regulation of commerce, it originated in the House in its original form, and the continuing resolution originated there, and the one now before us originated there. They originated in the House because they deal with the question of customs duties, and therefore do not violate the Constitution, which provides that such a measure, although conferring authority upon the executive branch to deal with that subject, must originate in the House of Representatives.

Mr. O'MAHONEY. Mr. President, may I interrupt the Senator from Kentucky at that point?

Mr. BARKLEY. Certainly.

Mr. O'MAHONEY. As I understand the argument now, the Senator says that he has been very careful to preserve the form in order that he may violate the spirit.

Mr. BARKLEY. Oh, no; I said nothing of the sort, and I thought nothing of the sort.

Mr. O'MAHONEY. That is what the Senator's statement amounts to.

Mr. BARKLEY. No; it does not. Of course, the Senator is a very skillful debater, and he can put into my mind things I do not think and into my mouth things I do not say, and we all do that here sometimes. The point I am endeavoring to make is—and it all resolves itself, I think, to the question of whether or not we can delegate this power—that we can delegate to the President as the agency of Congress the power to help regulate our commerce with other nations, and we might even do it with regard to our domestic commerce. Instead of setting up an Interstate Commerce Commission, instead of setting up a Tariff Commission, instead of setting up a Federal Trade Commission, we may designate some existing executive authority to carry out the will of Congress.

Mr. O'MAHONEY. In other words, we may delegate to the President the powers which are now given to the Interstate Commerce Commission? Did the Senator say that?

Mr. BARKLEY. I say that Congress may make the President—I would not say it would go so far as all the details of administration in the Interstate Commerce Commission are concerned——

Mr. O'MAHONEY. The Senator has laid down a principle——

Mr. BARKLEY. Congress can delegate to an existing agency the power to carry out its instructions no less than it can create the agency itself.

Mr. O'MAHONEY. The Senator mentioned the Interstate Commerce Commission and the Federal Trade Commission. Does the Senator contend that the Congress has the power to delegate to the President the authority and the functions and the duties which it has imposed on those two bodies under the terms of the pending joint resolution?

Mr. BARKLEY. No; I do not contend that under the terms of the pending joint resolution——

Mr. O'MAHONEY. Under the law, under the principle?

Mr. BARKLEY. No; I do not say that, but I say that so far as the regulation of commerce is concerned, Congress can designate an existing agency to carry out its will no less than it can create the agency.

Mr. O'MAHONEY. Did not the Senator say that Congress could designate the President as an agency to do this?

Mr. BARKLEY. I was using the Interstate Commerce Commission and the Federal Trade Commission and the Tariff Commission as examples; and the Tariff Commission, of course, is an agency of Congress in dealing with this very subject. Finally, the Congress has delegated to the President, through the agency and instrumentality and initiation

of the Tariff Commission, the power to do the very things here in question with respect to the customs rates, so long as he remains within the 50-percent limitation of the law, which is the same as was provided in the original law.

Mr. O'MAHONEY. Will the Senator be good enough to state to me one subject of legislative power which the Congress could not delegate to the President under the principle which he has enunciated?

Mr. BARKLEY. What is the question?

Mr. O'MAHONEY. Will the Senator be good enough to indicate to me one subject of legislative power which, under the principle he has just enunciated, Congress could not delegate to the President?

Mr. BARKLEY. I think I could name several, but at the moment I do not intend to go into that subject. However, when I come to argue that point, which I will do a little later——

Mr. O'MAHONEY. I hope the Senator will do that.

Mr. BARKLEY. I shall endeavor to reply.

Mr. O'MAHONEY. Let me suggest to the Senator some of the points which I should like to have him cover in the argument. If I have understood him correctly, he has stated that under the power to regulate commerce, granted to Congress in the eighth section of article I of the Constitution, Congress may delegate to the President the power to regulate commerce.

Mr. BARKLEY. No, the Senator has gone further than I intended him to understand I meant to go.

Mr. O'MAHONEY. Well, how far would the Senator go?

Mr. BARKLEY. I say that Congress has the power to regulate commerce——

Mr. O'MAHONEY. How far can it delegate that power?

Mr. BARKLEY. It has the power to coin money and to fix the value thereof. Of course, Congress cannot sit down and physically coin money. It has delegated to the executive department the power to coin money. It has even in the present administration, whether or not the Senator agrees to its wisdom, delegated to the President the power to fix the value of our money. It may be contended, though it has never been admitted, that if Congress can confer upon the President the power to coin money, to exercise the administrative duties and the physical activities of coining money, which has been done by someone appointed by the President and confirmed by the Senate, Congress can go further in delegating power to an existing agency of the executive department to undertake the details of administration that Congress itself cannot undertake. The statement I made originally was that Congress could designate some existing agency to carry out its will not less than it could create one, or authorize the President to appoint one, to be confirmed by the Senate.

Mr. O'MAHONEY. The Senator says that there must be a standard.

Mr. BARKLEY. Yes.

Mr. O'MAHONEY. I want the RECORD to be clear about that.

Mr. BARKLEY. Yet, there must be a standard or a gage set up by Congress in order that the executive or administrative agency undertaking to administer the law may have some guidepost by which it can act.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I will yield in a moment. I wish to finish the present discussion with the Senator from Kentucky. The power granted to the President in the Reciprocal Trade Agreements Act is to be found in these words:

> The President, whenever he finds as a fact—

And so forth—

> And that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

To do what?

> (1) To enter into foreign-trade agreements with foreign governments or instrumentalities thereof; and
>
> (2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign-trade agreements, as are required or appropriate to carry out any foreign-trade agreement that the President has entered into hereunder. No proclamation shall be made—

It is to be observed that in the sentence I have just read no standard is laid down, no rule is fixed to guide the discretion of the President. The full, the complete authority is thereby conveyed to him. We now come to the next sentence, which I interpret to be a limitation and not a standard.

> No proclamation shall be made increasing or decreasing by more than 50 percent any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly.

In those words which I have read will be found the whole story of this grant of power. In those words must be found the delegation. We do find the delegation. In those words we must find the standard or the rule.

Mr. BARKLEY. Those two subsections cannot be read without reading them in connection with the first part of section 350 which sets out certain conditions.

Mr. O'MAHONEY. Which sets out the purpose.

Mr. BARKLEY. Yes; which sets out the purpose.

Mr. O'MAHONEY. Yes; I shall be glad to read that.

Mr. BARKLEY. The purpose carries with it, of course, by implication, at least, the condition.

Mr. O'MAHONEY. Does the Senator contend that it contains the standard?

Mr. BARKLEY. Not by itself; but read with the two subsections which the Senator has just read, I do contend that it sets up a sufficiently definite standard by which the President may be guided.

Mr. O'MAHONEY. When the Senator makes his speech I hope he will develop that thought because it is certainly the most tenuous and vague argument that ever I have listened to—in court or in Congress.

Mr. BARKLEY. I may not be able to develop it to the satisfaction of the Senator because sometimes the Senator, able as he is and skillful as he is, is like the saying about a woman:

> A woman convinced against her will
> Is of the same opinion still.

[Laughter.]

Mr. O'MAHONEY. Mr. President, my will was to go along in 1934 and 1937. My will was to help out. I was chided because I went so far, and now, when I have found that the facts are different from what I supposed them to be, I am chided for changing.

Mr. BARKLEY. I am not one of the Senators who chided the Senator at that time.

Mr. O'MAHONEY. I am happy to know that.

Let us pursue this matter. This is the point I should like to have the Senator from Kentucky develop. After reading the introductory paragraph with the paragraphs which I have just read, if it is possible by implication, or inference, or imagination to derive a standard by which we can properly and constitutionally delegate to the President the right to change customs duties 50 percent up or 50 percent down, by what rule, by what argument, will the Senator say that we cannot in the same manner convey to the President the power to raise income taxes 50 percent or reduce them 50 percent?

If we have the right by an act of this kind, which names no specific commodities and provides no specific rates, to convey to the President the power to change customs duties, then, Mr. President, we certainly can delegate away our power to fix income-tax rates by exactly the same formula.

It is to that that I raise my objection. In that instance I point to another illustration of what I call the progressive degeneration of the democratic process. Take a step, and then another step, and then a longer flight beyond.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. ADAMS. I wonder if there is a possible distinction? The Senator referred to delegation of power to the President. As I read the Reciprocal Trade Agreements Act, our tariff act

is not amended by the President, but by the agreement. In other words, we delegate to the President and to Great Britain, or to Cuba, for instance, or to some other foreign country the power to make an agreement. That is, we delegate part of the authority to the foreign government actually to change our tariff laws.

Mr. O'MAHONEY. There is no doubt about that. The Senator is quite right. I might at this point call attention to clause 1 of the grants contained in the Reciprocal Trade Agreements Act, as follows:

> The President is authorized from time to time to enter into foreign-trade agreements with foreign governments or instrumentalities thereof.

What is the delegation there? Certainly there is no delegation there. The President has the power, without delegation from Congress, to enter into agreements with foreign governments. The President has the power, without any suggestion from us, to negotiate bargaining agreements with other nations. So certainly there is no delegation there.

The point and the heart of this whole legislative monstrosity is that we are delegating, without standard or rule, the power vested in us by the Constitution to pass revenue laws, provided that first of all they originate in the House of Representatives. I was contending that the history of the development of this legislation, Mr. President, has been the unbroken story of the loyalty of both Houses of Congress to the Constitution and to its provisions. I have pointed out that after the decision in Field against Clark had been handed down by the Supreme Court, the Congress of the United States, when it undertook to grant the power to negotiate reciprocity agreements, required that they should be ratified by the Senate and approved by a law originating in the House of Representatives. That was in 1897.

As late as 1902 the same question arose, when President Theodore Roosevelt entered into negotiation with the newly liberated Republic of Cuba for a trade treaty. That agreement was signed at Habana on December 11, 1902. It contained a specific provision that it should become effective when approved by Congress. That convention was ratified by the Senate on March 19, 1903. The language of the convention preserving the revenue-making power is simple, clear, and direct. Let me read it:

> This convention shall not take effect until the same shall have been approved by the Congress.

It was approved by the Congress. On December 17, 1903, the act of approval was finally signed by the President. In this act we find another very significant provision. The House of Representatives and the Senate were so jealous to protect the revenue-making power of the Congress, the representatives of the people, that they wrote into the approving act—though it had already been written into the convention, and though the convention had already been ratified—this declaration:

> *And provided further,* That nothing herein contained shall be held or construed as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by an act of Congress originating in said House.

Mr. President, I regret that in the history of this country it was not until we had a Democratic House of Representatives and a Democratic Senate, representing all the people of the land, that the Congress was willing to surrender to the Executive the power to originate customs duties.

We have had Democratic precedents. I now cite a precedent which should have much weight, at least with the majority Members of this body. I cite the precedent that when the Democrats had a majority in both Houses under Woodrow Wilson, when Oscar Underwood, the distinguished, able, and long-remembered statesman from Alabama, who had charge of the enactment of the Underwood tariff law, was chairman of the Ways and Means Committee of the House, the Democratic majority in the House and in the Senate wrote into that act subsection (a) of section 4, which provided:

> That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however,* That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

That, Mr. President, is the declaration of the last Democratic majority. In 1913, the Democratic Party, the great historic party, which has been in existence since the days of Thomas Jefferson and which has always believed in retaining for the people the largest possible proportion of power, insisted, as the Republican Party under previous administrations had insisted, upon retaining in the Congress of the United States the power to ratify and to approve agreements with foreign nations which would change customs duties.

Mr. President, I pointed out to the Finance Committee that the first suggestion for reciprocal-trade agreements without ratification by the Senate or approval by the House was made by Hon. James G. Blaine, a defeated Republican candidate for President. I read the story, taken from the RECORD, showing that he went before the Ways and Means Committee, of which William McKinley, of Ohio—afterward to become President—was then the chairman, and asked that Republican-controlled committee to grant him this unregulated, unlimited power. It was denied him.

Then Senator Vest, of Missouri, distinguished predecessor of my friend from the same State, who has recently questioned me upon the floor, told the story that, coming from the committee in which his proposal had been rejected, Blaine was in such a towering rage that he smashed his high hat upon the table of the Appropriations Committee of the Senate.

Mr. President, is it not a strange commentary upon this gradual degeneration of the Democratic process that the time has come when a Democratic successor of Secretary Blaine is putting into effect a delegation of legislative power which, through all the history of our Government, neither the Democratic Party nor the Republican Party was ever before willing to grant?

Mr. President, I started to talk about the Fordney-McCumber Act of 1922, when the proposal was made to go one step further. Until then, Congress had always carefully restrained and restricted the President in the exercise of revenue-making powers. However, in 1922 there came the first proposal for a flexible tariff. Senators will read with profit the debates on the Fordney-McCumber Act of 1922. I hope Democratic Senators will read them. They disclose that with few exceptions, the Democratic Members of this body were again arrayed against what they regarded as an unjustifiable, unwarranted, and unconstitutional extension of legislative power to the President.

However, when that act was passed, and the President had been given power to adjust rates in accordance with the difference in the cost of production at home and abroad, the Hampton case arose, to which reference has been made here upon several occasions. The Fordney-McCumber flexible-tariff provision carefully restricted this power to the difference in the cost of production at home and abroad. It was clear from the provision itself that it was the purpose of Congress to lay down the policy that the tariff rates should measure that difference. There was a standard; there was a rule; there was a policy. Congress said to the President, "You shall have authority to change the rates up and down, according to the difference in the cost of production at home and abroad."

Mr. Chief Justice Taft handed down the opinion in the Hampton case, upholding that grant of power upon exactly the statement I have just made. The distinguished chairman of the Committee on Finance [Mr. HARRISON] has brought that decision into this body in his report. Let me read one significant passage from the report:

> Mr. Chief Justice Taft stated these basic principles as follows: "In determining what it (the Congress) may do in seeking assistance from another branch (the executive), the extent and character of that assistance must be fixed according to common

sense and the inherent necessities of the governmental coordination. * * *

"If Congress shall lay down by legislative act an intelligible principle—

The words "an intelligible principle" are underlined by the committee—

"If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power."

Mr. President, where is the "intelligible principle" in the Reciprocal Trade Agreements Act of 1934? In a colloquy a few moments ago, the distinguished majority leader said that it is to be found in the introductory statement of the Reciprocal Trade Agreements Act and in the language which I have read.

Now let us read that language in order to discern what is the intelligible principle laid down to guide the President:

SEC. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce)—

Thus far we have only the expression of a pious hope of something to be accomplished, not the expression of an intelligible principle to guide the action of the agency to which the delegation of power is made—

by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States—

Is there any principle there, any guiding rule? Again we have only the expression of a hope, of a purpose; we have the language of a preamble.

Continuing with the section—

the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

Do we find any intelligible principle in that clause? Does that language point the way by which the power delegated by the Congress to change customs duties must be exercised? It is merely a declaration that when the President finds as a fact that there are undue burdens he may then perform the act which is delegated to him; but the measure of that act has not yet been outlined.

So now we come to the language already read: The President is authorized from time to time—

(1) To enter into foreign-trade agreements with foreign governments or instrumentalities thereof; and

(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign-trade agreements, as are required or appropriate to carry out any foreign-trade agreement that the President has entered into hereunder.

Again we read in vain to find a standard or a principle; again we read in vain to find a guiding rule.

Now we come to the limitation.

No proclamation shall be made increasing or decreasing by more than 50 percent any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly.

So, Mr. President, we have delegated to the President carte blanche authority to change tariff rates, customs duties, up and down within the range of 50 percent without any limitation. All the commodities with which the trade of the United States is carried on are contained within the circumference of this grant, and only a limitation of 50 percent is made upon the power.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. Am I correct in my understanding that if the President should find that the tariff rate upon any one product was unduly burdening commerce, that would give him the right to enter into a trade agreement and change the rates upon all products of commerce; that is, that he is not limited in the changes made by the trade agreements to products on which he finds there is a discriminatory rate?

Mr. O'MAHONEY. The language of the statute is in the plural, not in the singular. It reads:

The President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States.

But I take it from the act that, while he may be required to find that at least two such duties or restrictions are unduly burdening the commerce of the United States, the President is not thereby restricted to changing those duties only, because, otherwise, of course, there would be no possibility of reciprocity; and, of course, the trade agreements have dealt with duties upon commodities of the United States upon which no foreign government had any duty at all. We were surrendering protection which the Congress of the United States in a constitutionally enacted law felt was necessary or desirable in order to obtain some sort of concession from another government.

Mr. ADAMS. I ask the Senator from Wyoming if I am correct in my recollection from reading some of the proclamations of the President putting into effect rates fixed by agreements that in such proclamations he makes no findings of fact as to any particular rate?

Mr. O'MAHONEY. That is my understanding, but, without examining at least one or two of the agreements, I should not want to say so now.

Mr. ADAMS. I know as to one or two of the agreements that is true. I happen to have seen them recently.

Mr. O'MAHONEY. I wonder if the Senator would not cite them specifically?

Mr. ADAMS. Yes; the Belgian agreement and the British agreement. I was particularly impressed with the Belgian agreement. I was asking whether the President was limited to changing rates which were really clogging international commerce, because I noticed the rate was changed on spinach; I notice in the British agreement lipsticks are included; and I was wondering if the President thought the rates on these important items were unduly burdening interstate commerce and therefore should be lowered.

Mr. O'MAHONEY. The Senator's inquiry directs my attention to another phase of the act which I think is worthy of a great deal of consideration. What is the power to change which has been granted to the President? What can he change?

The act provides:

To proclaim such modifications of existing duties and other import restrictions—

What are "existing duties"? Are they duties which were existing in 1930 or are they duties which are now existing?

That, Mr. President, is an important question for the sponsors of the pending bill to answer. There have been 22 separate agreements. Each one of them has changed duties which were then in effect. Now we have certain other "existing duties." We are called upon to grant another extension of authority. Would it be improper to argue that in the agreements which will be entered into if, unhappily, this bill should be enacted without one or more of the amendments which are to be proposed, power would then be extended for the additional 3-year period to modify to the extent of 50 percent the then existing duties and not the rates of 1930?

Mr. President, I hope that the distinguished Senator from Kentucky in the argument which he is to make some time later will enter into that question.

Mr. ADAMS. Mr. President, if the Senator will yield further, I think the importance of the argument requires a better attendance; and I suggest the absence of a quorum.

Mr. O'MAHONEY. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Schwartz
Ashurst	Frazier	Lucas	Schwellenbach
Austin	George	Lundeen	Sheppard
Bankhead	Gerry	McCarran	Shipstead
Barbour	Gibson	McKellar	Slattery
Barkley	Gillette	McNary	Smith
Bilbo	Green	Maloney	Stewart
Bone	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Idaho
Byrd	Harrison	Minton	Thomas, Okla.
Byrnes	Hatch	Murray	Thomas, Utah
Capper	Hayden	Neely	Tobey
Caraway	Herring	Norris	Townsend
Chandler	Holman	Nye	Tydings
Chavez	Holt	O'Mahoney	Vandenberg
Clark, Idaho	Hughes	Overton	Van Nuys
Clark, Mo.	Johnson, Calif.	Pepper	Wagner
Connally	Johnson, Colo.	Pittman	Walsh
Davis	King	Reed	White
Donahey	La Follette	Reynolds	Wiley
Downey	Lee	Russell	

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

Mr. O'MAHONEY. Mr. President, I wonder whether I may ask the distinguished Senator from Kentucky what the program is for this evening?

Mr. BARKLEY. The program was, insofar as there was any, to proceed as long as possible.

Mr. O'MAHONEY. How long is "as long as possible"? That is what I desire to know.

Mr. BARKLEY. At least until about 5 o'clock. As the Senator indicated a while ago that he might not desire to conclude his remarks this afternoon, or might not be able to, what is the Senator's program?

Mr. O'MAHONEY. There are several matters which I wish to discuss, and I do not believe it will be possible for me to conclude this afternoon. I was hoping that the Senator would find it possible to move an executive session now and that we might resume tomorrow at noon. I rather imagine that I will be able to conclude certainly within an hour tomorrow.

Mr. BARKLEY. I will say to the Senator from Wyoming, and to other Senators, that if we suspend the consideration of the joint resolution at this time I would feel that we should resume at 11 o'clock tomorrow morning. There are no committee meetings to be held tomorrow, and I think the Senate might as well meet at 11, anyway.

Mr. O'MAHONEY. I hope the Senator will not insist on that, because obviously that would indicate a little early in the consideration of the joint resolution a desire to begin to hold long sessions.

Mr. BARKLEY. The Senator realizes that we hope to put in a full day's program in the debate, and when we cannot do it on any day, we might try to make up by meeting earlier the next day.

Mr. O'MAHONEY. It is already half an hour later than it was when we recessed yesterday.

Mr. BARKLEY. That was the first day of the debate.

Mr. O'MAHONEY. This is only the second day.

Mr. McNARY. Mr. President, I understand the Senator from Kentucky does not wish to make it a practice to meet at 11 o'clock, but only suggests that the Senate convene at 11 o'clock tomorrow in order to meet a situation.

Mr. BARKLEY. I am not saying this is a precedent, but I think we should make as much progress as possible. What are the wishes of the Senator from Mississippi in the matter?

Mr. HARRISON. Mr. President, the Senator from Wyoming has stated that he has a cold, and he has been on the floor a good while now, and it is agreeable to me, if the Senator so desires, that the Senate adjourn, and that we not resume at 11 o'clock tomorrow morning. I think we can get a vote on the amendment this week.

Mr. BARKLEY. I certainly hope so.

Mr. HARRISON. I hope so.

Mr. BARKLEY. It was our hope, when we started, that we would get a vote on the joint resolution this week.

Mr. HARRISON. I hope we can vote on the amendment at least by Friday.

Mr. BARKLEY. Very well. I am willing to suspend, and not meet until 12 o'clock tomorrow.

Mr. THOMAS of Oklahoma. Mr. President, the Senator from Kentucky just stated that there are to be no committee meetings tomorrow.

Mr. BARKLEY. I should have excepted the Committee on Appropriations, perhaps.

Mr. THOMAS of Oklahoma. The Senator from Arizona [Mr. HAYDEN] is chairman of the subcommittee of the Committee on Appropriations, holding hearings on the Interior Department appropriation bill, which will proceed at 10:30 o'clock tomorrow.

Mr. BARKLEY. Is the Senator from Wyoming suspending now?

Mr. O'MAHONEY. Is the Senator about to move a recess until noon tomorrow?

Mr. BARKLEY. Yes.

Mr. O'MAHONEY. That will be satisfactory, and I shall be glad to suspend now. It is understood that I may continue in the morning?

Mr. BARKLEY. That is entirely satisfactory.

Mr. JOHNSON of Colorado. Mr. President, I do not wish to take the Senator from Wyoming off the floor, but I do desire to make a very brief statement.

Yesterday I was tremendously interested in the colloquy between the junior Senator from Louisiana [Mr. ELLENDER] and the distinguished chairman of the Committee on Finance, the senior Senator from Mississippi [Mr. HARRISON], pertaining to the effect of the reciprocal-trade agreements upon the Cuban tariff on sugar. In that connection, I wish to make a very brief statement.

The original Cuban agreement and the Jones-Costigan amendment to the Agricultural Adjustment Act were, so far as sugar was concerned, complementary. Under the agreement the United States reduced the duty on Cuban sugar by 60 cents a hundred pounds, from $1.50 to 90 cents. In compensation for this loss of tariff protection the Jones-Costigan amendment established a system of quotas for all sugar-producing areas supplying the United States market. A tax of 50 cents a hundred pounds was imposed on raw sugar, and the money made available from this source was returned to producers in the form of conditional payments. Finally, the agreement specifically provided that the duty would return to $1.50 at any time quotas became inoperative. This guaranty to the domestic industry was given in a note to paragraph 501 of title II of the agreement, as follows:

> If and when the quota provisions of the act "to include sugar beets and sugarcane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes," approved May 9, 1934, become inoperative, and the Secretary of Agriculture gives public notice that no equivalent limitation on the importation of any article subject to that act has been imposed, the duty on such article imported into the United States of America from the Republic of Cuba shall be determined as though such article were not enumerated and described in this schedule: *Provided, however,* That such rate of duty shall not exceed that imposed on the day of the signature of this agreement.

Under this provision of the agreement the rate of duty was restored to $1.50, when quotas were suspended by Presidential proclamation last September 11. From that date until the end of the year the Cubans had no quantitative restrictions placed on their shipments to the United States. But that was not enough. They complained bitterly that their sugar was still subject to the processing tax, completely overlooking the fact that domestic sugar was also being taxed, and that domestic producers had no assurance of a continuation of benefit payments.

While the quotas were thus in suspense and Cuban complaints were most vigorous, the administration completed the negotiation of a supplemental trade agreement with Cuba. In that agreement the provision restoring the tariff to $1.50 whenever quotas became inoperative was stricken out. Instead of it, this language was substituted:

> Notwithstanding the provisions of the preceding paragraph, if the powers vested in the Secretary of Agriculture of the United

States of America under title II of the Sugar Act of 1937 expire and the President of the United States of America gives public notice that no limitation equivalent to that provided for in title II of the Sugar Act of 1937 on the importation into, or the marketing in, the United States of America of sugar originating in the Republic of Cuba has been imposed or provided for by law, the rates of duty on articles enumerated and described in item 501 of this schedule entered, or withdrawn from warehouse, for consumption on or after the day following the filing of such public notice with the aforesaid Division of Federal Register, shall be determined without regard to the provisions of column 2 of this schedule, but such rates of duty shall not exceed those in effect on August 24, 1934.

I have been reading from the supplementary trade agreement between the United States of America and the Republic of Cuba, signed at Washington on December 18, 1939.

If there was ever any doubt as to the meaning of this provision, that doubt was dispelled in a letter written by Secretary Hull to Representative MOUTON, of Louisiana. Wrote Mr. Hull:

I have your letter of January 26, 1940, inquiring as to the meaning of the word "expire" in the note to the sugar concession in the trade agreement with Cuba as amended by the supplementary agreement of December 18, 1939.

The first sentence of the paragraph to which you refer reads as follows. * * *

Here the Secretary quoted the paragraph above.

A temporary suspension of the quota provisions of the Sugar Act, as a result of a national economic or other emergency with respect to sugar, prior to the expiration of the powers under the act, would not result in a change in the duty on Cuban sugar.

What does this mean to the domestic sugar industry? It means that at any time the Sugar Act of 1937 or a similar control program is in force, the duty on Cuban sugar cannot be more than 90 cents a hundred pounds, no matter whether quotas are in effect or not. It makes possible the shipment to the United States of unlimited amounts of Cuban sugar during periods in which quotas are suspended, at a duty of 60 cents a hundred less than the actual difference in the costs of production as found by the United States Tariff Commission. It means that the domestic industry, during periods of suspended quotas, must weather the unrestricted competition of Cuban sugar admitted at an insufficient rate of tariff, and that it must continue to pay the processing tax without any assurance that conditional payments will be made to producers.

Mr. ELLENDER. Mr. President, I am sure that those of us advocating sugar legislation were interested to hear the statement made by the distinguished Senator from Colorado [Mr. JOHNSON]. It is rather disappointing to me that the State Department should be so concerned over Cuban interests, and that it is willing to favor them at every turn. Again Cuban producers have been given a most advantageous position over domestic producers. It simply means that Cuba has the right to ship unlimited amounts of sugar, when quotas are suspended, at a rate of duty equal to 90 cents per 100 pounds of 96° test instead of $1.50, as provided under the terms of the old agreement. For the information of the Senate, I wish to present some figures on Cuban sugar importations during the period when the quota system was suspended, and also a few days prior to the suspension of quotas, and to call particular attention to importations a few days before the restoration of the quotas was actually made effective.

I do not mean to accuse the State Department of having let the cat out of the bag, as it were, but somehow someone benefited greatly by a suspension of quotas and by the change in the agreement to which the Senator from Colorado has just referred. I will undertake to obtain a list of these beneficiaries for the information of Senators.

The importations of sugar from Cuba from January 1 to August 31 of last year aggregated 2,113,848,773 pounds, or an average of approximately 260,000,000 pounds monthly. All of my figures were obtained from the Department of Commerce records.

In the 12-day period, from September 1 through September 12, the day upon which the quota was suspended, there was imported from Cuba 531,550,322 pounds of sugar.

Senators, listen to this. From September 12 through September 30, all of October, all of November, and through December 25, the entire sugar importations aggregated only 531,141,282 pounds. Said amount of importations was distributed for the period mentioned, as follows:

Sept. 12 through Sept. 30	139,420,039
October	264,479,462
November	97,347,662
Dec. 1 through Dec. 25	29,894,119
Total pounds	531,141,282

On December 26 the President gave notice that he was going to restore the quotas effective on January 1, and in accordance with the supplemental agreement to which the Senator from Colorado referred—during the period from December 26—the date of notice of quota reinstatement—through December 31—the day before quotas were restored—the importations from Cuba aggregated 568,156,174 pounds of sugar.

Mr. President, it is obvious to me that someone must have been "made wise" to these happenings in advance of their actual occurrence. Note the figures that I have submitted and I am certain you will agree that I have a sufficient basis for my statement. As a result of the large importations of sugar made in the last 6 days of 1939, the Federal Treasury was "gypped," I may say, out of approximately $3,400,000. It is possible, however, that had the trade agreement between Cuba and our country not been amended on December 18, 1939—whereby the tariff in effect was lowered to 90 cents before the quotas became effective on January 1, 1940—less sugar would have been imported in the closing days of 1939; and, of course, less foreign-sugar importations would have meant less carry-over into 1940 and, therefore, a substantially larger sugar quota for domestic sugar producers in the year 1940.

Mr. President, may I ask who in the State Department stands out as such an ardent champion and advocate of the Cuban cause?

Mr. PRESIDENT. I send to the desk an amendment to the pending joint resolution, which I ask to have printed and lie on the table, and also to have printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. —. (a) No foreign trade agreement hereafter entered into under section 350 of the Tariff Act of 1930, as amended, and no modification hereafter made in any such foreign trade agreement, shall provide for a rate of duty on sugar imported from any foreign country which will be lower during any period than the rate applicable on September 1, 1934, to sugar imported from such foreign country, unless during such period (1) the quantity of imported sugar which may be marked annually in the United States is by act of Congress restricted to a quantity no greater than the quantity of imported sugar which may be marketed annually under the provisions of the Sugar Act of 1937, and (2) benefits for domestic producers of sugar are provided which are substantially equivalent to those provided for in the Sugar Act of 1937.

(b) As used in this section, the term "sugar" includes any article to which the provisions of paragraph 501 of the Tariff Act of 1930 were applicable.

EXTENSION OF TIME FOR REPORT OF JOINT COMMITTEE ON FORESTRY

Mr. BANKHEAD. Mr. President, the time for the Joint Committee on Forestry to make its report expires on the 1st of April, which is now within a few days. The committee has not yet completed its work. It has done a very great amount of work. So the committee reported a concurrent resolution asking Congress to extend the time within which it may submit its report until February 1, 1941, without asking for any additional money. The resolution is on the calendar, and I ask for its immediate consideration. The minority leader, the Senator from Oregon [Mr. MCNARY] is familiar with the matter, since he is a member of the committee. The majority leader is also willing to have the resolution adopted.

I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 39, Calendar No. 1361.

The PRESIDING OFFICER (Mr. AUSTIN in the chair). Is there objection?

There being no objection, the concurrent resolution (S. Con. Res. 39) submitted by Mr. BANKHEAD on March 4, 1940, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the time for making the report of the Joint Committee on Forestry (established pursuant to S. Con. Res. No. 31, 75th Cong.) is hereby extended to February 1, 1941, and any amounts available for the expenses of such committee shall be available for expenditure until such date.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. AUSTIN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Joseph F. Deeb, to be United States attorney for the western district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER NOMINATION PASSED OVER

The legislative clerk read the nomination of Dorothy B. Keeling to be postmaster at Camp Taylor, Ky.

Mr. McKELLAR. Mr. President, I ask that the nomination be passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters on the calendar.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

That completes the Executive Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 27, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 26 (legislative day of March 4), 1940

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Hugh Gladney Grant, of Alabama, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Thailand.

APPOINTMENTS IN THE REGULAR ARMY

TO BE CHAPLAINS WITH THE RANK OF FIRST LIEUTENANT WITH RANK FROM DATE OF APPOINTMENT

First Lt. Roger Dace Russell, Infantry Reserve.
First Lt. John Alphonsus Dunn, Chaplains' Reserve.
First Lt. John Frederick Gaertner, Chaplains' Reserve.
First Lt. William Donald McLean, Jr., chaplain, National Guard of the United States.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Horace Speed, Jr., Coast Artillery Corps, with rank from August 1, 1935.

TO FINANCE DEPARTMENT

Col. Howard Kendall Loughry, Coast Artillery Corps, with rank from November 1, 1935.

TO ORDNANCE DEPARTMENT

Capt. Joseph Horridge, Coast Artillery Corps, with rank from June 13, 1939.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Ames Thorndike Brown, Adjutant General's Department, New York National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 26 (legislative day of March 4), 1940

UNITED STATES ATTORNEY

Joseph F. Deeb to be United States Attorney for the western district of Michigan.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS, IN THE REGULAR ARMY

TO BE MAJORS

Otto Paul Weyland	Howard Hunt Couch
Kirtley Jameson Gregg	Wilfred Joseph Paul
George Aldridge Whatley	Glenn L. Davasher
Shelden Brightwell Edwards	William Ludlow Ritchie
Clarence Steven Thorpe	John Henry Dulligan

POSTMASTERS

ARIZONA

Leonard D. Redfield, Benson.
Nott E. Guild, Florence.
Myrtle Prophet, Oatman.

ARKANSAS

William D. Fowler, Brinkley.

MASSACHUSETTS

Anna L. Cavanaugh, Ashland.
Arthur I. Maguire, East Walpole.
Nelson J. Buckwheat, Huntington.

MICHIGAN

Louis J. Vanderburg, Holland.
Ernest O. Samuelson, Sawyer.

MISSISSIPPI

Luna B. Stocks, Baldwyn.
Howard Cochran Overstreet, Brooklyn.
Robert H. Redus, Starkville.

OKLAHOMA

Jack W. Smyth, Okemah.

PENNSYLVANIA

Herbert M. Ellis, Glenside.

TENNESSEE

William I. Easley, Bruceton.
Ralph K. Godwin, Jefferson City.
Ray B. Quinn, Lancing.
Claude G. Taylor, Mountain Home.
Ralph M. Murphy, Sevierville.
Albert Sydney Shriver, Wartrace.
Roey D. Shoulders, Westmoreland.

UTAH

Alpha B. Barton, Monticello.
Richard R. Francis, Morgan.
Raymond F. Walters, Price.

WISCONSIN

Roman W. Stoffel, Allenton.
Clarence H. Mullendore, Viola.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 26, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, before whose face the generations rise and pass away, we pray for strength and wisdom to live in peace and joy. Sanctify our aspirations in everything that elevates and refines. We pray that we may have Thy greatness of spirit which is the gift of Thy love, that even in the little things we may discern the Lord's way. We thank Thee for the glory of the morning and for the life with which the firmament is brimming. If we have taken Thy bread and it brought to us no message; if we have enjoyed a night of rest and it left us with no sense of gratitude; if we have had enjoyment and encouragement and have not seen Thee in them, do Thou open our eyes. Heavenly Father, it shall be a glorious ministry if Thou wilt send us forth in the common ways of service and find that they glow with the presence of the Lord. Help us to labor on, discharging little duties, attending to little deeds, neglecting no kindly fellowship and conscious that our daily lives are hallowed by the blessing of Thy guidance. Unto Thee be eternal praise. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 41. Concurrent resolution authorizing the Special Committee of the Senate to Investigate the Administration and the Economic and Commercial Effect of the Silver Purchase Act of 1934 to print additional copies of its hearings.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1759) entitled "An act granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER to be the conferees on the part of the Senate.

COMMERCIAL AVIATION IN THE UNITED STATES

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, today marks a notable milestone in the history of American progress and achievement. This morning at 3:50 a. m. American air lines completed 1 year without a fatality. In the last 12 months all of the commercial air lines in the United States, carrying more than 2,000,000 passengers, flying more than 814,000,000 passenger-miles, completed the year without a fatal accident to any passenger, to any member of a crew, to any other person, or a serious injury to any of them. The railroads, heretofore the safest method of transportation, have had wrecks and fatalities. On the highways truck, bus, and automobile have killed and injured thousands. Even our usually placid water-borne traffic reports heavy loss of life. But in the air, the safest, the fastest, the most convenient, the most efficient method of transportation, we have not had a single fatal accident. [Applause.]

The popularity of air travel has kept pace with its mechanical perfection. During the first years of aviation the bulk of air traffic comprised business people on emergency missions or pioneers in timesaving hazards. As late as 1927 it required 33 hours to cross the continent, and the trip was made in narrow cockpits of single-motored planes at a fare of $400 for the trip. Today giant 12-ton, twin-engined sky sleepers span the continent overnight, with meals aboard and every comfort and convenience the most modern caravansary affords at hardly more than Pullman prices. And the continent no longer limits travel schedules by either land or sea. On a recent trip on the *Yankee Clipper* I had supper in America and breakfast in Europe, outrivaling the fabulous flights of the magic carpet of Baghdad. On American aircraft we may take the wings of the morning and sojourn, at will, in the uttermost parts of the earth.

Is it to be wondered that America is becoming air-conscious and air-minded? In the calendar year of 1937 the commercial air lines of the country carried 1,000,000 passengers; in 1938, 1,300,000 passengers; in 1939, 1,800,000 passengers; and for the year ending today, March 26, 1940, over 2,000,000 passengers.

In 1937 there was one fatality for every 12,000,000 passenger-miles; in 1938, 1 for every 22,000,000 passenger-miles; in 1939, 1 for every 82,000,000 passenger-miles, and for the year ending this morning, not a single serious accident of any kind in a total of 814,000,000 passenger-miles, the safest and swiftest method of travel or transportation from those ancient days when Mercury carried the messages of the gods from Mount Olympus down to this supreme hour. Today American aviation closes a year in which it has broken all records, a year in which it has carried the greatest number of passengers, in which it has flown the greatest number of planes, in which it has traversed the greatest number of passenger-miles—and a year in which every passenger has stepped from its runways whole and well and rested and thrilled by marvelous flights through the heavens outwinging the migratory flight of the fastest homing bird.

It is particularly fitting that this remarkable progress should be made, and this astounding record achieved by the Nation that developed the airplane and through it changed the history of the world. And most gratifying of all—that while in Europe aviation is giving wings to death and speed to destruction and carnage, here in America we are accelerating commerce and travel and all the arts of peace in contributions to national welfare and to the happiness and prosperity of every American citizen. [Applause.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the remarks of the able gentleman from Missouri [Mr. CANNON] are timely and true. Supplementing his observations, I recall that on January 15, 1936, I stood in this Chamber and commented on a commercial air-line accident which had taken place the previous night with a loss of 17 lives.

In discussing that tragedy I took occasion to state:

Commercial aviation in America and in the world today has been dealt a stunning blow, but only temporarily so, because in the future those who are charged with carrying on this great industry

will continue to so improve the planes in which men and women fly, so improve the airports where the planes land and take off, and so improve all conditions necessary to successful continued progress in aviation that they will lessen greatly the number of casualties.

In my remarks on that occasion I expressed the hope that Members of Congress would encourage improvements and legislation which would aid in taking away "from commercial aviation certain of the hazards and dangers which still exist." Now comes a year with a perfect record for safety.

The 18 domestic air lines of the country have carried more than 2,000,000 persons, and, as the gentleman from Missouri has said, without a single fatality. This network of our domestic transport system crisscrosses this Nation and injects a new lifeblood into our stream of transportation.

There are many factors which bring about this splendid record. The air lines themselves have done a real job with improved equipment, efficient and devoted personnel, and with the realization that they must provide with speed the desired safety. The enactment of the Civil Aeronautics Authority law, which brings about proper regulation and a greater degree of safety for the commercial air lines of the United States has been of real help in establishing this truly noteworthy achievement. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BURCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by the gentleman from Virginia [Mr. ROBERTSON] at the dedication of the post-office building at Harrisonburg, Va., on March 23, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Hon. Corrington Gill, of the Work Projects Administration, on the question of whether industry can absorb the unemployed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address made by the Assistant Attorney General in charge of the Tax Division.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, soon after the House goes into Committee for the consideration of the bill that it has had under consideration for several days, the gentleman from Virginia [Mr. SMITH] will address the Committee, and I trust that the Members will stay on the floor in order to hear him.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Martelle W. Trager appearing in the Washington Post day before yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief editorial from the Boston Herald.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GOVERNMENT SPENDING

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I call attention to a table showing the spending of the American Presidents beginning with George Washington down to the present time. In that table it is shown that in 144½ years all the Presidents' administrations expended $112,203,367,065, and that Mr. Roosevelt's administration spent in 8 long years $65,628,526,692, or about 58 percent of the total expenditure of all previous administrations. The total receipts of the 144½ years from Washington to Mr. Roosevelt amounted to $91,586,076,130, for all of the Presidents, and Mr. Roosevelt's receipts in 8 years amounted to $40,089,857,957, or 58 percent as much as all the former administrations.

Mr. Speaker, the worst thing that this Congress ever did was when it gave the President of the United States so much money to squander. That money has now to be paid back by the oncoming generation. Nothing like it ever happened before in the history of our Nation. Mr. Roosevelt has doubled our national debt almost.

When Mr. Roosevelt came into office our national debt was $22,538,672,164, and when he leaves office it will be $45,000,000,000 plus. The plus, which includes all the obligations of the Government in the various departments and corporations of the Government, we count as worth 100 cents on the dollar; and the fact that much of our assets of the Government are only worth 30, 40, or 50 percent, and so forth, on the dollar, we no doubt will lose billions when we try to discontinue the organizations or liquidate them.

Mr. Roosevelt, why do you not follow the Democratic platform on which you were elected in 1932 and which you promised to support?

[Here the gavel fell.]

KEEP THE RECORD STRAIGHT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, we have just listened to the gentleman from Pennsylvania [Mr. RICH] again compare the expenditures of the present administration with the other administrations back as far as George Washington's time, but he has not taken the pains to compare the conditions under which the various administrations served.

It is true that when George Washington was President we had emerged from a revolution in which we had overthrown an empire. At the close of the Civil War, we had gone through and experienced an internal controversy among ourselves. These upheavals left grave and expensive problems with which to deal. But none of them compared in magnitude with the condition which confronted this administration when Mr. Roosevelt was inaugurated as President in 1933.

We had had the Harding administration with all of its extravagance, with all its "revelry," with its Doheneys, its Daughertys, its Forbes, its Falls—with the national conscience so lulled into insensibility by superbarrages of Republican propaganda that it did not sufficiently react against the corruptions exposed in the Teapot Dome scandal to bring about a change of administration. It was succeeded by the Coolidge administration which continued the old regime; and was in turn succeeded by the Hoover administration, which did not have the courage to make a change.

During that time the party in power took the taxes off of the incomes of the rich and placed them on the shoulders of the poor. It reduced the income taxes of the multimillionaires who made or increased their fortunes out of the World War, and transferred the burden to the masses of this country by placing upon them the highest protective

tariffs ever known in times of peace. Those tariffs, which were nothing in God's world but indirect taxes upon everything the laboring man had to buy from the cradle to the grave, wrung from the unprotected masses of the American people amounts estimated as high as $4,000,000,000 a year—for which they got practically nothing in return—and poured it into the pockets of the beneficiaries of those tariff laws.

They then contracted the currency and drove farm prices down to where the farmer's buying power virtually disappeared. Those tariffs provoked retaliation on the part of every country in the world until they raised their own tariff barriers and drove our foreign trade from the seas.

With the farmers' buying power gone, with our foreign trade destroyed, with our currency contracted to such a point as to drive commodity prices below the danger line, our industries broke down, and our national economy collapsed. We were threatened with revolution and chaos, and the American people were appealing for leadership to save us from disaster.

That is the condition that prevailed when Mr. Roosevelt took office in 1933. Something had to be done. I do not say the administration has not made mistakes, but I do say that all the money we have spent would not have paid the cost of a bloody revolution, which our institutions might not have survived.

Besides, the gentleman from Pennsylvania overlooks the fact that while we were going into this depression the administration then in power was giving back to the big-income taxpayers and the big-estate taxpayers hundreds of millions of dollars annually that had already been collected, and when returned to them it was not passed on back to the masses of the people who originally paid the bills. He seems to overlook the fact that the reductions in the national debt which they claim the Republican administration made came about as a result of the cancelation of war contracts and the sale of war materials, and turning the funds back into the Federal Treasury.

Neither the Harding, the Collidge, nor the Hoover administration ever balanced the Budget out of the revenues of the Government.

Another little item of expense to the American people he should not overlook is the loss of $6,200,000,000 the Republican administration incurred for the American people by refunding the foreign debt, stretching it out over a period of 60 years, and reducing the rate of interest so far below that of our outstanding bonds as to cost the American people $6,200,000,000, and at the same time aiding the international bankers who sponsored that movement to encourage foreign nations to repudiate the national debt and virtually cancel the entire amount of about $12,000,000,000.

One of the greatest speeches I ever heard in this House was made by Cordell Hull against the bill to fund the Italian debt. Every prediction he made at that time has come true.

To hear the gentleman from Pennsylvania [Mr. RICH] talk one would think that all the money to which he refers as having been spent by this administration has been entirely wasted. He gives no credit for the billions of dollars in loans that will be paid back with interest, and that have been used for internal improvements that will be of permanent value to every community. He gives no credit for the money that has been spent for employment of millions of people who would otherwise have been out of employment and would probably have stormed every industry and every commercial establishment in America.

He gives no credit for the money that has been spent in internal improvements, in constructing the greatest system of highways the country has ever had, in building bridges, schoolhouses, courthouses, draining our streams, and controlling floods—permanent improvements that will be of lasting benefit to the people in every State in the Union, and especially in the agricultural States.

He gives us no credit, but rather attempts to discredit us, for the money that has been invested to save the water power of this Nation, to improve navigation, to control floods, conserve the soil, and preserve our timber supply.

This money has not been wasted; it will come back with interest, and with interest many times compounded, in the improvement of living conditions throughout the country.

He gives us no credit for the first system of rural electrification this Nation ever had, and one it probably would not have had for another generation if his party had remained in power. It has electrified millions of farm homes, and brought to those homes contentment and joy and comfort and relief from the drudgeries of life.

He gives us no credit for having forced reductions of light and power rates to the 27,000,000 consumers of electricity throughout the country by more than $600,000,000 a year, which is enough within itself, if applied to that purpose, to pay every dollar this administration has spent, and pay off the national debt in another generation.

These attacks are made for the purpose of discrediting this administration before the American people, and bringing their party back into power at the fall elections.

You notice they never attempt to tell the American people what they propose to do if they come into power. Probably they would go back and give us another dose of the Harding-Coolidge-Hoover regime.

If that is to be our fate, then God save the country. [Applause.]

EXTENSION OF REMARKS

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article by David Lawrence.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a short article on stabilizing employment.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a short article from the Washington Times-Herald.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. H. CARL ANDERSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein five resolutions adopted by one of the greatest farmers cooperatives in America, Land O'Lakes, at its recent annual convention.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short editorial from the Bloomfield Pantagraph.

The SPEAKER. Is there objection?

There was no objection.

PROPOSED MAXIMUM RATE OF INCOME TAX

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SANDAGER. Mr. Speaker, on March 15 of this year the Rhode Island House of Representatives, by a vote of 42 to 28, with 3 pairs, passed a resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances, and gifts. The resolution had been passed on February 16 by the Rhode Island Senate by a vote of 21 to 6. The proposed amendment provides that the power of Congress to impose taxes on incomes, inheritances, and gifts shall be limited to a maximum rate of 25 percent, except that in the case of a war creating a grave national emergency the limitation may temporarily be removed by a three-fourths vote of each House of Congress.

The resolution to which I refer is as follows:

Resolved by the Senate and House of Representatives of the State of Rhode Island, That application be, and it hereby is, made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE —

"SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: *Provided,* That in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress, by a vote of three-fourths of each House, may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

"SEC. 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"SEC. 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect"; and be it further

Resolved, That the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

Resolved, That the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

This proposal for the amendment of the Federal Constitution is being advocated by the *American Taxpayers Association, Inc., Washington, D. C.,* as part of its national program.

Last year a similar resolution, but without the exception in the case of war, was passed by both branches of the Wyoming Legislature, the Iowa House of Representatives, the New Jersey Senate, and the Wisconsin Senate, in which the vote was unanimous.

The purpose of this resolution is to force action that will aid in removing the obstacles which prevent the investment of private funds in productive enterprise. Billions of dollars are lying idle in the banks, which, if put to work, would give employment to the great masses of unemployed and restore prosperity to the country.

The present administration since it came into power has been trying remedy after remedy to overcome the business depression from which this country has been suffering for some years past. Despite the fact that the administration has spent billions of dollars of the people's money and has increased the national debt from about $22,500,000,000 on June 30, 1933, to more than $42,000,000,000 at the present time, we still have 9,000,000, and according to some estimates as many as 10,000,000, unemployed. During this period taxes have been drastically increased and money has been lavished on public undertakings in a vain endeavor to stimulate the forces of recovery.

It has become evident to every thinking person that the job cannot be done by the Government and that it can be done, if at all, by private enterprise and by private enterprise alone. Consequently it is of the utmost importance that private enterprise be revived; but this can be accomplished only by a restoration of business confidence, which has been destroyed largely as a result of the present unjust and confiscatory system of taxation. At present few dare to risk funds in legitimate productive enterprise because of fear of what the Government may do and the realization that if the undertaking is successful the greater part of the profit will go to the Government, and if it is unsuccessful the investor will lose all. A material change in our tax laws, and in particular a reduction in rates, is necessary to restore business confidence.

Strange as it may seem, if past experience is any guide to the future, the effect of a reduction in the rates of income taxes will be to increase revenue rather than to reduce it. This results from the fact that a reduction in rates would stimulate business, which in turn would increase the national income, which in turn would increase the national tax revenue.

Economists have long recognized that excessively high tax rates on incomes are self-defeating so far as the securing of revenue is concerned and that there is a point of diminishing returns beyond which the revenue produced is less rather than greater.

On this point the late President Wilson, in his message to Congress in 1918, said:

> The Congress might well consider whether the higher rates of income and profits taxes can in peacetime be effectively productive of revenue and whether they may not, on the contrary, be destructive of business activity and productive of waste and inefficiency. There is a point at which in peacetime high rates of income and profits taxes discourage energy, remove the incentive to new enterprise, encourage extravagant expenditures, and produce industrial stagnation, with consequent unemployment and other attendant evils.

In his Lincoln Day address at New York on February 12, 1924, the late President Coolidge, supporting the position which had earlier been taken by President Wilson and three Secretaries of the Treasury—Carter Glass and Secretary Houston, both Democrats, and Andrew Mellon, a Republican—in advocating a reduction in income-tax rates, said:

> The first object of taxation is to secure revenue. When the taxation of large incomes is approached with that in view, the problem is to find a rate which will produce the largest returns. Experience does not show that the higher rate produces the larger revenue. Experience is all in the other way. * * *
>
> I agree perfectly with those who wish to relieve the small taxpayer by getting the largest possible contribution from the people with large incomes. But if the rates on large incomes are so high that they disappear, the small taxpayer will be left to bear the entire burden. If, on the other hand, the rates are placed where they will produce the most revenue from large incomes, then the small taxpayer will be relieved. The experience of the Treasury Department and the opinion of the best experts place the rate which will collect most from the people of great wealth, thus giving the largest relief to people of moderate wealth, at not over 25 percent.

Likewise, Walter Lippmann, in an article appearing in the Providence Evening Bulletin of March 28, 1939, said:

> The fact that a reduction of tax rates will seem to yield less revenue out of the present national income should not be regarded as an objection to this reform. For lower rates, by making private investment profitable, will eventually yield a larger revenue out of a larger national income; by reviving private investment, they will make less necessary the current amount of public spending.
>
> But the national income can be increased only by a revival of private investment, and private investment can be revived only by enhancing private profit, and private profit can be enhanced only by taking less of the profit in taxes.

The contention that a reduction in tax rates will increase revenue is well supported by the actual experience of the Federal Government. For example, in 1926 Congress passed a tax act reducing the maximum rates of normal and surtaxes from 46 percent under the 1924 act to 25 percent under the 1926 act. The effect on the revenue of the years 1927 to 1929, inclusive, was an increase in each year amounting in 1928 alone to $275,000,000.

It is therefore not unreasonable to expect that the proposed reduction in income-tax rates to a maximum of 25 percent will produce greater rather than less revenue.

The need of revising our tax laws is also recognized by Matthew Woll, vice president of the American Federation of Labor, who, in a statement made 2 years ago, declared:

> Our experience during the past 5 years has proven conclusively that Government spending can only supply temporary relief. The spending of vast sums in relief payments, no matter how necessary

they may be, will not restore to the workers their jobs in those industries.

The real remedy for unemployment is the creation and maintenance of work opportunities for working men and women in private industry.

How can this best be accomplished?

* * * * * * *

There should be a complete revision of our tax laws. Taxes provide the greatest single contribution to the cost of living today. It makes no difference whether these taxes are paid in the first instance by big business, industry, the public utilities, the railroads, the banks, or the insurance companies; it is the ultimate consumer who pays them in the end. * * *

There is abroad the general belief and conviction that the tax policy of the Government, coupled with its apparent attitude toward industry, is preventing the normal expansion of American industry. It is the common belief that undue and unjust taxes are keeping billions of dollars of idle capital lying in the banks of the country because capital is afraid to take excursions into new enterprises or to assist in the expansion of old ones.

The Brookings Institution, in a study completed in April 1939, and published as Pamphlet No. 21 under the title "Taxation and Capital Investment," says:

Our analysis shows that the capital market needs investment in stock or equity securities. Yet at many points the taxation system penalizes such investment.

In the light of the analysis which we have made, we offer the following recommendations:

The surtax rates in the upper brackets should be substantially reduced. * * *

It is our view that even if there should be, immediately speaking, a considerable net reduction in tax revenues, the gains resulting from the stimulus to the expansion of private enterprise would, in the near future, much more than offset any probable revenue losses. Taxation revenues will pretty much take care of themselves if we can achieve full economic recovery.

The suggested reduction in taxes would obviously accrue directly to the benefit of those in the higher income classes, but if our analysis of the bearing of present tax policies upon recovery and capital expansion is correct, the benefits will shortly accrue to the Nation as a whole.

We must choose between an arrested flow of funds into new capital enterprise—which halts economic progress and perpetuates stagnation—and a modification in the system of taxation, even if such modification appears to run counter to current conceptions with respect to such problems as justice in taxation and the redistribution of wealth through the medium of tax machinery. The primary need at this time—outweighing every other consideration—is the stimulation of capital expansion.

In the Monthly Survey of Business of the American Federation of Labor of July–August 1939, the following statements are made:

In all past periods of great industrial production we have depended on "venture capital" to lift business activity to higher levels. Businessmen who have funds they can invest have been willing to risk their savings to build new income-producing plants—factories and equipment, power plants, farm machinery, railroads, mines—all these have been built in the past with private-venture capital. This equipment has made higher living standards possible; its building in periods of expansion created hundreds of thousands of jobs and lifted industry to high levels of activity; its production when built made profits on the original investment.

At present so-called venture capital is not seeking investment in industry because businessmen do not see enough prospect of profits to justify the risk. In the decade before depression, venture capital flowed freely into productive investment and our industries rose to the highest production levels in history.

Today the chance of succeeding in business is said to be only about 50 percent as great as in predepression years, and the rewards of success are about 20 percent less. In addition, those who have succeeded are forced to give a larger part of their income to the Government through increased income taxes. This explains why venture capital runs to shelter in safe and tax-free investments like Government bonds. Our great need today is to give businessmen the kind of assurance which will enable them to look forward to the future with confidence.

Incidentally, the assertion so often made that the rich pay most of the taxes is utterly false. The rich are "soaked good and plenty," but if the total income of all those receiving more than $100,000 in 1938 were confiscated by taxation—all of it taken—it would pay the cost of the Government for less than 15 days.

Another effect of the Federal Government's present tax policy is to destroy the independence of the States and to make them dependent upon the Federal Government.

In a radio address on the Federal education bill, delivered on April 10, 1939, Senator PETER G. GERRY, of Rhode Island, declared:

I say with deliberation that if the trend of increased Federal grants continues, the States as we have known them will be unable to exist, or they will exist as bankrupt and powerless pawns of the Federal Government—no longer self-sustaining governments but merely vassal communities, coming with hat in hand to beg for funds from the Federal Government. When that time comes, American democracy, now nourished by the intimate participation of its cititzens in their affairs, will be quite dead. That which gave it vitality will have passed away.

This seizure by the Federal Government of the wealth of the people has made it increasingly difficult for the States and municipalities to raise the revenue needed for their operations, and as a result a number of municipalities and States throughout the country are in financial distress.

On February 4, 1940, a group of leaders of the American Federation of Labor issued a statement at Miami, Fla., drafted after a study of 7 years of the New Deal, in which they called on Americans to "join in a united effort to halt the drift toward national insolvency."

I quote from this statement as follows:

For 7 years a great experiment has been undertaken by the Federal Government upon the industrial and social economy of the United States. * * *

It has been an experiment on the lives of 125,000,000 Americans. It has profoundly affected the conditions and the relations of the worker and the employer. It has affected trade and finance, industry and agriculture, government and business. * * *

Labor has long recognized that the worker cannot be secure in employment unless industry is prosperous. * * *

Experiments are costly luxuries. For the upkeep of innumerable boards, bureaus, and authorities, for the maintenance of persistent relief rolls, and the building of new and imposing Government enterprises, the cost has been met by increased taxes and increased public debt.

One of the great drags upon industry during the past 7 years has been the burden of taxation that has been imposed upon big and little business. There are literally thousands of industrial and commercial concerns which have been forced into red figures by the taxes which have been imposed on flagging business. * * *

With money taxed or borrowed from the people the Federal Government has set up a multitude of public and semipublic corporations, which have gone into the States to weaken the authority and the financial soundness of the States. * * *

It is not a problem for labor alone, nor industry and agriculture alone. It is a problem which must be solved by an awakened citizenship. It is a problem to be discussed at every fireside, to be dealt with by every publicist, to be prayerfully considered by those Americans who this year will be called upon to draft the platforms of both political parties.

The hour has come for Americans to recognize the dangers that confront them and to join in a united effort to halt the drift toward national insolvency and industrial collapse, and to extend opportunity for the Americans of today and tomorrow.

In the House of Representatives on February 1, 1940, the Congressman from Texas, the Honorable HATTON W. SUMNERS, expressing in effect the same views, said:

The States must be restored to the status of the responsible sovereign agencies of general government or democracy cannot live in America. * * *

There can be no uncertainty as to the effect of that policy—namely, the concentration of power in Washington—upon the States when, in addition to that, we tap the sources of State revenue and bring to Washington the money required by the States to discharge their governmental duties and then use that money to dissolve the States by attaching directly to the Federal Government, through loans and grants from the Federal Treasury, the subdivisions of the States—their counties, their cities, their school districts, their businesses, their private citizens; and attaching to this money, when we send a part of it back to the States, the power of Federal control. When we do that we do what the enemies of our democracy could not do to the structure of our Government and to the governmental capacity of the people upon whose capacity to govern our democracy absolutely depends.

As it was the responsibility of our people 150 years ago to establish the Federal organization, in just as definite a sense it is our responsibility to preserve our democracy, not only for the sake of the democracy but for the sake of the Federal organization as well. There can be but one end to a policy of weakening the structure of the underlying States and at the same time continuing to increase the Federal overload.

This is not a partisan matter; it is not a sectional matter; it is not that of any department. None are free from responsibility. It is the concern and business of all the people, of all the parties, and of all the officials of all the departments of government—Federal and State.

The time has come for the States to assert themselves and to secure a return of the power which the Federal Government has been steadily taking from them. The Federal Government is but a government of delegated powers, delegated by the States, and the powers not delegated are reserved to the States. Historically, therefore, the States are the masters

and the Federal Government the servant. This relationship must be restored.

To this end there is no more important step to be taken than to curb the taxing power of the Federal Government in the manner prescribed by the proposed amendment to the Federal Constitution. This curb will serve the double purpose of limiting the power of the Federal Government and at the same time increasing the power of the States through affording them a greater opportunity for the raising of revenue.

DUTY OF CITIZENS OF NEUTRAL COUNTRIES

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks by the inclusion of a letter from the National Small Business Men's Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. VREELAND. Mr. Speaker, with Europe engaged in a major conflict and every nation suspicious of the other, it is for us, a neutral, and the citizens of this country, to think wisely and carefully before making statements which would indicate a sympathy with either of the belligerents, even though it is human nature to take sides and all of us inside have a feeling of sympathy for one or the other. It is more important, however, that each and every public official and particularly those who by their positions presumably speak for the Government of the United States, to refrain from making any statement, insinuation, or indication that he, as an official or as a representative of the Government, has any feeling of antagonism or friendship with any of the nations at war.

It was stated by our Minister to Canada, Mr. James H. R. Cromwell, that he in all probability would lose his official head and, if so, to bring on the executioner. If it were only his head in danger, it would make little difference because he brought it on himself and is responsible for his own actions. However, when dealing with the jealousies and suspicions of nations in conflict, a statement by a representative of a country does not merely risk an official head of his own, but gambles with the lives of the cream of American manhood and the possibility of drawing the United States into war, with a loss of life and the other appurtenant hardships of war, which he would not have to be a participant of.

The following is a letter received by me from the National Small Business Men's Association, a national organization:

NATIONAL SMALL BUSINESS MEN'S ASSOCIATION, INC.,
Akron, Ohio, March 23, 1940.

Hon. ALBERT L. VREELAND,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN VREELAND: At the second annual convention of the National Small Business Men's Association, Inc., held in the city of Detroit, Mich., on October 10, 11, 12, 1939, the delegates there assembled adopted the following resolution:

"2. That all officials and employees of the Government be required to refrain from making any public statements which might be construed as partisan or as an unfriendly act to any foreign government."

American Minister to Canada James H. R. Cromwell has been found guilty of violating the rules laid down by the State Department for the conduct of foreign representatives of this country and such guilty conduct is not only a contravention of the terms of the above-quoted resolution, but constitutes a personal affront to millions of loyal American citizens who believe it is essential to the welfare of this country that we maintain a strict neutrality insofar as the unfortunate conditions abroad are concerned.

Cromwell's first public address at Ottawa was, in fact every public utterance he has made in Canada since assuming the duties of his high office has been, sophomoric and entirely lacking in the high quality of statesmanship which the American people have a right to expect and demand from their representatives in foreign countries.

The rebuke of the Secretary of State will not overcome the harm that Cromwell's highly partisan utterances have occasioned and his conduct has brought the country a little nearer to possible participation in a sad conflict with which we as a nation can have only the deepest regret.

We trust that you will agree with us in our insistence that the United States must maintain a strictly neutral position and that the public officials who, either through ignorance or a lack of comprehension of the effect of their words, violate the confidence reposed in them by the citizens of their country, should be recalled and dismissed.

You are urged to take such action in the premises as your considered judgment deems consistent with the best interests of the country.

Respectfully yours,

J. RAYMOND TIFFANY,
General Counsel.

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a letter from Mr. John P. Beale, chairman, legislative commission of the American Legion, and an editorial sent to me by the department commander of the American Legion.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I am placing in the RECORD today a letter from Mr. John P. Beale, chairman of the legislative commission of the American Legion, dealing with the deportation of undesirable aliens. I am also placing in the RECORD an editorial from the American Legion magazine received from William S. Dunn, department commander of California, regarding Harry Bridges and the statement he filed in connection with his application for citizenship. I hope that every Member will read that record, because he has made application for citizenship, and I hope that it will be denied. I trust that those of you who will read it will address a letter asking that this citizenship be not granted to Harry Bridges. [Applause.]

The matters referred to are as follows:

SAN FRANCISCO, CALIF., *March 16, 1940.*

Hon. SAMUEL DICKSTEIN,
Chairman, Immigration and Naturalization Committee,
House of Representatives, Washington, D. C.

DEAR MR. DICKSTEIN: The American Legion of California urges and advocates the enactment of legislation similar in scope and purpose to that contained in H. R. 8310, now pending before the Immigration and Naturalization Committee, of which you are the chairman.

Aliens are permitted to assume residence in the United States not as a matter of right but as a matter of privilege, and when there is a violation of the hospitality of our country, most assuredly there should be legislation to provide for the deportation of such aliens that violate our hospitality. There is at the present time no legislation on the statute books providing ways and means for the deportation of undesirable aliens. H. R. 8310 would provide the machinery by which undesirable aliens could be deported, and although said bill might be subject to possible refinements or minor amendments, its need is imperative to end a condition that no other country in the world would suffer to exist.

Your consideration of the foregoing will be greatly appreciated.

Very sincerely yours,

JOHN P. BEALE,
Chairman, Legislative Commission.

TWO MATTERS OF IMPORTANCE

As the American people entered the year 1940 there were two developments on the home front that merited the attention of those concerned with keeping the United States free of totalitarian influence. One of these was the cancelation of deportation proceedings by the United States Department of Labor against the notorious alien "red," Harry Bridges, after Dean James M. Landis, of the Harvard Law School, special examiner for the Labor Department, had held that evidence presented by agents of the Government and interested citizens failed to prove that Bridges was a member of the Communist Party. The second was the report to Congress of the Dies committee, which for some 2 years has been investigating subversive activities in the United States.

The Dies committee report asked the current session of Congress to provide funds so that the committee might continue its work. Congress can hardly refuse to give its enthusiastic endorsement and support to this highly important body, and it is to be hoped that a generous amount of money will be appropriated so that the work of further ferreting out un-American activities, whether Communist or Nazi or Fascist, may be prosecuted vigorously. Thanks to this committee we know of the twistings and turnings of the "party line" of the Communists in this country, but there remain many details of the boring from within tactics of the "reds" which ought to be brought into the full light of day.

The Dies committee report and the Landis whitewash of Bridges show parts of the jigsaw picture of communism at work in this country. The American Legion has given the Dies committee unstinted cooperation from the very beginning. The Legion has also insisted upon the Government deportation proceeding against Bridges. We emphatically dissent from the Landis findings, and for this reason: The hearings of the Dies committee proved beyond

cavil that it is a practice among Communists to deny membership in the party whenever the heat is turned on, and the hearings also showed that records are conveniently lost when investigators delve into the matter of party affiliation. "By their fruits ye shall know them," and anyone who has followed the slimy trail of Bridges in his dealings on the Pacific coast cannot but conclude that this alien is a high priest of communism. He hates the American system of government with all his heart and is trying to overturn it.

The Legion doesn't propose to allow the Bridges deportation case to die, even though the Labor Department head continues the coddling which he has had from her throughout the years. In her Department is a hefty file of evidence which, quite aside from the Communist angle, is sufficient to brand Bridges as an undesirable. Reproduction of part of an article, printed below, which appeared in the Capitol Daily at Washington, D. C., nearly a year ago which establishes that this alien swore falsely in naturalization proceedings and that he was not in any sense "a person of good moral character."

Bridges must go; the Dies committee must be continued. Common sense demands that the Nation guard itself against the preaching of hate and violence by an alien who has no right to its protection. And the job of completing the rout of the American Communists which the Soviet-German agreements started can be accomplished through continuance in all its vigor of the Dies committee, hated foe of the "fellow travelers."

SOMETHING ABOUT BRIDGES

Just before the end of the year 1939 Dean James M. Landis, special examiner for the United States Department of Labor, following an exhaustive hearing, issued a report clearing Harry Bridges, notorious radical, whose deportation as an undesirable alien has been demanded by the American Legion and numerous other patriotic organizations, of charges that he belonged to the Communist Party. Subsequently Secretary Perkins rescinded the deportation charge. Although proceedings against Bridges through the Department are held up, the Legion does not accept the Perkins action as the final word in this case. The following account, part of an extended summary of Bridges' activities which appeared in the Capitol Daily, of Washington, D. C., on February 15, 1939, and which was written by Leslie Elwood Sanders, in itself provides sufficient evidence to convince any ordinary person of Bridges' undesirability. It should be emphasized that this material was available for purposes of the record before ever Dean Landis began examining witnesses. The facts as here presented warrant the attention, we believe, of every person who loves America.—The editors, the American Legion magazine.

Harry Renton Bridges is an alien in the United States awaiting a hearing on deportation charges which were scheduled to have been heard in San Francisco on April 25, 1938. Bridges was served with a warrant on March 5, 1938, and was given a preliminary examination at the Baltimore office of the Immigration and Naturalization Service before Assistant Director L. R. Fouch, after which he was held for hearing on the deportation charge.

Bridges has never had to appear for the hearing on the charge because of the intervention of the Department of Labor, which acted on the ground that "such hearing would be a waste of time," and at present is still under warrant to appear whenever the Department of Justice, under authority of the Department of Labor, takes action.

In a release issued in March 1938 the Department of Labor stated briefly that Bridges had first been charged with communism in 1934 and that an investigation was made at that time, and that a report was filed on February 2, 1935, but that no action was taken until the fall of 1937, when "certain persons filed new complaints against Bridges in the Seattle district of the Immigration and Naturalization Service."

An investigation of these charges was made that winter, and the Department of Justice, faced by the evidence unearthed, was forced to take action on the charges, which was done by the serving of the warrant on March 5. This investigation, according to the Department of Labor release, was "a thorough investigation of the new evidence."

The charges made against Bridges both in 1934 and in 1937 were based upon his activities as a Communist or a labor leader engaged in communistic activities.

Subsequent investigation of the Bridges case, however, has brought to light matter which has formed the basis of other charges which are expected to be brought against Bridges if and when his hearing is ever allowed by the Department of Labor. These charges have to do with his alleged falsification in his oaths taken with filing of his papers to seek citizenship. The alleged false statements have to do with the marital status of Bridges and are supported by further evidence of alleged violation of the Immigration Act.

Emphasis is placed upon the marital history of Bridges because of the clause in the United States immigration law which says, in section 80 of the act of 1900, "Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken shall be fined not more than $1,000 and imprisoned not more than 5 years" (35 Stat. 1103; U. S. C., title 18, sec. 142).

The law also stated that "No alien shall be admitted to citizenship unless (2) he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship and (3) during all the periods herein referred to he has behaved as a person of good moral character, attached to the principle of the Constitution of the United States, and well disposed in good order and happiness of the United States."

Bridges has allegedly violated both these clauses of the act—first, by not behaving "as a person of good moral character," and, secondly, by swearing to false statements.

Records on file in the Department of Labor show that Bridges came to the United States and registered as an alien on May 7, 1920. He went to work as a longshoreman in his port of entry, San Francisco. He soon went to New Orleans, La., where, on July 13, 1921, he filed his first papers for application for American citizenship. He failed, however, to perfect his citizenship within the 7 years required by law.

On August 9, 1928, less than a month after the expiration of his first period of application, he again filed first papers, this time making his declarations before the clerk of the United States District Court for the Northern District of California. He stated at this time, under oath, that he was married and that the name of his wife was Agnes, and that she was born in Scotland, and that they were at that time living together.

Again Bridges failed to perfect his citizenship within the required 7 years. He filled out form A–2213, however, which is entitled "Preliminary Form for a Declaration of Intention." This form was signed on May 2, 1936. It is now on record in the United States District Court for the Northern District of California.

In this form filed in 1936 Bridges declared that he was married; that his wife's name was Agnes; that she was born in Glasgow, Scotland; that they were married on May 1, 1934, at San Francisco; and that they had two children, whose names were Kenneth McCley, born July 27, 1916, at Marshfield, Oreg., and Betty Jacqueline Bridges, born December 26, 1924, at San Francisco.

In an attempt to clarify the apparently conflicting statements filed by Bridges relative to his marital status, an examination was made by Immigration Inspector Thomas V. Donoghue, who on January 22, 1935, filed his report with the district director at San Francisco. In his report Inspector Donoghue stated that the records of papers filed by Bridges in 1928 show that Bridges related, under oath, that he had been married on December 2, 1923, under the name of Harry Renton Bridges; that his wife was Agnes Bridges; and that he had a child, Betty Bridges, born December 26, 1924, in San Francisco, at which time his residence was at 37 Altha Street, in that city.

Inspector Donoghue states further that he checked the records in San Francisco and found no record of such birth. Neither did he find a record of any such marriage. He later had a check made of the whole State and found no record of any such marriage.

A subsequent investigation was made by Immigration Inspector M. C. Pommerane, who stated that he went to Marshfield, Oreg., to investigate the former status of Agnes Bridges (nee Brown), "the present wife or consort of Harry Bridges."

He states that he obtained information that she had been formerly married to a Walter Moore, then living at 2055 Harrison Street, North Bend, Oreg., and that they had been married on May 26, 1917, had one child, and had been subsequently divorced on June 20, 1923.

Raphael P. Bonham, district immigration director at Seattle, Wash., stated that the reason Bridges filed his second application of intention in 1928 so soon after the lapse of the first declaration at the end of the 7 years was that "he did not dare to apply for naturalization in view of the fact of being the father of a 4-year-old child to whose mother he was not at the time married. It is understood that he was convinced that naturalization would be refused, but that he believed that by filing a new application of intention, with a period of 7 additional years in which to straighten out his domestic situation, he would be able to proceed with his naturalization."

Affirmation of these records by the northern district of California court follows: "Harry Renton Bridges made declaration of intention August 9, 1928, showing Agnes Bridges as his wife. The record did not show marriage date but did state that his wife was born in Scotland. In his preliminary form for declaration, filed May 2, 1936, Bridges stated that he married Agnes on May 1, 1934, at San Francisco."

On December 19, 1938, the State registrar of vital statistics of the State of California filed a statement as follows: "There is no record in California of Harry Renton Bridges and Agnes Brown (or McCley) having been married either on December 2, 1923, or May 1, 1934, nor on any other date between July 1905 and June 30, 1938."

A further search was made by the State registrar, and a further statement was made to the effect that Harry Renton Bridges had never been married to anyone within the State of California.

The evidence shows, therefore, that Bridges has filed separate statements in which he gives two dates, 11 years apart, upon which his marriage took place; that in one instance he admits to having two children, and in another place, under oath, he states that he has had one child; and that no record of any such marriage can be found in the State of California.

EXTENSION OF REMARKS

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein an editorial from the Southwestern American on Education in the South.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Wednesday next I may have the right to address the House for 25 minutes, after the disposition of the legislative business of the day and any other special orders that may have been entered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL YOUTH ADMINISTRATION

Mr. SABATH. Mr. Speaker, I call up the resolution, House Resolution 436.

The Clerk read the resolution, as follows:

House Resolution 436

Resolved, That notwithstanding the provisions of clause 2, rule XXI, it shall be in order to consider, without the intervention of any point of order, in connection with the consideration of the bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes, the appropriation and language providing for the National Youth Administration for such fiscal year.

Mr. SABATH. Mr. Speaker, in view of the fact that it seems to be the general opinion that there is no opposition to this provision, in order to save time, I wonder whether the gentleman from New York [Mr. FISH] will want any time on the rule.

Mr. FISH. Yes; I want all of my time.

Mr. SABATH. Then, Mr. Speaker, I will yield 30 minutes, after I have concluded, to the gentleman from New York on this resolution.

Mr. Speaker, this rule was made necessary because a gentleman gave notice that he proposed to raise a point of order against some provisions in the pending bill.

All this rule does is to waive those points of order so that the recommendations and action of the Committee on Appropriations may be brought before the House for its consideration.

As far as I can learn, there is no opposition to these appropriations. I am informed by Members who have given a great deal of study to this matter, who have had witnesses before them, that they are all of one opinion, namely, that there is no agency that has done more good for the youth of America than the National Youth Administration. The amount of the proposed appropriation is not extremely large. I feel that if the membership of this House were as well informed as the chairman and members of the subcommittee and the entire Committee on Appropriations, there would not be a half dozen votes cast against any of these provisions. The good work that has been done by this worthy agency for the youth of America is listed in the most beneficial and constructive work of this administration. The youth of America have been given a merited opportunity for schooling; those who can least afford schooling have had an opportunity to finish their education in high schools and, in some instances, in colleges. That is especially true in the rural sections of the country. They have helped build schools, bridges, highways, parks, streets, and other public works, all beneficial to local communities, at the smallest possible expense to the Government. After you have had an opportunity to hear the extremely efficient and able chairman of the subcommittee [Mr. TARVER], I know there will be no question in the minds of any of you that each and every provision in that section of the bill should receive favorable action.

The only objection that has been raised by two or three Members is against the gentleman, Mr. Aubrey Williams, in charge of that constructive, monumental work; but again I want to say that I have had the pleasure and honor of meeting and knowing a great many real, upstanding Americans; and I do not know anybody who is more sincere, loyal, devoted, and patriotic than the gentleman who is in charge of this splendid work. True, it is said he is a little too ambitious; he is a little too progressive; but this is a work of such magnitude and importance to the Nation that each and every one of you would perhaps be as intensely interested as he, if you had been called upon to perform the gratifying service he has performed.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; not just now.

Of course, the gentleman does not need any defense from me. He has appeared before several congressional committees and has been questioned thoroughly and frequently. I give you my word of honor, repeating, that I do not know of a greater patriot, a more sincere man, a man who possesses greater ability in his particular field than the very gentleman who, I am informed, will be attacked by the gentleman on my left. I think that attack upon a man who has accomplished so much as Mr. Williams is unwarranted unjustifiable, and unfair.

I purpose, later, to insert in my remarks a biographical sketch of Mr. Williams, which I know will put anybody who attacks him to lasting shame.

You know it is easy to assail and attack a man who cannot here answer; but I know that the gentleman from Georgia, Judge TARVER, in whom we all have thorough confidence, will satisfy you that, although Mr. Williams has been subjected to thorough and searching examination and cross-examination, he answered every question propounded to him not only to the satisfaction of the chairman, but to the satisfaction of the entire membership of the subcommittee.

These appropriations have been unanimously reported by the subcommittee and approved by the entire committee. I do not know whether they were reported unanimously by the 40 members of the Committee on Appropriations or not. Therefore, I hope that the gentleman from New York [Mr. FISH], today, at least, especially in view of the prominence which he has attained in the last few months in connection with his candidacy for President, will forego his unjustifiable attack upon a man who is not privileged to occupy the floor to answer.

As I know the gentleman from New York, he seems always to suffer with a prejudice obsession against any new dealer. He has admitted many times privately that most of the New Deal activities, including the National Youth Administration, have been a great benefit to the Nation; and while on the floor of the House, for political reasons, he attacks those selfsame activities, thus far I have failed to hear him advocate the repeal of any of those activities.

In this instance, not being able successfully to criticize President Roosevelt's wise policy in creating the National Youth Administration, he vents his spleen upon the man the President chose to lead this important work.

Notwithstanding the prejudice of the gentleman from New York [Mr. FISH], I feel that, if he knew Mr. Williams as well as those who come in intimate contact with him, he would forego his contemplated unjustifiable and unwarranted remarks about Mr. Williams.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. RICH. The gentleman made the statement that this amount was not large. What amount did the gentleman refer to?

Mr. SABATH. The amount provided in this bill for the National Youth Administration. The amount in the bill is $79,635,000 and that will take care of millions of youth all over the United States.

Mr. RICH. The point I want to make is that the gentleman states that $79,000,000 is not a large amount.

Mr. SABATH. Taking everything into consideration, the real good that has been and is being accomplished for our youth, I do not think it is a great amount.

May I remind the gentleman from Pennsylvania [Mr. RICH] of the constructive benefits that accrue to local communities from the N. Y. A. They are:

First. To provide part-time employment for needy young persons in schools, colleges, and universities to enable such persons to continue their education.

Second. To provide employment and training for unemployed young persons on public projects of the following types:

The construction, improvement, and repair of non-Federal public buildings and grounds, parks, and other recreational facilities; bridges, highways, roads, streets, and alleys; airports and airway facilities; water and sanitation facilities; facilities for conservation; irrigation and flood control; pest eradication; and work on all other non-Federal public facilities including cooperative associations receiving financial assistance from the Rural Electrification Administration, or other public agencies.

Surely the gentleman from Pennsylvania will not deny that this will be money expended in the right direction. It will confer very great and permanent improvement to all America.

Mr. RICH. The only difficulty is that there are so many of these amounts which we are told are not large, do not amount to much, yet added together make a staggering total. How about the Democratic deficit, is that large?

Mr. SABATH. Yes; but I will say to the gentleman from Pennsylvania that our Federal revenues are increasing rapidly because business is improving steadily; as shown by a report of March 15, 1940. In view of improving business conditions, the amount is not large, because if we continue to improve as we have, I know that the Federal revenues will safely permit such appropriations.

Mr. RICH. The income-tax receipts for last year are 30 percent more than they were the year before, but look at the deficit. It is a great deal more now than it was at a corresponding time last year and it will be $4,000,000,000 before the end of the year. Where are we going to get that money? [Applause.]

Mr. SABATH. That is the gentleman's stock question. He asks it practically every day. I will answer by saying that if Republican industrialists and financiers will not continue to willfully and deliberately retard the worthy and unselfish efforts of the administration we will in 1940—certainly if we are to be successful in drafting President Roosevelt for a third term, as the country strongly demands, I am as sure as I am sure I am standing on the floor of this House—see a national income of close to the $80,000,000,000 mark. Therefore, I feel that the gentleman from Pennsylvania [Mr. RICH] need not be alarmed as to the source of money to meet worthy governmental operations, and if the Government succeeds in reaching all the large income-tax evasionists there will be no Federal deficit in the next fiscal year notwithstanding the daily hue and cry against taxes. Taxes here are far below those imposed by every other major country of the world.

The gentleman must concede, whether he likes it or not, that the Government credit is better today than it ever has been in the history of America. The Government is getting funds at lower interest rates than ever before in history, frequently at one-fourth of 1 percent for short-term and 2¼ percent for long-term loans, whereas the rates under Presidents Harding, Coolidge, and Hoover were more than double those. This shows that the financiers of the world have thorough confidence in President Roosevelt's administration policy and program and what they have accomplished.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes; I yield.

Mr. STEFAN. I think my colleague, the distinguished chairman of the Committee on Rules, might be in error in the figure $79,000,000. I believe the committee voted N. Y. A. $85,000,000.

Mr. SABATH. The bill shows $79,635,000.

Mr. STEFAN. My understanding all along has been that it was $85,000,000.

Mr. SABATH. I can go only by the figures in the bill.

Mr. TARVER. Mr. Speaker, will the gentleman yield for a moment?

Mr. SABATH. Yes; I yield to the chairman of the Subcommittee on Appropriations handling the bill.

Mr. TARVER. The total amount carried in the bill for N. Y. A. appropriation is $85,000,000. The figure the gentleman cited is the amount exclusive of administrative expenses.

Mr. SABATH. I stand corrected, and thank the gentleman from Nebraska for calling it to my attention.

Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. FISH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I do not believe there is any objection on the minority side to the rule; nor do I believe there is much objection to the amount carried in the bill for the National Youth Administration. There are those on the minority side, however, who seriously question the qualifications of Aubrey Williams to head this very important unit of the Federal service, the National Youth Administration.

I did not, as the gentleman from Illinois suggested, rise to attack Mr. Williams. I do not know him personally. I have never met him, I have had no contact with him whatsoever. All I know about Mr. Williams is what he has said himself, as quoted in the public press, and that is the only way or reason I have any right whatever to judge him.

Two years ago, during a congressional campaign, Mr. Williams said this in addressing a group of the Workers Alliance, a Communist-led organization:

> We have to stick together; we have got to keep our friends in power.

Those words were used for the purpose of defeating Jeffersonian and constitutional Democrats in 1938, of purging these Democrats because they had the temerity or the courage to stand for their own convictions and exercise their constitutional right of freedom of speech and freedom of conscience. Mr. Williams, the head of a Federal Government service, went before a group which was receiving Government aid and asked their support to drive out of the Democratic Party men like Congressman John O'Connor, of New York, and others who had served in the House and Senate honorably and well and stood steadfastly for the great principles of the Democratic Party for many years in the Congress. A public official who makes that kind of statement and uses such political tactics and turns human misery into a political football is not, in my opinion, qualified to head this particular branch of the Government service. That is not the only inflamatory statement he has made.

In December of the same year in speaking to a group in Birmingham, Ala., he said:

> I am not sure that class warfare is not all right.

I do not believe that represents the viewpoint of the Democratic Party. It certainly does not represent the viewpoint of the Democratic Members elected by the people to the House of Representatives. Yet those are the words of this man Aubrey Williams—

> I am not sure that class warfare is not all right.

Do you seriously think that is the proper kind of a doctrine to teach the youth of America? He has charge of the expenditure of $85,000,000. What assurances have we that he will not continue to use such language and teach class hatred in addressing the oncoming generations of America? What assurances have we that he will not again in this campaign year, this Presidential year, turn to the Workers Alliance and again make it a political football, asking the support of those upon relief and, under the National Youth Administration, to vote for this party or that party or this candidate or that candidate? It is an amazing, shocking, and un-American practice to influence and coerce American citizens on relief by public officials who control relief or educational funds.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. VOORHIS of California. Has the gentleman ever asked Mr. Williams whether he did say those things credited to him, and has he ever inquired as to what the impact of Mr. Williams' influence was?

Mr. FISH. I certainly have investigated what Mr. Williams said. I have not telephoned or talked to Mr. Williams, but I have read in the press what he said about it. I have read what the Workers' Alliance stenographer said about it. There seems to be no question as to the words actually used and quoted in the public press. I read what Mr. Dies said about it, and I read what Mr. Williams said and what the press said. I have come to the definite conclusion that no

one has actually denied those words, not even Mr. Williams. He may put a different interpretation on them, but I do not think Mr. Williams himself has ever denied those words, particularly the words "I am not sure that class warfare is not all right." I do not believe that even the chairman of the Committee on Rules would want any public official to make any such argument before the youth of America.

Mr. McCORMACK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Is the gentleman aware of the fact that Mr. Williams served overseas, just like the gentleman did, in the World War?

Mr. FISH. I am not saying anything against Mr. Williams' character. I am only quoting his own words. From what I read of his biography, I know he served overseas, and I agree that ought to be in his favor. I believe he graduated from some college of intellectual culture and training. He is a highly intelligent man. I am not sure, however, that some of these ultraintelligent public officials are not more dangerous than the out-and-out Communists who have never had the advantage of that training.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 4 additional minutes.

Mr. Speaker, I am not sure that these pinks and these radicals holding high public offices are not much more dangerous than the "reds." I never said Mr. Williams was a Communist, and I do not propose to do so; but, interpreting his remarks, I think he is one of the most radical men in the country; he is one of the pinkest of the pink. The gentleman from Illinois [Mr. SABATH] says he is a little too progressive, possibly, but it is not a question of being too progressive. It certainly is not a form of liberalism or progressivism when you make use of voters on relief to purge legislators for expressing their own beliefs. That is not liberalism. That is the denial and repudiation of liberalism. [Applause.] Liberalism is the right of the people and public officials to speak their own minds and is likewise the extension of democracy; the right of the people to rule under our free institutions and not be coerced by relief moneys used for campaign purposes.

Mr. SABATH. That is what he advocates.

Mr. FISH. I do not think Mr. Williams is liberal in any respect whatever. I think he is one of the most radical men in the country, and that is why I am fearful if he should continue to head the National Youth Administration and deal with the youth of America.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. FITZPATRICK. Did Mr. Williams appear before the gentleman's committee?

Mr. FISH. No; Mr. Williams did not appear before the Rules Committee. I have not said anything against Mr. Williams, I assure the gentleman, except I used his own words, and I went as far as to investigate those quotations. I am absolutely convinced those were the exact words he uttered.

Mr. FITZPATRICK. The gentleman should have gotten in touch with him and found out if those words were true or not.

Mr. FISH. I am not required to look up everything I read in the newspaper. I admit that sometimes newspapers are wrong. But I did look into this case and I found, in checking all along the line, that there was no question as to what he said. He merely put another interpretation on it. I have the right to criticize those remarks and would do so whether made by a Republican, a Democrat, or a radical. From a reading of these remarks I am convinced that he is a radical and a pink, and one of the pinkest of this pink New Deal administration, and should not be permitted to teach these kinds of doctrines and class hatred to the youth of America. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I am supporting this rule and I shall support the provision of the bill which it is intended to save from a point of order. I want to say, however, that the committee reporting the rule did so with considerable misgivings. I do not believe there are three members of that committee who are entirely satisfied with the philosophy of Mr. Williams, who heads the National Youth Administration.

I have not taken the floor for the purpose of attacking Mr. Williams, but may I say that there has been considerable lobbying among the membership of this House, as most of you know, in an effort to build up sentiment in support of Mr. Williams. I do not like his tying up the National Youth Administration with one Leopold Stokowski, an admitted Communist. I do not like his cooperating with this Communist in building up a musical organization for the purpose of conducting concerts throughout the land.

At a supplemental meeting of the Subcommittee on Appropriations handling this bill, on March 14, there was read into the record a statement taken from the Red Network, a Communist publication, which is as follows:

Stokowski, Leopold: Vice president, American Society for Cultural Relations With Russia; American Committee, World Congress Against War at Amsterdam; wife on executive committee, Women's International League for Peace and Freedom; national committee, Workers' International Relief; American Committee for Struggle Against War; conductor, Philadelphia Orchestra since 1912; speaker at Lenin memorial meeting at Broadmoor Hotel, Philadelphia, January 19, 1934, on his symphony Ode to Lenin played at this meeting; Ella R. Bloor, Max Bedacht, and other Communists, fellow speakers; announced he would play the Communist Internationale at Philadelphia Symphony concerts in spite of American Legion protests.

After that paragraph was read into the record the gentleman from Georgia, Hon. MALCOLM C. TARVER, chairman of the subcommittee, took up the questioning of Hon. Aubrey Williams, head of the National Youth Administration, who admitted that the Administration, without an approved project, had gone about conducting the auditions over the country and charged the expenses to administrative expenses.

Mr. TARVER asked this question:

How about the expenses of your press releases?

Mr. WILLIAMS. It would have to be included. We have paid travel for some auditionists. We have secured at about 15 local points local auditioners to hold these auditions, but I am not sure we paid for their services.

Mr. TARVER. What did you pay for that?

Mr. WILLIAMS. I would have to check up on that. I think we paid only travel costs and the usual $5 per diem for those who had to travel.

Mr. TARVER then asked this question:

For what period of time will they [the musicians] have employment?

Mr. WILLIAMS. Mr. Stokowski thinks it will be very likely that these young people will have permanent employment.

This Communist collected his organization from the ranks of the National Youth Administration.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Speaker, I yield 5 additional minutes to the gentleman from Georgia.

Mr. COX. Continuing, Mr. Williams said:

It is his intention to maintain this orchestra continuously after the tour.

Mr. Williams then explained, in answer to questions, that he was cooperating with the State Department in the matter of this orchestra "in cooperation with the cultural program recently inaugurated by the State Department in Latin America."

Mr. TARVER then asked this question:

Whatever may have been your authority for the present fiscal year, it seems, from this language—

That is, in the 1941 bill—

that you probably could not institute such a project under the language proposed for that appropriation for the next fiscal year.

Mr. Williams answered:

Well, Mr. Chairman, let me make this clear. In the first place this is not a project. We employed no youth and we have no supervisors, and in no sense of the word is this a project of the National Youth Administration. It falls under the category, as far as our authority to spend money is concerned, of general administrative expenses, and I take it that is a part of the general enabling provisions of the legislation; that that is what the Youth Administration is set up to do.

Mr. TARVER. Well, there is no general enabling act. It is simply a provision in the relief bill; there is no statutory authority for the National Youth Administration at all.

Mr. WILLIAMS. What I meant was it comes under our general administrative authority.

Mr. TARVER then asked whether there was any possibility of the continuance of such an activity, and Mr. Williams replied:

Well, Judge TARVER, the only manner in which I can answer that is to say I have considered it legitimate to expend money to help young people find employment. Now, if there is no language in here to cover that, then I have been amiss in spending the money.

Thereupon, it was developed that the National Youth had set up 180 employment offices, the expenses of which, amounting to $629,527 from June 1935 to March 1940, had been likewise charged to "Administrative expenses" appropriated for the National Youth Administration.

So, again Mr. Speaker, let me say that, while I am supporting the rule and shall support the bill, I want to say to you that the committee reporting this rule entertained grave misgivings about letting this activity continue under the supervision and control of Mr. Aubrey Williams. [Applause.]

Mr. WIGGLESWORTH. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Speaker, I believe the temptation is present at a time such as this to exaggerate. I shall try to avoid indulging in the exaggeration that I feel characterized the statements of our distinguished colleague from Illinois, the chairman of the Committee on Rules. It seems to me that Mr. Williams might have appeared in a better light this morning had the distinguished gentleman from Illinois not felt called upon to prepare such an exhaustive and exaggerated statement of defense of Mr. Williams' patriotism and other qualifications. I shall endeavor to be temperate as I make this observation about the man.

I believe Mr. Williams has a right to think what he will. I believe that in his own individual life he can indulge in whatever opinions he sees fit. To my mind, the very essence of democracy is the spirit of tolerance, and that spirit of tolerance prompts me to say that Mr. Williams has that inherent right.

However, when Mr. Williams takes over the administration of an activity such as the National Youth Administration, then it seems to me he is charged with an entirely different type of responsibility; then it seems to me the public has a right to inquire into his views, his attitude, and the fundamental philosophy behind the man. I believe we can grasp that fundamental philosophy in no better way than to observe those ideas and beliefs to which he gives expression.

Mr. Williams is charged with the activity of looking after the young people of America, and that is a serious responsibility. I believe there is no more serious part of that responsibility than that which gives to the young people hope and an optimistic outlook.

As I think of his responsibility as such a leader, I am reminded of a statement made by Mr. Williams in 1936. And, mark you, this statement in 1936 was at a time when the political campaign was at its height, and certainly at a time when Mr. Williams should have been guarded in his statements.

If this National Youth Administration is to be divorced from the taint of partisan politics, I believe Mr. Williams should first impress the country with the thought that there is no partisanship in dealing with the youth movement. Here is the statement he made:

Thousands of young men and women leaving our schools each year are destined never to become self-supporting and independent in the sense that your and my generation was led to believe was our due. * * * The productive forces of this country are glutted with brain and brawn which they cannot use. And what can't be utilized is simply laid aside to molder and decay.

Now, I challenge the Democratic group to say whether or not they want a man holding such views to be the inspiration of the youth movement that this administration is sponsoring; a man who carries the thought to the mothers and the fathers of America that we will let the ability, the enthusiasm, the energy, the initiative, and the ambition of our young people molder and decay.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield the gentleman 1 more minute.

Mr. DITTER. I am not speaking of Williams as a Communist. I am letting his own expressions, that have already been referred to, decide that matter; but I am asking in all seriousness today whether a man who has the outlook that the talents of our young people have a destiny only to molder and decay can bring an inspiration to the youth of America which will assure us that our young citizens of tomorrow will be what you and I hope they will be. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, this rule provides for the continuation of one of the organizations set up by the present administration. I cannot help but think of the statements made in 1932 by the present occupant of the White House, before he took office. I recall how he criticized the previous administration for having so many bureaus and how he criticized the administration of the Government from the standpoint of expenditures; how he criticized everything that was going on at the time of his election because of the fact there was too much Government operation and not enough consolidation and not enough simplicity in government. However, let me call your attention to the fact that since Mr. Roosevelt has taken office he has established more bureaus, he has put more people on the Government pay roll than any other President that ever came to Washington. He has set up more new departments. He criticized these very things previous to this administration, but he wants to establish the very bureaus and do the very things that he then criticized. I wonder what the people of this country can think of a man who has so completely turned a back somersault from the teachings he expounded to the American people before he was elected President. It seems to me that something, somehow, somewhere, has converted him and caused him to do just exactly the opposite thing from what he said he would do. Was it the college professors he brought to Washington; who was it?

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield?

Mr. RICH. I have only 3 minutes and I cannot yield.

Now, what has been the result? I showed you a few moments ago when the gentleman from Illinois [Mr. SABATH] had the floor where he said that $85,000,000 is not a very large sum. This has been the trouble with the Congress in the past 7 or 8 years; a million dollars, a billion dollars, or any sum up to four or five billion dollars is not a very large sum with this Congress. When Mr. Roosevelt asked for the first appropriation of $4,880,000,000, it was the worst thing Congress ever did to a President of the United States in placing that power for the expenditure of such great sums of money in the hands of those who could go out and squander it and lavish it on things he or they did not know anything about. It was just like a rich man's son inheriting a lot of money. When he starts to spend he does not spend judiciously or on worthwhile projects, but just squanders it, has wasted it. So what do we have today with respect to the youth of America who are coming on now to assume this administration's responsibilities? The youth of this country will have to pay for this administration's folly. We have an agency set up by the President of the United States engaged in this great spending and squandering spree. The relief should be returned to the local communities.

Mr. Roosevelt has received 43 percent of all the receipts or moneys collected from the time of George Washington. Under Mr. Roosevelt's administration he has spent 58 percent of all the receipts from the time of George Washington up until today. A terrible unbusinesslike procedure. The deficit created by Mr. Roosevelt since he came to Washington is 100 percent greater than what it was when he took office. Think of conditions of that kind which the youth of America have to face, and that is what we are talking about today—the

youth of America. We must consider what they are going to face. You can now give them any sum of money you want, but how are you going to give them the fortitude to stand up and meet the obligations that this administration has placed upon them. It seems a crime to American civilization when we think of such a procedure as the one we are going through these days. [Applause.]

I am interested in the youth of America, but I do not believe in continuing an Executive order by legislation such as we are trying to do if this rule is adopted and I shall oppose the principle by my vote on this rule. Let us legislate in the proper and right way; do not adopt by such a rule an Executive order to be continued as an appropriation bill.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. TARVER], chairman of the subcommittee having the bill in charge.

Mr. TARVER. Mr. Speaker, I think it is regrettable that the consideration of this rule should be made the vehicle for an attack on Aubrey Williams. The only purpose for the consideration of the rule by the House is to determine whether or not certain provisions for the N. Y. A. shall be made in order. It has been stated by gentlemen on the minority side that they do not object to the adoption of the rule. Therefore, the only purpose of the argument today has been an attack on the character of the man who is at the head of the National Youth Administration. I think that attack has been patently unfair, and I shall give you the reasons which lead me to that conclusion. In doing so I state that I hold no brief for Aubrey Williams. I think I never saw him more than two or three times prior to the time that he appeared as a witness before our subcommittee. He comes from the State of Alabama, adjoining the State in which I live. I have been impressed by his evidence before the committee, by his appearance, by the work which he has accomplished, with the idea that he is a very sincere man, a man who is in the pursuit of the achievement of a great objective, and one which has much to do with the welfare and the saving of several millions of underprivileged American youths, and so far as I am concerned, I want to aid him in the achievement of that objective. If there are things which he has done which are improper, then he ought to be restricted in his further operations, and our subcommittee, feeling that some of the things which have been done were not in accordance with the best interests of this program, have sought to include in the bill certain restrictions which would be restrictive in the further prosecution of the program.

I said that these attacks made on him this morning are unfair. They are made at a time when he does not have the privilege of answering. Furthermore, there is no evidence here, with the exception of one feature of these attacks, that the charges have ever been called to his attention, so that he might have an opportunity to reply. I do give the gentleman from New York [Mr. TABER] credit for having appeared before our subcommittee, and laid before us the facts as they have been brought to his knowledge with reference to the Stokowski Band. The committee went into that matter very thoroughly as it went into all other matters affecting the carrying on of the work of the National Youth Administration, but the gentleman from New York [Mr. TABER] gave this man an opportunity to be heard, and we did hear him. We had him present when the gentleman from New York [Mr. TABER] testified, and we had his evidence, as you will observe from the published hearings. These charges made this morning are made by gentlemen who undoubtedly knew our subcommitee was in session for more than a month, who knew that in the course of our investigations we would consider the operations of the National Youth Administration in their every detail, and who knew that we would have been glad to hear them before our subcommittee if they had intimated that they had a desire to be heard, but they did not come before us and make the charges at a time when Mr. Williams might have had an opportunity to either deny or confirm them. They came to the floor of the House and made the charges, as far as I am advised, for the first time today. For what purpose? I do not know, but I think the membership of the House can for themselves conceive the purpose with which the charges are advanced.

Is Aubrey Williams a Communist? There is no justification for the charge that he is. Let me read to you what he says about it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I cannot yield at this time. I shall read to you from page 608 of volume 2 of the hearings, and I would be glad if you would get that page of the hearings and read for yourselves. We went into this matter of whether he had Communistic leanings. I read from the hearings:

Mr. TARVER. Right on that let me ask you: You would not employ as one of the supervisors of your program or in any other capacity in connection with your program anyone who belonged to any of those commonly known as subversive groups, such as the Communist Party, would you?

Mr. WILLIAMS. I do not knowingly have anybody employed that is a Communist.

Mr. TARVER. Well, would you employ anybody who was one?

Mr. WILLIAMS. No; I would not.

Mr. TARVER. You don't entertain the idea that any American citizen has the right to advocate the destruction of the Government or the form of government by force or violence?

Mr. WILLIAMS. No. I am completely opposed to it.

Mr. TARVER. He has the right to advocate such method of changing the Government as he may think proper by constitutional mean.

Mr. WILLIAMS. By constitutional means.

Then Mr. Williams continued—and I want gentlemen to listen to this, and if it does not contain good American doctrine, then I have never heard such. He says:

I ask all of those people who work for the Youth Administration to be loyal to and adhere to the American form of government. I take it very seriously that this organization has a responsibility in regard to young people with respect to their attitude toward the Government. That responsibility, in my mind, rests upon and is in terms of the best traditions of American life and living; it rests in the terms of Jefferson and of Lincoln and of all of those other men who have tried to teach us what real democracy means, and not in terms of a narrow or bigoted or extremist position, either this or that or the other.

Is there anyone present who finds fault with the doctrine of Americanism as announced by Mr. Williams in those words? Oh, they say, that this man Stokowski, who is going to carry on this all-American youth-band venture, is a Communist. I do not know whether he is or not. The charge was not insisted upon before our subcommittee, and there is no evidence now, and never has been, that Mr. Williams knew anything about Stokowski having been accused of communism. What did he do? He never financed Mr. Stokowski's venture. The American Government will not pay out one cent toward the expenses of the tour which is proposed. It did not charter the ship. It will not pay a cent of the wages which will be paid to the young men who have been or will be selected for that trip. What did Mr. Williams do that he should be so severely excoriated this morning? He spent about $2,600 holding auditions in all parts of the United States in order to select competent young people who might be employed in that band; in other words, in order to secure employment for them.

In addition to the 109 who secured employment, there were 10,000, in his opinion, who will be able to secure employment from others than Stokowski because of the benefit of the discovery of their talents brought about by the holding of these auditions. Is that too much to spend—$2,600?

Of course, the committee in its report has indicated that it does not think that is a proper activity of the National Youth Administration, and has placed restrictions in the bill accordingly.

Mr. ROUTZOHN. Mr. Speaker, will the gentleman yield?

Mr. TARVER. Yes; I yield.

Mr. ROUTZOHN. Is this the first day the gentleman has heard Mr. Williams referred to as a Communist?

Mr. TARVER. Oh, certainly not.

Mr. ROUTZOHN. Then, why did the gentleman not inquire into it when he had the opportunity?

Mr. TARVER. If the gentleman will take the trouble to read the hearings, the very page of the hearings which I cited,

page 608, which he evidently has not looked at, although I requested him to do it, he would find that the committee went thoroughly into the question of whether or not Mr. Williams is a Communist. I think we arrived unanimously at the conclusion, including the two gentlemen who served on the committee from the gentleman's side of the aisle, that there is not the suggestion of a reason to believe that Mr. Williams is a Communist or that he has communistic tendencies.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. MAY. I understand this rule will be in the nature of an authorization for the National Youth Administration appropriation as proposed in the pending bill?

Mr. TARVER. No. The gentleman is misinformed. The only effect of the rule will be to allow the House to consider the appropriation just as in the relief bill last year and the year before. There was a rule for it then, and there is a rule for this now. It is simply to allow you to consider it. If you want to cut it down or raise it or cut it out, then that is within your power, notwithstanding the adoption of the rule.

Mr. MAY. What I intended to bring out was that I have had a letter from at least one Member of the House who says he proposes to raise the amount from $85,000,000 to $100,000,000, and asked me to support that raise. If this rule is passed, then it will be open for all of those things?

Mr. TARVER. Certainly. While I am very much interested in the work of the National Youth Administration, I hope the House will not increase the amount. The committee has given the full Budget estimate which I think is proper, but Members have the right to offer amendments to raise or increase the amount if they desire to do so. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL] such time as he may desire.

Mr. DINGELL. Mr. Speaker, I fail to see any logical argument against the adoption of the rule which will make in order any amount or the amount contained in the bill. Certainly the opposition to American youth will not be so violent and uncompromising as to deny the House the right to consider the matter.

As for myself, I want it clearly understood that I will insist upon $100,000,000 for N. Y. A. A year ago I stood with a small group of progressive Members who insisted upon the restoration of the original $125,000,000 figure which was cut in twain. We were not successful, I am sorry to say, but we did bring the figure to $100,000,000 and that is the minimum that I feel I can compromise upon. The service of the N. Y. A. to American youth, under the direction of Aubrey Williams, can never be fully appraised or appreciated. These personal attacks are mere smoke screens and red herrings drawn across the history-making trail of the N. Y. A. which will prove ineffective and will not prevent adoption of the rule. The great majority of this House will vote for a liberalized amount because the welfare of American youth demands such action. If the roll is called there will be many desertions from the opposition. Consideration of the enlarged amount question can be brought before the membership and they will, I am certain, act to increase the amount. The limitation of time prevents me from touching upon the specific points of merit which should incline Members to vote for the rule and later for a substantial increase in the appropriation.

Mr. MICHENER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I am probably a lone voice crying in the wilderness, but I am opposed to this rule. I am opposed to it because I believe that the Congress of the United States and the Government of the United States have a responsibility to the young men and young women of today, who will be the grown men and grown women of tomorrow, who in the future will have to carry the load of American citizenship. I do not believe that the management of the National Youth Administration has been such that it is proper to continue that kind of an operation. If for some reason or other some of the activities of that organization should be carried on, in my humble opinion they should be set up in such way that a different type of administrator should have charge of it.

At this time I am going to refer briefly to some of the things that have happened. Mr. Williams, appearing before the Workers Alliance in 1938, said:

> Now there are a lot of things I would like to say to you when all is said and done. I would look back on the hours spent in conference with David Lasser, Herbert Benjamin, Morris Watson, and other representatives of the unemployed and W. P. A. workers as the high spots in my life in Washington.

That organization was shown to be a communistic organization, in the hearings before the W. P. A. Investigating Committee.

Mr. ROUTZOHN. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes; I yield.

Mr. ROUTZOHN. I asked a question awhile ago of my colleague the gentleman from Georgia [Mr. TARVER] which he answered by saying that the committee had been satisfied that Mr. Williams was not a Communist. Will the gentleman kindly answer that as best he can?

Mr. TABER. Yes. He says that he is not a Communist. I am not going to say that he is. At the present time only a few days have elapsed since he discharged 22 who were on his pay roll and who were serving as clerks for the American Youth Congress.

That discharge, as I understand it, was under pressure. You can all remember a few days ago when that congress was in session here, how they booed the President of the United States when he attempted to say something about Americanism and separate them from the heel of Mr. Stalin in Russia. I do not believe that a man who, in my opinion, is ready in violation of the law to spend Government funds to provide clerks for an avowed Communist organization is in the clear.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. McCORMACK. I might call my friend's attention to the fact that the same organization booed Mr. Williams when he addressed them on that occasion.

Mr. TABER. That might be. I did not have that recollection.

He also is in the process—and I have time here only to go into it in a general way—of turning over 109 American youths to the custody of Mr. Stokowski, of Philadelphia, whose record the gentleman from Georgia [Mr. Cox] read a few moments ago. They are planning that gorgeous tour to South America on the luxury liner *Washington*. Mr. Williams says he is not sponsoring the expense of the tour. In my opinion, it will cost $1,000,000, and I cannot see where the money will come from except the Government.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Illinois is recognized for 1½ minutes.

Mr. SABATH. Surely no fair-minded man, after reading his statement, can say that Mr. Aubrey Williams is not a man with the highest patriotic leanings for true Americanism. The implications that were made before the Committee on Rules led me to request that Mr. Williams send me a statement and a biographical sketch. I received them this morning and I desire to make them a part of the RECORD. They say:

> FEDERAL SECURITY AGENCY,
> NATIONAL YOUTH ADMINISTRATION,
> *Washington, D. C., March 25, 1940.*
>
> The Honorable ADOLPH J. SABATH,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR CONGRESSMAN SABATH: The attached biographical sketch is sent you as per your telephone request.
>
> With regard to the charges in connection with Commonwealth College in Arkansas, my interest in this institution developed out of a recommendation made to me by Mrs. Justice Brandeis some 10 years ago, at which time I contributed $10 to it. Shortly after that the man who was in charge of it left and I have given nothing to the institution since then.

With respect to my relations with the Workers Alliance, I have never had, and do not now have, any connection with them. As Deputy Administrator of the Works Progress Administration, it was my duty to see them and to hear complaints, which I did. I never contributed, nor was I asked to contribute, one penny to their organization.

Sincerely yours,

AUBREY WILLIAMS,
Administrator.

BIOGRAPHICAL SKETCH

Mr. Aubrey W. Williams is Administrator of the National Youth Administration. His function, of course, as implied in the title, is to administer the business and affairs and policies of this Federal agency. His office is in Washington, and under him, throughout the country, are youth administrators of the National Youth Administration, one for every State, one for the District of Columbia, and one for metropolitan New York. These officials are appointed by Administrator Williams, as well as four regional representatives who are, in effect, field men and liaison officers for the organization.

Mr. Williams was born in Alabama in 1890, in a family impoverished by the Civil War, and grew up in Birmingham, to which city his parents removed when he was but a few months old. He went to work in a laundry at the age of 7, and until he was 20 years of age he did not have what amounted to more than 1 year's formal schooling, having obtained his education on the outside by constant reading, attendance at night school, and tutoring from friends and teachers. While still a young man he manifested a keen interest in social problems and became interested in welfare work, aiding to establish a boys' club in Birmingham before he was 20 years of age.

In 1911, having saved some money, Mr. Williams entered Maryville College, at Maryville, Tenn., with the intention of studying for the ministry, an ambition which he later abandoned in favor of social-service work. He worked his way through Maryville College and entered the University of Cincinnati at about the time the World War broke out in Europe. In 1916 he went to Paris with the Y. M. C. A., continuing his studies there, meanwhile, by attending lectures at the Sorbonne. After a period in the Y. M. C. A. service, Mr. Williams forsook his noncombative role and joined the French Foreign Legion. Upon the arrival of American troops he then effected a transfer to a combat unit of the First Division, and saw active service and was wounded at the front in a field-artillery unit. Later he was sent to a training camp and was commissioned a lieutenant.

Following the armistice he secured a furlough and entered the University of Bordeaux, from which he received a degree in philosophy. He returned to the United States, and for a short time performed the services of a lay preacher in a small community across the Ohio River from Cincinnati. From this work he went to Cincinnati as recreation director for a welfare organization, and from that time on devoted himself to social-welfare activities.

In August 1922 Mr. Williams was called from Cincinnati to Wisconsin as secretary of the Wisconsin Conference of Social Work. While in that position, which dealt with the study and promotion of social legislation, he secured the passage of a Children's Code, the first complete measure of such a nature in the history of legislation in this country. During the same period he also originated and conducted the Wisconsin better-cities contest, the purpose of which was to study and establish the standards of civil and social practice for American municipality.

Mr. Williams remained in this position for a period of 10 years and then joined the staff of the American Public Welfare Association in July 1932. His services were borrowed from time to time by various States, and in the course of this work he organized the Mississippi Relief Administration and, with Col. Lawrence Westbrook, performed the same service for Texas. Both these tasks were undertaken at the request of the respective Governors of the two States.

In June 1933 Mr. Harry L. Hopkins, then Federal Emergency Relief Administrator, summoned Mr. Williams to Washington and appointed him as field representative in the Southwest. He has remained with the Government ever since, eventually becoming Deputy Administrator for the Works Progress Administration, in which capacity he served until appointed full-time Administrator with the National Youth Administration in December 1938.

Mr. Williams' connection with the National Youth Administration began in 1935, when this agency was created by Presidential order, and he was named by President Roosevelt as executive director, holding this office at the same time that he was Deputy Administrator of the Works Progress Administration. In this position he gave the agency his daily and personal attention, organized his set-up, and formulated his policies and projects. In conformity with the first plan on reorganization of the Government, this agency was placed in the Federal Security Agency, which is administering Federal organizations engaged in social security and kindred forms of Federal activity.

Mr. Williams is married and has four boys, aged 18, 16, 15, and 13. He resides in Arlington County, Va.

Mr. Speaker, in view of the unjustifiable and unwarranted attack on Mr. Aubrey Williams, the head of the National Youth Administration, against whose efficiency, honesty, and integrity no one is able to truthfully and accurately say a single word or question in any respect, I must charge that it is only done solely for political purposes by the Republicans of this House. It is a matter of keen regret that my colleague from Georgia [Mr. COX], while everyone admits that there is no real foundation for charging Mr. Williams with being a Communist or being affiliated with communistic activities, should join with the Republicans in questioning the patriotism, fitness, and ability of Mr. Williams to serve as the Director of this great organization. Cleverly, the opposition points to a speech he made in 1934, and to another in 1936, when he was Deputy Administrator of the Works Progress Administration, advocating in substance that the W. P. A. workers and the other American wage earners lend their support to the policies of this administration. Both gentlemen from New York [Mr. FISH and Mr. TABER] read from newspaper clippings of that time, admitting, however, that they never inquired of Mr. Williams as to or obtained any substantiation elsewhere of the authenticity of his alleged remarks.

Mr. Speaker, the gentleman from Georgia [Mr. TARVER] has cited and referred to Mr. Williams' testimony before the Subcommittee on Appropriations. Please read and carefully consider Mr. Williams' answers to the interrogatories of the gentleman from Georgia, Judge TARVER. They appeal to me so strongly that I am embodying them as part of my remarks. They say:

Mr. TARVER. You don't entertain the idea that any American citizen has the right to advocate the destruction of the Government or the form of government by force or violence?

Mr. WILLIAMS. No. I am completely opposed to it.

Mr. TARVER. He has the right to advocate such method of changing the Government as he may think proper by constitutional means.

Mr. WILLIAMS. By constitutional means.

And I have taken this position all the time: That I never have and would not now employ knowingly a Communist to be a supervisor of any project, or, for that matter, any other part of our organization.

But I wouldn't want that to be construed as saying that when people get up and raise a hue and cry that this man is a Communist, that I am willing to fire him right off because somebody calls him a Communist; because I am not, for that is a term that has been bandied around generally.

Let me go ahead for a moment.

I ask all of those people who work for the Youth Administration to be loyal to and adhere to the American form of government. I take it very seriously that this organization has a responsibility in regard to young people with respect to their attitude toward the Government. That responsibility, in my mind, rests upon and is in terms of the best traditions of American life and living; it rests in the terms of Jefferson and of Lincoln and of all of those other men who have tried to teach us what real democracy means, and not in terms of a narrow or bigoted or extremist position, either this or that or the other.

Mr. Speaker, it is therefore clear to me that those Republicans who charge Mr. Williams with trying to influence some W. P. A. workers—to which I cannot conceive any possible real objection—do so only in an attempt to make political capital.

Mr. Speaker, failing in their efforts to successfully attack the patriotism and true Americanism of Mr. Aubrey Williams, the opposition assail Leopold Stokowski, leader of the Philadelphia Symphony, who, in the interest of American youth, is arranging a South American concert tour, without cost to the Government. They attempt to show that he played some Russian compositions at a time when we had friendly relations with that country. They allude to a protest of an American Legion post. I wonder how many members of that post possess such talents as to justify their passing judgment upon the Philadelphia Symphony Orchestra. And because of that rendition we hear political-minded Members today attempting to label Stokowski as a "red." Who are the men serving on the board of directors of the Philadelphia Symphony Orchestra with Mr. Stokowski? Every one of them is well known as an outstanding American citizen, and surely they and the good people of Philadelphia would not continue to honor this great artist if he were a Communist or in any way connected with any communistic activities. But what do the Republican mouthpieces on the floor of this House care, so long as they can create some publicity in the antagonistic Republican press?

Mr. Speaker, as has been stated, the South American tour is privately sponsored. The following outstanding American

citizens are members of the executive committee: Mrs. Samuel Lyle Conner, Shoreham Hotel, Washington, D. C.; Dr. L. S. Rowe, director general, Pan American Union; Mr. Colby Chester, president, General Foods; Mr. Thomas McInnerney, president, National Dairy Products; Mr. William S. Paley, president, Columbia Broadcasting System; Mr. Joseph Sharfin. The Republican opposition will not give this informative list to the country. All they publicize, as I have stated, is that this great musician rendered on a program some 5 or 6 years ago, among English, Italian, Bohemian, German, and other numbers, a Russian composition. This is another instance where the Republican leaders again charge one connected with the administration as being tinted, a "red", or a Communist.

Mr. Speaker, I recall that several weeks ago several Members demanded that the gentleman from Texas [Mr. DIES] name any Communist in the administration, but he was unable to do so.

The gentleman from New York [Mr. FISH], unfortunately, has misled my colleagues from Texas [Mr. DIES] and Georgia [Mr. COX]. Only a few days ago in my city, the gentleman from Texas [Mr. DIES] again made the unfounded statement about alleged Communists in the Government employ; and, notwithstanding, as I have stated, that he cannot name one person connected with the administration who is a Communist, he went further and stated, according to the press reports, that there are 10,000,000 Communists in the United States. During the 2 years of investigation by his committee he has been unable to give more than a baker's dozen that can truthfully be designated as such. Of this number, not a single one stated he was in favor of the overthrow by force of our form of government. Despite that, the Republican newspapers carry great headlines day in and day out warning of an alleged impending danger to our country from the Communists. Even the little darling of the movies, Shirley Temple, has not been spared but has been included in a list of so-called "pinks" or Communists.

Thus Mr. DIES' alleged statement was made of the whole cloth and wholly fictional; and such demagogic statements, used eagerly by a press unfriendly to the administration, are regrettable and must be deplored by the informed and intelligent American citizenry.

The gentleman from Georgia [Mr. TARVER] and a few other gentlemen object to the expenditures; but if they would recollect the conditions in 1931, 1932, and 1933, when thousands upon thousands of our young men were crowding the highways and byways of the country, without employment or lodging and with hungry stomachs, I am sure that they would feel that they are not justified in opposing this appropriation that proposes at this time to give hundreds of thousands of our young men and women an opportunity to acquire an education and enable them to become self-sustaining. I am satisfied that when the vote is taken on the resolution, with the exception of a few, who, as I have stated, have spoken for political reasons, there will not be many who will conscientiously dare vote against the resolution making this appropriation in order.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. McCORMACK. I think the RECORD should show, in all fairness, that Mr. Williams started as a poor boy and has gone along the route of the average American. During the World War he first served in the French Foreign Legion. When America entered the war, he enlisted in the American forces. He was wounded. He was commissioned a lieutenant. I think the RECORD should show these facts.

Mr. SABATH. It will; it will show them all, Mr. Speaker.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a biographical sketch of Mr. Williams.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HILL. Mr. Speaker, I object to the vote on the ground there is not a quorum present. I want to put those fellows on record.

The SPEAKER. The gentleman from Washington makes the point of order that a quorum is not present. The Chair will count. [After counting.] Two hundred and eleven Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 360, nays 10, answered "present" 2, not voting, 58, as follows:

[Roll No. 56]

YEAS—360

Alexander	Dempsey	Hunter	Murdock, Utah
Allen, Ill.	DeRouen	Izac	Murray
Allen, La.	Dickstein	Jeffries	Myers
Allen, Pa.	Dies	Jenkins, Ohio	Nelson
Andersen, H. Carl	Dingell	Jenks, N. H.	Nichols
Anderson, Calif.	Disney	Jennings	Norrell
Anderson, Mo.	Ditter	Jensen	Norton
Andresen, A. H.	Dondero	Johns	O'Brien
Andrews	Doughton	Johnson, Ill.	O'Connor
Angell	Douglas	Johnson, Ind.	O'Day
Arends	Doxey	Johnson, Luther A.	O'Leary
Arnold	Drewry	Johnson, Lyndon	Oliver
Austin	Duncan	Johnson, Okla.	O'Neal
Ball	Dunn	Johnson, W. Va.	Osmers
Barnes	Dworshak	Jones, Ohio	O'Toole
Barry	Eaton	Jones, Tex.	Pace
Barton	Eberharter	Jonkman	Parsons
Bates, Ky.	Edelstein	Kean	Patman
Beckworth	Edmiston	Kee	Patrick
Bell	Elliott	Keefe	Patton
Bender	Ellis	Kefauver	Pearson
Blackney	Elston	Keller	Peterson, Fla.
Bland	Engel	Kennedy, Martin	Peterson, Ga.
Bloom	Englebright	Kennedy, Md.	Pfeifer
Boland	Faddis	Kennedy, Michael	Pierce
Bolles	Fay	Keogh	Pittenger
Bolton	Fenton	Kerr	Plumley
Boren	Ferguson	Kilburn	Poage
Boykin	Fitzpatrick	Kilday	Polk
Bradley, Mich.	Flaherty	Kirwan	Powers
Bradley, Pa.	Flannagan	Kitchens	Rabaut
Brewster	Ford, Miss.	Kleberg	Ramspeck
Brooks	Ford, Thomas F.	Kocialkowski	Randolph
Brown, Ga.	Fries	Kramer	Rankin
Brown, Ohio	Fulmer	Kunkel	Rayburn
Bryson	Gamble	Lambertson	Reece, Tenn.
Buckler, Minn.	Garrett	Landis	Reed, Ill.
Bulwinkle	Gartner	Lanham	Reed, N. Y.
Burch	Gathings	Leavy	Rees, Kans.
Burdick	Gavagan	LeCompte	Richards
Byrns, Tenn.	Gerlach	Lemke	Robertson
Byron	Geyer, Calif.	Lewis, Colo.	Robinson, Utah
Caldwell	Gibbs	Lewis, Ohio	Robsion, Ky.
Camp	Gifford	Luce	Rockefeller
Cannon, Fla.	Gilchrist	Ludlow	Rodgers, Pa.
Cannon, Mo.	Gillie	Lynch	Rogers, Mass.
Carlson	Goodwin	McAndrews	Rogers, Okla.
Carter	Gore	McArdle	Romjue
Cartwright	Gossett	McCormack	Routzohn
Case, S. Dak.	Grant, Ala.	McGregor	Ryan
Casey, Mass.	Grant, Ind.	McLaughlin	Sabath
Celler	Green	McLeod	Sacks
Chiperfield	Gregory	McMillan, Clara G.	Sandager
Church	Griffith	McMillan, John L.	Satterfield
Clason	Gross	Maas	Schaefer, Ill.
Claypool	Guyer, Kans.	Maciejewski	Schafer, Wis.
Cluett	Gwynne	Magnuson	Schiffler
Cochran	Hall, Edwin A.	Mahon	Schuetz
Coffee, Nebr.	Hall, Leonard W.	Maloney	Schulte
Coffee, Wash.	Hancock	Marcantonio	Schwert
Cole, Md.	Hare	Marshall	Scrugham
Collins	Harness	Martin, Ill.	Seccombe
Colmer	Harrington	Martin, Iowa	Secrest
Connery	Hart	Martin, Mass.	Shanley
Cooley	Harter, N. Y.	Mason	Sheppard
Corbett	Harter, Ohio	Massingale	Short
Costello	Hartley	May	Smith, Conn.
Courtney	Havenner	Merritt	Smith, Maine
Cox	Healey	Michener	Smith, Ohio
Cravens	Hennings	Miller	Smith, Va.
Crosser	Hill	Mills, Ark.	Smith, W. Va.
Crowe	Hinshaw	Mills, La.	Snyder
Crowther	Hobbs	Mitchell	South
Cullen	Hoffman	Monkiewicz	Sparkman
Cummings	Holmes	Monroney	Spence
Curtis	Hook	Moser	Springer
D'Alesandro	Hope	Mott	Starnes, Ala.
Darden	Horton	Mouton	Steagall
Davis	Houston	Mundt	Stearns, N. H.
Delaney	Hull	Murdock, Ariz.	Stefan

Sullivan	Thomas, Tex.	Voorhis, Calif.	Williams, Del.
Sumner, Ill.	Thomason	Vreeland	Williams, Mo.
Sumners, Tex.	Thorkelson	Wallgren	Winter
Sutphin	Tibbott	Walter	Wolfenden, Pa.
Talle	Tinkham	Ward	Wolverton, N. J.
Tarver	Tolan	Warren	Wood
Tenerowicz	Treadway	Weaver	Woodruff, Mich.
Terry	Van Zandt	Welch	Woodrum, Va.
Thill	Vincent, Ky.	White, Idaho	Youngdahl
Thomas, N. J.	Vinson, Ga.	Wigglesworth	Zimmerman

NAYS—10

Clevenger	Graham	Rutherford	Taber
Crawford	Kinzer	Simpson	Vorys, Ohio
Ford, Leland M.	Rich		

ANSWERED "PRESENT"—2

Buck Knutson

NOT VOTING—58

Barden	Durham	Kelly	Sheridan
Bates, Mass.	Evans	Larrabee	Smith, Ill.
Beam	Fernandez	Lea	Smith, Wash.
Boehne	Fish	Lesinski	Somers, N. Y.
Buckley, N. Y.	Flannery	McDowell	Sweeney
Burgin	Folger	McGehee	Taylor
Byrne, N. Y.	Gearhart	McGranery	Wadsworth
Chapman	Gehrmann	McKeough	West
Clark	Halleck	McLean	Wheat
Cole, N. Y.	Hawks	Mansfield	Whelchel
Cooper	Hendricks	Risk	White, Ohio
Creal	Hess	Sasscer	Whittington
Culkin	Jacobsen	Seger	Wolcott
Darrow	Jarman	Shafer, Mich.	
Dirksen	Jarrett	Shannon	

So the resolution was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Barden with Mr. Dirksen.
Mr. Folger with Mr. Halleck.
Mr. Sweeney with Mr. McLean.
Mr. Cooper with Mr. Wadsworth.
Mr. McGranery with Mr. Risk.
Mr. McGehee with Mr. Culkin.
Mr. Kelly with Mr. Gearhart.
Mr. McKeough with Mr. Hess.
Mr. Beam with Mr. Seger.
Mr. Clark with Mr. Wheat.
Mr. Fernandez with Mr. Darrow.
Mr. Boehne with Mr. Fish.
Mr. Jarman with Mr. Hawks.
Mr. West with Mr. Jarrett.
Mr. Whittington with Mr. Wolcott.
Mr. Burgin with Mr. McDowell.
Mr. Chapman with Mr. White of Ohio.
Mr. Mansfield with Mr. Shafer of Michigan.
Mr. Durham with Mr. Gehrmann.
Mr. Evans with Mr. Cole of New York.
Mr. Whelchel with Mr. Bates of Massachusetts.
Mr. Sasscer with Mr. Smith of Washington.
Mr. Hendricks with Mr. Buckley of New York.
Mr. Sheridan with Mr. Byrne of New York.
Mr. Jacobsen with Mr. Somers of New York.
Mr. Lea with Mr. Shannon.
Mr. Larrabee with Mr. Smith of Illinois.
Mr. Taylor with Mr. Knutson.

Mr. AUGUST H. ANDRESEN and Mr. H. CARL ANDERSEN of Minnesota changed their votes from "nay" to "yea."

The doors were opened.

The result of the vote was announced as above recorded.

ANNOUNCEMENTS

Mr. DOXEY. Mr. Speaker, my colleague the gentleman from Mississippi, Mr. WHITTINGTON, was called home on account of the death of his father. If present he would have voted "yea."

Mr. MITCHELL. Mr. Speaker, I desire to announce that my colleagues the gentlemen from Illinois, Mr. MCKEOUGH and Mr. KELLER, were called home on emergency business. If present they would have voted "yea."

Mr. BRADLEY of Pennsylvania. Mr. Speaker, the gentleman from Pennsylvania, Mr. MCGRANERY, is detained out of the city on official business. If present he would have voted "yea."

Mr. PEARSON. Mr. Speaker, my colleague the gentleman from Tennessee, Mr. COOPER, was called home on account of a death in his family. If present he would have voted "yea" on the rule just passed.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. ANDRESEN]?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein certain speeches made in commemoration of Senator Borah.

The SPEAKER. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a letter from Mr. Millard Rice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ANDERSON]?

There was no objection.

Mr. LYNCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made by the Reverend Robert I. Gannon, president of Fordham University.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. LYNCH]?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Madison Daily Leader.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

PERSONAL PRIVILEGE

Mr. WHITE of Idaho. Mr. Speaker, on yesterday, when an appropriation bill was being considered by the House, the gentleman from Michigan [Mr. HOFFMAN] and I had quite a colloquy on the National Labor Relations Board. I find on inspection of the RECORD this morning that nothing appears of that debate. I appreciate the courtesy of the gentleman in yielding to me, and I would like to have the statements made on the floor appear in the RECORD. I find the matter has been withheld. As a matter of personal privilege I would like to have the RECORD made complete.

The SPEAKER. The Chair may say to the gentleman from Idaho [Mr. WHITE] that when a Member who has the floor in his own right engages in colloquy with another Member, under the rules he has the right to withhold the remarks from the RECORD temporarily. The Chair may add that he has 30 days, under the rules of the House, in which to revise his remarks and place them in the RECORD.

Mr. WHITE of Idaho. I assume they will appear in the Appendix, then, and not in the body of the RECORD. I may say for the information of the House and of the Speaker that the gentleman from Michigan yielded to me. It was my expectation that the position I took in support of organized labor and the principles of labor would appear in the RECORD this morning.

EXTENSION OF REMARKS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered at Buffalo, N. Y., by Mr. John C. Beukema, of Muskegon, Mich., chairman of the executive committee of the National Seaway Council on the St. Lawrence seaway.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LABOR-SECURITY APPROPRIATION BILL, 1941

Mr. TARVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 9007, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. At the close of the debate on Monday, March 25, the gentleman from Georgia [Mr. TARVER] had consumed 4 hours and 26 minutes and the gentleman from Michigan [Mr. ENGEL] had consumed 3 hours and 44 minutes.

Mr. TARVER. May I say to the Chair that on yesterday unanimous consent was obtained for 2 hours of additional debate, one-half of which was to be accorded to this side of the aisle and one-half to the minority side.

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I propose to discuss some of the reasons why I believe the National Youth Administration, under its present management, is a menace to the youth of America. I propose thereafter to go into an analysis of the purposes and the way in which this money has been expended.

In the first place, I wish to repeat a few of the things that have been said here on the floor. This organization was established, I believe, for the purpose of providing a job for Mr. Aubrey Williams and letting him give full vent to his ideas about how the youth problem of America ought to be handled. To my mind, the gentleman has yielded to influences that ought not to be served by the Government of the United States or any agency thereof. To my mind, the type of administration, the way the organization has been handled, has been a menace to many of the youths of this country. To my mind, there are activities pending at the present moment that call for the closest scrutiny and the most careful consideration by this Congress.

In the first place, there are four or five indications that Mr. Williams has been catering to the Communist element. For my own part, I am not saying that he is a Communist, but I am saying that a man who caters so much to that group is not a safe man to trust to spend $85,000,000 of the Government's money.

The Workers Alliance is a well-known communistic organization. The principal officer, David Lasser, has been to Moscow at the expense of the Workers Alliance. Herbert Benjamin, the secretary-treasurer, is an avowed Communist and a member of the general committee of the Communist Party. Mr. Williams appeared before this group in 1938, a year ago last summer, and, among other things, said:

> Now, there are a lot of things I would like to say to you. When it is all said and done, I would look back upon the hours spent in conference with David Lasser, Herbert Benjamin, Morris Watson, and other representatives of the unemployed and W. P. A. workers as the high spot of my life in Washington.

It appears that Mr. Williams has provided the American Youth Congress for a long time with 22 clerks. You all know what the American Youth Congress is. Representatives of this Youth Congress have been recent visitors to Washington. You all know whether or not that is a communistic organization. I do not know what you think about it but my own opinion is that that was not an expenditure for a public purpose. It was not a lawful purpose under the law. I do not believe a man who cuts that kind of a caper is the kind of a man who ought to be trusted with the administration of $85,000,000 of the people's money.

Along about the 26th of January there began a series of press releases from the office of Mr. Williams about collecting 109 players into an orchestra headed by Leopold Stokowski, of Philadelphia, the orchestra to make a tour of South America. Let me read you the proposed itinerary of that orchestra. They have an inaugural concert on July 4 in Washington. They leave from New York on the steamship *Washington*, one of the largest of American liners, belonging to the United States Line. They go on a concert tour to Habana, Curacao, Caracas, Rio de Janiero, Sao Paulo, Montevideo, Buenos Aires, Rosario; again to Montevideo, then to Sao Paulo, Rio de Janeiro, Bahia, St. Thomas, then San Juan, and back to New York on the 27th of August.

It appears from the testimony of Mr. Williams that the N. Y. A. has paid only $3,500 toward this operation. Personally, I cannot believe that any man, as a business proposition, is entering upon this venture of chartering a ship for a 2 months' trip of those proportions, taking with him 109 members of the orchestra, and paying them union wages and a $5 per diem. I cannot conceive that any individuals have contributed $1,000,000 toward the cost of such an operation. We are told that the W. P. A. is not doing it. I am wondering what organization of the Government is putting up the $1,000,000 it will cost for this tour.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. COX. Do I understand the gentleman to say or intend to say that the youth of America, drawn from the ranks of the N. Y. A. and put in charge of this Mr. Stokowski, who was naturalized in 1935, are to be used in propagandizing South America in behalf of communism at the expense of the Federal Government?

Mr. TABER. No; I do not know who is paying for the tour. I wonder. I cannot imagine any private organization or anything of that kind paying for it. The only way I can conceive of its being paid for is out of Federal funds, or by some foreign government. That is the only way I can figure it out.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Has the gentleman any evidence whatever that any organization of the Federal Government is putting up the money for this tour, and does not the gentleman know that this is not a Government expedition, but a private tour of ambitious young musicians?

Mr. TABER. I do not know that it is a private proposition. I could not find out who was putting up the money.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. COX. Can the gentleman conceive of it being possible that the gentleman from Oklahoma would be satisfied to turn over the youth of this country, drawn from the ranks of the National Youth Administration, and put them in charge of this Mr. Stokowski, a Communist, naturalized in 1935?

Mr. TABER. I cannot.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Mississippi.

Mr. COLLINS. Does the gentleman insinuate that some agency of our Government is paying for this tour of South America?

Mr. TABER. I do not mean to insinuate anything. I am asking questions and I am saying that I cannot conceive of anybody undertaking this venture as an item of business for private profit. I cannot conceive of any group of individuals putting up what I believe would be at least $1,000,000 to cover the cost of the thing. I am wondering where the money comes from. The only place I can think of where it might come from is our Government or some other government. I am anxious to find out where this money is coming from and I think this Congress ought to know where the money is coming from. I insinuate nothing; I wonder; and I will yield to anyone who knows where the money is coming from to answer.

Mr. COFFEE of Washington. Mr. Chairman, will the gentleman yield?

Mr. TABER. If the gentleman is prepared to answer that question; yes.

Mr. COFFEE of Washington. I suggest that the gentleman communicate with Walt Disney, of Hollywood, and he will find out who is putting up the money.

Mr. TABER. If the gentleman thinks it is a joke that the youth of America are to be placed under that kind of influence, I am disappointed in the gentleman.

Mr. COFFEE of Washington. That is the truth.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman for a question.

Mr. GEYER of California. I would just like to know whether or not the gentleman is going to let our good colleague from Georgia get away with the insinuation that this is a communistic propaganda jaunt.

Mr. TABER. We know the name of the man who is at the head of the orchestra. We know his record. It is in the Red Network. It has been read here on the floor. It appears at page 5 of the supplemental hearings of the committee, held on March 14.

Mr. GEYER of California. Is the gentleman taking the Red Network as an authority?

Mr. TABER. Oh, I take anything that is absolutely truthful as an authority.

Mr. GEYER of California. I am afraid the gentleman does take anything as the truth.

Mr. TABER. I do not see why the gentleman should question absolute authority.

Mr. COLLINS. Mr. Chairman, will the gentleman yield further?

Mr. TABER. I yield for a question.

Mr. COLLINS. Does the gentleman insist or insinuate that some agency of this Government or some foreign government is paying for this tour to South America?

Mr. TABER. I insist that I insinuate nothing. I say that I can conceive of no other answer to the question than that the money must come from some Government funds or from some foreign government.

Mr. COFFEE of Washington. I have told the gentleman that it is Walt Disney.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. MARCANTONIO. I want to say that the gentleman is absolutely correct with regard to Stokowski and alien subversive activities. What does his orchestra play? Bach, Beethoven, Brahms, Wagner, Verdi—absolutely alien and subversive; I agree with the gentleman. [Laughter and applause.]

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman for a question.

Mr. HARE. The gentleman has posed a very interesting and, I assume, a pertinent question as to whether or not any of the funds are to be provided by the Federal Government. We have under consideration an appropriation of $85,000,000, and in the testimony on page 6——

Mr. TABER. If the gentleman is meaning to absolve this appropriation, if the gentleman had been listening to what I have said, he would know that I said that Mr. Williams claimed that only $3,500 was coming out of this particular appropriation; but there must be some source for this money, and that is what I think this Congress ought to have when we have such a question as this raised. There is no answer in the hearings at all to that question.

Mr. HARE. Mr. Chairman, will the gentleman yield further?

Mr. TABER. Yes.

Mr. HARE. Does the gentleman mean to say now that he does not charge that any of the money will come out of this appropriation?

Mr. TABER. I am making no charges at all as to what it is coming out of. I am asking what it is coming out of, and that is what I have been doing right along. The gentleman, who is an apologist evidently for the N. Y. A., cannot distinguish between a charge and a question. I am asking a question, and I get no answer.

Mr. HARE. Will the gentleman let me read the testimony that is an answer?

Mr. TABER. If it is an answer.

Mr. HARE. The question is asked by the gentleman from Georgia [Mr. TARVER] on page 6:

Is there any item of cost whatever other than the incidental cost in the selection of those who are to compose the orchestra to be borne by Federal funds?

The answer is:

Not one penny.

Mr. TARVER. As to the chartering of a ship which has been referred to, will you pay any part of that?

Mr. WILLIAMS. Not one penny. That is a private matter which Mr. Stokowski has handled, and I have nothing to do with that at all.

Mr. TARVER. As to the wages to be paid to the members of the orchestra, do you pay any of those?

Mr. WILLIAMS. Not one penny.

Mr. TABER. That does not satisfy me. I have said that I do not believe that that is an answer to where the money is coming from.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Oh, I think the gentlemen ought to hear a little more of this before we get through. I have a lot of ground to cover, and I have only 20 minutes granted to me. I think that is pretty well gone. I think I have been very liberal in yielding, and I do not think the gentleman is able to answer the question. Then there arises the question as to what they do with the money in this N. Y. A. operation. In 1939, when Mr. Williams came before the Committee on Appropriations for funds, it appeared on page 173 of the hearings that out of a proposed expenditure of $123,000,000, $84,000,000, or two-thirds, was to be spent on work projects in competition with the W. P. A., and that $27,000,000 was to be spent on student-aid programs, and that the rest was to go for some kind of youth services and administration. At that time Mr. Williams told us that he had 6,000 employees. One hundred million dollars was appropriated. At this time he has practically 10,500 employees, and in a supervisory capacity he has practically 2,000, in an administrative capacity.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I do not yield.

Mr. HILL. I believe that I can answer the question the gentleman has asked.

Mr. TABER. I do not yield at this time. If the gentleman is able to answer the question, however, if he will guarantee that he is able to answer it, I yield now.

Mr. HILL. The gentleman said he believes the newspapers a while ago.

Mr. TABER. I do not know. I do sometimes.

Mr. HILL. The newspapers three times have said that Walt Disney, that creator of those communistic things like Pinocchio and Seven Dwarfs and Mickey Mouse, is going to pay for it. That is, the newspapers have said that. If the gentleman believes in newspapers, that ought to be an answer to his question.

Mr. TABER. I do not believe that Walt Disney is paying all that money for that operation. I cannot conceive it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KEEFE. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. TABER. The proposal with reference to expenditures for the next fiscal year of this $85,000,000 involves something like a break-up of $27,000,000 for this school aid and $50,000,000 for projects. I do not know how you are finding these projects. In my territory I find that they are using those projects for all sorts of queer things; that the set-up is very poor; that the choice of people who go on these projects is not made effectively, nor do I believe it can be made effectively, with any such number as is involved. I had the representative of the N. Y. A. in my own territory come to see me and he told me about the situation. I cross-questioned him for 2 hours. He had something like 25 or 30 people supposed to be on his pay roll. I tried to find out what they did and where they were. I was not able to get the story. I am informed that that is a typical situation. I know of cases in my own territory where many from one family have been on the rolls, and Mr. Williams told us a year ago that that did not make any difference. There is no selection of those people on the basis of need. What are we going to do? Are we going on with this kind of program forever? Are we going on with this kind of set-up? Are we going to feel that those boys

and girls in high schools have to be paid for being there? Frankly I do not believe it is necessary. I do not believe it is doing real constructive work for the boys and girls in America.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TABER. I have not the time to yield. I am sorry. I do not believe there is anything that we could do for the boys and girls of America that would be better for them than to try to make them more self-reliant. Let them exert themselves as we used to have to do when we were boys and girls, and try to take care of themselves. I do not believe that we are doing something for the boys and girls of America when we go on with this program, headed by this gentleman. I feel that it is a menace to the youth of America; I feel that when we are voting for it we are voting something that is a menace to the boys and girls of today, the men and women of tomorrow. Some time we are going to come to a point in this country where we have a sense of responsibility toward the people, and we are not going on with this sort of thing. There is absolutely no reason in the world why we should not at this time set our faces forward and stop these reactionary programs which demoralize our youth.

Mr. COFFEE of Washington. Will the gentleman yield?

Mr. TABER. I decline to yield.

Mr. COFFEE of Washington. I thought the gentleman wanted to know who was putting up the money.

Mr. TABER. Oh, you have had three chances already. You do not need any more. It is about time that we here in Congress showed some sense of responsibility and stopped turning over millions and millions and millions of dollars to people to go ahead with programs of this type. The construction programs that they embark on cannot, in my opinion, be of value to the communities or to the boys and girls. I hope that when our committee comes to read this bill for amendment it will take care of some of these situations. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. BENDER. Mr. Chairman, I make the point of order that there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twelve Members are present, a quorum.

The gentleman from Virginia is recognized.

Mr. SMITH of Virginia. Mr. Chairman, the Appropriations Committee has deleted from this bill the appropriation for the Economic Division of the National Labor Relations Board. I compliment the committee upon its action in that respect. I foresee that there will be an effort made to put that item back in the bill. I suspect that the committee acted more wisely than it knew, and I have some information on the subject of that Economic Division that I want to submit to the House, because if this item is put back in the bill it is more than likely there will be a roll call vote on it, and it is only fair that we should have all the facts that we can in order to intelligently vote on the subject.

That Division is headed by Mr. David J. Saposs, and it is largely concerning him and his activities that I wish to make a few remarks.

David J. Saposs, Chief of the Economic Division of the National Labor Relations Board for several years, was born in Russia. He came to the United States at the age of nine. He went to many colleges and finally wound up as head of what was known as Brookwood College, which during the time of his incumbency in that office was denounced by the American Federation of Labor as a communistic school. He later came to the National Labor Relations Board, and he is there now.

Attention had been drawn to his activities more than a year ago by the Dies committee. Some of the material that I am going to refer to was supplied by the Dies committee and is a matter of public record and has been for a year, and yet Saposs is still head of the Economic Division of the National Labor Relations Board.

I am not going to undertake to brand Mr. Saposs as a Communist or a Fascist or a Nazi. They all smell about alike to me, but what I do propose to do is to refer you to certain official exhibits before committees of this House containing Saposs' own expressions. I will read you extracts from them, and you may be the jury and you may form your own verdict as to what he is and what are his philosophies of government.

In the first place, I refer you to a publication known as Labor Age, which is the official publication of a society known as Conference for Progressive Labor Action. You will find that Mr. Saposs was a member of that organization and that he was in fact a member of the executive committee of that organization and a member of the editorial staff of their publication, Labor Age.

Contained in the November 1931 issue of that magazine is a statement of the purposes of that organization of which he was a member of the executive committee. I read from this statement:

> Working with such a mass labor party once it is formed, in order that it may not fall into opportunism, but may advance as swiftly and as steadily as possible to its true goal, the complete abolition of planless, profiteering capitalism, and the building of a workers' republic. The C. P. L. A. aims to function as such a militant left wing political organization.

Mr. Saposs on the witness stand before the special committee stated that he did not subscribe to that doctrine and had promptly resigned from the organization as soon as it was published. The fact is that in the following publication of that magazine you will find an article by Saposs entitled "Left Opposition." I want to read an extract from it:

> Its spokesmen—

Referring to the minority of a radical convention he was attending—

> maintained that economic conditions are ripe for socialism and that the International should therefore direct its forces for the immediate overthrow of capitalism. Instead of taking this positive position, the majority favors temporizing. This is a fallacious attitude. The Socialist movement must tell the people that capitalism cannot be stabilized and that the world cannot be saved by capitalist devices.

Another section:

> But bourgeois democracy is a sham. When it is evident that socialism is the only remedy it is not worth saving a democracy in which socialist parties only collaborate with capitalism.

I wish I could read some more of it, but I do not have the time. However, all of it is part of the official record of our committee and printed in the hearings. That was read into the record in the hearings before our committee. Mr. Saposs said that was not his language, that he was just reporting a convention, and he disclaimed responsibility for what he said. He further stated that he resigned from the C. P. L. A. promptly when it printed its statement of policies. Two years later, however, the masthead of that same paper, Labor Action, carries this:

> Serving the interests of workers and dirt farmers. Published by the Conference for Progressive Labor Action.
> Editorial board: David J. Saposs, among others.

That was 2 years after he said he had withdrawn from that organization and repudiated it.

On the letterhead of the organization—and this was brought out before the Dies committee a year ago—on the letterhead of the Conference of Progressive Labor Action appears, under the heading "National Executive Committee," the name of David J. Saposs. Printed on this letterhead amongst its objectives is this sentence:

> Its aims to inspire the workers to take control of industry and Government, abolish the present capitalist system and build a workers' republic and an economic system operated for the benefit of the masses and not for the few.

Mr. Saposs undertook to repudiate some of those statements. So we turn to his own writings that he cannot repudiate. Here is a volume that comes from the Congressional Library entitled "Economic Essays in Honor of Wesley Clair Mitchell," and in it is found an essay by David J. Saposs, from

which I shall read a part. This he cannot repudiate. I ask you to listen to the language of his own article:

It is a case of the lamb lying down with the lion. In order to save the situation, the middle class must join the workers and both must go in for a daring and far-reaching socialization program that will hit at the heart of capitalism. Merely reviving the traditional demand for decentralizing capitalism or checking its growth is trying to repeat a futile historic struggle in which populism has invariably been worsted.

Mr. KELLER. Mr. Chairman, will the gentleman give us the date of the copyright, please.

Mr. SMITH of Virginia. Nineteen hundred and thirty-five is the year, I think.

Mr. KELLER. It will be found printed right in the book.

Mr. SMITH of Virginia. Nineteen hundred and thirty-five is correct.

I am sorry I cannot read many excerpts from this. Some are very interesting. I will read from the concluding paragraph:

Nor can the objective of replacing capitalism be attained without a fusion of the middle class and the workers. By endorsing a collectivist culture and program they have a common ground upon which to unite in waging battle against capitalism. If these social and economic forces can be brought together, they can build an effective and constructive movement that will save the country and the world from catastrophe. Unless such a movement is brought into being capitalism will go marching on with its poverty, misery, and economic insecurity. The time is ripe; have the middle class and workers the will to rise to the occasion?

Now, Mr. Chairman, as I say, I do not undertake to label this gentleman. I read to you his own writings and you can pin your own label to the man. I desire to present now for your consideration the question: Is this the kind of person whom you want in a policy-making position in the Government of the United States constitutionally and traditionally dedicated to the system of private property ownership? [Applause.] I have told you something about what he is and what his philosophy is. I shall now submit what he actually does on the National Labor Relations Board. It is very interesting. I wish I had a little more time, but I am going to have to cut it short. I will take just one case to exemplify his duties; I will discuss the Inland Steel case.

In the Inland Steel case there was a dispute between the employer and the employees but there was no case before the Labor Board. It had no jurisdiction and no complaint had been made to it. By direction of the Labor Board, Mr. Nathan Witt, assistant counsel, was sent out to Pittsburgh to hold a conference with the C. I. O. and determine how it was best for the Labor Board to get into that case. He wrote a memorandum back to the home office which is in the printed record of our committee, in which he said that he had advised the C. I. O. to make a demand on Inland Steel for a written contract, knowing that that demand would be refused and thereby in their opinion induce the Inland Steel Co. to commit an inadvertent violation of the law, because the Board took the position that the law required a written contract. The C. I. O. made that demand. The Inland Steel Co., as expected, refused to comply, and immediately proceedings were instituted; in fact, as soon as they were told to make this demand on Inland Steel their lawyer in Chicago was directed to prepare all the pleadings so that as soon as this trap was sprung on Inland Steel they would be able to proceed. All right. Now, there was nothing in the law requiring a written contract, and there was not any evidence about a written contract. Judge Earl Major, with whom many of us served in the House, recently in the decision in the Inland Steel case said that this Board was "the prosecutor, the judge, the jury, and the executioner."

The court overlooked just one item. This Board supplies its own professional witnesses on an annual basis at the expense of the taxpayers of the United States. David J. Saposs and his staff of economists are those witnesses. So Mr. Witt writes back to Washington—and his memorandum is in the files—to hurry up and get ready to present this case and get Saposs to be ready with his material to testify to the necessity of a written contract. There is nothing in the law about a written contract, but they wanted to test that question. Not having any law for it, they had to have some evidence, but under the law as it was construed by the Board at that time all they had to have was some evidence. They did not have to have substantial evidence, as the courts say now they must have. The evidence was to be David J. Saposs. I wish you would read it. They put that man on the witness stand, and for 300 pages he testified as an expert witness on the legal question whether under this act it was necessary to put a collective-bargaining contract in writing. Strange as it may seem, that is exactly and identically what happened in that case and what has happened right along.

Mr. HOFFMAN. Will the gentleman yield?

Mr. SMITH of Virginia. I am sorry; I cannot. If I had more time, I would yield. There are one or two things I want to mention.

That was known to this Board 2 years ago. Here is a memorandum, which is a part of the official records of the Board, dated July 16, 1938, from the assistant chief trial examiner to his chief protesting the case of this alleged expert testimony on the ground that it was utterly worthless.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Chairman, I rise to remind the Members of this House that the Labor Committee, not the Appropriations Committee, is charged with the duty of recommending legislation on bills affecting labor.

Almost as old as this body itself is the rule that the Appropriations Committee is without power to legislate. As early as 1837 the House made this tradition an express part of its rules. Every time that the Appropriations Committee has tried to exceed its jurisdiction by expropriating a part of the jurisdiction of another committee the House has firmly reminded that committee of its proper functions.

I do not suppose there is a member of the Appropriations Committee that would seriously deny this. Yet last Thursday the committee slashed one-fifth of the appropriation of the Wage and Hour Division, giving as its reason not that the money was unnecessary for the proper enforcement of the law but that the committee felt that certain amendatory legislation or administrative action was necessary. On page 13 of Report 1822 the committee writes:

The committee recognize the necessity for some expansion in the work of the Wage and Hour Division as it develops its organization and proceeds with its program of properly policing the industries that fall within the terms of the act. They do feel, however, that until Congress shall adopt legislation amendatory of the Fair Labor Standards Act which will serve to clarify certain ambiguities in the existing law, and until those charged with the administration of the act have been able to bring about simplification of procedure and clarification in the interpretation of the rules and regulations promulgated pursuant to any such amendatory legislation, it would be improvident on the part of Congress to approve a greatly enlarged administrative set-up that could only serve in lending further difficulties to an already confused administrative problem.

This report raises a fundamental question which vitally concerns every Member of this body. We have attempted, by delegating to different committees of the House jurisdiction over various matters, to create an orderly system for the consideration of legislation. I do not believe that it is the intention of this body to vest in the Appropriations Committee the power to bring about the passage or repeal of legislation which affects the welfare of the Nation's workers, or of its farmers, or of its Army, or of its Navy. This House has appointed legislative committees for those specific purposes—the Committees on Labor, Agriculture, Military Affairs, and Naval Affairs.

The issue is clear-cut. Who has the power to legislate on questions relating to labor? In 1883 the Labor Committee was established for the express purpose of considering legislation "relating to and affecting labor." That function, as far as I know, has never been turned over to the Appropriations Committee.

This is not the first time in our history that the Appropriations Committee has tried to force legislation or to force administrative action by providing that funds would not be made available unless the Congress or the executive department

would do what the Appropriations Committee wanted. Sometimes the committee has tried to force congressional or Executive action by making an appropriation conditional upon that action. But every time they have tried this the proposed legislation has been ruled out of order. The Appropriations Committee apparently remembered this last Thursday, so they tried to do by indirection what they could not do directly. They simply withheld the money—although they knew and although they admitted that the Wage and Hour Division needed that money to enforce the act as now written and interpreted, promising that if Congress and the Wage and Hour Division acted according to the dictates of the Appropriations Committee, funds would be forthcoming later. This is a concrete admission that the funds are needed now. If the House yields to this indirect attempt to legislate, every standing committee will be in danger of losing its historic jurisdiction.

The Appropriations Committee, to use its own language—

Recognize the necessity for some expansion in the work of the Wage and Hour Division as it develops its organization and proceeds with its program of properly policing the industries that fall within the terms of the act.

In other words, the Appropriations Committee has recognized that the money it is withholding from the Division is money immediately necessary for an even-handed and adequate enforcement of the Fair Labor Standards Act. The workers for whom this act was passed are entitled to more than the printed words of the statute. They are entitled to enforcement of the rights Congress has conferred on them. Employers who have recognized their responsibilities under the act are entitled to be protected from illegal competition which may result in their bankruptcy. They should not be penalized for complying with a law that Congress has placed on the books.

In June 1938 the House passed the Fair Labor Standards Act by an overwhelming majority of 291 to 89. If the House desires to alter this legislation I am confident it would prefer to do so in the only honest way—by a vote of its membership and pursuant to an orderly recommendation of its Labor Committee. Failure to appropriate sufficient funds to properly enforce a law passed by Congress after full consideration is not an honest way to treat the hundreds of thousands of employers complying with the law and the millions of workers looking to it for protection against sweatshop wages and hours.

When we come to the proper place in the bill before the Committee, amendments will be offered to restore to the bill the amount recommended by the President, which I hope the Committee will support. The cut in the 1941 Budget would have the effect:

First. It would prevent the expansion of the Division in accordance with the 1940 Budget. The expenditure of 1940 funds was planned on a monthly increment basis. If the Division expanded according to plan, the total personnel on the pay roll on June 30 could not be carried during the 1941 fiscal year on the reduced amount proposed by the committee.

Second. It would require the discharge of employees now working for the Division. The recruitment of inspectors has been retarded by the necessity of setting up civil-service lists. Other branches of the Division have been able to expand to their June 1940 personnel already. It will, therefore, be necessary to discharge employees in these branches of the Division in order to have an inspection staff proportionate to the rest of the Division.

Third. The Appropriations Committee slash equals, roughly, 460 inspection personnel and 30 legal personnel.

Mr. TARVER. Mr. Chairman, I yield one-half minute to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman, the chairman of the Committee on Labor complains of a certain provision of this bill because it was not handled by the Labor Committee. I would simply like to inquire when that committee expects to end the sit-down strike it has inaugurated over the proposal to amend the wage-hour law? [Applause.]

Mr. TARVER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, the gentleman from Georgia [Mr. COX] has just complained about the sit-down strike, as he terms it, of the Labor Committee. I can see no justification for so describing any action of the Labor Committee or of failure to act on legislation properly referred to it. It is a standing committee of this House composed of our colleagues, men and women of ability, honor, and integrity. The gentleman, however, must have a very vivid recollection of the time when his committee on this very same issue defied the will and mandate of the House for more than a year. [Applause.] On that memorable occasion he and his colleagues on the Rules Committee refused to report a rule for the consideration of the wage and hour legislation, although the people of this country, from one end to the other, were demanding the passage of that act. The people of this country today still strongly support the philosophy of that legislation. The attempt that is being made now by a clique or cabal of men in this House is nothing more than an effort to cripple and strangulate this act and thus prevent its efficient enforcement.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. CARTWRIGHT].

NATIONAL YOUTH ADMINISTRATION

Mr. CARTWRIGHT. Mr. Chairman, I want to give you a brief picture of the National Youth program in my State of Oklahoma—to tell you what it means to 22,200 boys and girls in my State alone. That is the number it now employs; 13,000 of them are high-school and college boys and girls who would be unable to continue their education. These boys and girls, I am told, make better grades than youth attending high school and college who are not working. A great number of them are from farm and country families; they could not attend high school and college without the aid of N. Y. A. Some of the boys are studying agriculture and other subjects about which good progressive farmers should know. Many of the girls are studying homemaking, home canning, and other things which a farm woman should know.

The N. Y. A. in my State is building youth work centers, vocational centers, and other buildings. The boys are learning trades; they are receiving training in lines which they never could have had any knowledge of had it not been for N. Y. A. For instance, they are learing about such things as masonry, carpentry, electrical work, plumbing, plastering, and painting. The boys build these buildings with only professional supervision. All labor is done by the youth themselves. The United States is overcrowded by young men who have studied law, medicine, accounting, and such. We need men who can build things with their hands—men who know trades. Reports show that 80 percent of W. P. A. workers are unskilled. With millions unemployed, there is a shortage of skilled workers.

The girls in the out-of-school program are taught homemaking, cooking, canning, sewing, housekeeping, child care. They are learning to do by doing.

Boys and girls are undergoing physical examination which is required under the N. Y. A. health program. Some of them had never had a physical examination before. It has resulted in much remedial work in addition to a check on the spread of social diseases.

The fact that every poor student who is unable to go to college is removed from competition with adults who need to work seems to me to be one of the best means of helping to solve the unemployment situation throughout the country. Education is certainly one of the means by which we can keep many young people off the relief rolls and help them to prepare to earn their own ways in the world.

Without this program, these 22,000 young people in my State alone would be restless, unoccupied, underfed, poorly clothed, idle—most of all idle. We all know what happens to youth under those circumstances. Think back a few years, say, from 1930 to 1933 or so, before there was a National

Youth program. Youth on the bum—on highways, in boxcars, in hobo jungles, on street corners, in dives, in jail. The morale of the men and women who are to be the future leaders of our Nation was being destroyed. Who knows but that is what makes the Hitlers and Stalins?

For these reasons, I think it is a very short-sighted policy to reduce N. Y. A. appropriations and prevent thousands of boys and girls from learning to do for themselves—from learning to do things by which they may earn their living and make good citizens, and prevent thousands of earnest and eager students from enrolling in our universities, colleges, and technical schools.

For these reasons, I am in favor of voting every penny of the $85,000,000 Budget estimate; and, not only that, but I should like to see a larger sum appropriated for this most worthy program—the National Youth Administration. [Applause.]

Mr. TARVER. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, in the very limited time allotted I prefer to direct my remarks to matters considered by the committee relating to the appropriation for the National Youth Administration. Many statements have been made calculated to criticize the committee for the reduction in this appropriation, whereas others are calculated to criticize the committee for not making the reductions larger.

I should like to review within a few minutes some of the work of this agency of the Government. The National Youth Administration, as we all know, had its origin in 1935 and was created by an Executive order in the Work Projects Administration, the direct purpose being to enlarge the opportunity for work relief among young people between the ages of 16 and 25.

I believe it should be made clear that this was a relief activity in its origin, and I quote from the first Executive order issued by the President of the United States, which is as follows:

> To initiate and administer a program of approved projects which shall provide relief, work relief, and employment for persons between the ages of 16 and 25, requiring full time and who are not regularly engaged in remunerative employment.

Under Executive Order No. 7164, student-aid projects are defined as follows:

> The student-aid projects are hereby defined to be projects financed in whole or in part from funds appropriated by the Emergency Relief Appropriation Act of 1935, which provides financial assistance to the needy young people in amounts which will permit them to continue their education in high schools, colleges, or graduate schools in exchange for part-time work upon useful projects.

The work is divided into three classes: (A) Aid to needy students who desire to pursue postgraduate work, (B) to students who desire to complete their college courses, and (C) to needy young men and women who desire to complete their training in high schools.

The project known as out-of-school work is for the benefit of boys and girls, young men and young women, who have finished high school and are without employment.

In April of 1936 the number of youth employed in high school is reported at 281,498, the number in college at 128,055, and those in graduate work 4,395. In April 1937 the number in high school receiving aid is reported at 297,871, those in college 140,699, and in graduate work 5,416. In April 1939 the number in high school receiving aid is reported at 272,792, in college 110,068, and in grade school 2,899.

In April of 1936 the number of youth employed in the out-of-school work program is reported at 181,279. In April 1937 the number was 189,866. In April 1939 the number was 228,268. On December of last year the National Youth Administration reports 314,310 young people receiving aid in the high-school program, 120,000 in colleges and universities, and 312,000 in out-of-school projects, making a total of 746,310. The average monthly wage is reported at $9.69, the average being $4.41 per month for those getting work inside of high school, $12.59 for those getting work in colleges, and $15 per month for youth working on out-of-school work projects.

The rate of pay ranges for 18 cents up to 41 cents per hour, depending largely on prevailing wages in the locality for the type of labor rendered.

The average age of the youth working in the N. Y. A. is 19 years 9 months, 29 percent of the total having completed high school, although an additional 30 percent attended high school for 1 year or more, it being stated in the testimony that 4 out of 10 did not go beyond the eighth grade in school work.

Of the 322,000 employed in the out-of-school work program in January of this year it is reported that 96.8 percent were certified as in need of assistance. In the current fiscal year $67,133,000 funds have been allocated for the N. Y. A. out-of-school program and the funds distributed to the States have been made on the basis of youth population between the ages of 18 and 24 years inclusive. They are employed on workshop and sewing machine projects, repair of furniture, making different kinds of clothing, household articles, preserving foods, and so forth.

Funds allocated to the college program are allotted on the basis of enrollment as of October 1 of each year. At present there are 28,301 high schools where young people are working on N. Y. A. projects and in 1,698 colleges. During the present year $28,100,000 were allocated for high school and college projects, and out of this amount $13,675,000 were allocated for student aid in high schools and $14,374,000 for colleges and graduate school work. Approximately 73 percent of the school and college students come from families with incomes less than $1,000 per annum, it being the policy of the Administration to base such aid on unemployment or need rather than educational purposes alone. In the out-of-school work program considerable attention is given to teaching young people to prepare themselves for various types of work. About 90 percent of the administrative cost is charged to the out-of-school work program and about 10 percent to the college or school program.

It has been thought and said by some that the out-of-school program of the N. Y. A. has to some extent been competing with private industry, particularly with manufacturing establishments making desks and other school equipment. The evidence, however, before the committee seems to show that the activities of the N. Y. A. are not competitive with private industry for the reason that none of the supplies or equipment made are sold or offered for sale, or placed with any school that would be in the market for such equipment.

The appropriation recommended by the Bureau of the Budget for the coming fiscal year is $85,000,000 as compared with the $100,454,000 for the fiscal year of 1940. The Administrator estimates that $56,191,000 will be used for out-of-school work program, $11,451,000 in the high school work program, and $11,993,000 in college and graduate work, leaving $4,415,000 for administrative expenses. Of the $115,000 estimated for communication service $77,940 are allocated for telephone service, $33,160 for telegraph service, and $4,000 for air-mail and special-delivery postage.

It should be observed that in addition to the National Youth Administration two other governmental agencies, the Civilian Conservation Corps and the Work Projects Administration, are furnishing employment to youth between the ages of 18 and 25 years, it being reported that approximately 278,000 such young people are furnished work through the W. P. A., about 250,000 in the Civilian Conservation Corps, and 312,000 in the N. Y. A., making a total of 840,000, excluding those receiving aid in high schools and colleges. Of course, there is some difference in the character of the services rendered and the pay received. In the W. P. A. it is solely work relief and the individual receives his or her pay or compensation direct. Young men and young women are both given work relief under the W. P. A. program. In the Civilian Conservation Corps young men only are admitted and by virtue of an allotment arrangement $25 per month of their compensation is forwarded to the dependent

parent or parents. Both men and women are eligible for employment in the N. Y. A. and, in addition to work, many are given educational training in high schools and colleges. Those employed on out-of-school work programs are generally furnished work that will equip them for private employment when opportunity affords. Buildings, recreational, or other projects undertaken by the N. Y. A. are usually of the inexpensive type or smaller project, the average cost or outlay amounting to twelve or fifteen hundred dollars.

I wish to suggest a possible answer to some criticisms to the effect that the reduction in the proposed appropriation as compared with the appropriation for the present fiscal year is not justified. I cannot speak authoritatively as to what prompted the President and the Budget Bureau to reduce this appropriation, but on pages 568 and 569, part 2, of the committee hearings we find that during the first 6 months of the fiscal year of 1939, when the N. Y. A. appropriation was $75,100,000, the N. Y. A. paid in earnings to high-school students, college students, graduate students, and out-of-school students approximately $31,200,000, and during the corresponding period for the fiscal year 1940, when the appropriation was $100,000,000, these payments approximated $34,300,000, or an increase of about 10 percent over the previous year.

We note further that during the first 6 months of the fiscal year for 1939 there were on an average of 409,733 young people employed per month in high schools, colleges, and out-of-school work, whereas for the corresponding 6 months in the fiscal year of 1940 the average number employed per month was 455,329, or an increase of about 11 percent.

I call attention to these figures not for the purpose of submitting any criticism to the activities or work of the National Youth Administration, but for the purpose of showing the ground upon which the President of the United States and the Budget makers may have acted in recommending a reduction of $15,000,000 per annum in this appropriation.

As we have already said, in the fiscal year 1939 there was an appropriation of $75,100,000, which was increased to $100,000,000 for the fiscal year 1940. I imagine the Budget makers in preparing their Budget for the fiscal year 1941 undertook to make an inventory of the work of the National Youth Administration to see to what extent the increased funds were being used to increase opportunities for employment among the youth of the Nation. It will be observed that the appropriation for the fiscal year 1940 was increased 33⅓ percent over the appropriation for the fiscal year 1939, but when the Budget makers saw from the record that during the first 6 months of the fiscal year 1940 the number of young men and young women who had been given employment had increased only 11 percent with an increased appropriation of 33⅓ percent, and when the same Budget makers saw that the amount of money expended in the employment of youth had increased only 10 percent during the first 6 months of the fiscal year 1940 as compared with the first 6 months of the fiscal year 1939 they concluded that the peak of employment through this activity had been reached and that approximately $85,000,000 was taking care of this load in the fiscal year 1940 and would, therefore, be sufficient for the year 1941. Of course, there is testimony before the committee that refutes this conclusion.

But, to repeat my thought, the figures referred to show that out of the increased appropriation of $25,000,000 for the fiscal year 1940 only a little over $3,000,000 was spent during the first 6 months of the fiscal year 1940 in paying students for work in high schools, colleges, and out-of-school work employment. Now, if I wanted to be critical, it could be argued that the N. Y. A. should have spent at least eight to ten million dollars more during the first 6 months of the fiscal year 1940 in paying salaries or wages to young men and young women, as provided for under the original Executive order, and if the funds were going to be used for some other purpose, then the natural and logical thing to do would be to reduce the appropriation.

As I said at the outset, I do not know whether or not the Budget Bureau or the President had this in mind, but in view of the facts submitted to the committee in the hearings it is logical to see that the present number of employed both in college and high school and in out-of-school work can be maintained and continued with an appropriation of $85,000,000 per year, and I assume it was for this reason the estimate was placed at $85,000,000. There may have been other reasons, I do not know, but it is significant to observe that out of the $25,000,000 increase last year in the appropriation for the present fiscal year only a little more than $3,000,000 was used during the first 6 months of this year than was used during the first 6 months of last year to pay the salaries or wages of youths employed. If we are to assume that during the next 6 months of this fiscal year the amount used by the N. Y. A. will continue on the same basis as for the first 6 months, then only a little more than $6,000,000 of the $25,000,000 increase provided last year will be utilized this year for paying for the employment of youth.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield 3½ minutes to the gentleman from Massachusetts [Mr. CASEY].

Mr. CASEY of Massachusetts. Mr. Chairman, I am particularly impressed with the report of the committee appointed by the conference on the problems of youth. That committee and the men attending that conference are not radicals. The men who attended the conference who are known to me include Henry I. Harriman, of Boston, Mass., past president of the United States Chamber of Commerce, and Henry T. Dennison, president of the Dennison Manufacturing Co., of Framingham, Mass. They are conservative, conscientious businessmen, but men who have a social side as well as a business side, men who are concerned with this youth problem, who have studied it, and who say in their report, submitted in December 1939—

> In the light of the facts it is evident that the present provisions made by the Federal Government for unemployed, needy youth who are out of school, are inadequate. If the Federal Government undertook even a reasonably complete program for unemployed youth, the cost would amount to more than $1,000,000,000 a year. The committee recognizes that the immediate appropriation of such an amount is not feasible, but it believes that the existing program of the National Youth Administration can be expanded to the greater advantage of the Nation.

Another gentleman of prominence in this country who represents a considerable part of the workers of this country, has written a letter to me agreeing with these other eminent gentlemen. The letter is dated March 25, 1940, and is as follows:

MARCH 25, 1940.

Hon. JOSEPH E. CASEY,
United States House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CASEY: The 4,000,000 workers who are enrolled in the Congress of Industrial Organizations have a very deep concern about the welfare of young people, especially those who are unemployed and who cannot go to school. Most such unemployed young people are the sons and daughters of workers.

We feel very strongly that the health, the morale, and the opportunity for a decent livelihood for young people is a matter of the greatest importance in the future welfare of the country. The C. I. O. staff has examined the facts in detail and finds there are between four and five million young people between the ages of 15 and 25 who are out of school and who cannot find a job. Certainly such a condition is a very serious menace to the continued internal stability of our Nation.

The most useful instrument now at hand, in addition to the Civilian Conservation Corps, to meet this problem of unemployed young people is the National Youth Administration. It has blazed a pathway in a direction along which we should continue to move. Therefore I hope that Congress will find it desirable to increase the appropriation for the N. Y. A. considerably above that provided last year. The figure of eighty-five million in the Budget is certainly most inadequate.

The C. I. O. was represented in a conference of a number of distinguished businessmen, educators, and representatives of labor and agriculture. That conference, after examining the facts at considerable length, agreed that no sum less than $1,000,000,000 a year could adequately care for the unemployed youth of the country at present. It pointed out that administrative considerations made it difficult to provide a program using more than $200,000,000 for

the N. Y. A. next year, but that such a sum certainly should be appropriated. I wish to endorse that view most heartily.

The needs of the unemployed young people of our Nation transcend partisan considerations. I feel sure that all interests in the Nation would join in approval of a substantial extension of the N. Y. A. program.

Sincerely,

JOHN L. LEWIS.

Mr. TARVER. Mr. Chairman, I yield 9 minutes to the gentleman from Kansas [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I want to confine my remarks this afternoon to the work, the functions, and the activities of the National Labor Relations Board as those activities are related to the appropriation measure now before the House.

I want it distinctly understood that I am not unfriendly to the objectives of the National Labor Relations Act. I voted for the creation of this Board; I voted against the so-called investigation of the National Labor Relations Board; but I do think that the members of the Appropriations Committee of the House have a definite responsibility to curtail expenditures of any Government bureau when it is determined in the minds of that committee that they are not absolutely essential or necessary. If the Appropriations Committee of the House appropriated every dollar that has been authorized by the Congress, we would appropriate $17,000,000,000, and this is something we should bear in mind.

I want to point out what the activities of this Board are, what they are doing, and how they are doing them, and why we should curtail some of their appropriations for the fiscal year 1941.

The National Labor Relations Board was set up by the National Labor Relations Act, which was approved by the President on July 5, 1935.

The purpose of the act is to protect working people in their right to form unions, if they so desire, and to bargain collectively with their employers. The procedure by which that right is attempted to be protected is the ordinary administrative procedure used in other administrative bodies, as the Interstate Commerce Commission, the Federal Trade Commission, the Securities and Exchange Commission, and others.

When charges of violation of the act are filed by a union or an individual an investigation is conducted by the Board's staff and settlement of the controversy effected if possible; if not, report is made to the Board for decision as to whether formal action should be taken.

The formal action, if taken, consists in the issuance of a formal complaint against the employer, alleging that he has violated the act. A formal hearing is had on that complaint. At the hearings the Board's attorney presents the facts in support of the complaint. A trial examiner designated by the Board and sent out from Washington for the occasion moderates the hearing, rules on the admissibility of evidence, and has general charge of the hearing in the same way that a judge or master in chancery would have of a proceeding before him. That trial examiner renders an intermediate report, finding the facts, and recommending the action to be taken in order to bring the situation into compliance with the law. If his recommendation is followed by the party against whom the recommendation is made, and if the other party does not take exception to the recommendation, the case is closed at that point. If he does not comply with the recommendation, or if the other party takes exception, the matter comes before the Board in Washington for its decision. The Board makes its decision upon the basis of a transcript of all of the testimony taken at the hearing.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. PATRICK. Is the gentleman reviewing just one particular case that comes to his knowledge or is this a summation of a great number of cases?

Mr. HOUSTON. This is the action of the Labor Relations Board.

Mr. PATRICK. In one case?

Mr. HOUSTON. Not particularly in one case, but in all of them.

The decision may be that the case is dismissed, which is the end of it. If the Board finds the employer has committed unfair labor practices, it issues an order which usually consists of two parts: First, the negative part, directing the employer to cease and desist from further unfair labor practices of the kind found by the Board; second, the affirmative part of the order, which directs the employer to take affirmative action, such as the reinstatement of employees who were found to have been discharged for union activities and the payment to them of back pay by way of compensation for the lost time. It may also include the disestablishment of a union found to be a company-dominated union.

Generally, certain notices are posted reassuring employees as to their rights under the law, and as to the employer's intention to obey the law.

The Board's orders are not self-enforcing; they do not have the effect of a court judgment. In other words, if the Board has ordered an employer to cease and desist or to reinstate employees, or to do anything else, nothing happens to the employer if he does not obey that order. The Board is still obliged to take the case into the circuit court of appeals of the United States and ask the court to enforce the Board's order.

In the same way, if the Board does not move into the circuit court of appeals to enforce its order but merely lets its order lie and does not go about enforcing it, the statute provides that the employer himself may take the case into court to get the Board's order set aside.

There are two kinds of cases handled by the Board, complaint cases and representation cases. Complaint cases are the unfair labor practice cases in which an employer is charged with having committed violations of section 8 of the act and is proceeded against or is at least charged with that violation. Representation cases are in general terms the election cases where an employer is charged with nothing, but there is a question as to who represents this employer, and the proceeding there is under section 9 of the act.

The total number of cases filed, pending on docket, and disposed of, during the fiscal years 1936 to 1939, inclusive, are as follows:

Cases pending at beginning of 1936, 330; 1937, 2,202; 1938, 3,778; 1939, 4,113.

New cases filed during 1936, 1,068; 1937, 4,068; 1938, 10,430; 1939, 6,904; first 6 months present fiscal year, 3,085.

Total cases disposed of during 1936, 738; 1937, 2,344; 1938, 8,851; 1939, 6,569.

The Board has never been able to handle cases on a current basis, but it now is handling representation cases on that basis by concentrating personnel and time on that branch of the work, and bringing up other cases as they can be reached.

For the purpose of comparing appropriations and estimates for the National Labor Relations Board for 1941 and preceding fiscal years, the following data is given:

APPROPRIATIONS

1936 (supplemental)	$290,000
Supplemental (First Deficiency, 1936)	65,000
1937	735,000
Deficiency	15,000
1938	785,000
Supplemental	1,785,000
1939	2,955,000
1940	3,189,600

ESTIMATES

1936 (supplemental)	$300,000
Supplemental (first deficiency, 1936)	95,000
1937	735,000
Deficiency	15,000
1938	785,000
Supplemental (H. Doc. 294)	65,000
1939	3,035,000
1940	3,229,600
1941	3,180,000

While the Committee on Appropriations did not approve the 1941 Budget estimate in full, the members, after long and careful consideration, tried to arrive at a reasonable figure which will enable the National Labor Relations Board to carry out the program of protection for labor as originally intended by Congress.

It is generally conceded some amendments to the act may be necessary; in fact, certain changes designed to speed up administrative procedure are demanded by labor; but the committee's action in cutting the Budget estimate for 1941 in no way reflects any disposition to hamper the work of the Board. It is believed the approved figure covers the needs of the Board and that by certain plans for more economical operation which the Board is now putting into effect, the Board can function effectively and fulfill its purposes.

The estimates for the National Labor Relations Board total $3,180,000. The committee recommend an appropriation of $2,843,000, or a reduction of $346,600 under the 1940 appropriations and a decrease under the Budget estimate of $337,000. During the current year the appropriation for the Board is carried under one paragraph of salaries and expenses. The committee have separated these two objects of expenditures and provides an appropriation under each head. The committee are of the opinion that the National Labor Relations Board is overstaffed. During the fiscal year 1938, 10,430 cases were received by the Board. In the fiscal year 1939, 6,904 cases were docketed. For the first 6 months of the current fiscal year 3,085 cases were received. On the basis of this record of a continuing reduction in the number of cases received and the firm belief of the committee that both the field service and the departmental service of the Board have entirely too many employees for the work load, the reduction of $337,000 under the Budget estimates has been made. The following table will indicate the thought of the committee as to where the reduction might be made to apply.

Amount of reduction

Field examiners	$18,000
Clerical staff	21,000
Field attorneys	48,000
Administrative Division	20,000
Trial Examining Division	57,000
Division of Economic Research	45,600
Legal Division, Litigation Section	15,400
Legal Division, Review Section	18,000
Reduction in salaries of employees given more than 2-step administrative promotions in 1939	5,000

The committee does not desire it to be understood that in effecting these reductions indicated the Board must necessarily make decreases in the exact amounts indicated in this table, as it is probable that many variations will essentially have to be made from this pattern for the purpose of serving good administration. The table is merely a guide as to the committee's general attitude. It is felt, however, that no need exists for a division of economic research, and it is expected that this section will be entirely eliminated.

In the item for expenses other than salaries, the following table furnishes information as to the committee's attitude:

Suggested reduction

Item of expenditure:	
Supplies and materials	$2,000
Communication	20,000
Travel	50,000
Reporting	3,000
Rent	5,000
Special and miscellaneous	500
Furniture and equipment	5,000
Temporary employees	2,500

The same observation may be made respecting these reductions as indicated in the preceding paragraph. If good administration demands that variations be made in the amounts shown above, the committee will entertain no objection. Language has been inserted under this head specifically inhibiting the use of any appropriations for the purpose of influencing any legislation. While this is already the law, the committee is not entirely satisfied that it is being observed as such in all its applications. [Applause.]

Mr. TARVER. Mr. Chairman, I yield such time as he may desire to use to the gentleman from California [Mr. THOMAS F. FORD].

Mr. THOMAS F. FORD. Mr. Chairman, much of this criticism has been directed to the activities and methods of the National Youth Administration. But no Member has had the temerity to criticize its accomplishments. That it has enabled thousands and tens of thousands of girls and boys to continue their education in high schools and colleges has not been denied. Only the most hidebound reactionary, blind to the conditions in this machine age, can object to an extension of our free educational system that extends help to the poor but ambitious and energetic boy and girl who is struggling to get an education.

It is my hope that today we may rise above prejudice and vote to increase the allocation for N. Y. A. to at least $100,000,000. By doing this we shall bring hope and opportunity to great numbers of our youth now threatened with being denied the chance to complete an education, so vitally essential in this hard world.

Mr. TARVER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Chairman, it takes many, many years for a person to establish a good reputation. Reputation is something that cannot be bought. Reputation is something that one can only earn. Those in positions of power, whether political, financial, or otherwise, establish in part their reputation by the manner in which they exercise the great trust that is imposed upon them.

You and I, as Members of Congress, are elected. All of us must have some good qualities in order to commend ourselves to the people of our districts, and all of us are human beings, with the strength and the weaknesses of human beings. One of the powers we have as a Member of this body is the power to make any kind of speech we desire to make on the floor of the House, so long as we do not contravene the rules of this body, rules made to protect one Member against attack by another Member. We also have a constitutional guaranty that protects us in anything that we might say, whether what we say is false to the extreme, or what we might say is true. The very fact that we possess that power imposes upon us a trust to exercise that power with caution and with care, and to see that we do not knowingly or even unknowingly, when erroneously, smear the character and reputation of some other person not a Member of this body, who is unable to come onto the floor of the Chamber and answer the charges. [Applause.]

I was chairman of the special committee 5 years ago that investigated communism, nazi-ism, fascism, and bigoted organizations in this country. As a result of that investigation the committee proposed, and I drafted, and it has since been enacted into law, the registration of foreign propagandists act, an act with which every one of us is familiar. If there is anyone who opposes communism, nazi-ism, fascism, or bigotry in any form in this country, and who is opposed to it, not only in principle, but by heredity and tradition, and because of his own personal desires, then I am that person. I am opposed to all those movements as strongly as anyone can be opposed to them. However, I recognize the right of all men and women to disagree with me, and I recognize their right to entertain the views that their conscience prompts, so long as they respect the rights of all other Americans to entertain their views, and so long as they undertake to accomplish their views in a constitutional manner, and within the law. I take issue with those who would deny me my constitutional rights, and anyone has a right to take issue with me if I should undertake to deny to them their constitutional rights. [Applause.] It is the easiest thing in the world to call names. To me it is a sign of weakness. I have seen men, and I know of men in this chamber, one or two, who 25 or 30 years ago in Massachusetts politics, were called radical by the Republican Party,

of which they were a member, and one that I have in mind with whom I served in the constitutional convention over 20 years ago—my first public office—now a member of this body today, whom 20 years ago the Republican Party tried to read out of that party because they considered him to be a radical. As a matter of fact the men I have in mind were progressives. They were called names.

I remember in 1920, my first year in the Massachusetts Legislature, that I voted for old-age pensions, a bill that was pending before the Massachusetts Legislature at that time. Twenty-four members of the house, of a total membership of 240, voted for that bill. I was called a socialist because I voted for old-age pension legislation in 1920. The calling of names is indulged in for the purpose of putting a person in disrepute. Sound argument, although I may not agree with it, I respect, but I think it is unfair for a person to take the floor and call others names, particularly persons who are not members of this body. That is a violation of a great trust and responsibility. The purpose of that is to bring someone else into public disrepute and try to break him down; to try to engender in the minds of others a feeling of fear or hatred against such person or persons who are called names.

So far as the charges made today against Mr. Williams are concerned, while undoubtedly honestly made, they are erroneously made, and whether or not those who made them realize it, they have become a party to a "smear Aubrey Williams campaign." [Applause.] I never met Mr. Williams prior to his becoming associated with the National Youth Administration. I have met the gentleman on several occasions. I think it is wrong to say that a man should be characterized as this or that upon one act or one expression.

I know I would not want to have my whole career judged because of one thing that I did; I repeat, I would not want to be held in judgment upon one act or expression of mine. The fair thing to do is to look over the whole picture, and form an honest opinion, not based on one act or one expression, but based upon a person's career. I would want to be judged that way by my fellow men, and certainly I want to judge my fellow men in the same way that I would want to be judged by them. Mr. Williams made one statement only that by only a stretch of imagination might justify any criticism—certainly not an attack—being made, and that is the statement of group action, made, I think, in Birmingham. I investigated that statement. Mr. Williams has stated that that was an off-the-record statement.

Mr. Williams said it was more of a joking statement. Of course, it was picked up in a little conversation between several who were there, and it was carried in the newspapers.

Mr. FISH. Will the gentleman yield for a question?

Mr. McCORMACK. Yes; of course, I will.

Mr. FISH. Will the gentleman explain what an off-the-record statement is for a public official?

Mr. McCORMACK. When I used the term "off-the-record" it would be like the gentleman and I were talking out in the anteroom and we made some offhand statement, extemporaneously, without thinking, in a joking way, and if I came in here and charged the gentleman or the gentleman charged me with meaning something that did not represent my state of mind——

Mr. FISH. I am sure, of course, neither the gentleman nor myself would do such a thing.

Mr. McCORMACK. I used the term "off the record" perhaps incorrectly. I mean to say "an offhand statement."

Mr. FISH. But still a public statement.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MURDOCK of Arizona. Is it not true that in the public utterances or even private conversations of a public official a statement is often picked by those unfriendly to him out of its context and twisted to make it mean something entirely different? I certainly agree with you that a man's attitude and character ought in fairness to be judged by his known and recorded acts and words and not by what others may want him to appear.

Mr. McCORMACK. That is true. I would not want to be held in judgment upon some statement that I am alleged to have made and which was carried in the public press.

We have all had the experience, with the press acting in good faith, of being misquoted. That occasionally happens in the life of all public officials. There are times when a portion of a statement is quoted which will convey one impression to a reader and if the whole statement was carried an entirely different impression, as intended, would have been conveyed.

Mr. Williams' life has been one which is distinctly in accordance with the American scheme of life. Born in Alabama, in a family impoverished by the Civil War, he grew up in Birmingham, to which city his parents removed, so I am informed, when he was about a few months old. He went to work in a laundry at the age of 7 years, and, until he was 20 years of age, he did not have what amounted to more than 1 year's formal schooling, having obtained his education on the outside by constant reading, attendance at night school, and tutoring from friends and teachers. From his youth he always manifested a keen interest in social problems and became interested in social work. He aided in establishing a boys' club in Birmingham before he was 20 years of age.

My inquiry as to Mr. Williams' life shows that in 1911, having saved some money, he entered Maryville College, at Maryville, Tenn., and that he had the intention of studying for the ministry, but he later abandoned this ambition in favor of social-service work. He worked his way through Maryville College and entered the University of Cincinnati at about the time the World War broke out in Europe. In 1916 he went to Paris with the Y. M. C. A. and continued his studies in Paris. He later joined the French Foreign Legion. Upon the arrival of American troops, he transferred from the French Foreign Legion to the American Expeditionary Forces and saw active service in a Field Artillery unit and was wounded at the front. Later he was sent to a training camp and was commissioned a lieutenant.

We witness from this brief outline of Mr. Williams' life the story of a man who started out with everything against him and possessed of the ambition to succeed, and through his own courage has succeeded. It is only in a democracy that such opportunity exists. We see Mr. Williams, as 4,000,000 other Americans did, responding to the call of our country for service in time of the World War. We find him after the armistice entering the University of Bordeaux, from which he received a degree in philosophy.

Upon his return to the United States, and for a short time, he performed the services of a lay preacher in a small community across the Ohio River from Cincinnati. We then find him going to Wisconsin as secretary of the Wisconsin Conference on Social Work, and he continued his work in that field for a period of 10 years, when he joined the staff of the American Public Welfare Association in July 1932.

Mr. Williams' services were borrowed from time to time by various States, and in the course of this work he organized the Mississippi Relief Administration and, with Col. Lawrence Westbrook, performed the same service for Texas, both of which tasks were undertaken at the request of the respective Governors of the two States.

In June 1933 he was appointed as field representative in the Southwest of the then Federal Emergency Relief Administration, and has remained with the Government ever since, becoming Deputy Administrator of the Works Progress Administration, in which capacity he served until appointed full-time Administrator of the National Youth Administration in December 1938. Mr. Williams' connection with the National Youth Administration began in 1935 when this agency was created by Presidential order, and he was named by President Roosevelt as executive director, holding this office at the same time that he was Deputy Administrator of the Works Progress Administration.

Mr. Williams is married and has four boys, ages 18, 16, 15, and 13.

Any other Member could have ascertained this information just the same as I have. Certainly, the life and career of Mr. Williams are consistent with the highest ideals of American citizenship. The attacks made upon him are unwarranted and unjustified. Instead of being attacked as he has been, he should be praised for the courage which he has displayed in overcoming great difficulties; for being a self-educated man and for rendering to our country the service that he did during the World War and for devoting his great talents and capacity in the cause of the unfortunate of our country. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TARVER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, I propose, when we read the bill, to offer an amendment to increase the appropriation for the Immigration and Naturalization Service from $7,953,600 to $8,133,420. If we are going to economize, I think this is a very poor way to do it. This is breaking down the enforcement of our immigration laws. By this proposed cut you will reduce the force of that division by about 37 immigration inspectors. These are men of high standing, men who are qualified and needed for the important task of guarding our borders, and getting rid of the undesirable aliens in this country that do not belong here.

There was no reason to economize by crippling an arm of the law, by reducing the force of immigration inspectors and clerks in order to save a little over $100,000. I do not think that this is proper and beneficial economy. I do not think the Appropriations Committee was willing to do it. I submit to the membership that both sides of this House should support my amendment to restore at least the law-enforcing arm of the immigration service to the 1939 Budget figures. If you should strike out these 37 inspectors you will break down the law you have been so zealous about enforcing.

There has been a program for deportation of undesirable aliens. By cutting these 37 inspectors from the staff you will permit a lot of undesirables to remain here which in the long run will cost this country more than the salary of 37 inspectors. This should not be made a political question.

I think a reading of the testimony before the committee will show that they were all in sympathy with the fact that this cut should not be made, but because the Budget Bureau said there should be a cut, they dug into the most vital part of the force, which should be left alone. I submit if we are going to economize we should do it in another way and not by removing from office the immigration inspectors who are so necessary at this time, particularly, when the country is in such unrest with all the aliens that are being smuggled into this country by the back door.

Mr. Chairman, there was no justification in the hearings before the Appropriations Committee for cutting one penny of the appropriation for the Immigration and Naturalization Service. As a matter of fact, if I were a member of that committee I should have increased the number of men who are enforcing officers in our Immigration Service in this country.

It has been stated on this floor that the Department of Labor is not enforcing the law in some deportation cases. If we do away with 37 inspectors, some 27 clerks and the 8 additional men who check up on all of these undesirable aliens, we will practically break down the law. I submit it should not be done.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

The CHAIRMAN. The gentleman from Georgia has consumed all of his time.

Mr. ENGEL. I yield to the gentleman from Oklahoma such time as he may desire.

URGES INCREASED FUNDS FOR CIVILIAN CONSERVATION CORPS

Mr. JOHNSON of Oklahoma. Mr. Chairman, a few days ago I addressed this House briefly, at which time I pointed out that the proposed slash of more than $56,000,0000 in the appropriation for the maintenance of the C. C. C. camps would close 273 camps in the country. At that time I indicated that an amendment would be offered to restore funds to prevent the closing of these camps.

I rise at this time, Mr. Chairman, for the purpose of saying that unless some other Member does so, that I shall present such an amendment. As a member of the Committee on Appropriations I offered an amendment to increase the appropriation from $230,000,000 to $280,000,000 when the bill was being considered before the full committee. My amendment was not approved by the committee. If my amendment is adopted when the bill reaches the amendment stage it means that there will still be a sizable reduction under the amount expended for the same camps during the present year, but considering the economies inaugurated and actually made by the efficient and popular Director of the Civilian Conservation Corps, Mr. J. J. McEntee, who has been the Acting Director for the past year, I have reason to believe that with $280,000,000 he could maintain every camp now in operation, which this Congress has made it plain in the past it desires be done.

This effort to close nearly 300 camps is nothing new. Last year it was the same old story. The Bureau of the Budget, which some members seem to think is all-wise and infallible, attempted to make a similar reduction a year ago, but Congress would not stand for it. At that time it was proposed to reduce the number of camps from 1,500 to 1,200 but such a storm of protest went up from Members of Congress that the effort failed. The fact is, that several times during the past 3 or 4 years when threats have been made to liquidate the C. C. C. camps of the country I have called Members of this House together and have led groups to the White House to protest such a move to the President of the United States. A year ago we thought we had a meeting of the minds and that it was generally agreed by Members of Congress and this administration that the number of camps would remain permanently at 1,500. Congress has spoken by an overwhelming majority indicating very clearly that it has placed its stamp of approval upon the Civilian Conservation Corps that is conserving not only the natural resources of the country but, what is far more important, it is conserving and upbuilding the morale of the American youth. [Applause.]

The proposed amendment to increase funds for the maintenance of the C. C. C. at its full strength of 1,500 camps is not a personal matter with me insofar as the camps of the district that I represent in Congress are concerned. Under the proposed reduction I lose no camps, so it does not affect me politically or otherwise. I can speak my mind without being charged with being selfish or biased in the matter. I maintain, Mr. Chairman, that if the Conservation Corps program is a practical and progressive program for youth, if it is in fact one of the most popular and worth-while programs of this entire administration, as we fervently believe is the case, then we have no moral right to seriously curtail and cripple that program, and run out on the youth of the country who are so vitally affected by that program. To do so would throw down the needy youth of the country who are clamoring for an opportunity to earn an honest livelihood. If we pass this bill without an amendment, as the committee has recommended, and reduce the appropriation in such a drastic and unreasonable manner as the Budget has reduced it to, let us understand exactly what the result will be.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman explain how many young men will be deprived of employment if the C. C. C. camps are cut?

Mr. JOHNSON of Oklahoma. We are throwing 54,000 American youth out of employment on or before July 1. Our answer that "we had to cut somewhere," will not be a reason but a flimsy excuse so far as the unemployed youth are concerned.

Not only that, but I will say to my good friend, the distinguished gentleman from Arizona, that if he will read the testimony of Director McEntee before the Subcommittee on Appropriations in charge of this bill, he will find some inter-

esting and amazing facts concerning the subject he has raised about unemployed youth. Mr. McEntee advises that on January 1, 1940, 165,000 eligible youth applied for places as enrollees of the C. C. C. camps of the country but there were vacancies for only 60,000. Bear in mind that every one of those 165,000 unemployed young men and boys were in need; their parents were either on relief, certified for relief, or else had a very low income. Every one of those 165,000 young men had a reason to believe that he was entitled to become an enrollee in a C. C. C. camp but, as I indicated, 105,000 of them on January 1 were told that for reasons of economy there was no place in a C. C. C. camp for them.

I have listened with considerable interest to the repeated statements of the gentleman from Oregon [Mr. ANGELL] in which he castigates officials of the C. C. C. for what he terms as "extravagant overhead." The fact is that the committee that heard the evidence has complemented Mr. McEntee and his associates for his businesslike administration and his economies inaugurated wherever possible to do so. If it is possible to inaugurate economies, and no doubt that can be done, that, of course, would meet with the approval of every Member of Congress. But certainly no real friend of the program wants to see the C. C. C. camps, which have been operated on a high standard, and which have commanded the respect and admiration of Congress and of the citizens of the country, relegated to mere "flop houses," as some are advocating. I would much prefer to see all the C. C. C. camps liquidated than to see a fine program curtailed to the extent that we could not justify their continued existence.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. PITTENGER. The gentleman, I understand, intends to offer an amendment to prevent the abolishing of these C. C. C. camps?

Mr. JOHNSON of Oklahoma. Yes. As I have heretofore indicated, I shall offer such an amendment unless some other Member desires to do so.

This week I discussed this matter with Hon. J. J. McEntee, Director of the Civilian Conservation Corps, and asked him the direct question, What, in your opinion, would be the effect of the Appropriations Committee action in raising the blocked sum in the Civilian Conservation Corps estimates from $137,130,000 to $143,000,000, and also if 55 additional camps could be effectively and efficiently operated by making the proposed increase in the blocked $137,000,000 to $143,000,000? I am submitting herewith his reply, which is self-explanatory. I trust that every Member interested will read the RECORD. Mr. McEntee makes the blunt statement that the action by the committee is administratively impractical. You will note he states also that if an attempt were made to operate 54 additional camps with a reduced appropriation that it would simply mean the curtailment of proper expenditures for education, training, supplies, equipment, and competent supervisory personnel.

Mr. McEntee's letter also goes into the subject of what is termed "overhead" in some detail. Many Members of Congress apparently are of the opinion that overhead in the C. C. C. camps relates only to the personnel at the camps and the general overhead in connection therewith. But Mr. McEntee in his letter points out that much of this overhead is far removed from the C. C. C. camps. It is back of the lines, so to speak. The overhead includes, as pointed out by Mr. McEntee, not only shelter, meals, medical care, educational facilities and transportation, but also the regional offices of the Park Service, Biological Survey, Reclamation Service, Forest Service, Soil Conservation Service, and the large forces maintained in the Washington offices of these agencies, including the Civilian Conservation Corps salaries and expenses, all of which are paid from Corps funds. Mr. McEntee's letter is plain, clear, and answers a lot of questions that have been asked. His letter follows:

FEDERAL SECURITY AGENCY,
CIVILIAN CONSERVATION CORPS,
OFFICE OF THE DIRECTOR,
Washington, D. C., March 23, 1940.

Hon. JED JOHNSON,
House of Representatives, Washington, D. C.

DEAR MR. JOHNSON: This is in response to your direct questions: "What, in your opinion, would be the effect of the Appropriations Committee action in raising the blocked sum in the Civilian Conservation Corps estimates from $137,130,000 to $143,000,000? What is likely to be the effect of the 10-percent-limitation clause put in the appropriation language by the committee? Can 55 additional camps be effectively and efficiently operated due to the increase in the blocked sum from $137,130,000 to $143,000,000?"

Let me first say that I have the highest regard for the abilities and the sincerity of every Member of Congress in endeavoring to reduce expenditures and promote efficiency. However, the action reported will not, in my opinion, accomplish these desirable objectives. The action taken is administratively impractical and will, I fear, seriously interfere with the craftsmanshiplike job the Corps has been performing over the last 7 years.

It will be impossible for the Civilian Conservation Corps to continue the high standards of training to enrollees, work output, and administrative effectiveness under the provision reported out by Appropriations Committee. To operate 55 more camps with no increase in funds simply means that all camps would be very seriously curtailed with regard to proper expenditures for education, training, supplies, equipment, and competent supervisory personnel.

The Civilian Conservation Corps is always seriously concerned with economy in operation and has regularly made progress in that direction. Our costs have been reduced from a maximum of about $1,250 per year to approximately $1,000 per year at the present time. I think that further improvement can and will be made. But a drastic step such as the committee contemplates with its increase in the blocking of funds from $137,000,000 to $143,000,000 is not good economy.

The same thing is, in general, true of the 10-percent limitation which the committee has added to the appropriation language. In addition to other arguments against this 10-percent-limitation clause, it may be stated that the bookkeeping cost or accounting cost of the Civilian Conservation Corps will be considerably increased. These blockages will constitute a separate appropriation in the eyes of the Comptroller General, and the additional accounting work will run into a very large sum. It is our opinion that the recommended changes, if put into effect, would be likely to disrupt the Corps.

There seems to be some misunderstanding, due to the $1,000 per enrollee man-year over-all cost. It is argued that $600 goes to the enrollee directly, and the remaining $400 is, therefore, overhead and is excessive. Perhaps I did not make it entirely clear that this $400 buys all of the materials and equipment used in the work projects; all of the housing and education for enrollees; technical planning and supervision; and many other things which make the program practical and efficient. Any part of this $400 which is taken out simply means poorer educational facilities, poorer housing, inadequate supplies and materials for work projects, and inadequate technical and labor supervision and training for the enrollees. I believe that the recommendations constitute a step backward rather than a step forward in the progress of the Civilian Conservation Corps. In many industries, for each $600 spent for "line labor," thousands of dollars would be spent in materials and all other costs. This would hold with particular force for the motor industry, public utilities, and many other manufacturing operations. In the charge for overhead of the Corps, we have not only the overhead in the camp but the technicians and others back of the lines. In the regional offices of the Park Service, Biological Survey, Reclamation Service, Forest Service, Soil Conservation Service, and the large forces maintained in the Washington offices of these agencies, for example, Civilian Conservation Corps salaries and expenses are paid from Corps funds.

To operate an additional 55 camps on standards which have proved to be practical and acceptable to the public in the past would cost an additional $10,000,000.

You understand, of course, that while I have answered your direct questions and tried to give a clear picture of the probable effect of the recommended changes I fully recognize the right of Congress to enact any legislation it sees fit, and that whatever legislation is enacted I will administer to the best of my ability in accordance with my oath of office.

Sincerely yours,

J. J. MCENTEE, *Director.*

I am also taking the liberty of submitting a letter from my good friend, Hon. Millard W. Rice, legislative representative of the Veterans of Foreign Wars, who is ever on the battle line fighting for our war veterans. This proposed cut will, of course, mean the elimination of many of the veterans' camps throughout the country. Mr. Rice gives some information and statistics with reference to what the C. C. C. camps are doing especially for veterans. Mr. Rice points out that the fortieth national encampment of the V. F. W. in

Boston last September—that great veterans' organization—went on record favoring the increase of the veterans' quota in the Civilian Conservation Corps from 30,000 to 50,000 and provided that veterans should be eligible for immediate reenrollment in the event that private employment obtained by former enrollees should shortly thereafter be terminated. Mr. Rice strongly indicates that he feels that the program of the C. C. C. should be expanded rather than curtailed at this time.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Kansas City, Mo., March 25, 1940.

The Honorable JED JOHNSON,
Member of Congress, House of Representatives,
Washington, D. C.

MY DEAR MR. JOHNSON: During the last several years you have prominently identified yourself as one of those very much interested in securing adequate annual appropriations for the Civilian Conservation Corps, and you have several times taken steps, with the effective cooperation of others, to provide a greater appropriation for that purpose than had been recommended by the House Committee on Appropriations.

H. R. 9007, the proposed Labor-Federal Security Appropriation Act, 1941, recently favorably reported by the House Committee on Appropriations, would provide for an appropriation to the Civilian Conservation Corps of only $230,000,000, as compared with $295,000,000 for the current fiscal year, thus necessitating a reduction in the number of operating C. C. C. camps from 1,500 to 1,282, and thus necessitating a decrease in the average enrollment from 270,000 to 239,600, and incidentally necessitating a proportionate reduction in the number of veteran camps and veteran enrollees, ordinarily constituting about 9 percent of all C. C. C. enrollees.

In the past it has been possible for a considerable number of veterans receiving domiciliary treatment in Veterans' Administration facilities, at a substantial cost to the Federal Government, to become enrollees in C. C. C. camps, and thus to become useful, productive, self-respecting employees, instead of dissatisfied, nonproductive patients in Veterans' Administration facilities.

It seems to be universally agreed that the Civilian Conservation Corps has been responsible for many worth-while construction and conservation projects of permanent value to the Nation and, incidentally, for the physical, psychological, and vocational rehabilitation of thousands of enrollees. These favorable results, amply substantiated by the testimony before the House Committee on Appropriations, would certainly seem to indicate that we ought to have more, rather than less, C. C. C. enrollees and C. C. C. camps.

At our organization's fortieth national encampment, held in Boston, Mass., August 27 to September 3, 1939, it went on record in favor of increasing the veteran quota in Civilian Conservation Corps from 30,000 to 50,000, and to provide that veterans should be eligible for immediate reenrollment in the event that private employment obtained by a former enrollee should shortly thereafter have been terminated.

We are happy to know that you and your associates are going to press for the adoption of an amendment on the House floor to increase the appropriation for the Civilian Conservation Corps from $230,000,000 to at least $280,000,000 for the next fiscal year. We sincerely hope that your efforts in that direction will prove to be successful.

Respectfully yours,

M. W. RICE,
Legislative Representative.

Mr. ENGEL. Mr. Chairman, I yield the remainder of my time to the gentleman from Wisconsin [Mr. KEEFE].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 34 minutes.

Mr. KEEFE. Mr. Chairman, I listened with a great deal of interest to the remarks of the splendid gentleman from Massachusetts who addressed the committee just a few moments ago. I regret that due to limitations of time he was unable to complete those remarks, and I would like to supplement them just a little bit because the gentleman from Massachusetts and myself find ourselves on quite common ground. [Applause.] I simply want to say that I too feel as a result of experience of the past that it is absolutely wrong to stigmatize as a Communist every man who has an idea that does not conform to accepted standards. I think the time is here when the people of the country should differentiate between those men who owe their allegiance to this Nation, but who believe that change in our social and economic structure is necessary and who have the courage to advocate change when it is necessary, and those individuals who owe allegiance to some foreign nation and who are advocating change not for the purpose of preserving our system of government but who in fact want to destroy our system of government. [Applause.] I have known in the past many great liberal minds that have offered legislation to the Nation and to the various States who have been accused of being Bolshevists. That was the name applied to them 25 years ago. Yet today the advocacy of those gentlemen finds expression on the statute books of almost every State in the Union. So it is not with good grace, it seems to me, always to attack as being communistic everything and everybody with which you may not agree. I believe that in my short service in this House I have demonstrated my attitude toward communism and subversive activities.

If I felt for one moment that Mr. Aubrey Williams was a Communist I would be here in the Well of this House denouncing him in no uncertain terms. [Applause.] But I want to say to the membership of this House that I have taken it upon myself as a member of this subcommittee, in the interest of truth, honor, and decency, to investigate Mr. Williams in my own way; and I can say to you on my oath as a Member of this House that while I do not agree with some of his expressed philosophy I do know that Aubrey Williams is not a Communist, and it is unfair even to give that implication to the public. [Applause.]

It seems to me a man's past record, which is a thing all of us like to point to, ought to be given some consideration as proof. Aubrey Williams has been referred to as a cultured, educated, refined gentleman. The fact of the matter is he had no schooling at all until he was 20 years of age. Whatever Aubrey Williams has accomplished in life he has accomplished the hard way as a result of his own self-education. He did go to the University of Cincinnati and study for the ministry, but he left that effort at education in order to go to France representing the Y. M. C. A., and then joined the Foreign Legion and went to the front to fight in the World War. When the United States entered that war Aubrey Williams joined the American Expeditionary Forces and remained at the front until the conclusion of the hostilities. For me, at least, I think perhaps his record is one reason why the American Legion in my State and all of the patriotic organizations have unalterably expressed their opinion in letters which I have in my files commending the work of the N. Y. A.

It may be that Mr. Williams has made some unfortunate statements. Who has not? Who is there here who has not made statements in public life that he has not afterwards perhaps regretted? I know I have and I would hate to have my career put under the microscope of public inspection as has been the career of Mr. Aubrey Williams. At least let us understand, Mr. Chairman, that we must judge the work of Mr. Williams by what he has done in N. Y. A. So far as I am concerned I am judging the worth of that experiment or that organization by what it has done in my State.

The administrator of N. Y. A. in Wisconsin is a past post commander of the American Legion, and every man in the organization that I know of is an American of the very highest standards with the most patriotic impulses motivating his every action. [Applause.] N. Y. A. has brought relief to 20,000 young people in the State of Wisconsin who are being given an opportunity to work. This is not a subsidy out of the Treasury of the United States given to youth; it is an appropriation that provides an opportunity to work. These young people who are kept in colleges and schools have to work for the opportunity of remaining in school, and the pitifully small amounts that are allocated to them for that work represents a bare sustenance, but it does represent the difference between an education and the lack of an education. In the out-of-school work which I have seen in my State it has trained young people for jobs, and thousands have been placed in private employment due to the training they have received in N. Y. A. Let us be fair in the discussion of this situation and let us not try to get away from the fact and the real problem that is before us, let us try not to assassinate N. Y. A. over the body of Aubrey Williams. [Applause.]

The only question that should be before this House is the simple question: Are you going to support the action of the committee which reported the full Budget estimate

of $85,000,000 or are you going to increase or decrease this amount? This is the privilege and prerogative of the membership of this House. I think, however, it is passing strange that those Members of this body who so bitterly assail and condemn Aubrey Williams because of his association with Mr. Leopold Stokowski in the organization of this American orchestra lose sight of the fact—and I am addressing my remarks to those gentlemen on the Democratic side especially who condemn Mr. Williams in this connection.

They lose sight of the fact that Mr. Stokowski was a guest at the White House when the matter was discussed, and that the Stokowski proposal has the complete and sympathetic approval of the White House itself. In condemning Stokowski and his program as a communistic activity, my Democratic friends are in effect condemning the White House itself.

Now, bear in mind that we went into the question of Leopold Stokowski thoroughly. If Leopold Stokowski is a Communist, I do not know anything about that. I do know that he is an acknowledged leader, and has been for years, of one of the greatest symphony orchestras in America. I know that he is a great musician and has made a great contribution to the culture of this country. I know nothing of his morals or his habits, but I have no fear that he or anyone else will be able to contaminate the youth of this country. When Mr. Williams, under the direction and approval, if you please, of the administration, expended a little sum of about $2,600 to provide auditions throughout the Nation through the medium of N. Y. A., so that every young aspiring musician might be heard and have a chance to get employment in this project, it comes with poor grace, in my opinion, to criticize and stigmatize that movement as being of Communist origin. [Applause.]

The people of Wisconsin whom I represent believed in the N. Y. A. when they learned the truth and I have hundreds of telegrams from as sound Republicans as there are in the State of Wisconsin urging me to support the N. Y. A. to the fullest extent. I cannot conceive why this argument should be diverted from the real problem, which is the problem of youth, that I know exists and you know exists. Whether their problem has been created by the New Deal or created in some other way is beside the question right now. We are facing a reality, we are facing a fact which is known to exist. There are 1,200,000 young American youth who are struggling for an opportunity to become part of the N. Y. A., while only about 300,000 can be taken care of.

Mr. SHEPPARD. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from California.

Mr. SHEPPARD. I would like to ask my colleague if this did not occur during the hearings when we were all present: The gentleman from Michigan [Mr. ENGEL] asked for the list of the executive committee that was sponsoring Mr. Stokowski's proposed trip and the following names were enumerated in the RECORD: Mrs. Samuel Conner, Shoreham Hotel, Washington; Dr. L. S. Rowe, Director General, Pan American; Mr. Colby Chester, president, General Foods; Mr. Thomas McInnerney, president, National Dairy Products; Mr. William S. Paley, president, Columbia Broadcasting System; Mr. Joseph Sharfin; and many others.

Mr. KEEFE. The gentleman is absolutely correct. The sponsors of this movement, as the evidence appears in the record, and I am used to relying on evidence and not hearsay in my actions as a lawyer at least, are clearly shown to be men of high integrity and none of them could in any way be classed as being connected with subversive activities or communism.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from New York.

Mr. MARCANTONIO. How many people are actually on N. Y. A. now and how many will be taken off as the result of this cut?

Mr. KEEFE. I think I can give the gentleman those figures. If he will turn to the hearings, he will find on page 614 the testimony of Mr. Williams as to just exactly what would happen. That testimony discloses there would be a reduction of 123,000 young people from the average monthly employment of the whole program; 45,000 will have to be dropped from the out-of-school program; 57,000 from the high-school program; and 21,000 from the college program. It actually means a reduction of 16.6 percent.

It seems to me, Mr. Chairman, that all we have to determine here is, Are we going to vote the appropriation the committee brought before the House, which is the full Budget estimate, or are we going to increase it or decrease it? The thing I am unable to understand in this picture is why we do not have an honest Budget submitted to this Congress. I am just as satisfied as I know I am standing in the Well of this House, that the people in charge of the preparation of this Budget fully expect that that Budget will be increased above $85,000,000.

If they manifested that expectation and harbored that thought at the time this Budget was approved, why not bring an honest Budget here and let the President of the Nation say, "I think we ought to have $100,000,000 for N. Y. A.," instead of reducing it to $85,000,000 in the hope that some Member of Congress will have the courage to ask to have it put at $100,000,000, and, in fact, I think I am safe in saying from what I know that the White House itself would like to see this appropriation set at $100,000,000. If this is true, why was it not put in the Budget originally and why place the burden and responsibility upon the Appropriations Committee for doing that very thing?

I could call attention to an appropriation in the public-health program for the eradication and control of venereal disease which the Bureau of the Budget cut to $3,000,000. The authorization was $7,000,000. The present expenditure is $5,000,000. You and I and every member of this Committee knows the White House expects that budgetary estimate ultimately, either here or in the Senate, to be put at $7,000,000. Why not bring an honest Budget to the Congress and why does not the President at least tell us that he would like to see this appropriation $7,000,000, instead of having the Bureau of the Budget reduce it to $3,000,000, then expect us to take the load by raising the appropriation up to five or seven million dollars?

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Does the gentleman also have any conviction as to what the White House expects us to do with reference to the item for the C. C. C.?

Mr. KEEFE. Well, I am frank to say that the same thing may be said in reference to the C. C. C.

Mr. ENGEL. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Michigan.

Mr. ENGEL. Does the gentleman also recall that the White House expects us to levy a tax to make up the difference between the amount of the Budget and the amount that we raised the Budget?

Mr. KEEFE. Exactly. Now, due to the fact these figures have not yet appeared in the testimony and the argument, I would like to call attention to the fact that this N. Y. A. in its first 3 years of operation came as the result of an Executive order issued by the President himself. The first 3 years of expenditures were made from earmarked funds in the relief appropriation. In 1939 they had nearly $75,000,000, in 1940, $99,979,000, and the Budget estimate for 1941 is $85,000,000. An average of the appropriations for the last 2 years would be $87,000,000.

I want to say one other thing that I believe should be said, and I hope the people of America get this point firmly in their minds. I was astounded today to have two gentlemen tell me on the floor of this House that they thought the N. Y. A. and the American Youth Congress were one and the same thing, and that they were opposed to the N. Y. A. because Mrs. Roosevelt, it is alleged, entertained in the White House members of the American Youth Congress, which is a Communist organization. Let it be said once and for all so the Members of this House and the people of the country may know that there is absolutely no connection between the N. Y. A. and the American Youth Congress. Not a single

member of the American Youth Congress has been selected by the N. Y. A. for work or for a position in the N. Y. A.

With respect to the 22 or 23 clerks that were referred to as being employed by the American Youth Congress, I looked into the facts in reference to that matter and found that the statement is true. When the American Youth Congress had its convention here the N. Y. A. furnished some 22 young people to assist in doing the clerical work in connection with that movement, but just as soon as the Administrator found that the American Youth Congress was considering resolutions affecting legislation in the Congress, these 22 employees of the N. Y. A. were immediately withdrawn. I am assured that there are no employees of the N. Y. A. in any way associated with the American Youth Congress.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield for a question.

Mr. JOHNSON of Oklahoma. Is it not true that Mr. Aubrey Williams, the Administrator of the N. Y. A., has privately and publicly criticized the American Youth Congress, and is it not also true that the Youth Congress has criticized Aubrey Williams and hissed his name?

Mr. KEEFE. Yes. I have in my file a record which I took from the Boston Globe, showing the report of a speech made by Mr. Aubrey Williams in February, in which he very severely attacked the American Youth Congress. I also have records of speeches in which he replied to the American Youth Congress when it condemned him and hissed him because he turned over to the War and Navy Departments a list of N. Y. A. employees who might be interested in receiving the recruiting bulletins from the branches of our military and naval service. Mr. Williams is in disrepute with the American Youth Congress. He perhaps is in the same kind of disrepute that Dorothy Thompson is now with the C. I. O. because of her alleged misstatement of the number of unemployed.

There has been a lot of talk here about the Wage and Hour Division, and I address myself now to the chairman of the Committee on Labor, who took occasion this afternoon to excoriate the Committee on Appropriations generally because they have attempted to legislate on appropriation bills. I have no quarrel with the gentlewoman from New Jersey, who is chairman of that committee, but I may say that where there is a demand throughout this country that there be legislation that will affect some of the inequalities and injustices of the wage and hour law—inequalities and injustices which Mme. Perkins, testifying before our committee, admitted exist; inequalities and injustices which Colonel Fleming admitted exist—it seems to me the Committee on Labor ought to respect the right of the people of his country to have these injustices corrected at once, and such legislation ought to be brought before the House as will correct the injustices that admittedly exist.

The only reason it is not here is, perhaps, as has been stated publicly and stated in our hearings, that if a bill were permitted to come before this House, the duly elected Representatives of the people, who have been elected to come here and legislate, would so emasculate the bill and tear it to pieces that they might destroy it.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentlewoman from New Jersey.

Mrs. NORTON. Does not the gentleman know that the Committee on Labor did bring out such a bill, and that the bill was held up by the Committee on Rules? I believe the gentleman ought to be acquainted with some of the facts in the case before criticizing the Committee on Labor.

Mr. KEEFE. May I say to the gentlewoman that I am fully aware of the facts, but the bill which the gentlewoman's committee reported does not take care of the injustices and inequalities about which complaint has been made.

Mrs. NORTON. Is the gentleman quoting his personal opinion? If he examines the bill reported by the Labor Committee, he will find it does take care of injustices and inequalities.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. In just a moment, when I finish this observation.

The statements of the ranking Republican member of the Committee on Labor and the chairman of the committee were very obviously designed to make it appear to the public and to this House that the Committee on Appropriations has attempted to emasculate this bill and the work of the Wage and Hour Division by reducing its appropriation. May I say to the Members of the House that you ought to read the colloquy that took place between the gentleman from Georgia [Mr. TARVER] and the gentleman from Georgia [Mr. RAMSPECK] on the floor of the House yesterday. It is unfortunate there were so few Members present at the time. If you will read that colloquy and then read the testimony in the hearings you will find that we have not reduced the appropriation of the Wage and Hour Division but have increased it $1,600,000-odd above the appropriation of last year. Therefore, when the contention is made that they are going to have to discharge employees wholesale down there, they are making statements that do not accord with the facts because we are giving them $1,600,000-odd more than they had last year.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mrs. NORTON. May I say that the committee stands condemned in the language of its report on page 13 that it is attempting to legislate on an appropriation bill.

Mr. KEEFE. I do not find any legislation in the bill because of the language that the gentlewoman from New Jersey talks about in the report. I do not think that language in the report constitutes legislation, and the gentlewoman from New Jersey knows that.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Massachusetts.

Mr. HEALEY. As a matter of fact, the Wage and Hour Division has been delayed in its appointment of inspectors due to the fact that they have not had the certification of names from the Civil Service Commission, but they have contemplated the appointment of a number of inspectors based upon their 1940 budget, plus the deficiency budget that they have, and if they do not get the full amount of the budgetary estimate, if it is slashed by $1,000,000, as the gentleman's committee recommends, that means they will have an opportunity to appoint 350 less inspectors than they require.

Mr. KEEFE. That is exactly the situation, and I am glad the gentleman made that very plain.

Mr. HEALEY. Let me make this further statement in view of what the gentleman has said——

Mr. KEEFE. I do not yield further. I am glad the gentleman has made that observation. I think the gentleman has clarified the situation himself. The contention is very clear and definite that the discharge will be made in the field of those people whom they expect to hire rather than those who are already on the pay roll.

Mr. HEALEY. Now, the gentleman should yield if he wants to be fair about that.

Mr. KEEFE. It cannot be any other way, and I do not want to be interrupted at this time. The record very clearly shows, without question, that the Wage and Hour Division has not employed the number of inspectors that their 1940 appropriation provided for. They could still appoint some 30 or 40 inspectors in the last fiscal year, or right now, and they have not appointed them, and we have given them $1,600,000 more that they could go to work with in the next fiscal year. So do not create the impression or let the impression go out that you are going to discharge employees.

Mr. GROSS and Mr. HEALEY rose.

Mr. KEEFE. I yield to the gentleman from Pennsylvania.

Mr. GROSS. May I just say that they may well cut that appropriation to the Wage and Hour Division. For your information, recently they had an inspector in my district with a stop watch leaning over women making cigars and timing them and saying, "Why can't you roll cigars faster?"

and a certain woman said, "If you would go to hell I could work a lot faster." [Laughter.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mrs. ROGERS of Massachusetts. There is really a very good reason why the Wage and Hour Division has not appointed more inspectors. The Civil Service has been slow, for various reasons, in certifying these people for these appointments. Many of us believe in the Civil Service. We voted it into the wage and hour law.

Mr. KEEFE. Let me ask the gentlewoman a question.

Mrs. ROGERS of Massachusetts. We want to see the law enforced.

Mr. KEEFE. And I would like the gentlewoman to answer it some other time, but not in my time now, but the gentlewoman can answer it in the RECORD. What do you think your Appropriations Committee is for? Do you think they should give study to this problem? Do you think they should analyze these requests for appropriations? Do you think they should intelligently try to conserve public funds where they can, and does not the gentlewoman think that your appropriations subcommittee, consisting of four Democrats and two Republicans, who have given several months of intensive study to this proposition and the requests for appropriations, should at least have an opportunity to know whether these additional jobs are necessary, in an attempt to preserve the integrity of our Treasury? It seems to me, Mr. Chairman, that your subcommittee has done a good job——

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I do not care to yield right at this time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield so that I may submit a unanimous-consent request that I may offer a reply to the gentleman's questions at this point in the RECORD?

Mr. KEEFE. I do not want it taken out of my time and I do not yield at this time.

Now, it is manifestly unfair to charge the members of the Appropriations Committee, the subcommittee, or the full committee, with being opposed to the principle of the Wage and Hour Act. I am heartily in sympathy with it. I am heartily in sympathy with the program, the principle, and the objectives of the National Labor Relations Act, but when we made the appropriations for the National Labor Relations Board we certainly had to make some inquiry as to whether all of the employees were necessary, and when we cut its research department, we did so with full knowledge of what we were doing, not with the idea of crippling that department, but with the idea of conserving public funds and all the information that that department could furnish is available at all times in the Department of Labor through the instrumentality of their research bureaus that are doing the same thing.

If we are ever to get back to any sanity in government we have got to begin to trim some of these appropriations, and somebody's toes some place along the line, are going to be stepped on and a howl is going to go up; and unless you have somebody here that can stand for some decent economy in government, God knows where we are going, and every one of you tell me that, privately, when I talk with you. You ought to give expression here on the floor publicly to the same things that you state privately. Your Appropriations Committee has attempted in the consideration of this bill to do justice to all of these agencies. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired; the Clerk will read the bill for amendment.

The Clerk read as follows:

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloths, file cases, towels, ice, brooms, soap, sponges, laundry, not exceeding $1,400 for streetcar fares; purchase, exchange, maintenance, and repair of motorcycles and motortrucks; maintenance, operation, and repair of three motor-propelled passenger-carrying vehicles, to be used only for official purposes; freight and express charges; commercial and labor-reporting services; newspaper clippings not to exceed $1,400; postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase and exchange of lawbooks, books of reference, newspapers, and periodicals, and, when authorized by the Secretary of Labor, dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, not exceeding $5,300; contract stenographic services; teletype service and tolls (not to exceed $1,100); rent and maintenance of buildings in the District of Columbia; all other necessary miscellaneous expenses not included in the foregoing; and not to exceed $25,000 for purchase of certain supplies for the Immigration and Naturalization Service; in all, $347,500: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of $100.

Mr. RAMSPECK. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of discussing a matter which the gentleman from Wisconsin [Mr. KEEFE] just mentioned, in which he referred to the statement I made yesterday and to the colloquy between my colleague the gentleman from Georgia, Judge TARVER, and myself. I have since made further investigation of the matter of the appropriation for the Wage and Hour Division and requested that Division to give me an explanation of the situation from their point of view. They have sent me the following:

The cut in the 1941 budget of the Wage and Hour Division would have the following effects:

(1) It would prevent the expansion of the Division in accordance with the 1940 Budget. The expenditure of 1940 funds was planned on a monthly increment basis. If the Division expanded according to plan, the total personnel on the pay roll on June 30 could not be carried during the 1941 fiscal year on the reduced amount proposed by the committee.

(2) It would require the discharge of employees now working for the Division. The recruitment of inspectors has been retarded by the necessity of setting up civil-service lists. Other branches of the Division have been able to expand to their June 1940 personnel already. It will therefore be necessary to discharge employees in these branches of the Division in order to have an inspection staff proportionate to the rest of the Division.

(3) The Appropriations Committee slash equals roughly 460 inspection personnel and 30 legal personnel.

It appears to me, from what I can make of the controversy which has arisen here, that the committee is partly right in its position and that I am partly right in mine. The information which I used yesterday, and which was furnished me by the Wage and Hour Division, was partly misleading, I think. It is true, however, or at least they contend it is true, because they have recruited their legal personnel and some other parts of their Division up to the 1940 level, but they will have to discharge some of those if the appropriation recommended by the committee is carried out; but, so far as I am personally concerned, I am not going to offer any amendment to increase the amount. I bow to the wisdom of the Committee on Appropriations in determining how fast they shall expand. I do say this about this statement: That I do not agree with the reasons assigned for the failure to recruit the inspection service up to the amount allowed. The Civil Service Commission months ago gave the Wage and Hour Division the right to employ temporary inspectors. Therefore it is not the fault of the Civil Service Commission if they have not employed those permitted by the present appropriation, and they ought not to blame it on the Civil Service Commission.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mrs. ROGERS of Massachusetts. I understand that the slash made by the Committee on Appropriations will compel a drop of 460 of the inspection personnel and 30 of the legal personnel.

Mr. RAMSPECK. There will be that many less than they would have had if they had gotten the extra appropriation which the committee has not seen fit to grant.

Mrs. ROGERS of Massachusetts. It was the inspectors from the Wage and Hour Division who were responsible for finding out the violations of law on the part of the Bata Shoe Co., of Belcamp, Md. Previous to that time this same company had been forced to make restitution of $7,000 on account of violation of the wage and hour law in the warehouse in Chicago. That shows conclusively the need for enforcement of the law.

Mr. RAMSPECK. I read something about that in the paper.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. HEALEY. Is it not true that even some of the employees now employed by this organization will have to be discharged?

Mr. RAMSPECK. Yes; in the legal division that is true, and perhaps some clerical employees, in order to make the division proportionate to the number of inspectors they are permitted to have under this recommended appropriation.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TARVER. Mr. Chairman, I rise in opposition to the pro forma amendment. The only reason I take time in response to the statements made by my colleague from Georgia [Mr. RAMSPECK] and others, is to call attention of the Committee to information contained in the hearings, which may be helpful to them in arriving at a conclusion in respect to this matter. I have no greater interest in the wage and hour section of the appropriation bill than has any other Member of the House.

There has been no purpose on the part of members of the subcommittee to do otherwise than to make reasonable provision for the activities of this Division in the light of the evidence brought before us.

May I call attention to page 360, volume 1 of the hearings. Yesterday I called your attention to pages 345 and 346, but on page 360 you will find some information which ought to be somewhat enlightening. Under the heading "1940, personnel on duty or appointments pending," that in the field organization in the Wage and Hour Administration, appear the figures 868. Under the heading "1940, being recruited, funds available," appear the figures 757. Under the heading "1941, additional positions," appear the figures 411. Under heading "1941, total positions," appear the figures 2,019.

In other words, the Wage and Hour Division now has 868 employees in the field forces. It is authorized to recruit and is engaged in recruiting 757 additional employees who have not yet been employed. It contemplates recruiting those employees during the balance of this fiscal year. Then it contemplates adding 411 more in addition to the 757 in the next fiscal year, making the total number of its field personnel, as contemplated by Budget estimates for the next fiscal year, 2,019, as against 868 now employed.

It would be very apparent to anyone who reads the hearings with a desire to find out what the true facts may be, that there is not only not any reduction of personnel in the employment contemplated by the provisions contained in the pending bill, but that the appropriations contained in the bill will be sufficient to very considerably enlarge the existing personnel.

[Here the gavel fell.]

The Clerk read as follows:

Traveling expenses: For all traveling expenses, except traveling expenses incident to the deportation of aliens, under the Department of Labor, including all bureaus and divisions thereunder, $1,544,000.

Mrs. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: On page 3, line 15, strike out "$1,544,000" and insert "$1,684,000."

Mrs. NORTON. Mr. Chairman, I offer this amendment, one of three, all of which are intended to restore the appropriation recommended by the President.

I realize the difficult position in which the Appropriations Committee finds itself in attempting to cut appropriations in order to conform to the clamor of public opinion, and at the same time play fair with the citizens of this country who will, in the final analysis, be the sufferers of this particular type of economy.

We listened to the able address of the gentleman from Kansas [Mr. HOUSTON], who attempted to defend the action of the committee in reducing the appropriation recommended by the President, which was $7,486,000, or $230,000 less than the annual rate that was contemplated last July, or a reduction of $1,034,000. This in face of the fact that the Wage and Hour Division has planned its whole enforcement program around the basis of annual expenditures of $7,486,000. And these plans, as Colonel Fleming said, call for only a 70-percent enforcement job this year—page 345, hearings.

This fact was apparently understood by the Appropriations Committee when the representatives of the Wage and Hour Division appeared before the subcommittee of the House in July 1939. Of course, if it is the wish of the Committee to curtail the division's personnel by from 300 to 500 persons, which this reduction would probably necessitate, depending upon the extent to which Colonel Fleming can make readjustments in his present plans, the obvious fact confronts us that the 93 percent of industries against which the division has received no complaints, and which we hope are conforming to the law will be obliged to compete with the chiseling 7 percent. This, in round figures, represents well over 300,000 plants or businesses, and around 12,000,000 workers, who will be denied the protection of the law they are entitled to—all because a small percentage of them cannot be made to comply. These people are your constituents and mine. Is this a fair proposition? To betray the trust of these hundreds of thousands of employers and these millions of workers who accept this act as the law of the land. A new law, particularly one dealing with people to the extent this is must, of necessity, have many growing pains, but is it fair to make the obvious more difficult by throwing monkey wrenches into the machinery?

Is it not a fact that because certain groups are opposed to the law, a method is being introduced to create trouble in its enforcement? Are not the administration forces being penalized for what is not their fault? I say this because of a paragraph in the report on page 13, under the caption Wage and Hour Division, which reads, and I quote:

The committee recognize the necessity for some expansion in the work of the Wage and Hour Division as it develops its organization and proceeds with its program of properly policing the industries that fall within the terms of the act. They do feel, however, that until Congress shall adopt legislation amendatory of the Fair Labor Standards Act which will serve to clarify certain ambiguities in the existing law, and until those charged with the administration of the act have been able to bring about simplification of procedure and clarification in the interpretation of the rules and regulations promulgated pursuant to any such amendatory legislation, it would be improvident on the part of Congress to approve a greatly enlarged administrative set-up that could only serve in lending further difficulties to an already confused administrative problem.

Strange logic, indeed! It would seem more like revenge. In effect, it merely serves notice on the 25,000 industries not conforming with the law that the force of investigators will be crippled to such an extent—they need not worry—that the millions of workers included in the benefits of the act will not receive the benefit Congress intended they should receive. In other words, it is one method of crippling the administration of the law. This, too, in the face of the fact that a new Administrator has but recently taken charge of the Wage and Hour Division. And even those opposed to the law admit that Colonel Fleming is doing a fine job. Why handicap his work then by curtailing his inspection force to the extent of several hundred men?

I notice under the caption Women's Bureau, page 12, the committee saw fit to provide an added $3,000 to the Budget estimate in order that a survey might be made of the candlewick bedspread industry in the South, an industry in the district of the gentleman from Georgia [Mr. TARVER]. I have

no objection to the gentleman getting the three thousand, but I would like the committee to be consistent, and I note in another paragraph where women's organizations appearing before the committee in support of a program to have the Women's Bureau conduct a study of household employment—certainly the largest field of feminine endeavor in the country, and much larger than the candlewick industry—they were denied this study on the grounds of economy. Apparently it makes a great difference as to who is being affected by the economy.

If, as has been indicated to me, the reduction in this Wage and Hour Division appropriation was intended as a whip over the Labor Committee because it refused to exempt from the provisions of the act a great group of industrial workers who were being paid sweatshop wages, it would seem a very stupid and unfair procedure. It is true lack of funds will curtail enforcement, but in the final analysis the 93 percent mentioned by the gentleman from Kansas [Mr. HOUSTON], as conforming to the provision of the law, will be penalized by the 7 percent who refuse to conform. And it is this 7 percent who are the real slave drivers in industry.

I do not like to think this committee has failed in its obligation to a great group of workers in the sweated industries of this country. I would rather think it would attempt to curtail expenditures where the result would not cause so much human suffering.

I beg the committee to support this amendment in order that the underpaid sweated workers of this country may receive in wages what Congress intended they should receive when we passed this great humanitarian law for their protection.

Mr. HEALEY. Mr. Chairman, I rise in support of the amendment just presented by the gentlewoman from New Jersey [Mrs. NORTON].

Mr. Chairman, the recommendations of this committee would curtail the budgetary estimate for the Wage and Hour Division by over a million dollars. I do not know whether the gentleman from Wisconsin [Mr. KEEFE] is present now or not, but I tried to take issue with the gentleman when he was on the floor. Aside from a short colloquy he would permit no further interruption to receive my answer in response to a statement he made. However, I want to say to the gentleman that the Wage and Hour Division definitely states that if this budgetary estimate is cut by the proposed $1,035,000, it will result in the discharge of employees now employed by that Division, because the recruitment of inspectors has been retarded by reason of setting up a civil-service list, and other branches have been able to expand to their June 1940 personnel already. It will therefore be necessary to discharge employees in this branch of the Division in order to have the inspection staff proportionate to the rest of the Division.

In other words, the inspectors in the field serve as the arms, ears, and eyes of the Division and supply the material on which the work of all the other employees depends. It is therefore absolutely necessary that an efficient ratio be maintained between the number of inspectors and the number of other employees. If a reduction in one branch upsets that ratio, efficiency compels a proportionate reduction in the other branch. So that if the full budgetary sum is not provided employees now serving in this Division will have to be discharged. The only motive advanced by this committee that I have been able to find for this cut is contained on page 13 of the committee report.

Quoting from that report they say:

> The committee recognize the necessity for some expansion in the work of the Wage and Hour Division as it develops its organization and proceeds with its program of properly policing the industries that fall within the terms of the act.

They admit the necessity for increased personnel, by that statement. But they say further:

> They do feel, however, that until Congress shall adopt legislation amendatory of the Fair Labor Standards Act which will serve to clarify certain ambiguities in the existing law, and until those charged with the administration of the act have been able to bring about simplification of procedure, and clarification in the interpretation of the rules and regulations promulgated pursuant to any such amendatory legislation, it would be improvident on the part of Congress to approve a greatly enlarged administrative set-up that could only serve in lending further difficulties to an already confused administrative problem.

That is the motive that is advanced for this cut in the appropriations, and if it does not amount to recommending legislation then I do not know what other interpretations one could place on that language.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. HEALEY. I yield.

Mr. MARCANTONIO. As a matter of fact, in one paragraph they admit the necessity, yet in the next paragraph they say, "But you do not get it unless you change the law." In other words it amounts to blackjacking labor legislation.

Mr. HEALEY. It is a negative limitation. It is an effort to coerce legislative committees of Congress by indirection and subterfuge, by coming in the back door instead of resorting to the forthright process of submitting legislative proposals to the regular standing committees established for the specific purpose of considering legislation. The Committee on Appropriations was not organized for such purpose. In this instance the committee is employing an indirect method of attack on the functioning of this act which Congress after deliberating for many months finally overwhelmingly wrote into law. Now the effort is being made to cripple this act by curtailing this inspection force and other forces depending upon it and thus prevent a proper administration of this law. [Applause.]

[Here the gavel fell.]

Mr. HOUSTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to repeat. But as it has been said here many times today we have increased this appropriation over and above the appropriation for the current fiscal year by $1,644,000. The adoption of this amendment would mean the addition of $140,000 to the committee's increase.

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. No—my time is too limited.

Mr. CASEY of Massachusetts. Will not the gentleman yield on this particular point?

Mr. HOUSTON. Mr. Chairman, I decline to yield at this point.

Mr. Chairman, I call attention to page 389 of the hearings, the item for travel expense:

> Mr. TARVER. Coming now to your travel-expense item, it is estimated your travel allocations for the next fiscal year will be $1,000,000, as against $650,000 for the present fiscal year.
>
> Colonel FLEMING. Yes, sir. We figure our costs for inspectors at $1,000 per individual, plus several other related items.

There is an addition to the travel item alone of $350,000 which gives them an increase of $260,000 above the present year.

The committee has never admitted, so far as I know, that any increase in the appropriation was necessary. Had we thought it necessary we would have made the increase in the committee.

Mr. Chairman, I trust the amendment will be voted down.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield.

Mr. TARVER. Mr. Chairman, I would like to see if we cannot reach some agreement as to time on this amendment. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes, the committee to have the last 5 minutes.

Mr. DUNN. Mr. Chairman, reserving the right to object, I would like a couple of minutes.

Mr. TARVER. Mr. Chairman, I modify my request to 17 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that debate on this paragraph and all amendments thereto close in 17 minutes?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I realize that the Committee on Appropriations is confronted with the task of effecting economies wherever possible, but I submit that economy with regard to the people benefited by the Wage and Hour Act affects the class of people least able to defend themselves.

A great many people seem to believe that exploitation of workers is confined to one section of the country. This is not the case. None of us can point with pride to conditions in his own State. Because I have been interested primarily in my own State I have looked up some statistics regarding Pennsylvania and other States in the East and West with regard to the activities of the Wage and Hour Division. Six hundred and ninety thousand workers in this country were receiving wages below 30 cents an hour. One hundred and fifty thousand of these workers were located in New Jersey, New York, Ohio, Pennsylvania, Illinois, Michigan, and the New England States. Thirty-six thousand of these workers were in my own State of Pennsylvania. Raising the wages of these workers to 30 cents an hour has meant an hourly increase in their purchasing power, collectively, of $1,800 in the State of Pennsylvania alone. In 1 year this amounted to $3,744,000. In the State of New York it amounted to $3,057,000.

One million six hundred and sixty-three thousand workers in the United States now receive time and a half for overtime. The Wage and Hour Division forced the payment of time and a half for overtime work. To avoid that meant the employment of many who would otherwise remain unemployed, for if these employers did not want to pay time and a half for overtime to get the work done they had to employ additional workers. This has had a very direct effect upon the relief rolls and upon appropriations for the Work Projects Administration.

It is necessary to inspect 22,000 establishments in the United States to prevent chiseling. In the States of New York, New Jersey, Delaware, Pennsylvania, Illinois, Indiana, and Wisconsin and the New England States are located 10,000 of these establishments. In Pennsylvania alone there are 1,526 such establishments.

The total number of cases closed by the Wage and Hour Division in and out of court total so far 1,631. Of these 222 were in my own State of Pennsylvania and in the States I have just mentioned, including Wisconsin, they total 724, or very nearly 50 percent. During the past month there has been only an average of 35 cases closed for each region as against 160 cases being reported.

You can see from this how necessary it is to have more efficient inspection. Restitution in the way of back wages for the first year was $200,000. In February of this year the total amount of restitution was $800,000 and it is estimated that $3,000,000 is the amount which still must be returned to workers in plants where the law has been violated.

There is need for additional inspectors in the field. There are 898 at present, and if the appropriation recommended by the Budget Bureau had been adhered to by the committee, it would be possible to employ 459 additional inspectors, which is the minimum estimated as absolutely necessary for the proper enforcement of this act. In Chicago a hairpin manufacturer was paying over 900 home workers less than 3 cents per hour. May I ask if anyone who wishes to curtail this appropriation is in favor of such conditions continuing?

Ten of the largest manufacturers of knitted goods in the country located in an area from Maine to Tennessee resorted to subterfuge in an attempt to evade the provisions of the Fair Labor Standards Act. They established an "institute," sold materials to 10,000 home workers, and then bought back from them as "contractors" the finished product. These operations were on a very large scale in the State of Pennsylvania. These employers were compelled to make restitution to the tune of $250,000. The workers in these plants were receiving less than 5 cents per hour.

The Pittsburgh Plate Glass Co. recently entered a consent decree to make restitution and to pay overtime in the future to warehouse employees in 76 cities throughout the country.

In Philadelphia, in September 1939, a Federal grand jury returned an 18-count indictment against the Jewel Manufacturing Co., of that city, for violations of the act and also for falsification of their records. One woman employee testified she had received only 76 cents for 44 hours' work. Another worked for a flat rate of 12½ cents per hour for 12 and 14 hours a day. On December 8 this firm pleaded guilty on all counts. The Crown Trouser Co., of Pennsylvania, was compelled to refund $3,000 to 160 employees in Philadelphia when it was discovered the act was being violated.

The group of American citizens who are benefited from proper enforcement of the wage and hour law receive less benefits from America than any other class of people. They are defenseless against those who would exploit them, and unless there is rigid and efficient enforcement of this law, the opportunities which America boasts it offers to its citizens will mean very little to them. We appropriate hundreds of millions of dollars for other agencies, very often with little debate, and in this instance we quibble about $1,000,000 to be expended for the benefit of hundreds of thousands of American workers, who, perhaps, share less in the billions which the Government spends than does any other group. It is a poor argument to insist that we must economize at their expense to the extent of a million dollars when next week we will, perhaps, be appropriating several hundred millions of dollars for some other agency of the Government and for benefits to agricultural groups.

Mr. Chairman, I hope the committee will restore the Budget estimate. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, first of all I would like to answer the question which the gentleman from Wisconsin [Mr. KEEFE] asked me. He asked if I did not think it important and helpful to have a committee to study appropriations and to keep them as low as possible. I consider that most important, of course, and I have followed the various appropriation subcommittees in their efforts to cut expenses as much as possible, but also I want to remind the gentleman that all of us here have a duty to perform and we want to perform that duty wisely. Many of us also have made a study of this particular problem. I have studied it for months. I was very interested in helping to secure an increase in the appropriation last year for wage and hour inspectors and the fact that the Department has not used as many inspectors as it might have under that appropriation means only that the Department is living up to the civil-service law. It has been slow in making appointments because the Civil Service, which is greatly overworked, has been very tardy in certifying persons to the Wage and Hour Division.

May I call the gentleman's attention also to the fact that only this month the Wage and Hour Division had to refer to the Department of Justice the violation of the Bata Shoe Co. at Belcamp, Md. This firm had previously been forced to make restitution of $7,000 on account of violation of the law in connection with its warehouse in Chicago. This case only serves to focus attention in the need for continuous and vigorous enforcement. Those of you who have industries in your districts realize very well that since the wage-hour law became effective not nearly so many industries have left your States, which is a healthy condition for the district in which they operate and helpful to the industry and most helpful to the employees.

Mr. Chairman, I want to quote a statement by Mr. Frederick A. Miller, chairman of the National Boot and Shoe Manufac-

turers' Association and president of the H. C. Godman Co., of Columbus, Ohio, at the thirty-fourth annual convention of the National Boot and Shoe Manufacturers' Association held in Chicago:

> It seems a self-evident fact that the best interests of the entire industry will be most constructively served by a fair and impartial but complete and thorough enforcement. Without such enforcement the act will work more toward demoralization than toward benefit to the industry. It is, therefore, hoped that enforcement will be thorough and complete.

Mr. Miller also testified at the hearing on the 35-cent recommendation that—

> The importance of compliance and enforcement of the Fair Labor Standards Act can scarcely be overemphasized. The report of the committee appointed by N. R. A. to make a comprehensive survey of the boot and shoe manufacturing industry * * * clearly showed that the weakest link under N. R. A. was compliance and enforcement.

Thus by adequate enforcement the evils which exist in the industry may be dissipated and the advantages of a higher minimum wage may be fully realized.

I speak in this instance only of the boot and shoe industry. We all know that the textile industry, for instance, wants complete and thorough enforcement. We in Massachusetts who were pioneers in better labor laws know only too well the hardships caused by laws that are not uniform. I am going to refer again to the Bata Shoe Co. at Belcamp, Md., which has been operating in flagrant violation of the laws of this country. I think it shows more than anything else the need for a complete and thorough inspection.

Proof of the necessity of an adequate inspection force backed up by lawyers to complete the necessary court action is nowhere found better than in the shoe industry. Despite 23 cases—16 criminal indictments and 7 civil suits in the shoe industry—violations continue. Practically all of the cases were in New England—one was in Chicago and another in Georgia.

Only this month the Wage and Hour Division had to refer to the Department of Justice the violations of the Bata Shoe Co. at Belcamp, Md. This firm had already been forced to make restitution of $7,000 on account of its violations of the law in its warehouse in Chicago. This case only serves to focus attention on the need for continued and vigorous inspection.

Fines imposed by Federal judges against violating shoe companies alone have totaled more than $50,000, and restitution payments have passed $20,000. All of these complaints were for payment of less than the 25-cent-an-hour minimum wage, or the 30-cent wage now effective.

Now, with the issuance of the 35-cent-an-hour wage order in the shoe industry, based on the unanimous recommendation of the Shoe Industry Committee, the need for inspectors and lawyers to back up their work is greatly increased.

The shoe manufacturing industry is a highly competitive industry. The machinery and equipment used in shoemaking is for the most part owned by one independent shoe-machinery corporation and leased to manufacturers on relatively uniform terms. This makes it possible to start a shoe factory with a small amount of capital, and results in a large number of small plants, and in sharp competition. This competition is further sharpened by the fact that the manufacturer, in order to reach the market at the particular retail price levels which prevail, is confronted with a definite limitation of his cost allocation. Accordingly, among certain manufacturers, labor has become the commodity which permits them to compete advantageously over more scrupulous manufacturers.

By increasing the general wage level of the industry labor ceases to be a mere commodity only if uniform enforcement can be achieved. If a certain group of manufacturers persist in ignoring the minimum wage established just as they have in the past ignored the living-wage requirements of their employees, those manufacturers who voluntarily comply with the 35-cent minimum established by the administrator for the shoe manufacturing and allied industries will suffer an increased disadvantage and hardship.

The New England manufacturers, in particular, have recognized that business conditions will be improved by establishing and enforcing the new 35-cent minimum. The number of wage earners in New England receiving under 35 cents who are employed in boot and shoe manufacturing establishments are 21,079; in the Middle Atlantic States, 10,818; in the western States, 19,150; and in the southern States, 4,828. Despite this fact the New England manufacturers were almost unanimous in requesting that a 35-cent minimum be established and universally enforced.

Typical of the opinions of the New England manufacturers who testified at the hearing on the recommendation of the industry committee for the shoe manufacturing and allied industries in December 1939, was Mr. D. H. Hillard, manager of the shoe manufacturers' board of trade, of Haverhill, Mass., who testified that approximately 47 firms have left the Haverhill region since 1934, in order to establish their plants in lower-wage areas. He believed that a 35-cent minimum would tend to discourage migration and stabilize the industry, but that strict, adequate, and impartial enforcement of the recommended minimum are the primary objectives which will result in equitable and competitive channels of trade.

The National Boot and Shoe Manufacturers' Association, which opposed establishment of the 35-cent minimum, also recognized the necessity for uniform enforcement. At the same hearing, Miss Ruth S. Freeman, secretary of the association, testified that—

> Enforcement of the act should also be sufficiently simple so that a minimum wage rate can be maintained in the industry, without unnecessary opposition and expense, and without unduly upsetting the complicated and highly competitive price structure in the industry.
>
> It is the sincere desire of a vast majority of the industry that maximum hours and minimum-wage standards be maintained; and while there are exceptions, we hold no brief for them. The National Boot and Shoe Manufacturers' Association does not wish a minimum-wage rate applied to our industry in a way that might greatly handicap compliance and enforcement, so that the clever chiselers can cut corners and the honest manufacturers continue to suffer from this type of competition.

Members of the House are just as anxious as I am to see that the laws which are on our statute books are enforced, especially laws which will help workers to have a living wage. The amendment offered by the gentlewoman from New Jersey is to increase the amount by $140,000, or to the amount recommended by the Budget. This is really a very small sum of money, and I feel it will do an enormous amount of good. I hope the amendment will be agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, I am for the Norton amendment. This business of cutting appropriations, which causes men and women to lose their jobs, is, in my opinion, "bug-house" economy. I cannot see where it is economy to cut appropriations and cause people to lose their positions. What are we Members of Congress going to do for these people? It has often been said that the Communists, Fascists, and Nazis are trying to undermine our Government. May I say again, as I have said many times, our Government will never be undermined by any outside power. If it is undermined, it will be by the citizens of this country because they cannot obtain employment which is necessary to provide themselves with the necessities of life. We Members of Congress are responsible for the millions of people who are out of work. We are responsible for the terrible condition that exists in our country today. It is time for us to wake up and do a little more for our fellow men. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. TARVER], the chairman of the subcommittee.

Mr. TARVER. Mr. Chairman, I hope that the Members of the Committee understand the situation. The travel-expense

item we are now considering is related to the salaries item of the Wage and Hour Division; in other words, there is no need of putting in the bill $140,000 for the travel-expense item unless you intend when you reach the salaries item to restore the full number of personnel which has been estimated for the next fiscal year. Therefore, if you desire to restore not only these two items but also certain other related items, the ones for printing and binding and for miscellaneous expenses, you should vote in favor of this amendment, so that when those items are reached you may also vote to restore the full amount of the Budget estimate on the items in question. However, unless you intend to restore those items also, it would not be worth while to vote to restore this particular $140,000.

Let me review briefly the history of this appropriation for the last 2 or 3 years since it was originally begun. In 1938 the Congress appropriated $400,000, $50,000 of which was assigned to the Children's Bureau for the enforcement of the child-labor provisions of the Fair Labor Standards Act, leaving to the Wage and Hour Division $350,000, which it was thought would be enough for the remainder of the fiscal year 1939 after October 24, 1938, when the law became effective. But it was not. The Wage and Hour Division came in when Congress reconvened and asked for $950,000 more and Congress gave them $850,000 more, making a total of $1,200,000 for that fiscal year.

For the fiscal year 1940 Congress raised the amount to approximately four-million-three-hundred-thousand-odd dollars, and the Division has not been able to use all of that to employ employees who are authorized for employment for the present fiscal year. Notwithstanding this, they come in now and ask for an increase of $3,169,000 over the appropriation of last year, to seven-million-four-hundred-thousand-odd dollars, and your committee has not cut them by the major portion of that increase, even. The amount of the reduction made still leaves them with an increase of $1,644,000 over the appropriation for the present fiscal year.

We talk about economy but of course we would never effect economies if nobody voted for economy, except when it affects an organization or activity in which he is not interested. If we are to have an effective economy there must be a reasonable paring of expenses where it can be done and not affect the usefulness of any organization and so as not to impair its operating efficiently, but unless the House is willing to give consideration to the judgment of men who have studied the question sympathetically and who have arrived at the conclusion that some economies may be effected here and there without impairing the effectiveness of an organization, then it does not seem to me there is very much hope that any considerable economies in these governmental agencies will ever be effected.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Kansas.

Mr. HOUSTON. Is it not a fact that if the amendment offered by the gentlewoman from New Jersey is defeated it will still leave $260,000 for travel expenses over and above what the division has for the current year?

Mr. TARVER. The gentleman is absolutely correct.

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Massachusetts.

Mr. CASEY of Massachusetts. Is it not true that when the Wage and Hour Division appeared before the subcommittee in July of 1939 to ask for additional sums in the deficiency bill the statement was made and apparently was understood on both sides that the rate of expenditure at the beginning of the fiscal year 1941 would be annually $7,716,000, which is the amount the gentlewoman from New Jersey wants to put back in the bill, together with my amendment?

Mr. TARVER. I may say that I am not a member of the Deficiency Committee. The Wage and Hour Administration officials may have contemplated such a rate of expenditure, but I am very sure the Committee on Appropriations did not contemplate that the rate of expenditure would increase at that speed.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. NORTON].

The question was taken, and on a division (demanded by Mrs. NORTON) there were—ayes 58, noes 100.

Mrs. NORTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mrs. NORTON and Mr. HOUSTON.

The Committee again divided, and the tellers reported that there were—ayes 78, noes 126.

So the amendment was rejected.

The Clerk read as follows:

Salaries, Office of Commissioner: Departmental salaries: For the Commissioner and other personal services in the District of Columbia, $570,500.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I regret to see the Members of the House practice economy by taking it out of the hides of labor. The fight for labor has been a long and arduous one. Its opponents have been cruel and stubborn. I dislike to see the committee practically legislate in this appropriation bill. I wish to pay the committee this compliment, however, that it has no doubt given sincere and serious consideration to all the matters covered in the bill, and no doubt it is moved by the highest of motives in attempting to curtail the expenditures of the Government, which we all admit is necessary. Its Members must stand between the extremists both ways and ordinarily I go along with our committee, but I cannot in this instance. We are striking at the wrong angles, the wrong features, and the wrong factors in trying to curtail expenditures at the cost of the laboring people of this country and at the cost of the youth of America, as contemplated in this bill. The gentleman from Pennsylvania [Mr. DUNN] really in a few words expressed it.

I have in my hand some communications from Montana just now received by me. Let me read this one:

Slash in appropriations to Wage and Hour Act and N. L. R. B. as proposed will make acts as near inoperative as reactionaries would wish. Labor, which is the largest group of citizens, seems to be picked out for slaughter. Urge you to fight against this move.

This comes from the operating engineers' union.

Another telegram comes from the Mill and Smeltermen's Union of Great Falls, one of the most conservative unions in the United States:

Urge that you fight against slashing of appropriation to wage and hour bill and N. L. R. B. This is serious situation for labor. The effect will be felt by largest group of citizens in this country.

From the Hotel and Restaurant Employees Local No. 101, of Great Falls, comes this telegram:

We are strongly opposed to proposed cuts in Wage Hour Act and N. L. R. B. We ask your support in maintaining the standards we now have.

This one is from the Montana State Industrial Union:

Proposed slash of appropriation to Wage and Hour Act and N. L. R. B. is worst type of reaction so far indulged in. We know you will fight against it.

With all these statements I heartily agree.

This telegram comes from the Butte Miners' Union, the largest mining organization in the world, operating in the largest copper-producing mines in the world at Butte, Mont.:

Urge that you do all you can and support the full appropriation of $3,180,000 for the National Labor Relations Board, which comes to a vote Tuesday.

BUTTE MINERS' UNION, No. 1,
PAUL FALL, Jr.,
Recording Secretary.

I have received also the following telegrams from other mining organizations:

Appropriation slash to Wage-Hour Act and N. L. R. B. is definitely underhanded attack on labor. Hope you will fight against this proposition.

WALTER NORUM,
United Mine Workers of America, Local 2301, Stockett, Mont.

We would appreciate if you would demand appropriation of $3,180,000 for N. L. R. B. This appropriation has been cut by House committee.

ANACONDA (MONT.) MILL AND SMELTERMEN'S UNION, No. 117.

This organization appreciate your doing what you can to block proposed cuts in appropriations N. L. R. B. and Wage-Hour Administration, underhanded moves to take from labor gains and security it has fairly won during Roosevelt administration.

A. H. RAYMOND,
President, Great Falls Newspaper Guild.

Slash in appropriations to Wage and Hour Act and N. L. R. B., as proposed, will make acts as near inoperative as reactionaries would wish. Labor, which is the largest group of citizens, seems to be picked out for slaughter. Urge you to fight against this move.

CASCADE COUNTY TRADES & LABOR ASSEMBLY,
A. V. BIALLAS, *Secretary.*

All of these unions are composed of fine, upstanding, industrious citizens who are a credit to the Nation and themselves. They are pleading with you not to destroy labor by taking a step that will ultimately destroy years of progress in behalf of labor's cause.

Labor is back of the National Labor Relations Board. Labor is opposed to being made the goat by this House or by this Congress in its attempt to economize. Labor is opposed to taking economy out of the hides of the poor and defenseless people of this country. If we are going to economize, Mr. Chairman, let us not economize in favor of the great and big industries of this country and at the expense of the working people of the country. Labor is really the backbone of the country. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

Salaries, field service: For salaries of field personnel of the Immigration and Naturalization Service, including the personnel of the Immigration Border Patrol and the services of persons authorized by law to be detailed to the District of Columbia for duty, $7,953,600: *Provided*, That not to exceed $36,000 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), not to exceed $1,700 for any person: *Provided further*, That $130,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the act of March 2, 1931 (8 U. S. C. 109a–109b): *Provided further*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts: *Provided further*, That notwithstanding the provisions of the act of February 5, 1917 (8 U. S. C. 109), authorizing the Secretary of Labor to draw annually from the appropriations for the enforcement of the laws regulating the immigration of aliens into the United States, $200,000, or so much thereof as may be necessary, to enforce the law excluding contract laborers and induced and assisted immigrants, not to exceed $40,000 of the sum herein appropriated may be expended for such purposes, and such expenditure shall be made in strict compliance with the provisions of the act of July 11, 1919 (18 U. S. C. 201).

Mr. DICKSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKSTEIN: On page 7, line 9, after the word "duty", strike out "$7,953,600" and insert "$8,133,420."

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent that I may have 3 additional minutes to discuss this amendment, which I believe is a very important one.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, I rise to ask Members on both sides of the aisle to give me their attention and their help so that we may work together on something that is for the best interests of this country. I do not wish to attempt to criticize the members of the Appropriations Committee on both sides of the aisle. I believe that they would be in support of this amendment if they were permitted freely to do so, but because of the Budget agitation they have cut the appropriation to enforce the immigration laws. If you want to cripple the enforcement of the law, you are going to succeed in doing it by cutting a few dollars out of this appropriation on the plea of economy.

I may say at the outset that we have the Veterans of Foreign Wars and other organizations of patriotic Americans opposed to cutting this appropriation which would reduce the staff of immigration inspectors.

I may say to this Committee that the immigration inspector of this country is the first line of defense, if there is any line of defense at all.

Now, what does the bill propose to do? It proposes to cut out 37 immigration inspectors who are the arm of the law in the enforcement of the immigration laws and the deportation of undesirable aliens. I sat in this House when certain Members on both sides of the aisle quarreled with the Department of Labor because it was not enforcing the law; yet, in the face of that statement and the charges that were made on this floor, you now seek to reduce their force by 37 immigration inspectors, 27 clerks, and 8 other persons—all of whom are absolutely necessary in preventing smuggling of aliens into this country and in checking up on undesirable aliens who are in the country.

Now, what are you going to save by this economy? You are going to save $179,820 at the expense of whom? At the expense of the American people generally and these men who will be removed from the service because of the lack of these few, paltry dollars; and you are going to allow a lot of people to roam around in this country who would otherwise be picked up by these men, who would also get them out of the country.

I do not pretend to be a restrictionist. I have always appeared on this flood appealing for humanity and asking you not to separate families of American people. I come here on the floor once in a while appealing to you to pass a certain bill which affects a family group in this country, but I am an honest restrictionist. I believe in enforcing the law in order that we may rid this country of dope peddlers and smugglers and men who would be guilty of espionage, as well as other persons who are undesirable. You are now reversing your own position by saying that we are not going to enforce the law; that we are going to take almost 45 men from the enforcement arm of the Service in order to save $179,000.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield for a brief question.

Mr. MURDOCK of Arizona. In regard to the amount of work necessary to protect our border, this statement I have from a man on the border. He said he picked up a man who entered the country illegally, but the man claimed that he had been born in the country. Later, when he fingerprinted him, he found he had a jail record. This is just one instance. However, the officer who picked him up had to take him on the charge of riding illegally on a freight train in order to get this evidence on him.

Mr. DICKSTEIN. That is what we are talking about. By removing these inspectors you are trying to weaken the enforcement of the immigration law, and I know that this Congress will not stand for it.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. VAN ZANDT. Is it not true that a representative of the Department of Labor appeared before our committee and

stated that many of the ports of entry to the United States are manned only 8 hours out of the 24?

Mr. DICKSTEIN. That is correct.

Mr. VAN ZANDT. And if they remove these inspectors, they further remove the guards from our borders?

Mr. DICKSTEIN. That is correct. There are 9,000 miles of border, the Texas, the Mexican, and the Canadian border, and we have only 220 men guarding that border.

Mr. MARCANTONIO. Does this not also effect the naturalization service?

Mr. DICKSTEIN. Yes; because a member of the border patrol can be deputized as an inspector. You are just removing the arm of the law, the first arm of defense, in respect to undesirable aliens, and I appeal to Members on both sides of the aisle to restore this $179,000. You are not helping your people when you allow such a reduction as that.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SHEPPARD. Certainly the gentleman does not wish the Members to assume from his statement that there is any reduction made in the border patrol?

Mr. DICKSTEIN. No; you have restored that, but I am pointing out to the gentleman that a man who is a member of the border patrol can be taken off that board and made an immigration inspector, and in that way the border will not be properly protected; and it needs more men instead of less men.

Mr. SHEPPARD. Would not the gentleman assume at the same time that the department heads would be discriminating enough to take people away from places where they are not needed?

Mr. DICKSTEIN. I do not want anybody taken from where they are needed. I want the enforcement of the immigration law that you men have been preaching about, and with regard to which you have been criticizing Miss Perkins and other members of the immigration staff who are trying to do an honest job. You are now removing by the reduction of $179,000, 37, 28, and 8 persons in different divisions from the immigration service, and if I had something to say about it I would increase the number employed to 500, to make sure that this law is enforced in regard to smuggling, espionage, and the entry of undesirable persons who are coming in here. I appeal to you on both sides of the aisle, do not remove this little sum of money, which will help to enforce the law. I say also that during the last 5 or 6 years 28 men on the border patrol were killed by a group of smugglers.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent that my time be extended for 2 minutes.

The CHAIRMAN. Is there objection?

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. KEEFE. Is it the gentleman's intention in making the statement that he has made, and he has made a splendid exposition of this subject, to charge the committee with cutting the appropriation which the Budget provided?

Mr. DICKSTEIN. Oh, no.

Mr. KEEFE. The gentleman understands, and I wish the gentleman would tell the House, that the subcommittee has given the budgetary estimate, and if any cut was made in this it was made by the Budget and not the committee.

Mr. DICKSTEIN. At the outset I complimented the committee upon its work, and at the same time stated that it was not the fault of the subcommittee, that they were willing almost from the reading of the record, to restore this cut. I have read the gentleman's inquiry and Mr. TARVER'S inquiry and the inquiry of the other gentlemen, but the Bureau of the Budget does not know much about aliens. They are dealing with dollars and cents. We know something about what is going on. I say to you, with the number of ships that are coming in during the year and the number of seamen that are being smuggled in, you are destroying something which we need as a first arm of defense to prevent persons coming in here who do not belong in this country.

Mr. KEEFE. May I suggest that the gentleman call attention to the fact that the committee refused to permit the item of administrative promotions, which was requested by this department. They intended to grant administrative promotions and get the money by discharging some of their present help, and we refused to permit them to do it.

Mr. DICKSTEIN. I am grateful to the committee for using its judgment; but I still submit to the committee that in their hearts and souls they want to enforce the law. I have heard so many speeches made here that I believe we all want to enforce the law, and the only way to do it is to give us back this money. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment.

I think the interrogatories of the gentleman from Wisconsin [Mr. KEEFE] have somewhat clarified this matter. The committee not only made no reduction in the Budget estimates for personnel for the Immigration and Naturalization Service, but it took approximately $128,000 which had been placed in the estimates by the Bureau of the Budget for administrative promotions, and used that money to provide for 46 border patrolmen in addition to those which had been estimated for by the Budget, bringing the border patrol back to its present strength for the next fiscal year, and to provide for 13 additional field immigration inspectors in addition to those which had been estimated for by the Budget. So that the committee has not only not cut the Budget, but it has gone over the Budget in effect, in making provision for these increases.

If you will examine the report of the committee I think you will find an equally strong statement to that which has been made by the gentleman from New York [Mr. DICKSTEIN] as to the necessity for continuing this service unimpaired. However, the gentleman is in error when he intimates that the Department officials are asking for more money in order to enable them to carry out their duties, and that their request is being denied. They are being given more money, in effect, than they asked for.

Let me direct your attention to the testimony of Mr. Houghteling, Commissioner of Immigration and Naturalization, on page 194 of the hearings, in response to questions asked by me:

Mr. TARVER. Then your field inspection service would be injured by reducing the number by 90, as you indicate is proposed, in order to make these administrative promotions?

Mr. HOUGHTELING. We can take care of our present business with a somewhat smaller force on account of certain economies which we are putting into effect in our method of handling cases. There are a great number of cases, for instance, in which the admission of an alien should properly be authorized at the port of entry, because he has a valid visa, but there is some technical flaw in his right to enter. Under the old system our Board of Special Inquiry at the port of entry used such flaws as a basis for excluding the alien and passing the whole problem to Washington on the alien's appeal, holding him in detention in the meantime at the expense of the Government and doubling the amount of work involved, instead of settling the case on its merits in the first place. Then the Board of Review at the central office reconsiders the case and very often admits the alien. This is one of many examples of ways in which we are improving our procedure and by better methods hope to get along with a smaller staff.

Mr. TARVER. Then why not save that money and leave it out of the bill, and not provide it for the purpose of administrative promotions of other employees? This is a time when we ought to effect economies, if we can. It is not economy merely to cut off some employees in order to add their salaries to the salaries of some other employees. If we want economy and if that is what we are driving at—and I hope it is—then we ought to cut out the money for the salaries of these 90 inspectors and not leave it in the bill as an addition to the salaries of other employees.

Mr. HOUGHTELING. I agree with you most wholeheartedly. The idea of making promotions at a time when we are trying to economize does not seem to me to be logical.

So this bill as it has been brought to you provides for more money for this border patrol service and field immigration service than the Commissioner of Immigration and Naturalization himself said was necessary. We cannot be accused of

failing to provide these administrative officials with the money which they need in order to properly enforce the law.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. DICKSTEIN. The gentleman from Wisconsin [Mr. KEEFE] made a very frank statement, that they tried to economize by removing some inspectors for the purpose of increasing some higher-bracket salaries, and the committee has cut that out. I commend you for it. You have restored the border patrol, but have you not by your action removed 37 immigration inspectors, men trained in the service of picking up aliens, and 27 clerks, by cutting out this $179,000?

Mr. TARVER. On the contrary, we have insured the continuance of 46 border patrolmen and 13 field inspectors, who, according to the Budget estimates, would have been dropped, and we have provided Mr. Houghteling with more employees than he said he needed.

Mr. DICKSTEIN. Yes; you provided more enforcement on the border patrol, but not internally.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. DICKSTEIN].

The question was taken; and on a division (demanded by Mr. DICKSTEIN) there were ayes 39 and noes 81.

So the amendment was rejected.

The Clerk read as follows:

Salaries and expenses, maternal and child welfare: For all authorized and necessary administrative expenses of the Children's Bureau in performing the duties imposed upon it by title V of the Social Security Act, approved August 14, 1935, as amended, including personal services, in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings, $364,000.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word for the purpose of asking the Chairman of the Committee if the item "Maternal and child welfare" and the following item "Grants to States for maternal- and child-health service" are applicable to Puerto Rico?

Mr. TARVER. They are.

The Clerk read down to and including line 12 on page 14.

Mr. TARVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. RAYBURN, having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill H. R. 9007, the Labor Department-Federal Security appropriation bill, 1941, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. CASEY of Massachusetts and Mr. HORTON asked and were given permission to revise and extend their own remarks.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain quotations from the Fortune poll.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two brief newspaper articles.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

JOINT COMMITTEE ON FORESTRY

Mr. FULMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 51.

The Clerk read the resolution, as follows:

House Concurrent Resolution 51

Resolved by the House of Representatives (the Senate concurring), That the time for making the report of the Joint Committee on Forestry (established pursuant to S. Con. Res. 31, Seventy-fifth Congress) is hereby extended to April 1, 1941, and any amounts available for the expenses of such committee shall be available for expenditure until such date.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a report by a committee on unemployment called by the Administrator of Social Security, Paul McNutt, which was held in Washington last December.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a resolution passed by the Wachita Valley Water Improvement Association.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD with reference to my colleague from Florida [Mr. GREEN] and his service in Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RODGERS of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief table from the Department of Commerce.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial concerning the Wheeler-Lea railroad bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement with reference to the strike in the Press Building.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address I gave last evening.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent in connection with my statement on the Immigration Service to incorporate certain matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that on Monday next after the disposition of the legislative business for the day I may be allowed to address the House for 20 minutes; and I may state in this regard that if this request is granted I will withdraw the permission I had for this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts withdraws the special order he had for this afternoon?

Mr. TREADWAY. Yes, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. FLANNERY (at the request of Mr. BOLAND) for 10 days on account of illness.

HOUR OF MEETING

Mr. TARVER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a. m., tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 41. Concurrent resolution authorizing the special committee of the Senate to investigate the administration and the economic and commercial effect of the Silver Purchase Act of 1934 to print additional copies of its hearings; to the Committee on Printing.

ADJOURNMENT

Mr. TARVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House, pursuant to its previous order, adjourned until tomorrow, Wednesday, March 27, 1940, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid in the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Wednesday, March 27, 1940, at 10 a. m., for the consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday, March 27, 1940, at 10 a. m., for the consideration of H. R. 5918 and H. R. 6796.

COMMITTEE ON THE JUDICIARY

On April 2, 1940, at 10:30 a. m., there will be continued before Subcommittee No. 4 of the Committee on the Judiciary, a hearing on the bill (H. R. 7534) to amend an act to prevent pernicious political activity (to forbid the requirement that poll taxes be paid as a prerequisite for voting at certain elections). The hearings will be held in room 346, House Office Building, and will be continued on the following dates: April 3, April 9, and April 10, at 10:30 a. m.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING APRIL 1, 1940, AT 10 A. M. DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars, covering the principal regions of the country.

Maj. Gen. Julian L. Schley, Chief of Engineers, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

1. Monday, April 1: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

2. Tuesday, April 2: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

3. Wednesday, April 3: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

4. Thursday, April 4: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

5. Friday, April 5: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

6. Saturday, April 6: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

7. Monday, April 8: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

EXECUTIVE COMMUNICATIONS, ETC.

1491. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting draft of a bill to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes, was taken from the Speaker's table and referred to the Committee on the Public Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SCHAFER of Wisconsin: Committee on Indian Affairs. H. R. 7530. A bill to transfer the site and buildings of the Tomah Indian School to the State of Wisconsin; without amendment (Rept. No. 1841). Referred to the Committee of the Whole House on the state of the Union.

Mr. GAVAGAN: Committee on Rivers and Harbors. S. 2578. An act to designate the lock and dam at Alton, Ill., as the Henry T. Rainey Dam; without amendment (Rept. No. 1842). Referred to the House Calendar.

Mr. HOBBS: Committee on the Judiciary. H. R. 9047. A bill to provide for the transfer of United States prisoners in certain cases; without amendment (Rept. No. 1885). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. H. R. 7749. A bill for the relief of Charles Molnar;

without amendment (Rept. No. 1839). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 8910. A bill providing for the extension of nonquota status to Frederick Beck; without amendment (Rept. No. 1840). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 920. An act conferring jurisdiction upon the United States District Court for the District of Montana to hear, determine, and render judgment upon the claim of the estate of Joseph Mihelich; with amendment (Rept. No. 1843). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. S. 1289. An act for the relief of the city of Leavenworth, Kans.; without amendment (Rept. No. 1844). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. S. 2083. An act conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee; with amendment (Rept. No. 1845). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. S. 2132. An act for the relief of Katherine Scott, Mrs. J. H. Scott, Jettie Stewart, and Ruth Mincemeyer; with amendment (Rept. No. 1846). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 2199. An act for the relief of Isadore J. Friedman; without amendment (Rept. No. 1847). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. S. 2419. An act for the relief of Walter J. Hogan and W. R. Larkin, in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho; without amendment (Rept. No. 1848). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. S. 2572. An act for the relief of Anna M. Shea; without amendment (Rept. No. 1849). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 2667. An act for the relief of Mr. and Mrs. John W. Finley; without amendment (Rept. No. 1850). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committtee on Claims. S. 2798. An act for the relief of Charles H. Parr; without amendment (Rept. No. 1851). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. H. R. 1167. A bill for the relief of the Black Hills Methodist Hospital of Rapid City, S. Dak.; with amendment (Rept. No. 1852). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 1178. A bill for the relief of Lester R. Taylor; with amendment (Rept. No. 1853). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. H. R. 1846. A bill for the relief of Malachy Ryan; without amendment (Rept. No. 1854). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2078. A bill conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders; without amendment (Rept. No. 1855). Referred to the Committee of the Whole House.

Mr. CRAVENS: Committee on Claims. H. R. 2083. A bill for the relief of Dan Yancey; with amendment (Rept. No. 1856). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 2513. A bill for the relief of C. B. Reagh; with amendment (Rept. No. 1857). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2901. A bill conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claim of Geraldine Ash; with amendment (Rept. No. 1858). Referred to the Committee of the Whole House.

Mr. GATHINGS: Committee on Claims. H. R. 3142. A bill for the relief of Leland G. Myers; with amendment (Rept. No. 1859). Referred to the Committee of the Whole House.

Mr. LEONARD W. HALL: Committee on Claims. H. R. 3163. A bill for the relief of Rose Bilaitis; with amendment (Rept. No. 1860). Referred to the Committee of the Whole House.

Mr. LEONARD W. HALL: Committee on Claims. H. R. 3976. A bill for the relief of Cliff Knowlen; with amendment (Rept. No. 1861). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 4113. A bill for the relief of Maude Sullivan; with amendment (Rept. No. 1862). Referred to the Committee of the Whole House.

Mr. CRAVENS: Committee on Claims. H. R. 4142. A bill for the relief of Mary Reid Hudson; with amendment (Rept. No. 1863). Referred to the Committee of the Whole House.

Mr. CRAVENS: Committee on Claims. H. R. 4801. A bill for the relief of Principo Amen; with amendment (Rept. No. 1864). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 4971. A bill for the relief of Annie Brown; with amendment (Rept. No. 1865). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 5365. A bill for the relief of John T. Murphy; with amendment (Rept. No. 1866). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5592. A bill for the relief of Vernon Atkison; with amendment (Rept. No. 1867). Referred to the Committee of the Whole House.

Mr. GATHINGS: Committee on Claims. H. R. 5823. A bill for the relief of Morrissey Construction Co.; with amendment (Rept. No. 1868). Referred to the Committee of the Whole House.

Mr. GATHINGS: Committee on Claims. H. R. 5930. A bill for the relief of Raymond C. Knight; with amendment (Rept. No. 1869). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 6215. A bill for the relief of John E. Avery; with amendment (Rept. No. 1870). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 6553. A bill for the relief of the Pennsylvania State College; with amendment (Rept. No. 1871). Referred to the Committee of the Whole House.

Mr. CRAVENS: Committee on Claims. H. R. 6598. A bill for the relief of Charles H. Upton; with amendment (Rept. No. 1872). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6605. A bill for the relief of Louis A. Charland; with amendment (Rept. No. 1873). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6686. A bill for the relief of T. Jack Neal; with amendment (Rept. No. 1874). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 6822. A bill for the relief of Eliza Warren; with amendment (Rept. No. 1875). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6864. A bill for the relief of Myrtle C. Radabaugh; with amendment (Rept. No. 1876). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 7173. A bill for the relief of Walter Chwalek; with amendment (Rept. No. 1877). Referred to the Committee of the Whole House.

Mr. CRAVENS: Committee on Claims. H. R. 7843. A bill for the relief of Clifford J. Williams; without amendment (Rept. No. 1878). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 8096. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 1879). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8227. A bill for the relief of Ed Symes and wife, Elizabeth Symes, and certain other citizens of the State of Texas; with amendment (Rept. No. 1880). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5424. A bill for the relief of Mrs. E. J. McCardle; with amendment (Rept. No. 1881). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 6705. A bill for the relief of Mrs. R. W. Noble; with amendment (Rept. No. 1882). Referred to the Committee of the Whole House.

Mr. HOBBS: Committee on the Judiciary. H. R. 382. A bill for the relief of Gus Roth; without amendment (Rept. No. 1883). Referred to the Committee of the Whole House.

Mr. VOORHIS of California: Committee on World War Veterans' Legislation. H. R. 1008. A bill to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the War with Spain, the Philippine Insurrection, or the China Relief Expedition the benefits of hospitalization and the privileges of the soldiers' homes; with amendment (Rept. No. 1884). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. H. CARL ANDERSEN:

H. R. 9085. A bill to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to all postmasters who have rendered at least 40 years of service; to the Committee on the Civil Service.

By Mr. LANHAM:

H. R. 9086. A bill to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNOR:

H. R. 9087. A bill to remove the time limit for cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects; to the Committee on the Public Lands.

By Mr. RANKIN:

H. R. 9088. A bill to provide for uniform apportionment of benefits payable under laws administered by the Veterans' Administration; to the Committee on World War Veterans' Legislation.

By Mr. LEA:

H. R. 9089 (by request). A bill to regulate freight forwarders; to the Committee on Interstate and Foreign Commerce.

H. R. 9090 (by request). A bill to regulate freight forwarders; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 9091. A bill to amend section 10, National Defense Act, as amended, with relation to the maximum authorized enlisted strength of the Medical Department of the Regular Army; to the Committee on Military Affairs.

By Mr. VINCENT of Kentucky:

H. R. 9092. A bill for the relief of certain members of local or district boards, of legal advisory boards, and of medical advisory boards appointed under the provisions of the Selective Service Act of May 18, 1917; to the Committee on Military Affairs.

By Mr. SCRUGHAM:

H. R. 9093. A bill authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder power plant by the United States directly or through agents, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. AUGUST H. ANDRESEN:

H. R. 9094. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. FAY:

H. R. 9095. A bill to increase the pension of certain disabled veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. GREEN:

H. R. 9096. A bill to provide for the establishment of a Coast Guard station on the coast of Florida at or near Cedar Key; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS of Louisiana:

H. R. 9097. A bill to provide hospital allowance to the dependents of indigent hospitalized veterans; to the Committee on World War Veterans' Legislation.

H. R. 9098. A bill to provide hospital allowance to the dependents of indigent hospitalized World War veterans; to the Committee on World War Veterans' Legislation.

By Mr. SNYDER:

H. J. Res. 499. Joint resolution making applicable to certain coal deliveries the prices established by the National Bituminous Coal Commission; to the Committee on Ways and Means.

By Mr. JONES of Ohio:

H. Res. 442. Resolution creating a select committee to investigate the political activities of the executive departments, independent establishments, or in respect to the free use of the mails for political purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H. R. 9099. A bill for the relief of Fred Weybret, Sr.; to the Committee on Claims.

H. R. 9100. A bill for the relief of Fred Weybret, Jr.; to the Committee on Claims.

By Mr. CASE of South Dakota:

H. R. 9101. A bill to award a Distinguished Service Cross to Joseph B. Konrady; to the Committee on Military Affairs.

By Mr. GAMBLE:

H. R. 9102. A bill authorizing the retirement of Charles H. Rich as a major in the United States Army; to the Committee on Military Affairs.

By Mr. GIFFORD:

H. R. 9103. A bill granting an increase of pension to Susan M. Wilcox; to the Committee on Pensions.

By Mr. HARTER of New York:

H. R. 9104. A bill for the relief of William Henry Pfaffler; to the Committee on Naval Affairs.

By Mr. KNUTSON:

H. R. 9105. A bill granting a pension to Lillie Southard; to the Committee on Invalid Pensions.

By Mr. LANDIS:

H. R. 9106. A bill for the relief of George Rogers; to the Committee on Military Affairs.

By Mr. POAGE:

H. R. 9107. A bill for the relief of Rudolph Boeche; to the Committee on Claims.

By Mr. VINSON of Georgia:

H. R. 9108. A bill for the relief of Walter B. Williams, Jr.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7153. By Mr. BLAND: Petition of J. W. Knapp, of Tappahannock, Va., and 32 others, opposing any changes which

may be proposed in the insurance laws of the United States which will tend to produce more Federal supervision and regulation of insurance, the further entry of participation of the Federal Government in the business of life insurance, and the abolition of the agency system of insurance; to the Temporary National Economic Committee.

7154. By Mr. BURDICK: Petition of sundry citizens of North Dakota, headed by the name of Frank Lindberg, Lostwood, N. Dak., seeking the cancelation of Federal feed and seed loans; to the Committee on Agriculture.

7155. By Mr. CARTWRIGHT: Memorial of members of the Choctaw and Chickasaw Indian Tribes, urging Congress to enact proper legislation to bring about an immediate sale and disposition of the coal and asphalt deposits in Oklahoma belonging to the said tribes and that the proceeds realized therefrom be distributed among the members of the tribes per capita; to the Committee on Indian Affairs.

7156. By Mr. DEROUEN: Petition of the Growers and Shippers Cooperative Union, Inc., Ponchatoula, La., opposing the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7157. By Mr. GOSSETT: Resolution of W. H. Bachman, W. J. Duncan, and H. C. Sanders, as a committee of Townsend Club, No. 1, of Wichita Falls, Tex., by Mrs. J. W. Carter, secretary, asking Congressman ED GOSSETT to sign discharge petition on House bill 8264; to the Committee on Rules.

7158. By Mr. HARTER of New York: Petition of sundry citizens of Buffalo, N. Y., favoring House bill 5620; to the Committee on Ways and Means.

7159. By Mr. JOHNS: Petition of Henry Smits and five other citizens of Green Bay, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7160. Also, petition of John A. Petska and 13 other citizens of Maribel, Manitowoc, Green Bay, Whitelaw, Denmark, and Milwaukee, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7161. Also, petition of A. Wolf and 16 other citizens of Sturgeon Bay, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7162. Also, petition of A. W. Mattes and three other citizens of Greenleaf, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7163. Also, petition of Union Hardware Co. and five other signers of Suring, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7164. Also, petition of John E. Vertz and 14 other citizens of Mishicot and Two Rivers, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7165. Also, petition of J. Kilian and four other citizens of Sugar Bush, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7166. Also, petition of Foelker Bros. and 20 other signers of Gillett, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7167. Also, petition of S. A. Gaska and 16 other citizens of Pulaski, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7168. Also, petition of Charles Martens and 16 other citizens of Pound, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7169. Also, petition of Henry Vanderheiten and 17 other citizens of Lena, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7170. Also, petition of A. J. Peterson and 15 other citizens of Oconto Falls, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7171. Also, petition of R. R. Uttarmark and 18 other signers of Oconto, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7172. Also, petition of P. C. Gerhart & Son and 21 other signers, of Algoma, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7173. Also, petition of E. S. Maas and 10 other citizens of Black Creek, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7174. Also, petition of G. A. Bock and six other citizens of Dale, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7175. Also, petition of W. A. Witt and 15 other citizens of Crivitz, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7176. Also, petition of F. J. Goemans and 15 other citizens of De Pere, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7177. Also, petition of Laun Hardware Co. and 28 other signers, of Wausaukee, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7178. Also, petition of F. W. Barnstein and 62 other citizens of Manitowoc, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1.); to the Committee on Ways and Means.

7179. Also, petition of Rudolph Greve Co. and 23 others, of Kiel, Wis., respectfully asking speedy enactment of the Patman chain-store bill (H. R. 1); to the Committee on Ways and Means.

7180. By Mr. MARTIN J. KENNEDY: Petition of the New York State Waterways Association, Inc., urging support of House Resolution 360, which would provide for an investigation before the consummation of the St. Lawrence-Great Lakes deep waterway project; to the Committee on Interstate and Foreign Commerce.

7181. Also, petition of the National Federation of Settlements, Inc., New York City, urging support of the National Youth Administration with adequate appropriation; to the Committee on Appropriations.

7182. Also, petition of the Merchants Association of New York, concerning Senator TOWNSEND's proposal to terminate foreign-silver purchases by the Federal Treasury; to the Committee on Coinage, Weights, and Measures.

7183. By Mr. MICHAEL J. KENNEDY: Petition of the Women's International League for Peace and Freedom, supporting the Ludlow peace referendum; to the Committee on the Judiciary.

7184. Also, petition of Walt Disney, of Walt Disney Productions, Hollywood, expressing opposition to enactment of the Neely block-booking bill; to the Committee on Interstate and Foreign Commerce.

7185. Also, petition of the National Federation of Settlements, Inc., expressing approval of the National Youth appropriation bill; to the Committee on Appropriations.

7186. Also, petition of the Metropolitan Association of Jewish Center Workers, supporting the expansion and continuance of the National Youth Administration program; to the Committee on Appropriations.

7187. Also, petition of the International Union, United Automobile Workers of America, Region No. 9, comprising

100,000 workers in 6 Eastern States, opposing the slashing of $337,000 from the National Labor Relations Board and $1,080,000 from the Wage and Hour Administration, as contained in the House Appropriation Committee bill; to the Committee on Appropriations.

7188. Also, petition of the Women's League for Peace and Freedom, executive board of Manhattan division, opposing the so-called antialien bills now before the Congress; to the Committee on Foreign Affairs.

7189. By Mr. KEOGH: Petition of the United Cannery, Agricultural, Packing, and Allied Workers of America, concerning reduced appropriations for the National Labor Relations Board and Wage and Hour Administration; to the Committee on Appropriations.

7190. Also, petition of the Gas Purifying Materials Co., Inc., Long Island City, N. Y., concerning Senate bill 2009 and House bill 2531; to the Committee on Interstate and Foreign Commerce.

7191. Also, petition of Court Unique, No. 369, Inc., Foresters of America, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar refinery workers; to the Committee on Foreign Affairs.

7192. Also, petition of the New York Produce Exchange, New York City, concerning grain trade; to the Committee on Agriculture.

7193. Also, petition of the International Union, United Automobile Workers of America, Detroit, Mich., concerning the reduction of appropriations for the National Labor Relations Board and Wage and Hour Administration; to the Committee on Appropriations.

7194. By Mr. O'BRIEN: Petition of sundry citizens of Rochester, N. Y., urging enactment of the general welfare bill (H. R. 5620); to the Committee on Ways and Means.

7195. By Mr. PFEIFER: Petition of Court Unique, No. 369, Inc., Foresters of America, Brooklyn, N. Y., prohibiting further expansion and curtailing shipment of tropically refined sugar; to the Committee on Agriculture.

7196. Also, petition of the International Union, United Automobile Workers of America, Detroit, Mich., protesting against cut in appropriations for National Labor Relations Board and Wage and Hour Administration; to the Committee on Appropriations.

7197. By Mr. RICH: Petition of citizens of Bradford, Pa., protesting against the shipment of war materials to Japan; to the Committee on Foreign Affairs.